

2025 HOUSE EDUCATION

HB 1222

2025 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

HB 1222
2/4/2025

Relating to a requirement for public school students to recite the pledge of allegiance each morning and immunity for liability stemming from the recitation of the pledge of allegiance.

10:10 a.m. Chairman Heinert called the hearing to order.

Members Present: Chairman Heinert, Vice Chairman Schreiber- Beck, Representatives, Conmy, Hager, Hatlestad, Hauck, Heilman, Jonas, Longmuir, Maki, Marchall, Morton, Novak, Osowski

Discussion Topics:

- Patriotism
- Pledge of allegiance requirements
- Intercom systems
- Local control

10:10 a.m. Representative Novak introduced the bill and submitted testimony. #34494 #34495 #36838

10:17 a.m. Jim Nelson, ND Resident, testified in favor and submitted testimony. #34510

10:24 a.m. Nathan Huntington, Lobbyist for American Legion Department of ND, testified in favor and submitted testimony. #34394

10:28 Kevin Hoherz, Government Lead and Special Projects, NDCEL, testified in favor and submitted testimony on behalf of Aimee Copas. #34344

10:32 a.m. Cody Schuler, American Civil Liberties Union, testified in opposition and submitted testimony. #34340

10:36 a.m. KrisAnn Norby- Jahner, Legal Counsel, NDSBA, testified in opposition and submitted testimony. #34080

Additional written testimony:

Kara Geiger, ND Resident submitted testimony in opposition. #33282

Mark Jorritsma, Executive Director ND Family Alliance Legislative Action, submitted testimony in favor. #33487

Alexandra Deufel, ND Resident, submitted testimony in opposition. #33952

Kristen Nelson, ND Resident, submitted testimony in opposition. #34115

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10:48 a.m. Chairman Heinert closed the hearing.

Leah Kuball, Committee Clerk

Statement of Opposition to House Bill 1222

Dear Members of the House Education Committee,

I'm writing to voice my strong opposition to House Bill 1222 and to urge you to vote against it.

House Bill 1222 mandates the daily recitation of the Pledge of Allegiance in public schools and requires unexcused students to stand and show respect to the flag. While exemptions are allowed with parental consent, the bill also grants broad immunity from liability for school officials enforcing this requirement.

This bill presents several concerns:

Forced Political Indoctrination – Proponents of this bill often decry "indoctrination" in schools when it comes to topics like diversity, equity, inclusion, LGBTQ+ topics, climate change, and Social Emotional Learning. Yet, forcing students to recite—or even stand in deference to—a pledge they may not believe in is the very definition of indoctrination. Public education should encourage critical thinking, not force compulsory displays of loyalty to a government. Reciting the Pledge of Allegiance is blind nationalism, not thoughtful civic engagement.

Violation of First Amendment Rights – The U.S. Supreme Court (*West Virginia State Board of Education v. Barnette*, 1943) ruled that compelling students to recite the Pledge of Allegiance infringes upon their constitutional rights. Even requiring non-participating students to stand and show respect forces them into an expression they may not believe in, which is a violation of free speech protections.

Risk of Coercion and Discrimination – Even with an opt-out option, students who choose not to participate may face peer pressure, ostracization, or even bullying. Creating an environment where some students are singled out for their beliefs is counter to the principles of individual freedom.

Legal and Financial Risks to Schools – The bill's broad immunity clause may not fully shield schools from lawsuits if students' rights are challenged. Schools could still face legal action, leading to unnecessary legal costs and administrative burdens.

Unnecessary Government Overreach – Public schools should focus on education, not compelling symbolic gestures. There is no evidence that mandatory recitation of the Pledge serves any educational purpose, and this bill places an undue burden on schools to enforce participation in a practice that should remain voluntary.

House Bill 1222 is unnecessary, unconstitutional, and hypocritical. If lawmakers oppose *indoctrination* in schools, they should not be in the business of forcing children to recite pledges of loyalty. Schools should respect students' rights and allow them to make their own choices regarding participation in the Pledge of Allegiance without coercion or penalty.

Sincerely,

Kara L. Geiger
Mandan



Testimony in Support of House Bill 1222

Mark Jorritsma, Executive Director
North Dakota Family Alliance Legislative Action
February 4, 2025

Dear Chairman Heinert and honorable members of the House Education Committee,

North Dakota Family Alliance Legislative Action would like to testify in support of House Bill 1222 and respectfully requests that you would render a "DO PASS" on this bill.

Our organization believes it is incredibly important, now more than ever, that public schools reinforce our country's core values of liberty and freedom. One simple way of accomplishing this is by prioritizing recitation of the Pledge of Allegiance in classrooms.

Sadly, a Gallup poll from June, 2023¹ showed that a mere 18% of Americans aged 18 to 34 are "extremely proud to be American". The same poll reflected that in the 55+ demographic, a much larger 50% of U.S. adults are "extremely proud to be American". This disheartening discrepancy between age groups reflects the growing disillusionment our young citizens have with their own country.

Given this diminishing patriotism in our younger generations, we believe North Dakota students would benefit by holding reverence for our flag and appreciating the historical significance it has in our nation's story by starting each school day with the Pledge of Allegiance. While this small step alone cannot fully solve the greater issue of waning patriotism among our youth, it undoubtedly is a move in the right direction to instill in them that the U.S. flag, what it represents, and those who have died defending it, remain worthy of their honor and respect.

For these reasons, North Dakota Family Alliance Legislative Action respectfully requests that you please vote House Bill 1222 out of committee with a "DO PASS" recommendation.

Thank you for the opportunity to provide this testimony, and feel free to contact us if you have any questions.

Sincerely,

Mark Jorritsma
Executive Director
North Dakota Family Alliance Legislative Action

¹ <https://news.gallup.com/poll/507980/extreme-pride-american-remains-near-record-low.aspx>

Testimony in strong opposition of HB 1222

Dear Chairman and Members of the Committee,

Recitation of the Pledge of Allegiance has been a patriotic exercise in North Dakota schools for many, many decades. Every so often, over the years, the urge arises in some to force people to perform this particular outward display of patriotism. They just can't stomach the idea of others having different ways to celebrate their freedom. We are clearly in such a time period, where fervent nationalism is again in the water.

In 1943, the Supreme Court of the United States ruled that forced recitation of the Pledge or punishment for not reciting the Pledge is in violation of the Constitution.

In this bill, there is again an attempt at forced patriotism. The phrase "permit students to recite the pledge" is struck and language is added that "a student of a public school shall recite the pledge of allegiance at the beginning of EACH schoolday" (emphasis mine). The student can only be excused by written consent from a parent or guardian and is still required to stand at attention with the right hand over the heart.

This written consent clause does not remove the free speech rights of minors. Per the Supreme Court, free speech extends to minors and can not be compelled. Thus, this bill, as written, violates the free speech rights of North Dakota students.

Further, the bill does not specify a penalty for any student who refuses to participate in the pledge in any way, without consent of their parent. What will happen to a 17-year-old who remains seated? Will they be dragged out of the room? Yelled at? Those are all acts that led to the 1943 Supreme Court decision.

If this bill passes, North Dakota taxpayers will again have to pick up the tab for the legal defense of the indefensible. Why should North Dakotans absorb this cost?

The entire idea that patriotism should somehow be instilled by force is anathema to the founding documents of this nation. It is anathema to freedom. We have a great constitution, it is time we pay attention to all its parts, not just those we personally like. Freedom, in America, also includes the freedom of those people who think differently from yourself. I know that this concept is currently under assault nationwide, but it does stand.

Again, I strongly urge you to throw out this misguided bill.

Sincerely,

Alex Deufel – District 40



NDSBA
NORTH DAKOTA SCHOOL
BOARDS ASSOCIATION

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HB 1222
Testimony of KrisAn Norby-Jahner
House Education
February 4, 2025

Chair Heinert and members of the House Education Committee, for the record my name is KrisAnn Norby-Jahner. I am in-house legal counsel for the North Dakota School Boards Association. The NDSBA represents all 168 North Dakota public school districts and their boards. I am here today in opposition of HB 1222.

The NDSBA is supportive of civic engagement and any voluntary opportunities that are provided for students to recite the pledge of allegiance. In our experience, the recitation of the pledge of allegiance remains a regular practice in our ND school districts, where staff and students recite the pledge together particularly at the elementary level at the beginning of the school day. To this extent, we are supportive of the current law under N.D.C.C. § 15.1-19-03.1 (5), whereby “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 school day.” Current state law is constitutional because it allows for both teachers and students to each exercise their First Amendment rights, without coercion or force.

While the intention of HB 1222 may be to further bolster civic engagement, the amendments would make our state law unconstitutional and would open up school districts to litigation under [42 U.S.C. § 1983](#) (which overrides a public entity’s claim of qualified immunity when the entity’s actions violate a federal statutory or constitutional right that is clearly established at the time of their conduct). The right of an individual to choose whether to salute or pledge allegiance to the American flag has been a clearly-established constitutional right under the First Amendment since the U.S. Supreme Court’s landmark decision in [West Virginia St. Bd. of Educ. v. Barnette, 319 U.S. 624 \(1943\)](#). Therefore, plainly stated, state law cannot promise to provide “immunity from any liability for damages” to school districts and their personnel when those districts and personnel take action that is in violation of a known U.S. Constitutional right. Requiring students to recite the pledge of allegiance at the beginning of each school day (without the students having a choice) places school districts and personnel in a position of legal liability, from which they will not have qualified immunity.

Should HB 1222 become law, school districts may be subjected to lawsuits and would be ineligible for qualified immunity defenses based on the following:

1. **Violates Students' First Amendment Rights.** It has been long-established under [*Tinker v. Des Moines*, 393 U.S. 503 \(1969\)](#) that *students* do not “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” HB 1222 not only singles out students as being the only individuals in school buildings *required* to recite the pledge of allegiance in a very particular stance and manner, but it also only allows for an “excuse” from recitation “upon written request by the student’s parent or legal guardian.” **A student’s First Amendment rights belong to the student, not the student’s parent or legal guardian.** Allowing a parent or legal guardian to control a student’s speech is equally as unconstitutional as requiring a school to control a student’s speech. In addition, the exercise of free speech cannot be delegated to advanced “*written request.*” The very essence of free speech is that it may be freely given in any form, with limited restrictions in the school environment.

Under the Constitution, schools may only restrict a student’s private, personal expression to the extent it would “materially and substantially interfere with the requirements of appropriate discipline in the operation of the school or impinge upon the rights of other students.” *Tinker*, 393 U.S. at 509. The U.S. Supreme Court has been clear that a student exercising their First Amendment right to abstain from the pledge of allegiance is not the type of speech that interferes with school operations or other students’ rights. The Supreme Court has established that any action a school takes to compel students to salute or pledge allegiance to the American flag is a violation of the students’ First Amendment rights and would cause injury by “chilling” students’ constitutionally-protected speech. *West Virginia St. Bd. of Educ.*, 319 U.S. 624.

2. **Violates Disability and Special Education Laws.** HB 1222 fails to recognize or accommodate students with disabilities and individualized learning needs, as protected under federal laws, including the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitations Act, and the Individuals with Disabilities Education Act (IDEA). This bill requires students at the beginning of each school day to “show full respect to the flag by standing at attention with the right hand over the heart.” However, no exception is provided for students who cannot physically stand or physically place their right hand over their heart.” No exception is provided for students who have pre-planned medical needs or emergency medical needs that might arise during the scheduled recitation. No exception is provided for students with Individual Education Programs (IEPs), 504 Plans, or Behavioral Intervention Plans (BIPs) that are legally-required to be followed and accommodated by educators should the student be unable to follow the mandates of this proposed law on a given school morning.

3. **Violates Title IX.** Title IX of the Education Amendments of 1972 applies to all school districts that receive federal funding and explicitly prohibits discrimination based on sex in education programs and activities. Singling out male students and requiring only males to remove “any headdress” during the recitation of the pledge may be a violation of Title IX. Many schools have policies against hats and headdresses during school hours (outside of religious or other legally-required accommodation). However, even those schools that do not have prohibitive policies (or those that do allow hats on certain occasions) treat male and female students equally in compliance with Title IX.

Overall, HB 1222 is unnecessary, opens school districts to legal liability, and places an undue burden on teachers who would, without a doubt, become the primary enforcers of this law. It is the teachers, at nearly all grade levels, who spend “the beginning of each school day” with the students. There is no qualified immunity allowable for educators when the speech in question is clearly protected under the U.S. Constitution. The burden and liability this proposed law places on teachers is too great.

Based on the foregoing reasons, NDSBA asks this Committee to issue a **do not pass** recommendation on HB 1222. Thank you for your time.

Kristin Nelson

2/3/25

5409 20th Street South

Fargo, ND

District 46

DO NOT PASS HB 1222

Representative Heinert and members of the House Education Committee:

I am writing to you today to vote **DO NOT PASS** on HB 1222. This bill **compels speech** which would **violate the first amendment rights** of students. This bill is what political **indoctrination** looks like, and students should be allowed to sit quietly if they so choose. I'm not sure what forcing students to recite the pledge that they might not believe in accomplishes, **certainly does not raise test scores**.

Again, I urge a **DO NOT PASS** recommendation on this bill.

Sixty-ninth North Dakota Legislative Assembly
House Education Committee
H.B. 1222
February 4, 2025



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701-404-7269
aclund.org

Chair Heinert, Vice Chair Schreiber-Beck, and members of the Committee:

On behalf of the ACLU of North Dakota, I submit testimony in opposition to House Bill 1222 requiring public school students to recite the pledge of allegiance.

Strong free speech protections are enshrined in both the First Amendment to the U.S. Constitution and Article 1, Section 4 of the North Dakota State Constitution. As has long been established, these protections are violated when government officials attempt to coerce others to stand for the Pledge, say the Pledge, or otherwise take part in a Pledge of Allegiance ceremony.

Over eighty years ago that the United States Supreme Court ruled in *West Virginia State Bd. of Education v. Barnette*, 319 U.S. 624, 642 (1943). that government actors may not force individuals to say the Pledge of Allegiance:

If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not now occur to us.

The Court concluded that “action of the local authorities in compelling the flag salute and pledge transcends constitutional limitations on their power and invades the sphere of intellect and spirit which it is the purpose of the First Amendment to our Constitution to reserve from all official control.” (In addition, in *Spence v. Washington*, 418 U.S. 405 (1974) the Supreme Court deemed that punishment for not showing proper respect for the American Flag was unconstitutional.)

While HB1222 provides for parental permission to be excused from reciting the pledge of allegiance, a student’s First Amendment protected freedom of speech and freedom of conscience means that a student may choose to say the Pledge of Allegiance one day and refuse another day. A student can make this decision on a day-to-day basis. The need for parental permission restricts the student’s aforementioned rights and government demands that students disclose their reasons for their expression of speech are themselves a burden on free speech. The landmark *Tinker v. Des Moines Indep. Community Sch. Dist.*, 393 U.S. 503 (1969) has established that students do not “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.”

North Dakota law already permits students to recite the Pledge of Allegiance, however there are myriad moral, ethical, or personal reasons an individual student may not wish to participate. Schools should be a place where different views are embraced and explored, and not a place of compulsory speech or thought.

The ACLU of North Dakota urges the House Education Committee to give a “do not pass” recommendation on HB1222.

Submitted by:
Cody J. Schuler
Advocacy Manager, ACLU of North Dakota
ND Lobbyist #367
cschuler@aclu.org

The ACLU has a long history of defending students’ right to decline to say the pledge including cases in Colorado (2003), Pennsylvania (2004), Virginia (2005), Florida (2006), and Texas (2008).



Testimony in Support of Amendments to House Bill 1222

Chair and Members of the Committee: I am here today to provide testimony in support of the proposed amendments to House Bill 1222, specifically those restoring the right of refusal accommodation and reinforcing other constitutional accommodations that ensure the rights of students and educators are protected. Some of these amendments are needed to keep us out of court. To reduce the risk of lawsuit the right of refusal must be brought back into law as that is a US constitutional right. (See amendment below)

House Bill 1222 seeks to reaffirm the value of patriotism and respect for our nation's principles by requiring the daily recitation of the Pledge of Allegiance in public schools. While this bill reflects a commitment to civic awareness and engagement, it is equally critical that we maintain constitutional protections for individual freedoms. The amendments proposed in this bill serve as necessary refinements to uphold both the spirit of unity and the principles of personal liberty.

Restoring the Right of Refusal

One of the fundamental tenets of our Constitution is the protection of individual rights, including freedom of speech and freedom of expression. The U.S. Supreme Court, in *West Virginia State Board of Education v. Barnette* (1943), firmly established that students cannot be compelled to recite the Pledge of Allegiance. (**Holding:** The Supreme Court ruled that public schools **cannot compel students to salute the flag or recite the Pledge of Allegiance**, as doing so violates the **First Amendment's protections of free speech and freedom of religion.**)

The proposed amendment ensures that students and their families retain the right to abstain from participating in the pledge without facing coercion, discrimination, or undue pressure.

Existing Patriotic Education Requirements in North Dakota

North Dakota already has multiple statutory provisions that promote patriotism and civic responsibility in schools. These activities due to the level of student engagement may be a more effective way to promote patriotism with our older students than the pledge recitation.

- **Instruction in Civic Virtues** (*N.D.C.C. 15.1-21-01*) requires that instruction in civic virtues, including respect for honest labor, truthfulness, and public spirit, be provided in schools.
- **Patriotic Exercises** (*N.D.C.C. 15.1-19-03.1*) permits school boards to authorize the voluntary recitation of the Pledge of Allegiance while ensuring that students are not compelled to participate.
- **Youth Patriotic Societies** (*N.D.C.C. 15.1-06-14.1*) allows representatives from youth patriotic organizations to present information to students in schools during the academic year to encourage participation in civic engagement activities.



- **Required Reading of Historical Documents** (*N.D.C.C. 15.1-21-22*) mandates that students read the Declaration of Independence, the United States Constitution, and the Bill of Rights before graduating to ensure familiarity with foundational texts.
- **Civics Test Requirement** (*N.D.C.C. 15.1-21-27*) requires students to pass a civics test based on the 100 questions used by the U.S. Citizenship and Immigration Services for naturalization applicants as a prerequisite for high school graduation, reinforcing their understanding of U.S. history and government principles.

These provisions illustrate that North Dakota already has mechanisms in place to instill patriotism among students while respecting individual rights. The proposed amendments to House Bill 1222 should align with these existing statutes rather than impose additional mandates that may be difficult to enforce at all school levels.

Challenges for Schools and Students Requiring Accommodations

While the intent of this legislation is to promote patriotism, the practical implementation of a mandatory pledge poses challenges for many schools, particularly at the middle and high school levels. High schools often do not have a uniform start time, making a synchronized pledge difficult to enforce. Additionally, students requiring accommodations, including those with disabilities or anxiety-related conditions, may struggle with a rigid expectation to participate in a public recitation. These challenges highlight the need for flexibility and alternative approaches to fostering civic engagement.

Amendments Recommended:

I urge the committee to adopt the amendments below that restore the right of refusal accommodation and reinforce constitutional protections within this legislation. These changes will strengthen House Bill 1222, ensuring it remains a measure that respects both national pride and personal liberty.

1. Please reduce the risk of a lawsuit eliminate the redaction of Section 3 #5.
2. Due to difficulty with application at the MS/HS level and the amount of additional patriotic activities we do at the higher grades, keep the requirement to the elementary school level.

5. A school board may authorize the voluntary recitation of student of a public elementary school shall recite the pledge of allegiance by a teacher or one or more students at the beginning of each school day. A student may not be required to recite and must be informed by written notice published in the student handbook, or similar publication, that the student may be excused from reciting the pledge of allegiance, stand during the recitation of the pledge of allegiance or salute the American flag upon written request by the student's parent or legal guardian. During the pledge of allegiance, any unexcused student shall show full respect to the flag by standing at attention, if physically able, with the right hand over the heart and, for males, removing any headdress, except when the headdress is worn for religious purposes.

Mr. Chairman, members of the committee, my name is Nate Huntington, from Bismarck, ND.

I am here to testify in favor of saying the Pledge of Allegiance in our schools. As a military veteran, I hold our nation's founding documents dear – and our National Anthem and Pledge of Allegiance go along with the Declaration of Independence and Constitution to remind us of our civic role as citizens of the United States of America.

The Pledge of Allegiance is a quick summary of the principles of our nation. By pledging allegiance **to the flag of the United States of America**, we are reminded that we are not pledging fealty to a KING, but to a set of ideas and principles that are greater than a president, king, or premier. By stating that our nation is a **republic**, we are reminded that we are a nation of laws – not of heredity or another form. By stating that our republic stands as **one nation under God**, we are reminded that there is a higher power who guides our national life. This is the only phrase that I have ever heard any opposition to, but it always comes with a strained set of arguments related to the separation of church and state. It does not establish a national religion at all, it only reminds us when we pledge, that the preponderance of evidence shows that we are under the eye of watchful providence. When we state the word “**Indivisible**,” we are recognizing that we were once divided unto bloody death and that we must strive to remain united. And at the end of our short pledge, we state our aspirations that we exist **with liberty and justice for all** – which has often been difficult to achieve, but for which we must all work tirelessly.

I am a member of three civic organizations, the American Legion, the Marine Corps League, and Rotary Club. I am representing the North Dakota Department of the American Legion (for which I am a registered Lobbyist) and Detachment 1419 of the Marine Corps League today. At the opening of each meeting in these groups we say the Pledge of Allegiance – and I support that our school-age youth should say the Pledge of Allegiance in our schools. Thank you.



North Dakota Legislative Council

Prepared for Representative Anna Novak

LC# 25.9413.01000

February 3, 2025

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"> • 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. • 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; • 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; • 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 • 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.
	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.
	FL ST § 1002.20	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.
Georgia	GA ST § 20-2-310	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.
	GA ST § 20-2-1021	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.
		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 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 of 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

Massachusetts	MA ST 71 § 69	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.
Michigan	MI ST 380.1347a	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".
		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.
	MN ST § 124E.03	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.
Mississippi	MS ST § 37-13-7	A charter school must comply with the Pledge of Allegiance requirement under section 121A.11, subdivision 3.
	MS ST § 37-13-6	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.
Missouri	MO ST 171.021	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.
		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>
	UT ST § 53G-10-302	<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	--	--
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	--	--

Legislative Assembly

North Dakota House of Representatives

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Anna Novak

District 33
1139 Elbowoods Drive
Hazen, ND 58545-4923
anovak@ndlegis.gov

COMMITTEES:

Education
Energy and Natural Resources (Vice Chair)

February 4, 2025

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 public schools across North Dakota begin each day with the Pledge of Allegiance.

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. If a parent or guardian wants to exempt their student from participating, all they have to do is provide written consent for them to not participate in reciting the Pledge. No reason is needed. For the record, Pennsylvania, Utah, Florida and Texas have laws requiring the Pledge in schools, similar to house bill 1222.

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 bill, 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 saying the Pledge - for the schools that don't initiate it or individuals that don't say it. I don't envision teachers or anyone else walking around like drill sergeants, trying to enforce the law. My hope is 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. 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.

Pledge of Allegiance

I grew up on farm five miles SW of Douglas ND. I was schooled in 2 rural one room schools. The thing that stands out to me is the activity that occurred every morning. We would gather outside around the flagpole, as the teacher raised the flag, then we would place our hand over our heart and recite the Pledge of Allegiance. I also remember always saying amen at the end which the teacher quickly admonished me for saying it. (I still silently amen) also I am part of one of the last generations to have been taught civics. Fast forward to my senior year when I made the decision to join the Navy and part of making that official is the oath -the promise- we make to be a part of this elite group of Americans. We made that oral commitment so all will know what our country means to us and what we will do to defend it, its values and the right to our way of life.

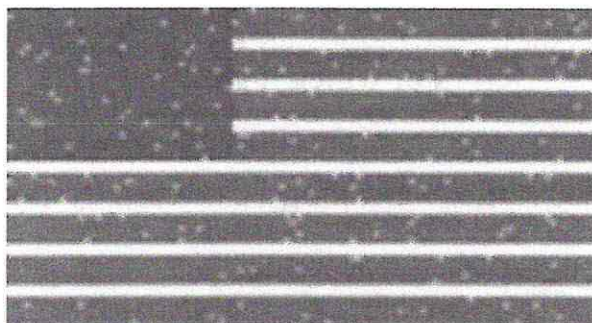
The pledge or oath taken by individuals joining the military holds immense significance, as it represents a solemn commitment to serve and protect the nation, its Constitution, and its people. This commitment transcends personal interests and signifies a willingness to uphold the values and principles upon which this country was founded.

To veterans the Pledge of Allegiance represents a deeply personal commitment to the ideals of the United States, serving as a solemn reminder of the sacrifices made to protect our freedoms and values enshrined in our nation, Basically, it is a tangible expression of the oath we all took to defend this nation and its people at any cost. To us reciting the pledge is more than just words it represents our personal connection to our service, it's a symbol of sacrifice representing the lives lost by our fellow comrades in preserving our liberties. It honors the Constitution as the pledge is a affirmation of our loyalty to the principles outlined in the Constitution. Lastly it creates a sense of unity in that it signifies a shared dedication to our country and its people well beyond our military experiences. There are many times that I have experienced wet eyes when reciting the pledge followed by the national anthem reminding me how blessed and honored I am to live in this country and to be a veteran.

As a schoolboy, one of Red Skelton's teachers explained the words and meaning of the Pledge of Allegiance to his class. I would like to close by reading it to you.



Commentary on the
Pledge of Allegiance
by
Red Skelton



As a schoolboy, one of Red Skelton's teachers explained the words and meaning of the Pledge of Allegiance to his class. Skelton later wrote down, and eventually recorded, his recollection of this lecture. It is followed by an observation of his own.

I - -

Me; an individual; a committee of one.

Pledge - -

Dedicate all of my worldly goods to give without self-pity.

Allegiance - -

My love and my devotion.

To the Flag - -

Our standard; *Old Glory* ; a symbol of Freedom; wherever she waves there is respect, because your loyalty has given her a dignity that shouts, Freedom is everybody's job.

of the

United - -

That means that we have all come together.

States - -

Individual communities that have united into forty-eight great states. Forty-eight individual communities with pride and dignity and purpose. All divided with imaginary boundaries, yet united to a common purpose, and that is love for country.

And to the Republic - -

Republic--a state in which sovereign power is invested in representatives chosen by the people to govern. And government is the people; and it's from the people to the leaders, not from the leaders to the people.

For which it stands

One Nation - -

One Nation--meaning, so blessed by God.

Indivisible - -

Incapable of being divided.

With Liberty - -

Which is Freedom; the right of power to live one's own life, without threats, fear, or some sort of retaliation.

And Justice - -

The principle, or qualities, of dealing fairly with others.

For All - -

For All--which means, boys and girls, it's as much your country as it is mine.

And now, boys and girls, let me hear you recite the Pledge of Allegiance:

*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.*

Since I was a small boy, two states have been added to our country, and two words have been added to the Pledge of Allegiance: Under God. Wouldn't it be a pity if someone said that is a prayer, and that would be eliminated from schools, too?

25.0385.01001
Title.

Prepared by the Legislative Council
staff for Representative Novak
February 5, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1222

Introduced by

Representatives Novak, D. Anderson, Frelich, Hagert, Heinert, Porter, M. Ruby, Lefor

Senators Hogue, Luick, Meyer

A BILL for an Act to amend and reenact sections 15.1-09-33, ~~15.1-09-33.5~~, and 15.1-19-03.1 of the North Dakota Century Code, relating to a requirement for public school students to have the opportunity to recite the pledge of allegiance each morning and immunity for liability stemming from the recitation of the pledge of allegiance.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-09-33 of the North Dakota Century Code is amended and reenacted as follows:

15.1-09-33. School board - Powers.

The board of a school district may:

1. Establish a system of free public schools for all children of legal school age residing within the district.
2. Organize, establish, operate, and maintain elementary, middle, and high schools.
3. Have custody and control of all school district property and, in the case of the board of education of the city of Fargo, have custody and control of all public school property within the boundaries of the Fargo public school district and to manage and control all school matters.
4. Acquire real property and construct school buildings and other facilities.
5. Relocate or discontinue schools and liquidate the assets of the district as required by law; provided no site may be acquired or building constructed, or no school may be organized, established, operated, maintained, discontinued, or changed in location

1 without the approval of the state board of public school education if outside the
2 boundary of the district.

3 6. Purchase, sell, exchange, and improve real property.

4 7. Lease real property for a maximum of one year except in the case of:

5 a. A career and technical education facility constructed in whole or in part with
6 financing acquired under chapter 40-57, which may be leased for up to twenty
7 years; or

8 b. A lease for the installation of a wireless telecommunications facility, which may be
9 leased for up to twenty years.

10 8. Subject to chapter 32-15, exercise the power of eminent domain to acquire real
11 property for school purposes.

12 9. Purchase, sell, exchange, improve, and lease for up to one year equipment, furniture,
13 supplies, and textbooks.

14 10. Recruit or contract with others to recruit homes and facilities which provide boarding
15 care for special education students.

16 11. Provide dormitories for the boarding care of special education students.

17 12. Insure school district property.

18 13. Independently or jointly with other school districts, purchase telecommunications
19 equipment or lease a telecommunications system or network.

20 14. Provide for the education of students by another school district.

21 15. Contract with federal officials for the education of students in a federal school.

22 16. Prescribe courses of study in addition to those prescribed by the superintendent of
23 public instruction or by law.

24 17. Adopt rules regarding the instruction of students, including their admission, transfer,
25 organization, grading, and government.

26 18. Join the North Dakota high school activities association and pay membership fees.

27 19. Adopt alternative curricula for high school seniors who require fewer than four
28 academic units.

29 20. Contract with, employ, and compensate school district personnel.

- 1 21. Contract with and provide reimbursement for the provision of teaching services by an
- 2 individual certified as an instructor in the areas of North Dakota American Indian
- 3 languages and culture by the education standards and practices board.
- 4 22. a. Suspend school district personnel;
- 5 b. Delegate to the superintendent of the district the authority to suspend school
- 6 district personnel, except as provided for in section 15.1-15-10; or
- 7 c. In the case of a district that does not employ a superintendent, delegate to the
- 8 individual charged with administering the district the authority to suspend school
- 9 district personnel, except as provided for in section 15.1-15-10.
- 10 23. Dismiss school district personnel.
- 11 24. Participate in group insurance plans and pay all or part of the insurance premiums.
- 12 25. Contract for the services of a district superintendent, provided that the contract, which
- 13 may be renewed, does not exceed a period of three years.
- 14 26. Contract for the services of a principal.
- 15 27. Employ an individual to serve as the school district business manager or contract with
- 16 any person to perform the duties assigned to a school district business manager by
- 17 law.
- 18 28. Dismiss a school district business manager for cause without prior notice.
- 19 29. Dismiss a school district business manager without cause with thirty days' written
- 20 notice.
- 21 30. Defray the necessary and contingent expenses of the board.
- 22 31. Levy a tax upon property in the district for school purposes, as permitted in
- 23 accordance with chapter 57-15.
- 24 32. Amend and certify budgets and tax levies, as provided in title 57.
- 25 33. Pay dues allowing for the board to hold membership in city, county, state, and national
- 26 organizations and associations.
- 27 34. Designate, at its annual meeting, a newspaper of general circulation as the official
- 28 newspaper of the district.
- 29 35. Authorize schools within the district to display the ten commandments with a display of
- 30 other historical documents in the school and in a classroom.

1 36. Authorize schools within the district to permit students to recite the pledge of
2 allegiance.

3 ~~— **SECTION 2. AMENDMENT.** Section 15.1-09-33.5 of the North Dakota Century Code is~~
4 ~~amended and reenacted as follows:~~

5 ~~— **15.1-09-33.5. School board – Immunity from liability.**~~

6 ~~— The superintendent of public instruction, school districts, schools, school boards and~~
7 ~~individual school board members, governing boards and individual governing board members,~~
8 ~~administrators, principals, teachers, and any other school district employed personnel are~~
9 ~~immune from any liability for damages resulting from a school's decision to display the~~
10 ~~ten commandments or permit students to recite the pledge of allegiance under section~~
11 ~~15.1-09-33 or require the recitation of the pledge of allegiance under section 15.1-19-03.1.~~

12 **SECTION 2. AMENDMENT.** Section 15.1-19-03.1 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **15.1-19-03.1. Recitation of prayer - Period of silence - Pledge of allegiance.**

- 15 1. A student ~~may~~ voluntarily may pray aloud or participate in religious speech at any time
16 before, during, or after the schoolday to the same extent a student ~~may~~ voluntarily
17 may speak or participate in secular speech.
- 18 2. A student of a public or nonpublic school may not be prohibited from voluntarily
19 participating in any student-initiated prayer at an activity held on the premises of a
20 public or nonpublic school.
- 21 3. ~~A school~~The board of a school district, school administrator, or teacher may not
22 impose any restriction on the time, place, manner, or location of any student-initiated
23 religious speech or prayer which exceeds the restriction imposed on students' secular
24 speech.
- 25 4. ~~A school~~The board ~~may~~of a school, by resolution, may allow a classroom teacher to
26 impose up to one minute of silence for meditation, reflection, or prayer at the
27 beginning of each schoolday.
- 28 5. ~~A school~~The board may authorize the voluntary recitation of ~~student of a public~~
29 ~~school~~of a school district shall adopt a policy requiring each school to offer all students
30 the opportunity to voluntarily recite the pledge of allegiance ~~by a teacher or one or~~
31 ~~more students~~ at the beginning of each schoolday. A student may not be required to

1 ~~recite~~ must be informed by written notice published in the student handbook, or similar
2 ~~publication, that the student may be excused from reciting~~ the pledge of allegiance,
3 stand during the recitation of the pledge of allegiance, or salute the American flag
4 ~~upon written request by the student's parent or legal guardian. During the pledge of~~
5 ~~allegiance, any unexcused student shall show full respect to the flag by standing at~~
6 ~~attention with the right hand over the heart and, for males, removing any headdress,~~
7 ~~except when the headdress is worn for religious purposes.~~

2025 HOUSE STANDING COMMITTEE MINUTES

Education Committee Coteau AB Room, State Capitol

HB 1222
2/17/2025

Relating to a requirement for public school students to recite the pledge of allegiance each morning and immunity for liability stemming from the recitation of the pledge of allegiance.

3:07 p.m. Chairman Heinert called the hearing to order.

Members Present: Chairman Heinert, Vice Chairman Schreiber- Beck, Representatives, Conmy, Hager, Hatlestad, Hauck, Heilman, Jonas, Longmuir, Maki, Marchall, Morton, Novak, Osowski

Discussion Topics:

- Committee action

3:10 p.m. Representative Novak moved to adopt amendment 25.0385.01001.

3:10 p.m. Representative Morton seconded the motion.

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	Y
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Dori Hauck	Y
Representative Matthew Heilman	Y
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Roger A. Maki	Y
Representative Andrew Marschall	Y
Representative Desiree Morton	Y
Representative Anna S. Novak	Y
Representative Doug Osowski	Y

Motion carried: 14-0-0

3:11 p.m. Representative Novak moved a Do Pass as amended.

3:11 p.m. Representative Hatlestad seconded the motion.

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Cynthia Schreiber-Beck	Y
Representative Liz Conmy	N
Representative LaurieBeth Hager	Y
Representative Patrick R. Hatlestad	Y
Representative Dori Hauck	Y
Representative Matthew Heilman	Y
Representative Jim Jonas	Y
Representative Donald W. Longmuir	Y
Representative Roger A. Maki	Y
Representative Andrew Marschall	Y
Representative Desiree Morton	Y
Representative Anna S. Novak	Y
Representative Doug Osowski	Y

Motion carried: 13-1-0

Bill carrier: Representative Jonas

3:12 p.m. Chairman Heinert closed the hearing.

Leah Kuball, Committee Clerk

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1222

Introduced by

Representatives Novak, D. Anderson, Frelich, Hagert, Heinert, Porter, M. Ruby, Lefor

Senators Hogue, Luick, Meyer

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- 10 1. Establish a system of free public schools for all children of legal school age residing
11 within the district.
- 12 2. Organize, establish, operate, and maintain elementary, middle, and high schools.
- 13 3. Have custody and control of all school district property and, in the case of the board of
14 education of the city of Fargo, have custody and control of all public school property
15 within the boundaries of the Fargo public school district and to manage and control all
16 school matters.
- 17 4. Acquire real property and construct school buildings and other facilities.
- 18 5. Relocate or discontinue schools and liquidate the assets of the district as required by
19 law; provided no site may be acquired or building constructed, or no school may be
20 organized, established, operated, maintained, discontinued, or changed in location

- 1 without the approval of the state board of public school education if outside the
- 2 boundary of the district.
- 3 6. Purchase, sell, exchange, and improve real property.
- 4 7. Lease real property for a maximum of one year except in the case of:
- 5 a. A career and technical education facility constructed in whole or in part with
- 6 financing acquired under chapter 40-57, which may be leased for up to twenty
- 7 years; or
- 8 b. A lease for the installation of a wireless telecommunications facility, which may be
- 9 leased for up to twenty years.
- 10 8. Subject to chapter 32-15, exercise the power of eminent domain to acquire real
- 11 property for school purposes.
- 12 9. Purchase, sell, exchange, improve, and lease for up to one year equipment, furniture,
- 13 supplies, and textbooks.
- 14 10. Recruit or contract with others to recruit homes and facilities which provide boarding
- 15 care for special education students.
- 16 11. Provide dormitories for the boarding care of special education students.
- 17 12. Insure school district property.
- 18 13. Independently or jointly with other school districts, purchase telecommunications
- 19 equipment or lease a telecommunications system or network.
- 20 14. Provide for the education of students by another school district.
- 21 15. Contract with federal officials for the education of students in a federal school.
- 22 16. Prescribe courses of study in addition to those prescribed by the superintendent of
- 23 public instruction or by law.
- 24 17. Adopt rules regarding the instruction of students, including their admission, transfer,
- 25 organization, grading, and government.
- 26 18. Join the North Dakota high school activities association and pay membership fees.
- 27 19. Adopt alternative curricula for high school seniors who require fewer than four
- 28 academic units.
- 29 20. Contract with, employ, and compensate school district personnel.

- 1 21. Contract with and provide reimbursement for the provision of teaching services by an
- 2 individual certified as an instructor in the areas of North Dakota American Indian
- 3 languages and culture by the education standards and practices board.
- 4 22. a. Suspend school district personnel;
- 5 b. Delegate to the superintendent of the district the authority to suspend school
- 6 district personnel, except as provided for in section 15.1-15-10; or
- 7 c. In the case of a district that does not employ a superintendent, delegate to the
- 8 individual charged with administering the district the authority to suspend school
- 9 district personnel, except as provided for in section 15.1-15-10.
- 10 23. Dismiss school district personnel.
- 11 24. Participate in group insurance plans and pay all or part of the insurance premiums.
- 12 25. Contract for the services of a district superintendent, provided that the contract, which
- 13 may be renewed, does not exceed a period of three years.
- 14 26. Contract for the services of a principal.
- 15 27. Employ an individual to serve as the school district business manager or contract with
- 16 any person to perform the duties assigned to a school district business manager by
- 17 law.
- 18 28. Dismiss a school district business manager for cause without prior notice.
- 19 29. Dismiss a school district business manager without cause with thirty days' written
- 20 notice.
- 21 30. Defray the necessary and contingent expenses of the board.
- 22 31. Levy a tax upon property in the district for school purposes, as permitted in
- 23 accordance with chapter 57-15.
- 24 32. Amend and certify budgets and tax levies, as provided in title 57.
- 25 33. Pay dues allowing for the board to hold membership in city, county, state, and national
- 26 organizations and associations.
- 27 34. Designate, at its annual meeting, a newspaper of general circulation as the official
- 28 newspaper of the district.
- 29 35. Authorize schools within the district to display the ten commandments with a display of
- 30 other historical documents in the school and in a classroom.

- 1 36. ~~Authorize schools within the district to permit students to recite the pledge of~~
2 ~~allegiance.~~

3 ~~— **SECTION 2. AMENDMENT.** Section 15.1-09-33.5 of the North Dakota Century Code is~~
4 ~~amended and reenacted as follows:~~

5 ~~— **15.1-09-33.5. School board - Immunity from liability.**~~

6 ~~— The superintendent of public instruction, school districts, schools, school boards and~~
7 ~~individual school board members, governing boards and individual governing board members,~~
8 ~~administrators, principals, teachers, and any other school district employed personnel are~~
9 ~~immune from any liability for damages resulting from a school's decision to display the~~
10 ~~ten commandments or permit students to recite the pledge of allegiance under section~~
11 ~~15.1-09-33 or require the recitation of the pledge of allegiance under section 15.1-19-03.1.~~

12 **SECTION 2. AMENDMENT.** Section 15.1-19-03.1 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **15.1-19-03.1. Recitation of prayer - Period of silence - Pledge of allegiance.**

- 15 1. A student ~~may~~ voluntarily may pray aloud or participate in religious speech at any time
16 before, during, or after the schoolday to the same extent a student ~~may~~ voluntarily
17 may speak or participate in secular speech.
- 18 2. A student of a public or nonpublic school may not be prohibited from voluntarily
19 participating in any student-initiated prayer at an activity held on the premises of a
20 public or nonpublic school.
- 21 3. ~~A school~~The board of a school district, school administrator, or teacher may not
22 impose any restriction on the time, place, manner, or location of any student-initiated
23 religious speech or prayer which exceeds the restriction imposed on students' secular
24 speech.
- 25 4. ~~A school~~The board ~~may~~of a school, by resolution, may allow a classroom teacher to
26 impose up to one minute of silence for meditation, reflection, or prayer at the
27 beginning of each schoolday.
- 28 5. ~~A school~~The board ~~may authorize the voluntary recitation of~~student of a public school
29 a school district shall adopt a policy requiring each school to offer all students the
30 opportunity to voluntarily recite the pledge of allegiance ~~by a teacher or one or more~~
31 students at the beginning of each schoolday. A student may not be required to

1 ~~recite must be informed by written notice published in the student handbook, or similar~~
2 ~~publication, that the student may be excused from reciting~~ the pledge of allegiance,
3 stand during the recitation of the pledge of allegiance, or salute the American flag
4 ~~upon written request by the student's parent or legal guardian. During the pledge of~~
5 ~~allegiance, any unexcused student shall show full respect to the flag by standing at~~
6 ~~attention with the right hand over the heart and, for males, removing any headdress,~~
7 ~~except when the headdress is worn for religious purposes.~~

**REPORT OF STANDING COMMITTEE
HB 1222**

Education Committee (Rep. Heinert, Chairman) recommends **AMENDMENTS** **(25.0385.01001)** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT OR EXCUSED AND NOT VOTING). HB 1222 was placed on the Sixth order on the calendar.

2025 SENATE EDUCATION

HB 1222

2025 SENATE STANDING COMMITTEE MINUTES

Education Committee Room JW216, State Capitol

HB 1222
3/12/2025

Relating to a requirement for public school students to have the opportunity to recite the pledge of allegiance each morning and immunity for liability stemming from the recitation of the pledge of allegiance.

11:00 a.m. Vice-Chairman Lemm called the hearing to order.

Members Present: Chairman Beard; Vice-Chairman Lemm; Senators: Axtman, Boschee, Gerhardt, and Wobbema.

Members Absent: Chairman Beard.

Discussion Topics:

- Encourage patriotism
- Reverence for the American flag
- Symbol of sacrifice
- Honors the United States Constitution
- Sense of belonging

11:00 a.m. Representative Novak, District #33, introduced the bill and submitted testimony #41084.

11:07 a.m. Jim Nelson, Director ND Veterans Legislative Council, testified in favor and submitted testimony #41019.

11:14 a.m. Mamie Havelka, Commander ND American Legion, testified in favor and submitted testimony #40752.

11:19 a.m. Alyssa Christianson, Napoleon student, testified in favor.

11:20 a.m. Sabrina Haas, Napoleon student, testified in favor.

11:22 a.m. Senator Gerhardt moved Do Pass.

11:22 a.m. Senator Axtman seconded the motion.

Senators	Vote
Senator Todd Beard	AB
Senator Randy D. Lemm	Y
Senator Michelle Axtman	Y
Senator Josh Boschee	Y
Senator Justin Gerhardt	Y

Senator Mike Wobbema	Y
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Motion Passed 5-0-1

Senator Gerhardt will carry the bill.

Additional written testimony:

Nathan Huntington, Lobbyist ND American Legion, submitted testimony in favor #40037.

Mark Jorritsma, Executive Director ND Family Alliance Legislative Action, submitted testimony in favor #40763.

Kara Geiger, citizen, submitted testimony in favor #40492.

Cody Schuler, ACLU, submitted testimony in opposition #40873.

KrisAnn Norby-Jahner, In-House Legal Counsel ND School Boards Association, submitted neutral testimony #40555.

Paul Stremick, Lobbyist ND School Study Council, submitted neutral testimony #40833.

11:25 a.m. Vice-Chairman Lemm closed the hearing.

Susan Helbling, Committee Clerk

**REPORT OF STANDING COMMITTEE
ENGROSSED HB 1222 ([25.0385.02000](#))**

Education Committee (Sen. Beard, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). HB 1222 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

Mr. Chairman, members of the committee, my name is Nate Huntington, from Bismarck, ND.

I am here to testify in favor of saying the Pledge of Allegiance in our schools. As a military veteran, I hold our nation's founding documents dear – and our National Anthem and Pledge of Allegiance go along with the Declaration of Independence and Constitution to remind us of our civic role as citizens of the United States of America.

The Pledge of Allegiance is a quick summary of the principles of our nation. By pledging allegiance **to the flag of the United States of America**, we are reminded that we are not pledging fealty to a KING, but to a set of ideas and principles that are greater than a president, king, or premier. By stating that our nation is a **republic**, we are reminded that we are a nation of laws – not of heredity or another form. By stating that our republic stands as **one nation under God**, we are reminded that there is a higher power who guides our national life. This is the only phrase that I have ever heard any opposition to, but it always comes with a strained set of arguments related to the separation of church and state. It does not establish a national religion at all, it only reminds us when we pledge, that the preponderance of evidence shows that we are under the eye of watchful providence. When we state the word “**Indivisible**,” we are recognizing that we were once divided unto bloody death and that we must strive to remain united. And at the end of our short pledge, we state our aspirations that we exist **with liberty and justice for all** – which has often been difficult to achieve, but for which we must all work tirelessly.

I am a member of three civic organizations, the American Legion, the Marine Corps League, and Rotary Club. I am representing the North Dakota Department of the American Legion (for which I am a registered Lobbyist) and Detachment 1419 of the Marine Corps League today. At the opening of each meeting in these groups we say the Pledge of Allegiance – and I support that our school-age youth should say the Pledge of Allegiance in our schools. Thank you.

Opposition to HB 1222**3/11/2025**

Dear Chairman Beard and Members of the Senate Education Committee,

I am writing to express my continued opposition to House Bill 1222. I previously submitted written testimony to the House committee with concerns about this bill's impact on students' First Amendment rights, particularly its attempt to require participation in the Pledge of Allegiance or place the decision in the hands of parents rather than students themselves. I am pleased to see that the most concerning aspects of this bill have been removed—specifically, the provisions requiring students to participate and shifting their right to refuse onto their parents. These changes are an important recognition of individual rights. However, I remain opposed to the bill for the following reasons.

This Bill is Unnecessary

North Dakota schools already provide opportunities for students to recite the Pledge of Allegiance. Many schools begin the day with it, particularly at the elementary level, and local school boards have the authority to determine the best approach for their communities. Codifying this as a mandate serves no clear purpose and risks interfering with local control.

Potential Constitutional and Legal Concerns

While this version of the bill no longer compels participation, it still raises questions about enforcement and interpretation. The Supreme Court's decision in *West Virginia State Board of Education v. Barnette* (1943) firmly established that students cannot be forced to recite the Pledge. Even with the revised language, schools may still feel pressured to enforce participation in ways that create constitutional conflicts and potential legal liability. Although the bill seeks to provide immunity to schools and staff, it does not fully eliminate the risk of legal challenges.

Local Control and Educational Priorities

North Dakota values local governance, and school boards are best equipped to determine policies that reflect the needs and values of their communities. This bill unnecessarily inserts state-level mandates into a practice that is already widely implemented without issue. Additionally, school administrators and teachers should focus on ensuring quality education rather than navigating unnecessary new requirements.

While I appreciate the improvements made to HB 1222, I urge the committee to oppose this bill. It remains an unnecessary overreach into local school governance and presents potential constitutional concerns without providing meaningful benefits. Our schools already foster patriotism and civic engagement in ways that respect individual rights. This bill does not enhance that mission, and I encourage you to vote against it.

Thank you for your time and consideration.

Sincerely,

Kara Geiger
Mandan


NDSBA
**NORTH DAKOTA SCHOOL
BOARDS ASSOCIATION**

P.O. Box 7128
Bismarck ND 58507-7128
1-800-932-8791 • (701)255-4127
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HB 1222

**Testimony of KrisAn Norby-Jahner
Senate Education
March 12, 2025**

Chair Beard and members of the Senate Education Committee, for the record my name is KrisAnn Norby-Jahner. I am in-house legal counsel for the North Dakota School Boards Association. The NDSBA represents all 168 North Dakota public school districts and their boards. I am here today in a neutral capacity of HB 1222.

The NDSBA is supportive of civic engagement and the current opportunities that are already provided for students to recite the pledge of allegiance. Current law under [N.D.C.C. § 15.1-19-03.1 \(5\)](#) directs school boards to allow for the voluntary recitation of the pledge of allegiance by students and teachers: “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 school day.” North Dakota’s current law is constitutional because it allows for both students and teachers to each exercise their First Amendment rights, without coercion or force.

Amendments made to HB 1222 in the current version before this Committee do ensure that state law would remain constitutional because the recitation of the pledge of allegiance would remain a voluntary act in schools. The right of an individual to choose whether to salute or pledge allegiance to the American flag has been a clearly-established constitutional right under the First Amendment since the U.S. Supreme Court’s landmark decision in [West Virginia St. Bd. of Educ. v. Barnette, 319 U.S. 624 \(1943\)](#). The only change to the law that HB 1222 makes would be to require a school board to “**adopt a policy requiring each school to offer all students the opportunity to voluntarily recite the pledge of allegiance at the beginning of each schoolday.**” The NDSBA does not oppose changes to this law as long as the law remains in compliance with constitutional requirements that makes recitation, standing, or saluting optional.

Notably, the language proposed in HB 1222 does align with current law already in place for school board meetings under [N.D.C.C. § 15.1-09-30 \(4\)](#): “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.”

Based on the foregoing reasons, NDSBA is neutral on this bill, but does ask that the Committee not remove any language regarding the voluntary nature of the recitation. Thank you for your time.

Chairperson, members of the committee, my name is Mamie Havelka, Commander, North Dakota American Legion, from Bismarck ND. I am here to testify in favor of saying the Pledge of Allegiance in our schools. As a military veteran, I hold our nation's founding documents dear – and our National Anthem and Pledge of Allegiance go along with the Declaration of Independence and Constitution to remind us of our civic role as citizens of the United States of America.

The Pledge of Allegiance is a quick summary of the principles of our nation. By pledging allegiance **to the flag of the United States of America**, we are reminded that we are not pledging fealty to a KING, but to a set of ideas and principles that are greater than a president, king, or premier. By stating that our nation is a **republic**, we are reminded that we are a nation of laws – not of heredity or another form. By stating that our republic stands as **one nation under God**, we are reminded that there is a higher power who guides our national life. This is the only phrase that I have ever heard any opposition to, but it always comes with a strained set of arguments related to the separation of church and state, It does not establish a national religion at all, it only reminds us when we pledged that the preponderance of evidence shows that we are under the eye of watchful providence, when we state the word **“Indivisible”**, we are recognizing that we were once divided unto bloody death and that we must strive to remain united. And at the end of our short pledge, we state our aspirations that we exist **with liberty and justice for all** – which has often been difficult to achieve, but for which we must all work tirelessly.

I am a member of two veterans organizations and American Legion Auxiliary, retired 33 years with the USAF. I am representing the North Dakota Department of the American Legion. At the opening of each meeting in these groups we say the Pledge of Allegiance – and I support that our school-age youth say the Pledge of Allegiance in our schools.



Testimony in Support of House Bill 1222

Mark Jorritsma, Executive Director
North Dakota Family Alliance Legislative Action
March 12, 2025

Dear Chairman Beard and honorable members of the Senate Education Committee,

North Dakota Family Alliance Legislative Action would like to testify in support of House Bill 1222 and respectfully requests that you would render a "DO PASS" on this bill.

Our organization believes it is incredibly important, now more than ever, that public schools reinforce our country's core values of liberty and freedom. One simple way of accomplishing this is by prioritizing recitation of the Pledge of Allegiance in classrooms.

Sadly, a Gallup poll from June, 2023¹ showed that a mere 18% of Americans aged 18 to 34 are "extremely proud to be American". The same poll reflected that in the 55+ demographic, a much larger 50% of U.S. adults are "extremely proud to be American". This disheartening discrepancy between age groups reflects the growing disillusionment our young citizens have with their own country.

Given this diminishing patriotism in our younger generations, we believe North Dakota students would benefit by holding reverence for our flag and appreciating the historical significance it has in our nation's story by starting each school day with the Pledge of Allegiance. While this small step alone cannot fully solve the greater issue of waning patriotism among our youth, it undoubtedly is a move in the right direction to instill in them that the U.S. flag, what it represents, and those who have died defending it, remain worthy of their honor and respect.

For these reasons, North Dakota Family Alliance Legislative Action respectfully requests that you please vote House Bill 1222 out of committee with a "DO PASS" recommendation.

Thank you for the opportunity to provide this testimony, and feel free to contact us if you have any questions.

Sincerely,

Mark Jorritsma
Executive Director
North Dakota Family Alliance Legislative Action

¹ <https://news.gallup.com/poll/507980/extreme-pride-american-remains-near-record-low.aspx>

1 North Dakota School Study Council Neutral Testimony to HB 1222 –
2 Pledge of Allegiance

3 Chairman Beard and Members of the Senate Education Committee,
4 Thank you for the opportunity to provide testimony on HB 1222. I am
5 writing to provide neutral testimony on HB 1222 concerning the recitation of
6 the Pledge of Allegiance in schools. While we are in favor of ensuring that
7 students have the opportunity to recite the Pledge of Allegiance, I would
8 like to highlight logistical concerns regarding implementation at the high
9 school level.

10 Many high schools operate with staggered start times and have students
11 who arrive and leave throughout the day due to home school programs,
12 concurrent enrollment courses, and other specialized scheduling. Ensuring
13 that all students have the opportunity to recite the pledge under these
14 conditions may not be feasible.

15 For this reason, we would support an amendment to HB 1222 exempting
16 high school students from the requirement of reciting the Pledge of
17 Allegiance. This amendment would allow for a consistent and practical
18 implementation while still upholding the intent of the bill.

19 Thank you for your time and consideration. I appreciate the opportunity to
20 provide input on this matter and am happy to answer any questions or
21 provide further information as needed.

22 

23 Dr. Paul Stremick

Sixty-ninth North Dakota Legislative Assembly
 Senate Education Committee
H.B. 1222
 March 12, 2025



P.O. Box 1190
 Fargo, ND 58107
 701-404-7269
aclund.org

Chair Beard, Vice Chair Lemm, and members of the Committee:

On behalf of the ACLU of North Dakota, I submit testimony in opposition to House Bill 1222 relating to a requirement for public school students to have the opportunity to recite the pledge of allegiance each morning. In its original form, HB 1222 required the recitation of the pledge of allegiance. In an effort to reduce concerns of unconstitutionality, the current version before this Committee is the result of amendments to require every school district to adopt a policy requiring a daily voluntary opportunity for recitation of the pledge.

The ACLU opposed the original proposed bill and continues to oppose HB 1222 in this amended form, principally because it is unnecessary legislation. North Dakota already permits students to voluntarily recite the Pledge of Allegiance and further requirements of policy encroach on the First Amendment rights of students, teachers, and school staff and administration.

Furthermore, there are myriad moral, ethical, or personal reasons an individual may not wish to recite the pledge. Schools should be a place where different views are embraced and explored. The ACLU urges this committee to not further amend this legislation in any way which would reintroduce elements of compulsory speech or thought.

Strong free speech protections are enshrined in both the First Amendment to the U.S. Constitution and Article 1, Section 4 of the North Dakota State Constitution. As has long been established, these protections are violated when government officials attempt to coerce others to stand for the Pledge, say the Pledge, or otherwise take part in a Pledge of Allegiance ceremony.

Over eighty years ago that the United States Supreme Court ruled in *West Virginia State Bd. of Education v. Barnette*, 319 U.S. 624, 642 (1943). that government actors may not press individuals to say the Pledge of Allegiance:

If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not now occur to us.

The Court concluded that “action of the local authorities in compelling the flag salute and pledge transcends constitutional limitations on their power and invades the sphere of intellect and spirit which it is the purpose of the First Amendment to our Constitution to reserve from all official control.” (In addition, in *Spence v. Washington*, 418 U.S. 405 (1974) the Supreme Court deemed that punishment for not showing proper respect for the American Flag was unconstitutional.) The landmark *Tinker v. Des Moines Indep. Community Sch. Dist.*, 393 U.S. 503 (1969) has established that students do not “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.”

Due to the stated unnecessary nature of this bill and the risk of increased overreach of government pressure on student free speech, the ACLU of North Dakota urges the Senate Education Committee to give a “do not pass” recommendation on HB1222.

Submitted by:

Cody J. Schuler

Advocacy Manager, ACLU of North Dakota

ND Lobbyist #367

cschuler@aclu.org

The ACLU has a long history of defending students’ right to decline to say the pledge including cases in Colorado (2003), Pennsylvania (2004), Virginia (2005), Florida (2006), and Texas (2008).

Pledge of Allegiance

I grew up on a farm five miles SW of Douglas ND. I was schooled in 2 rural one room schools. The thing that stands out to me is the activity that occurred every morning. We would gather outside around the flagpole, as the teacher raised the flag, then we would place our hand over our heart and recite the Pledge of Allegiance. I am part of one of the last generations to have been taught civics. Fast forward to my senior year when I made the decision to join the Navy and part of making that official is the oath -the promise- we make to be a part of this elite group of Americans. We made that oral commitment so all would know what our country means to us and what we will do to defend it, its values and the right to our way of life.

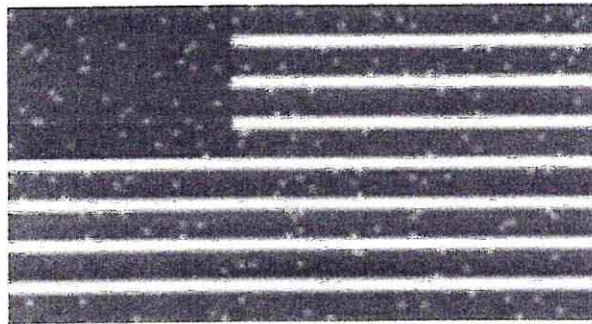
The pledge or oath taken by individuals joining the military holds immense significance, as it represents a solemn commitment to serve and protect the nation, its Constitution, and its people. This commitment transcends personal interests and signifies a willingness to uphold the values and principles upon which this country was founded. To veterans the Pledge of Allegiance represents a deeply personal commitment to the ideals of the United States, serving as a solemn reminder of the sacrifices made to

protect our freedoms and values enshrined in our nation, Basically, it is a tangible expression of the oath we all took to defend this nation and its people at any cost. To us reciting the pledge is more than just words, it represents our personal connection to our service, it's a symbol of sacrifice representing the lives lost by our fellow comrades in preserving our liberties. It honors the Constitution as the pledge is an affirmation of our loyalty to the principles outlined in the Constitution. Lastly it creates a sense of unity in that it signifies a shared dedication to our country and its people well beyond our military experiences. There are many times that I have experienced wet eyes when reciting the pledge followed by the national anthem reminding me how blessed and honored I am to live in this country and to be a veteran.

As a schoolboy, one of Red Skelton's teachers explained the words and meaning of the Pledge of Allegiance to his class. I would like to close by reading it to you.



Commentary on the
Pledge of Allegiance
by
Red Skelton



As a schoolboy, one of Red Skelton's teachers explained the words and meaning of the Pledge of Allegiance to his class. Skelton later wrote down, and eventually recorded, his recollection of this lecture. It is followed by an observation of his own.

I --

Me; an individual; a committee of one.

Pledge --

Dedicate all of my worldly goods to give without self-pity.

Allegiance --

My love and my devotion.

To the Flag --

Our standard; *Old Glory*; a symbol of Freedom; wherever she waves there is respect, because your loyalty has given her a dignity that shouts, Freedom is everybody's job.

of the

United - -

That means that we have all come together.

States - -

Individual communities that have united into forty-eight great states. Forty-eight individual communities with pride and dignity and purpose. All divided with imaginary boundaries, yet united to a common purpose, and that is love for country.

And to the Republic - -

Republic--a state in which sovereign power is invested in representatives chosen by the people to govern. And government is the people; and it's from the people to the leaders, not from the leaders to the people.

For which it stands

One Nation - -

One Nation--meaning, so blessed by God.

Indivisible - -

Incapable of being divided.

With Liberty - -

Which is Freedom; the right of power to live one's own life, without threats, fear, or some sort of retaliation.

And Justice - -

The principle, or qualities, of dealing fairly with others.

For All - -

For All--which means, boys and girls, it's as much your country as it is mine.

And now, boys and girls, let me hear you recite the Pledge of Allegiance:

***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.***

Since I was a small boy, two states have been added to our country, and two words have been added to the Pledge of Allegiance: Under God. Wouldn't it be a pity if someone said that is a prayer, and that would be eliminated from schools, too?



North Dakota House of Representatives

STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



Representative Anna Novak

District 33
1139 Elbowoods Drive
Hazen, ND 58545-4923
anovak@ndlegis.gov

COMMITTEES:

Education
Energy and Natural Resources (Vice Chair)

March 10, 2025

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"> • 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. • 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; • 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; • 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 • 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.
	AR ST § 6-16-122	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.
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	--	--