

By: Representative Owen

To: Education

HOUSE BILL NO. 867
(As Passed the House)

1 AN ACT TO AMEND SECTION 37-15-31, MISSISSIPPI CODE OF 1972,
2 TO REMOVE THE REQUIREMENT FOR THE SCHOOL BOARD OF THE SCHOOL
3 DISTRICT OF A CHILD'S RESIDENCE CONSENT TO THE RELEASE OF THE
4 STUDENT FOR TRANSFER TO ANOTHER SCHOOL DISTRICT; TO ONLY REQUIRE
5 THAT THE TRANSFEREE SCHOOL BOARD APPROVE OR REFUSE THE TRANSFER OF
6 A STUDENT UPON RECEIVING NOTICE AND OFFICIAL MEETING OF THE BOARD
7 TO ACT ON SUCH TRANSFER; TO AUTHORIZE THE SIBLINGS OF A LAWFULLY
8 TRANSFERRED STUDENT TO ENROLL IN THE TRANSFEREE SCHOOL DISTRICT AT
9 THE DISCRETION OF THEIR PARENT(S) OR LEGAL GUARDIAN(S) TO PROVIDE
10 THAT A TRANSFER STUDENT'S ATHLETIC ELIGIBILITY SHALL BE DETERMINED
11 BY HIS OR HER FALL SEMESTER ENROLLMENT AND LIMIT PARTICIPATION TO
12 ONE SCHOOL PER SCHOOL YEAR TO PROVIDE FOR THE ALLOCATION AND
13 DISBURSEMENT OF FUNDS TO A RECEIVING SCHOOL DISTRICT UPON THE
14 COMPLETION AND CERTIFICATION OF A STUDENT TRANSFER REQUEST; TO
15 PROVIDE THAT TRANSFER AUTHORITY OF A DISTRICT TO RECEIVE OR DENY
16 THE ACCEPTANCE OF A STUDENT REQUESTING TRANSFER INTO THE DISTRICT
17 SHALL NOT SUPERSEDE ANY PROVISION OF AN ENFORCEABLE DESEGREGATION
18 ORDER OR A COURT-APPROVED DESEGREGATION PLAN; TO AMEND SECTION
19 37-15-29, MISSISSIPPI CODE OF 1972, TO CLARIFY THE SCHOOL
20 ENROLLMENT CHOICES OF CHILDREN WHOSE PARENTS ARE ACTIVE MEMBERS OF
21 THE UNITED STATES ARMED FORCES OR CIVILIAN MILITARY PERSONNEL; TO
22 ALLOW THE CHILDREN OF ACTIVE MEMBERS OF THE UNITED STATES ARMED
23 FORCES TO ATTEND THE SCHOOL DISTRICT OR SCHOOL OF THEIR CHOICE; TO
24 REMOVE THE LIMITATION ON PROHIBITED DISTANCE OF TRANSPORTING SUCH
25 STUDENTS BY EXCLUDING THE DISTRICT FROM PROVIDING TRANSPORTATION
26 TO SUCH STUDENTS; AND FOR RELATED PURPOSES.

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

28 **SECTION 1.** Section 37-15-31, Mississippi Code of 1972, is
29 amended as follows:



30 37-15-31. (1) (a) Except as provided in subsections (2)
31 through * * * (7) of this section, upon the petition in writing of
32 a parent or guardian resident of the school district of an
33 individual student filed or lodged with the president or secretary
34 of the school board of a school district * * * to which the
35 pupil * * * is seeking transfer, individual students living in one
36 school district * * * may be legally transferred to another school
37 district, * * * provided that the school board of the school
38 district to which the transfer is sought consents * * * to receive
39 the students seeking transfer, which such consent must be given in
40 writing and spread upon the minutes of * * * the school board of
41 the transferee school district.

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

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



55 transferor school district shall spread the same upon its minutes.

56 * * *

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

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

67 (f) The provisions of this subsection (1) of this
68 section shall not apply to school-age children whose parent(s) or
69 legal guardian(s) are active members of the United States Armed
70 Forces complying with Section 37-15-29(4).

71 (g) Athletic eligibility for a school-age child who
72 transfers to another school or school district pursuant to this
73 subsection shall be determined based on the child's fall semester
74 enrollment. A child shall be athletically eligible for one (1)
75 school per school year. A child may transfer to another school
76 mid-year, however, that child shall not be athletically eligible
77 until the following fall school year. A child shall not be deemed
78 athletically ineligible, thus ruled ineligible for any length of



79 time, based upon a transfer of schools, so long as the provisions
80 in this section are followed.

81 (2) (a) Upon the petition in writing of any parent or
82 guardian who is a resident of Mississippi and is an instructional
83 or licensed employee of a school district, but not a resident of
84 such district, the school board of the employer school district
85 shall consent to the transfer of such employee's dependent
86 school-age children to its district and shall spread the same upon
87 the minutes of the board. Upon the petition in writing of any
88 parent or guardian who is not a resident of Mississippi and who is
89 an instructional or licensed employee of a school district in
90 Mississippi, the school board of the employer school district
91 shall consent to the transfer of such employee's dependent
92 school-age children to its district and shall spread the same upon
93 the minutes of the board.

94 (b) The school board of any school district, in its
95 discretion, may adopt a uniform policy to allow the enrollment and
96 attendance of the dependent children of noninstructional and
97 nonlicensed employees, who are residents of Mississippi but are
98 not residents of their district. Such policy shall be based upon
99 the employment needs of the district, implemented according to job
100 classification groups and renewed each school year.

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



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

105 (d) Any such agreement by school boards for the legal
106 transfer of a student shall include a provision providing for the
107 transportation of the student. In the absence of such a provision
108 the responsibility for transporting the student to the transferee
109 school district shall be that of the parent or guardian.

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

114 (3) Upon the petition in writing of any parent or legal
115 guardian of a school-age child who is a resident of an adjacent
116 school district residing in the geographical situation described
117 in Section 37-15-29(3), the school board of the school district
118 operating the school located in closer proximity to the residence
119 of the child shall consent to the transfer of the child to its
120 district, and shall spread the same upon the minutes of the board.

121 * * * The legal transfer of a student under this subsection shall
122 include a provision for the transportation of the student by
123 either the * * * parent or legal guardian or the student or the
124 transferee school district. In the event that * * * the school
125 board of the transferee * * * school district shall object to the
126 transfer, * * * the parent or legal guardian shall have the right
127 to appeal to the State Board of Education whose decision shall be



128 final. * * * The responsibility for transporting the student to
129 the transferee school district shall be that of the parent or
130 guardian if the transferee school district does not agree in the
131 consent of transfer, which shall be spread upon its minutes, to
132 provide transportation for the student.

133 * * *

134 (* * *4) * * * Before September 1 of each year, the board
135 of trustees of * * * a municipal separate school district shall
136 certify to the State Department of Education the number of
137 students in the added territory of the municipal separate school
138 district who are transferred to the adjacent school district under
139 this subsection. The municipal separate school district also
140 shall certify the total number of students in the school district
141 residing in the added territory plus the number of those students
142 who are transferred to the adjacent school district. Based upon
143 these figures, the department shall calculate the percentage of
144 the total number of students in the added territory who are
145 transferred to the adjacent school district and shall certify this
146 percentage to the levying authority for the municipal separate
147 school district. The levying authority shall remit to the school
148 board of the adjacent school district, from the proceeds of the ad
149 valorem taxes collected for the support of the municipal separate
150 school district from the added territory of the municipal separate
151 school district, an amount equal to the percentage of the total



152 number of students in the added territory who are transferred to
153 the adjacent school district.

154 (5) The sibling(s) of any child lawfully transferred in
155 accordance with this section, may also, at the discretion of their
156 parent(s) or legal guardian(s), enroll and attend school in the
157 transferee school district, subject to the provisions of this act.

158 (6) For students transferring to a school located in a
159 school district in which the student does not reside, the State
160 Department of Education shall pay to the transferee school
161 district (receiving school district) to which the student is
162 transferred an amount equal to the Mississippi Adequate Education
163 Program funds, or any subsequent state pupil funding program which
164 replaces MAEP, allocated for each student transferring to a school
165 district outside his or her district of residence. The amount of
166 funds payable to the receiving school district by the department
167 must be based on the local school district of residence's
168 previous year's enrollment data, determined by using months one
169 (1) through nine (9) average daily membership, as reported to the
170 State Department of Education by the transferor local school
171 district. Any such payments made under this subsection (5) by the
172 State Department of Education to a receiving school district must
173 be made two (2) business days prior to the last working day of
174 each month. There shall be paid to a receiving school district,
175 by electronic funds transfer, one-twelfth (1/12) of the funds to
176 which the receiving school district is entitled from funds



177 appropriated for the adequate education program fund, or any
178 subsequent funding program which replaces such program fund, for
179 each child transferred to such school district under the authority
180 of this section. However, in December those payments shall be
181 made on December 15th or the next business day after that date.
182 If a student transfer occurs after the start date of the
183 scholastic year, the department shall not make any distribution of
184 payments to the receiving school district until such time that the
185 receiving school district certifies the enrollment of the transfer
186 student to the department, which shall then only make payments to
187 the receiving school district for such student for the remainder
188 of the scholastic year as a proportionate share of the one-twelfth
189 (1/12) of funds to which the receiving school district is
190 entitled.

191 (7) The provisions of this section shall not supersede any
192 provision of an enforceable desegregation court order or a
193 court-approved desegregation plan.

194 (8) The receiving school district shall identify each
195 student it accepts into its district under the transfer authority
196 of this section and report that data to the State Department of
197 Education by category of student name, grade classification, grade
198 point average, gender and ethnicity. The department shall then
199 compile this data by district, redacting all personally
200 identifying information of students to prevent any FERPA



201 violations, and submit an annual report of this information to
202 each member of the Legislature.

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

205 37-15-29. (1) Except as provided in subsections (2), (3),
206 (4) and (5) of this section, no minor child may enroll in or
207 attend any school except in the school district of his residence,
208 unless such child be lawfully transferred from the school district
209 of his residence to a school in another school district in accord
210 with the statutes of this state now in effect or which may be
211 hereafter enacted.

212 (2) Those children whose parent(s) or legal guardian(s) are
213 instructional personnel or certificated employees of a school
214 district may at such employee's discretion enroll and attend the
215 school or schools of their parent's or legal guardian's employment
216 regardless of the residence of the child.

217 (3) No child shall be required to be transported in excess
218 of thirty (30) miles on a school bus from his or her home to
219 school, or in excess of thirty (30) miles from school to his or
220 her home, if there is another school in an adjacent school
221 district located on a shorter school bus transportation route by
222 the nearest traveled road. Those children residing in such
223 geographical situations may, at the discretion of their parent(s)
224 or legal guardian(s), enroll and attend the nearer school,
225 regardless of the residence of the child. In the event the parent



226 or legal guardian of such child and the school board are unable to
227 agree on the school bus mileage required to transport the child
228 from his or her home to school, an appeal shall lie to the State
229 Board of Education, or its designee, whose decision shall be
230 final. The school districts involved in the appeal shall provide
231 the Mississippi Department of Education with any school bus route
232 information requested, including riding the buses as necessary, in
233 order to measure the bus routes in question, as needed by the
234 State Board of Education in considering the appeal.

235 * * *

236 (* * *4) (a) Those children whose parent(s) or legal
237 guardian(s) are active members of the United States Armed Forces
238 or civilian military personnel and reside on a military base, may,
239 at the discretion of their parent(s) or legal guardian(s), enroll
240 and attend the school district of their parent's or legal
241 guardian's choosing, regardless of the residence of the
242 child * * *. The parent or guardian of a child enrolling in a
243 school district outside of his or her residence shall be
244 responsible for transportation of the child to and from school.

245 (b) A child whose parent(s) or legal guardian(s) are
246 active members of the United States Armed Forces complies with the
247 residency requirements for school attendance, if he or she resides
248 in the State of Mississippi or if the pupil otherwise complies
249 with Section 37-15-30.



250 (c) Any school district which accepts a child under the
251 provisions of this subsection shall not assess any tuition fees
252 upon such transferring child.

253 (d) Any transfer of out-of-state children of military
254 families to this state shall be governed in accordance with
255 Section 37-135-31 as applicable.

256 (5) The sibling(s) of any child lawfully transferred in
257 accordance with this section, may also, at the discretion of their
258 parent(s) or legal guardian(s), enroll and attend school in the
259 transferee school district, subject to the provisions of this
260 section.

261 **SECTION 3.** This act shall take effect and be in force from
262 and after July 1, 2024, and shall stand repealed on June 30, 2024.

