

By: Senator(s) DeBar

To: Education

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2691

1 AN ACT TO AMEND SECTION 37-15-31, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT A CHILD MAY BE LAWFULLY TRANSFERRED FROM THE
3 SCHOOL DISTRICT OF HIS RESIDENCE TO A SCHOOL IN ANOTHER SCHOOL
4 DISTRICT UPON A PETITION OF A PARENT OR GUARDIAN IF THE DISTRICT
5 TO WHICH THE CHILD IS ATTEMPTING TO TRANSFER CONSENTS; TO REQUIRE
6 SUCH CONSENT TO BE IN WRITING AND SPREAD UPON THE MINUTES OF SUCH
7 BOARD; TO ESTABLISH THAT THE SCHOOL BOARD OF THE SCHOOL DISTRICT
8 IN WHICH THE CHILD HAS BEEN ENROLLED OR IS QUALIFIED TO BE
9 ENROLLED AS A STUDENT MAY NOT PREVENT OR PROHIBIT A REQUEST TO
10 TRANSFER TO ANOTHER DISTRICT; TO SET CERTAIN TIMELINES REQUIRED OF
11 SCHOOL BOARDS FOR THE TRANSFER OF SUCH STUDENTS; TO PROVIDE THAT
12 NO CHILD SHALL BE REQUIRED TO BE TRANSPORTED IN EXCESS OF 30 MILES
13 ON A SCHOOL BUS FROM HIS OR HER HOME TO SCHOOL, OR IN EXCESS OF 30
14 MILES FROM SCHOOL TO HIS OR HER HOME, IF THERE IS ANOTHER SCHOOL
15 IN AN ADJACENT SCHOOL DISTRICT LOCATED ON A SHORTER SCHOOL BUS
16 TRANSPORTATION ROUTE BY THE NEAREST TRAVELED ROAD; TO PROVIDE THAT
17 ANY SCHOOL DISTRICT WHICH ACCEPTS A CHILD UNDER THIS ACT SHALL NOT
18 ASSESS ANY TUITION FEES UPON SUCH TRANSFERRING CHILD; TO PROVIDE
19 THAT CHILDREN WITH PARENTS OR GUARDIANS WHO ARE ACTIVE MEMBERS OF
20 THE UNITED STATES ARMED FORCES MAY, AT THE DISCRETION OF THEIR
21 PARENT(S) OR LEGAL GUARDIAN(S), ENROLL AND ATTEND THE SCHOOL
22 DISTRICT OF THEIR PARENT'S OR LEGAL GUARDIAN'S CHOOSING,
23 REGARDLESS OF THE RESIDENCE OF THE CHILD, PROVIDED THE SCHOOL OR
24 SCHOOLS ARE LOCATED IN THE SCHOOL DISTRICT WHERE THE STUDENT
25 RESIDES OR IN AN ADJACENT SCHOOL DISTRICT; TO PROVIDE THAT THE
26 SIBLING(S) OF ANY CHILD LAWFULLY TRANSFERRED IN ACCORDANCE WITH
27 THIS ACT, MAY ALSO, AT THE DISCRETION OF THEIR PARENT(S) OR LEGAL
28 GUARDIAN(S), ENROLL AND ATTEND SCHOOL IN THE TRANSFEREE SCHOOL
29 DISTRICT, SUBJECT TO THE PROVISIONS OF THIS ACT; TO SET CERTAIN
30 PROVISIONS RELATED TO ATHLETIC ELIGIBILITY FOR STUDENTS WHO
31 TRANSFER IN ACCORDANCE WITH THIS ACT; TO REPEAL SECTION 37-15-29,
32 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE ENROLLMENT OR
33 ATTENDANCE LOCATION OF STUDENTS IN THEIR RESPECTIVE SCHOOL
34 DISTRICTS; AND FOR RELATED PURPOSES.



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

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

38 37-15-31. (1) Except as provided in subsections (2), (3),
39 (4), (5), (6) and (7) of this section, no school-age child may
40 enroll in or attend any school except in the school district of
41 his residence, unless such child be lawfully transferred from the
42 school district of his residence to a school in another school
43 district in accordance with the statutes of this state now in
44 effect or which may be hereafter enacted.

45 (* * * 2) (a) * * * Upon the petition in writing of a
46 parent or guardian resident of the school district of * * * a
47 school-age child that has been filed or lodged with the president
48 or secretary of the school board of a school district in which
49 the * * * child has been enrolled or is qualified to be enrolled
50 as a student under Section 37-15-9, or upon the aforesaid petition
51 or the initiative of the school board of a school district as to
52 the transfer of a grade or grades, individual * * * children
53 living in one (1) school district or a grade or grades of a school
54 within the districts may be legally transferred to another school
55 district, by the * * * consent of the school * * * board of * * *
56 the school * * * district to which the child is attempting to
57 transfer (the transferee board) * * * . When consent is given to
58 the transfer, it * * * must be given in writing and spread upon
59 the minutes of such * * * board. The school board of the school



60 district in which the child has been enrolled or is qualified to
61 be enrolled as a student may not prevent or prohibit a request to
62 transfer to another district. The responsibility for transporting
63 the child to the transferee school district under the provisions
64 of this subsection shall be that of the parent or guardian.

65 (b) * * * The school board of the * * * school
66 district * * * to which the child is attempting to transfer shall
67 act on such request for transfer * * * no later than the next
68 regular meeting of the transferee board, and a failure of such
69 transferee board to act within such time shall constitute a
70 rejection of such request. If such a transfer is approved by the
71 transferee board, then such decision shall be final. If such a
72 transfer should be refused by the * * * transferee board * * *,
73 then such decision shall be final.

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

77 (d) The provisions of this subsection (2) of this
78 section shall not apply to school-age children whose parent(s) or
79 legal guardian(s) are active members of the United States Armed
80 Forces complying with subsection (6) of this section.

81 (e) Athletic eligibility for a school-age child who
82 transfers to another school or school district pursuant to this
83 subsection shall be determined based on the child's fall semester
84 enrollment. A child shall be athletically eligible for one (1)



85 school per school year. A child may transfer to another school
86 mid-year; however, that child shall not be athletically eligible
87 until the following fall school year. A child shall not be deemed
88 athletically ineligible, thus ruled ineligible for any length of
89 time, based upon a transfer of schools, so long as the provisions
90 in this section are followed.

91 (* * *3) (a) Upon the petition in writing of any parent or
92 guardian who is a resident of Mississippi and is an instructional
93 or licensed employee of a school district, but not a resident of
94 such district, the school board of the employer school district
95 shall consent to the transfer of such employee's dependent
96 school-age children to its district and shall spread the same upon
97 the minutes of the board. Upon the petition in writing of any
98 parent or guardian who is not a resident of Mississippi and who is
99 an instructional or licensed employee of a school district in
100 Mississippi, the school board of the employer school district
101 shall consent to the transfer of such employee's dependent
102 school-age children to its district and shall spread the same upon
103 the minutes of the board.

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



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

111 (c) The employer transferee school district shall
112 notify in writing the school district from which the pupil or
113 pupils are transferring, and the school board of the transferor
114 school district shall spread the same upon its minutes.

115 (d) * * * The responsibility for transporting * * * the
116 child to the transferee school district under the provisions of
117 this subsection shall be that of the parent or guardian.

118 (e) Any school district which accepts a * * * child
119 under the provisions of this subsection shall not assess any
120 tuition fees upon such transferring * * * a child * * *.

121 (* * *4) (a) No child shall be required to be transported
122 in excess of thirty (30) miles on a school bus from his or her
123 home to school, or in excess of thirty (30) miles from school to
124 his or her home, if there is another school in an adjacent school
125 district located on a shorter school bus transportation route by
126 the nearest traveled road. Those children residing in such
127 geographical situations may, at the discretion of their parent or
128 legal guardian, enroll and attend the nearer school, regardless of
129 the residence of the child. In the event the parent or legal
130 guardian of such child and the school board are unable to agree on
131 the school bus mileage required to transport the child from his or
132 her home to school, an appeal shall lie to the State Board of
133 Education, or its designee, whose decision shall be final. The



134 school districts involved in the appeal shall provide the
135 Mississippi Department of Education with any school bus route
136 information requested, including riding the buses as necessary, in
137 order to measure the bus routes in question, as needed by the
138 State Board of Education in considering the appeal.

139 **(b)** Upon the petition in writing of any parent or legal
140 guardian of a school-age child who is a resident of an adjacent
141 school district residing in the geographical situation described
142 in * * * this subsection, the school board of the school district
143 operating the school located in closer proximity to the residence
144 of the child shall consent to the transfer of the child to its
145 district, and shall spread the same upon the minutes of the board.
146 Any such agreement by school boards for the legal transfer of
147 a * * * child under this subsection shall include a provision for
148 the transportation of the * * * child by either the transferor or
149 the transferee school district. In the event that either the
150 school board of the transferee or the transferor school district
151 shall object to the transfer, it shall have the right to appeal to
152 the State Board of Education whose decision shall be final. * * *

153 * * *

154 **(c)** Any school district which accepts a child under the
155 provisions of this subsection shall not assess any tuition fees
156 upon such transferring child.

157 * * *



158 (5) (a) If the board of trustees of a municipal separate
159 school district with added territory does not have a member who is
160 a resident of the added territory outside the corporate limits,
161 upon the petition in writing of any parent or legal guardian of a
162 school-age child who is a resident of the added territory outside
163 the corporate limits, the board of trustees of the municipal
164 separate school district and the school board of the school
165 district adjacent to the added territory shall consent to the
166 transfer of the child from the municipal separate school district
167 to the adjacent school district. The agreement must be spread
168 upon the minutes of the board of trustees of the municipal
169 separate school district and the school board of the adjacent
170 school district. The agreement must provide for the
171 transportation of the student. * * *

172 (b) Before September 1 of each year, the board of
173 trustees of the municipal separate school district shall certify
174 to the State Department of Education the number of students in the
175 added territory of the municipal separate school district who are
176 transferred to the adjacent school district under this subsection.
177 The municipal separate school district also shall certify the
178 total number of students in the school district residing in the
179 added territory plus the number of those students who are
180 transferred to the adjacent school district. Based upon these
181 figures, the department shall calculate the percentage of the
182 total number of students in the added territory who are



183 transferred to the adjacent school district and shall certify this
184 percentage to the levying authority for the municipal separate
185 school district. The levying authority shall remit to the school
186 board of the adjacent school district, from the proceeds of the ad
187 valorem taxes collected for the support of the municipal separate
188 school district from the added territory of the municipal separate
189 school district, an amount equal to the percentage of the total
190 number of students in the added territory who are transferred to
191 the adjacent school district.

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

195 (6) Those school-age children whose parent(s) or legal
196 guardian(s) are active members of the United States Armed Forces
197 may, at the discretion of their parent(s) or legal guardian(s),
198 enroll and attend the school district of their parent's or legal
199 guardian's choosing, regardless of the residence of the child.
200 The parent or guardian shall be responsible for transportation of
201 the child to and from school.

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



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

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

213 (7) The sibling(s) of any child lawfully transferred in
214 accordance with this section, may also, at the discretion of their
215 parent(s) or legal guardian(s), enroll and attend school in the
216 transferee school district, subject to the provisions of this act.

217 **SECTION 2.** Section 37-15-29, which provides for the
218 enrollment or attendance location of students in their respective
219 school districts, is hereby repealed.

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

