

By: Representative Byrd

To: Rules

HOUSE BILL NO. 1543

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 THAT ARE CONTRADICTORY TO SUBSEQUENTLY ENACTED REQUIREMENTS; TO  
9 AMEND SECTION 3-3-15, MISSISSIPPI CODE OF 1972, TO REQUIRE PUBLIC  
10 COLLEGES AND UNIVERSITIES TO DISPLAY THE OFFICIAL STATE FLAG ON  
11 MONDAY THROUGH FRIDAY OF EACH WEEK ON EACH CAMPUS OF THE PUBLIC  
12 COLLEGE OR UNIVERSITY; TO REQUIRE THAT IF A PUBLIC COLLEGE OR  
13 UNIVERSITY IS NOT DISPLAYING THE OFFICIAL STATE FLAG AS REQUIRED  
14 BY THIS SECTION, THE ATTORNEY GENERAL SHALL NOTIFY THE PUBLIC  
15 COLLEGE OR UNIVERSITY OF THE NONCOMPLIANCE, AND THE STATE FISCAL  
16 OFFICER SHALL WITHHOLD THE PAYMENT OF ALL STATE FUNDS TO THE  
17 PUBLIC COLLEGE OR UNIVERSITY UNTIL SUCH TIME AS IT IS IN  
18 COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION; AND FOR RELATED  
19 PURPOSES.

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

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

23 37-13-5. (1) The flag of the State of Mississippi and the  
24 flag of the United States shall be displayed in close proximity to  
25 the school building, on a proper staff, at all times during the  
26 hours of daylight when the school is in session when the weather



27 will permit without damage to the flag. It shall be the duty of  
28 the board of trustees of the school district to provide for the  
29 flags, proper flag staffs and their proper display.

30 (2) Whenever the flag of the United States is to be flown at  
31 half-staff by order or instructions of the President or pursuant  
32 to federal law, all public schools shall lower the United States  
33 flag in accordance with the executive order or instructions or  
34 federal law. The school shall announce the reason that the flag  
35 is being flown at half-staff to all students in assembly or by  
36 teachers in the various classrooms or by prominently displaying  
37 written notice throughout the school stating the reason that the  
38 flag has been lowered.

39 (3) In all public schools there shall be given a course of  
40 study concerning the flag of the United States and the flag of the  
41 State of Mississippi. The course of study shall include the  
42 history of each flag and what they represent and the proper  
43 respect therefor. There also shall be taught in the public  
44 schools the duties and obligations of citizenship, patriotism,  
45 Americanism and respect for and obedience to law.

46 (4) Any person may file a complaint with the State  
47 Department of Education alleging that a school district is not  
48 complying with the requirements of subsection (1) of this section.  
49 Upon receipt of a complaint, the department shall notify the  
50 school board of the school district of the complaint and shall  
51 determine whether or not the alleged noncompliance is occurring in



52 the district. If the department finds that the school district is  
53 not in compliance with the requirements of subsection (1) of this  
54 section, the department must notify the district in writing of its  
55 findings and advise the district to take corrective action within  
56 thirty (30) days after receiving the department's notice. If the  
57 district fails to rectify the noncompliance within the designated  
58 time, the department, in accordance with rules and regulations  
59 established by the State Board of Education, must withhold the  
60 school district's adequate education program funds until the  
61 district demonstrates, to the satisfaction of the department, full  
62 compliance with the requirements of subsection (1) of this  
63 section.

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

66 37-13-6. (1) \* \* \* In addition to the display requirements  
67 prescribed under Section 37-13-5, the flag of the United States  
68 shall be displayed in each classroom and in each principal room of  
69 the school building at all times while school is in session. It  
70 shall be the duty of the school \* \* \* board of each school  
71 district to provide for the flags \* \* \* and their proper display.  
72 Each school district shall provide student instruction in the  
73 proper etiquette toward, correct display of, and respect for the  
74 flag, and in patriotic exercises. The instruction shall be a part  
75 of the district's fifth grade social studies curriculum or history



76 curriculum, developed with the assistance of the State Department  
77 of Education.

78 (2) \* \* \* The school boards of all public schools of this  
79 state shall require the teachers under their control to have all  
80 pupils repeat the oath of allegiance to the flag of the United  
81 States of America at the beginning of the first hour of class each  
82 day school is in session, such oath of allegiance being as  
83 follows:

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

87 Any student or teacher who objects to reciting the oath of  
88 allegiance shall be excused from participating without penalty.

89 (3) Any person may file a complaint with the State  
90 Department of Education alleging that a school district is not  
91 complying with the requirements of subsection (1) or (2) of this  
92 section. Upon receipt of a complaint, the department shall notify  
93 the school board of the school district of the complaint and shall  
94 determine whether or not the alleged noncompliance is occurring in  
95 the district. If the department finds that the school district is  
96 not in compliance with the requirements of subsection (1) or (2)  
97 of this section, the department must notify the district in  
98 writing of its findings and advise the district to take corrective  
99 action within thirty (30) days after receiving the department's  
100 notice. If the district fails to rectify the noncompliance within



101 the designated time, the department, in accordance with rules and  
102 regulations established by the State Board of Education, must  
103 withhold the school district's adequate education program funds  
104 until the district demonstrates, to the satisfaction of the  
105 department, full compliance with the requirements of this section.

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

108 37-13-7. \* \* \*

109 \* \* \* The official pledge of the State of Mississippi shall read  
110 as follows:

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

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

117 **SECTION 4.** Section 3-3-15, Mississippi Code of 1972, is  
118 amended as follows:

119 3-3-15. (1) The official state flag may be displayed from  
120 all public buildings from sunrise to sunset, and shall be  
121 displayed on Monday through Friday of each week from sunrise to  
122 sunset on each campus of each public college or university;  
123 however, the state flag may be displayed from all public buildings  
124 and on public college or university campuses twenty-four (24)  
125 hours a day if properly illuminated. The state flag should not be



126 displayed when the weather is inclement, except when an  
127 all-weather flag is displayed. The state flag shall receive all  
128 of the respect and ceremonious etiquette given the American flag.

129 \* \* \* However, nothing in this section shall be construed so as  
130 to affect the precedence given to the flag of the United States of  
131 America.

132 (2) (a) If the Attorney General receives notification or  
133 otherwise has knowledge that a public college or university is not  
134 displaying the official state flag as required by subsection (1)  
135 of this section, the Attorney General shall notify the public  
136 college or university in writing that:

137 (i) He has information indicating that the public  
138 college or university is not in compliance with the requirements  
139 of subsection (1) of this section;

140 (ii) The public college or university has thirty  
141 (30) days to show to the satisfaction of the Attorney General that  
142 it is in compliance with the requirements of subsection (1) of  
143 this section; and

144 (iii) If the public college or university does not  
145 meet the requirements of subparagraph (ii) of this paragraph, the  
146 Attorney General will notify the State Fiscal Officer of the  
147 public college or university's noncompliance with the requirements  
148 of subsection (1) of this section, and the State Fiscal Officer  
149 will withhold the payment of all state funds from the State  
150 Treasury to the public college or university until such time as it



151 is in compliance with the requirements of subsection (1) of this  
152 section.

153 (b) The State Fiscal Officer, upon receipt of  
154 notification from the Attorney General under subsection (1) of  
155 this section that a public college or university is not in  
156 compliance with the requirements of subsection (1) of this  
157 section, shall withhold the payment of all state funds from the  
158 State Treasury to the public college or university until such time  
159 as it is in compliance with the requirements of subsection (1) of  
160 this section, as determined by the Attorney General.

161 **SECTION 5.** This act shall take effect and be in force from  
162 and after July 1, 2016.

