

By: Senator(s) Flowers

To: Education; Judiciary,
Division B

SENATE BILL NO. 2084

1 AN ACT TO AMEND SECTION 37-15-29, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE CIVIL PENALTIES AND REQUIRE RESTITUTION FROM PARENTS OR
3 GUARDIANS WHO INTENTIONALLY ENROLL THEIR CHILDREN IN THE SCHOOLS
4 OF A SCHOOL DISTRICT IN WHICH THEY DO NOT RESIDE; TO PROVIDE
5 CRIMINAL PENALTIES FOR VIOLATIONS OF THIS ACT IN CASES WHERE THE
6 PARENT OR GUARDIAN HAS INTENTIONALLY ENROLLED THE CHILD IN A
7 NONRESIDENT SCHOOL DISTRICT FOR TWO OR MORE SCHOOL YEARS; AND FOR
8 RELATED PURPOSES.

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

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

12 37-15-29. (1) (a) Except as provided in subsections (2),
13 (3) and (4) of this section, no minor child may enroll in or
14 attend any school except in the school district of his residence,
15 unless such child be lawfully transferred from the school district
16 of his residence to a school in another school district in accord
17 with the statutes of this state now in effect or which may be
18 hereafter enacted.

19 (b) In cases where the parent or legal guardian of a
20 child has intentionally and willfully enrolled and allowed his
21 child to attend a school in a school district in which the child
22 does not reside, the local school board of the nonresident school
23 district shall be authorized to administratively levy a civil
24 penalty against such parent or guardian in an amount not to exceed
25 Five Hundred Dollars (\$500.00) per occurrence, and in addition,
26 shall assess such parent or guardian an amount equal to the cost
27 of educating the child in the nonresident school district which
28 was provided from local district maintenance funds. Any such
29 civil penalty shall be enforceable in a court of competent
30 jurisdiction.

31 (c) In cases where the parent or legal guardian of a
32 child has intentionally and willfully enrolled and allowed his
33 child to attend a school in a school district in which the child
34 does not reside for two (2) or more consecutive school years, the
35 parent or guardian shall be guilty of a misdemeanor and, upon
36 conviction, shall be punished by a fine not exceeding Five
37 Thousand Dollars (\$5,000.00) and imprisonment in the county jail
38 for a term not exceeding six (6) months, plus restitution for the
39 cost of educating the child in the nonresident school district
40 which was provided from local district maintenance funds.

41 (2) Those children whose parent(s) or legal guardian(s) are
42 instructional personnel or certificated employees of a school
43 district may at such employee's discretion enroll and attend the
44 school or schools of their parent's or legal guardian's employment
45 regardless of the residence of the child.

46 (3) No child shall be required to be transported in excess
47 of thirty (30) miles on a school bus from his or her home to
48 school, or in excess of thirty (30) miles from school to his or
49 her home, if there is another school in an adjacent school
50 district located on a shorter school bus transportation route by
51 the nearest traveled road. Those children residing in such
52 geographical situations may, at the discretion of their parent(s)
53 or legal guardian(s), enroll and attend the nearer school,
54 regardless of the residence of the child. In the event the parent
55 or legal guardian of such child and the school board are unable to
56 agree on the school bus mileage required to transport the child
57 from his or her home to school, an appeal shall lie to the State
58 Board of Education, or its designee, whose decision shall be
59 final.

60 (4) Those children lawfully transferred from the school
61 district of his residence to a school in another school district
62 prior to July 1, 1992, may, at the discretion of their parent(s)
63 or legal guardian(s), continue to enroll and attend school in the

64 transferee school district. Provided further, that the brother(s)
65 and sister(s) of said children lawfully transferred prior to July
66 1, 1992, may also, at the discretion of their parent(s) or legal
67 guardian(s), enroll and attend school in the transferee school
68 district.

69 **SECTION 2.** This act shall take effect and be in force from
70 and after July 1, 2007.