

By: Representatives Bennett, McLean, Gibbs  
(72nd), Hudson

To: Education

HOUSE BILL NO. 314

1 AN ACT TO AMEND SECTION 37-3-5, MISSISSIPPI CODE OF 1972, TO  
2 PERMIT THE STATE DEPARTMENT OF EDUCATION TO RECEIVE CONTRIBUTIONS,  
3 DONATIONS, GIFTS, BEQUESTS OF MONEY, OTHER FORMS OF FINANCIAL  
4 ASSISTANCE AND PROPERTY, EQUIPMENT, MATERIALS OR MANPOWER FROM  
5 PUBLIC OR PRIVATE DONORS; TO REQUIRE THE EXPENDITURE AND/OR USE OF  
6 SUCH CONTRIBUTIONS RECEIVED TO BE USED AS CONDITIONED BY THE  
7 DONOR, PROVIDED THAT SUCH CONDITION IS NOT ILLEGAL; AND FOR  
8 RELATED PURPOSES.

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

10 **SECTION 1.** Section 37-3-5, Mississippi Code of 1972, is  
11 amended as follows:

12 37-3-5. (1) The State Department of Education is hereby  
13 charged with the execution of all laws relating to the  
14 administrative, supervisory and consultative services to the  
15 public schools and agricultural high schools of the school  
16 districts throughout the State of Mississippi. The State  
17 Department of Education is also authorized to grant property to  
18 public school districts and agricultural high schools of the State  
19 of Mississippi.

20 (2) The State Department of Education may receive  
21 contributions, donations, gifts, bequests of money, other forms of



22 financial assistance and property, equipment, materials or  
23 manpower from persons, foundations, trust funds, corporations,  
24 organizations and other sources, public or private, made to the  
25 State Department of Education. The department may expend and/or  
26 use such contributions, donations, gifts, bequests of money, other  
27 forms of financial assistance and property, equipment, materials  
28 or manpower in accordance with the conditions prescribed by the  
29 donor. However, contributions, donations, gifts, bequests of  
30 money, other forms of financial assistance and property,  
31 equipment, materials or manpower may not be accepted if it is  
32 subject to a condition that is contrary to any provision of law.

33       (3) Subject to the direction of the State Board of Education  
34 as provided by law, the administration, management and control of  
35 the department is hereby vested in the State Superintendent of  
36 Public Education, who shall be directly responsible for the  
37 rightful functioning thereof.

38       **SECTION 2.** This act shall take effect and be in force from  
39 and after July 1, 2021.

