

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



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

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

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

89 \* \* \*

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



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

106 \* \* \*

107 ( \* \* \*<sup>4</sup>) (a) If the board of trustees of a municipal  
108 separate school district with added territory does not have a  
109 member who is a resident of the added territory outside the  
110 corporate limits, upon the petition in writing of any parent or  
111 legal guardian of a school-age child who is a resident of the  
112 added territory outside the corporate limits, \* \* \* the school  
113 board of the school district adjacent to the added territory shall  
114 consent to the transfer of the child from the municipal separate  
115 school district to the adjacent school district. The agreement  
116 must be spread upon the minutes of \* \* \* the school board of the  
117 adjacent school district. The agreement must provide for the  
118 transportation of the student. In the absence of such a  
119 provision, the parent or legal guardian shall be responsible for  
120 transporting the student to the adjacent school district. Any  
121 school district that accepts a student under this subsection may  
122 not assess any tuition fees against the transferring student.

123 (b) Before September 1 of each year, the board of trustees  
124 of the municipal separate school district shall certify to the  
125 State Department of Education the number of students in the added  
126 territory of the municipal separate school district who are



127 transferred to the adjacent school district under this subsection.  
128 The municipal separate school district also shall certify the  
129 total number of students in the school district residing in the  
130 added territory plus the number of those students who are  
131 transferred to the adjacent school district. Based upon these  
132 figures, the department shall calculate the percentage of the  
133 total number of students in the added territory who are  
134 transferred to the adjacent school district and shall certify this  
135 percentage to the levying authority for the municipal separate  
136 school district. The levying authority shall remit to the school  
137 board of the adjacent school district, from the proceeds of the ad  
138 valorem taxes collected for the support of the municipal separate  
139 school district from the added territory of the municipal separate  
140 school district, an amount equal to the percentage of the total  
141 number of students in the added territory who are transferred to  
142 the adjacent school district.

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

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

