

By: Senator(s) DeBar

To: Education

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 PERIOD OF TIME, THE
9 DISTRICT FROM WHICH THE STUDENT IS TRANSFERRING OF THE APPROVAL OF
10 A TRANSFER REQUEST; TO PROVIDE THAT TRANSFER AUTHORITY OF A
11 DISTRICT TO RECEIVE OR DENY THE ACCEPTANCE OF A STUDENT REQUESTING
12 TRANSFER INTO THE DISTRICT SHALL NOT SUPERSEDE ANY PROVISION OF AN
13 ENFORCEABLE DESEGREGATION ORDER OR A COURT-APPROVED DESEGREGATION
14 PLAN; AND FOR RELATED PURPOSES.

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

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

18 37-15-31. (1) (a) Except as provided in subsections (2)
19 through (5) of this section, upon the petition in writing of a
20 parent or guardian * * * of an individual student filed or lodged
21 with the president or secretary of the school board of a school
22 district * * * to which a transfer is sought, a student living in
23 one school district * * * may be legally transferred to another
24 school district, * * * provided that the school board of the



25 district to which the transfer is sought consents * * * to receive
26 the student seeking transfer, which consent must be given in
27 writing and spread upon the minutes of * * * the school board of
28 the transferee district.

29 (b) The school board of the * * * transferee school
30 district to which such petition may be addressed shall act thereon
31 not later than its next regular meeting subsequent to the filing
32 or lodging of the petition, and a failure to act within that time
33 shall constitute a rejection of such request. * * * If such a
34 transfer is approved or refused by the transferee board, then such
35 decision shall be final. * * * The transferee district shall
36 notify, in writing and within a reasonable period of time, the
37 district from which the student is transferring of the approval of
38 a transfer request.

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

42 (2) (a) Upon the petition in writing of any parent or
43 guardian who is a resident of Mississippi and is an instructional
44 or licensed employee of a school district, but not a resident of
45 such district, the school board of the employer school district
46 shall consent to the transfer of such employee's dependent
47 school-age children to its district and shall spread the same upon
48 the minutes of the board. Upon the petition in writing of any
49 parent or guardian who is not a resident of Mississippi and who is



50 an instructional or licensed employee of a school district in
51 Mississippi, 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.

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

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

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

71 (e) Any school district which accepts a student
72 under * * * this subsection shall not assess any tuition fees upon
73 such transferring student in accordance with * * * Section
74 37-19-27.



(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



100 school district to the adjacent school district. The agreement
101 must be spread upon the minutes of * * * the school board of the
102 adjacent school district. The agreement must provide for the
103 transportation of the student. In the absence of such a
104 provision, the parent or legal guardian shall be responsible for
105 transporting the student to the adjacent school district. Any
106 school district that accepts a student under this subsection may
107 not assess any tuition fees against the transferring student.

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



125 school district, an amount equal to the percentage of the total
126 number of students in the added territory who are transferred to
127 the adjacent school district.

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

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

