

By: Representative Roberson

To: Education

HOUSE BILL NO. 1452

1 AN ACT TO CREATE THE OPPORTUNITY SCHOLARSHIP PROGRAM TO
 2 PROVIDE LOW INCOME PUBLIC SCHOOL AND PREKINDERGARTEN STUDENTS AN
 3 OPPORTUNITY TO ATTEND AN APPROVED NONPUBLIC SCHOOL OR
 4 PREKINDERGARTEN PROGRAM; TO PRESCRIBE ELIGIBILITY CRITERIA FOR
 5 STUDENTS AND PREKINDERGARTEN CHILDREN TO RECEIVE SCHOLARSHIPS AND
 6 FOR NONPUBLIC SCHOOLS AND PREKINDERGARTEN PROVIDERS TO PARTICIPATE
 7 IN THE PROGRAM; TO REQUIRE THE STATE BOARD OF EDUCATION TO SELECT
 8 A SCHOLARSHIP GRANTING ORGANIZATION TO ADMINISTER THE PROGRAM; TO
 9 PROVIDE AN INCOME TAX CREDIT FOR CONTRIBUTIONS TO THE PROGRAM; TO
 10 AMEND SECTIONS 37-15-29 AND 37-15-31, MISSISSIPPI CODE OF 1972, TO
 11 PROVIDE FOR THE TRANSFER OF A STUDENT TO A SCHOOL OF CHOICE UPON
 12 THE PETITION OF THE PARENT OR GUARDIAN OF SUCH STUDENT; TO PROVIDE
 13 THAT TRANSPORTATION OF A STUDENT TO A TRANSFEREE SCHOOL SHALL BE
 14 THE RESPONSIBILITY OF THE STUDENT'S PARENT OR GUARDIAN UNLESS THE
 15 SCHOOL DISTRICT AGREES TO PROVIDE TRANSPORTATION; TO AMEND SECTION
 16 37-151-93, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A SCHOOL
 17 DISTRICT ACCEPTING A TRANSFER STUDENT MAY NOT CHARGE THE STUDENT
 18 ANY TUITION FEES; TO AMEND SECTIONS 37-15-13 AND 37-15-15,
 19 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS
 20 ACT; AND FOR RELATED PURPOSES.

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

22 **SECTION 1.** (1) There is created the Opportunity Scholarship
 23 Program, the purpose of which is to give low income public school
 24 students an opportunity to enroll in and attend an approved
 25 nonpublic school and low income prekindergarten children an
 26 opportunity to enroll in and attend prekindergarten at an approved
 27 prekindergarten provider. The program shall be administered by a



28 scholarship granting organization (SGO) selected by the State
29 Board of Education, as required under Section 6 of this act.

30 (2) A public school student's parent or guardian may request
31 and receive from the SGO an opportunity scholarship for the
32 student to enroll in an approved nonpublic school in accordance
33 with the provisions of this section if:

34 (a) (i) The public school that the student attended in
35 the preceding school year was rated "D" or "F," as determined by
36 the State Board of Education, in that school year and in two (2)
37 school years during a period of four (4) years, and the student
38 attended the school during a school year in which the school was
39 rated "D" or "F," as determined by the State Board of Education;
40 or

41 (ii) The student is entering kindergarten or first
42 grade and lives or will live within the attendance zone of a
43 school described under subparagraph (i) of this paragraph during
44 the next school year;

45 (b) The family income of the student does not exceed
46 two hundred fifty percent (250%) of the established poverty level;
47 and

48 (c) The parent or guardian has obtained acceptance for
49 admission of the student to an approved nonpublic school and has
50 notified the SGO and the school district of the request for an
51 opportunity scholarship before July 1 of the first year in which
52 the student intends to use the scholarship.



53 (3) (a) For purposes of this act, the term "prekindergarten
54 children" means children who have not entered kindergarten but
55 will have attained the age of four (4) years on or before
56 September 1 of a school year. The term "prekindergarten provider"
57 means a public, private or parochial school, licensed childcare
58 center or Head Start center that serves prekindergarten children
59 and participates in the Opportunity Scholarship Program.

60 (b) A prekindergarten child's parent or guardian may
61 request and receive from the SGO an opportunity scholarship for
62 the child to enroll in and attend prekindergarten at an approved
63 prekindergarten provider if:

64 (i) The family income of the child does not exceed
65 two hundred fifty percent (250%) of the established poverty level;

66 (ii) The parent or guardian has obtained
67 acceptance for admission of the child to an approved
68 prekindergarten provider and has notified the SGO and
69 prekindergarten provider of the request for an opportunity
70 scholarship before July 1 of the first year in which the
71 prekindergarten child intends to use the scholarship; and

72 (iii) The parent or guardian agrees to submit the
73 prekindergarten child to kindergarten screening, regardless of
74 whether the child subsequently will attend kindergarten in a
75 public school, if the State Department of Education adopts a
76 statewide kindergarten screening that assesses the readiness of
77 each student to kindergarten.



78 (4) This section does not apply to students enrolled in a
79 school operating to provide educational services to youth in a
80 juvenile justice system commitment program.

81 **SECTION 2.** (1) For each school that has been rated "D" or
82 "F," as determined by the State Board of Education, for two (2)
83 school years during a period of four (4) years, the school
84 district in which the school is located shall provide timely
85 notice to the parents and guardians of students enrolled in or
86 assigned to the "D" or "F" school of all options available for
87 students under this act. The notice from the school district must
88 be given to parents and guardians as soon as the "D" or "F"
89 designation has been assigned to the school by the State Board of
90 Education.

91 (2) Any transportation costs that may be incurred for a
92 student to attend an approved nonpublic school on an opportunity
93 scholarship shall be the responsibility of the parent or guardian
94 of the student.

95 **SECTION 3.** (1) To be eligible to participate in the
96 Opportunity Scholarship Program, a school must be a nonpublic
97 school operating in Mississippi, may be sectarian or nonsectarian,
98 and must:

99 (a) Demonstrate fiscal soundness by being in operation
100 for one (1) school year or provide the State Department of
101 Education with a statement by a certified public accountant
102 confirming that the school desiring to participate is insured. In



103 addition, the owner or owners of the nonpublic school must have
104 sufficient capital or credit to operate the school for the
105 upcoming school year, serving the number of students anticipated
106 with expected revenues from tuition and other sources that
107 reasonably may be expected. In lieu of such a statement from a
108 certified public accountant, a surety bond or letter of credit for
109 an amount equal to the opportunity scholarship funds available for
110 any quarter may be filed with the department.

111 (b) Notify the State Department of Education of its
112 intent to participate in the program before May 1 of the school
113 year preceding the school year in which the school intends to
114 participate. The notice must specify the grade levels and
115 services that the school has available for the Opportunity
116 Scholarship Program.

117 (c) Comply with the antidiscrimination provisions of 42
118 USCS Section 2000d.

119 (d) Meet state and local health and safety laws and
120 codes.

121 (e) Accept scholarship students on an entirely random
122 and religious-neutral basis without regard to a student's past
123 academic history; however, the school may give preference in
124 accepting applications to siblings of students who already have
125 been accepted on a random and religious-neutral basis.

126 (f) Be academically accountable to the parent or
127 guardian for meeting the educational needs of the student. The



128 school must furnish to the parent or guardian a school profile
129 that includes student performance.

130 (g) Employ or contract with teachers who: hold a
131 baccalaureate or higher degree; have at least three (3) years of
132 teaching experience in public or nonpublic schools; or have
133 special skills, knowledge or expertise that qualifies them to
134 provide instruction in subjects taught.

135 (h) Comply with all state statutes relating to
136 nonpublic schools.

137 (i) Adhere to the tenets of its published disciplinary
138 procedures before the expulsion of any opportunity scholarship
139 student.

140 (2) To be eligible to participate in the Opportunity
141 Scholarship Program, a prekindergarten provider may be sectarian
142 or nonsectarian and must be a public, private or parochial school,
143 licensed childcare center or Head Start center that serves
144 prekindergarten children. In addition, a prekindergarten provider
145 must:

146 (a) Demonstrate fiscal soundness by being in operation
147 for one (1) school year or provide the State Department of
148 Education with a statement by a certified public accountant
149 confirming that the prekindergarten provider desiring to
150 participate is insured. In addition, the owner or owners of the
151 prekindergarten provider must have sufficient capital or credit to
152 operate the prekindergarten program for the upcoming school year,



153 serving the number of children anticipated with expected revenues
154 from tuition, fees and other sources that reasonably may be
155 expected. In lieu of such a statement from a certified public
156 accountant, a surety bond or letter of credit for an amount equal
157 to the opportunity scholarship funds available for any quarter may
158 be filed with the department.

159 (b) Notify the State Department of Education of its
160 intent to participate in the program before May 1 of the school
161 year preceding the school year in which the prekindergarten
162 provider intends to participate.

163 (c) Comply with the antidiscrimination provisions
164 applicable to public schools. A prekindergarten provider may not
165 discriminate against a parent or child, including the refusal to
166 admit a child for enrollment in the prekindergarten program, in
167 violation of the antidiscrimination requirements; however, a
168 prekindergarten provider may refuse to admit a child based on the
169 provider's standard eligibility guidelines if the guidelines do
170 not violate the antidiscrimination requirements.

171 (d) Meet state and local health and safety laws and
172 codes. A childcare center must meet state child care facility
173 licensure requirements as well as have a rating of at least a "3"
174 on the Quality Rating and Improvement Scale. A Head Start center
175 must meet state child care facility licensure standards, when
176 applicable, as well as be in compliance with federal Head Start
177 program guidelines.



178 (e) Accept scholarship children on an entirely random
179 and religious-neutral basis; however, the prekindergarten provider
180 may give preference in accepting applications to siblings of
181 children who already have been accepted on a random and
182 religious-neutral basis.

183 (f) Be academically accountable to the parent or
184 guardian for meeting the educational needs of the prekindergarten
185 child. If the State Department of Education adopts a statewide
186 kindergarten screening that assesses the readiness of each student
187 for kindergarten, the department also shall adopt a minimum rate
188 of readiness that a prekindergarten provider must meet in order to
189 remain eligible to participate in the Opportunity Scholarship
190 Program.

191 (g) Employ or contract with teachers who meet the
192 qualifications established under Section 37-21-3.

193 (h) Use state-adopted comprehensive early learning
194 standards.

195 (i) Use a research-based curriculum that is designed to
196 prepare children to be ready for kindergarten, with emphasis in
197 early literacy, and is aligned with the comprehensive early
198 learning standards.

199 (j) Have a maximum teacher:child ratio of one (1) adult
200 for every ten (10) children with a maximum of twenty (20) children
201 per classroom and a minimum of five (5) children per classroom.



202 (k) Provide at least one (1) meal daily meeting state
203 and federal nutrition guidelines for young children.

204 (l) Provide no less than five hundred forty (540)
205 instructional hours per school year for half-day programs and one
206 thousand eighty (1,080) instructional hours per school year for
207 full-day programs.

208 (3) The State Board of Education shall determine eligible
209 nonpublic schools and prekindergarten providers based upon the
210 criteria set forth in this section and shall maintain a list of
211 approved nonpublic schools and prekindergarten providers.

212 **SECTION 4.** (1) Any student participating in the Opportunity
213 Scholarship Program must comply fully with the nonpublic school's
214 code of conduct.

215 (2) The parent or guardian of each student participating in
216 the Opportunity Scholarship Program must comply fully with the
217 nonpublic school's or prekindergarten provider's parental
218 involvement requirements, as the case may be, unless excused by
219 the school or prekindergarten provider for illness or other good
220 cause.

221 **SECTION 5.** (1) The maximum opportunity scholarship that may
222 be granted for an eligible student or prekindergarten child must
223 be a calculated amount equal to ninety percent (90%) of the base
224 student cost, as determined under the Mississippi Adequate
225 Education Program, or the amount of the approved nonpublic
226 school's cost of educating the child or for a prekindergarten



227 child, the prekindergarten provider's enrollment cost or fees,
228 whichever is less. Fees eligible for reimbursement from the
229 scholarship include textbook fees, laboratory fees and other fees
230 related to instruction.

231 (2) No liability on the part of the state shall arise based
232 on any grant or use of an opportunity scholarship.

233 **SECTION 6.** (1) The State Board of Education shall select a
234 scholarship granting organization (SGO) to serve as the
235 administrator of the Opportunity Scholarship Program and shall
236 establish compensation for services performed by the SGO. The SGO
237 shall demonstrate to the board that it has been granted exemption
238 from the federal income tax as an organization described in
239 Section 501(c) (3) of the Internal Revenue Code.

240 (2) The SGO shall:

241 (a) Create a fund to be designated the "Opportunity
242 Scholarship Fund," which shall consist of money designated for
243 deposit into the fund from gifts, donations or contributions from
244 individuals, corporations or any other source, public or private.
245 Unexpended monies in the fund and earned interest may not be used
246 or expended for any purpose except as authorized by this act.

247 (b) Notify the State Department of Education of
248 scholarships awarded to students attending approved nonpublic
249 schools and prekindergarten children attending approved
250 prekindergarten providers.



251 (c) Distribute periodic scholarship payments as checks
252 made out to a student's or prekindergarten child's parent or
253 guardian, as the case may be, and mailed to the approved nonpublic
254 school or prekindergarten provider where the student or child is
255 enrolled. The parent or guardian must endorse the check before it
256 may be deposited.

257 (d) Provide a receipt approved by the State Department
258 of Education to taxpayers for contributions made to the SGO.

259 (e) Ensure that at least ninety-three percent (93%) of
260 its revenue from donations is spent on scholarships and that all
261 revenue from interest or investments is spent on scholarships.

262 (f) Ensure that scholarships are portable during the
263 school year and can be used at any approved nonpublic school or
264 prekindergarten provider that accepts the eligible student or
265 prekindergarten child according to a parent or guardian's wishes.
266 If a student moves to a new approved nonpublic school or a
267 prekindergarten child moves to a new approved prekindergarten
268 provider during a school year, the scholarship amount may be
269 prorated.

270 (g) Publicly report to the State Department of
271 Education before June 1 of each year the following information
272 prepared by a certified public accountant regarding grants in the
273 preceding calendar year:



274 (i) The total number and total dollar amount of
275 contributions received by the SGO during the preceding calendar
276 year; and

277 (ii) The total number and total dollar amount of
278 scholarships awarded during the preceding calendar year, the total
279 number and total dollar amount of scholarships awarded during the
280 preceding year to students qualifying for the federal free and
281 reduced-price lunch program, and the percentage of first-time
282 scholarship recipients who were enrolled in a public school or, in
283 the case of a prekindergarten student, a prekindergarten program
284 that serves children younger than four (4) years of age, during
285 the preceding year.

286 (h) Ensure scholarships are not provided for students
287 or prekindergarten children to attend a school or prekindergarten
288 provider, as the case may be, with paid staff or board members, or
289 their relatives, in common with the SGO.

290 (i) Annually submit to the State Department of
291 Education a financial information report for the organization
292 which complies with uniform financial accounting standards
293 established by the department and conducted by a certified public
294 accountant, certifying that the report is free of material
295 misstatements.

296 (3) Each participating school and prekindergarten provider
297 must demonstrate financial viability, if the school or
298 prekindergarten provider is to receive donations of Fifty Thousand



299 Dollars (\$50,000.00) or more during the school year, by filing
300 with the SGO, before the start of the school year, either:

301 (a) A surety bond payable to the SGO in an amount equal
302 to the aggregate amount of contributions expected to be received
303 during the school year; or

304 (b) Financial information that demonstrates the
305 financial viability of the participating school or prekindergarten
306 provider.

307 (4) (a) The SGO shall ensure that each participating school
308 that accepts its scholarship shall:

309 (i) Annually administer, to all participating
310 students in grades that require testing under the statewide
311 assessment testing program, either the uniform state assessment
312 tests or nationally recognized norm-referenced tests that measure
313 learning gains in math and language arts;

314 (ii) Allow costs of the testing requirements to be
315 covered by the scholarships distributed by the SGO;

316 (iii) Provide the parent or guardian of each
317 student who was tested with a copy of the results of the tests on
318 an annual basis, beginning with the first year of testing;

319 (iv) Provide the test results to the State
320 Department of Education on an annual basis, beginning with the
321 first year of testing;



322 (v) Report student information that will allow the
323 state to aggregate data by grade level, gender, family income
324 level and race; and

325 (vi) Provide graduation rates of participating
326 students to the State Department of Education in a manner
327 consistent with nationally recognized standards.

328 (b) If the State Department of Education adopts a
329 statewide kindergarten screening that assesses the readiness of
330 each child for kindergarten, the SGO shall ensure that each
331 participating prekindergarten provider that accepts its
332 scholarship shall:

333 (i) Annually administer the statewide kindergarten
334 screening;

335 (ii) Allow costs of the screening requirements to
336 be covered by the scholarships distributed by the SGO;

337 (iii) Provide the parent or guardian of each child
338 who was tested with a copy of the results of the screening;

339 (iv) Provide the screening results to the State
340 Department of Education on an annual basis, beginning with the
341 first year of screening; and

342 (v) Report prekindergarten child information that
343 will allow the state to aggregate data by gender, family income
344 level and race.

345 (c) The State Department of Education shall:



346 (i) Ensure compliance with all student privacy
347 laws;

348 (ii) Collect all test and screening results; and

349 (iii) Provide the test and screening results and
350 associated learning gains to the public via a state website after
351 the third year of test, screening and test-related data
352 collection. The findings must be aggregated by the students'
353 grade level, gender, family income level, number of years of
354 participation in the scholarship program and race.

355 (5) Individuals and corporations contributing to the
356 Opportunity Scholarship Fund are eligible for a tax credit under
357 Section 7 of this act. Donations accepted by the SGO in any one
358 (1) calendar year may not exceed Ten Million Dollars
359 (\$10,000,000.00).

360 (6) The SGO shall promulgate rules necessary to effectuate
361 the purposes of this act. The rules must include a means of
362 informing the public of the existence of the Opportunity
363 Scholarship Program and the application process for scholarship
364 candidates.

365 **SECTION 7.** (1) Any individual, corporation or other entity
366 having taxable income in this state is allowed an annual tax
367 credit for taxes imposed by Section 27-7-5 for donations made to
368 the Opportunity Scholarship Fund created by Section 6 of House
369 Bill No. _____, 2024 Regular Session. Any unused portion of



370 the credit may be carried forward for three (3) succeeding tax
371 years.

372 (2) Any donation to the fund must be verified by submission
373 to the Department of Revenue of a copy of the receipt provided to
374 the donor taxpayer by the scholarship granting organization or
375 such other written verification as may be required by the
376 Department of Revenue.

377 (3) The maximum amount of donations accepted by the
378 administrator of the Opportunity Scholarship Program created by
379 House Bill No. _____, 2024 Regular Session, in any one (1)
380 calendar year may not exceed Ten Million Dollars (\$10,000,000.00).

381 **SECTION 8.** Section 37-15-29, Mississippi Code of 1972, is
382 amended as follows:

383 37-15-29. (1) Except as provided in subsections (2) * * *
384 through (6) of this section, no minor child may enroll in or
385 attend any school except in the school district of his residence,
386 unless such child be lawfully transferred from the school district
387 of his residence to a school in another school district in accord
388 with the statutes of this state now in effect or which may be
389 hereafter enacted.

390 (2) Those children whose parent(s) or legal guardian(s) are
391 instructional personnel or certificated employees of a school
392 district may at such employee's discretion enroll and attend the
393 school or schools of their parent's or legal guardian's employment
394 regardless of the residence of the child.



395 (3) No child shall be required to be transported in excess
396 of thirty (30) miles on a school bus from his or her home to
397 school, or in excess of thirty (30) miles from school to his or
398 her home, if there is another school in an adjacent school
399 district located on a shorter school bus transportation route by
400 the nearest traveled road. Those children residing in such
401 geographical situations may, at the discretion of their parent(s)
402 or legal guardian(s), enroll and attend the nearer school,
403 regardless of the residence of the child. In the event the parent
404 or legal guardian of such child and the school board are unable to
405 agree on the school bus mileage required to transport the child
406 from his or her home to school, an appeal shall lie to the State
407 Board of Education, or its designee, whose decision shall be
408 final. The school districts involved in the appeal shall provide
409 the Mississippi Department of Education with any school bus route
410 information requested, including riding the buses as necessary, in
411 order to measure the bus routes in question, as needed by the
412 State Board of Education in considering the appeal.

413 (4) Those children lawfully transferred from the school
414 district of * * * their residence to a school in another school
415 district prior to July 1, * * * 2024, may, at the discretion of
416 their parent(s) or legal guardian(s), continue to enroll and
417 attend school in the transferee school district. Provided
418 further, that the brother(s) and sister(s) of said children
419 lawfully transferred prior to July 1, * * * 2024, may also, at the



420 discretion of their parent(s) or legal guardian(s), enroll and
421 attend school in the transferee school district.

422 (5) Those children whose parent(s) or legal guardian(s) are
423 active members of the United States Armed Forces or civilian
424 military personnel and reside on a military base, may, at the
425 discretion of their parent(s) or legal guardian(s), enroll and
426 attend the school district of their parent's or legal guardian's
427 choosing, regardless of the residence of the child, provided the
428 school district where the student resides or in an adjacent school
429 district and the parent's or guardian's choice of school district
430 does not violate the provision of subsection (3) of this section
431 prohibiting the transportation of students in excess of thirty
432 (30) miles.

433 (6) Those children who are attending a school in a school
434 district in this state may transfer to the school of the parent's
435 choice if the transferee school district accepts enrollment based
436 on available capacity in the manner provided in Section 37-15-31.

437 **SECTION 9.** Section 37-15-31, Mississippi Code of 1972, is
438 amended as follows:

439 37-15-31. (1) (a) Except as provided in subsections (2)
440 through (5) of this section, upon the petition in writing of a
441 parent or guardian resident of the school district of an
442 individual student filed or lodged with the president or secretary
443 of the school board of a school district in which the pupil has
444 been enrolled or is qualified to be enrolled as a student under



445 Section 37-15-9, or upon the aforesaid petition or the initiative
446 of the school board of a school district as to the transfer of a
447 grade or grades, individual students living in one school district
448 or a grade or grades of a school within the districts may be
449 legally transferred to another school district, by the * * *
450 consent of the school * * * board of * * * the transferee
451 school * * * district, which consent must be given in writing and
452 spread upon the minutes of * * * the school board of the
453 transferee school district, with a copy of the pertinent part of
454 the minutes transmitted to the transferring school district for
455 its records.

456 (b) * * * The school board of the * * * transferee
457 district involved * * * shall act on such request for transfer as
458 soon as possible after the * * * request for a transfer is made,
459 and a failure of such transferee board to act within such time
460 shall constitute a rejection of such request. If such a transfer
461 is approved by the transferee board, then such decision shall be
462 final. If such a transfer should be refused by the school board
463 of * * * the transferee school district, then such decision shall
464 be final. The decision to consent to a student transfer is in the
465 sole discretion of the school board of the transferee school
466 district based upon available capacity; however, selection of
467 transferring students must be done randomly.



468 (c) Any legal guardianship formed for the purpose of
469 establishing residency for school district attendance purposes
470 shall not be recognized by the affected school board.

471 (d) The responsibility for transporting a student who
472 transfers under this subsection to the transferee school district
473 is that of the parent or guardian unless the transferee school
474 district agrees to provide transportation.

475 (2) (a) Upon the petition in writing of any parent or
476 guardian who is a resident of Mississippi and is an instructional
477 or licensed employee of a school district, but not a resident of
478 such district, the school board of the employer school district
479 shall consent to the transfer of such employee's dependent
480 school-age children to its district and shall spread the same upon
481 the minutes of the board. Upon the petition in writing of any
482 parent or guardian who is not a resident of Mississippi and who is
483 an instructional or licensed employee of a school district in
484 Mississippi, the school board of the employer school district
485 shall consent to the transfer of such employee's dependent
486 school-age children to its district and shall spread the same upon
487 the minutes of the board.

488 (b) The school board of any school district, in its
489 discretion, may adopt a uniform policy to allow the enrollment and
490 attendance of the dependent children of noninstructional and
491 nonlicensed employees, who are residents of Mississippi but are
492 not residents of their district. Such policy shall be based upon



493 the employment needs of the district, implemented according to job
494 classification groups and renewed each school year.

495 (c) The employer transferee school district shall
496 notify in writing the school district from which the pupil or
497 pupils are transferring, and the school board of the transferor
498 school district shall spread the same upon its minutes.

499 (d) Any such agreement by school boards for the legal
500 transfer of a student shall include a provision providing for the
501 transportation of the student. In the absence of such a provision
502 the responsibility for transporting the student to the transferee
503 school district shall be that of the parent or guardian.

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

508 * * *

509 (* * *3) Upon the petition in writing of any parent or
510 legal guardian of a school-age child who was lawfully transferred
511 to another school district prior to July 1, * * * 2024, as
512 described in Section 37-15-29(4), the school board of the
513 transferee school district shall consent to the transfer of such
514 child and the transfer of any school-age brother and sister of
515 such child to its district, and shall spread the same upon the
516 minutes of the board.



517 (* * *4) (a) If the board of trustees of a municipal
518 separate school district with added territory does not have a
519 member who is a resident of the added territory outside the
520 corporate limits, upon the petition in writing of any parent or
521 legal guardian of a school-age child who is a resident of the
522 added territory outside the corporate limits, the board of
523 trustees of the municipal separate school district and the school
524 board of the school district adjacent to the added territory shall
525 consent to the transfer of the child from the municipal separate
526 school district to the adjacent school district. The agreement
527 must be spread upon the minutes of the board of trustees of the
528 municipal separate school district and the school board of the
529 adjacent school district. The agreement must provide for the
530 transportation of the student. In the absence of such a
531 provision, the parent or legal guardian shall be responsible for
532 transporting the student to the adjacent school district. Any
533 school district that accepts a student under this subsection may
534 not assess any tuition fees against the transferring student.

535 (b) Before September 1 of each year, the board of
536 trustees of the municipal separate school district shall certify
537 to the State Department of Education the number of students in the
538 added territory of the municipal separate school district who are
539 transferred to the adjacent school district under this subsection.
540 The municipal separate school district also shall certify the
541 total number of students in the school district residing in the



542 added territory plus the number of those students who are
543 transferred to the adjacent school district. Based upon these
544 figures, the department shall calculate the percentage of the
545 total number of students in the added territory who are
546 transferred to the adjacent school district and shall certify this
547 percentage to the levying authority for the municipal separate
548 school district. The levying authority shall remit to the school
549 board of the adjacent school district, from the proceeds of the ad
550 valorem taxes collected for the support of the municipal separate
551 school district from the added territory of the municipal separate
552 school district, an amount equal to the percentage of the total
553 number of students in the added territory who are transferred to
554 the adjacent school district.

555 (5) Upon the petition in writing of any parent or legal
556 guardian of a school-age child who is attending a school in a
557 school district in this state, the school board of the transferee
558 school district, in its discretion, may approve the transfer of
559 the child, and any consent given must be recorded in the minutes
560 of the board. If the transferee school is in the same school
561 district, the school district superintendent, in his discretion,
562 may approve the transfer of the child, subject to ratification of
563 the superintendent's consent by the school board, which consent
564 must be recorded in the minutes of the board. The selection of
565 students desiring to transfer must be done on a random basis. The
566 responsibility for transporting the student to the transferee



567 school district or transferee school is that of the parent or
568 guardian, unless the school district agrees to provide
569 transportation. If either the school board of the transferee
570 school district or the school district superintendent objects to
571 the transfer, the parent or legal guardian may appeal to the State
572 Board of Education, whose decision shall be final.

573 **SECTION 10.** Section 37-151-93, Mississippi Code of 1972, is
574 amended as follows:

575 37-151-93. (1) Legally transferred students going from one
576 school district to another shall be counted for adequate education
577 program allotments by the school district wherein the pupils
578 attend school, but shall be counted for transportation allotment
579 purposes in the school district which furnishes or provides the
580 transportation. The school boards of the school districts which
581 approve the transfer of a student under the provisions of Section
582 37-15-31 shall enter into an agreement and contract for the
583 payment or nonpayment of any portion of their local maintenance
584 funds which they deem fair and equitable in support of any
585 transferred student. Except as provided in subsection (2) of this
586 section, local maintenance funds shall be transferred only to the
587 extent specified in the agreement and contract entered into by the
588 affected school districts. The terms of any local maintenance
589 fund payment transfer contract shall be spread upon the minutes of
590 both of the affected school district school boards. The school
591 district accepting any transfer students shall not be authorized



592 to accept tuition from such students under the provisions of
593 Section 37-15-31(1) * * *. No school district accepting any
594 transfer students under the provisions of Section 37-15-31(2),
595 which provides for the transfer of certain school district
596 employee dependents, shall be authorized to charge such transfer
597 students any tuition fees. A school district accepting a transfer
598 student under Section 37-15-31(5) may not charge the transfer
599 student any tuition fees.

600 (2) Local maintenance funds shall be paid by the home school
601 district to the transferee school district for students granted
602 transfers under the provisions of * * * Section 37-15-29(3) * * *,
603 not to exceed the "base student cost" as defined in Section
604 37-151-5, Mississippi Code of 1972, multiplied by the number of
605 such legally transferred students. However, whenever a student
606 transfers to another school district under open enrollment, as
607 authorized under Sections 37-15-29(6) and 37-15-31, the home
608 school district may not transfer any local maintenance funds to
609 the transferee school district.

610 **SECTION 11.** Section 37-15-13, Mississippi Code of 1972, is
611 amended as follows:

612 37-15-13. When any child qualified under the requirements of
613 Section 37-15-9 shall apply or present himself for enrollment in
614 or admission to the public schools of any school district of this
615 state, the school board of such school district shall have the
616 power and authority to designate the particular school or



617 attendance center of the district in which such child shall be
618 enrolled and which he shall attend; no enrollment of a child in a
619 school shall be final or permanent until such designation shall be
620 made by said school board. No child shall be entitled to attend
621 any school or attendance center except that to which he has been
622 assigned by the school board; however, the principal of a school
623 or superintendent of the district may, in proper cases, permit a
624 child to attend a school temporarily until a permanent assignment
625 is made by the school board. Beginning with the 2024-2025 school
626 year, a child who is attending a school in a school district in
627 this state may attend a school of parental choice in the manner
628 prescribed in Section 37-15-31.

629 **SECTION 12.** Section 37-15-15, Mississippi Code of 1972, is
630 amended as follows:

631 37-15-15. In making assignments of children to schools or
632 attendance centers, the school board shall take into consideration
633 the educational needs and welfare of the child involved, the
634 welfare and best interest of all the pupils attending the school
635 or schools involved, the availability of school facilities,
636 sanitary conditions and facilities at the school or schools
637 involved, health and moral factors at the school or schools, and
638 in the community involved, the accreditation rating of the school
639 involved and all other factors which the school board may consider
640 pertinent, relevant or material in their effect on the welfare and
641 best interest of the school district and the particular school or



642 schools involved. All such assignments shall be on an individual
643 basis as to the particular child involved and, in making such
644 assignment, the school board shall not be limited or circumscribed
645 by the boundaries of any attendance areas which may have been
646 established by such board.

647 **SECTION 13.** Section 7 of this act shall be codified as a new
648 section in Chapter 7, Title 27, Mississippi Code of 1972.

649 **SECTION 14.** This act shall take effect and be in force from
650 and after July 1, 2024.

