

By: Senator(s) Johnson

To: Education

SENATE BILL NO. 2177

1 AN ACT TO AMEND SECTION 37-15-13, MISSISSIPPI CODE OF 1972,
 2 TO PROVIDE THAT A SCHOOL DISTRICT SUPERINTENDENT, SUBJECT TO THE
 3 RATIFICATION OF THE SUPERINTENDENT'S SCHOOL BOARD, MAY CONSENT TO
 4 THE ENROLLMENT OF A CHILD FROM ANOTHER SCHOOL OR ATTENDANCE CENTER
 5 UPON THE REQUEST OF THE CHILD'S PARENT OR LEGAL GUARDIAN; TO AMEND
 6 SECTION 37-15-29, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ANY
 7 CHILD ATTENDING A SCHOOL IN THIS STATE MAY TRANSFER TO ANY SCHOOL
 8 OFFERING INSTRUCTION AT THE GRADE LEVEL OF THE TRANSFERRING
 9 STUDENT IN ANY SCHOOL DISTRICT SUBJECT TO AVAILABLE CAPACITY; TO
 10 AMEND SECTION 37-15-31, MISSISSIPPI CODE OF 1972, TO PROVIDE THE
 11 PROCESS BY WHICH A PARENT OR LEGAL GUARDIAN MAY PETITION A SCHOOL
 12 FOR THE TRANSFER OF THEIR CHILD; TO PROVIDE THAT THE PETITIONED
 13 DISTRICT SHALL DETERMINE IF THERE IS CAPACITY AT THE DESIRED
 14 SCHOOL BY USING PUBLICLY VERIFIABLE DATA; TO AMEND SECTION
 15 37-151-93, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS
 16 OF THIS ACT; AND FOR RELATED PURPOSES.

17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

18 **SECTION 1.** Section 37-15-13, Mississippi Code of 1972, is
 19 amended as follows:

20 37-15-13. When any child qualified under the requirements of
 21 Section 37-15-9 shall apply or present himself for enrollment in
 22 or admission to the public schools of any school district of this
 23 state, the school board of such school district shall have the
 24 power and authority to designate the particular school or
 25 attendance center of the district in which such child shall be



26 enrolled and which he shall attend; however, no enrollment of a
27 child in a school shall be final or permanent until such
28 designation shall be made by * * * the school board. No child
29 shall be entitled to attend any school or attendance center except
30 that to which he has been assigned by the school board;
31 however, * * * upon the request of a child's parent or legal
32 guardian, the school district superintendent, in his discretion,
33 may consent to the enrollment of the child in another school or
34 attendance center in the school district, subject to ratification
35 of the superintendent's consent by the school board, which must be
36 recorded in the minutes of the school board.

37 **SECTION 2.** Section 37-15-29, Mississippi Code of 1972, is
38 amended as follows:

39 37-15-29. (1) Except as provided in subsections (2), (3),
40 (4) and (5) of this section, no minor child may enroll in or
41 attend any school except in the school district of his residence,
42 unless such child be lawfully transferred from the school district
43 of his residence to a school in another school district in accord
44 with the statutes of this state now in effect or which may be
45 hereafter enacted.

46 (2) Those children whose parent(s) or legal guardian(s) are
47 instructional personnel or * * * licensed employees of a school
48 district may at such employee's discretion enroll and attend the
49 school or schools of their parent's or legal guardian's employment
50 regardless of the residence of the child.



51 (3) No child shall be required to be transported in excess
52 of thirty (30) miles on a school bus from his or her home to
53 school, or in excess of thirty (30) miles from school to his or
54 her home, if there is another school in an adjacent school
55 district located on a shorter school bus transportation route by
56 the nearest traveled road. Those children residing in such
57 geographical situations may, at the discretion of their parent(s)
58 or legal guardian(s), enroll and attend the nearer school,
59 regardless of the residence of the child. In the event the parent
60 or legal guardian of such child and the school board are unable to
61 agree on the school bus mileage required to transport the child
62 from his or her home to school, an appeal shall lie to the State
63 Board of Education, or its designee, whose decision shall be
64 final. The school districts involved in the appeal shall provide
65 the Mississippi Department of Education with any school bus route
66 information requested, including riding the buses as necessary, in
67 order to measure the bus routes in question, as needed by the
68 State Board of Education in considering the appeal.

69 * * *

70 (* * *4) Those children whose parent(s) or legal
71 guardian(s) are active members of the United States Armed Forces
72 or civilian military personnel and reside on a military base, may,
73 at the discretion of their parent(s) or legal guardian(s), enroll
74 and attend the school district of their parent's or legal
75 guardian's choosing, regardless of the residence of the child,



76 provided the school district where the student resides or in an
77 adjacent school district and the parent's or guardian's choice of
78 school district does not violate the provision of subsection (3)
79 of this section prohibiting the transportation of students in
80 excess of thirty (30) miles.

81 (5) Any child attending a school in a school district in
82 this state may transfer to any school offering instruction at the
83 grade level of the transferring student in any school district,
84 subject to available capacity in the transferee school, in the
85 manner provided in Section 37-15-31.

86 **SECTION 3.** Section 37-15-31, Mississippi Code of 1972, is
87 amended as follows:

88 37-15-31. (1) (a) * * * A parent or guardian of a child
89 enrolled in any school in any district in this state may petition
90 in writing to any other school district for their child to attend
91 a school in that district, provided the school that would be
92 receiving the child upon approval of the transfer offers
93 instruction at the grade level of the transferring student.

94 (b) Upon receipt of a written petition requesting the
95 transfer of a child to a new district, the school board shall
96 acknowledge receipt of the petition to the parent or guardian in
97 writing and provide written notice to the school board of the
98 district from which the child would be transferring. Both the
99 petition to the district the child would be transferring to and
100 the notice to the district that the child would be transferring



101 from shall be spread upon the minutes of each school district.
102 The petitioned district shall determine if there is capacity at
103 the desired school in the grade level that the transferring child
104 is requesting to attend using publicly verifiable data. If the
105 school board determines that there is capacity for the child, the
106 child's transfer shall be approved, subject to the exception in
107 paragraph (d) of this subsection.

108 (* * *c) The school board * * * to which such petition
109 may be addressed shall act thereon not later than its next regular
110 meeting subsequent to the filing or lodging of the petition, and a
111 failure to act within that time shall constitute * * * acceptance
112 of the request to transfer. Upon acceptance of the transfer, the
113 school board of the district that the child will be transferring
114 to shall supply notice to the school board of the district that
115 the child will be transferring from and the transfer shall be
116 spread upon the minutes of each school district. * * * If * * * a
117 transfer is approved by the * * * school board of the district the
118 child would be transferring into, then * * * the decision shall be
119 final. If * * * a transfer should be refused by the school
120 board * * *, then such decision shall be final.

121 * * *

122 (d) Should the school board receive more applicants for
123 transfer than there is available capacity, selection to fill
124 available capacity shall be made randomly through a public lottery
125 system. Parents or guardians of children transferred under this



126 subsection shall be responsible for the transportation of the
127 child; provided that a school district may offer transportation of
128 the child in its discretion.

129 (2) (a) Upon the petition in writing of any parent or
130 guardian who is a resident of Mississippi and is an instructional
131 or licensed employee of a school district, but not a resident of
132 such district, the school board of the employer school district
133 shall consent to the transfer of such employee's dependent
134 school-age children to its district and shall spread the same upon
135 the minutes of the board. Upon the petition in writing of any
136 parent or guardian who is not a resident of Mississippi and who is
137 an instructional or licensed employee of a school district in
138 Mississippi, the school board of the employer school district
139 shall consent to the transfer of such employee's dependent
140 school-age children to its district and shall spread the same upon
141 the minutes of the board.

142 (b) The school board of any school district, in its
143 discretion, may adopt a uniform policy to allow the enrollment and
144 attendance of the dependent children of noninstructional and
145 nonlicensed employees, who are residents of Mississippi but are
146 not residents of their district. Such policy shall be based upon
147 the employment needs of the district, implemented according to job
148 classification groups and renewed each school year.

149 (c) The employer transferee school district shall
150 notify in writing the school district from which the pupil or



151 pupils are transferring, and the school board of the transferor
152 school district shall spread the same upon its minutes.

153 (d) Any such agreement by school boards for the legal
154 transfer of a student shall include a provision providing for the
155 transportation of the student. In the absence of such a provision
156 the responsibility for transporting the student to the transferee
157 school district shall be that of the parent or guardian.

158 (e) Any school district which accepts a student under
159 the provisions of this subsection shall not assess any tuition
160 fees upon such transferring student in accordance with the
161 provisions of Section 37-19-27.

162 (3) Upon the petition in writing of any parent or legal
163 guardian of a school-age child who is a resident of an adjacent
164 school district residing in the geographical situation described
165 in Section 37-15-29(3), the school board of the school district
166 operating the school located in closer proximity to the residence
167 of the child shall consent to the transfer of the child to its
168 district, and shall spread the same upon the minutes of the board.
169 Any such agreement by school boards for the legal transfer of a
170 student under this subsection shall include a provision for the
171 transportation of the student by either the transferor or the
172 transferee school district. In the event that either the school
173 board of the transferee or the transferor school district shall
174 object to the transfer, it shall have the right to appeal to the
175 State Board of Education whose decision shall be final. However,



176 if the school boards agreeing on the legal transfer of any student
177 shall fail to agree on which district shall provide
178 transportation, the responsibility for transporting the student to
179 the transferee school district shall be that of the parent or
180 guardian.

181 (4) Upon the petition in writing of any parent or legal
182 guardian of a school-age child who is the brother or sister of a
183 person who was lawfully transferred to another school
184 district * * *, the school board of the transferee school district
185 shall consent to the transfer of * * * the school-age brother and
186 sister * * * to its district, and shall spread the same upon the
187 minutes of the board.

188 (5) (a) If the board of trustees of a municipal separate
189 school district with added territory does not have a member who is
190 a resident of the added territory outside the corporate limits,
191 upon the petition in writing of any parent or legal guardian of a
192 school-age child who is a resident of the added territory outside
193 the corporate limits, the board of trustees of the municipal
194 separate school district and the school board of the school
195 district adjacent to the added territory shall consent to the
196 transfer of the child from the municipal separate school district
197 to the adjacent school district. The agreement must be spread
198 upon the minutes of the board of trustees of the municipal
199 separate school district and the school board of the adjacent
200 school district. The agreement must provide for the



201 transportation of the student. In the absence of such a
202 provision, the parent or legal guardian shall be responsible for
203 transporting the student to the adjacent school district. Any
204 school district that accepts a student under this subsection may
205 not assess any tuition fees against the transferring student.

206 (b) Before September 1 of each year, the board of
207 trustees of the municipal separate school district shall certify
208 to the State Department of Education the number of students in the
209 added territory of the municipal separate school district who are
210 transferred to the adjacent school district under this subsection.
211 The municipal separate school district also shall certify the
212 total number of students in the school district residing in the
213 added territory plus the number of those students who are
214 transferred to the adjacent school district. Based upon these
215 figures, the department shall calculate the percentage of the
216 total number of students in the added territory who are
217 transferred to the adjacent school district and shall certify this
218 percentage to the levying authority for the municipal separate
219 school district. The levying authority shall remit to the school
220 board of the adjacent school district, from the proceeds of the ad
221 valorem taxes collected for the support of the municipal separate
222 school district from the added territory of the municipal separate
223 school district, an amount equal to the percentage of the total
224 number of students in the added territory who are transferred to
225 the adjacent school district.



226 **SECTION 4.** Section 37-151-93, Mississippi Code of 1972, is
227 amended as follows:

228 37-151-93. (1) Legally transferred students going from one
229 school district to another shall be counted for adequate education
230 program allotments by the school district wherein the pupils
231 attend school, but shall be counted for transportation allotment
232 purposes in the school district which furnishes or provides the
233 transportation. Except as otherwise provided in subsection (2) of
234 this section, the school boards of the school districts * * *
235 involved in the transfer of a student under the provisions of
236 Section 37-15-31 shall enter into an agreement and contract for
237 the payment or nonpayment of any portion of their local
238 maintenance funds which they deem fair and equitable in support of
239 any transferred student * * *, and local maintenance funds shall
240 be transferred only to the extent specified in the agreement and
241 contract entered into by the affected school districts. The terms
242 of any local maintenance fund payment transfer contract shall be
243 spread upon the minutes of both of the affected school district
244 school boards. The school district accepting any transfer
245 students shall be authorized to accept tuition from such students
246 under the provisions of Section 37-15-31(1) and such agreement may
247 remain in effect for any length of time designated in the
248 contract. The terms of such student transfer contracts and the
249 amounts of any tuition charged any transfer student shall be
250 spread upon the minutes of both of the affected school boards. No



251 school district accepting any transfer students under the
252 provisions of Section 37-15-31(2), which provides for the transfer
253 of certain school district employee dependents, or Section
254 37-15-31(5) shall be authorized to charge such transfer students
255 any tuition fees.

256 (2) Local maintenance funds shall be paid by the home school
257 district to the transferee school district for students granted
258 transfers under the provisions of Sections 37-15-29(3) and (5) and
259 37-15-31(3) and (4), Mississippi Code of 1972, not to exceed the
260 "base student cost" as defined in Section 37-151-5, Mississippi
261 Code of 1972, multiplied by the number of such legally transferred
262 students.

263 **SECTION 5.** This act shall take effect and be in force from
264 and after July 1, 2022.

