

By: Representative Robinson (63rd)

To: Education

HOUSE BILL NO. 604

1 AN ACT TO AMEND SECTION 37-15-9, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE CHILDREN TRANSFERRING TO PUBLIC SCHOOL FROM A PRIVATE
3 SCHOOL WITHIN MISSISSIPPI TO ENROLL AT THEIR GRADE LEVEL IN THE
4 PRIVATE SCHOOL REGARDLESS OF THEIR AGE; AND FOR RELATED PURPOSES.

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

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

8 37-15-9. (1) Except as provided in subsection (2) and
9 subject to the provision of subsection (3) of this section, no
10 child shall be enrolled or admitted to any school which is a part
11 of the free public school system during any school year unless
12 such child will reach his sixth birthday on or before September 1
13 of said school year. No pupil shall be permanently enrolled in a
14 school in the State of Mississippi who formerly was enrolled in
15 another public or private school within the state until the
16 cumulative record of the pupil shall have been received from the
17 school from which he transferred. Should such record have become
18 lost or destroyed, then it shall be the duty of the superintendent
19 or principal of the school where the pupil last attended school to
20 initiate a new record.

21 (2) Subject to the provisions of subsection (3) of this
22 section, any child who transfers from a private school or an
23 out-of-state public * * * school in which that state's law
24 provides for a first-grade or kindergarten enrollment date
25 subsequent to September 1, shall be allowed to enroll in the
26 public schools of Mississippi at the same grade level as the
27 child's grade level in the school from which the child is
28 transferring, if:



29 (a) When the transfer is from a school outside of
30 Mississippi, the parent, legal guardian or custodian of such child
31 was a legal resident of the state from which the child is
32 transferring;

33 (b) The * * * school from which the child is
34 transferring is duly accredited by the appropriate accrediting
35 authority;

36 (c) Such child was legally enrolled in the public or
37 private school from which the child is transferring for a minimum
38 of four (4) weeks * * *; and

39 (d) The superintendent of schools in the applicable
40 Mississippi school district has determined that the child was
41 making satisfactory educational progress in the previous school.

42 (3) When any child applies for admission or enrollment in
43 any public school in the state, the parent, guardian or child, in
44 the absence of an accompanying parent or guardian, shall indicate
45 on the school registration form if the enrolling child has been
46 expelled from any public or private school or is currently a party
47 to an expulsion proceeding. If it is determined from the child's
48 cumulative record or application for admission or enrollment that
49 the child has been expelled, the school district may deny the
50 student admission and enrollment until the superintendent of the
51 school or his designee has reviewed the child's cumulative record
52 and determined that the child has participated in successful
53 rehabilitative efforts including, but not limited to, progress in
54 an alternative school or similar program. If the child is a party
55 to an expulsion proceeding, the child may be admitted to a public
56 school pending final disposition of the expulsion proceeding. If
57 the expulsion proceeding results in the expulsion of the child,
58 the public school may revoke such admission to school. If the
59 child was expelled or is a party to an expulsion proceeding for an
60 act involving violence, weapons, alcohol, illegal drugs or other
61 activity that may result in expulsion, the school district shall



62 not be required to grant admission or enrollment to the child
63 before one (1) calendar year after the date of the expulsion.

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

