

Policy JBCCA: Assignment of Pupils

Status: ADOPTED

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ASSIGNMENT OF PUPILS

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

A student who becomes a victim of a violent criminal offense, as determined by state law, while in or on the grounds of a school the student attends, or any student attending a district school that is identified by the Mississippi Department of Education (MDE) as persistently dangerous, may transfer to a safe district school that has not been identified as in need of improvement.

The district will provide transportation, as provided by Board policy EDA, Student Transportation. That obligation will end at the completion of the school year for students transferring from a school identified for improvement or as persistently dangerous, if the school from which the student has transferred is no longer identified for improvement, subject to corrective action or restructuring or persistently dangerous.

Notice to parents of their right to request the transfer of their student as provided by this policy will be provided as required by law.

BOARD POWER AND AUTHORITY

When any child qualified shall apply or present himself for enrollment in or admission to the schools of this school district, the school board of this school district shall designate the particular school or attendance center of the district in which such child shall be enrolled and which he shall attend; no enrollment of a child in a school shall be final or permanent until such designation shall be made by said school board. No child shall be entitled to attend any school or attendance center except that to which he has been assigned by the school board; however, the principal of a school or superintendent of this district may, in proper cases, permit a child to attend a school temporarily until a permanent assignment is made by this school board. ' 37-15-13

FACTORS TO BE CONSIDERED

In making assignments of children to schools or attendance centers, this school board shall take

into consideration the educational needs and welfare of the child involved, the welfare and best interest of all the pupils attending the school or schools involved, the availability of school facilities, sanitary conditions and facilities at the school or schools involved, health and moral factors at the school or schools, and in the community involved, and all other factors which this school board may consider pertinent, relevant or material in their effect on the welfare and best interest of this school district and the particular school or schools involved. All such assignments shall be on an individual basis as to the particular child involved and, in making such assignment; this school board shall not be limited or circumscribed by the boundaries of any attendance areas which may have been established by this board. ' 37-15-15

PARENTAL REQUEST FOR REVIEW

If the parent, guardian or other person having custody of any child shall feel aggrieved by the assignment of such child to a school or attendance center by this school board, then such parent, guardian or other person may, at any time within thirty (30) days after such assignment, make application in writing to this school board for a review or reconsideration of such assignment. Upon receiving any such application, this school board shall set a time and place for the hearing thereof which time shall be not more than fifteen (15) days after the regular meeting of said board next succeeding the date of the filing of said application. At the time and place so fixed, the person filing such application shall have the right to appear and present evidence in support of said application. After hearing said evidence, this school board shall determine whether said application is well taken and supported by the evidence and shall enter an order either affirming its previous action or modifying or changing same as this school board shall find proper.

' 37-15-17

If any parent, guardian or other person having custody of any child affected by the assignment of such child to a school or attendance center by this school board shall feel aggrieved at the order of this school board provided for in Section 37-15-17, such person may, at any time within thirty (30) days from the date of such order, appeal therefrom by filing a petition for appeal in the circuit court of the county in which this school district is located. Upon the filing of such petition for an appeal, process shall be issued for and served upon the president of this school board. Upon being served with process, it shall be the duty of this school board to transmit promptly to the court a certified copy of the entire record of the proceedings as shown by the file of this school board. From the judgment of the circuit court, an appeal may be taken to the Supreme Court in the same manner as other appeals are taken from other judgments of such court. ' 37-15-21

EXCEPTIONS

- (1) Except as provided in the law no minor child may enroll in or attend any school except in the school district of his residence, unless such child be lawfully transferred from the school district of his residence to a school in another school district in accord with the statutes of this state now in effect or which may be hereafter enacted.
- (2) Those children whose parent(s) or legal guardian(s) are instructional personnel or certificated employees of a school district may at such employee's discretion enroll and attend the school or schools of their parent's or legal guardian's employment regardless of the residence of the child.
- (3) No child shall be required to be transported in excess of thirty (30) miles on a school bus from his or her home to school, or in excess of thirty (30) miles from school to his or her home, if there is another school in an adjacent school district located on a shorter school bus transportation route by the nearest traveled road. Those children residing in such geographical situations may, at the discretion of their parent(s) or legal guardian(s), enroll and attend the nearer school, regardless of the residence of the child. In the event the parent or legal guardian of such child and the school board are unable to agree on the school bus mileage required to transport the child from his or her home to school, an appeal shall lie to the State Board of Education, or its designee, whose decision shall be final.

The Mississippi Public School Accountability Process Standards for this policy are standards 6 and 7.