

Senate Amendments to House Bill No. 809

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

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

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

her home, if there is another school in an adjacent school district located on a shorter school bus transportation route by the nearest traveled road. Those children residing in such geographical situations may, at the discretion of their parent(s) or legal guardian(s), enroll and attend the nearer school, regardless of the residence of the child. In the event the parent or legal guardian of such child and the school board are unable to agree on the school bus mileage required to transport the child from his or her home to school, an appeal shall lie to the State Board of Education, or its designee, whose decision shall be final. The school districts involved in the appeal shall provide the Mississippi Department of Education with any school bus route information requested, including riding the buses as necessary, in order to measure the bus routes in question, as needed by the State Board of Education in considering the appeal.

(4) Those children lawfully transferred from the school district of his residence to a school in another school district prior to July 1, 1992, may, at the discretion of their parent(s) 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, or Active Guard and Reserve duty, members of the

United States Armed Forces, but not those who are performing
inactive duty training, 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.

(ii) As used in this subsection (5), "Active Guard and Reserve duty" means active duty or full-time National Guard duty performed by a member of a reserve component of the Army, Navy, Air Force, Space Force or Marine Corps, which is pursuant to an order to active duty or full-time National Guard duty for a period of one hundred eighty (180) consecutive days or more.

(iii) Before enrolling his or her child in the selected school of choice, the service member shall provide the school of enrollment with a copy of his or her Department of Defense photo identification, and a "Statement of Service" from the installation adjutant general or official letter from a commander above the Lieutenant Colonel rank signifying that the service member is on active duty, or Active Guard and Reserve duty, assignment or has been mobilized within the state.

SECTION 2. This act shall take effect and be in force from and after its passage, and shall stand repealed the day before its passage.

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

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, OR ACTIVE GUARD AND RESERVE DUTY, MEMBERS OF THE UNITED
4 STATES ARMED FORCES; TO PROVIDE THAT ACTIVE DUTY, OR ACTIVE GUARD
5 AND RESERVE DUTY, SERVICE MEMBERS WHOSE CHILDREN TRANSFER TO
6 ANOTHER SCHOOL AFTER HAVING BEEN INITIALLY ENROLLED IN A SCHOOL
7 DISTRICT FOR A CONTINUOUS PERIOD SHALL BE REQUIRED TO REAPPLY FOR
8 ADMISSION IF THEY DESIRE TO RETURN TO THE PREVIOUS SCHOOL DISTRICT
9 OR SCHOOL CAMPUS OF TRANSFER; TO DEFINE CERTAIN TERMINOLOGY USED
10 HEREIN; AND FOR RELATED PURPOSES.

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Amanda White
Secretary of the Senate