

By: Representative Scott (17th)

To: Education

HOUSE BILL NO. 466

1 AN ACT TO AMEND SECTION 37-15-31, MISSISSIPPI CODE OF 1972,
2 TO PROHIBIT THE AUTOMATIC TRANSFER OF STUDENTS FROM A MUNICIPAL
3 SCHOOL DISTRICT'S ADDED TERRITORY, WHEN THE ADDED TERRITORY HAS NO
4 REPRESENTATION ON THE MUNICIPAL SCHOOL BOARD, TO THE ADJACENT
5 SCHOOL DISTRICT IF THE TRANSFER WILL PLACE UNDUE HARDSHIP ON THE
6 ADJACENT DISTRICT; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 37-15-31, Mississippi Code of 1972, is
9 amended as follows:

10 37-15-31. (1) (a) Except as provided in subsections (2)
11 through (5) of this section, upon the petition in writing of a
12 parent or guardian resident of the school district of an
13 individual student filed or lodged with the president or secretary
14 of the school board of a school district in which the pupil has
15 been enrolled or is qualified to be enrolled as a student under
16 Section 37-15-9, or upon the aforesaid petition or the initiative
17 of the school board of a school district as to the transfer of a
18 grade or grades, individual students living in one school district
19 or a grade or grades of a school within the districts may be
20 legally transferred to another school district, by the mutual
21 consent of the school boards of all school districts concerned,
22 which consent must be given in writing and spread upon the minutes
23 of such boards.

24 (b) The school board of the transferring school
25 district to which such petition may be addressed shall act thereon
26 not later than its next regular meeting subsequent to the filing
27 or lodging of the petition, and a failure to act within that time
28 shall constitute a rejection of such request. The school board of
29 the other school district involved (the transferee board) shall



30 act on such request for transfer as soon as possible after the
31 transferor board shall have approved or rejected such transfer and
32 no later than the next regular meeting of the transferee board,
33 and a failure of such transferee board to act within such time
34 shall constitute a rejection of such request. If such a transfer
35 is approved by the transferee board, then such decision shall be
36 final. If such a transfer should be refused by the school board
37 of either school district, then such decision shall be final.

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

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

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

61 (c) The employer transferee school district shall
62 notify in writing the school district from which the pupil or



63 pupils are transferring, and the school board of the transferor
64 school district shall spread the same upon its minutes.

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

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

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

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



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

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

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



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

142 **SECTION 2.** This act shall take effect and be in force from
143 and after July 1, 2002.

