

**Adopted  
AMENDMENT NO 1 PROPOSED TO**

**House Bill No. 1435**

**BY: Representative Owen**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

37           **SECTION 1.** Section 37-15-31, Mississippi Code of 1972, is  
38 amended as follows:  
39           37-15-31. (1) (a) Except as provided in subsections (2)  
40 through \* \* \* (7) of this section, upon the petition in writing of  
41 a parent or guardian resident of the school district of an  
42 individual student filed or lodged with the president or secretary  
43 of the school board of a school district \* \* \* to which the  
44 pupil \* \* \* is seeking transfer, individual students living in one  
45 school district \* \* \* may be legally transferred to another school  
46 district, \* \* \* provided that the school board of the school



47 district to which the transfer is sought consents \* \* \* to receive  
48 the students seeking transfer, which such consent must be given in  
49 writing and spread upon the minutes of \* \* \* the school board of  
50 the transferee school district.

51 (b) Upon receipt of such notice of petition for  
52 transfer, the school board of the transferee school district shall  
53 act on such request for transfer no later than sixty (60) days of  
54 receipt of the request by the transferee board, and a failure of  
55 such transferee board to act within such time shall constitute an  
56 approval of such request and approved enrollment by the school  
57 board of the transferee school district. If such a transfer is  
58 approved or denied by the school board of the transferee school  
59 district, then such decision shall be final and binding for the  
60 duration of the scholastic year in which such decision was made.

61 ( \* \* \*c) \* \* \* The transferee school district shall  
62 notify, in writing, the school district from which the pupil or  
63 pupils are transferring of the receipt of such transfer request  
64 within a reasonable period of time, and the school board of the  
65 transferor school district shall spread the same upon its minutes.

66 \* \* \*

67 ( \* \* \*d) Any legal guardianship formed for the purpose  
68 of establishing residency for school district attendance purposes  
69 shall not be recognized by the affected school board.

70 (e) The legal transfer of a student under this  
71 subsection shall include a provision for the transportation of the



72 student by either the parent or legal guardian of the student or  
73 the transferee school district, provided that the transferee  
74 school district does not violate the provision of Section  
75 37-15-29(3), prohibiting the transportation of students in excess  
76 of thirty (30) miles from his or her home. In the absence of such  
77 a provision, the responsibility for transporting the student to  
78 the transferee school district shall be that of the parent or  
79 guardian.

80 (f) The provisions of this subsection (1) of this  
81 section shall not apply to school-age children whose parent(s) or  
82 legal guardian(s) are active members of the United States Armed  
83 Forces complying with Section 37-15-29(5).

84 (g) Athletic eligibility for a school-age child who  
85 transfers to another school or school district pursuant to this  
86 subsection shall be determined in accordance with rules and  
87 regulations promulgated by the Mississippi High School Association  
88 governing student eligibility for any athletic extracurricular  
89 activities.

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



97 parent or guardian who is not a resident of Mississippi and who is  
98 an instructional or licensed employee of a school district in  
99 Mississippi, the school board of the employer school district  
100 shall consent to the transfer of such employee's dependent  
101 school-age children to its district and shall spread the same upon  
102 the minutes of the board.

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

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

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

119 (e) Any school district which accepts a student under  
120 the provisions of this subsection shall not assess any tuition



121 fees upon such transferring student in accordance with the  
122 provisions of Section 37-19-27.

123 (3) Upon the petition in writing of any parent or legal  
124 guardian of a school-age child who is a resident of an adjacent  
125 school district residing in the geographical situation described  
126 in Section 37-15-29(3), the school board of the school district  
127 operating the school located in closer proximity to the residence  
128 of the child shall consent to the transfer of the child to its  
129 district, and shall spread the same upon the minutes of the board.

130 \* \* \* The legal transfer of a student under this subsection shall  
131 include a provision for the transportation of the student by  
132 either the \* \* \* parent or legal guardian or the student or the  
133 transferee school district. \* \* \* The responsibility for  
134 transporting the student to the transferee school district shall  
135 be that of the parent or guardian if the transferee school  
136 district does not agree in the consent of transfer, which shall be  
137 spread upon its minutes, to provide transportation for the  
138 student.

139 \* \* \*

140 ( \* \* \* 4) \* \* \* Before September 1 of each year, the board  
141 of trustees of \* \* \* a municipal separate school district shall  
142 certify to the State Department of Education the number of  
143 students in the added territory of the municipal separate school  
144 district who are transferred to the adjacent school district under  
145 this subsection. The municipal separate school district also



146 shall certify the total number of students in the school district  
147 residing in the added territory plus the number of those students  
148 who are transferred to the adjacent school district. Based upon  
149 these figures, the department shall calculate the percentage of  
150 the total number of students in the added territory who are  
151 transferred to the adjacent school district and shall certify this  
152 percentage to the levying authority for the municipal separate  
153 school district. The levying authority shall remit to the school  
154 board of the adjacent school district, from the proceeds of the ad  
155 valorem taxes collected for the support of the municipal separate  
156 school district from the added territory of the municipal separate  
157 school district, an amount equal to the percentage of the total  
158 number of students in the added territory who are transferred to  
159 the adjacent school district.

160 (5) The sibling(s) of any child lawfully transferred in  
161 accordance with this section, may also, at the discretion of their  
162 parent(s) or legal guardian(s), enroll and attend school in the  
163 transferee school district, subject to the provisions of this act.  
164 For purposes of this subsection, the term sibling includes any  
165 biological child, stepchild, adopted child, or foster child in  
166 temporary or permanent placement who resides in the same household  
167 of the parent or legal guardian who has a child lawfully  
168 transferred to another school district under the provisions of  
169 this section, provided that such sibling is transferred to the  
170 same school district as the previously transferred sibling. The



171 transferee school district shall have the sole discretion to  
172 determine which school within the school district a student  
173 approved for transfer will be placed.

174 (6) (a) Each school district shall implement an enrollment  
175 options program as provided in this section. The local school  
176 board of each school district shall adopt policies, in its sole  
177 discretion, to govern the process for enrollment options pursuant  
178 to this section. The policies shall prohibit discrimination  
179 against any pupil on the basis of his residential address,  
180 ability, disability, race, ethnicity, sex or socioeconomic status.  
181 The policies shall be posted to the school district's website.

182 (b) In the development of its policies, each school  
183 board shall prohibit an evaluation of whether a pupil should be  
184 enrolled based upon the pupil's academic or athletic performance.  
185 The local school board, in its sole discretion, shall calculate  
186 the capacity for each school within the district in accordance  
187 with subsection (8) of this section. School districts may employ  
188 existing entrance criteria for specialized schools or programs if  
189 the criteria are uniformly applied to all individuals submitting  
190 transfer requests. This subsection shall not be construed to  
191 prohibit school districts from using academic performance to  
192 determine eligibility for, or placement in, programs for gifted  
193 and talented pupils established under Section 37-23-179.

194 (7) For students transferring to a school district in which  
195 the student does not reside, the State Department of Education



196 shall pay to the transferee school district (receiving school  
197 district) to which the student is transferred an amount equal to  
198 the total funding formula funds, allocated for each student  
199 transferring to a school district outside his or her district of  
200 residence. The amount of funds payable to the receiving school  
201 district by the department must be based on the local school  
202 district of residence's previous year's enrollment data,  
203 determined by using months one (1) through nine (9) average daily  
204 membership, as reported to the State Department of Education by  
205 the transferor local school district. Any such payments made  
206 under this subsection (5) by the State Department of Education to  
207 a receiving school district must be made two (2) business days  
208 prior to the last working day of each month. There shall be paid  
209 to a receiving school district, by electronic funds transfer,  
210 one-twelfth (1/12) of the funds to which the receiving school  
211 district is entitled from funds appropriated for the adequate  
212 education program fund, or any subsequent funding program which  
213 replaces such program fund, for each child transferred to such  
214 school district under the authority of this section. However, in  
215 December those payments shall be made on December 15th or the next  
216 business day after that date. If a student transfer occurs after  
217 the start date of the scholastic year, the department shall not  
218 make any distribution of payments to the receiving school district  
219 until such time that the receiving school district certifies the  
220 enrollment of the transfer student to the department, which shall





221 then only make payments to the receiving school district for such  
222 student for the remainder of the scholastic year as a  
223 proportionate share of the one-twelfth (1/12) of funds to which  
224 the receiving school district is entitled.

225 (8) (a) In determining the capacity for each school within  
226 the school district pursuant to subsection (6)(b) each school  
227 district shall, in its sole discretion, determine the maximum  
228 enrollment for each grade level for each school within the  
229 district. The school district's enrollment options program,  
230 including capacity and grade level enrollment levels, determined  
231 by the school district shall be published on the school district's  
232 website at a reasonable time before the start of the academic  
233 school year. The school district's decision on enrollment levels  
234 shall be final and binding.

235 (b) Not less than two (2) times during the school year,  
236 each school district shall publicly post on its website the  
237 capacity for each school within the school district as determined  
238 pursuant to subsection (6)(b) and the maximum enrollment for each  
239 grade level for each school as determined pursuant to paragraph  
240 (a) of this subsection. A school district that does not meet the  
241 minimum sample size necessary to prevent unlawful release of  
242 personally identifiable student data established pursuant to  
243 subsection (10) of this section is not subject to the publication  
244 requirements pursuant to this subsection.



245           (c) Not less than two (2) times during the school  
246 year, every school district shall report to the state reporting  
247 system the capacity for each school within the school district as  
248 determined pursuant to subsection (6) (b) and the maximum  
249 enrollment for each grade level for each school as determined  
250 pursuant to paragraph (a) of this subsection, the number of  
251 transfer requests, the number of accepted transferred pupils and  
252 the number of denied transfer requests.

253           (9) By August 1 of each year, the State Board of Education  
254 shall collect, analyze and publish to its website the capacity and  
255 transfer data from each school district from the previous year.  
256 The report shall include the number of participants, the number of  
257 denied requests, and other relevant information. The board shall  
258 also report this information to the Legislature no later than  
259 December 31 of each year.

260           (10) The State Board of Education shall not publish or  
261 release data of a school district if the number of students who  
262 requested a transfer is less than the minimum sample size  
263 necessary for prevention of the unlawful release of personally  
264 identifiable student data. The board shall establish the minimum  
265 number of students necessary to meet the requirements of this  
266 subsection.

267           (11) The provisions of this section shall not supersede any  
268 provision of an enforceable desegregation court order or a  
269 court-approved desegregation plan.



270       (12) The receiving school district shall identify each  
271 student it accepts into its district under the transfer authority  
272 of this section and report that data to the State Department of  
273 Education by category of student name, grade classification, grade  
274 point average, gender and ethnicity. The department shall then  
275 compile this data by district, redacting all personally  
276 identifying information of students to prevent any FERPA  
277 violations, and submit an annual report of this information to  
278 each member of the Legislature.

279       **SECTION 2.** (1) There is established within the State  
280 Treasury, a special fund to be designated as the "Student  
281 Portability and Open Enrollment Fund." Monies in the fund shall  
282 be expended by the State Department of Education, upon  
283 appropriation of the Legislature, for the purposes of paying the  
284 cost of the local portion of total funding formula base-student  
285 cost for the transferring student at the transferee district's  
286 rate, which shall be allocated to transferee school districts on a  
287 first-come, first-served basis. The Student Portability and Open  
288 Enrollment Fund shall consist of:

289               (a) Monies appropriated to or transferred into the fund  
290 by the Legislature, provided that such annual legislative  
291 appropriations or transfers into the fund shall not exceed Five  
292 Million Dollars (\$5,000,000.00);

293               (b) Monies transferred to the fund from the federal  
294 government, other state agencies or local governments;



295 (c) Any gifts, donations or grants made to the state  
296 for deposit in the fund;

297 (d) Monies collected for the fund from contributions  
298 to, or investment returns or assets of, the program or other  
299 monies collected by or for the program to the extent permitted  
300 under federal and state law; and

301 (e) Earnings on monies in the fund.

302 (2) The State Board of Education shall accept any grants,  
303 gifts, appropriations, or other monies from the state, any unit of  
304 federal, state or local government, or any other person, firm,  
305 partnership, corporation or other entity solely for deposit into  
306 the fund, whether for investment or administrative expenses.

307 (3) Unexpended amounts remaining in the Student Portability  
308 and Open Enrollment Fund at the end of a fiscal year shall not  
309 lapse into the State General Fund, and any interest earned or  
310 investment earnings on amounts in the fund shall be deposited into  
311 such fund.

312 **SECTION 3.** This act shall take effect and be in force from  
313 and after July 1, 2025.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 37-15-31, MISSISSIPPI CODE OF 1972,  
2 TO REMOVE THE REQUIREMENT FOR THE SCHOOL BOARD OF THE SCHOOL  
3 DISTRICT OF A CHILD'S RESIDENCE CONSENT TO THE RELEASE OF THE  
4 STUDENT FOR TRANSFER TO ANOTHER SCHOOL DISTRICT; TO ONLY REQUIRE  
5 THAT THE TRANSFEREE SCHOOL BOARD APPROVE OR REFUSE THE TRANSFER OF  
6 A STUDENT UPON RECEIVING NOTICE AND OFFICIAL MEETING OF THE BOARD



7 TO ACT ON SUCH TRANSFER; TO AUTHORIZE THE SIBLINGS OF A LAWFULLY  
8 TRANSFERRED STUDENT TO ENROLL IN THE TRANSFEREE SCHOOL DISTRICT AT  
9 THE DISCRETION OF THEIR PARENT(S) OR LEGAL GUARDIAN(S); THAT A  
10 TRANSFER STUDENT'S ATHLETIC ELIGIBILITY SHALL BE DETERMINED IN  
11 ACCORDANCE WITH RULES AND REGULATIONS PROMULGATED BY MHSAA  
12 GOVERNING STUDENT ELIGIBILITY TO PROVIDE FOR THE ALLOCATION AND  
13 DISBURSEMENT OF FUNDS TO A RECEIVING SCHOOL DISTRICT UPON THE  
14 COMPLETION AND CERTIFICATION OF A STUDENT TRANSFER REQUEST; TO  
15 STIPULATE THAT A SCHOOL OR DISTRICT MAY NOT ACCEPT OR DENY  
16 STUDENTS FOR TRANSFER BASED ON THE STUDENT'S ABILITY OR  
17 DISABILITY; TO REQUIRE SCHOOL DISTRICTS TO PUBLISH THE NUMBER OF  
18 AVAILABLE SEATS OPEN TO TRANSFERS WITHIN THE DISTRICT AND  
19 INDIVIDUALIZED BY SCHOOL FACILITY; TO REQUIRE THE DISTRICT TO  
20 PUBLISH SUCH INFORMATION AT A REASONABLE TIME BEFORE THE START OF  
21 THE SCHOOL YEAR; TO REQUIRE DISTRICTS TO ADOPT AND PUBLISH THE  
22 PROCESSES USED TO CHOOSE STUDENTS FOR TRANSFER; TO REQUIRE THE  
23 STATE DEPARTMENT TO COLLECT AND PUBLISH STUDENT TRANSFER DATA,  
24 CATEGORIZED BY ACCEPTANCE, DENIALS AND REASONS FOR DENIALS; TO  
25 PROVIDE THAT TRANSFER AUTHORITY OF A DISTRICT TO RECEIVE OR DENY  
26 THE ACCEPTANCE OF A STUDENT REQUESTING TRANSFER INTO THE DISTRICT  
27 SHALL NOT SUPERSEDE ANY PROVISION OF AN ENFORCEABLE DESEGREGATION  
28 ORDER OR A COURT-APPROVED DESEGREGATION PLAN; TO CREATE THE  
29 STUDENT PORTABILITY AND OPEN ENROLLMENT FUND AS A SPECIAL FUND IN  
30 THE STATE TREASURY; TO PROVIDE THAT MONIES IN THE FUND SHALL BE  
31 EXPENDED BY THE STATE DEPARTMENT OF EDUCATION, UPON APPROPRIATION  
32 OF THE LEGISLATURE, FOR THE PURPOSE OF PAYING THE COST OF THE  
33 STATE PORTION OF TOTAL FUNDING FORMULA BASE-STUDENT COST FOR THE  
34 TRANSFERRING STUDENT AT THE TRANSFEREE DISTRICT'S RATE; AND FOR  
35 RELATED PURPOSES.

