

**HB**

**1922**

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## **State Statutes Regarding Recitation of the Pledge of Allegiance in Public Schools**

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Alaska State Legislature

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## SUMMARY

You asked if there is a state or school district policy in Alaska regarding recitation of the pledge of allegiance in public schools. You also asked about state laws that require the recitation of the pledge of allegiance in public schools.

Alaska is among those states with no statutes regarding the pledge of allegiance in public schools. In Alaska, use of the pledge of allegiance varies by school district. Among the 23 states with laws addressing the pledge of allegiance in public schools, 16 require the pledge of allegiance – 12 provide for voluntary participation and 4 are silent in regard to participation. Laws in 4 states require participation, despite the Supreme Court's ruling that such a requirement is a violation of an individual's constitutional right to free speech. Laws in 2 states allow individual school districts to decide whether or not to conduct pledge exercises. And 1 state's law refers to instruction in the pledge of allegiance but makes no mention of recitation of the pledge.

## THE PLEDGE OF ALLEGIANCE IN ALASKA SCHOOLS

Alaska Statutes and regulations contain no mention of the pledge of allegiance.<sup>1</sup> Harry Gamble, public information officer, Department of Education, reports that the department offers no guidelines to school districts regarding the pledge. We asked school officials in Alaska's three largest communities (Anchorage, Fairbanks, and Juneau) if the districts have specific policies regarding the pledge of allegiance. We found that the use of the pledge of allegiance varies by school district. Furthermore, the Anchorage and Fairbanks school districts have written policies but the Juneau school district does not.

The Anchorage School District policy states that the pledge shall be recited in most assemblies and students will be given the opportunity to salute the flag with the pledge of allegiance before the start of each day:

### Section 342.6 Patriotism (Pledge of Allegiance)

A. Flags, United States and Alaska, will be displayed in all classrooms, the main entrance of the building, interior entrance areas if appropriate, any auditorium/mult-purpose room or other assembly area. When viewing the flags from the audience, the American flag should be placed on the left and the Alaska flag should be on the right.

B. The Pledge of Allegiance will be held as an opening ceremony at all "formal" assemblies involving resource speakers and visitors. The principal and faculty should determine when the Pledge should be held for other assembly meetings.

C. An opportunity shall be provided for all students to salute the flag with the Pledge of Allegiance during morning announcements each day.

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<sup>1</sup> The Pledge of Allegiance was written by Francis Bellamy in 1892 and published in the children's magazine, *The Youth's Companion*. The pledge was originally intended to be recited annually by schoolchildren on Columbus Day, but eventually became part of daily public school activities.

D. Students and staff should be encouraged to proudly participate in the Pledge. Students or staff who object to the Pledge may be seated during the Pledge and are expected to be courteous during the ceremony.

The Fairbanks North Star School District policy states that instruction will be given in flag protocol and a flag salute is encouraged at assemblies:

#### Section 924.1 Flag Instruction and Salute

Every elementary student will be given instruction annually in the proper care and respect for flags of the United States and Alaska.

Elementary and secondary principals will be encouraged to begin assemblies with a flag salute.

According to Annie Calkins, assistant superintendent of the Juneau School District, the district does not have a written policy regarding recitation of the pledge of allegiance. She said that, generally, students in Juneau recite the pledge in elementary grades but the practice is usually not as common in middle and high school.

### STATE STATUTES REGARDING THE PLEDGE OF ALLEGIANCE

According to a survey conducted by the National Flag Foundation in 1992, at least 22 states have statutes regarding the recitation of the pledge of allegiance in public schools.<sup>2</sup> Since that time, lawmakers in at least 1 more state, Montana, have passed a law on the pledge of allegiance.<sup>3</sup>

It is important to note that, although a few state's laws require participation in the recitation of the pledge of allegiance in public schools, the U.S. Supreme Court has ruled that schoolchildren cannot be compelled to participate against their wishes. In *West Virginia State Board of Education v. Barnette* (319 U.S. 624, 1943), the Court heard arguments from members of the Jehovah's Witness faith, who objected to compulsory recitation of the pledge on religious grounds. The Court ruled that the right of free speech guaranteed in the First Amendment denies the government the authority to require the saluting of the flag or recitation of the pledge. As a result, many states' laws include language making participation in pledge exercises voluntary or optional.

The attached table includes information on states with laws regarding the pledge of allegiance in public schools and also includes the statutory citation.<sup>4</sup> The following highlight variations and

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<sup>2</sup> The National Flag Foundation is a private, non-profit, educational organization dedicated to fostering research and scholarship on historic flags of the U.S. The survey results, found in *Stars, Stripes, and Statutes*, National Flag Foundation, 1992, lists the following states as having statutes specifically addressing the pledge of allegiance: Alabama, Arizona, California, Delaware, Georgia, Idaho, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Rhode Island, Washington, West Virginia, and Wisconsin. . We checked all statutory references listed in the 1992 survey and found that these laws are still in effect.

<sup>3</sup> The Montana statute was enacted in 1997.

<sup>4</sup> We have included, as an attachment to this report, copies of the state statutes provided in the table.

similarities in state approaches to this issue:

- ◆ Laws in **Alabama, Arizona, Georgia, Kentucky, Louisiana, Maryland, Montana, New Jersey, Rhode Island, Washington, West Virginia,** and **Wisconsin** require the pledge of allegiance be recited, however, participation is voluntary.
  - ◆ Laws in **California, Kansas, New Mexico,** and **New York** require schools or school districts to conduct patriotic exercises that include a recitation of the pledge of allegiance. The statutes are silent, however, on whether or not participation is voluntary.
  - ◆ Laws in **Delaware, Massachusetts, Mississippi,** and **North Dakota** appear to require compulsory participation by students in the pledge of allegiance in public schools.
  - ◆ Laws in **New Hampshire** and **Ohio** provide that school districts shall develop independent policies on whether or not to recite the pledge.
  - ◆ **Idaho** law provides that instruction shall be given in flag etiquette and such instruction shall include the pledge of allegiance. The statute makes no mention, however, of recitation of the pledge.
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I hope you find this information useful. Please do not hesitate to contact us if you have questions or need additional information.

<b>Table: State Statutes Regarding the Pledge of Allegiance in Public Schools</b>		
<b>State</b>	<b>Statutory Language</b>	<b>Statutory Authority</b>
Alabama	The State Board of Education shall afford all students attending public kindergarten, primary and secondary schools the opportunity each school day to voluntarily recite the pledge of allegiance to the United States flag.	Alabama Code 16-43-5
Arizona	School authorities . . . shall set aside a specific time each day for those students who wish to recite the pledge of allegiance to the United States flag.	Arizona Revised Statutes 15-506
California	In every public elementary school each day during the school year . . . there shall be conducted appropriate patriotic exercises. The giving of the Pledge of Allegiance to the Flag of the United States of America shall satisfy the requirements of this section.	California Codes (Education) 52720
Delaware	In the opening exercises of every free public school each morning, the teachers and pupils assembled shall salute and pledge allegiance to the American flag . . .	Delaware Code Annotated 4105
Georgia	Each student in the public schools of this state shall be afforded the opportunity to recite the Pledge of Allegiance to the flag of the United States of America during each school day. . . .	Georgia Code Annotated 20-2-310.
Idaho	Instruction in the proper use, display and history of and respect for the American flag and the national colors shall be given in all elementary and secondary schools. Such instruction shall include the pledge of allegiance to the flag, words and music of the national anthem, and of "America."	Idaho Code 33-1602
Kansas	It shall be the duty of the state board of education to prepare for the use of the public schools a program providing for patriotic exercises . . . The program . . . shall include a daily recitation of the pledge of allegiance to the flag of the United States of America.	Kansas Statutes 72-5308
Kentucky	The board of education of each school district shall establish a policy and develop procedures whereby the pupils in each elementary and secondary school may participate in the pledge of allegiance to the flag of the United States.	Kentucky Revised Statutes 158.175 (2)
Louisiana	Each parish and city school board in the state shall also permit the proper authorities of each school to allow the opportunity for group recitation of the "Pledge of Allegiance to the Flag." Such recitation shall occur at the commencement of the first class of each day in all grades and in all public schools.	Louisiana Statutes Annotated (1999 supplement) 2115
Maryland	Each county board shall: . . . (2) Prepare a program for each public school classroom for the beginning of each day that provides for the salute to the flag and other patriotic exercises . . . (3) Require all students and teachers in charge to stand and face the flag and while standing give an approved salute and recite in unison the pledge . . . (d) Any student or teacher who wishes to be excused from the requirements . . . shall be excused.	Maryland Annotated Code 7-105

<b>Table: State Statutes Regarding the Pledge of Allegiance in Public Schools</b>		
<b>State</b>	<b>Statutory Language</b>	<b>Statutory Authority</b>
Massachusetts	Each teacher at the commencement of the first class of each day in all grades in all public schools shall lead the class in a group recitation of the "Pledge of Allegiance to the Flag." Failure for a period of five consecutive days by the principal or teacher in charge of a school . . . to display the flag . . . or failure for a period of two consecutive weeks by a teacher to salute the flag and recite said pledge . . . or to cause the pupils in his charge so to do, shall be punished for every such period by a fine of not more than five dollars.	Massachusetts General Laws Annotated (1999 Supplement) 71-69
Mississippi	The boards of trustees of the public schools of this state shall require the teachers under their control to have all pupils repeat the oath of allegiance to the flag of the United States of America at least once during each school month . . .	Mississippi Code Annotated 37-13-7
Montana	(T)he pledge of allegiance to the flag of the United States of America must be recited in all public schools of the state. . . (4) A school district shall inform all students and teachers of their right to not participate in recitation of the pledge. Any student or teacher who, for any reason, objects to participating in the pledge exercise must be excused from participation. (5) If a student or teacher declines to participate in the recitation . . . a school district may not for evaluation purposes include any reference to the student's or teacher's not participating.	Montana Code Annotated 20-7-133
New Hampshire	A school district may authorize the recitation of the traditional Lord's Prayer and the pledge of allegiance to the flag in public elementary schools. Pupil participation in the recitation . . . shall be voluntary. Pupils shall be informed that these exercises are not meant to influence an individual's personal religious beliefs in any manner.	New Hampshire 194:15-a
New Jersey	Every board of education shall . . . (c) require the pupils in each school in the district on every school day to salute the United States flag and repeat the . . . pledge of allegiance. . . . except that pupils who have conscientious scruples against such pledge or salute, . . . shall not be required to render such salute and pledge but shall be required to show full respect to the flag while the pledge is being given.	New Jersey Statutes Annotated 18A: 36-3
New Mexico	Local school boards shall provide that the pledge of allegiance shall be recited daily in each public school in the school district according to regulations adopted by the state board.	New Mexico Statutes Annotated 22-5-4.5
New York	It shall be the duty of the commissioner of education to prepare, for the use of the public schools of the state, a program providing for a salute to the flag and a daily pledge of allegiance to the flag, for instruction in its correct use and display and such other patriotic exercises as may be deemed by him to be expedient, under such regulations and instructions as may best meet the varied requirements of the different grades and such schools.	New York Annotated Statutes Education 802
North Dakota	The officers of every school district shall ensure . . . that each morning the pledge of allegiance to the flag must precede each day's study in the first grade through the sixth grade.	North Dakota Code Annotated 15-47-37
Ohio	The board of education of each city, local, exempted village, and joint vocational school district shall adopt a policy specifying whether or not oral recitation of the pledge of allegiance to the flag shall be a part of the school's program and, if so, establishing a time and manner for such recitation.	Ohio Revised Code 3313.60.2

<b>Table: State Statutes Regarding the Pledge of Allegiance in Public Schools</b>		
<b>State</b>	<b>Statutory Language</b>	<b>Statutory Authority</b>
Rhode Island	(a) All public schools, commencing with preprimary school through and including high school, shall commence each day with the (pledge of allegiance) . . . (b) Any person not wishing to participate in the "pledge of allegiance" is hereby exempt from participation and need not participate in the pledge.	General Laws of Rhode Island 16-22-11
Washington	The board of directors of every school district shall . . . Cause appropriate flag exercises to be held in each classroom at the beginning of the school day, and in every school at the opening of all school assemblies, at which exercises those pupils so desiring shall recite the (pledge of allegiance). . . Students not reciting the pledge shall maintain a respectful silence.	Revised Code of Washington Annotated 28A.230.140
West Virginia	Every instructional day in the public schools of this state shall be commenced with a pledge of allegiance to the flag of the United States. Pupils who do not wish to participate in this exercise shall be excused from making such pledge.	West Virginia Code 18-5-15b
Wisconsin	Every public and private school shall offer the pledge of allegiance in grades one to 8 at the beginning of school at least one day per week. No pupil may be compelled, against the pupil's objections or those of the pupil's parents or guardian, to recite the pledge.	Wisconsin Statutes 118.06
Sources: <i>Stars, Stripes, and Statutes</i> , National Flag Foundation, 1992; and current state statutes.		

# ALASKA STATE LEGISLATURE

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## **HB 192 - CALLING FOR PUBLIC SCHOOL STUDENTS TO RECITE THE PLEDGE OF ALLEGIANCE**

The aim of this bill is to standardize pledge of allegiance policies among the state's public schools and school systems, and to insure that this basic civic function is held on a regular basis at all grade levels of Alaska's public schools.

The goal of this bill is to require public schools to conduct regular flag exercises - which include the Pledge of Allegiance.

Under HB 192, no one will be compelled to recite the pledge against their conscience or belief system. Instead, students who object to reciting the pledge of allegiance on grounds of conscience or belief are asked to maintain a respectful silence.

HB 192 brings Alaska's flag statute in line with that of many other states, and is based on the flag statute of the State of Washington.

*Idaho*  
 Collateral References. Validity of statute of foreign languages in schools. 7 A.L.R. 1695; or other regulations as to the use, or teaching, 29 A.L.R. 1452.

X **33-1602. United States Constitution — National flag and colors — National anthem — "America." — a.** Instruction in the Constitution of the United States shall be given in all elementary and secondary schools. The state board of education shall adopt such materials as may be deemed necessary for said purpose, and shall also determine the grades in which such instruction shall be given;

b. Instruction in the proper use, display and history of and respect for the American flag and the national colors shall be given in all elementary and secondary schools. Such instruction shall include the pledge of allegiance to the flag, the words and music of the national anthem, and of "America." [1963, ch. 13, § 177, p. 27; am. 1991, ch. 287, § 1, p. 738.]

**Compiler's notes.** Federal flag laws are compiled as 36 U.S.C. §§ 172-180.

Federal laws as to the national anthem are compiled as 36 U.S.C. §§ 170 and 171.

**Collateral References.** Patriotic ritual,

such as oath of allegiance or salute to the flag, power to require performance by pupils. 110 A.L.R. 383; 120 A.L.R. 655; 127 A.L.R. 1502; 141 A.L.R. 1030; 147 A.L.R. 698.

**33-1603. Sectarian instruction forbidden.** — No sectarian or denominational doctrine shall be taught in the public schools, nor shall any books, tracts, papers or documents of sectarian or denominational character be used therein. [1963, ch. 13, § 178, p. 27.]

**Cross ref.** Books of sectarian nature excluded from library, § 33-512.

Religious tests, qualifications, and teachings prohibited, Const., Art. 9, § 6.

State university, sectarian and partisan instruction forbidden, § 33-2806.

**Collateral References.** Releasing public school pupils from attendance for purpose of attending religious education classes. 2 A.L.R.2d 1372.

Bible distribution or use in schools — modern cases. 111 A.L.R.Fed. 121.

**33-1604. Bible reading in public schools.** — Selections from the Bible, to be chosen from a list prepared from time to time by the state board of education, shall be read daily to each occupied classroom in each school district. Such reading shall be without comment or interpretation. Any question by any pupil shall be referred for answer to the pupil's parent or guardian. [1963, ch. 13, § 179, p. 27.]

**Compiler's notes.** This section was declared unconstitutional in *Adams v. Engelking*, 232 F. Supp. 666 (D. Idaho 1964).

**Cross ref.** Religious tests, qualifications, and teachings prohibited, Const., Art. 9, § 6.

**Unconstitutional.**

This statute, providing for daily Bible reading in public schools, is in conflict with the

First and Fourteenth Amendments of the United States Constitution and hence is unconstitutional, invalid and unenforceable. *Adams v. Engelking*, 232 F. Supp. 666 (D. Idaho 1964).

**Collateral References.** Bible distribution or use in public schools — modern cases. 111 A.L.R.Fed. 121.

**33-1605. Health and physical fitness — Effects of alcohol, tobacco, stimulants and narcotics.** — In all school districts there shall be instruction in health and physical fitness, including effects of alcohol, stimulants, tobacco and narcotics on the human system. The state board of

X § 7-105. Display of flag; patriotic exercises.

(a) *Purpose.* — This section is enacted so that the love of freedom and democracy, shown in the devotion of all true and patriotic Americans to their flag and country, shall be instilled in the hearts and minds of the youth of America.

(b) *School flags.* — Each county board shall:

(1) Require the display of an American flag on the site of each public school building in its county while the school is in session;

(2) Buy all necessary flags, staffs, and appliances for the flags; and

(3) Adopt rules and regulations for the proper custody, care, and display of the flag.

(c) *Classroom flags; flag salute and pledge of allegiance.* — Each county board shall:

(1) Provide each public school classroom with an American flag;

(2) Prepare a program for each public school classroom for the beginning of each school day that provides for the salute to the flag and other patriotic exercises that are approved by the United States government; and

(3) Require all students and teachers in charge to stand and face the flag and while standing give an approved salute and recite in unison the pledge of allegiance as follows: "I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

(d) *Exception from flag salute or pledge requirement.* — Any student or teacher who wishes to be excused from the requirements of subsection (c) (3) of this section shall be excused.

(e) *Other patriotic exercises.* — Each county board may provide for any other patriotic exercises it considers appropriate under the regulations and instruction that best meet the requirements of the different grades in the schools.

(f) *Disrespect in violation of section.* — Any individual who commits an act of disrespect, either by word or action, is in violation of the intent of this section. (An. Code 1957, art. 77, § 77; 1978, ch. 22, § 2.)

Maryland Law Review. — For comment on flag desecration statutes and the right to free speech, see 30 Md. L. Rev. 332 (1970).

Constitutionality. — Former mandatory sa-

lute and pledge of allegiance requirements of this section were unconstitutional and void. State v. Lundquist, 262 Md. 534, 278 A.2d 263 (1971).

§ 7-106. Textbooks, materials of instruction, and supplies.

(a) *Selection and purchase of school materials.* — On the recommendation of the county superintendent and subject to the provisions of this article, each county board shall adopt procedures for the selection and purchase of the following necessary items, at the lowest price consistent with good quality, for use in the public schools:

(1) Textbooks;

printed as set forth in Act 478 after deletion of ", of sensory skills, any disease of eyes or ears, or evidence of dyslexia" from the end of the first sentence.

The amendment by Acts 1989, No. 241 deleted "sensory screening;" from the section heading;

the amendment by Acts 1989, No. 478 retained the phrase. On authority of R.S. 24:253, the section heading contained in Act 241 was printed, as the title of that Act reflected an intent "to delete certain requirements involving testing a student's proficiency in sensory skills".

**§ 2115. Silent prayer or meditation; pledge of allegiance**

A. Each parish and city school board in the state shall permit the proper school authorities of each school within its jurisdiction to allow an opportunity, at the start of each school day, for those students and teachers desiring to do so to observe a brief time in silent prayer or meditation. The allowance of a brief time for silent prayer or meditation shall not be intended nor interpreted as state support of or interference with religion, nor shall such time allowance be promoted as a religious exercise and the implementation of this Section shall remain neutral toward religion.

B. Each parish and city school board in the state shall also permit the proper authorities of each school to allow the opportunity for group recitation of the "Pledge of Allegiance to the Flag". Such recitation shall occur at the commencement of the first class of each day in all grades and in all public schools.

Amended by Acts 1987, No. 620, § 1; Acts 1989, No. 380, § 2; Acts 1992, No. 320, § 1.

**Historical and Statutory Notes**

Acts 1992, No. 321, § 1 amended this section to authorize, in addition to silent meditation, silent voluntary prayer in public schools, and added lan-

guage relating to the interpretation of the section as regards state support or interference with religion.

**Cross References**

Charter schools demonstration programs, see R.S. 17:3971 et seq.

**United States Supreme Court**

Daily period of silence in public schools for meditation or voluntary prayer, see *Wallace v. Jaffree*, 1985, 105 S.Ct. 2479, 472 U.S. 38, 86 L.Ed.2d 29.

student groups, see *Board of Educ. of Westside Community Schools v. Mergens By and Through Mergens*, 1990, 110 S.Ct. 2356, 496 U.S. 226, 110 L.Ed.2d 191.

Religious entanglement, schools, student religious groups, access, other noncurriculum related

**Notes of Decisions**

**1. Validity**

*Karen B. v. Treen*, C.A.5 (La.)1981, 653 F.2d 897, [main volume] affirmed 102 S.Ct. 1267, 455 U.S. 913, 71 L.Ed.2d 455.

**2. In general**

*Karen B. v. Treen*, C.A.5 (La.)1981, 653 F.2d 897, [main volume] affirmed 102 S.Ct. 1267, 455 U.S. 913, 71 L.Ed.2d 455.

**§ 2115.1. Official prayer; prohibition**

No public elementary or secondary school shall adopt or use any official or standard prayer and when a voluntary, student-initiated, student-led prayer is offered, it shall be done in accordance with the religious views of the student offering the prayer.

Added by Acts 1995, No. 264, § 1.

**§ 2115.2. Student participation**

No student attending any public elementary or secondary school shall be required to participate in any religious activity at such school.

Added by Acts 1995, No. 264, § 1.

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religious services during regular scheduled  
periods. OAG 64-111.

The nativity scene can be used in schools at  
Christmas so long as no religious significance  
is attached thereto. OAG 64-111.

The utterance of prayers or the reading of  
the Bible can continue in PTA meetings and  
voluntary Bible classes held without the reg-  
ular school hours or school curriculum. OAG  
64-111.

There would be nothing objectionable in a  
student, during a period of meditation, volun-  
tarily or spontaneously saying a prayer, silent  
or vocal, but a teacher could not do so. OAG  
64-111.

This section is unconstitutional as violative

of the first and fourteenth amendments of the  
United States Constitution under the doc-  
trine of Engel v. Vitale, 370 U.S. 421, 82 S. Ct.  
1261, 8 L. Ed. 2d 601 (1962) and School Dist.  
v. Schempp, 374 U.S. 203, 83 S. Ct. 1560, 10 L.  
Ed. 2d 844 (1963). OAG 79-463.

For those school officials, employees and  
school board members that participate in or  
permit the continued practice of Bible reading  
as denounced by the United States Supreme  
Court, there stands a strong possibility of a  
legal claim by a student against them that the  
student's constitutional rights are being in-  
fringed under color of state law by these  
school personnel's actions. OAG 79-463.

DECISIONS UNDER PRIOR LAW

1. Sectarian Book.

The Bible is not a sectarian book. Hackett v.  
Brooksville Graded Sch. Dist., 120 Ky. 608, 27  
Ky. L. Rptr. 1021, 87 S.W. 792, 117 Am. St. R.  
599 (1905).

Collateral References. 68 Am. Jur. 2d,  
Schools, §§ 337-339.

78A C.J.S., Schools and School Districts,  
§ 684.

Power of school authorities to provide  
course of Bible study. 70 A.L.R. 1314.

Constitutionality of regulation or policy  
governing prayer, meditation, or "moment of  
silence" in public schools. 110 A.L.R. Fed. 211.

Bible distribution or use in public  
schools—modern cases. 111 A.L.R. Fed. 121.

158.175. Recitation of Lord's prayer and pledge of allegiance -  
Instruction in proper respect for and display of the  
flag - Observation of moment of silence or reflection.

- (1) As a continuation of the policy of teaching our country's history and as an affirmation of the freedom of religion in this country, the board of education of a local school district may authorize the recitation of the traditional Lord's prayer and the pledge of allegiance to the flag in public elementary schools. Pupil participation in the recitation of the prayer and pledge of allegiance shall be voluntary. Pupils shall be reminded that this Lord's prayer is the prayer our pilgrim fathers recited when they came to this country in their search for freedom. Pupils shall be informed that these exercises are not meant to influence an individual's personal religious beliefs in any manner. The exercises shall be conducted so that pupils shall learn of our great freedoms, including the freedom of religion symbolized by the recitation of the Lord's prayer.
- (2) The board of education of each school district shall establish a policy and develop procedures whereby the pupils, in each elementary and secondary school may participate in the pledge of allegiance to the flag of the United States at the commencement of each school day. The policy shall include a plan for incorporating instruction concerning the proper display of and respect for the flag of the United States and the flag of Kentucky into the social studies curriculum.
- (3) The board of education of each local school district may purchase or otherwise acquire and provide for display in each classroom copies of the Declaration of Independence, the Gettysburg Address, and other documents the local board deems significant to the history of Kentucky and the United States.

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CHAPTER 43.

UNITED STATES FLAG AND STATE FLAG.

Sec.  
 16-43-1. Flags must be displayed daily.  
 16-43-2. Teacher's report on display.  
 16-43-3. Teachers not displaying flag not allowed public funds.

Sec.  
 16-43-4. Purchase of flags.  
 16-43-5. Students to be afforded opportunity to voluntarily recite pledge of allegiance to United States flag.

§ 16-43-1. Flags must be displayed daily.

All schools in this state that are supported in whole or in part by public funds shall display every day on which school is in session, at some suitable place about the school building, the flag of the United States and the flag of the State of Alabama. (School Code 1927, § 615; Code 1940, T. 52, § 549.)

§ 16-43-2. Teacher's report on display.

Teachers in making monthly reports shall show on the same that the provisions of Section 16-43-1 have been complied with, and superintendents of city schools in drawing public money, or moneys, shall certify that each school under his supervision has complied with said section. (School Code 1927, § 616; Code 1940, T. 52, § 550.)

§ 16-43-3. Teachers not displaying flag not allowed public funds.

Teachers in the state shall not be allowed to draw public funds unless the provisions of this chapter are complied with, and the State Superintendent of Education is charged with the enforcement of the provisions hereof. (School Code 1927, § 617; Code 1940, T. 52, § 551.)

§ 16-43-4. Purchase of flags.

The flags provided for in this chapter shall be paid for by local school boards, in localities where local school boards exist, and in localities where there are no local school boards, such flags shall be paid for by the county boards of education. (School Code 1927, § 618; Code 1940, T. 52, § 552.)

X § 16-43-5. Students to be afforded opportunity to voluntarily recite pledge of allegiance to United States flag.

The State Board of Education shall afford all students attending public kindergarten, primary and secondary schools the opportunity each school day to voluntarily recite the pledge of allegiance to the United States flag. (Acts 1976, No. 360, p. 425.)

Collateral references. — 63 Am. Jur. 2d, Schools, § 247.

*Arizona*

Notes of Decisions

Refusal to take oath 1

oath required by A.R.S. §§ 15-504 and 38-231, Op.Atty.Gen. No. 186-020.

1. Refusal to take oath

School district may not continue to employ teacher's aide who is unwilling to sign loyalty

§ 15-505. Examination of persons displaying symptoms of pulmonary disease

A school district employee shall not be required to submit to annual or other regular periodic examinations for tuberculosis, except that in instances where such employee displays symptoms of pulmonary disease the governing board may require such employee to submit to such tests or examinations as a licensed physician deems appropriate.

Added by Laws 1981, Ch. 1, § 2, eff. Jan. 23, 1981. Amended by Laws 1986, Ch. 58, § 1; Laws 1986, Ch. 399, § 5; Laws 1990, Ch. 35, § 1.

Historical and Statutory Notes

Source:

Laws 1912, Ch. 37, § 1.  
Civ.Code 1913, § 2809.  
Rev.Code 1928, § 1045.  
Code 1939, § 54-1007.  
A.R.S. former § 15-206.

Laws 1960, Ch. 127, § 11.  
Laws 1976, Ch. 22, § 1.

The 1986 amendment of this section by Ch. 399 explicitly amended the 1986 amendment of this section by Ch. 58.

Cross References

Noncompliance as unprofessional conduct and grounds for certificate revocation, see § 15-509.

Library References

Schools ¶63(1), 133.1.  
WESTLAW Topic No. 345.

C.J.S. Schools and School Districts §§ 107 et seq., 146 to 148, 170 et seq.

Notes of Decisions

Testing 1

1. Testing

School district is not legally required to have job applicants tested for pulmonary tuberculosis. Op.Atty.Gen. No. 187-054.

X

§ 15-506. Flag display; recitation of the pledge of allegiance

School authorities shall purchase a United States flag, flagstaff and appurtenances, display the flag upon or near the school building during school hours and at such other times as they direct and set aside a specific time each day for those students who wish to recite the pledge of allegiance to the United States flag.

Added by Laws 1981, Ch. 1, § 2, eff. Jan. 23, 1981.

Historical and Statutory Notes

Source:

Laws 1912, Ch. 77, §§ 117 to 119.

Civ.Code 1913, §§ 2843, 2844.

PROVISIONS

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later than the opening of the 8th grade and shall continue in the high school courses and in courses in state colleges, universities and the educational departments of state and municipal institutions. The extent and content of such courses below the college level shall be determined by the State Board of Education. In institutions of higher learning the trustees or other governing body of such institutions shall determine the extent and content of such courses. (33 Del. Laws, c. 183, §§ 1, 2; Code 1935, § 2759; 14 Del. C. 1953, § 4104; 49 Del. Laws, c. 379; 50 Del. Laws, c. 247, § 1; 60 Del. Laws, c. 246, § 1.)

§ 4104. Display of American flag.

(a) Every board of education in this State shall procure the American flag and cause the same to be displayed out-of-doors (weather permitting) on the school grounds of every school house in this State during school hours.

(b) The State Board of Education shall procure American flags for every free public school in this State and cause the same to be displayed in every school house in this State during school hours.

(c) The State Board shall make drafts, by warrants upon the State Treasurer from funds not otherwise appropriated, of such sums as are necessary to carry into full effect subsection (b) of this section. (33 Del. Laws, c. 184; 34 Del. Laws, c. 180, §§ 1, 4; Code 1935, §§ 2760, 2761; 14 Del. C. 1953, § 4105; 57 Del. Laws, c. 113.)

§ 4105. Salute to flag and pledge of allegiance.

In the opening exercises of every free public school each morning, the teachers and pupils assembled shall salute and pledge allegiance to the American flag as follows: "I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all." (34 Del. Laws, c. 180, § 2; Code 1935, § 2761; 14 Del. C. 1953 § 4106; 51 Del. Laws, c. 51.)

§ 4106. Failure to require salute and pledge; penalty.

When the State Board of Education has procured and distributed American flags in each free public school, any principal or teacher of such free public school who fails to require the salute and pledge as set out in § 4105 of this title shall be fined not more than \$50 or imprisoned not more than 10 days. (34 Del. Laws, c. 180, § 3; Code 1935, § 2761; 14 Del. C. 1953, § 4107.)

§ 4107. General election day; closing of schools.

(a) Every day on which a general election is held in this State shall be a legal holiday for all school purposes and all schools, colleges and other institutions of learning shall be closed during the whole of such day.

(b) Whoever, having the control of any school, college or other institution of learning, causes or permits the same to be open and instruction given on such

*Boyer* 20-2-310. Student directory information; registering to vote and with selective service; pledge of allegiance.

(a) Any public school at the secondary level which provides access to the campus or to student directory information to persons or groups which make students aware of occupational or educational options shall provide access to the campus and student directory information on at least the same basis to official recruiting representatives of the military forces of the state and the United States for the purpose of informing students of educational and career opportunities available in the military.

(b) Each student in the public schools of this state, upon attaining the age of 18 years, shall be apprised of his or her right to register as an elector and to vote in elections and of any obligation to register with the Selective Service System. The State Board of Education shall promulgate rules and regulations to carry out this Code section. An excused absence of a student to register or vote, at the discretion of the local unit of administration, shall not exceed one school day.

(c) Each student in the public schools of this state shall be afforded the opportunity to recite the Pledge of Allegiance to the flag of the United States of America during each school day. It shall be the duty of each local board of education to establish a policy setting the time and manner for recitation of the Pledge of Allegiance. Such policy shall be established in writing and shall be distributed to each teacher within the school. (Code 1981, §§ 20-2-302 — 20-2-304, as enacted by Ga. L. 1985, p. 1657, § 1; Code 1981, § 20-2-310, as redesignated by Ga. L. 1987, p. 1169, § 1.)

Editor's notes. — See the editor's notes under the Article 6 heading for information as to the repeal of the former Code section.

**20-2-311. State Board of Postsecondary Vocational Education.**

Repealed by Ga. L. 1988, p. 1252, § 1, effective July 1, 1988.

Editor's notes. — This Code section was 1987, p. 575, § 2; and Ga. L. 1987, p. 1169, based on Ga. L. 1985, p. 1657, § 1; Ga. L. § 1.

**PART 15**

**MISCELLANEOUS PROVISIONS**

Editor's notes. — Ga. L. 1987, p. 1169, § 1, effective July 1, 1987, in effect created this part by transferring and redesignating former Code Sections 20-2-306, 20-2-307 and 20-2-308 as Code Sections 20-2-320, 20-2-321 and 20-2-322, respectively. See the editor's notes at the beginning of Part 14 of this article.

*Other States address "students."*

## CASE ANNOTATIONS

1. School regulation expelling pupil for refusal to salute flag held invalid; freedom of religion. *State v. Smith*, 155 K. 558, 559, 127 P.2d 518.

**72-5307.**

History: L. 1919, ch. 274, § 4; R.S. 1923, 72-5307; Repealed, L. 1939, ch. 309, § 7; June 30.

## Revisor's Note:

Later act, see 73-707, 73-710.

## CASE ANNOTATIONS

1. School regulation expelling pupil for refusal to salute flag held invalid; freedom of religion. *State v. Smith*, 155 K. 588, 589, 127 P.2d 518.

**72-5308.** Patriotic exercises; observation of holidays. It shall be the duty of the state board of education to prepare for the use of the public schools a program providing for patriotic exercises as may be deemed by it to be expedient, under such instructions as may best meet the varied requirements of the different grades in such schools. The program of patriotic observation of every school district shall include a daily recitation of the pledge of allegiance to the flag of the United States of America. It shall also make provision for the observance in public schools of Lincoln's birthday, Washington's birthday, Memorial day, and Flag day, and such other legal holidays of like character as may be designated by law.

History: L. 1907, ch. 319, § 3; R.S. 1923, 72-5308; L. 1969, ch. 310, § 23; July 1.

## Cross References to Related Sections:

Holidays, see ch. 35.

## CASE ANNOTATIONS

1. School regulation expelling pupil for refusal to salute flag held invalid; freedom of religion. *State v. Smith*, 155 K. 588, 589, 590, 596, 127 P.2d 518.

**72-5308n.** "Periods of silence" authorized. In each public school classroom the teacher in charge may observe a brief period of silence with the participation of all the pupils therein assembled at the opening of every school day. This period shall not be conducted as a religious exercise but shall be an opportunity for silent prayer or for silent reflection on the anticipated activities of the day.

History: L. 1969, ch. 310, § 24; July 1.

## Law Review and Bar Journal References:

"Constitutional Law: A Valid Secular Purpose is Required for 'Moment of Silent Prayer' Statutes (*Wallace v. Jaffree*, 105 S.Ct. 2479 (1985))." Paul C. Herr, 25 W.L.J. 366 (1986).

## Attorney General's Opinions:

Constitutionality of statute. 85-83.

**72-5308b.** Severability. If any clause, paragraph, subsection or section of this act [\*]

shall be held invalid or unconstitutional it shall be conclusively presumed that the legislature would have enacted the remainder of this act [\*] without such invalid or unconstitutional clause, paragraph, subsection or section.

History: L. 1969, ch. 310, § 61; July 1.

\* "This act," see, also, 8-272 to 8-279; 72-120, 72-127 to 72-129; 72-1110, 72-2401 to 72-2403; 72-4107, 72-4107a, 72-4141, 72-4142, 72-4148 to 72-4152; 72-4605, 72-5308, 72-5308b, 72-5326 to 72-5332; 72-5332a, 72-5333b, 72-5333d, 72-6201 to 72-6203; 72-6501, 72-6504 to 72-6506; 72-6518, 72-6802 to 72-6809; 72-6904, 72-6911, 72-6914, 72-7109, 72-8212, 75-608, 75-2302, 75-2305a, 75-2308, 79-1429, 79-2926.

**72-5309.**

History: L. 1907, ch. 319, § 4; R.S. 1923, 72-5309; Repealed, L. 1969, ch. 310, § 66; July 1.

**72-5310.**

History: L. 1915, ch. 365, § 1; R.S. 1923, 72-5310; Repealed, L. 1969, ch. 310, § 66; July 1.

## CASE ANNOTATIONS

1. Power to school board to determine subjects to be taught. *The State, ex rel., v. School District*, 112 K. 66, 68, 69, 209 P. 665.

**72-5311.** Secret fraternity of school organization. It shall be unlawful for the pupils of any high schools to participate in or be members of any secret fraternity or secret organization whatsoever that is in any degree a school organization.

History: L. 1907, ch. 320, § 1; May 27; R.S. 1923, 72-5311.

## Research and Practice Aids:

Schools 169.

C.J.S. Schools and School Districts §§ 493, 496.

**72-5312.**

History: L. 1907, ch. 320, § 2; R.S. 1923, 72-5312; Repealed, L. 1943, ch. 248, § 42; June 30.

**72-5313 to 72-5315.**

History: L. 1909, ch. 208, §§ 1 to 3; R.S. 1923, 72-5313 to 72-5315; Repealed, L. 1943, ch. 248, § 42; June 30.

**72-5316.**

History: L. 1893, ch. 128, § 1; R.S. 1923, 72-5316; Repealed, L. 1969, ch. 312, § 6; May 10.

## CASE ANNOTATIONS

1. Liability of city on bonds of school district. *Board of Education v. The State*, 64 K. 6, 9, 67 P. 579, *The State v. Nichols*, 67 K. 847, 73 P. 50.

2. Disorganized school-district territory not liable for debts of district to which attached. *Hunziker v. School District*, 153 K. 102, 107, 109 P.2d 115.

(5) Every state agency shall cooperate in making their staff and facilities available to further the objectives of this program.

**118.06 Flag and pledge of allegiance.** (1) Every school board and the governing body of every private school shall cause the U.S. flag to be displayed in the schoolroom or from a flagstaff on each school ground during the school hours of each school day.

(2) Every public and private school shall offer the pledge of allegiance in grades one to 8 at the beginning of school at least one day per week. No pupil may be compelled, against the pupil's objections or those of the pupil's parents or guardian, to recite the pledge.

History: 1993 a. 492

**118.07 Safety requirements.** (1) Every school board and the governing body of every private school shall provide a standard first aid kit for use in cases of emergency.

(2) (a) Once each month, without previous warning, the person having direct charge of any public or private school shall drill all pupils in the proper method of departure from the building as if in case of fire, except when the person having direct charge deems that the health of the pupils may be endangered by inclement weather conditions.

(b) Annually the person having direct charge of any public or private school shall file a report pertaining to such drills on forms furnished by the department of commerce. Such reports shall be made to the department of commerce and, in each community having a recognized fire department, to the chief of the fire department. When no fire drill is held during any month, the person having direct charge of the school shall state the reasons therefor in the report.

History: 1971 c. 164 s. 85, 1975 c. 39, 1981 c. 373, 1987 a. 27, 1995 a. 27 ss. 3938, 9116 (5)

**118.08 School zones; crossings.** (1) On any street or highway which borders the grounds of any public or private school in which school is held for a term of not less than 6 months, the authority in charge of the maintenance of the street or highway shall erect black and yellow "school" warning signs. The authority may also designate school crossings across any street or highway, whether or not the street or highway borders on the grounds of a school.

(2) All signs required by this section and their installation shall comply with standards adopted by the department of transportation

History: 1973 c. 90, 1975 c. 43, 1977 c. 29 s. 1654 (8) (g)

**118.09 Safety zones.** (1) Every school district maintaining a school outside the corporate limits of a city or village shall provide at the school site a zone which will provide safety for pupils from vehicular traffic during loading and unloading of pupils at the school. The zone may consist of a widening toward or into the schoolyard of the traveled portion of the adjacent highway so as to permit a vehicle to stop in the extended area completely clear of such traveled portion or may be constructed wholly within the schoolyard with connecting roads to the adjacent highway. The zone and approaches from the highway for use of vehicles shall be graveled or hard-surfaced.

(2) The school district shall cooperate with the agency of the town, county or state having jurisdiction of the highway to the end that matters pertaining to the highway will be properly protected. Contracts for the necessary materials and construction and maintenance, including snow removal, of zones may be entered into with the county or town or with private persons. If the contracting party does not have jurisdiction over the highway, the contract shall be approved by the agency of the state, county or town having jurisdiction over the highway before any work is commenced thereunder.

(3) All loading and unloading of pupils at the school, whether transported by a public or private vehicle, shall take place in the safety zone. The operator of a vehicle under contract to transport

pupils to the school shall have necessary police powers so that pupils will be properly safeguarded in loading and unloading at the zone and while the operator's vehicle is approaching and leaving the zone. The operator shall first alight before loading or unloading pupils at the zone, and while at stops on the operator's highway route to load and unload pupils, the operator shall exhibit the vehicle's stop sign.

(4) Private schools shall comply with this section to the same extent as school districts.

History: 1993 a. 492.

**118.10 School safety patrols.** Any school board may organize school safety patrols and, with the permission of the parents, appoint pupils as members thereof for the purpose of influencing and encouraging the other pupils to refrain from crossing public highways at points other than at regular crossings and for the purpose of directing pupils not to cross highways at times when the presence of traffic would render such crossing unsafe. Nothing in this section authorizes or permits the use of any safety patrol member for the purpose of directing vehicular traffic, nor may any safety patrol member be stationed in that portion of the highway intended for the use of vehicular traffic, but this section shall not affect any plan in operation on July 11, 1939, under which a junior police patrol directs traffic under the authorization, supervision and control of either the sheriff's department or of the chief of police or traffic department of the police department of any city, town or village. No liability shall attach to the school district or any individual, school board member, school district administrator, teacher or other school authority by virtue of the organization, maintenance or operation of a school safety patrol organized, maintained and operated under this section.

**118.105 Control of traffic on school premises.** (1) Any school board may request local authorities to control motor vehicle and pedestrian traffic on off-highway school premises located within the jurisdiction of such local authorities.

(2) If the governing body of any town, city or village by ordinance regulates the operation and parking of motor vehicles on off-highway public school premises, school drives or parking lots or pedestrian traffic on any such drives or parking lots, the school board may enter into written agreements with such governing body for reimbursement of the cost of enforcing such ordinance.

(3) Nothing in this section shall preclude the governing body of any town, city or village from repealing ordinances regulating the operation or parking of motor vehicles on off-highway public school premises, drives or parking lots or regulating pedestrian traffic on such drives or parking lots without prior consent of a school board which requested enactment of such ordinance.

History: 1975 c. 251

**118.11 School fences.** The school district shall erect and maintain all the fence necessary to enclose the school site or grounds without any financial burden on the holders of adjoining properties.

**118.12 Sale of goods and services at schools.** (1) (a) Except as provided under par. (b), any person may sell or promote the sale of goods or services on school district or cooperative educational service agency property.

(b) A school board may adopt written resolutions governing the sale and promotion of goods and services on school district property. The board of control of a cooperative educational service agency may adopt written resolutions governing the sale and promotion of goods and services on agency property. The resolutions may prohibit, restrict or provide guidelines for such sales and promotions.

(2) (a) No school district employe may receive for his or her personal benefit anything of value from any person other than his or her employing school district to sell, promote the sale of or act as an agent or solicitor for the sale of any goods or services to any public school pupil while on the property of his or her employing

Va. 1, 254 S.E.2d 561 (1979); Meadows v. Hey, 184 W. Va. 75, 399 S.E.2d 657 (1990); Lincoln County Bd. of Educ. v. Adkins, 188 W. Va. 430, 424 S.E.2d 775 (1992).

Cited in Fox v. Board of Educ., 160 W. Va. 668, 236 S.E.2d 243 (1977).

§ 18-5-15a. Study of multicultural education for school personnel.

County boards of education shall annually provide a program, during at least one noninstructional day of the school term, for the study of multicultural education for all school personnel as defined in subsection (a), section one [§ 18A-1-1(a)], article one, chapter eighteen-a of this Code. The study provided shall be in compliance with regulations to be developed by the state board of education.

As used in this section, multicultural education means the study of the pluralistic nature of American society, including its values, institutions, organizations, groups, status positions and social roles. (1981, c. 82.)

Stated in Bailey v. Truby, 174 W. Va. 8, 321 S.E.2d 302 (1984).

§ 18-5-15b. Pledge of allegiance to the flag.

Every instructional day in the public schools of this state shall be commenced with a pledge of allegiance to the flag of the United States. Pupils who do not wish to participate in this exercise shall be excused from making such pledge. (1986, c. 60.)

Former rule making it compulsory for public school pupils to salute the flag and pledge allegiance, as applied to children who were expelled for refusal to comply, and whose absence thereby became "unlawful," subjecting them and their parents or guardians to punishment, was held unconstitutional. West Virginia State Bd. of Educ. v. Barnette, 319 U.S. 624, 63 S. Ct. 1178, 87 L. Ed. 1628, 147 A.L.R. 674 (1943).

§ 18-5-15c. County boards of education; training in prevention of child abuse and neglect and child assault; regulations; funding.

(a) In recognition of the findings of the Legislature as set forth in section one [§ 49-6C-1, repealed], article six-e, chapter forty-nine of this code, the Legislature further finds that public schools are able to provide a special environment for the training of children, parents and school personnel in the prevention of child abuse and neglect and child assault and that child abuse and neglect prevention and child assault prevention programs in the public schools are an effective and cost-efficient method of reducing the incidents of child abuse and neglect, promoting a healthy family environment and reducing the general vulnerability of children.

(b) County boards of education shall be required, to the extent funds are provided, to establish programs for the prevention of child abuse and neglect and child assault. Such programs shall be provided to pupils, parents and

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tests under the supervision of the state department of elementary and secondary education in accordance with the programs.

**History of Section.**

G.L. 1956, § 16-22-9; P.L. 1963, ch. 12, § 1; P.L. 1979, ch. 78, § 1; P.L. 1985, ch. 46, § 1.

**Reenactments.** The 1996 Reenactment

(P.L. 1996, ch. 404, § 1) deleted "of Rhode Island" following "state" in the last sentence.

**16-22-10. Voting instruction.** — The school committees of the several cities, towns, and school districts shall provide for students of the senior class in high school a course of instruction and demonstration in the operation of a voting machine, and of the manner of casting a valid ballot. The board of elections is hereby directed to make available to each city and town school committee one voting machine per town, to carry out the purposes of this section.

**History of Section.**

P.L. 1969, ch. 139, § 1.

**16-22-11. Pledge of allegiance.** — (a) All public schools, commencing with preprimary school through and including high school, shall commence each day with the following pledge:

"I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all."

(b) Any person not wishing to participate in the "pledge of allegiance" is hereby exempt from participation and need not participate in the pledge.

**History of Section.**

P.L. 1981, ch. 282, § 1.

**Repealed Sections.** The former section

(G.L. 1956, § 16-22-11); P.L. 1970, ch. 293,

§ 1), concerning classroom periods of silence,

was repealed by P.L. 1977, ch. 84, § 2.

**16-22-12. Required courses on alcohol and substance abuse.** — (a) The school committees of the several cities, towns, and school districts shall provide for the incorporation of mandatory instruction of students in grades one through twelve (12) on the effects of alcohol and substance abuse upon the human system in existing health education or other courses.

(b) The board of regents for elementary and secondary education shall institute courses of instructions for teachers in the public school system on the effects of alcohol and substance abuse.

**History of Section.**

P.L. 1976, ch. 304, § 1; P.L. 1985, ch. 74,

§ 1; P.L. 1985, ch. 303, § 1.

**RESEARCH REFERENCES AND PRACTICE AIDS:**

52 NY Jur, Schools, Colleges, and Universities § 467.  
68 Am Jur 2d, Schools § 283.

**Annotations:**

Bible distribution or reading in public schools. 45 ALR2d 742.

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**§ 802. Instruction relating to the flag; holidays**

1. It shall be the duty of the commissioner of education to prepare, for the use of the public schools of the state, a program providing for a salute to the flag and a daily pledge of allegiance to the flag, for instruction in its correct use and display and such other patriotic exercises as may be deemed by him to be expedient, under such regulations and instructions as may best meet the varied requirements of the different grades in such schools.

2. It shall also be his duty to make special provision for the observance in the public schools of Lincoln's birthday, Washington's birthday, Memorial day and Flag day, and such other legal holidays of like character as may be hereafter designated by law when the legislature makes an appropriation therefor.

3. Nothing herein contained shall be construed to authorize military instruction or drill in the public schools during school hours, except that the board of education of any school district may offer during school hours a junior reserve officer training program in conjunction with the United States Department of Defense to those students in grades nine through twelve who are at least fourteen years of age provided that enrollment and participation in such program is voluntary on the part of the student and written consent of a parent or guardian is submitted by such student and further provided, that the conduct of instruction on or the presence within any school of any type of current or future weaponry as part of such program is prohibited.

**HISTORY:**

Add. L. 1947, ch 820, eff July 1, 1947 with substance transferred from former §§ 712, 713.

Sub 1, amd. L. 1956, ch 177, L. 1963, ch 874, eff Apr 26, 1963.

Sub 3, amd. L. 1973, ch 791, eff June 22, 1973.

**CROSS REFERENCES:**

Other provisions with regard to the flag, §§ 418-420.

Exhibition or display of flag, CLS Gen Bus § 136.

**CODES, RULES AND REGULATIONS:**

Regulations of the commissioner: elementary and secondary education: flag regulations. 8 NYCRR §§ 108.1 et seq.

Regulations of the commissioner: elementary and secondary education: holiday and religious observance. 8 NYCRR §§ 109.1, 109.2.

**RESEARCH REFERENCES AND PRACTICE AIDS:**

52 NY Jur, Schools, Colleges, and Universities §§ 435, 468, 469.  
68 Am Jur 2d, Schools § 283.

References

C.J.S. Schools and School Districts § 445.

Electronic Research

vide following the Preface.

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Legal Note

49, L.1933, c. 400, § 6, p. 1117, 18:15-45. L.1913, c. 294, § 22, p. 605, amended by L.1917, c. 117, § 1, p. 257 [1924 Suppl. § 185-367].

References

Schools, see § 18A:6-1 et seq. see § 18A:54-25.

Code References

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References

C.J.S. Schools and School Districts §§ 14, 483.

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Legal Note

Notes of Decisions

Duration of Instruction 1

tion for a period of not less than 180 days in the school year. Atty.Gen.F.O. 1975, No. 19.

Duration of Instruction

Public schools in New Jersey are mandated by law to remain open for instruc-

**18A:36-3. Display of and salute to flag; pledge of allegiance**

Every board of education shall:

(a) Procure a United States flag, flagstaff and necessary appliances therefor for each school in the district and display such flag upon or near the public school building during school hours;

(b) Procure a United States flag, flagstaff and necessary appliances or standard therefor for each assembly room and each classroom in each school, and display such flag in the assembly room and each classroom during school hours and at such other time as the board of education may deem proper; and

(c) Require the pupils in each school in the district on every school day to salute the United States flag and repeat the following pledge of allegiance to the flag: "I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all," which salute and pledge of allegiance shall be rendered with the right hand over the heart, except that pupils who have conscientious scruples against such pledge or salute, or are children of accredited representatives of foreign governments to whom the United States government extends diplomatic immunity, shall not be required to render such salute and pledge but shall be required to show full respect to the flag while the pledge is being given merely by standing at attention, the boys removing the headdress.

L.1967, c. 271, § 18A:36-3, eff. Jan. 11, 1968.

Historical Note

Source: R.S. 18:14-80, amended by L.1944, c. 212; L.1954, c. 83.

Prior Laws: L.1903 (2d Sp.Sess.), c. 1, § 230, p. 91 [C.S. p. 4803, § 230], amended by L.1932, c. 145, § 1, p. 260.

Library References

Schools ¶164.  
WESTLAW Topic No. 345.

C.J.S. Schools and School Districts § 485.

194:14 Nonresident Pupils. A district may determine upon what terms scholars from other districts may be admitted to its schools, and if a district neglects to make such determination the school board may do it.

HISTORY

Source. RS 73:7. CS 77:7. GS 78:19. GL 86:19. PS 89:12. 1921, 85, IV:13. PL 119:14. RL 138:14.

194:15 School Year. The fiscal and scholastic year for all school districts shall end June 30 in each year.

HISTORY

Source. 1917, 122:1. 1921, 85, IV:15. PL 119:15. RL 138:15.

X

194:15-a Lord's Prayer and Pledge of Allegiance in Public Elementary Schools. As a continuation of the policy of teaching our country's history and as an affirmation of the freedom of religion in this country, a school district may authorize the recitation of the traditional Lord's prayer and the pledge of allegiance to the flag in public elementary schools. Pupil participation in the recitation of the prayer and pledge of allegiance shall be voluntary. Pupils shall be reminded that this Lord's prayer is the prayer our pilgrim fathers recited when they came to this country in their search for freedom. Pupils shall be informed that these exercises are not meant to influence an individual's personal religious beliefs in any manner. The exercises shall be conducted so that pupils shall learn of our great freedoms, which freedoms include the freedom of religion and are symbolized by the recitation of the Lord's prayer.

HISTORY

Source. 1975, 225:1, eff. Aug. 2, 1975.

CROSS REFERENCES

Freedom of assembly and religion in public schools, see RSA 180:1-b.

LIBRARY REFERENCES

West Key Number

Schools and School Districts ☉ 165

CJS

Schools and School Districts § 196

ALR

Power to require pupil to recite oath of

allegiance or salute to the flag, 110 ALR 388; 120 ALR 655; 127 ALR 1502; 141 ALR 1020; 117 ALR 698.

Prayers in public schools, 86 ALR2d 1307

What constitutes "prayer" under federal constitutional prohibition of prayer in public schools, 30 ALR3d 1352.

194:15-b Instruction in New Hampshire's Cultural Heritage and Ethnic History Authorized. A school district may include one-semester courses at the elementary and secondary levels in the cultural heritage and ethnic history of New Hampshire's people, and may raise and appropriate money for this purpose.

HISTORY

Source. 1988, 122:1, eff. June 15, 1988.

Supplemental Material  
1975-1988

flag of the United States and the flag of the State of Mississippi and said course of study shall include the history of each flag and what they represent and the proper respect therefor. There shall also be taught in the public schools the duties and obligations of citizenship, patriotism, Americanism and respect for and obedience to law.

SOURCES: Codes, 1942, § 6216-07; Laws, 1953, Ex Sess, ch. 26, § 7; 1970, ch. 360, § 1, eff from and after passage (approved April 1, 1970).

Cross references—

Criminal offense of desecration of national or state flag, see § 97-7-39.

§ 37-13-7. Pledges of allegiance to United States and Mississippi flags.

(1) The boards of trustees of the public schools of this state shall require the teachers under their control to have all pupils repeat the oath of allegiance to the flag of the United States of America at least once during each school month, such oath of allegiance being as follows:

"I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

(2) The official pledge of the State of Mississippi shall read as follows:

"I salute the flag of Mississippi and the sovereign state for which it stands with pride in her history and achievements and with confidence in her future under the guidance of Almighty God."

The pledge of allegiance to the Mississippi flag shall be taught in the public schools of this state, along with the pledge of allegiance to the United States flag.

SOURCES: Codes, 1942, §§ 6216-02, 6216-08.5; Laws, 1953, Ex Sess, ch. 26, § 8; 1960, ch. 391; 1962, ch. 492, §§ 1-3.

Research and Practice References—

69 Am Jur 2d, Schools § 255.

§ 37-13-9. Curriculum committee.

The state board of education is hereby authorized to appoint a curriculum committee, composed of professional and lay members, not to exceed seven in number, to make a continuous study of the curriculum of the public schools and to make recommendations to the state board of education from time to time as to changes which should be made in the curriculum in the grammar school grades and in the high school grades. The members of such committee as of July 1, 1954, shall continue to serve until the expiration of the terms for which they were appointed; thereafter the members of such committee shall be appointed and serve for a term of two years and until their successors are appointed. Each member of said committee shall receive a per diem of fifteen dollars (\$15.00) for each day actually spent attending the meetings of the

and Statutory Notes

SCHOOLHOUSES

§ 69. Display of national flags; pledge of allegiance; penalty for violation

The school committee shall provide for each schoolhouse under its control, which is not otherwise supplied, flags of the United States of silk or bunting not less than two feet long, such flags or bunting to be manufactured in the United States, and suitable apparatus for their display as hereinafter provided. A flag shall be displayed, weather permitting, on the school building or grounds on every school day and on every legal holiday or day proclaimed by the governor or the President of the United States for especial observance; provided, that on stormy school days, it shall be displayed inside the building. A flag shall be displayed in each assembly hall or other room in each such schoolhouse where the opening exercises on each school day are held. Each teacher at the commencement of the first class of each day in all grades in all public schools shall lead the class in a group recitation of the "Pledge of Allegiance to the Flag". A flag shall be displayed in each classroom in each such schoolhouse. Failure for a period of five consecutive days by the principal or teacher in charge of a school equipped as aforesaid to display the flag as above required, or failure for a period of two consecutive weeks by a teacher to salute the flag and recite said pledge as aforesaid, or to cause the pupils under his charge so to do, shall be punished for every such period by a fine of not more than five dollars. Failure of the committee to equip a school as herein provided shall subject the members thereof to a like penalty.

Amended by St.1998, c. 463, § 65.

Historical and Statutory Notes

1998 Legislation

St.1998, c. 463, § 65, an emergency act, approved Jan. 14, 1999, a corrections bill, substituted "of" for "or".

§ 71. Use of school property; purposes

Historical and Statutory Notes

Related Laws:

St.1996, c. 151, § 613, approved June 30, 1996, and by § 690 made effective July 1, 1996, provides:

"Subject to the provisions of section seventy-one of chapter seventy-one of the General Laws but notwithstanding the provisions of any other general or special law to the contrary, the department of

education is hereby authorized and directed to promulgate regulations which control the utilization of school buildings for multiple purposes. Said regulations shall advocate and encourage the utilization of said school buildings for uses including but not limited to after school programs, day care centers, recreation centers, senior centers and night school programs."

RIGHTS AND RESPONSIBILITIES OF PUBLIC SECONDARY SCHOOL STUDENTS

§ 82. Public secondary schools; right of students to freedom of expression; limitations; definitions

Notes of Decisions

Vulgar language 3

may reasonably be considered vulgar, but does not cause disruption or disorder; clear statutory language could not be construed as creating exception for arguably vulgar, lewd or offensive language absent showing of disruption within school. *Field v. School Committee of South Hadley* (1999) 67 N.E.2d 869, 423 Mass. 283.

3. Vulgar language

High school students in public school have freedom under school freedom of expression statute to engage in nonschool sponsored expression that

in  
ted

References

71,

of Decisions

Statutory authority of school principals to select all teachers and staff assigned to their school, subject to approval of school superintendent, extends to approval of staff transfers as well as of new hires. *School Committee of Lowell v. Local 159, Service Employees Intern. Union* (1997) 679 N.E.2d 583, 42 Mass.App.Ct. 690.

1. Arbitration

Arbitrator's ruling in favor of school service employees' union, directing school committee to approve transfer of custodian, was contrary to statute vesting authority to approve such transfers in school principal, and was therefore beyond scope of arbitrator's authority, as statute vesting authority in principal was not one over which collective bargaining agreement could prevail. *School Committee of Lowell v. Local 159, Service Employees Intern. Union* (1997) 679 N.E.2d 583, 42 Mass.App.Ct. 690.

committee; representation; meetings; em-  
removal

hall, for the purposes of the union, be a joint participating town, provided that any school be represented therein by its chairman and two committee shall annually, after completion of annual a day and place agreed upon by the chairmen of size by choosing a chairman and a secretary. It perintendent of schools, determine the relative to each town, fix his salary, which shall not be e for fringe benefits, and other conditions of erance pay, relocation expenses, reimbursement duties or office, liability insurance, and leave for ayment thereof in accordance with section sixty- respective shares to the several town treasurers. e department, by a two thirds vote of the full

Statutory Notes

# FISCAL NOTE

**STATE OF ALASKA  
1999 LEGISLATIVE SESSION**

**BILL NO. House Bill 192**

Revision Date/Time (Note if correction) \_\_\_\_\_ Dept. Affected Education  
 Title An Act relating to reciting the BRU \_\_\_\_\_  
pledge of allegiance by public school students Component \_\_\_\_\_  
 Sponsor Representative James \_\_\_\_\_  
 Requester House State Affairs Component Serial No. \_\_\_\_\_

**Expenditures/Revenues (Thousands of Dollars)**

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY99) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

House Bill 192 addresses the display of flags and the pledge of allegiance and requires appropriate flag exercises to be conducted in schools.

There is no fiscal impact for the department.

Prepared by Barbara Thompson Phone 465-8727  
 Division Teaching and Learning Support Date/Time 4/28/99 4:13 PM  
 Approved by Commissioner: Richard S. Cross Date 4/28/99  
 Agency Department of Education

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# The Pledge of Allegiance

Thirty-one words which affirm the values and freedom that the American flag represents are recited while facing the flag as a pledge of Americans' loyalty to their country. The Pledge of Allegiance was written for the 400th anniversary, in 1892, of the discovery of America. A national committee of educators and civic leaders planned a public-school celebration of Columbus Day to center around the flag. Included with the script for ceremonies that would culminate in raising of the flag was the pledge. So it was in October 1892 Columbus Day programs that school children across the country first recited the Pledge of Allegiance this way:

**I pledge allegiance to my Flag and  
to the Republic for which it stands:  
one Nation indivisible, with Liberty  
and Justice for all.**

Controversy continues over whether the author was the chairman of the committee, Francis Bellamy - who worked on a magazine for young people that published the pledge - or James Upham, who worked for the publishing firm that produced the magazine. The pledge was published anonymously in the magazine and was not copyrighted.

According to some accounts of Bellamy as author, he decided to write a pledge of allegiance, rather than a salute, because it was a stronger expression of loyalty - something particularly significant even 27 years after the Civil War ended. "One Nation indivisible" referred to the outcome of the Civil War, and "Liberty and Justice for all" expressed the ideals of the Declaration of Independence.

The words "my flag" were replaced by "the flag of the United States" in 1923 because some foreign-born people might have in mind the flag of the country of their birth, instead of the U.S. flag. A year later, "of America" was added after "United States." No form of the pledge received official recognition by Congress until June 22, 1942, when it was formally included in the U.S. Flag Code. The official name of The Pledge of Allegiance was adopted in 1945. The last change in language came on Flag Day 1954, when Congress passed a law which added the words "under God" after "one nation."

Originally, the pledge was said with the right hand in the so-called "Bellamy Salute," with the hand resting first outward from the chest, then the arm extending out from the body. Once Hitler came to power in Europe, some Americans were concerned that this position of the arm and hand resembled the salute rendered by the Nazi military. In 1942 Congress established the current practice of rendering the pledge with the right hand placed flat over the heart.

Section 7 of the Federal Flag Code states that when not in military uniform, men should remove any headdress with their right hand and hold it at the left shoulder, thereby resting the hand over the heart. People in military uniform should remain silent, face the flag and render the military salute.

The Flag Code specifies that any future changes to the pledge would have to be with the consent of the President.

The Pledge of Allegiance now reads:

**I pledge allegiance to the flag of the United States of America;  
and to the Republic for which it stands, one Nation  
under God, indivisible, with liberty and justice for all.**

Dear Editor:

As a Veteran I support House Bill 192 which relates to the American Flag and the pledge of allegiance. Remember to some, the American Flag is very important and sometimes their only hope, I pray that other Americans would share this love for our nations flag and what it stands for.

I would like to share the following story with you. It is called "Mike's Flag" and was condensed from a speech by Leon K. Thornness, recipient of The Congressional Medal of Honor.

You've probably seen the bumper sticker somewhere along the road. It depicts an American Flag, accompanied by the words "These colors don't run." I'm always glad to see this, because it reminds me of an incident from my confinement in North Vietnam at the Hao Lo POW Camp, or "Hanoi Hilton," as it became known, then a Major in the U.S. Air Force. I had been captured and imprisoned from 1967-1973. Our treatment had been frequently brutal.

After three years, however, the beatings and torture became less frequent. During the last year, we were allowed outside most days for a couple of minutes to bathe. We showered by drawing water from a concrete tank with a homemade bucket.

One day as we all stood by the tank, stripped of our clothes, a young naval pilot named Mike Christian found the remnants of a handkerchief in a gutter that ran under the prison wall. Mike managed to sneak the grimy rag into our cell and began fashioning it into a flag.

Over time we all loaned him a little soap, and he spent days cleaning the material. We helped by scrounging and stealing bits and pieces of anything he could use. At night under his mosquito net, Mike worked on the flag. He made red and blue from ground-up roof tiles and tiny amounts of ink and painted the colors onto the cloth with water rice glue. Using thread from his own blanket and a homemade bamboo needle, he sewed on stars.

Early one morning a few days later, when the guards were not alert, he whispered loudly from the back of our cell, "Hey gang, look here." He proudly held up this tattered piece of cloth, waving it as if in a breeze. If you used your imagination, you could tell it was supposed to be an American flag. When he raised that smoky fabric, we automatically stood straight and saluted, our chest puffing out, and then a few eyes had tears.

About once a week the guards would strip us, run us outside and go through our clothing. During one of those shakedowns, they found Mike's flag. We all knew what would happen.

That night they came for him. Night interrogations were always the worst. They opened the cell door and pulled Mike out. We could hear the beginning of the torture before they even had him in the torture cell.

They beat him most of the night. About daylight they pushed what was left of him back through the cell door. He was badly broken; even his voice was gone.

Within two weeks, despite the danger, Mike scrounged another piece of cloth and began another flag. The Stars and Stripes, our national symbol, was worth the sacrifice to him. Now, whenever I see the flag, I think of Mike and the morning he first waved that tattered emblem of a nation.

It was then, thousands of miles from home in a lonely prison cell, that he showed us what it is to be truly free.

May God bless you

Edward Furman

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