

By: Representative Byrd

To: Education;
Appropriations

HOUSE BILL NO. 1299

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 shall notify the district in writing of
55 its findings and advise the district to take corrective action
56 within thirty (30) days after receiving the department's notice.
57 If the district fails to rectify the noncompliance within the
58 designated time, the department, in accordance with rules and
59 regulations established by the State Board of Education, shall
60 withhold the school district's adequate education program funds
61 until the district demonstrates, to the satisfaction of the
62 department, full compliance with the requirements of subsection
63 (1) of this 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 shall 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, shall
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
110 read 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, 2017.

