MISSISSIPPI LEGISLATURE
REGULAR SESSION 2019
By: Representative Shirley
To: Education

HOUSE BILL NO. 172

AN ACT TO AMEND SECTION 37-13-6, MISSISSIPPI CODE OF 1972, TO PROVIDE A PENALTY IN THE AMOUNT OF $1,500.00 TO BE IMPOSED UPON SCHOOLS FOR FAILURE TO RECITE THE PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG WITHIN THE FIRST HOUR OF CLASS ON EACH SCHOOL DAY; TO AMEND SECTION 37-13-7, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 37-13-6, Mississippi Code of 1972, is amended as follows:

37-13-6. (1) The flag of the United States shall be displayed in close proximity to the school building, on a proper staff, at all times during the hours of daylight when the school is in session when the weather will permit without damage to the flag. In addition, 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, proper flag staffs 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, with the assistance of the State Department of Education.

(2) (a) From and after July 1, 2002, 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.

(b) Any school district found not to be in compliance with the requirements of paragraph (a) of this subsection shall be fined in an amount of One Thousand Five Hundred Dollars ($1,500.00) for each violation. In the case of any verified violation, the fine shall be paid by the local school district, from funds other than federal funds, Mississippi Adequate Education Program funds or any other state funds, within thirty (30) days from the date of receiving notice of the violation.

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 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."

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

"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.

(3) The failure of any school or school district to require the teachers under their control to have all pupils repeat the oath of allegiance as required under subsection (1) of this act shall result in the school or district being assessed a fine for such violation.

SECTION 3. This act shall take effect and be in force from and after July 1, 2019.