



# North Dakota House of Representatives

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## COMMITTEES:

Education  
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Good morning, Mr. Chairman and members of the committee. For the record, my name is Anna Novak, representative from district 33.

What you have before you is House Bill 1222. In a nutshell, this bill requires that local school boards adopt a policy to allow North Dakota public school children the opportunity to voluntarily say the Pledge of Allegiance at the start of each school day.

The genesis of this bill was simply a result of both my surprise and disappointment when I realized that many public schools across the state don't start their day with the Pledge of Allegiance, like I did as child. After a quick Google search, I found that 47 states have different laws requiring the Pledge to be said in schools. Currently, North Dakota "allows" the Pledge to be said - so they can, but don't have to. My bill would require the Pledge to be instituted at all public schools across North Dakota at the start of the school day. Students aren't required to participate. My hope is that this will be similar to the Star Spangled Banner being played at high school sporting events. The vast majority stand and participate in covering their hearts with their right hand, and I would say that nearly 100% show respect. But again, nothing is required.

I don't want to add an additional task for our teachers to have to remember on a daily basis. So logistically, I think it makes the most sense for the Pledge to be initiated at the school office over the intercom. The school administrators I've visited with about this bill agree. But, I didn't want to specifically prescribe that in the legislation, in case a smaller school doesn't have an intercom system, the intercom isn't working or any other reason that might come up locally.

The bill also doesn't have any penalties for not instituting the Pledge. My hope is simply that the school boards would deal with any issues locally. But I want to make sure it's included in my testimony that public education is paid for by local, state and federal tax dollars - made possible because we live in America, the greatest nation on the face of the earth. I don't believe American children in public schools beginning their day by reciting the Pledge of Allegiance should be viewed as controversial.

The intent of this bill is simply to encourage reverence for the flag as well as to encourage patriotism for the country we live in. I don't believe that there are many opportunities in a child's school day for either. I recognize that no matter what we do here in the legislature or in our public schools, we cannot mandate patriotism. But I believe that we do have a responsibility to encourage it, which is exactly the reason I am introducing this bill.

With that, I'll stand for questions. Thank you, Mr. Chairman and members of the committee.



# North Dakota Legislative Council

Prepared for Representative Anna Novak

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## SUMMARY OF STATE LAWS RELATING TO THE PLEDGE OF ALLEGIANCE IN SCHOOLS

This memorandum provides information regarding state laws relating to the Pledge of Allegiance in schools.

Thirty-nine states (AL, AK, AZ, AR, CO, CT, DE, FL, GA, ID, IL, IN, IA, KS, KY, ME, MD, MA, MI, MS, MO, MT, NE, NH, NJ, NM, NC, OK, PA, RI, SC, SD, TN, TX, UT, VA, WA, WV, and WI) require schools to provide time for students to recite the Pledge of Allegiance. An additional six states (CA, LA, MN, NY, ND, and OH) authorize the recitation of the Pledge of Allegiance or the development of a program for the recitation of the Pledge of Allegiance. Five states (HI, NV, OR, VT, and WY) do not reference the Pledge of Allegiance in their statutes.

Fourteen states (AK, DE, FL, MD, MI, MS, NJ, ND, OH, OK, RI, SC, TX, and WA) prescribe the words to be used in the Pledge of Allegiance, either by directly including the language in statute or referencing federal laws that prescribe the Pledge of Allegiance's text, and two of these states (ND and OH) prohibit certain governmental entities from altering the words of the Pledge of Allegiance. Seven states (AR, DE, FL, MD, NJ, TN, and VA) require actions to be performed during the Pledge of Allegiance, such as placing one's hand over one's heart or saluting the flag. Three states (AR, TN, and VA) require schools to provide accommodations to students with disabilities who are unable to comply with procedures relating to recitation of the Pledge of Allegiance. Two states (SD and TX) require the Pledge of Allegiance to be recited before recitation of a pledge to the state flag.

Thirty-five states (AL, AK, AR, CO, CT, FL, ID, IN, IA, KY, ME, MD, MI, MN, MS, MO, MT, NE, NH, NJ, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, UT, VA, WA, WV, and WI) authorize students, parents on behalf of students, or educators to opt out of reciting the Pledge of Allegiance. Twelve of these states (AK, AR, FL, MT, NE, NH, NJ, SC, SD, TN, VA, and WA) require those not participating in the Pledge of Allegiance to remain silent, remain respectful, or refrain from creating disruptions during the Pledge of Allegiance. Eight of these states (AL, AK, MI, MN, MT, OH, SC, and UT) specify a student may not be discriminated against, intimidated, or penalized for not participating in reciting the Pledge of Allegiance. Three states (AZ, PA, and WI) provide exemptions to provisions relating to reciting the Pledge of Allegiance for private, parochial, or home schools.

Twelve states (AZ, AR, FL, GA, IN, KY, LA, MT, NC, OK, TN, and UT) authorize the posting or reading of historical documents, including the Pledge of Allegiance, in schools; 10 of these states (AR, GA, IN, KY, LA, MT, NC, OK, TN, and UT) prohibit censorship of these documents due to religious or historical references within them; four of these states (FL, MT, OK, and TN) express these documents should not be presented in a proselytizing manner or construed to endorse specific religious beliefs; and Indiana explicitly authorizes students to reference these documents in their work products without being penalized for doing so.

Thirteen states' statutes (AL, CA, GA, ID, MS, MT, NH, NY, NC, OK, TN, UT, and VA) include provisions relating to offering school courses about civics or good character which require or authorize the Pledge of Allegiance to be part of that curricula, and Virginia specifies nothing in its statute on this subject shall be construed as requiring or authorizing the indoctrination in any particular religious or political belief.



Virginia requires the office of the Attorney General to intervene on behalf of a local school board and to provide a legal defense relating to Section 22.1-202 of the Code of Virginia and specifies its Pledge of Allegiance guidelines are not subject to its Administrative Process Act. North Dakota provides the Superintendent of Public Instruction, school districts, school boards and individual school board members, governing boards and individual governing board members, administrators, principals, teachers, and any other personnel employed by the school district are immune from liability for damages resulting from a school district's decision to permit students to recite the Pledge of Allegiance and requires school board members to be given the opportunity at the beginning of each regularly scheduled school board meeting to participate in a voluntary recitation of the Pledge of Allegiance.

The following table provides excerpts of state laws and regulations relating to the Pledge of Allegiance in schools.

State	Statute	Statutory or Regulatory Excerpt
Alabama	AL ST 16-43-5	The pledge of allegiance to the United States flag shall be conducted at the beginning of each school day and all students attending kindergarten, primary, and secondary schools shall be given the opportunity each school day to voluntarily recite the pledge of allegiance to the United States flag. A student who refuses to recite the pledge of allegiance may not be punished or penalized for that refusal.
	AL ST § 16-6B-2(h)	The State Board of Education and all local boards shall develop and implement a comprehensive character education program for all grades to consist of not less than 10 minutes instruction per day focusing upon the students' development of certain character traits. Each plan of instruction shall include the Pledge of Allegiance to the American flag.
Alaska	AK ST § 14.03.130	United States and Alaska flags shall be displayed upon or near each principal school building during school hours and at other times the governing body considers proper. The governing body shall require that the pledge of allegiance be recited regularly, as determined by the governing body. A person may recite the following salute to the flag of the United States or maintain a respectful silence: "I pledge allegiance to the flag of the United States of American and to the republic for which it stances, one nation under God, indivisible, with liberty and justice for all."
		A school district shall inform all affected persons at the school of their right not to participate in the pledge of allegiance. The exercise of the right not to participate in the pledge of allegiance may not be used to evaluate a student or employee or for any other purposes.
Arizona	AZ ST § 15-506	School districts and charter school shall set aside a specific time each day for students who wish to recite the pledge of allegiance to the United States flag.  Private schools, parochial schools and homeschools are exempt from this section.
	AZ ST § 15-717	A teacher or administrator in any school in this state may read or post in any school building copies or excerpts of the following materials: ...The Pledge of Allegiance ....
Arkansas	AR ST § 6-16-108	The State Board of Education shall adopt a policy to require that public school students in grades kindergarten through grade twelve (K-12) participate in a daily recitation of the Pledge of Allegiance followed by one minute of silence during the first class of each school day and kindergarten through grade twelve (K-12) public schools lead or broadcast a recitation of the Pledge of Allegiance followed by one minute of silence at the commencement of each school-sanctioned after-school assembly and each school-sanctioned sporting event. However, if any part of two or more school-sanctioned sporting events occurs on the same day at the same school, a public school may choose to lead or broadcast a recitation of the Pledge of Allegiance followed by one minute of silence at only one of the school-sanctioned sporting events.  The policy shall:

		<ul style="list-style-type: none"> <li>• Require that at the time designated for the recitation of the Pledge of Allegiance students shall stand and recite the Pledge of Allegiance while facing the flag with their right hands over their hearts in an appropriate salute if in uniform.</li> <li>• Provide that no student shall be compelled to recite the Pledge of Allegiance if the student or the student's parent or legal guardian objects to the student's participating in the exercise on religious, philosophical, or other grounds. Students who are exempt from reciting the Pledge of Allegiance shall be required to remain quietly standing or sitting at their desks while others recite the Pledge of Allegiance;</li> <li>• Provide that teachers or other school staff who have religious, philosophical, or other grounds for objecting are exempt from leading or participating in the exercise. If a teacher chooses not to lead the Pledge of Allegiance, the policy shall require that another suitable person shall be designated either by the teacher or principal to lead the class;</li> <li>• Required the school to provide appropriate accommodations for students, teachers, or other staff who are unable to comply with the procedures described in this section due to disability; and</li> <li>• Provide for the observance of one minute of silence following the recitation of the Pledge of Allegiance. During the one minute of silence following the recitation of the Pledge of Allegiance, each student may reflect, pray, meditate, or engage in any other silent activity that is not likely to interfere with or distract another student. Each public school teacher or other public school employee in charge of students during the period in which the Pledge of Allegiance is recited and moment of silence is observed shall ensure that each student remains silent and does not act in a manner that is likely to interfere with or distract another student.</li> </ul>
	AR ST § 6-16-122	<p>Local school district boards of directors shall allow any teacher or administrator in a public school district of this state to read or post in a public school building or classroom, or at any event, any excerpts or portions of ...the Pledge of Allegiance.... There shall be no content-based censorship of American history or heritage in this state based upon religious or other references in these writings, documents, and records. A copy of this section shall be distributed to the superintendent of each public school district in the state by the Division of Elementary and Secondary Education, and the public school district superintendents then shall provide a copy of this section to each teacher and each public school district board member.</p>
California	CA EDUC § 52720	<p>In every public elementary school each day during the school year at the beginning of the first regularly scheduled class or activity period at which the majority of the pupils of the school normally begin the schoolday, 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.</p> <p>In every public secondary school there shall be conducted daily appropriate patriotic exercises. The giving of the Pledge of Allegiance to the Flag of the United States of America shall satisfy such requirement. Such patriotic exercises for secondary schools shall be conducted in accordance with the regulations which shall be adopted by the governing board of the district maintaining the secondary school.</p>
	CA EDUC § 52730	<p>Providing instruction that promotes understanding the concepts of "pledge," "allegiance," "republic," and "indivisible," and understanding the importance of the pledge as an expression of patriotism, love of country, and pride in the United States of America shall satisfy the requirement of Section 52720.</p> <p>When pupils in a public school are instructed with regard to the words of the Pledge of Allegiance to the Flag of the United States of America as part of the patriotic exercises conducted pursuant to this article, that public school shall provide a combination of the giving of the Pledge of Allegiance to the Flag of the United States of America and the instruction specified above. School districts shall provide this instruction during the time allotted for the patriotic exercise.</p>



Colorado	CO ST § 22-1-106	Each school district shall provide an opportunity each school day for willing students to recite the Pledge of Allegiance in public elementary and secondary educational institutions. Any person not wishing to participate in the recitation of the pledge of allegiance shall be exempt from reciting the Pledge of Allegiance and need not participate.
Connecticut	CT ST § 10-230	Each local and regional board of education shall develop a policy to ensure that time is available each school day for students in the schools under its jurisdiction to recite the "Pledge of Allegiance". The provisions of this subsection shall not be construed to require any person to recite the "Pledge of Allegiance."
Delaware	DE ST TI 14 § 4105	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."
Florida	FL ST § 1003.44	The 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," shall be rendered by students standing with the right hand over the heart. The Pledge of Allegiance to the flag shall be recited at the beginning of the day in each public elementary, middle, and high school in the state. Each student shall be informed by a written notice published in the student handbook or a similar publication that the student has the right not to participate in reciting the pledge. Upon written request by his or her parent, the student must be excused from reciting the pledge, including standing and placing the right hand over his or her heart. When the pledge is given, unexcused students must show full respect to the flag by standing at attention, men removing the headdress, except when such headdress is worn for religious purposes as provided by law.
		Each district school board may allow any teacher or administrator to read, or to post in a public school building or classroom or at any school-related event, any excerpt or portion of the following historic material: ...the pledge of allegiance .... However, any material that is read, posted, or taught pursuant to this provision may be presented only from a historical perspective and in a nonproselytizing manner. When less than an entire document is used, the excerpt or portion must include as much material as is reasonably necessary to reflect the sentiment of the entire document and avoid expressing statements out of the context in which they were originally made. If the material refers to laws or judicial decisions that have been superseded, the material must be accompanied by a statement indicating that such law or decision is no longer the law of the land. No material shall be selected to advance a particular religious, political, or sectarian purpose. The department shall distribute a copy of this section to each district school board, whereupon each district school superintendent shall distribute a copy to all teachers and administrators.
	FL ST § 1002.20	A public school student must be excused from reciting the Pledge of Allegiance upon written request by the student's parent, in accordance with the provisions of Section 1003.44.
Georgia	GA ST § 20-2-310	Each student in the public schools of this state shall be afforded the opportunity to recite the Pledge of Allegiance to 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.
	GA ST § 20-2-1021	To increase student understanding of, and familiarity with, American historical documents, public schools may display historically important excerpts from, or copies of, those documents in school classrooms and common areas as appropriate. Local boards of education and charter schools are strongly encouraged to allow and may encourage any public school teacher or administrator to read or post in a public school building, classroom, or event excerpts or portions of writings, documents, records, or images that reflect the history of the United States, including, but not limited to ...the Pledge of Allegiance to the United States flag ....

		As historical documents, there shall be no content based censorship of American history and heritage documents referred to in this Code section due to their religious or cultural nature.
	GA ST § 20-2-142	All elementary and secondary schools which receive in any manner funds from the state shall provide the following course offerings in the manner and at the grade level prescribed by the State Board of Education: A course of study in the history of the United States and in the history of Georgia and in the essentials of the United States and Georgia Constitutions, including the study of American institutions and ideals which shall include a study of the Pledge of Allegiance to the flag of the United States and the Georgia flag in addition to other institutions and ideals.
Hawaii	--	--
Idaho	ID ST § 33-1602	<p>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 and the words and music of the national anthem and of "America."</p> <p>Every public school shall offer the Pledge of Allegiance or the national anthem in grades 1 through 12 at the beginning of each school day.</p> <p>No pupil shall be compelled, against the pupil's objections or those of the pupil's parent or guardian, to recite the Pledge of Allegiance or to sing the national anthem.</p>
Illinois	IL ST CH 105 § 5/27-3	The Pledge of Allegiance shall be recited each school day by pupils in elementary and secondary educational institutions supported or maintained in whole or in part by public funds.
Indiana	IN ST 20-30-5-0.5	The governing body of each school corporation shall provide a daily opportunity for students of the school corporation to voluntarily recite the Pledge of Allegiance in each classroom or on school grounds. A student is exempt from participation in the Pledge of Allegiance and may not be required to participate in the Pledge of Allegiance if the student chooses not to participate or the student's parent chooses to have the student not participate.
	IN ST 20-31-4.1-7	A school or group of school that submits an application under section 4 of Chapter 20-31-4.1, Performance Based Accreditation, may not request to waive IC 20-30-5-0.5.
	IN ST 20-30-5-3	<p>This section applies to the following writings, documents, and records: ...the Pledge of Allegiance....</p> <p>A school corporation may allow a principal or teacher in the school corporation to read or post in a school building or classroom or at a school event any excerpt or part of a writing, document, or record listed. A school corporation may not permit the content based censorship of American history or heritage based on religious references in a writing, document, or record listed .... A library, a media center, or an equivalent facility that a school corporation maintains for student use must contain in the facility's permanent collection at least one copy each writing or document listed .... A school corporation shall allow a student to include a reference to a writing, document, or record listed ...in a report or other work product and may not punish the student in any way, including a reduction in grade, for using the reference.</p>
	IN ST 20-51-4-1	This section applies to the following writings, documents, and records: ...the Pledge of Allegiance .... An eligible school may allow a principal or teacher in the eligible school to read or post in the school building or classroom or at a school event any excerpt or part of a writing, documents, or record listed .... An eligible school may not permit the content based censorship of American history or heritage based on religious references in a writing, document, or record listed .... A library, a media center, or an equivalent facility that an eligible school maintains for student use must contain in the facility's permanent collection at least one copy of each writing or document listed .... An eligible school shall do the following: allow a student to include a reference to a writing, document, or record listed in a report or other way product; may not punish the student in any way, including a reduction in grade, for using the reference; provide a daily opportunity for students to voluntarily recite the Pledge of Allegiance in each classroom or on school grounds. A student is exempt from



		participation in the Pledge of Allegiance and may not be required to participate in the Pledge of Allegiance if the student chooses not to participate or the student's parent chooses to have the student not participate.
Iowa	IA ST § 280.5	The board of directors of each public school district shall administer the Pledge of Allegiance in grades one through twelve each school day. Each classroom in which the Pledge of Allegiance is recited pursuant to this subsection shall display the United States flag during the recitation. A student shall not be compelled against the student's objections or those of the student's parent or guardian to recite the pledge.
Kansas	KS ST 72-9928	The state board of education shall prepare for the use of the public schools a program providing for patriotic exercises the board deems 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 State of America.
Kentucky	KY ST § 158.175	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 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. 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.
	KY ST § 158.195	Local boards may allow any teacher or administrator in a public school district of the Commonwealth to read or post in a public school building, classroom, or event any excerpts or portions of: ...the pledge of allegiance .... There shall be no content-based censorship of American history or heritage in the Commonwealth based on religious references in the pledge of allegiance.
Louisiana	LA R.S. 17:2115	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.
	LA R.S. 17:2117	No public elementary or secondary school governing authority, superintendent of schools, or school system administrator, nor any public elementary or secondary school principal or administrator shall prohibit any teacher in a public school system of this state from reading and posting in a public school building or classroom or at a school-sponsored event any excerpts or portions of the following: ...pledge of allegiance ....  No public elementary or secondary school governing authority, superintendent of schools, or school system administrator, nor any public elementary or secondary school principal, administrator, or teacher, in the course and scope of his duties in such capacity, shall censor or suppress in any way any writing, document, record, or other content of any material listed ...or any portion thereof based upon religious or other reference or content in any such material.
Maine	ME ST T. 20-A § 4010	A school administrative unit shall allow every student enrolled in the school administrative unit the opportunity to recite the Pledge of Allegiance at some point during a school day in which students are required to attend. A school administrative unit may not require a student to recite the Pledge of Allegiance.
Maryland	MD EDUC § 7-105	Each county board shall 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." Any student or teacher who wishes to be excused from these requirements shall be excused.
Massachusetts	MA ST 71 § 69	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".
Michigan	MI ST 380.1347a	The board of a school district or intermediate school district or board of directors of a public school academy shall ensure that an opportunity to recite the Pledge of Allegiance to the flag of the United States is offered each school day to all public school pupils in each public school it operates. A pupil shall not be compelled, against the pupil's objections or those of the pupil's parent or legal guardian, to recite the pledge of allegiance. The board of a school district or intermediate school district or board of directors of a public school academy, and the school administrator in charge of a school building, shall ensure that a pupil is not subject to any penalty or bullying at school as a result of not reciting the pledge of allegiance. As used in this section, "pledge of allegiance to the flag of the United States" or "pledge of allegiance" means the pledge of allegiance to the flag prescribed in 4 USC 4.
	MI ST 380.1347	In addition to the display of the flag at the school required ..., the board or board of directors shall ensure that a United States flag is displayed in each classroom or other instructional site in which pupils recite the Pledge of Allegiance to the flag of the United States.
Minnesota	MN ST § 121A.11	All public and charter school students shall recite the Pledge of Allegiance to the flag of the United States of America one or more times each week. The recitation shall be conducted by each individual classroom teacher or the teacher's surrogate or over a school intercom system by a person designated by the school principal or other person having administrative control over the school. A local school board or a charter school board of directors may annually, by majority vote, waive this requirement. A local school board or a charter school board of directors that waives the requirement to recite the Pledge of Allegiance may adopt a district or school policy regarding the reciting of the Pledge of Allegiance.  Any student or teacher may decline to participate in recitation of the pledge. A school district or charter school that has a student handbook or school policy guide must include a statement that anyone who does not wish to participate in reciting the Pledge of Allegiance for any personal reasons may elect not to do so and that students must respect another person's right to make that choice.
	MN ST § 124E.03	A charter school must comply with the Pledge of Allegiance requirement under section 121A.11, subdivision 3.
Mississippi	MS ST § 37-13-7	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." 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.
	MS ST § 37-13-6	The school boards of all 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 the beginning of the first hour of class each day school is in session, 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." Any student or teacher who objects to reciting the oath of allegiance shall be excused from participating without penalty.
Missouri	MO ST 171.021	Every school in this state which is supported in whole or in part by public moneys shall ensure that the Pledge of Allegiance to the flag of the United States of America is recited in at least one scheduled class of every pupil enrolled in that school no less often than once per school day .... No student shall be required to recite the Pledge of Allegiance.



Montana	MT ST 20-7-133	<p>Except as provided, the Pledge of Allegiance to the flag of the United States of America must be recited in all public schools of the state and may be followed by a moment of silence. The recitation required must be conducted at the beginning of the first class of each school day in kindergarten through grade 12. The recitation must be conducted by each individual classroom teacher or the teacher's surrogate or over the school intercom system by a faculty member or person designated by the principal.</p> <p>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. A student or teacher who declines to participate in the pledge may engage in any alternative form of conduct so long as that conduct does not materially or substantially disrupt the work or discipline of the school. If a student or teacher declines to participate in the recitation of the pledge pursuant to this section, a school district may not for evaluation purposes include any reference to the student's or teacher's not participating.</p>
	MT ST 20-7-111	The trustees of a school district shall ensure that all pupils in grades 3 through 12 receive instruction about the United States constitution and the pledge of allegiance.
	MT ST 1-1-540	In addition to the national motto, the legislature encourages the display of other historical documents in or on public buildings and state-owned land, including but not limited to: ...the pledge of allegiance .... The content of any writing, document, or record described ...may not be censored solely because the writing, document, or record contains religious references, nor may any writings, documents, or material be selected for display in order to advance a particular religious, partisan, or sectarian purpose.
Nebraska	92 NE ADC Ch. 10 § 003	Each public school district must require each such district's schools to establish a period of time during the school day, when a majority of pupils are scheduled to be present, during which pupils will be led in the recitation of the Pledge of Allegiance in the presence of the flag of the United States of America, in grades kindergarten through twelve. Pupil participation in the recitation of the Pledge of Allegiance must be voluntary. Pupils not participating in the recitation of the Pledge must be permitted to silently stand or remain seated but must be required to respect the rights of those pupils electing to participate.
Nevada	—	—
New Hampshire	NH ST § 194:15-c	<p>A school district shall authorize a period of time during the school day for the recitation of the pledge of allegiance. Pupil participation in the recitation of the Pledge of Allegiance shall be voluntary.</p> <p>Pupils not participating in the recitation of the Pledge of Allegiance may silently stand or remain seated but shall be required to respect the rights of those pupils electing to participate. If this paragraph shall be declared to be unconstitutional or otherwise invalid, the remaining paragraphs in this section shall not be affected, and shall continue in full force and effect.</p>
	NH ST § 189:18	In all public schools of the state one session, or a portion thereof, during the weeks in which Memorial Day and Veterans Day fall, shall be devoted to exercises of a patriotic nature, which shall include a discussion of the words, meaning, and history of the Pledge of Allegiance and the Star Spangled Banner.
New Jersey	NJ ST 18A:36-3	Every board of education shall 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.
New Mexico	NM ST § 22-5-4.5	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 department.
New York	NY EDUC § 802	It shall be the duty of the commissioner 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, and instruction in its correct use and display which shall include, as a minimum, specific instruction regarding respect for the flag of the United States of America, its display and use as provided by federal statute and regulation 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. However, such instruction shall include, as a minimum, the provisions of 36 U.S.C., Sections 170-177.
North Carolina	NC ST § 116-69.1	The school shall display the United States and North Carolina flags in each classroom when available, require the recitation of the Pledge of Allegiance on a daily basis, and provide instruction on the meaning and historical origins of the flag and the Pledge of Allegiance. The school shall not compel any person to stand, salute the flag, or recite the Pledge of Allegiance.
	NC ST § 115C-218.80	A charter school shall display the United States and North Carolina flags in each classroom when available, require the recitation of the Pledge of Allegiance on a daily basis, and provide age-appropriate instruction on the meaning and historical origins of the flag and the Pledge of Allegiance. A charter school shall not compel any person to stand, salute the flag, or recite the Pledge of Allegiance.
	NC ST § 116-235	The Board of Trustees of the North Carolina School of Science and Mathematics shall adopt policies to require the display of the United States and North Carolina flags in each classroom when available, the recitation of the Pledge of Allegiance on a daily basis, and the instruction on the meaning and historical origins of the flag and the Pledge of Allegiance. These policies shall not compel any person to stand, salute the flag, or recite the Pledge of Allegiance.
	NC ST § 115C-150.12C	The board of trustees of schools for students with visual and hearing impairments shall adopt policies to require the display of the United States and North Carolina flags in each classroom when available, require that recitation of the Pledge of Allegiance be scheduled on a daily basis, and provide age-appropriate instruction on the meaning and historical origins of the flag and the Pledge of Allegiance. These policies shall not compel any person to stand, salute the flag, or recite the Pledge of Allegiance.
	NC ST § 115C-47	Local boards of education shall adopt policies to require the display of the United States and North Carolina flags in each classroom, when available, require that recitation of the Pledge of Allegiance be scheduled on a daily basis, and provide age-appropriate instruction on the meaning and historical origins of the flag and the Pledge of Allegiance. These policies shall not compel any person to stand, salute the flag, or recite the Pledge of Allegiance.
		Local boards of education shall allow and may encourage any public school teacher or administrator to read or post in a public school building, classroom, or event excerpts or portions of writings, documents, and records that reflect the history of the United States, including, but not limited to the Pledge of Allegiance. Local boards, superintendents, principals, and supervisors shall not allow content-based censorship of American history in the public schools of this State, including religious references in these writings, documents, and records. Local boards and professional school personnel may develop curricula and use materials that are limited to specified topics, provided the curricula and materials are aligned with the standard course of study or are grade level appropriate.



North Dakota	ND ST 15.1-19-03.1	A school board may authorize the voluntary recitation of the Pledge of Allegiance by a teacher or one or more students at the beginning of each schoolday. A student may not be required to recite the pledge of allegiance, stand during the recitation of the pledge of allegiance, or salute the American flag.
	ND ST 54-06-39	Notwithstanding any other provision of law, the governor or an executive branch officer or employee may not alter the language of the pledge of allegiance. The voluntary pledge is "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."
	ND ST 15.1-09-33	The board of a school district may authorize schools within the district to permit students to recite the pledge of allegiance.
	ND ST 15.1-09-33.5	The superintendent of public instruction, school districts, schools, school boards and individual school board members, governing boards and individual governing board members, administrators, principals, teachers, and any other school district employed personnel are immune from any liability for damages resulting from a school's decision to display the ten commandments or permit students to recite the Pledge of Allegiance under section 15.1-09-33.
	ND ST 15.1-09-30	At the beginning of each regularly scheduled school board meeting, board members must be given the opportunity to participate in a voluntary recitation of the pledge of allegiance.
Ohio	OH ST § 3313.602	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 the recitation. However, no board of education shall prohibit a classroom teacher from providing in the teacher's classroom reasonable periods of time for the oral recitation of the Pledge of Allegiance to the flag. The policy adopted under this division, and a teacher who includes recitation of the pledge in the classroom, shall not require any student to participate in the recitation and shall prohibit the intimidation of any student by other students or staff aimed at coercing participation. No board of education or employee of a city, local, exempted village, or joint vocational school district shall alter the words used in the oral recitation of the Pledge of Allegiance to the flag from the words set forth in 4 U.S.C 4.
Oklahoma	OK ST T. 70 § 24-106	Students in all public schools are authorized to recite, at the beginning of each school day, the Pledge of Allegiance to the flag of the United States of America as enumerated at 36 U.S.C., Section 172; however, they shall recite the Pledge of Allegiance to the flag of the United States of America once every school week. Each student shall be informed by posting a notice in a conspicuous place that students not wishing to participate in the pledge shall not be required to do so.
	OK ST T. 70 § 24-106.1	Each school district in the state shall permit a principal or teacher to utilize in a public school building, classroom, or at any public school event any grade-level-appropriate excerpts or portions of the documents, writings, speeches, proclamations, or records relating to the history, heritage, or foundation of the United States or the State of Oklahoma including, but not limited to, the ... Pledge of Allegiance .... School districts shall not limit or restrain instruction in American or Oklahoma state history or heritage based on religious references in documents, writings, speeches, proclamations, or the materials described .... These and any other materials shall be used for educational purposes only and not to establish or promote any religion.
	OK ST T. 70 § 1210.229-6	The board of education of every school district in this state may develop and implement a comprehensive program for character education in any single grade or combination of grades, prekindergarten through twelfth. The character education program shall focus on development of character traits in students. The program of character education may include, but shall not be limited to, the voluntary reciting of the Pledge of Allegiance to the flag of the United States of America.
Oregon	--	--

Pennsylvania	PA ST 24 P.S. § 7-771	All supervising officers and teachers in charge of public, private or parochial schools shall cause the Flag of the United States of America to be displayed in every classroom during the hours of each school day and shall provide for the recitation of the Pledge of Allegiance or the national anthem at the beginning of each school day. Students may decline to recite the Pledge of Allegiance and may refrain from saluting the flag on the basis of religious conviction or personal belief. The supervising officer of a school subject to the requirements of this subsection shall provide written notification to the parents or guardian of any student who declines to recite the Pledge of Allegiance or who refrains from saluting the flag. This subsection shall not apply to any private or parochial school for which the display of the flag, the recitation of the Pledge of Allegiance or the salute of the flag violates the religious conviction on which the school is based.
Rhode Island	RI ST § 16-22-11	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." Any person not wishing to participate in the "pledge of allegiance" is exempt from participation and need not participate in the pledge.
South Carolina	SC ST § 59-1-455	...[A]ll public school students, commencing with grades kindergarten through and including high school, shall during the course of each school day's activities at a specific time which must be designated by the local school say 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." Any person not wishing to say the "Pledge of Allegiance" or otherwise participate in saying the "Pledge of Allegiance" is exempt from participation and may not be penalized for failing to participate. A person who does not wish to participate may leave the classroom, may remain in his seat, or may express his nonparticipation in any form which does not materially infringe upon the rights of other persons or disrupt school activities.
South Dakota	SD ST § 13-24-17.2	Each school district shall provide students the opportunity to salute the United States and the flag each day by reciting the Pledge of Allegiance to the flag of the United States. A student may choose not to participate in the salute to the United States and the flag. However, a student who does not participate in the salute shall maintain a respectful silence during the salute.
	SD ST § 1-6-4.1	...[T]he pledge to the [state] flag and to the state may not preempt, replace nor be recited before the Pledge of Allegiance to the flag of the United States.
Tennessee	TN ST § 49-6-1001	<p>All boards of education shall direct and all teachers employed by the public schools shall give instructions to the pupils of the schools, and shall have the pupils study as a part of the curriculum, the uses, purposes and methods of displaying the American flag and other patriotic emblems, and the history and usage of the Pledge of Allegiance to the flag of the United States of America.</p> <p>In recognition of the civic heritage of the United States of America, all students shall be required to learn the Pledge of Allegiance and to demonstrate such knowledge.</p> <p>Each board of education shall require the daily recitation of the Pledge of Allegiance in each classroom in the school system in which a flag is displayed.... Each board of education shall determine the appropriate time during the school day for the recitation of the Pledge of Allegiance. At the time designated for the recitation of the Pledge of Allegiance, students shall stand and recite the Pledge of Allegiance while facing the flag with their right hands over their hearts or in an appropriate salute if in uniform; provided, however, that no student shall be compelled to recite the Pledge of Allegiance if the student or the student's parent or legal guardian objects on religious, philosophical or other grounds to the student participating in such exercise. Students who are thus exempt from reciting the Pledge of Allegiance shall remain quietly standing or sitting at their desks while others recite the Pledge of Allegiance and shall make no display that disrupts or distracts others who are reciting the Pledge of Allegiance. Teachers or other school staff who have religious, philosophical or other grounds for objecting are likewise exempt from leading or participating in the exercise. If a teacher chooses not to lead the pledge, another suitable person shall be designated either by the teacher or principal to lead the class. Each</p>



		<p>board of education shall provide appropriate accommodations for students, teachers or other staff who are unable to comply with the procedures described in this subdivision due to disability.</p> <p>The board of education's code of conduct shall apply to disruptive behavior during the recitation of the Pledge of Allegiance in the same manner as provided for other circumstances of such behavior.</p> <p>To promote compliance with constitutional restrictions, as well as observance of constitutional rights, the state board of education shall, in consultation with the attorney general and reporter, develop guidelines on constitutional rights and restrictions relating to the recitation of the Pledge of Allegiance to the American flag in public schools. The state board of education's guidelines shall include, but shall not be limited to, provisions that address the following: the initiative and involvement of local boards of education and individual schools, administrators, teachers and students; the propriety and constitutionality of any recitation or participation requirements; appropriate etiquette and conventions for respecting the dignity and appropriate display of the flag of the United States; and relevant state and federal constitutional concerns, such as freedom of speech and religion.</p>
	TN ST § 49-6-1011	<p>No teacher or administrator in an LEA shall be prohibited from using or reading from, during the course of educational instruction, or from posting in a public school building, classroom or event, any of the following or any excerpts or portions of the following: ...the Pledge of Allegiance .... The use, reading or posting of the types of documents, writings and records authorized by this section shall be undertaken for educational purposes only and shall not be used to promote or establish any religion or religious belief. There shall be no content-based censorship of American or Tennessee history or heritage based on any religious references contained in such documents, writings or records. Each student shall be taught the documents, writings or records .... The documents, writings or records ...shall be taught at an age appropriate time prior to graduation from high school as determined by the state board of education.</p>
Texas	TX EDUC § 25.082	<p>The board of trustees of each school district and the governing board of each open-enrollment charter school shall require students, once during each school day at each campus, to recite the pledge of United States flag in accordance with 4 U.S.C. Section 4 ....</p> <p>The board of trustees of each school district and the governing board of each open-enrollment charter school shall require that the United States and Texas flags be prominently displayed in accordance with 4 U.S.C. Sections 5-10 and Chapter 3100, Government Code, in each campus classroom to which a student is assigned at the time the pledges of allegiance to those flags are recited.</p> <p>On written request from a student's parent or guardian, a school district or open-enrollment charter school shall excuse the student from reciting a pledge of allegiance ....</p>
	TX GOVT § 3100.103	<p>The Pledge of Allegiance to the flag of the United States should be recited before the Pledge of Allegiance to the state flag if both are recited.</p>
	TX EDUC § 5.001	<p>"Informed American patriotism" means a reasoned appreciation, gained through the study of historical primary sources, of why America has been, is now, and continues to be the destination of choice for those around the world who yearn to live in freedom. Informed American patriotism is only a conditional pledge of devotion that will be maintained only so long as America adheres to a republican form of government. If we abandon a representative democracy, our Pledge of Allegiance will be withdrawn as is stated in the Pledge of Allegiance, which swears devotion to a "republic".</p>
Utah	UT ST § 53G-10-304	<p>The Pledge of Allegiance to the flag shall be recited once at the beginning of each day in each public school classroom in the state, led by a student in the classroom, as assigned by the classroom teacher on a rotating basis. Each student shall</p>

		<p>be informed by posting a notice in a conspicuous place that the student has the right not to participate in reciting the pledge. A student shall be excused from reciting the pledge upon written request from the student's parent.</p> <p>At least once a year students shall be instructed that participation in the Pledge of Allegiance is voluntary and not compulsory and not only is it acceptable for someone to choose not to participate in the Pledge of Allegiance for religious or other reasons, but students should show respect for any student who chooses not to participate. A public school teacher shall strive to maintain an atmosphere among students in the classroom that is consistent with the principles described</p> <p>****</p> <p>School curricula and activities shall include a thorough study of historical documents and principles such as: ...the pledge of allegiance .... To increase student understanding of, and familiarity with, American historical documents, public schools may display historically important excerpts from, or copies of, those documents in school classrooms and common areas as appropriate. There shall be no content-based censorship of American history and heritage documents referred to in this section due to their religious or cultural nature.</p>
Vermont	UT ST § 53G-10-302	---
Virginia	VA ST § 22.1-202	<p>Instruction in the history and principles of the flag of the United States and the flag of the Commonwealth shall be given in one or more grades in every school division. The instruction shall include the Pledge of Allegiance and the appropriate etiquette and conventions for respecting the dignity and appropriate display of such flags. In recognition of the civic heritage of the United States of America, all students shall be required to learn the Pledge of Allegiance and to demonstrate such knowledge.</p> <p>To promote compliance with constitutional restrictions as well as observance of constitutional rights, the Board of Education shall, in consultation with the Office of the Attorney General, develop guidelines on constitutional rights and restrictions relating to the recitation of the Pledge of Allegiance to the American flag in public schools. The Board's guidelines shall include, but shall not be limited to, provisions which address the following: the initiative and involvement of local school boards, individual schools, administrators, teachers, and students; the propriety and constitutionality of any recitation or participation requirements; appropriate etiquette and conventions for respecting the dignity and appropriate display of the flag of the United States and the flag of the Commonwealth; and relevant state and federal constitutional concerns, such as freedom of speech and religion. These guidelines shall not be subject to the requirements of the Administrative Process Act (§ 2.2-4000 et seq.). However, to provide appropriate opportunity for involvement by the general public, teachers, and local school boards, the Board of Education shall conduct public hearings prior to establishing such guidelines. Thirty days prior to conducting such hearings, the Board shall give written notice by mail of the date, time, and place of the hearings to all local school boards and any other persons requesting to be notified of the hearings and publish notice of its intention to hold such hearings in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to the adoption of such guidelines.</p> <p>Each school board shall require the daily recitation of the Pledge of Allegiance in each classroom of the school division and shall ensure that the flag of the United States is in place in each such classroom. Each school board shall determine the appropriate time during the school day for the recitation of the Pledge. During such Pledge of Allegiance, students shall stand and recite the Pledge while facing the flag with their right hands over their hearts or in an appropriate salute if in uniform; however, no student shall be compelled to recite the Pledge if he, his parent or legal guardian objects on religious, philosophical or other grounds to his participating in this exercise. Students who are thus exempt from reciting the Pledge shall remain quietly standing or sitting at their desks while others recite the Pledge and shall make no display that disrupts or distracts others who are reciting the Pledge. School boards shall provide appropriate accommodations for students who are unable to comply with the procedures described herein due to disability. The school board's code of conduct shall apply to disruptive behavior during the recitation of the Pledge in the same manner as provided for other circumstances of such behavior.</p>



		<p>The Office of the Attorney General shall intervene on behalf of local school boards and shall provide legal defense of the provisions of this section.</p>
	VA ST § 22.1-208.01	<p>Each school board shall establish, within its existing programs or as a separate program, a character education program in its schools ...The basic character traits taught may include ...citizenship, including patriotism, the Pledge of Allegiance, respect for the American flag, concern for the common good, respect for authority and the law, and community-mindedness.</p> <p>This provision is intended to educate students regarding those core civic values and virtues that are efficacious to civilized society and are common to the diverse social, cultural, and religious groups of the Commonwealth. Consistent with this purpose, Virginia's civic values, which are the principles articulated in the Bill of Rights (Article I) of the Constitution of Virginia and the ideals reflected in the seal of the Commonwealth, as described in § 1-500, may be taught as representative of such civic values. Nothing herein shall be construed as requiring or authorizing the indoctrination in any particular religious or political belief.</p>
	VA ST § 2.2-4006	<p>The following agency actions otherwise subject to this chapter and § 2.2-4103 of the Virginia Register Act shall be exempted from the operation of this article: ...The development and issuance by the Board of Education of guidelines on constitutional rights and restrictions relating to the recitation of the pledge of allegiance to the American flag in public schools pursuant to § 22.1-202 ....</p>
Washington	WA ST 28A.230.140	<p>The board of directors ...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 following salute 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". Students not reciting the pledge shall maintain a respectful silence. The salute to the flag or the national anthem shall be rendered immediately preceding interschool events when feasible.</p>
West Virginia	WV ST § 18-5-15b	<p>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.</p>
Wisconsin	WI ST 118.06	<p>Every public school shall offer the pledge of allegiance or the national anthem in grades one to 12 each school day. Every private school shall offer the pledge of allegiance or the national anthem in grades one to 12 each school day unless the governing body of the private school determines that the requirement conflicts with the school's religious doctrines. No pupil may be compelled, against the pupil's objections or those of the pupil's parents or guardian, to recite the pledge or to sing the anthem.</p>
Wyoming	--	--