

By: Representatives Reeves, Chism,
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To: Education; Ways and
Means

HOUSE BILL NO. 840

1 AN ACT TO AUTHORIZE LOCAL SCHOOL DISTRICTS TO LOAN
2 EDUCATIONAL MATERIALS TO HOME SCHOOL STUDENTS AND NONPUBLIC SCHOOL
3 STUDENTS, AND TO AUTHORIZE SCHOOL DISTRICTS TO REGISTER HOME
4 SCHOOL STUDENTS FOR PARTICIPATION IN EXTRACURRICULAR ACTIVITIES;
5 TO AMEND SECTION 37-43-19, MISSISSIPPI CODE OF 1972, IN CONFORMITY
6 TO THE PRECEDING PROVISIONS; TO PROVIDE FOR A REFUND OF SCHOOL AD
7 VALOREM TAXES TO PARENTS OR GUARDIANS WHO HOME SCHOOL OR ENROLL
8 THEIR CHILDREN IN A NONPUBLIC SCHOOL; TO PRESCRIBE CERTAIN
9 CONDITIONS UNDER WHICH A PERSON IS NOT ENTITLED TO RECEIVE A
10 REFUND OF SCHOOL AD VALOREM TAXES; TO PROVIDE THAT A PERSON MUST
11 PROVIDE THE TAX LEVYING AUTHORITY FOR A SCHOOL DISTRICT WITH
12 CERTAIN INFORMATION IN ORDER TO RECEIVE THE AD VALOREM TAX REFUND;
13 TO DECLARE THAT THIS ACT DOES NOT GRANT ANY REGULATORY AUTHORITY
14 TO THE STATE BOARD OF EDUCATION OR ANY LOCAL SCHOOL DISTRICT OVER
15 THE OPERATION OF NONPUBLIC SCHOOLS AND HOME INSTRUCTION PROGRAMS;
16 AND FOR RELATED PURPOSES.

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

18 SECTION 1. (1) As used in this section, the phrase "home
19 school student" means a child taught by private teachers, parents,
20 guardians or custodians in a legitimate home instruction program
21 as defined under the Mississippi Compulsory School Attendance Law
22 (Section 37-13-91).

23 (2) The school board of a local school district may
24 authorize the schools in that district to loan educational
25 materials, including textbooks, to home school students and
26 students enrolled in a nonpublic school (as defined under the
27 Mississippi Compulsory School Attendance Law) who reside within
28 the attendance boundaries of the particular school from which the
29 educational materials are sought. However, any educational
30 material that may be subject to use by a student enrolled in the
31 public school during the period of time that a home school student
32 or nonpublic school student seeks to borrow the material may not
33 be loaned to the home school student or nonpublic school student.



34 (3) Upon the request of a parent, guardian or legal
35 custodian of a home school student, the local school board may
36 register the student in a public school for purposes of
37 participating in any extracurricular activities available to
38 students in the home school student's grade. A home school
39 student applying for registration in a public school to
40 participate in an extracurricular activity or activities must
41 reside within the attendance boundaries of the school in which the
42 student is seeking registration. A request for registration in a
43 public school under this section must be submitted by the parent,
44 guardian or legal custodian before May 1 for participation in the
45 extracurricular activity in the following school year.

46 (4) This section may not be construed to require any home
47 school student to register with any school district for
48 extracurricular activity purposes.

49 SECTION 2. Section 37-43-19, Mississippi Code of 1972, is
50 amended as follows:

51 37-43-19. The board shall have the power and is * * *
52 authorized:

53 (a) To promulgate rules and regulations for the
54 purchase, care, use, disposal, distribution and accounting for all
55 books to be furnished under the terms of this chapter, to
56 promulgate rules and regulations governing the loaning of
57 textbooks by public schools to students in home instruction
58 programs or enrolled in a nonpublic school and to promulgate such
59 other rules and regulations as may be necessary for the proper
60 administration of this chapter.

61 (b) To adopt, contract for, and make available for
62 purchase, cash or credit, basal, supplementary or alternative
63 textbooks through twelve (12) grades as provided in the school
64 curriculum, or for any other course that it may add to the
65 curriculum.



66 (c) To determine the period of contract for rated and
67 adopted textbooks which shall not be for less than four (4) years
68 nor more than five (5) years, with the right of the board, in its
69 discretion, to renew or extend such contract from year to year for
70 a period not exceeding two (2) additional years and to determine
71 the conditions of the approval or forfeiture of a contract and
72 such other terms and conditions as may be necessary and not
73 contrary to law.

74 (d) To have complete power and authority over additions
75 and amendments to textbooks, advertising for bids and the contents
76 thereof, including auxiliary materials and workbooks, advertising
77 on the protective covers of textbooks, bids and proposals, prices
78 of textbooks, specimen copies, cash deposits, selection and
79 adoption, distribution, fumigation, emergencies, selling to
80 others, return of deposits, forfeiture of deposits, regulations
81 governing deposits, renovation and repair of books, requisition,
82 transportation or shipment of books, and any other acts or
83 regulations, not contrary to law, that may be deemed necessary for
84 furnishing and loaning free textbooks to the school children, as
85 provided in this chapter.

86 SECTION 3. (1) A parent or guardian of a
87 compulsory-school-age child in a home instruction program or
88 enrolled in a nonpublic school shall be allowed a refund of ad
89 valorem taxes paid by the parent or guardian to the levying
90 authority for the school district (as defined in Section 37-57-1)
91 for the support of the public school district in which the parent
92 or guardian resides. A parent or guardian is not entitled to a
93 refund under this section if the compulsory-school-age child is
94 enrolled as a student in a public school in the school district in
95 which the parent or guardian resides at any time during the fiscal
96 year for which the refund applies. For the purposes of this
97 section, the term "nonpublic school" has the same definition as
98 that term has in Section 37-13-91.



99 (2) If a parent or guardian desires to qualify for the ad
100 valorem tax refund provided in this section, the person must
101 provide the levying authority for the school district with the
102 following information:

103 (a) The name, address and telephone number of the
104 parent or guardian and each compulsory-school-age child of the
105 parent or guardian;

106 (b) A description of the type of education each
107 compulsory-school-age child is receiving, and if a child is
108 enrolled in a nonpublic school, the name and address of such
109 school; and

110 (c) A statement of the parent or guardian acknowledging
111 that no compulsory-school-age child of the parent or guardian was
112 enrolled as a student in a public school in the school district at
113 any time during the fiscal year for which the refund applies.

114 SECTION 4. Notwithstanding any provision of this act to the
115 contrary, nothing in this act may be construed, by implication or
116 otherwise, to grant the State Board of Education, State Department
117 of Education or the school board of any local school district any
118 right or authority to control, manage, supervise or affect the
119 operation, management, program, curriculum, admission policy or
120 disciplinary procedures of any nonpublic school or home
121 instruction program.

122 SECTION 5. This act shall take effect and be in force from
123 and after July 1, 2001.

