

APPENDIX K

In light of the recent judicial opinion in the case of Frazier v. Alexandre, et al., USDC Ct. Case No. 05-81142-CIV-RYSCAMP, dated May 31, 2006, which held unconstitutional a state statute requiring parental permission for a public school student to be excused from reciting the pledge of allegiance, it is advised that school principals not adhere to the provisions of section V(A) of School Board Rule 6Gx13-6A-1.08 (*Guidelines for Instructional Pertaining to the Flag and the Pledge of Allegiance*). Any questions regarding this issue should be presented to the appropriate Regional Center, and discussed with counsel from the School Board Attorney's Office.

APPENDIX K (Continued)

6Gx13-6A-1.08

Instruction—Elementary and Secondary

GUIDELINES FOR INSTRUCTION PERTAINING TO THE FLAG AND PLEDGE OF ALLEGIANCE

The flag and the pledge of allegiance to the flag are important symbols of the democratic heritage of the United States. It is required that the pledge of allegiance be said at the beginning of the day in every elementary and secondary public school.

The public school system is one of the major social institutions responsible for the transmission of our democratic heritage to present and future generations. In fulfilling that responsibility, each school through its instructional programs and activities will provide knowledge of and encourage respect for the important symbols of our nation.

Board Rule, Florida and federal statutes, and court decisions provide the bases for the following guidelines to be observed by each school in carrying on instructional activities in regard to the flag and pledge of allegiance.

- I. Teachers will direct their instructional efforts toward understanding patriotism and appreciation of freedom in our country.
- II. The essentials of the United States Constitution and flag education, including proper flag display and flag salute will be taught in all schools.
- III. In pledging allegiance to the flag, the following pledge will be used: "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 will be taught not to pause after one nation when reciting the pledge of allegiance to the flag.

- IV. The pledge of allegiance will be rendered by standing with the right hand over the heart.
- V. Students who, because of religious or other deep personal conviction, do not participate in the salute and pledge of allegiance to the flag will stand or sit in silence.

- A. The staff will counsel with students who do not participate in the pledge and flag salute. The main purpose for counseling would be to assist students in understanding our democratic heritage and in respecting the rights of all citizens.

Parents are to be contacted to determine the reason for the student's behavior. Parents will be asked to provide a written request to excuse the student from reciting the pledge.

- B. Students who do not participate in the pledge and salute, who stand or sit quietly, even though failing to get written parental permission, may not be disciplined.
- C. Students not participating in the pledge and salute to the flag who interfere with others doing so will be considered disruptive. Any gestures, words, or actions other than those officially prescribed above will be considered interference with the rights of others and disruptive. In those instances where interference or disruption occurs, the school staff will take appropriate disciplinary action.

Specific Authority: 230.22(2) F.S.

Law Implemented, Interpreted, or Made Specific: 233.061(2)(d) F.S.; 36 U.S.C. ' 172

History: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

Repromulgated: 12-11-74

Amended: 7-13-88; 4-15-98

DIRECTIONS FOR POSTING/PRESENTATION OF THE UNITED STATES FLAG

1. If the Colors (flag) will remain in place until the end of the program/meeting, it is referred to as “posting.” Just before the color guard enters the room with the flag, the directions are, “Please stand for the posting of the Colors.”

Colors may be retired at the end of the program/meeting or may remain in place and be retrieved later. If Colors are retired as a part of the program/meeting, the directions are, “Please stand for the retiring of the “Colors.”

After the color guard has departed the room, directions may be either, “Please be seated,” or “Thank you, this concludes the program/meeting.”

2. If Colors are presented and retired immediately, the directions are, “Please stand for the presentation of the Colors.” To be sure that persons understand that they are to remain standing, it is permissible to add such direction as, “Please stand for the presentation of Colors and remain standing for the National ‘Anthem – Pledge of Allegiance and retiring of the Colors. After the color guard has departed, the directions are, “Please be seated.”

Note: The 2004 Florida Legislature passed the “Carey Baker Freedom Flag Act,” which required each classroom to properly display the flag of the United States of America.