

By: Representatives Remak, Hale, Hall,
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To: Education

HOUSE BILL NO. 709

1 AN ACT TO AMEND SECTION 37-13-163, MISSISSIPPI CODE OF 1972,
2 TO PERMIT EACH PUBLIC SCHOOL BOARD AND CHARTER SCHOOL GOVERNING
3 BOARD TO DISPLAY THE TEN COMMANDMENTS IN A PROMINENT LOCATION
4 WITHIN EACH SCHOOL OR CHARTER SCHOOL FACILITY UNDER ITS
5 JURISDICTION BY NOT LATER THAN JANUARY 1, 2026; TO PRESCRIBE
6 ADDITIONAL HISTORICAL DOCUMENTS AND TEXTS THAT SCHOOL BOARDS
7 GOVERNING AUTHORITY MAY CHOOSE TO DISPLAY IN THEIR CLASSROOMS; TO
8 REQUIRE THE STATE BOARD OF EDUCATION TO ADOPT RULES AND
9 REGULATIONS IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT TO
10 ENSURE THE PROPER IMPLEMENTATION OF THIS ACT; TO REQUIRE THE STATE
11 DEPARTMENT OF EDUCATION TO IDENTIFY APPROPRIATE RESOURCES TO
12 COMPLY WITH THE PROVISIONS OF THIS ACT THAT ARE FREE OF CHARGE,
13 AND ONCE IDENTIFIED, TO LIST THE FREE RESOURCES ON THE
14 DEPARTMENT'S WEBSITE; TO AMEND SECTION 37-28-45, MISSISSIPPI CODE
15 OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

17 **SECTION 1.** The Legislature finds and declares all of the
18 following:

19 (1) In 2005, the Supreme Court of the United States
20 recognized that it is permissible to display the Ten Commandments
21 on government property in *Van Orden v. Perry*, 545 U.S. 677, 688
22 (2005);

23 (2) In 2019, the Supreme Court of the United States further
24 recognized that the Ten Commandments "have historical significance



as one of the foundations of our legal system. . .", in *American Legion v. American Humanists Association*, 588 U.S. 29, 53 (2019) and, the court also ruled that the displaying of the Ten Commandments on public property may have "multiple purposes" such as "historical significance" and represent a "common cultural heritage". *id.*, 588 U.S. at 54.

(3) Recognizing the historical role of the Ten Commandments accords with our nation's history and faithfully reflects the understanding of the founders of our nation with respect to the necessity of civic morality to a functional self-government. History records that James Madison, the fourth President of the United States of America, stated that "(w)e have staked the whole future of our new nation . . . upon the capacity of each ourselves to govern ourselves according to the moral principles of the Ten Commandments."

(4) Including the Ten Commandments in the education of our children is part of our state and national history, culture, and tradition.

(5) The text of the Ten Commandments set forth in subsection (b) of this section is identical to the text of the Ten Commandments monument that was upheld by the Supreme Court of the United States in *Van Orden v. Perry*, 545 U.S. 677, 688 (2005).

(6) The Mayflower Compact of 1620 was America's first written constitution and made a Covenant with Almighty God to "form a civil body politic". This was the first purely American



document of self-government and affirmed the link between civil society and God.

(7) The Northwest Ordinance of 1787 provided a method of admitting new states to the Union from the territory as the country expanded to the Pacific. The ordinance "extended the fundamental principles of civil and religious liberty" to the territories and stated that "(r)eligion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."

(8) It is the Legislature's intent to apply the decision set forth by the Supreme Court of the United States in *Van Orden v. Perry*, *id*, to continue the rich tradition and ensure that the students in our public schools may understand and appreciate the foundational documents of our state and national government.

(9) The Supreme Court of the United States acknowledged that the Ten Commandments may be displayed on local government property when a private donation is made for the purchase of the historical monument. *Pleasant Grove City, Utah v. Summan*, 555 U.S. 460 (2006).

(10) It is the intention of the Legislature that this section shall not create an unfunded mandate on any public school governing authority. The school boards are encouraged to use documents that are printed and made available to the schools free of charge.



74 **SECTION 2.** Section 37-13-163, Mississippi Code of 1972, is
75 amended as follows:

76 37-13-163. (1) Any teacher, administrator, school council
77 or local school board in any public school district in this state
78 may post in a public school building, classroom or at any school
79 event or read from any historical document or writing relating to
80 the founding of the United States of America or this state, or
81 both, notwithstanding the fact that such materials may include
82 religious quotations, references or illustrations. There shall be
83 no content-based censorship of American or Mississippi History,
84 heritage or culture based on any religious references contained in
85 such documents, writings or records.

86 (2) Principals and teachers in each public elementary and
87 secondary school of each school district in this state shall
88 display on an appropriately framed background with minimum
89 dimensions of eleven (11) inches by fourteen (14) inches, the
90 following motto of the United States of America in each classroom,
91 school auditorium and school cafeteria under his or her
92 supervision: "IN GOD WE TRUST." For purposes of this provision,
93 "classroom" shall mean any room of a public school where
94 instruction takes place.

95 (3) (a) No later than January 1, 2026, each public school
96 board and charter school governing board may display the Ten
97 Commandments in a prominent location within each school facility
98 under its jurisdiction. The nature of the display shall be



99 determined by the appropriate governing board provided that the
100 Ten Commandments shall be displayed on a poster or framed document
101 that is at least eleven (11) inches by fourteen (14) inches in
102 dimension. The text of the Ten Commandments shall be the central
103 focus of the poster or framed document and shall be printed in a
104 large, easily readable font.

105 (b) The text shall read as follows:

106 "The Ten Commandments

107 I AM the LORD thy God.

108 Thou shalt have no other gods before me.

109 Thou shalt not make to thyself any graven images.

110 Thou shalt not take the Name of the Lord thy God in vain.

111 Remember the Sabbath day, to keep it holy.

112 Honor thy father and thy mother, that thy days may be long upon
113 the land which the Lord thy God giveth thee.

114 Thou shalt not kill.

115 Thou shalt not commit adultery.

116 Thou shalt not steal.

117 Thou shalt not bear false witness against thy neighbor.

118 Thou shalt not covet thy neighbor's house.

119 Thou shalt not covet thy neighbor's wife, nor his manservant, nor
120 his maidservant, nor his cattle, nor anything that is thy
121 neighbor's."

122 (c) The Ten Commandments shall be displayed with a
123 context statement as follows:



124 "The History of the Ten Commandments in American Public
125 Education The Ten Commandments were a prominent part of American
126 public education, for almost three (3) centuries. Around the year
127 1688, *The New England Primer* became the first published American
128 textbook and was the equivalent of a first grade reader. *The New*
129 *England Primer* was used in public schools throughout the United
130 States for more than one hundred fifty (150) years to teach
131 Americans to read and contained more than forty (40) questions
132 about the Ten Commandments.

133 The Ten Commandments were also included in public school
134 textbooks published by educator, William McGuffey, a noted
135 university president and professor. A version of his famous
136 *McGuffey Readers* was written in the early 1800s and became one (1)
137 of the most popular textbooks in the history of American
138 education, selling more than one hundred million (100,000,000)
139 copies. Copies of the *McGuffey Readers* are still available today.

140 The Ten Commandments also appeared in textbooks published by
141 Noah Webster in which were widely used in American public schools
142 along with America's first comprehensive dictionary that Webster
143 also published. His textbook, *The American Spelling Book*,
144 contained the Ten Commandments and sold more than one hundred
145 million (100,000,000) copies for use by public school children all
146 across the nation and was still available for use in American
147 public schools in the year 1975."



148 (d) A public school may also display the Mayflower
149 Compact, the Declaration of Independence, and the Northwest
150 Ordinance, along with the Ten Commandments.

151 (e) This section shall not require a public school
152 board or charter school governing board to spend its funds to
153 purchase displays. In order to fund the displays free of charge,
154 the school public governing authority may:

155 (i) Accept donated funds to purchase the displays;
156 or

157 (ii) Accept donated displays.

158 (f) The State Board of Education shall adopt rules and
159 regulations in accordance with the Administrative Procedure Act to
160 ensure the proper implementation of this subsection.

161 (g) The State Department of Education shall identify
162 appropriate resources to comply with the provisions of this
163 subsection that are free of charge. Once identified, the
164 department shall list the free resources on the department's
165 website.

166 **SECTION 3.** Section 37-28-45, Mississippi Code of 1972, is
167 amended as follows:

168 37-28-45. (1) Charter schools are subject to the same civil
169 rights, health and safety requirements applicable to noncharter
170 public schools in the state, except as otherwise specifically
171 provided in this chapter.



172 (2) Charter schools are subject to the student assessment
173 and accountability requirements applicable to noncharter public
174 schools in the state; however, this requirement does not preclude
175 a charter school from establishing additional student assessment
176 measures that go beyond state requirements if the authorizer
177 approves those measures.

178 (3) Although a charter school is geographically located
179 within the boundaries of a particular school district and enrolls
180 students who reside within the school district, the charter school
181 may not be considered a school within that district under the
182 purview of the school district's school board. The rules,
183 regulations, policies and procedures established by the school
184 board for the noncharter public schools that are in the school
185 district in which the charter school is geographically located do
186 not apply to the charter school unless otherwise required under
187 the charter contract or any contract entered into between the
188 charter school governing board and the local school board.

189 (4) Whenever the provisions of Title 37, Mississippi Code of
190 1972, relating to the elementary and secondary education of public
191 school students establish a requirement for or grant authority to
192 local school districts, their school boards and the schools within
193 the respective school districts, the language "school districts,"
194 "school boards," "boards of trustees," "the schools within a
195 school district," or any other similar phraseology does not
196 include a charter school and the governing board of a charter



197 school unless the statute specifically is made applicable to
198 charter schools as well as noncharter public schools.

199 (5) A charter school is not subject to any rule, regulation,
200 policy or procedure adopted by the State Board of Education or the
201 State Department of Education unless otherwise required by the
202 authorizer or in the charter contract.

203 (6) Charter schools are not exempt from the following
204 statutes:

205 (a) Chapter 41, Title 25, Mississippi Code of 1972,
206 which relate to open meetings of public bodies.

207 (b) Chapter 61, Title 25, Mississippi Code of 1972,
208 which relate to public access to public records.

209 (c) Section 37-3-51, which requires notice by the
210 district attorney of licensed school employees who are convicted
211 of certain sex offenses.

212 (d) Section 37-3-53, which requires publication of the
213 Mississippi Report Card by the State Board of Education.

214 (e) Section 37-11-18, which requires the automatic
215 expulsion of a student possessing a weapon or controlled substance
216 on educational property.

217 (f) Section 37-11-18.1, which requires expulsion of
218 certain habitually disruptive students.

219 (g) Section 37-11-19, which requires suspension or
220 expulsion of a student who damages school property.



221 (h) Section 37-11-20, which prohibits acts of
222 intimidation intended to keep a student from attending school.

223 (i) Section 37-11-21, which prohibits parental abuse of
224 school staff.

225 (j) Section 37-11-23, which prohibits the willful
226 disruption of school and school meetings.

227 (k) Sections 37-11-29 and 37-11-31, which relate to
228 reporting requirements regarding unlawful or violent acts on
229 school property.

230 (l) Section 37-11-67, which prohibits bullying or
231 harassing behavior in public schools.

232 (m) Section 37-13-3, which prohibits doctrinal,
233 sectarian or denominational teaching in public schools.

234 (n) Sections 37-13-5 and 37-13-6, which require the
235 flags of the United States and the State of Mississippi to be
236 displayed near the school building.

237 (o) Section 37-13-63(1), which prescribes the minimum
238 number of days which public schools must be kept in session during
239 a scholastic year.

240 (p) Section 37-13-91, which is the Mississippi
241 Compulsory School Attendance Law.

242 (q) Section 37-13-171(2) and (4), which requires any
243 course containing sex-related education to include instruction in
244 abstinence-only or abstinence-plus education.



(r) Section 37-13-173, which requires notice to parents before instruction on human sexuality is provided in public classrooms.

(s) Section 37-13-193, which relates to civil rights and human rights education in the public schools.

(t) Sections 37-15-1 and 37-15-3, which relate to the maintenance and transfer of permanent student records in public schools.

(u) Section 37-15-6, which requires the State Department of Education to maintain a record of expulsions from the public schools.

(v) Section 37-15-9, which establishes minimum age requirements for kindergarten and first grade enrollment in public schools.

(w) Section 37-15-11, which requires a parent, legal guardian or custodian to accompany a child seeking enrollment in a public school.

(x) Sections 37-16-1, 37-16-3, 37-16-4 and 37-16-9, which relate to the statewide assessment testing program.

(y) Section 37-18-1, which establishes the Superior-Performing Schools Program and Exemplary Schools Program to recognize public schools that improve.

(z) Section 37-13-163(3), which authorizes the display of the Ten Commandments in all public school classrooms.



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

