

By: Representative Denton

To: Education

## HOUSE BILL NO. 488

1 AN ACT TO AMEND SECTION 37-13-8, MISSISSIPPI CODE OF 1972, TO  
2 REQUIRE LOCAL SCHOOL BOARDS TO DESIGNATE A PERIOD OF REFLECTION AT  
3 THE BEGINNING OF EACH SCHOOL DAY TO PROVIDE FOR STUDENT-INITIATED  
4 PRAYER ON A VOLUNTARY BASIS; TO BRING FORWARD SECTIONS 37-13-4 AND  
5 37-13-4.1, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE  
6 AMENDMENT; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 37-13-8, Mississippi Code of 1972, is  
9 amended as follows:

10 37-13-8. (1) In each public school classroom, the local  
11 school governing board \* \* \* shall designate a \* \* \* period  
12 of \* \* \* reflection \* \* \* at the opening of school upon every  
13 school day in which nonsectarian, nonproselytizing  
14 student-initiated prayer must be allowed in silence or audible  
15 communication for those students desiring to voluntarily  
16 participate.

17 (2) The moment of \* \* \* reflection authorized by subsection  
18 (1) of this section is not intended to be and shall not be  
19 conducted as a religious service or exercise but is considered an  
20 opportunity for a moment of \* \* \* reflection that does not



21 conflict with the authority granted under Sections 37-13-4 and  
22 37-13-4.1.

23       **SECTION 2.** Section 37-13-4, Mississippi Code of 1972, is  
24 brought forward as follows:

25       37-13-4. It shall be lawful for any teacher or school  
26 administrator in any of the schools of the state which are  
27 supported, in whole or in part, by the public funds of the state,  
28 to permit the voluntary participation by students or others in  
29 prayer. Nothing contained in this section shall authorize any  
30 teacher or other school authority to prescribe the form or content  
31 of any prayer. The provisions of this section shall not be  
32 construed to amend or repeal the provisions of Section 37-13-4.1  
33 but shall be considered as supplemental and in addition to the  
34 provisions of Section 37-13-4.1.

35       **SECTION 3.** Section 37-13-4.1, Mississippi Code of 1972, is  
36 brought forward as follows:

37       37-13-4.1. (1) The legislative intent and purpose for this  
38 section is to protect the freedom of speech guaranteed by the  
39 First Amendment to the United States Constitution, to define for  
40 the citizens of Mississippi the rights and privileges that are  
41 accorded them on public school property, other public property or  
42 other property at school-related events; and to provide guidance  
43 to public school officials on the rights and requirements of law  
44 that they must apply. The intent and purpose of the Legislature  
45 is to accommodate the free exercise of religious rights of its



student citizens in the public schools and at public school events as provided to them by the First Amendment to the United States Constitution and the judicial interpretations thereof as given by the United States Supreme Court.

(2) On public school property, other public property or other property, invocations, benedictions or nonsectarian, nonproselytizing student-initiated voluntary prayer shall be permitted during compulsory or noncompulsory school-related student assemblies, student sporting events, graduation or commencement ceremonies and other school-related student events.

(3) This section shall not diminish the right of any student or person to exercise his rights of free speech and religion, including prayer, as permitted by the United States Constitution, on public school property, other public property or other property, at times or events other than those stated in subsection (2) of this section.

(4) The exercise of the rights guaranteed under subsection (2) of this section shall not be construed to indicate any support, approval or sanction of the contents of any such prayer, invocation, benediction or other activity, or be construed as an unconstitutional use of any public property or other property by the State of Mississippi or any agency, department, board, commission, institution or other instrumentality thereof or any political subdivision of the state, including any county or municipality and any instrumentality thereof. The exercise of



71 these rights on public school property, other public property or  
72 on other property for school-related activities, by students or  
73 others, shall not be construed as the promotion or establishment  
74 of any religion or religious belief.

75 (5) The provisions of this section are severable. If any  
76 part of this section is declared invalid or unconstitutional, that  
77 declaration shall not affect the part or parts that remain.

78 **SECTION 4.** This act shall take effect and be in force from  
79 and after July 1, 2025.

