

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MR. PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 809: Students of active duty service members and civilian personnel; clarify "active duty" status for purpose of school enrollment and transfers.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

14 37-15-29. (1) Except as provided in subsections (2), (3),
15 (4) and (5) of this section, no minor child may enroll in or
16 attend any school except in the school district of his residence,
17 unless such child be lawfully transferred from the school district
18 of his residence to a school in another school district in accord
19 with the statutes of this state now in effect or which may be
20 hereafter enacted.

21 (2) Those children whose parent(s) or legal guardian(s) are
22 instructional personnel or certificated employees of a school
23 district may at such employee's discretion enroll and attend the



24 school or schools of their parent's or legal guardian's employment
25 regardless of the residence of the child.

26 (3) No child shall be required to be transported in excess
27 of thirty (30) miles on a school bus from his or her home to
28 school, or in excess of thirty (30) miles from school to his or
29 her home, if there is another school in an adjacent school
30 district located on a shorter school bus transportation route by
31 the nearest traveled road. Those children residing in such
32 geographical situations may, at the discretion of their parent(s)
33 or legal guardian(s), enroll and attend the nearer school,
34 regardless of the residence of the child. In the event the parent
35 or legal guardian of such child and the school board are unable to
36 agree on the school bus mileage required to transport the child
37 from his or her home to school, an appeal shall lie to the State
38 Board of Education, or its designee, whose decision shall be
39 final. The school districts involved in the appeal shall provide
40 the Mississippi Department of Education with any school bus route
41 information requested, including riding the buses as necessary, in
42 order to measure the bus routes in question, as needed by the
43 State Board of Education in considering the appeal.

44 (4) Those children lawfully transferred from the school
45 district of his residence to a school in another school district
46 prior to July 1, 1992, may, at the discretion of their parent(s)
47 or legal guardian(s), continue to enroll and attend school in the
48 transferee school district. Provided further, that the brother(s)



49 and sister(s) of said children lawfully transferred prior to July
50 1, 1992, may also, at the discretion of their parent(s) or legal
51 guardian(s), enroll and attend school in the transferee school
52 district.

53 (5) (a) Those children whose parent(s) or legal guardian(s)
54 are active duty, or Active Guard and Reserve duty, members of the
55 United States Armed Forces, but not those who are performing
56 inactive duty training, may, at the discretion of their parent(s)
57 or legal guardian(s), enroll and attend the school district and
58 school campus of their parent's or legal guardian's choosing,
59 regardless of the residence of the child.

60 (b) Those children whose parent(s) or legal guardian(s)
61 are civilian military personnel and reside on a military base
62 may, at the discretion of their parent(s) or legal guardian(s),
63 enroll and attend the school district and school campus of their
64 parent's or legal guardian's choosing, regardless of the residence
65 of the child.

66 (c) For purposes of paragraphs (a) and (b) of this
67 subsection (5):

68 (i) A school district is not required to provide
69 transportation to a student who enrolls in or transfers to another
70 school district or school campus within the district of chosen
71 attendance;

72 (ii) A student eligible for enrollment or transfer
73 shall be allowed only one (1) school transfer per academic year;



74 (iii) Once admitted, and unless expelled, the
75 parent(s) or legal guardian(s) of students transferring under the
76 authority of this subsection shall not be required to reapply for
77 admission for continued enrollment in the school district or
78 school campus of last attendance for any subsequent years of
79 attendance therein; and

80 (iv) If the school district is unable to
81 accommodate a request for enrollment for transfer due to a lack of
82 capacity to accept the student in to the district or a specific
83 school campus, the school board shall deny the request and spread
84 the same upon its minutes.

85 (d) (i) As used in this subsection (5), "active duty"
86 means full-time duty in the active military service of the United
87 States.

88 (ii) As used in this subsection (5), "Active Guard
89 and Reserve duty" means active duty or full-time National Guard
90 duty performed by a member of a reserve component of the Army,
91 Navy, Air Force, Space Force or Marine Corps, which is pursuant to
92 an order to active duty or full-time National Guard duty for a
93 period of one hundred eighty (180) consecutive days or more.

94 (iii) Before enrolling his or her child in the
95 selected school of choice, the service member shall provide the
96 school of enrollment with a copy of his or her Department of
97 Defense photo identification, and a "Statement of Service" from
98 the installation adjutant general or official letter from a



99 commander above the Lieutenant Colonel rank signifying that the
100 service member is on active duty, or Active Guard and Reserve
101 duty, assignment or has been mobilized within the state.

102 **SECTION 2.** This act shall take effect and be in force from
103 and after its passage.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 37-15-29, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY THE SCHOOL ENROLLMENT CHOICES OF CHILDREN OF ACTIVE
3 DUTY, OR ACTIVE GUARD AND RESERVE DUTY, MEMBERS OF THE UNITED
4 STATES ARMED FORCES; TO PROVIDE THAT ACTIVE DUTY, OR ACTIVE GUARD
5 AND RESERVE DUTY, SERVICE MEMBERS WHOSE CHILDREN TRANSFER TO
6 ANOTHER SCHOOL AFTER HAVING BEEN INITIALLY ENROLLED IN A SCHOOL
7 DISTRICT FOR A CONTINUOUS PERIOD SHALL BE REQUIRED TO REAPPLY FOR
8 ADMISSION IF THEY DESIRE TO RETURN TO THE PREVIOUS SCHOOL DISTRICT
9 OR SCHOOL CAMPUS OF TRANSFER; TO DEFINE CERTAIN TERMINOLOGY USED
10 HEREIN; AND FOR RELATED PURPOSES.

CONFEREES FOR THE HOUSE

X (SIGNED)
Roberson

X (SIGNED)
Felsher

X (SIGNED)
Owen

CONFEREES FOR THE SENATE

X (SIGNED)
DeBar

X (SIGNED)
DeLano

X (SIGNED)
Robinson

