

By: Representative Felsher

To: Education

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 809

1 AN ACT TO AMEND SECTION 37-15-29, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY THE SCHOOL ENROLLMENT CHOICES OF CHILDREN OR ACTIVE
3 DUTY MEMBERS OF THE UNITED STATES ARMED FORCES AND CURRENT MEMBERS
4 OF THE MISSISSIPPI NATIONAL GUARD; TO PROVIDE THAT ACTIVE DUTY
5 SERVICE MEMBERS WHOSE CHILDREN TRANSFER TO ANOTHER SCHOOL AFTER
6 HAVING BEEN INITIALLY ENROLLED IN A SCHOOL DISTRICT FOR A
7 CONTINUOUS PERIOD SHALL BE REQUIRED TO REAPPLY FOR ADMISSION IF
8 THEY DESIRE TO RETURN TO THE PREVIOUS SCHOOL DISTRICT OR SCHOOL
9 CAMPUS OF TRANSFER; TO DEFINE CERTAIN TERMINOLOGY USED HEREIN; AND
10 FOR RELATED PURPOSES.

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

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

14 37-15-29. (1) Except as provided in subsections (2), (3),
15 (4) and (5) of this section, no minor child may enroll in or
16 attend any school except in the school district of his residence,
17 unless such child be lawfully transferred from the school district
18 of his residence to a school in another school district in accord
19 with the statutes of this state now in effect or which may be
20 hereafter enacted.

21 (2) Those children whose parent(s) or legal guardian(s) are
22 instructional personnel or certificated employees of a school



23 district may at such employee's discretion enroll and attend the
24 school or schools of their parent's or legal guardian's employment
25 regardless of the residence of the child.

26 (3) No child shall be required to be transported in excess
27 of thirty (30) miles on a school bus from his or her home to
28 school, or in excess of thirty (30) miles from school to his or
29 her home, if there is another school in an adjacent school
30 district located on a shorter school bus transportation route by
31 the nearest traveled road. Those children residing in such
32 geographical situations may, at the discretion of their parent(s)
33 or legal guardian(s), enroll and attend the nearer school,
34 regardless of the residence of the child. In the event the parent
35 or legal guardian of such child and the school board are unable to
36 agree on the school bus mileage required to transport the child
37 from his or her home to school, an appeal shall lie to the State
38 Board of Education, or its designee, whose decision shall be
39 final. The school districts involved in the appeal shall provide
40 the Mississippi Department of Education with any school bus route
41 information requested, including riding the buses as necessary, in
42 order to measure the bus routes in question, as needed by the
43 State Board of Education in considering the appeal.

44 (4) Those children lawfully transferred from the school
45 district of his residence to a school in another school district
46 prior to July 1, 1992, may, at the discretion of their parent(s)
47 or legal guardian(s), continue to enroll and attend school in the



transferee school district. Provided further, that the brother(s) and sister(s) of said children lawfully transferred prior to July 1, 1992, may also, at the discretion of their parent(s) or legal guardian(s), enroll and attend school in the transferee school district.

(5) (a) Those children whose parent(s) or legal guardian(s) are active duty members of the United States Armed Forces or whose parent(s) or legal guardian(s) are current members of any division of the Mississippi National Guard, without regard to duty status, may, at the discretion of their parent(s) or legal guardian(s), enroll and attend the school district and school campus of their parent's or legal guardian's choosing, regardless of the residence of the child.

(b) Those children whose parent(s) or legal guardian(s) are civilian military personnel and reside on a military base may, at the discretion of their parent(s) or legal guardian(s), enroll and attend the school district and school campus of their parent's or legal guardian's choosing, regardless of the residence of the child.

(c) For purposes of paragraphs (a) and (b) of this subsection (5):

(i) A school district is not required to provide transportation to a student who enrolls in or transfers to another school district or school campus within the district of chosen attendance;



(ii) A student eligible for enrollment or transfer shall be allowed only one (1) school transfer per academic year;

(iii) Once admitted, and unless expelled, the parent(s) or legal guardian(s) of students transferring under the authority of this subsection shall not be required to reapply for admission for continued enrollment in the school district or school campus of last attendance for any subsequent years of attendance therein; and

(iv) If the school district is unable to accommodate a request for enrollment for transfer due to a lack of capacity to accept the student in to the district or a specific school campus, the school board shall deny the request and spread the same upon its minutes.

(d) (i) As used in this subsection (5), "active duty" means full-time duty in the active military service of the United States, including sustained duty in the Space Force, who are engaged in full-time training duty, annual training duty, and attendance at a school designated as a service school by law or by the Secretary of the military department concerned while in the active military service. The term "active duty" also means military personnel who are considered "active guard and reserve" members of a reserve component of the Army, Navy, Air Force or Marine Corps who are on federal active duty status under 10 USCS Section 12301(d).



97 (ii) Before enrolling his or her child in the
98 selected school of choice, the service member shall provide the
99 school of enrollment with a copy of his or her Department of
100 Defense photo identification, and a "Statement of Service" from
101 the installation adjutant general or official letter from a
102 commander above the Lieutenant Colonel rank signifying that the
103 servicemember is on active duty assignment or has been mobilized
104 within the state. Members of the Mississippi National Guard need
105 only provide proof of residence within the State of Mississippi
106 and an official letter from the commanding officer of the unit to
107 which they are attached.

108 **SECTION 2.** This act shall take effect and be in force from
109 and after its passage.

