

By: Representative Formby

To: Appropriations

HOUSE BILL NO. 1110

1 AN ACT TO AMEND SECTIONS 37-13-5 AND 37-13-6, MISSISSIPPI
2 CODE OF 1972, TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO
3 WITHHOLD ADEQUATE EDUCATION PROGRAM FUNDS FROM SCHOOL DISTRICTS
4 FAILING TO PROPERLY DISPLAY THE NATIONAL AND STATE FLAGS OR LEAD
5 STUDENTS IN THE PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG; TO
6 AMEND SECTION 37-13-7, MISSISSIPPI CODE OF 1972, TO DELETE
7 PROVISIONS RELATING TO THE RECITATION OF THE PLEDGE OF ALLEGIANCE
8 WHICH ARE CONTRADICTORY TO SUBSEQUENTLY ENACTED REQUIREMENTS; AND
9 FOR RELATED PURPOSES.

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

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

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

20 (2) Whenever the flag of the United States is to be flown at
21 half-staff by order or instructions of the President or pursuant



22 to federal law, all public schools shall lower the United States
23 flag in accordance with the executive order or instructions or
24 federal law. The school shall announce the reason that the flag
25 is being flown at half-staff to all students in assembly or by
26 teachers in the various classrooms or by prominently displaying
27 written notice throughout the school stating the reason that the
28 flag has been lowered.

29 (3) In all public schools there shall be given a course of
30 study concerning the flag of the United States and the flag of the
31 State of Mississippi. The course of study shall include the
32 history of each flag and what they represent and the proper
33 respect therefor. There also shall be taught in the public
34 schools the duties and obligations of citizenship, patriotism,
35 Americanism and respect for and obedience to law.

36 (4) Any person may file a complaint with the State
37 Department of Education alleging that a school district is not
38 complying with the requirements of subsection (1) of this section.
39 Upon receipt of a complaint, the department shall notify the
40 school board of the school district of the complaint and shall
41 determine whether or not the alleged noncompliance is occurring in
42 the district. If the department finds that the school district is
43 not in compliance with the requirements of subsection (1) of this
44 section, the department must notify the district in writing of its
45 findings and advise the district to take corrective action within
46 thirty (30) days after receiving the department's notice. If the



district fails to rectify the noncompliance within the designated
time, the department, in accordance with rules and regulations
established by the State Board of Education, must withhold the
school district's adequate education program funds until the
district demonstrates, to the satisfaction of the department, full
compliance with the requirements of subsection (1) of this
section.

SECTION 2. Section 37-13-6, Mississippi Code of 1972, is amended as follows:

37-13-6. (1) * * * In addition to the display requirements
prescribed under Section 37-13-5, the flag of the United States shall be displayed in each classroom and in each principal room of the school building at all times while school is in session. It shall be the duty of the school boards of each school district to provide for the flags * * * and their proper display. Each school district shall provide student instruction in the proper etiquette toward, correct display of, and respect for the flag, and in patriotic exercises. The instruction shall be a part of the district's fifth grade social studies curriculum or history curriculum, developed with the assistance of the State Department of Education.

(2) * * * The school boards of all 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 the beginning of the first hour of class each



day school is in session, 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 student or teacher who objects to reciting the oath of allegiance shall be excused from participating without penalty.

(3) Any person may file a complaint with the State Department of Education alleging that a school district is not complying with the requirements of subsection (1) or (2) of this section. 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 subsection (1) or (2) of this section, the department must notify the district in writing of its findings and advise the district to take corrective action within thirty (30) days after receiving the department's notice. If the district fails to rectify the noncompliance within the designated time, the department, in accordance with rules and regulations established by the State Board of Education, must withhold the school district's adequate education program funds until the district demonstrates, to the satisfaction of the department, full compliance with the requirements of this section.



96 **SECTION 3.** Section 37-13-7, Mississippi Code of 1972, is
97 amended as follows:

98 37-13-7. * * * The official pledge of the State of
99 Mississippi shall read as follows:

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

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

106 **SECTION 4.** This act shall take effect and be in force from
107 and after July 1, 2013.

