

## Tennessee State Board of Education Guidance – Recitation of the Pledge of Allegiance

### GUIDANCE SECTIONS

1. Pledge of Allegiance
2. Appropriate Etiquette and Display of the Flag

Public education supports various community functions, including provision for a responsible citizenry. The United States Supreme Court has recognized that public schools are “vitaly important in the preparation of individuals for participation as citizens, and as vehicles for inculcating fundamental values necessary to the maintenance of a democratic political system.”<sup>1</sup> As such, local school boards and their administrative and educational employees can play a key role in transmitting and instilling the knowledge and values of our society into the lives of our young citizens of Tennessee. T.C.A. § 49-6-1001 sets forth certain requirements regarding the Pledge of Allegiance and display of the American flag and requires the State Board of Education, in consultation with the Office of the Attorney General, to develop guidelines on constitutional rights and restrictions relating to the recitation of the Pledge of Allegiance in public schools.<sup>2</sup>

#### **1. Pledge of Allegiance**

- (a) Each local 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.
- (b) At the time designated by the local school board, students should 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.
- (c) 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. The school or local board of education shall exempt the student from participation.
- (d) Students who are 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.
- (e) The local 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.
- (f) Teachers and other school staff who have religious, philosophical, or other grounds for objecting to saying or leading the Pledge of Allegiance are exempt from leading or participating in the exercise.

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<sup>1</sup> *Bd. of Educ., Island Trees Union Free School Dist. No. 26 v. Pico*, 457 U.S. 853, 864 (1982).

<sup>2</sup> Schools have clear authority to require that non-participating students refrain from any activity that disrupts or distracts those making the Pledge. *Goetz v. Ansell*, 477 F.2d 636, 638 (2nd Cir. 1973).

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- (g) If a teacher chooses not to lead the Pledge of Allegiance, the teacher or principal shall designate another suitable person to lead the class.
- (h) Each local board of education shall provide appropriate accommodations for students, teachers, or other staff who are unable to comply with these procedures due to disability.

**2. Appropriate Etiquette and Display of the Flag**

Schools shall appropriately display the United States flag<sup>2</sup> during the school day in accordance with the following guidelines:

- (a) The United States flag when displayed indoors on a staff should always be positioned to its own right. The flag should be placed to the right of the speaker (public address system) or staging area. Other flags should be to the left of the speaker.
- (b) The United States flag should be at the center and at the highest point of the group when a number of flags of states, localities, or societies are grouped for display.
- (c) No flag or pennant displayed in a school should be placed to the right of or above the flag of the United States.
- (d) When displaying the United States flag against a wall, vertically or horizontally, the flag's union (stars) should be at the top, to the flag's own right, and to the observer's left.
- (e) No part of the United States flag should come in contact with the ground.
- (f) When reciting the Pledge of Allegiance, individuals should be standing at attention, facing the flag with the right hand over the heart. When not in uniform, men should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Persons in uniform should remain silent, face the flag, and render the military salute. Exempt individuals should remain silent, sitting or standing.
- (g) The United States flag should be folded neatly and ceremoniously when stored.
- (h) The United States flag should be cleaned and mended when necessary.
- (i) When the United States flag is so worn that it is no longer fit to serve as a symbol of our country, it should be destroyed by burning in a dignified manner.<sup>3</sup>

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<sup>2</sup> The United States Flag Code, 4 U.S.C. §§ 1, *et seq.*, contains specific instructions on how and when the flag is to be displayed and how it is to be handled. See 4 U.S.C. § 5. The Flag Code is "advisory and does not proscribe behavior." See *Dimmitt v. Clearwater*, 985 F.2d 1565, 1572 (11<sup>th</sup> Cir. 1993).

<sup>3</sup> American Legion Posts regularly conduct a dignified flag burning ceremony. Contact your local American Legion Hall to inquire about the availability of this service.