

MISSISSIPPI CODE 1972 ANNOTATED
THE CONSTITUTION OF THE STATE OF MISSISSIPPI
ADOPTED NOVEMBER 1, A.D., 1890
ARTICLE 8. EDUCATION

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Current through End of 1996 Reg. Sess.

§ 208.

No religious or other sect or sects shall ever control any part of the school or other educational funds of this state; nor shall any funds be appropriated toward the support of any sectarian school, or to any school that at the time of receiving such appropriation is not conducted as a free school.

SOURCES: 1869 art VIII § 9.

CROSS REFERENCES

As to minimum program of education generally, see Code §§ 37-19-1 et seq.

As to transportation of school pupils generally, see Code §§ 37-41-1 et seq.

As to textbooks generally, see Code §§ 37-43-1 et seq.

As to financial assistance to children attending nonsectarian private schools, see Code §§ 37-51-1 et seq.

As to certain restrictions on gifts by will to educational institutions, see section 270.

ANNOTATIONS

Schools: free textbooks and other school supplies for individual use of pupils. 67 ALR 1196.

Right of school authorities to release pupils during school hours for purpose of attending religious education classes. 2 ALR2d 1371.

Sectarianism in schools. 45 ALR2d 742.

Furnishing free textbooks to sectarian school or student therein. 93 ALR2d 986.

Constitutionality, under state constitutional provision forbidding financial aid to religious sects, of public provision of school bus service for private school pupils. 41 ALR3d 344.

Giving of invocation with religious content at public-school-sponsored events to which public is invited or admitted as violation of establishment clause of First Amendment. 98 ALR Fed 206.

Establishment and free exercise of religion clauses of Federal Constitution's first Amendment as applied to public schools - Supreme Court Cases. 96 L Ed 2d 828.

JUDICIAL DECISIONS

1. In general

Hospital's contract with state commission on hospital care involving state grants of aid and providing for maintenance of teaching facilities, such training being an incident and overall plan to render the hospital an efficient aid in its duty to furnish hospital care, the expense to be borne solely by the hospital but under the control and supervision of commission, does not violate the constitutional prohibition against the appropriation of funds towards support of sectarian schools. *Craig v Mercy Hospital-Street Memorial*, 209 M 490, 47 So 2d 867, overruling *sugg of error 209 M 427*, 45 So 2d 809.

"Funds" in constitutional provision prohibiting appropriation of funds to sectarian schools or schools not conducted as free schools, means public funds of some character. *State Teachers' College v Morris*, 165 M 758, 144 So 374.

Word "school" in constitutional provision prohibiting appropriation of funds to sectarian schools or schools not conducted as free schools does not include State owned and supported schools. *State Teachers' College v Morris*, 165 M 758, 144 So 374.

Legislature's power to establish colleges and universities does not rest on constitutional grant. *State Teachers' College v Morris*, 165 M 758, 144 So 374.

2. Loaning of free textbooks

The loaning of free textbooks under a statute so providing irrespective of whether the school was public or private, under circumstances wherein the state retained full control and ownership over such books and their preservation was fostered by the exaction of suitable compensation for their loss or damage, did not constitute a direct or indirect aid to the respective schools which the pupils attended, although school attendance should be compulsory. *Chance v Mississippi State Textbook Rating & Purchasing Bd.* 190 M 453, 200 So 706.

Appropriation to create a fund for the purchase of free textbooks to be distributed and loaned to pupils of elementary schools, whether private or public, sectarian or non-sectarian, was not a use or diversion of school or other educational funds within the prohibition of this section, in view of the fact that such fund was to be used for the benefit of the pupils themselves and in keeping with the duty of the state to educate the children. *Chance v Mississippi State Textbook Rating & Purchasing Bd.* 190 M 453, 200 So 706.

The privilege of requisition by qualified private or sectarian schools for the loan of such books to its pupils does not place in such schools the "control [of] any part of the school or other educational funds" of the state. *Chance v Mississippi State Textbook Rating & Purchasing Bd.* 190 M 453, 200 So 706.

MS Const Art. 8, § 208

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