HOUSE BILL NO. 1601

AN ACT TO AMEND SECTIONS 37-13-5 AND 37-13-7, MISSISSIPPI CODE OF 1972, TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO WITHHOLD ADEQUATE EDUCATION PROGRAM FUNDS FROM SCHOOL DISTRICTS FAILING TO PROPERLY DISPLAY THE NATIONAL AND STATE FLAGS AND TO LEAD STUDENTS IN THE PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 37-13-5, Mississippi Code of 1972, is amended as follows:

37-13-5. (1) The flag of the State of Mississippi and the flag of the United States shall be displayed in close proximity to the school building at all times during the hours of daylight when the school is in session when the weather will permit without damage to the flag. It shall be the duty of the board of trustees of the school district to provide for the flags and their display.

Any person may file a complaint with the State Department of Education alleging that a school district is not complying with the requirements of this subsection. Upon receipt of a complaint, the department shall notify the school board of the school district of the complaint and shall determine whether or not the alleged noncompliance is occurring in the district. If the department finds that the school district is not in compliance with the requirements of this subsection, and the school district fails to take such action as may be necessary to rectify the noncompliance within thirty (30) days after receiving notice of the department's finding, the department shall withhold the school district's Adequate Education Program funds until the school district demonstrates, to the satisfaction of the department, full compliance with the requirements of this subsection.
In all public schools there shall be given a course of study concerning the flag of the United States and the flag of the State of Mississippi. The course of study shall include the history of each flag and what they represent and the proper respect therefor. There also shall * * * be taught in the public schools the duties and obligations of citizenship, patriotism, Americanism and respect for and obedience to law.

SECTION 2. Section 37-13-7, Mississippi Code of 1972, is amended as follows:

37-13-7. (1) The boards of trustees of the public schools of this state shall require the teachers under their control to have all pupils repeat the oath of allegiance to the flag of the United States of America at least once during each school month, such oath of allegiance being as follows:

"I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

Any person may file a complaint with the State Department of Education alleging that a school district is not complying with the requirements of this subsection. Upon receipt of a complaint, the department shall notify the school board of the school district of the complaint and shall determine whether or not the alleged noncompliance is occurring in the district. If the department finds that the school district is not in compliance with the requirements of this subsection, and the school district fails to take such action as may be necessary to rectify the noncompliance within thirty (30) days after receiving notice of the department's finding, the department shall withhold the school district's Adequate Education Program funds until the school district demonstrates, to the satisfaction of the department, full compliance with the requirements of this subsection.

(2) The official pledge of the State of Mississippi shall read as follows:

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"I salute the flag of Mississippi and the sovereign state for which it stands with pride in her history and achievements and with confidence in her future under the guidance of Almighty God."

The pledge of allegiance to the Mississippi flag shall be taught in the public schools of this state, along with the pledge of allegiance to the United States flag.

SECTION 3. This act shall take effect and be in force from and after July 1, 2002.