

By: Representative Owen

To: Education

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 (f) In the event that the school board of the  
67 transferee school district shall reject the transfer, the parent  
68 or legal guardian shall have the right to appeal to the State  
69 Board of Education, whose decision shall be final.

70 (2) (a) Upon the petition in writing of any parent or  
71 guardian who is a resident of Mississippi and is an instructional  
72 or licensed employee of a school district, but not a resident of



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

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

90 (c) The employer transferee school district shall  
91 notify in writing the school district from which the pupil or  
92 pupils are transferring, and the school board of the transferor  
93 school district shall spread the same upon its minutes.

94 (d) Any such agreement by school boards for the legal  
95 transfer of a student shall include a provision providing for the  
96 transportation of the student. In the absence of such a provision



97 the responsibility for transporting the student to the transferee  
98 school district shall be that of the parent or guardian.

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

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

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



122 \* \* \*

123 ( \* \* \*4) \* \* \* Before September 1 of each year, the board  
124 of trustees of \* \* \* a municipal separate school district shall  
125 certify to the State Department of Education the number of  
126 students in the added territory of the municipal separate school  
127 district who are transferred to the adjacent school district under  
128 this subsection. The municipal separate school district also  
129 shall certify the total number of students in the school district  
130 residing in the added territory plus the number of those students  
131 who are transferred to the adjacent school district. Based upon  
132 these figures, the department shall calculate the percentage of  
133 the total number of students in the added territory who are  
134 transferred to the adjacent school district and shall certify this  
135 percentage to the levying authority for the municipal separate  
136 school district. The levying authority shall remit to the school  
137 board of the adjacent school district, from the proceeds of the ad  
138 valorem taxes collected for the support of the municipal separate  
139 school district from the added territory of the municipal separate  
140 school district, an amount equal to the percentage of the total  
141 number of students in the added territory who are transferred to  
142 the adjacent school district.

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

145 37-15-29. (1) Except as provided in subsections (2), (3),  
146 (4) and (5) of this section, no minor child may enroll in or



147 attend any school except in the school district of his residence,  
148 unless such child be lawfully transferred from the school district  
149 of his residence to a school in another school district in accord  
150 with the statutes of this state now in effect or which may be  
151 hereafter enacted.

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

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



172 information requested, including riding the buses as necessary, in  
173 order to measure the bus routes in question, as needed by the  
174 State Board of Education in considering the appeal.

175 (4) Those children lawfully transferred from the school  
176 district of his residence to a school in another school district  
177 prior to July 1, 1992, may, at the discretion of their parent(s)  
178 or legal guardian(s), continue to enroll and attend school in the  
179 transferee school district. Provided further, that the brother(s)  
180 and sister(s) of said children lawfully transferred prior to July  
181 1, 1992, may also, at the discretion of their parent(s) or legal  
182 guardian(s), enroll and attend school in the transferee school  
183 district.

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

195 **SECTION 4.** This act shall take effect and be in force from  
196 and after July 1, 2024.

