

By: Representative Reeves

To: Education

HOUSE BILL NO. 1095

1 AN ACT TO AMEND SECTIONS 37-15-29 AND 37-15-31, MISSISSIPPI
2 CODE OF 1972, TO AUTHORIZE STUDENTS WHO RESIDE IN THE ADDED
3 TERRITORY OF A MUNICIPAL SEPARATE SCHOOL DISTRICT, OUTSIDE THE
4 CORPORATE LIMITS, TO ATTEND SCHOOL IN EITHER THE MUNICIPAL
5 SEPARATE SCHOOL DISTRICT OR THE COUNTY SCHOOL DISTRICT ADJACENT TO
6 THE ADDED TERRITORY; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 37-15-29, Mississippi Code of 1972, is
9 amended as follows:

10 37-15-29. (1) Except as provided in subsections (2) through
11 (5) of this section, no minor child may enroll in or attend any
12 school except in the school district of his residence, unless such
13 child be lawfully transferred from the school district of his
14 residence to a school in another school district * * *.

15 (2) Those children whose parent(s) or legal guardian(s) are
16 instructional personnel or licensed employees of a school
17 district * * * at such employee's discretion may enroll and attend
18 the school or schools of their parent's or legal guardian's
19 employment regardless of the residence of the child.

20 (3) No child shall be required to be transported in excess
21 of thirty (30) miles on a school bus from his or her home to
22 school, or in excess of thirty (30) miles from school to his or
23 her home, if there is another school in an adjacent school
24 district located on a shorter school bus transportation route by
25 the nearest traveled road. Those children residing in such
26 geographical situations * * *, at the discretion of their
27 parent(s) or legal guardian(s), may enroll and attend the nearer
28 school, regardless of the residence of the child. In the event
29 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.

(4) Those children lawfully transferred from the school district of his residence to a school in another school district prior to July 1, 1992, * * * at the discretion of their parent(s) or legal guardian(s), may continue to enroll and attend school in the transferee school district. * * * Further, * * * the brother(s) and sister(s) of those children lawfully transferred prior to July 1, 1992, * * * at the discretion of their parent(s) or legal guardian(s), also may enroll and attend school in the transferee school district.

(5) Those children who reside in the added territory of a municipal separate school district outside the corporate limits, in the discretion of their parent or legal guardian, may enroll and attend school in the county school district adjacent to the added territory of the municipal separate school district.

SECTION 2. Section 37-15-31, Mississippi Code of 1972, is amended as follows:

37-15-31. (1) (a) Except as provided in subsections (2) through (5) of this section, upon the petition in writing of a parent or guardian resident of the school district of an individual student filed or lodged with the president or secretary of the school board of a school district in which the pupil has been enrolled or is qualified to be enrolled as a student under Section 37-15-9, or upon the aforesaid petition or the initiative of the school board of a school district as to the transfer of a grade or grades, individual students living in one school district or a grade or grades of a school within the districts may be legally transferred to another school district, by the mutual consent of the school boards of all school districts concerned,



62 which consent must be given in writing and spread upon the minutes
63 of such boards.

64 (b) The school board of the transferring school
65 district to which such petition may be addressed shall act thereon
66 not later than its next regular meeting subsequent to the filing
67 or lodging of the petition, and a failure to act within that time
68 shall constitute a rejection of such request. The school board of
69 the other school district involved (the transferee board) shall
70 act on such request for transfer as soon as possible after the
71 transferor board shall have approved or rejected such transfer and
72 no later than the next regular meeting of the transferee board,
73 and a failure of such transferee board to act within such time
74 shall constitute a rejection of such request. If such a transfer
75 is approved by the transferee board, then such decision shall be
76 final. If such a transfer should be refused by the school board
77 of either school district, then such decision shall be final.

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

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



94 (b) The school board of any school district, in its
95 discretion, may adopt a uniform policy to allow the enrollment and
96 attendance of the dependent children of noninstructional and
97 nonlicensed employees, who are residents of Mississippi but are
98 not residents of their district. Such policy shall be based upon
99 the employment needs of the district, implemented according to job
100 classification groups and renewed each school year.

101 (c) The employer transferee school district shall
102 notify in writing the school district from which the pupil or
103 pupils are transferring, and the school board of the transferor
104 school district shall spread the same upon its minutes.

105 (d) Any such agreement by school boards for the legal
106 transfer of a student shall include a provision providing for the
107 transportation of the student. In the absence of such a
108 provision, the responsibility for transporting the student to the
109 transferee school district shall be that of the parent or
110 guardian.

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

115 (3) Upon the petition in writing of any parent or legal
116 guardian of a school-age child who is a resident of an adjacent
117 school district residing in the geographical situation described
118 in Section 37-15-29(3), the school board of the school district
119 operating the school located in closer proximity to the residence
120 of the child shall consent to the transfer of the child to its
121 district, and shall spread the same upon the minutes of the board.
122 Any such agreement by school boards for the legal transfer of a
123 student under this subsection shall include a provision for the
124 transportation of the student by either the transferor or the
125 transferee school district. In the event that either the school
126 board of the transferee or the transferor school district shall



object to the transfer, it shall have the right to appeal to the State Board of Education whose decision shall be final. However, if the school boards agreeing on the legal transfer of any student * * * fail to agree on which district shall provide transportation, the responsibility for transporting the student to the transferee school district shall be that of the parent or guardian.

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

(5) (a) * * * Upon the petition in writing of any parent or legal guardian of a school-age child who is a resident of the added territory of a municipal separate school district outside the corporate limits, the board of trustees of the municipal separate school district and the school board of the county school district adjacent to the added territory shall consent to the transfer of the child from the municipal separate school district to the adjacent county school district. The agreement must be spread upon the minutes of the board of trustees of the municipal separate school district and the school board of the adjacent county school district. The agreement must provide for the transportation of the student. In the absence of such a provision, the parent or legal guardian shall be responsible for transporting the student to the adjacent county school district. A school district required to accept a student under this subsection may not assess any tuition fees against the transferring student.

(b) Before September 1 of each year, the board of trustees of the municipal separate school district shall certify



160 to the State Department of Education the number of students in the
161 added territory of the municipal separate school district who are
162 transferred to the adjacent county school district under this
163 subsection. The municipal separate school district also shall
164 certify the total number of students in the school district
165 residing in the added territory plus the number of those students
166 who are transferred to the adjacent county school district. Based
167 upon these figures, the department shall calculate the percentage
168 of the total number of students in the added territory who are
169 transferred to the adjacent county school district and shall
170 certify this percentage to the levying authority for the municipal
171 separate school district. The levying authority shall remit to
172 the school board of the adjacent county school district, from the
173 proceeds of the ad valorem taxes collected for the support of the
174 municipal separate school district from the added territory of the
175 municipal separate school district, an amount equal to the
176 percentage of the total number of students in the added territory
177 who are transferred to the adjacent county school district.

178 **SECTION 3.** This act shall take effect and be in force from
179 and after July 1, 2002.

