

By: Representatives Blackwell, Arnold, Hall, To: Education
Burch

HOUSE BILL NO. 1310

1 AN ACT TO CREATE AND CODIFY NEW SECTION 37-13-4.2,
2 MISSISSIPPI CODE OF 1972, TO REQUIRE THE GOVERNING BOARD OF EACH
3 PUBLIC SCHOOL DISTRICT AND NONSECTARIAN PUBLIC CHARTER SCHOOL TO
4 ADOPT A POLICY PROVIDING A DAILY OPPORTUNITY FOR VOLUNTARY
5 PARTICIPATION BY STUDENTS AND EMPLOYEES IN A PERIOD OF PRAYER AND
6 THE READING OF THE BIBLE OR OTHER RELIGIOUS TEXT; TO REQUIRE SUCH
7 POLICIES TO INCLUDE MANDATORY WRITTEN CONSENT, ACKNOWLEDGMENT OF
8 VOLUNTARINESS AND AN EXPRESS WAIVER OF STATE AND FEDERAL CLAIMS,
9 INCLUDING ESTABLISHMENT CLAUSE CLAIMS; TO PROHIBIT PARTICIPATION
10 WITHOUT PRIOR WRITTEN CONSENT AND TO PROVIDE FOR REVOCATION OF
11 CONSENT WHILE MAINTAINING THE ENFORCEABILITY OF EXECUTED WAIVERS;
12 TO PROHIBIT THE BROADCAST OF PRAYER OR RELIGIOUS READINGS OVER
13 PUBLIC ADDRESS SYSTEMS AND TO REQUIRE THAT SUCH PERIODS NOT
14 SUPPLANT INSTRUCTIONAL TIME; TO REQUIRE SAFEGUARDS ENSURING THAT
15 PRAYER OR RELIGIOUS READINGS ARE NOT KNOWINGLY OR INTENTIONALLY
16 CONDUCTED IN THE PRESENCE OR HEARING OF NONCONSENTING INDIVIDUALS
17 AND TO AUTHORIZE COMPLIANCE THROUGH SCHEDULING BEFORE NORMAL
18 SCHOOL HOURS OR IN FULLY CONSENTED CLASSROOMS OR CAMPUSES; TO
19 REQUIRE THE ATTORNEY GENERAL, UPON REQUEST, TO PROVIDE ADVISORY
20 GUIDANCE, MODEL CONSENT FORMS, AND LEGAL DEFENSE TO PARTICIPATING
21 DISTRICTS OR SCHOOLS AND TO PROVIDE FOR STATE LIABILITY FOR COSTS,
22 JUDGMENTS OR SETTLEMENTS WHEN SUCH DEFENSE IS UNDERTAKEN; TO
23 CLARIFY THAT THE ACT DOES NOT PROHIBIT INDIVIDUAL PRAYER OR
24 RELIGIOUS EXPRESSION DURING OTHER PERIODS OF THE SCHOOL DAY AND
25 DOES NOT CONFLICT WITH ARTICLE 8, SECTION 208 OF THE MISSISSIPPI
26 CONSTITUTION OF 1890 OR EXISTING STATUTORY PROTECTIONS FOR STUDENT
27 RELIGIOUS EXPRESSION; TO BRING FORWARD SECTIONS 37-12-7, 37-13-4,
28 37-13-4.1 AND 37-13-8, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE
29 OF POSSIBLE AMENDMENTS; AND FOR RELATED PURPOSES

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



31 SECTION 1. This act shall be known as the "Mississippi Open
32 to Religion Act".

33 SECTION 2. The following shall be codified as Section
34 37-13-4.2, Mississippi Code of 1972:

35 37-13-4.2. (1) (a) The board of trustees of a public
36 school district or the governing board of a public charter school
37 that is not operated by or affiliated with a religious
38 organization shall adopt a policy requiring every campus of the
39 district or school to provide students and employees with an
40 opportunity to participate in a period of prayer and reading of
41 the Bible or other religious text on each school day in accordance
42 with this section. The period may involve opportunities for
43 voluntary participation in individual or group activities.

44 (b) A policy adopted under this subsection shall
45 include the following statement: "It is the policy of **(Name of**
46 **School District or Public Charter School)** that every campus of
47 **(Name of School District or Public Charter School)** shall provide a
48 period of prayer and reading of the Bible or other religious text
49 as provided by this section. Such period may involve
50 opportunities for voluntary participation in individual or group
51 activities."

52 (c) Policies adopted under subsection must:

53 (i) Prohibit a student or employee of the public
54 school district or public charter school from being permitted to
55 participate in the period of prayer and reading of the Bible or



56 other religious text unless the employee on his own behalf or the
57 parent or guardian of the student submits to the district or
58 school a signed consent form that includes:

59 1. An acknowledgment that the student or
60 employee has a choice as to whether to participate in the period
61 of prayer and reading of the Bible or other religious text;

62 2. A statement that the employee on his own
63 behalf or parent or guardian of the student has no objection to
64 participating in or hearing of the prayers or readings offered
65 during the period; and

66 3. An express waiver of the right to bring a
67 claim under state or federal law arising out of the adoption of a
68 policy under this section, including a claim under the
69 Establishment Clause of the First Amendment to the United States
70 Constitution or a related state or federal law, releasing the
71 district or school and district or school employees from liability
72 for those claims brought in state or federal court;

73 (ii) Prohibit the provision of a prayer or reading
74 of the Bible or other religious text over a public address system;
75 and

76 (iii) Specify that a period of prayer or reading
77 of the Bible or other religious text may not be a substitute for
78 instructional time.

79 (2) An employee on his own behalf or the parent or guardian
80 of a student may revoke consent provided under subsection (1)(c)



81 by informing the appropriate school administrator, as determined
82 by the school district or public charter school. An employee or
83 student for whom consent has been revoked under this subsection:

84 (a) May not participate in the period of prayer and
85 reading of the Bible or other religious text until the employee or
86 parent or guardian of the student submits to the district or
87 school a new consent form under subsection (1)(c); and

88 (b) Remains bound by the waiver described in subsection
89 (1)(c)(i)3.

90 (3) A policy adopted under subsection (1):

91 (a) Must include provisions ensuring a prayer or
92 reading of the Bible or other religious text is not knowingly or
93 intentionally provided in the physical presence of, within the
94 hearing of, or in another manner which would constitute an injury
95 in fact within the meaning of the United States or Mississippi
96 Constitution of 1890 on a person for whom a signed consent form
97 has not been submitted under subsection (1)(c) or has been revoked
98 under subsection (2); and

99 (b) In order to comply with this subsection (3), may
100 allow that the period of prayer and reading of the Bible or other
101 religious text be provided:

102 (i) Before normal school hours; or

103 (ii) Only in classrooms or other areas in which a
104 consent form has been submitted for every employee and student,
105 which may include an entire school district or public charter



106 school campus if a consent form has been submitted for each
107 employee and student at the campus.

108 (4) (a) The Attorney General, on request from a school
109 board or governing board of a public charter school, shall:

110 (i) Provide advice on best methods for a district
111 or school to comply with the requirements of this section;

112 (ii) Provide a model consent form that may be used
113 for purposes of providing consent under subsection (1)(c); and

114 (iii) Defend the district or school in a cause of
115 action arising out of the adoption of a policy under subsection
116 (1).

117 (b) If the Attorney General defends a district or
118 public charter school under paragraph (a) of this subsection, the
119 state shall be liable for the expenses, costs, judgements or
120 settlements of claims arising out of the representation. The
121 Attorney General may settle or compromise any claims under this
122 subsection. The state may not be liable for any expenses, costs,
123 judgements or settlements of any claims arising out of the
124 adoption of a policy under subsection (1) against a district or
125 school not being represented by the Attorney General.

126 (5) This section does not prohibit a student or employee
127 of the district or school from participating in prayer or
128 reading the Bible or other religious text during a period of the
129 school day that is not designated as a period of prayer and
130 reading of the Bible or other religious text.



131 (6) Nothing in this act shall be construed to conflict with
132 Article 8, Section 208 Mississippi Constitution of 1890. Nothing
133 in this act shall be construed to restrict or limit a student's
134 right to pray or engage in other religious activities or religious
135 expressions as provided in Sections 37-12-7, 37-13-4, 37-13-4.1
136 and 37-13-8, or those provided by the Free Exercise Clause of the
137 First Amendment to the United States Constitution.

138 **SECTION 3.** Section 37-12-7, Mississippi Code of 1972, is
139 brought forward as follows:

140 37-12-7. Students in public schools may pray or engage in
141 religious activities or religious expression before, during and
142 after the school day in the same manner and to the same extent
143 that students may engage in nonreligious activities or expression.
144 Students may organize prayer groups, religious clubs, "see you at
145 the pole" gatherings, or other religious gatherings before, during
146 and after school to the same extent that students are permitted to
147 organize other noncurricular student activities and groups.
148 Religious groups must be given the same access to school
149 facilities for assembling as is given to other noncurricular
150 groups without discrimination based on the religious content of
151 the students' expression. If student groups that meet for
152 nonreligious activities are permitted to advertise or announce
153 meetings of the groups, the school district may not discriminate
154 against groups that meet for prayer or other religious speech. A
155 school district may disclaim school sponsorship of noncurricular



156 groups and events in a manner that neither favors nor disfavors
157 groups that meet to engage in prayer or religious speech.

158 Students in public schools may wear clothing, accessories and
159 jewelry that display religious messages or religious symbols in
160 the same manner and to the same extent that other types of
161 clothing, accessories and jewelry that display messages or symbols
162 are permitted.

163 **SECTION 4.** Section 37-13-4, Mississippi Code of 1972, is
164 brought forward as follows:

165 37-13-4. It shall be lawful for any teacher or school
166 administrator in any of the schools of the state which are
167 supported, in whole or in part, by the public funds of the state,
168 to permit the voluntary participation by students or others in
169 prayer. Nothing contained in this section shall authorize any
170 teacher or other school authority to prescribe the form or content
171 of any prayer. The provisions of this section shall not be
172 construed to amend or repeal the provisions of Section 37-13-4.1
173 but shall be considered as supplemental and in addition to the
174 provisions of Section 37-13-4.1.

175 **SECTION 5.** Section 37-13-4.1, Mississippi Code of 1972, is
176 brought forward as follows:

177 37-13-4.1. (1) The legislative intent and purpose for this
178 section is to protect the freedom of speech guaranteed by the
179 First Amendment to the United States Constitution, to define for
180 the citizens of Mississippi the rights and privileges that are



181 accorded them on public school property, other public property or
182 other property at school-related events; and to provide guidance
183 to public school officials on the rights and requirements of law
184 that they must apply. The intent and purpose of the Legislature
185 is to accommodate the free exercise of religious rights of its
186 student citizens in the public schools and at public school events
187 as provided to them by the First Amendment to the United States
188 Constitution and the judicial interpretations thereof as given by
189 the United States Supreme Court.

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

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

202 (4) The exercise of the rights guaranteed under subsection
203 (2) of this section shall not be construed to indicate any
204 support, approval or sanction of the contents of any such prayer,
205 invocation, benediction or other activity, or be construed as an



206 unconstitutional use of any public property or other property by
207 the State of Mississippi or any agency, department, board,
208 commission, institution or other instrumentality thereof or any
209 political subdivision of the state, including any county or
210 municipality and any instrumentality thereof. The exercise of
211 these rights on public school property, other public property or
212 on other property for school-related activities, by students or
213 others, shall not be construed as the promotion or establishment
214 of any religion or religious belief.

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

218 **SECTION 6.** Section 37-13-8, Mississippi Code of 1972, is
219 brought forward as follows:

220 37-13-8. (1) In each public school classroom, the local
221 school governing board may authorize a brief period of quiet
222 reflection for not more than sixty (60) seconds at the opening of
223 school upon every school day.

224 (2) The moment of quiet reflection authorized by subsection
225 (1) of this section is not intended to be and shall not be
226 conducted as a religious service or exercise but is considered an
227 opportunity for a moment of silent reflection.

228 **SECTION 7.** This act shall take effect and be in force from
229 and after July 1, 2026.

