

By: Senator(s) DeLano

To: Education

SENATE BILL NO. 2435

1 AN ACT TO PROVIDE THAT A PUPIL COMPLIES WITH THE RESIDENCY  
 2 REQUIREMENTS OF A SCHOOL DISTRICT IF THE PUPIL'S PARENT IS  
 3 TRANSFERRED OR IS PENDING TRANSFER TO A MILITARY INSTALLATION  
 4 WITHIN THE STATE WHILE ON ACTIVE MILITARY DUTY PURSUANT TO AN  
 5 OFFICIAL MILITARY ORDER; TO REQUIRE A PARENT TO PROVIDE PROOF OF  
 6 RESIDENCE IN THE SCHOOL DISTRICT WITHIN TEN DAYS AFTER THE  
 7 PUBLISHED ARRIVAL DATE PROVIDED ON OFFICIAL DOCUMENTATION; TO  
 8 AMEND SECTION 37-15-29, MISSISSIPPI CODE OF 1972, TO AUTHORIZE  
 9 ACTIVE DUTY MILITARY AND CIVILIAN MILITARY PERSONNEL RESIDING OFF  
 10 BASE TO ENROLL THEIR CHILDREN IN SCHOOLS OF CHOICE; AND FOR  
 11 RELATED PURPOSES.

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

13 **SECTION 1.** For purposes of this act, the following terms  
 14 shall have the meaning ascribed herein, unless context clearly  
 15 indicates otherwise:

16 (a) "Active military duty" means full-time military  
 17 duty status in the active uniformed service of the United States,  
 18 including members of the Mississippi National Guard and the  
 19 National Guard Reserve on active duty orders pursuant to Title 10  
 20 or 32 of the United States Code or Part 1 (commencing with Section  
 21 100) of Division 2 of the Military and Veterans Code.



22 (b) "Military installation" means a base, camp, post,  
23 station, yard, center, home port facility for any ship or other  
24 activity under the jurisdiction of the United States Department of  
25 Defense or the United States Coast Guard.

26 (c) "Parent" means the natural or adoptive parent or  
27 guardian of a dependent child.

28 **SECTION 2.** (1) Notwithstanding Section 37-15-29, a pupil  
29 complies with the residency requirements for school attendance in  
30 a school district, if he or she is a pupil whose parent is  
31 transferred or is pending transfer to a military installation  
32 within the state while on active military duty pursuant to an  
33 official military order.

34 (2) A school district shall accept applications by  
35 electronic means for enrollment, including enrollment in a  
36 specific school or program within the school district and course  
37 registration for pupils described in subsection (1) of this  
38 section.

39 (3) (a) The parent shall provide proof of residence in the  
40 school district within ten (10) days after the published arrival  
41 date provided on official documentation;

42 (b) For purposes of Section 2 of this act, a parent may  
43 use any of the following addresses as related to his or her  
44 military move:

45 (i) A temporary on-base billeting facility;

46 (ii) A purchased or leased home or apartment; or



47 (iii) Federal government or public-private venture  
48 off-base military housing.

49 **SECTION 3.** Section 37-15-29, Mississippi Code of 1972, is  
50 amended as follows:

51 37-15-29. (1) Except as otherwise provided in subsections  
52 (2), (3), (4) and (5) of this section and Sections 1 and 2 of this  
53 act, no minor child may enroll in or attend any school except in  
54 the school district of his residence, unless such child be  
55 lawfully transferred from the school district of his residence to  
56 a school in another school district in accord with the statutes of  
57 this state now in effect or which may be hereafter enacted.

58 (2) Those children whose parent(s) or legal guardian(s) are  
59 instructional personnel or certificated employees of a school  
60 district may at such employee's discretion enroll and attend the  
61 school or schools of their parent's or legal guardian's employment  
62 regardless of the residence of the child.

63 (3) No child shall be required to be transported in excess  
64 of thirty (30) miles on a school bus from his or her home to  
65 school, or in excess of thirty (30) miles from school to his or  
66 her home, if there is another school in an adjacent school  
67 district located on a shorter school bus transportation route by  
68 the nearest traveled road. Those children residing in such  
69 geographical situations may, at the discretion of their parent(s)  
70 or legal guardian(s), enroll and attend the nearer school,  
71 regardless of the residence of the child. In the event the parent



72 or legal guardian of such child and the school board are unable to  
73 agree on the school bus mileage required to transport the child  
74 from his or her home to school, an appeal shall lie to the State  
75 Board of Education, or its designee, whose decision shall be  
76 final. The school districts involved in the appeal shall provide  
77 the Mississippi Department of Education with any school bus route  
78 information requested, including riding the buses as necessary, in  
79 order to measure the bus routes in question, as needed by the  
80 State Board of Education in considering the appeal.

81 (4) Those children lawfully transferred from the school  
82 district of his residence to a school in another school district  
83 prior to July 1, 1992, may, at the discretion of their parent(s)  
84 or legal guardian(s), continue to enroll and attend school in the  
85 transferee school district. Provided further, that the brother(s)  
86 and sister(s) of said children lawfully transferred prior to July  
87 1, 1992, may also, at the discretion of their parent(s) or legal  
88 guardian(s), enroll and attend school in the transferee school  
89 district.

90 (5) Those children whose parent(s) or legal guardian(s) are  
91 active members of the United States Armed Forces or civilian  
92 military personnel \* \* \*, regardless of whether they reside on a  
93 military base, may, at the discretion of their parent(s) or legal  
94 guardian(s), enroll and attend the school or schools of their  
95 parent's or legal guardian's choosing, regardless of the residence  
96 of the child, provided that the school or schools are located in



97 the school district where the student resides or in an adjacent  
98 school district and the parent's or guardian's choice of  
99 school \* \* \* or schools does not violate the provision of  
100 subsection (3) of this section prohibiting the transportation of  
101 students in excess of thirty (30) miles.

102         **SECTION 4.** This act shall take effect and be in force from  
103 and after July 1, 2022.

