

By: Senator(s) DeBar

To: Education

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2002

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 DISTRICT; TO REQUIRE THAT THE
5 TRANSFEREE SCHOOL BOARD APPROVE OR REFUSE THE TRANSFER OF A
6 STUDENT AT THE NEXT REGULAR MEETING OF THE BOARD AFTER RECEIPT OF
7 THE PETITION FOR TRANSFER; TO REQUIRE THE TRANSFEREE DISTRICT TO
8 NOTIFY, IN WRITING AND WITHIN A REASONABLE TIME, THE DISTRICT FROM
9 WHICH THE STUDENT IS TRANSFERRING OF THE APPROVAL OF A TRANSFER
10 REQUEST; TO PROVIDE THAT, ABSENT GOOD CAUSE, A TRANSFER REQUEST
11 MUST BE APPROVED, AND THE TRANSFEROR DISTRICT NOTIFIED, NOT LATER
12 THAN MARCH 15 OF THE SCHOOL YEAR BEFORE THE TRANSFER IS TO OCCUR;
13 TO AUTHORIZE A TRANSFEREE DISTRICT TO CHARGE A FEE IT DETERMINES
14 TO BE REASONABLE FOR RECEIVING A STUDENT; TO PROVIDE THAT NOTHING
15 IN THIS ACT SHALL PRECLUDE THE MISSISSIPPI HIGH SCHOOL ACTIVITIES
16 ASSOCIATION OR ANY SUCCESSOR REGULATORY BODY FROM EXERCISING ITS
17 AUTHORITY TO DETERMINE THE EXTRACURRICULAR ELIGIBILITY OF A
18 TRANSFERRING STUDENT; TO PROVIDE THAT TRANSFER AUTHORITY OF A
19 DISTRICT TO RECEIVE OR DENY THE ACCEPTANCE OF A STUDENT REQUESTING
20 TRANSFER INTO THE DISTRICT SHALL NOT SUPERSEDE ANY PROVISION OF AN
21 ENFORCEABLE DESEGREGATION ORDER OR A COURT-APPROVED DESEGREGATION
22 PLAN; AND FOR RELATED PURPOSES.

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

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

26 37-15-31. (1) (a) Except as provided in subsections (2)
27 through (5) of this section, upon the petition in writing of a
28 parent or guardian * * * of an individual student filed or lodged



29 with the president or secretary of the school board of a school
30 district * * * to which a transfer is sought, a student living in
31 one school district * * * may be legally transferred to another
32 school district, * * * provided that the school board of the
33 district to which the transfer is sought consents * * * to receive
34 the student seeking transfer, which consent must be given in
35 writing and spread upon the minutes of * * * the school board of
36 the transferee district.

37 (b) The school board of the * * * transferee school
38 district to which such petition may be addressed shall act thereon
39 not later than its next regular meeting subsequent to the filing
40 or lodging of the petition, and a failure to act within that time
41 shall constitute a rejection of such request. * * * If such a
42 transfer is approved or refused by the transferee board, then such
43 decision shall be final. * * * The transferee district shall
44 notify, in writing and within a reasonable time, the transferor
45 district of the approval of a transfer request. Absent good
46 cause, a transfer request must be approved, and the transferor
47 district notified, not later than March 15 of the school year
48 before the transfer is to occur.

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



52 (d) A transferee district may charge a fee it
53 determines to be reasonable for receiving a student under this
54 subsection (1).

55 (e) Nothing in this section shall preclude the
56 Mississippi High School Activities Association or any successor
57 regulatory body from exercising its authority to determine the
58 extracurricular eligibility of a student transferring to another
59 district under this subsection (1).

60 (2) (a) Upon the petition in writing of any parent or
61 guardian who is a resident of Mississippi and is an instructional
62 or licensed employee of a school district, but not a resident of
63 such district, the school board of the employer school district
64 shall consent to the transfer of such employee's dependent
65 school-age children to its district and shall spread the same upon
66 the minutes of the board. Upon the petition in writing of any
67 parent or guardian who is not a resident of Mississippi and who is
68 an instructional or licensed employee of a school district in
69 Mississippi, the school board of the employer school district
70 shall consent to the transfer of such employee's dependent
71 school-age children to its district and shall spread the same upon
72 the minutes of the board.

73 (b) The school board of any school district, in its
74 discretion, may adopt a uniform policy to allow the enrollment and
75 attendance of the dependent children of noninstructional and
76 nonlicensed employees, who are residents of Mississippi but are



not residents of their district. Such policy shall be based upon the employment needs of the district, implemented according to job classification groups and renewed each school year.

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

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

* * *

(3) Upon the petition in writing of any parent or legal guardian of a school-age child who is a resident of an adjacent school district residing in the geographical situation described in Section 37-15-29(3), the school board of the school district operating the school located in closer proximity to the residence of the child shall consent to the transfer of the child to its district, and shall spread the same upon the minutes of the board. * * * The legal transfer of a student under this subsection shall include a provision for the transportation of the student by either the * * * parent or legal guardian or the student or the transferee school district. * * * The responsibility for transporting the student to the transferee



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

* * *

(* * *4) (a) If the board of trustees of a municipal separate school district with added territory does not have a member who is a resident of the added territory outside the corporate limits, upon the petition in writing of any parent or legal guardian of a school-age child who is a resident of the added territory outside the corporate limits, * * * the school board of the school district adjacent to the added territory shall consent to the transfer of the child from the municipal separate school district to the adjacent school district. The agreement must be spread upon the minutes of * * * the school board of the adjacent 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 school district. Any school district that accepts 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 to the State Department of Education the number of students in the added territory of the municipal separate school district who are



transferred to the adjacent school district under this subsection.
The municipal separate school district also shall certify the
total number of students in the school district residing in the
added territory plus the number of those students who are
transferred to the adjacent school district. Based upon these
figures, the department shall calculate the percentage of the
total number of students in the added territory who are
transferred to the adjacent school district and shall certify this
percentage to the levying authority for the municipal separate
school district. The levying authority shall remit to the school
board of the adjacent school district, from the proceeds of the ad
valorem taxes collected for the support of the municipal separate
school district from the added territory of the municipal separate
school district, an amount equal to the percentage of the total
number of students in the added territory who are transferred to
the adjacent school district.

(5) This section shall not supersede any provision of an
enforceable desegregation court order or a court-approved
desegregation plan.

SECTION 2. This act shall take effect and be in force from
and after July 1, 2026.

