

By: Representatives Robinson (84th), Horne

To: Education

HOUSE BILL NO. 413
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 37-15-31, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE TRANSFER OF STUDENTS RESIDING IN THE ADDED
3 TERRITORY OF A MUNICIPAL SCHOOL DISTRICT TO THE SCHOOL DISTRICT
4 ADJACENT TO THE ADDED TERRITORY WHEN THE BOARD OF TRUSTEES OF THE
5 MUNICIPAL SCHOOL DISTRICT DOES NOT HAVE A MEMBER FROM THE ADDED
6 TERRITORY; TO AUTHORIZE LICENSED SCHOOL EMPLOYEES WHO ARE
7 NONRESIDENTS OF THE STATE TO ENROLL THEIR DEPENDENT SCHOOL-AGE
8 CHILDREN IN THE MISSISSIPPI SCHOOL DISTRICT IN WHICH THEY ARE
9 EMPLOYED; AND FOR RELATED PURPOSES.

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

11 SECTION 1. Section 37-15-31, Mississippi Code of 1972, is
12 amended as follows:

13 37-15-31. (1) (a) Except as provided in subsections (2)
14 through (5) of this section, upon the petition in writing of a
15 parent or guardian resident of the school district of an
16 individual student filed or lodged with the president or secretary
17 of the school board of a school district in which the pupil has
18 been enrolled or is qualified to be enrolled as a student under
19 Section 37-15-9, or upon the aforesaid petition or the initiative
20 of the school board of a school district as to the transfer of a
21 grade or grades, individual students living in one school district
22 or a grade or grades of a school within the districts may be
23 legally transferred to another school district, by the mutual
24 consent of the school boards of all school districts concerned,
25 which consent must be given in writing and spread upon the minutes
26 of such boards.

27 * * *

28 (b) The school board of the transferring school
29 district to which such petition may be addressed shall act thereon

30 not later than its next regular meeting subsequent to the filing
31 or lodging of the petition, and a failure to act within that time
32 shall constitute a rejection of such request. The school board of
33 the other school district involved (the transferee board) shall
34 act on such request for transfer as soon as possible after the
35 transferor board shall have approved or rejected such transfer and
36 no later than the next regular meeting of the transferee
37 board * * *, and a failure of such transferee board to act within
38 such time shall constitute a rejection of such request. If such a
39 transfer is approved by the transferee board, * * * then such
40 decision shall be final. If such a transfer should be refused by
41 the school board of either school district * * *, then such
42 decision shall be final.

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

46 (2) (a) Upon the petition in writing of any parent or
47 guardian who is a resident of Mississippi and is an instructional
48 or licensed employee of a school district, but not a resident of
49 such district, the school board of the employer school district
50 shall consent to the transfer of such employee's dependent
51 school-age children to its district and shall spread the same upon
52 the minutes of the board. Upon the petition in writing of any
53 parent or guardian who is not a resident of Mississippi and who is
54 an instructional or licensed employee of a school district in
55 Mississippi, the school board of the employer school district
56 shall consent to the transfer of such employee's dependent
57 school-age children to its district and shall spread the same upon
58 the minutes of the board.

59 (b) The school board of any school district, in its
60 discretion, may adopt a uniform policy to allow the enrollment and
61 attendance of the dependent children of noninstructional and
62 nonlicensed employees, who are residents of Mississippi but are

63 not residents of their district. Such policy shall be based upon
64 the employment needs of the district, implemented according to job
65 classification groups and renewed each school year.

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

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

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

79 (3) Upon the petition in writing of any parent or legal
80 guardian of a school-age child who is a resident of an adjacent
81 school district residing in the geographical situation described
82 in Section 37-15-29(3), the school board of the school district
83 operating the school located in closer proximity to the residence
84 of the child shall consent to the transfer of the child to its
85 district, and shall spread the same upon the minutes of the board.
86 Any such agreement by school boards for the legal transfer of a
87 student under this subsection shall include a provision for the
88 transportation of the student by either the transferor or the
89 transferee school district. In the event that either the school
90 board of the transferee or the transferor school district shall
91 object to the transfer, it shall have the right to appeal to the
92 State Board of Education whose decision shall be final. However,
93 if the school boards agreeing on the legal transfer of any student
94 shall fail to agree on which district shall provide
95 transportation, the responsibility for transporting the student to

96 the transferee school district shall be that of the parent or
97 guardian.

98 (4) Upon the petition in writing of any parent or legal
99 guardian of a school-age child who was lawfully transferred to
100 another school district prior to July 1, 1992, as described in
101 Section 37-15-29(4), the school board of the transferee school
102 district shall consent to the transfer of such child and the
103 transfer of any school-age brother and sister of such child to its
104 district, and shall spread the same upon the minutes of the board.

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

123 (b) Before September 1 of each year, the board of
124 trustees of the municipal separate school district shall certify
125 to the State Department of Education the number of students in the
126 added territory of the municipal separate school district who are
127 transferred to the adjacent school district under this subsection.
128 The municipal separate school district also shall certify the

129 total number of students in the school district residing in the
130 added territory plus the number of those students who are
131 transferred to the adjacent school district. Based upon these
132 figures, the department shall calculate the percentage of the
133 total number of students in the added territory who are
134 transferred to the adjacent school district and shall certify this
135 percentage to the levying authority for the municipal separate
136 school district. The levying authority shall remit to the school
137 board of the adjacent school district, from the proceeds of the ad
138 valorem taxes collected for the support of the municipal separate
139 school district from the added territory of the municipal separate
140 school district, an amount equal to the percentage of the total
141 number of students in the added territory who are transferred to
142 the adjacent school district.

143 SECTION 2. This act shall take effect and be in force from
144 and after July 1, 2001.