

By: Senator(s) DeBar

To: Education

## SENATE BILL NO. 2602

1 AN ACT TO REQUIRE THAT EACH SCHOOL DISTRICT REPORT TO THE  
2 STATE DEPARTMENT OF EDUCATION CERTAIN INFORMATION RELATED TO  
3 STUDENT TRANSFER REQUESTS; TO REQUIRE THE DEPARTMENT OF EDUCATION  
4 TO ADOPT A POLICY AND SYSTEM FOR REPORTING AND TO MAKE THE  
5 INFORMATION IN THE DISTRICT REPORTS AVAILABLE TO EACH DISTRICT; TO  
6 BRING FORWARD SECTIONS 37-15-29, 37-15-31 AND 37-151-93,  
7 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT;  
8 AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** (1) Not later than July 1, 2025, and by June 15  
11 of each year thereafter, each school district shall publicly  
12 report to the State Department of Education the following  
13 information:

14 (a) The criteria established by the school board for  
15 the approval or rejection of transfer requests under Section  
16 37-15-31;

17 (b) Any tuition fees or other financial obligation  
18 imposed upon students who transfer under Section 37-15-31; and

19 (c) For each school within the district, the total  
20 capacity available for each grade level served and, if applicable,  
21 by specialized program, for the acceptance of transfer students



under Section 37-15-31, and whether the school is currently accepting transfer students.

(2) (a) By June 30 of each year, each school district shall report to the State Department of Education:

(i) The total number of transfer students accepted by the district under subsections (2), (3), (4) and (5) of Section 37-15-31;

(ii) The number of applications accepted or rejected by the district, sorted by the district from which the student requested a transfer; and

(iii) For each transfer request received, the reason for rejection of the request, if applicable.

(b) The Department of Education shall adopt a policy and system for reporting and shall make the information in the district reports available to each district.

**SECTION 2.** Section 37-15-29, Mississippi Code of 1972, is brought forward as follows:

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



46           (2) Those children whose parent(s) or legal guardian(s) are  
47 instructional personnel or certificated employees of a school  
48 district may at such employee's discretion enroll and attend the  
49 school or schools of their parent's or legal guardian's employment  
50 regardless of the residence of the child.

51           (3) No child shall be required to be transported in excess  
52 of thirty (30) miles on a school bus from his or her home to  
53 school, or in excess of thirty (30) miles from school to his or  
54 her home, if there is another school in an adjacent school  
55 district located on a shorter school bus transportation route by  
56 the nearest traveled road. Those children residing in such  
57 geographical situations may, at the discretion of their parent(s)  
58 or legal guardian(s), enroll and attend the nearer school,  
59 regardless of the residence of the child. In the event the parent  
60 or legal guardian of such child and the school board are unable to  
61 agree on the school bus mileage required to transport the child  
62 from his or her home to school, an appeal shall lie to the State  
63 Board of Education, or its designee, whose decision shall be  
64 final. The school districts involved in the appeal shall provide  
65 the Mississippi Department of Education with any school bus route  
66 information requested, including riding the buses as necessary, in  
67 order to measure the bus routes in question, as needed by the  
68 State Board of Education in considering the appeal.

69           (4) Those children lawfully transferred from the school  
70 district of his residence to a school in another school district



71 prior to July 1, 1992, may, at the discretion of their parent(s)  
72 or legal guardian(s), continue to enroll and attend school in the  
73 transferee school district. Provided further, that the brother(s)  
74 and sister(s) of said children lawfully transferred prior to July  
75 1, 1992, may also, at the discretion of their parent(s) or legal  
76 guardian(s), enroll and attend school in the transferee school  
77 district.

78 (5) (a) Those children whose parent(s) or legal guardian(s)  
79 are active members of the United States Armed Forces may, at the  
80 discretion of their parent(s) or legal guardian(s), enroll and  
81 attend the school district and school campus of their parent's or  
82 legal guardian's choosing, regardless of the residence of the  
83 child.

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

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

92 (i) A school district is not required to provide  
93 transportation to a student who enrolls in or transfers to another  
94 school district or school campus within the district of chosen  
95 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.

**SECTION 3.** Section 37-15-31, Mississippi Code of 1972, is brought forward as follows:

37-15-31. (1) (a) Except as provided in subsections (2) through (5) of this section, upon the petition in writing of a parent or guardian resident of the school district of an individual student filed or lodged with the president or secretary of the school board of a school district in which the pupil has been enrolled or is qualified to be enrolled as a student under Section 37-15-9, or upon the aforesaid petition or the initiative of the school board of a school district as to the transfer of a grade or grades, individual students living in one school district or a grade or grades of a school within the districts may be



121 legally transferred to another school district, by the mutual  
122 consent of the school boards of all school districts concerned,  
123 which consent must be given in writing and spread upon the minutes  
124 of such boards.

125           (b) The school board of the transferring school  
126 district to which such petition may be addressed shall act thereon  
127 not later than its next regular meeting subsequent to the filing  
128 or lodging of the petition, and a failure to act within that time  
129 shall constitute a rejection of such request. The school board of  
130 the other school district involved (the transferee board) shall  
131 act on such request for transfer as soon as possible after the  
132 transferor board shall have approved or rejected such transfer and  
133 no later than the next regular meeting of the transferee board,  
134 and a failure of such transferee board to act within such time  
135 shall constitute a rejection of such request. If such a transfer  
136 is approved by the transferee board, then such decision shall be  
137 final. If such a transfer should be refused by the school board  
138 of either school district, then such decision shall be final.

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

142           (2) (a) Upon the petition in writing of any parent or  
143 guardian who is a resident of Mississippi and is an instructional  
144 or licensed employee of a school district, but not a resident of  
145 such district, the school board of the employer school district



shall consent to the transfer of such employee's dependent school-age children to its district and shall spread the same upon the minutes of the board. Upon the petition in writing of any parent or guardian who is not a resident of Mississippi and who is an instructional or licensed employee of a school district in Mississippi, the school board of the employer school district shall consent to the transfer of such employee's dependent school-age children to its district and shall spread the same upon the minutes of the board.

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

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

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



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

175 (3) Upon the petition in writing of any parent or legal  
176 guardian of a school-age child who is a resident of an adjacent  
177 school district residing in the geographical situation described  
178 in Section 37-15-29(3), the school board of the school district  
179 operating the school located in closer proximity to the residence  
180 of the child shall consent to the transfer of the child to its  
181 district, and shall spread the same upon the minutes of the board.  
182 Any such agreement by school boards for the legal transfer of a  
183 student under this subsection shall include a provision for the  
184 transportation of the student by either the transferor or the  
185 transferee school district. In the event that either the school  
186 board of the transferee or the transferor school district shall  
187 object to the transfer, it shall have the right to appeal to the  
188 State Board of Education whose decision shall be final. However,  
189 if the school boards agreeing on the legal transfer of any student  
190 shall fail to agree on which district shall provide  
191 transportation, the responsibility for transporting the student to  
192 the transferee school district shall be that of the parent or  
193 guardian.

194 (4) Upon the petition in writing of any parent or legal  
195 guardian of a school-age child who was lawfully transferred to





another school district prior to July 1, 1992, as described in Section 37-15-29(4), the school board of the transferee school district shall consent to the transfer of such child and the transfer of any school-age brother and sister of such child to its district, and shall spread the same upon the minutes of the board.

(5) (a) If the board of trustees of a municipal separate school district with added territory does not have a member who is a resident of the added territory outside the corporate limits, upon the petition in writing of any parent or legal guardian of a school-age child who is a resident of the added territory outside the corporate limits, the board of trustees of the municipal separate school district and the school board of the school district adjacent to the added territory shall consent to the transfer of the child from the municipal separate school district to the adjacent school district. The agreement must be spread upon the minutes of the board of trustees of the municipal separate school district and the school board of the adjacent school district. The agreement must provide for the transportation of the student. In the absence of such a provision, the parent or legal guardian shall be responsible for transporting the student to the adjacent school district. Any school district that accepts a student under this subsection may not assess any tuition fees against the transferring student.

(b) Before September 1 of each year, the board of trustees of the municipal separate school district shall certify



221 to the State Department of Education the number of students in the  
222 added territory of the municipal separate school district who are  
223 transferred to the adjacent school district under this subsection.  
224 The municipal separate school district also shall certify the  
225 total number of students in the school district residing in the  
226 added territory plus the number of those students who are  
227 transferred to the adjacent school district. Based upon these  
228 figures, the department shall calculate the percentage of the  
229 total number of students in the added territory who are  
230 transferred to the adjacent school district and shall certify this  
231 percentage to the levying authority for the municipal separate  
232 school district. The levying authority shall remit to the school  
233 board of the adjacent school district, from the proceeds of the ad  
234 valorem taxes collected for the support of the municipal separate  
235 school district from the added territory of the municipal separate  
236 school district, an amount equal to the percentage of the total  
237 number of students in the added territory who are transferred to  
238 the adjacent school district.

239 **SECTION 4.** Section 37-151-93, Mississippi Code of 1972, is  
240 brought forward as follows:

241 37-151-93. (1) Legally transferred students going from one  
242 school district to another shall be counted for total funding  
243 formula allotments by the school district wherein the pupils  
244 attend school, but shall be counted for transportation allotment  
245 purposes in the school district which furnishes or provides the



246 transportation. The school boards of the school districts which  
247 approve the transfer of a student under the provisions of Section  
248 37-15-31 shall enter into an agreement and contract for the  
249 payment or nonpayment of any portion of their local maintenance  
250 funds which they deem fair and equitable in support of any  
251 transferred student. Except as provided in subsection (2) of this  
252 section, local maintenance funds shall be transferred only to the  
253 extent specified in the agreement and contract entered into by the  
254 affected school districts. The terms of any local maintenance  
255 fund payment transfer contract shall be spread upon the minutes of  
256 both of the affected school district school boards. The school  
257 district accepting any transfer students shall be authorized to  
258 accept tuition from such students under the provisions of Section  
259 37-15-31(1) and such agreement may remain in effect for any length  
260 of time designated in the contract. The terms of such student  
261 transfer contracts and the amounts of any tuition charged any  
262 transfer student shall be spread upon the minutes of both of the  
263 affected school boards. No school district accepting any transfer  
264 students under the provisions of Section 37-15-31(2), which  
265 provides for the transfer of certain school district employee  
266 dependents, shall be authorized to charge such transfer students  
267 any tuition fees.

268 (2) Local maintenance funds shall be paid by the home school  
269 district to the transferee school district for students granted  
270 transfers under the provisions of Sections 37-15-29(3) and



271 37-15-31(3), not to exceed the student base amount, as defined in  
272 Section 37-151-201, multiplied by the number of such legally  
273 transferred students.

274       **SECTION 5.** This act shall take effect and be in force from  
275 and after July 1, 2025.

