

Policy JBCD: Transfers and Withdrawals of Students

Status: DRAFT

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The term minor when used in any statute, shall include any person, male or female, under twenty-one years of age. MS Code 1-3-27

MISSISSIPPI STATE LAW

PETITION

1. Except as provided by law, upon the petition in writing of a parent or guardian, resident of the school district of an individual student, filed or lodged with the president or secretary of the school board of a school district in which the pupil has been enrolled or is qualified to be enrolled as a student, or upon the aforesaid petition or the initiative of the school board of a school district as to the transfer of a grade or grades, individual students living in one school district or a grade or grades of a school within the districts may be legally transferred to another school district, by the mutual consent of the school boards of all school districts concerned, which consent must be given in writing and spread upon the minutes of such boards.
2. The school board of the transferring school district to which such petition may be addressed shall act thereon not later than its next regular meeting subsequent to the filing or lodging of said petition, and a failure to act within that time shall constitute a rejection of such request. The school board of the other school district involved (the transferee board) shall act on such request for transfer as soon as possible after the transferor board shall have approved or rejected such transfer and no later than the next regular meeting of the transferee board, and a failure of such transferee board to act within such time shall constitute a rejection of such request. If such a transfer is approved by the transferee board, then such decision shall be final. If such a transfer should be refused by the school board of either school district, then such decision shall be final.
3. Any legal guardianship formed for the purpose of establishing residency for school district attendance purposes shall not be recognized by the affected school board. 37-15-31

SCHOOL DISTRICT EMPLOYEES

1. Upon the petition in writing of any parent or guardian who is a resident of Mississippi and is an instructional or licensed employee of a school district, but not a resident of such district, the school board of the employer school district shall consent to the transfer of such employee's dependent school-age children to its district and shall spread the same upon the minutes of the board. Upon the petition in writing of any parent or guardian who is not a resident of Mississippi and who is an instructional or licensed employee of a school district in Mississippi, the school board of the employer school district shall consent to the transfer of such employee's dependent school-age children to its district and shall spread the same upon the minutes of the board.
2. The school board of any school district, in its discretion, may adopt a uniform policy to allow the enrollment and attendance of the dependent children of non-instructional and non-licensed 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.
3. 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.
4. 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.
5. Any school district which accepts a student under the provisions of this subsection shall not assess any tuition fees upon such transferring student in accordance with the provisions of Section 37-19-27, MS Code of 1972. 37-15-31

ADJACENT SCHOOL DISTRICTS

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), Mississippi Code of 1972, 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. Any such agreement by school boards for the legal transfer of a student under this subsection shall include a provision for the transportation of the student by either the transferor or the transferee school district. In the event that either the school board of the transferee or the transferor school district shall object to the transfer, it shall have the right to appeal to the State Board of Education whose decision shall be final. However, if the school boards agreeing on the legal transfer of any student shall fail to agree on which district shall provide transportation, the responsibility for transporting the student to the transferee school district shall be that of the parent or guardian. 37-15-31 (3)

SIBLINGS

Upon the petition in writing of any parent or legal guardian of a school-age child who was lawfully transferred to another school district prior to July 1, 1992, as described in Section 37-15-29(4), Mississippi Code of 1972, the school board of the transferee school district shall consent to the transfer of such child and the transfer of any school-age brother and sister of such child to its district, and shall spread the same upon the minutes of the board. 37-15-31 (4)

MILITARY

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

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

- "Active Duty" means full-time duty in the active military service of the United States.
- "Active Guard and Reserve Duty" means active duty or full-time National Guard duty performed by a member of a reserve component of the Army, Navy, Air Force, Space Force, or Marine Corps, which is pursuant to an order to active duty or full-time National Guard duty for a period of 180 consecutive days or more.

The following provisions apply to the students mentioned above:

1. A school district is not required to provide transportation to a student who enrolls in or transfers to another school district or school campus within the district of chosen attendance;
2. A student eligible for enrollment or transfer shall be allowed only one (1) school transfer per academic year;
3. Once admitted, and unless expelled, the parent(s) or legal guardian(s) of students transferring under the provisions above shall not be required to reapply for admission for continued enrollment in the school district or school campus of last attendance for any subsequent years of attendance therein; and
4. If the school district is unable to accommodate a request for enrollment for transfer due to lack of capacity to accept the student in to the district or a specific school campus, the school board shall deny the request and spread the same upon its minutes. 37-15-29
5. Before enrolling his or her child in the selected school of choice, the service member shall provide the school of enrollment with a copy of his or her Department of Defense photo identification, and a "Statement of Service" from the installation adjutant general or official letter from a commander above the Lieutenant Colonel rank signifying that the service member is on active duty, or Active Guard and Reserve duty, assignment or has been mobilized within the state. 37-15-29

TESTING

1. All students seeking to transfer from any school, public, private or homeschool, within or outside of the

boundaries of the State of Mississippi, to this school district may be required to take a standardized test to determine the grade and class to which the pupil shall be assigned at the time of pupil transfer.

2. The administrative head of each public school shall administer the test or tests to such pupil or pupils as shall apply for transfer to such public school. Such test or tests shall be administered within thirty days after the filing of each such application to transfer. Notice of the giving of such test shall be given the applicant not less than five days prior to the date of the administration of such test.
3. No transfer of a pupil shall be affected until the test has been given and the pupil is assigned according to the grade and class for which the test shows he is best suited. No pupil shall be assigned to a grade and class more than three (3) grades above or below the grade or class that the pupil would have been assigned to had the pupil remained in the school from which the transfer is being made. Pending the administration of the test herein provided for and its grading and an assignment based thereon the superintendent of this school district or the attendance center principal to which the pupil seeks admission may assign the pupil temporarily to a grade and class comparable to that in which the pupil would have been had the pupil continued in the school from which the transfer was being made. 37-15-33

TESTING WAIVER

If any student is transferred or reassigned within the school district by order of the school board of this school district as designated by law of the State of Mississippi and not at his own request, the requirement of that pupil's taking the standardized test shall be waived. Likewise, if a pupil shall transfer from one school district to another school district in the manner provided and required by the laws of the State of Mississippi, the requirement of such pupil taking the standardized test shall be waived. 37-15-33

ALLOTMENTS AND LOCAL MAINTENANCE FUNDS

Legally transferred students going from one school district to another shall be counted for total funding formula allotments by the school district wherein the pupils attend school, but shall be counted for transportation allotment purposes in the school district which furnishes or provides the transportation. The school boards of the school districts which approve the transfer of a student under the provisions of Section 37-15-31 shall enter into an agreement and contract for the payment or nonpayment of any portion of their local maintenance funds which they deem fair and equitable in support of any transferred student. Except as provided in 37-151-93, subsection (2), [see item (9) below] local maintenance funds shall be transferred only to the extent specified in the agreement and contract entered into by the affected school districts. The terms of any local maintenance fund payment transfer contract shall be spread upon the minutes of both of the affected school district school boards. The school district accepting any transfer students shall be authorized to accept tuition from such students under the provisions of Section 37-15-31(1) and such agreement may remain in effect for any length of time designated in the contract. The terms of such student transfer contracts and the amounts of any tuition charged any transfer student shall be spread upon the minutes of both of the affected school boards. No school district accepting any transfer students under the provisions of Section 37-15-31(2), which provides for the transfer of certain school district employee dependents, shall be authorized to charge such transfer students any tuition fees. 37-151-93

STUDENT BASE AMOUNT

Local maintenance funds shall be paid by the home school district to the transferee school district for students granted transfers under the provisions of Sections 37-15-29(3) and 37-15-31(3), not to exceed the student base amount as defined in Section 37-151-201, multiplied by the number of such legally transferred students. 37- 151-93

The Mississippi Public School Accountability Standard for this policy is standard 7.

MS Code	Description
1-3-27	1-3-27
37-15-29	Minor child to attend school in district of residence; exceptions.
37-15-31	Transfer of students between school districts generally.
37-15-33	Testing of transfer students; assignment of students.

MS Code

37-151-93

37-19-27

Description[Counting of legally transferred students; payment maintenance funds to transferee school.](#)

37-19-27

Cross-References

JBAC

Description[Truancy](#)