

By: Representative Owen

To: Education

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1349

1 AN ACT TO AMEND SECTION 37-15-31, MISSISSIPPI CODE OF 1972,
2 TO REMOVE THE REQUIREMENT FOR THE SCHOOL BOARD OF THE SCHOOL
3 DISTRICT OF A CHILD'S RESIDENCE CONSENT TO THE RELEASE OF THE
4 STUDENT FOR TRANSFER TO ANOTHER SCHOOL DISTRICT; TO PROVIDE THAT
5 THE SCHOOL BOARD OF THE CHILD'S RESIDENCE HAS BEEN PUT ON NOTICE
6 OF THE PETITION FOR TRANSFER WHEN THE SCHOOL BOARD SECRETARY OR
7 PRESIDENT RECEIVES SUCH PETITION FROM THE PARENT OR LEGAL GUARDIAN
8 OF THE STUDENT TO BE TRANSFERRED; TO ONLY REQUIRE THAT THE
9 TRANSFEREE SCHOOL BOARD APPROVE OR REFUSE THE TRANSFER OF A
10 STUDENT UPON RECEIVING NOTICE AND OFFICIAL MEETING OF THE BOARD TO
11 ACT ON SUCH TRANSFER; TO BRING FORWARD SECTION 37-15-29,
12 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT;
13 AND FOR RELATED PURPOSES.

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

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

17 37-15-31. (1) (a) Except as provided in subsections (2)
18 through (5) of this section, upon the petition in writing of a
19 parent or guardian resident of the school district of an
20 individual student filed or lodged with the president or secretary
21 of the school board of a school district in which the pupil has
22 been enrolled or is qualified to be enrolled as a student under
23 Section 37-15-9, or upon the aforesaid petition or the initiative



24 of the school board of a school district as to the transfer of a
25 grade or grades, individual students living in one school district
26 or a grade or grades of a school within the districts may be
27 legally transferred to another school district, * * * provided
28 that the school board of the school district to which the transfer
29 is sought consents * * * to receive the students seeking transfer,
30 which such consent must be given in writing and spread upon the
31 minutes of * * * the transferee board.

32 (b) The school board of the * * * school district * * *
33 of current attendance shall be deemed to have been put on notice
34 of the parent or legal guardian's written petition for transfer
35 upon receipt of such petition by the president or secretary of the
36 school board, and * * * shall notify the transferee school board
37 of the petition for transfer within a reasonable time. Upon
38 receipt of notice of petition for transfer, the transferee school
39 board * * * shall act on such request for transfer as soon as
40 possible, * * * and no later than the next regular meeting of the
41 transferee board, and a failure of such transferee board to act
42 within such time shall constitute a rejection of such request. If
43 such a transfer is approved or refused by the transferee board,
44 then such decision shall be final. * * *

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



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

61 (b) The school board of any school district, in its
62 discretion, may adopt a uniform policy to allow the enrollment and
63 attendance of the dependent children of noninstructional and
64 nonlicensed employees, who are residents of Mississippi but are
65 not residents of their district. Such policy shall be based upon
66 the employment needs of the district, implemented according to job
67 classification groups and renewed each school year.

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



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

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

81 (3) Upon the petition in writing of any parent or legal
82 guardian of a school-age child who is a resident of an adjacent
83 school district residing in the geographical situation described
84 in Section 37-15-29(3), the school board of the school district
85 operating the school located in closer proximity to the residence
86 of the child shall consent to the transfer of the child to its
87 district, and shall spread the same upon the minutes of the board.

88 * * * The legal transfer of a student under this subsection shall
89 include a provision for the transportation of the student by
90 either the * * * parent or legal guardian of the student or the
91 transferee school district. In the event that * * * the school
92 board of the transferee * * * school district shall object to the
93 transfer, * * * the parent or legal guardian shall have the right
94 to appeal to the State Board of Education whose decision shall be
95 final. * * * The responsibility for transporting the student to
96 the transferee school district shall be that of the parent or



97 guardian if the transferee school district does not agree in the
98 consent of transfer, which shall be spread upon its minutes, to
99 provide transportation for the student.

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

107 (5) * * * Before September 1 of each year, the board of
108 trustees of the municipal separate school district shall certify
109 to the State Department of Education the number of students in the
110 added territory of the municipal separate school district who are
111 transferred to the adjacent school district. The municipal
112 separate school district also shall certify the total number of
113 students in the school district residing in the added territory
114 plus the number of those students who are transferred to the
115 adjacent school district. Based upon these figures, the
116 department shall calculate the percentage of the total number of
117 students in the added territory who are transferred to the
118 adjacent school district and shall certify this percentage to the
119 levying authority for the municipal separate school district. The
120 levying authority shall remit to the school board of the adjacent
121 school district, from the proceeds of the ad valorem taxes



122 collected for the support of the municipal separate school
123 district from the added territory of the municipal separate school
124 district, an amount equal to the percentage of the total number of
125 students in the added territory who are transferred to the
126 adjacent school district.

127 **SECTION 2.** Section 37-15-29, Mississippi Code of 1972, is
128 brought forward as follows:

129 37-15-29. (1) Except as provided in subsections (2), (3),
130 (4) and (5) of this section, no minor child may enroll in or
131 attend any school except in the school district of his residence,
132 unless such child be lawfully transferred from the school district
133 of his residence to a school in another school district in accord
134 with the statutes of this state now in effect or which may be
135 hereafter enacted.

136 (2) Those children whose parent(s) or legal guardian(s) are
137 instructional personnel or certificated employees of a school
138 district may at such employee's discretion enroll and attend the
139 school or schools of their parent's or legal guardian's employment
140 regardless of the residence of the child.

141 (3) No child shall be required to be transported in excess
142 of thirty (30) miles on a school bus from his or her home to
143 school, or in excess of thirty (30) miles from school to his or
144 her home, if there is another school in an adjacent school
145 district located on a shorter school bus transportation route by
146 the nearest traveled road. Those children residing in such



147 geographical situations may, at the discretion of their parent(s)
148 or legal guardian(s), enroll and attend the nearer school,
149 regardless of the residence of the child. In the event the parent
150 or legal guardian of such child and the school board are unable to
151 agree on the school bus mileage required to transport the child
152 from his or her home to school, an appeal shall lie to the State
153 Board of Education, or its designee, whose decision shall be
154 final. The school districts involved in the appeal shall provide
155 the Mississippi Department of Education with any school bus route
156 information requested, including riding the buses as necessary, in
157 order to measure the bus routes in question, as needed by the
158 State Board of Education in considering the appeal.

159 (4) Those children lawfully transferred from the school
160 district of his residence to a school in another school district
161 prior to July 1, 1992, may, at the discretion of their parent(s)
162 or legal guardian(s), continue to enroll and attend school in the
163 transferee school district. Provided further, that the brother(s)
164 and sister(s) of said children lawfully transferred prior to July
165 1, 1992, may also, at the discretion of their parent(s) or legal
166 guardian(s), enroll and attend school in the transferee school
167 district.

168 (5) Those children whose parent(s) or legal guardian(s) are
169 active members of the United States Armed Forces or civilian
170 military personnel and reside on a military base, may, at the
171 discretion of their parent(s) or legal guardian(s), enroll and



172 attend the school district of their parent's or legal guardian's
173 choosing, regardless of the residence of the child, provided the
174 school district where the student resides or in an adjacent school
175 district and the parent's or guardian's choice of school district
176 does not violate the provision of subsection (3) of this section
177 prohibiting the transportation of students in excess of thirty
178 (30) miles.

179 **SECTION 3.** This act shall take effect and be in force from
180 and after July 1, 2022.

