MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Denton To: Education

HOUSE BILL NO. 682

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

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

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

37-13-8. (1) In each public school classroom, the local school governing board *** * *** shall designate a *** * *** period of *** * *** reflection *** * *** at the opening of school upon every school day in which nonsectarian, nonproselytizing student-initiated prayer shall be allowed in silence or audible communication through which those desiring may voluntarily participate.

(2) The moment of *** * *** reflection authorized by subsection (1) of this section is not intended to be and shall not be conducted as a religious service or exercise but is considered an

opportunity for a moment of * * * reflection that comports with the authority granted under Sections 37-13-4 and 37-13-4.1.

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

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

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

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

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

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

SECTION 4. This act shall take effect and be in force from and after July 1, 2021.