

By: Representative Owen

To: Education

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 867

1 AN ACT TO REQUIRE EACH PUBLIC SCHOOL DISTRICT TO PUBLICLY
2 REPORT CERTAIN INFORMATION REGARDING ITS CRITERIA AND PROCESSES
3 ESTABLISHED BY THE LOCAL SCHOOL BOARD GOVERNING THE APPROVAL OR
4 REJECTION TRANSFER REQUESTS, ANY COSTS IMPOSED UPON TRANSFERRING
5 STUDENTS AND THE TOTAL CAPACITY OF THE SCHOOL DISTRICT FOR
6 ACCEPTANCES OF TRANSFER STUDENTS AT EACH GRADE LEVEL; TO AMEND
7 SECTION 37-15-31, MISSISSIPPI CODE OF 1972, TO REMOVE THE
8 REQUIREMENT FOR THE SCHOOL BOARD OF THE SCHOOL DISTRICT OF A
9 CHILD'S RESIDENCE CONSENT TO THE RELEASE OF THE STUDENT FOR
10 TRANSFER TO ANOTHER SCHOOL DISTRICT; TO ONLY REQUIRE THAT THE
11 TRANSFEREE SCHOOL BOARD APPROVE OR REFUSE THE TRANSFER OF A
12 STUDENT UPON RECEIVING NOTICE AND OFFICIAL MEETING OF THE BOARD TO
13 ACT ON SUCH TRANSFER; TO BRING FORWARD SECTION 37-15-29,
14 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT;
15 AND FOR RELATED PURPOSES.

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

17 **SECTION 1.** Each public school district in the state shall
18 publicly report the following information:

19 (a) The criteria established by the district school
20 board for the approval or rejection of transfer requests under
21 Section 37-15-31.

22 (b) Any tuition, fee or other financial obligation
23 imposed upon students who transfer under Section 37-15-31.



24 (c) For each school within the district, the total
25 capacity available for each grade level served for the acceptance
26 of transfer students under Section 37-15-31.

27 **SECTION 2.** Section 37-15-31, Mississippi Code of 1972, is
28 amended as follows:

29 37-15-31. (1) (a) Except as provided in subsections (2)
30 through (5) of this section, upon the petition in writing of a
31 parent or guardian resident of the school district of an
32 individual student filed or lodged with the president or secretary
33 of the school board of a school district * * * to which the
34 pupil * * * is seeking transfer, individual students living in one
35 school district * * * may be legally transferred to another school
36 district, * * * provided that the school board of the school
37 district to which the transfer is sought consents * * * to receive
38 the students seeking transfer, which such consent must be given in
39 writing and spread upon the minutes of * * * the school board of
40 the transferee school district.

41 (b) Upon receipt of such notice of petition for
42 transfer, the school board of the transferee school district shall
43 act on such request for transfer as soon as possible, and no later
44 than the next regular meeting of the transferee board, and a
45 failure of such transferee board to act within such time shall
46 constitute an approval of such request and approved enrollment by
47 the school board of the transferee school district. If such a



48 transfer is approved by the school board of the transferee school
49 district, then such decision shall be final.

50 (* * *c) * * * The transferee school district shall
51 notify, in writing, the school district from which the pupil or
52 pupils are transferring of the receipt of such transfer request
53 within a reasonable period of time, and the school board of the
54 transferor school district shall spread the same upon its minutes.

55 * * *

56 (* * *d) Any legal guardianship formed for the purpose
57 of establishing residency for school district attendance purposes
58 shall not be recognized by the affected school board.

59 (e) The legal transfer of a student under this
60 subsection shall include a provision for the transportation of the
61 student by either the parent or legal guardian of the student or
62 the transferee school district, provided that the transferee
63 school district does not violate the provision of Section
64 37-15-29(3), prohibiting the transportation of students in excess
65 of thirty (30) miles from his or her home.

66 (2) (a) Upon the petition in writing of any parent or
67 guardian who is a resident of Mississippi and is an instructional
68 or licensed employee of a school district, but not a resident of
69 such district, the school board of the employer school district
70 shall consent to the transfer of such employee's dependent
71 school-age children to its district and shall spread the same upon
72 the minutes of the board. Upon the petition in writing of any



73 parent or guardian who is not a resident of Mississippi and who is
74 an instructional or licensed employee of a school district in
75 Mississippi, the school board of the employer school district
76 shall consent to the transfer of such employee's dependent
77 school-age children to its district and shall spread the same upon
78 the minutes of the board.

79 (b) The school board of any school district, in its
80 discretion, may adopt a uniform policy to allow the enrollment and
81 attendance of the dependent children of noninstructional and
82 nonlicensed employees, who are residents of Mississippi but are
83 not residents of their district. Such policy shall be based upon
84 the employment needs of the district, implemented according to job
85 classification groups and renewed each school year.

86 (c) The employer transferee school district shall
87 notify in writing the school district from which the pupil or
88 pupils are transferring, and the school board of the transferor
89 school district shall spread the same upon its minutes.

90 (d) Any such agreement by school boards for the legal
91 transfer of a student shall include a provision providing for the
92 transportation of the student. In the absence of such a provision
93 the responsibility for transporting the student to the transferee
94 school district shall be that of the parent or guardian.

95 (e) Any school district which accepts a student under
96 the provisions of this subsection shall not assess any tuition



97 fees upon such transferring student in accordance with the
98 provisions of Section 37-19-27.

99 (3) Upon the petition in writing of any parent or legal
100 guardian of a school-age child who is a resident of an adjacent
101 school district residing in the geographical situation described
102 in Section 37-15-29(3), the school board of the school district
103 operating the school located in closer proximity to the residence
104 of the child shall consent to the transfer of the child to its
105 district, and shall spread the same upon the minutes of the board.

106 * * * The legal transfer of a student under this subsection shall
107 include a provision for the transportation of the student by
108 either the * * * parent or legal guardian or the student or the
109 transferee school district. In the event that * * * the school
110 board of the transferee * * * school district shall object to the
111 transfer, * * * the parent or legal guardian shall have the right
112 to appeal to the State Board of Education whose decision shall be
113 final. * * * The responsibility for transporting the student to
114 the transferee school district shall be that of the parent or
115 guardian if the transferee school district does not agree in the
116 consent of transfer, which shall be spread upon its minutes, to
117 provide transportation for the student.

118 * * *

119 (* * * 4) * * * Before September 1 of each year, the board
120 of trustees of * * * a municipal separate school district shall
121 certify to the State Department of Education the number of



122 students in the added territory of the municipal separate school
123 district who are transferred to the adjacent school district under
124 this subsection. The municipal separate school district also
125 shall certify the total number of students in the school district
126 residing in the added territory plus the number of those students
127 who are transferred to the adjacent school district. Based upon
128 these figures, the department shall calculate the percentage of
129 the total number of students in the added territory who are
130 transferred to the adjacent school district and shall certify this
131 percentage to the levying authority for the municipal separate
132 school district. The levying authority shall remit to the school
133 board of the adjacent school district, from the proceeds of the ad
134 valorem taxes collected for the support of the municipal separate
135 school district from the added territory of the municipal separate
136 school district, an amount equal to the percentage of the total
137 number of students in the added territory who are transferred to
138 the adjacent school district.

139 **SECTION 3.** Section 37-15-29, Mississippi Code of 1972, is
140 brought forward as follows:

141 37-15-29. (1) Except as provided in subsections (2), (3),
142 (4) and (5) of this section, no minor child may enroll in or
143 attend any school except in the school district of his residence,
144 unless such child be lawfully transferred from the school district
145 of his residence to a school in another school district in accord



146 with the statutes of this state now in effect or which may be
147 hereafter enacted.

148 (2) Those children whose parent(s) or legal guardian(s) are
149 instructional personnel or certificated employees of a school
150 district may at such employee's discretion enroll and attend the
151 school or schools of their parent's or legal guardian's employment
152 regardless of the residence of the child.

153 (3) No child shall be required to be transported in excess
154 of thirty (30) miles on a school bus from his or her home to
155 school, or in excess of thirty (30) miles from school to his or
156 her home, if there is another school in an adjacent school
157 district located on a shorter school bus transportation route by
158 the nearest traveled road. Those children residing in such
159 geographical situations may, at the discretion of their parent(s)
160 or legal guardian(s), enroll and attend the nearer school,
161 regardless of the residence of the child. In the event the parent
162 or legal guardian of such child and the school board are unable to
163 agree on the school bus mileage required to transport the child
164 from his or her home to school, an appeal shall lie to the State
165 Board of Education, or its designee, whose decision shall be
166 final. The school districts involved in the appeal shall provide
167 the Mississippi Department of Education with any school bus route
168 information requested, including riding the buses as necessary, in
169 order to measure the bus routes in question, as needed by the
170 State Board of Education in considering the appeal.



171 (4) Those children lawfully transferred from the school
172 district of his residence to a school in another school district
173 prior to July 1, 1992, may, at the discretion of their parent(s)
174 or legal guardian(s), continue to enroll and attend school in the
175 transferee school district. Provided further, that the brother(s)
176 and sister(s) of said children lawfully transferred prior to July
177 1, 1992, may also, at the discretion of their parent(s) or legal
178 guardian(s), enroll and attend school in the transferee school
179 district.

180 (5) Those children whose parent(s) or legal guardian(s) are
181 active members of the United States Armed Forces or civilian
182 military personnel and reside on a military base, may, at the
183 discretion of their parent(s) or legal guardian(s), enroll and
184 attend the school district of their parent's or legal guardian's
185 choosing, regardless of the residence of the child, provided the
186 school district where the student resides or in an adjacent school
187 district and the parent's or guardian's choice of school district
188 does not violate the provision of subsection (3) of this section
189 prohibiting the transportation of students in excess of thirty
190 (30) miles.

191 **SECTION 4.** This act shall take effect and be in force from
192 and after July 1, 2024, and shall stand repealed on June 30, 2024.

