

By: Senator(s) DeBar

To: Education

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.

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

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

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

79 (e) Athletic eligibility for a school-age child who  
80 transfers to another school or school district pursuant to this  
81 subsection shall be determined based on the child's fall semester  
82 enrollment. A child shall be athletically eligible for one (1)  
83 school per school year. A child may transfer to another school  
84 mid-year; however, that child shall not be athletically eligible



85 until the following fall school year. A child shall not be deemed  
86 athletically ineligible, thus ruled ineligible for any length of  
87 time, based upon a transfer of schools, so long as the provisions  
88 in this section are followed.

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

102 (b) The school board of any school district, in its  
103 discretion, may adopt a uniform policy to allow the enrollment and  
104 attendance of the dependent children of noninstructional and  
105 nonlicensed employees, who are residents of Mississippi but are  
106 not residents of their district. Such policy shall be based upon  
107 the employment needs of the district, implemented according to job  
108 classification groups and renewed each school year.



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

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

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

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



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

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

151 \* \* \*

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

155 \* \* \*

156         **(5)** (a) If the board of trustees of a municipal separate  
157 school district with added territory does not have a member who is



158 a resident of the added territory outside the corporate limits,  
159 upon the petition in writing of any parent or legal guardian of a  
160 school-age child who is a resident of the added territory outside  
161 the corporate limits, the board of trustees of the municipal  
162 separate school district and the school board of the school  
163 district adjacent to the added territory shall consent to the  
164 transfer of the child from the municipal separate school district  
165 to the adjacent school district. The agreement must be spread  
166 upon the minutes of the board of trustees of the municipal  
167 separate school district and the school board of the adjacent  
168 school district. The agreement must provide for the  
169 transportation of the student. \* \* \*

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



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

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

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

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

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





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

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

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

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

