

By: Senator(s) McLendon, Blackwell, Hill

To: Judiciary, Division B;
Education

SENATE BILL NO. 2302

1 AN ACT TO AMEND SECTION 37-15-9, MISSISSIPPI CODE OF 1972, TO
2 CRIMINALIZE THE WILLFUL ENROLLMENT OF A CHILD WITHOUT ESTABLISHING
3 DOMICILE WITHIN THE STATE AND DISTRICT; TO PROVIDE PENALTIES; TO
4 REQUIRE THE DEPARTMENT TO EXPEL THE CHILD WHOSE ENROLLMENT WAS THE
5 BASIS OF THE CONVICTION; TO REQUIRE THE DEPARTMENT, SCHOOL
6 DISTRICT OR ANY SCHOOL EMPLOYEE TO INFORM THE PROPER LAW
7 ENFORCEMENT AUTHORITY OF VIOLATIONS OF THIS PROVISION; AND FOR
8 RELATED PURPOSES.

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

10 **SECTION 1.** Section 37-15-9, Mississippi Code of 1972, is
11 amended as follows:

12 37-15-9. (1) Except as provided in subsection (2) and
13 subject to the provisions of subsection (3) of this section, no
14 child shall be enrolled or admitted to any kindergarten which is a
15 part of a public school during any school year unless such child
16 will reach his fifth birthday on or before September 1 of said
17 school year, and no child shall be enrolled or admitted to the
18 first grade in any public school during any school year unless
19 such child will reach his sixth birthday on or before September 1
20 of said school year. No pupil shall be permanently enrolled in a
21 public school in the State of Mississippi who formerly was



22 enrolled in another public or private school within the state
23 until the cumulative record of the pupil shall have been received
24 from the school from which he transferred. Should such record
25 have become lost or destroyed, then it shall be the duty of the
26 superintendent or principal of the school where the pupil last
27 attended school to initiate a new record.

28 (2) Subject to the provisions of subsection (3) of this
29 section, any child who transfers from an out-of-state public or
30 private school in which that state's law provides for a
31 first-grade or kindergarten enrollment date subsequent to
32 September 1, shall be allowed to enroll in the public schools of
33 Mississippi, at the same grade level as their prior out-of-state
34 enrollment, if:

35 (a) The parent, legal guardian or custodian of such
36 child was a legal resident of the state from which the child is
37 transferring;

38 (b) The out-of-state school from which the child is
39 transferring is duly accredited by that state's appropriate
40 accrediting authority;

41 (c) Such child was legally enrolled in a public or
42 private school for a minimum of four (4) weeks in the previous
43 state; and

44 (d) The superintendent of schools in the applicable
45 Mississippi school district or the principal of a charter school,



46 as the case may be, has determined that the child was making
47 satisfactory educational progress in the previous state.

48 (3) When any child applies for admission or enrollment in
49 any public school in the state, the parent, guardian or child, in
50 the absence of an accompanying parent or guardian, shall indicate
51 on the school registration form if the enrolling child has been
52 expelled from any public or private school or is currently a party
53 to an expulsion proceeding. If it is determined from the child's
54 cumulative record or application for admission or enrollment that
55 the child has been expelled, the school district or charter school
56 may deny the student admission and enrollment until the
57 superintendent of the school, or his designee, or principal of the
58 charter school, as the case may be, has reviewed the child's
59 cumulative record and determined that the child has participated
60 in successful rehabilitative efforts including, but not limited
61 to, progress in an alternative school or similar program. If the
62 child is a party to an expulsion proceeding, the child may be
63 admitted to a public school pending final disposition of the
64 expulsion proceeding. If the expulsion proceeding results in the
65 expulsion of the child, the public school may revoke such
66 admission to school. If the child was expelled or is a party to
67 an expulsion proceeding for an act involving violence, weapons,
68 alcohol, illegal drugs or other activity that may result in
69 expulsion, the school district or charter school shall not be



70 required to grant admission or enrollment to the child before one
71 (1) calendar year after the date of the expulsion.

72 (4) (a) A parent, legal guardian or custodian who willfully
73 or purposefully enrolls a child under this section without
74 establishing domicile in the state and district shall be guilty of
75 a misdemeanor. Upon conviction, the defendant shall be punished
76 by a fine of not more than Five Hundred Dollars (\$500.00) or by
77 imprisonment for not more than thirty (30) days. Further, the
78 department shall expel the child whose enrollment was the basis of
79 the conviction.

80 (b) The department, school district, or any school
81 employee shall notify the proper law enforcement authority of any
82 student enrolled in violation of this section.

83 (c) For the purposes of this section, "domicile" means
84 the place where the person actually physically resides with the
85 intention of remaining there indefinitely or of returning there
86 permanently when temporarily absent.

87 **SECTION 2.** This act shall take effect and be in force from
88 and after July 1, 2023.

