MISSISSIPPI LEGISLATURE
By: Representatives Reeves, Chism, Fillingane, Wells-Smith

HOUSE BILL NO. 840

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

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

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

(2) The school board of a local school district may authorize the schools in that district to loan educational materials, including textbooks, to home school students and students enrolled in a nonpublic school (as defined under the Mississippi Compulsory School Attendance Law) who reside within the attendance boundaries of the particular school from which the educational materials are sought. However, any educational material that may be subject to use by a student enrolled in the public school during the period of time that a home school student or nonpublic school student seeks to borrow the material may not be loaned to the home school student or nonpublic school student.
(3) Upon the request of a parent, guardian or legal
custodian of a home school student, the local school board may
register the student in a public school for purposes of
participating in any extracurricular activities available to
students in the home school student's grade. A home school
student applying for registration in a public school to
participate in an extracurricular activity or activities must
reside within the attendance boundaries of the school in which the
student is seeking registration. A request for registration in a
public school under this section must be submitted by the parent,
guardian or legal custodian before May 1 for participation in the
extracurricular activity in the following school year.

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

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

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

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

(b) To adopt, contract for, and make available for
purchase, cash or credit, basal, supplementary or alternative
textbooks through twelve (12) grades as provided in the school
curriculum, or for any other course that it may add to the
curriculum.
(c) To determine the period of contract for rated and adopted textbooks which shall not be for less than four (4) years nor more than five (5) years, with the right of the board, in its discretion, to renew or extend such contract from year to year for a period not exceeding two (2) additional years and to determine the conditions of the approval or forfeiture of a contract and such other terms and conditions as may be necessary and not contrary to law.

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

SECTION 3. (1) A parent or guardian of a compulsory-school-age child in a home instruction program or enrolled in a nonpublic school shall be allowed a refund of ad valorem taxes paid by the parent or guardian to the levying authority for the school district (as defined in Section 37-57-1) for the support of the public school district in which the parent or guardian resides. A parent or guardian is not entitled to a refund under this section if the compulsory-school-age child is enrolled as a student in a public school in the school district in which the parent or guardian resides at any time during the fiscal year for which the refund applies. For the purposes of this section, the term "nonpublic school" has the same definition as that term has in Section 37-13-91.
(2) If a parent or guardian desires to qualify for the ad
valorem tax refund provided in this section, the person must
provide the levying authority for the school district with the
following information:

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

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

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

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

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