

**HB**

**192**

# HOUSE COMMITTEE REPORT

(7)  
Date Referred to Committee: April 13, 1999

FURTHER REFERRALS:

Judiciary

Date of Committee Action: 4/29/99

The STATE AFFAIRS Committee considered:

HB 192

HOUSE BILL NO. 192

PLEDGE OF ALLEGIANCE IN PUBLIC SCHOOLS

"An Act relating to reciting the pledge of allegiance by public school students."

recommends it be replaced with the following committee substitute \_\_\_\_\_ [ ] the same title  
[ ] a new title

[ ] additional referral to \_\_\_\_\_ Committee  
[ ] attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): \_\_\_\_\_ (Dep)

APPROVES PREVIOUS: \_\_\_\_\_ (Dept/Date)

[ ] fiscal note(s) \_\_\_\_\_

[ ] fiscal note(s) \_\_\_\_\_

[X] zero fiscal note(s) DOE

[ ] zero fiscal note(s) \_\_\_\_\_

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Monnette James</i>	✓			
<i>Hal Smucker</i>			AM	✓
<i>Bob Kesthala</i>				✓
<i>John Caputo</i>	✓			
<i>Bill Anderson</i>	✓			
<i>M. A. [unclear]</i>	✓			
<i>Scott [unclear]</i>	✓			

CHAIR'S SIGNATURE

*Monnette James*

# ALASKA STATE LEGISLATURE

REPRESENTATIVE  
**JEANNETTE JAMES**  
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North Pole, Alaska 99705  
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House of Representatives  
House District 34

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

The goal of this bill is to insure civic basics are taught in Alaska's public schools by requiring regular flag exercises - which include the Pledge of Allegiance - be held.

No one will be compelled to recite the pledge against their conscience under HB 192. Instead, such students will be asked to maintain a respectful silence.

By "regular," this bill envisions the pledge to be recited preferably on a weekly basis, but at least on a bi-weekly basis, in all public schools in Alaska.

AMENDMENT #1 Failed

OFFERED IN THE HOUSE

BY REPRESENTATIVE KERTTULA

TO: HB 192

Page 1, line 1. Delete "by public school students."  
Insert "in public schools,"

Page 1, line 9:

Delete "Students"

Insert "Any person"

Yes III  
No IIII

Written testimony for HB 192 by:

Denny Kay Weathers  
Third Judicial District  
c/o P.O. Box 1791  
Cordova, Alaska  
No Zip Code

Attn: Chairperson:

I think this bill is very important to Alaska and the future of America. Many adolescent's and adults I talk with can not recite the pledge of allegiance.

Children in Alaska's public schools are being taught that America is a democracy even though the Constitution of the United States of America Article 4, section 4 and the Alaska Statehood Act, section 3 guarantee's every State in the Union a republican form of government and the pledge of allegiance reinforces "to the republic for which it stands.

Even worse is those elected officials (Legislators, Lt. Governor & Governor) and those appointed officials such as attorney generals & commissioners that publicly refer to Alaska as a democracy. I wonder if while they recite the pledge of allegiance they silently say (to the democracy for which it stands)?

Children now days, unless homeschooled or a member of the Scouts know very little about the American flag.

America's flag has great historical meaning, the 13 stripes stand for the original 13 colonies, in the blue square there are stars that represent each state within the union.

How many children know what the colors of the flag stand for, such as;

Red stands for hardiness and courage.  
White stands for innocence and purity.  
Blue stands for vigilance, perseverance and Justice.

Or the following story of how George Washington explained the colors of the American flag to the people;

"We take the stars and blue union from heaven, the red from our mother country, separating it by white stripes, thus showing we have separated from her; and the white stripes shall go down to posterity representing liberty."

How many children or adults for that matter know proper "Flag etiquette" or the other names for which the American flag is known. How many know the pledge of allegiance was first published in 1892, at Boston, Mass. by Francis Bellamy.

The American flag is the symbol of the land, the people, the ideals and the government of the united states of America it was adopted as our flag on June 14, 1777.

I support and will defend HB 192 as I will the Flag of the united states of America which will be 222 years old on June 14, 1999 and I will continue to pledge allegiance to the flag of the united states of America and to the republic for which it stands as Americans have been doing for the past 106 years and would hope others would too.

*Doug Day  
Wesley  
April 29, 1999*

04/29/99  
08:05:32

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BY:JNU  
FOR:ALL

LOCATION:CORDOVA

HB 192

MS

DENNY

WEATHERS

TESTIFY

LOCATION:FAIRBANKS

HB 192

MS.

CAROL

NILSON

TESTIFY

**Legislative Research Report 99.103**

**April 21, 1999**

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

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Legislative Research Services  
Division of Legal and Research Services  
Legislative Affairs Agency  
Alaska State Legislature

Prepared for Representative Jeannette James  
Prepared by Gina P. Spartz



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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 out 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.		

# 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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Re: fiscal notes

**Subject: Re: fiscal notes**

**Date:** Tue, 27 Apr 1999 14:49:51 -0800

**From:** Shari Kochman <shari\_kochman@gov.state.ak.us>

**Organization:** Alaska Office of the Governor

**To:** Barbara Cotting <Barbara\_Cotting@legis.state.ak.us>

okey dokey  
thanks

Barbara Cotting wrote:

>  
> *I need a fiscal note for:*  
>  
> *HB 192, Pledge of Allegiance in Public Schools, DOE.*  
>  
> *It's scheduled April 29 in House State Affairs.*  
>  
> *Thanks.*  
>  
> *Barbara*

fiscal notes

**Subject:** fiscal notes

**Date:** Tue, 27 Apr 1999 14:32:34 -0800

**From:** Barbara Cotting <Barbara\_Cotting@legis.state.ak.us>

**Organization:** Alaska State Legislature

**To:** Shari Kochman <shari\_kochman@gov.state.ak.us>

I need a fiscal note for:

HB 192, Pledge of Allegiance in Public Schools, DOE.

It's scheduled April 29 in House State Affairs.

Thanks.

Barbara