

By: Representative Reeves

To: Education; Ways and Means

HOUSE BILL NO. 608

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, GUARDIANS OR CUSTODIANS WHO HOME SCHOOL  
 8 OR ENROLL THEIR CHILDREN IN A NONPUBLIC SCHOOL; TO PRESCRIBE  
 9 CERTAIN CONDITIONS UNDER WHICH A PERSON IS NOT ENTITLED TO RECEIVE  
 10 A 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 compulsory-school-age child taught by  
 20 private teachers, parents, guardians or custodians in a legitimate  
 21 home instruction program as defined under the Mississippi  
 22 Compulsory School Attendance Law (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 custodian of a  
35 home school student, the local school board may register the  
36 student in a public school for purposes of participating in any  
37 extracurricular activities available to students in the home  
38 school student's grade. A home school student applying for  
39 registration in a public school to participate in an  
40 extracurricular activity or activities must reside within the  
41 attendance boundaries of the school in which the student is  
42 seeking registration. A request for registration in a public  
43 school under this section must be submitted by the parent,  
44 guardian or 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, guardian or custodian 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, guardian or custodian to the  
90 levying authority for the school district (as defined in Section  
91 37-57-1) for the support of the public school district in which  
92 the parent, guardian or custodian resides. A parent, guardian or  
93 custodian is not entitled to a refund under this section if the  
94 compulsory-school-age child is enrolled as a student in a public  
95 school in the school district in which the parent, guardian or  
96 custodian resides at any time during the fiscal year for which the  
97 refund applies. For the purposes of this section, the term



98 "nonpublic school" has the same definition as that term has in  
99 Section 37-13-91.

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

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

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

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

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

124 **SECTION 5.** This act shall take effect and be in force from  
125 and after July 1, 2002.

