



TO: Roger Breed, Ed.D.
Commissioner of Education

FROM: Freida Lange, Administrator
Accreditation and School Improvement

SUBJECT: Discuss proposed addition to Rule 10 (92 NAC 10) "Regulations and Procedures for the Accreditation of Schools" requiring the recitation of the Pledge of Allegiance.

Proposed Board Action:

Review the proposed addition to Rule 10 to add requirements relating to the recitation of the Pledge of Allegiance and discuss the accompanying hearing documents.

Background Information:

A public hearing was held on June 6, 2012 at six different sites throughout Nebraska to discuss the attached proposed addition to Rule 10. The proposed addition is based on the New Hampshire School Patriot Act. In 2010, the First Circuit Court of Appeals held that the New Hampshire Act and the voluntary, teacher-led recitation of the Pledge by New Hampshire's public school students do not violate the Establishment Clause, the Fee Exercise Clause, or the Equal Protection Clause of the U.S. Constitution. (*Freedom From Religion Foundation v. Hanover School Dist.*, 626 F.3d 1, 262 Ed. Law Rep. 106, C.A.1 (N.H.), 2010).

Also attached is LB 990, which was introduced this legislative session, and Senator Fulton's Statement of Intent. LB 990 did not move out of committee during the 2012 legislative session.

Estimated Cost:

\$2000.00 for costs associated with the Public Hearing and for print copies for distribution upon approval of the revised rule.

Supporting Documentation Included:

Hearing Testimony
Proposed revised language for Rule 10, Section 003.12
Introducer's Statement of Intent for LB 990
LB 990

For Additional Information on this item:

Freida Lange, 402-471-2444 or e-mail freida.lange@nebraska.gov



Roger D. Breed, Ed.D., Commissioner
Scott Swisher, Ed.D., Deputy Commissioner

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TO: State Board of Education

FROM: Scott Summers, Legal Counsel III 
Commissioner's Appointed Staff Person to conduct a videoconference rule-making hearing at six sites on June 6, 2012, commencing at 10:00 a.m. Central Time (9:00 a.m. Mountain Time) on revisions to Title 92, Nebraska Administrative Code, Chapter 10 (Rule 10), *Regulations and Procedures for the Accreditation of Schools*.

DATE: June 6, 2012

RE: Summary of Hearing on Proposed Revisions to 92 NAC 10

On May 2, 2012, the State Board of Education authorized the Commissioner to adopt a hearing draft, set a hearing date and location as well as designate a staff person to conduct a videoconference rule-making hearing on the adoption of proposed revisions to 92 NAC 10. By a memorandum dated May 2, 2012, the Commissioner appointed me to conduct a videoconference rule-making hearing on June 6, 2012, commencing at 10:00 a.m. Central Time (9:00 a.m. Mountain Time). After the proper legal notice was published, the hearing was held at six videoconference sites: Grand Island Vocational Rehabilitation Office, 3335 W. Capital Avenue, Grand Island, NE; Lincoln Executive Building, 521 S. 14th Street, Suite 103, Lincoln, NE; Northeast Community College, MaClay Building, Room 167A, Norfolk, NE; ESU #16, Distance Learning Room, 1221 W. 17th Street, North Platte, NE; Omaha State Office Building, 1313 Farnam on the Mall, 2nd floor, Conf Rm. #207, Omaha, NE; and, University of Nebraska Panhandle Education Center, 4502 Avenue I, High Plains Room, Scottsbluff, NE, the Nebraska Department of Education, State Board Meeting Room, 301 Centennial Mall South, 6th floor, Lincoln, NE.

Pursuant to State Board of Education Policy B9, what follows is a written summary of the hearing testimony.

An audio recording of the hearing is available if any members of the Board wish to hear the tape.

Scott Summers, Legal Counsel III and the hearing official, called the hearing to order, read into the record the name of the newspaper in which legal notice of the hearing was published and the date the notice appeared, and outlined the procedures for the hearing. After clarification that all video sites were online and could hear and see Lincoln's hearing site, Mr. Summers opened the hearing for testimony.

Mr. Summers introduced NDE staff member, **Freida Lange, Administrator, Accreditation and School Improvement**. **Ms. Lange** introduced and explained the proposed revisions to the referenced chapter. Ms. Lange's written testimony is attached.

OMAHA VIDEOCONFERENCE SITE

No oral or written testimony received.

NORFOLK VIDEOCONFERENCE SITE

Michael Sieh, Superintendent Stanton Community Schools, testified against the proposed revision to Rule 10. Mr. Sieh stated that he is not opposed to students K-12 in reciting the Pledge of Allegiance in school districts but has some concerns. Rule 10 is an accreditation rule and it has standards and quality indicators that make quality schools and produce quality education such as 40 units of English, so many units of math, etc. Mr. Sieh questioned if the provision to have the Pledge of Allegiance in a rule of this nature (an accreditation rule) is an appropriate place because then you get into the consequences of when a school does not do it. Is the consequence going to be loss of accreditation based on the fact that you had a teacher who refused to do this? Is an administrator supposed to go in there and lead the Pledge everyday with those students? Mr. Sieh thinks this is becoming a political platform in schools and is not sure it's the place to fight political issues. This needs to be left as a local decision. Mr. Sieh recommends that the State Board leave this up to the local districts to determine if they say the Pledge K-12 in the school district.

GRAND ISLAND VIDEOCONFERENCE SITE

No oral or written testimony received.

NORTH PLATTE VIDEOCONFERENCE SITE

No oral or written testimony received.

SCOTTSBLUFF VIDEOCONFERENCE SITE

No oral or written testimony received.

LINCOLN VIDEOCONFERENCE SITE

Coby Mach, Lincoln Independent Business Association (LIBA), testified in support of the proposed revision to Rule 10. Mr. Mach quoted Ronald Reagan: "Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same." Mr. Mach predicted that the Board would hear about "red herrings" from those who are opposed to this. Mr. Mach stated there should be consequences if the revision is placed in Rule 10 and teachers don't lead the Pledge. How about having the kids lead the Pledge of Allegiance? Mr. Mach testified that he is sure that there would be a student in every classroom that would be willing to stand up and lead the rest of the class in the Pledge of Allegiance. Perhaps a school can say it through the school's PA system and have one student come into

the office every morning to lead the class. There are not issues with this. In the Lincoln Journal Star, a Board of Education member, Molly O'Holleran of North Platte, is quoted as saying she has her doubts about the measure saying that she heard concerns from teachers and school administrators that the rule could lead to lawsuits against individual districts. Mr. Mach characterized these concerns as "red herrings," stating that 43 states have passed laws requiring the Pledge of Allegiance, and that the proposal does not require a teacher to say the Pledge, or the students to say it, it just requires that it be led in the school each day at the beginning of class.

Wayne Smith, Lincoln citizen, testified in support of the proposed revision to Rule 10. Mr. Smith feels that it is important for children to recite the Pledge of Allegiance because it is a way of honoring the nation and instilling a feeling of patriotism. It is an action that symbolizes one's loyalty to the United States. When a child recites the Pledge every day, he or she may be inclined to think more deeply about its meaning and significance. The Pledge of Allegiance is considered to be platform where kids are given the opportunity to think about their role as citizens in the country. Mr. Smith would very much like for his grandchildren to say it every day all the way through high school. It only takes 15 seconds and "is time well spent." He thanked the Department of Education for "picking up the ball that was dropped by the Education Committee of our Legislature." (Please see written testimony.)

Nancy Russell, Lincoln citizen, testified in support of the proposed revision to Rule 10. Ms. Russell expressed concern that public notice of this hearing was not given to outlying areas of the State by publication in the Omaha World Herald. Ms. Russell couldn't believe that there is that much apathy in other areas of our state about this issue. Ms. Russell testified that cultural preservation is important in an age when multicultural education is required but historic, patriotic and the Christian culture of the majority is "under attack and therefore is diminished." Ms. Russell testified that saying the Pledge enhances the United States so it won't be overrun by "cultures not our own." Ms. Russell agreed that children saying the Pledge of Allegiance every day will enhance their allegiance to the United States. Ms. Russell encourages the adoption of this rule to foster the well-being of the United States.

Gerit Schell, Lincoln citizen, testified in support of the proposed revision to Rule 10. Mr. Schell currently has one child attending Adams Elementary School and another one will be starting kindergarten this fall. His children's school is named after Col. Paul Adams, a great patriot that served and sacrificed for our county. Mr. Schell testified that the message of saying the Pledge as a group and the more things our kids can do as a group promotes unity and it also promotes humility and that none of us are bigger than our country and what it stands for. A better unified nation results in greater patriotism, greater action for future generations. The bottom line is that those kids are our future and the values that we instill in them today are what our country will ultimately become, what our state will become, what our city will become. When Richard Zierke brought this issue to his attention it seemed to him a bit backwards. Rather than ask "why should we," ask "why aren't we?" Why aren't these things happening in our educational institutions? When he asked his daughter if the Pledge is said on a daily basis in her third grade classroom, the message he received made him realize the very well intended, very high quality educators are saying it only sporadically, it is not an item of high value, so he believes making it a requirement makes it an item of high value, makes it something that these kids need to see as something that should happen all the time and something of importance. He does not believe it should stop in middle school. We have to demonstrate to our children because they are paying attention, they are listening. When it comes to making it a requirement and about accountability, look at this as a

private business. If I don't like the requirements of a job and what I'm supposed to do on a daily basis, then it is up to me to go find something else to do. He has a great deal of respect for the work educators do and he has benefited in many ways from his children and himself being educated in a public school system; however, if this is what we decide is right for our children then the people who are supposed to be executing this need to be held accountable for not executing it. Ultimately we are all responsible for the product of our public educational system and he wants his children to be educated and learn to value what is truly important. Why not start with our most common thread, the fact that we are all Americans. We may look different, act different, feel differently about things but it is important at times that we act together, stand unified and work together to do what is right. He believes that by saying the Pledge of Allegiance we do that.

Frank Edler, Instructor at Metro Community College, Lincoln resident, testified against the revision to Rule 10. Mr. Edler agrees with Mr. Richard Zierke, a Vietnam veteran, who pressed for the introduction of LB 990 (2012), that it is a matter of patriotism and teaching our children what "America" is, what freedom stands for, and how much freedom costs. What Mr. Edler doesn't agree with is that the mere repetition of the Pledge of Allegiance is going to teach our children what America is. Instead Mr. Edler feels that the students should be taught real civics education again. Please see Mr. Edler's written testimony attached.

Richard Zierke, Lincoln citizen, testified in support of the proposed revision to Rule 10. Mr. Zierke testified that he urges the Nebraska State Board of Education to approve the revision. Mr. Zierke has been working on this project for a year starting with Senator Fulton and Senator Adams of the Education Committee, but the Nebraska State Legislature let the bill die in Committee (LB 990). As stated earlier, 43 states have adopted laws requiring the recitation of the Pledge of Allegiance in schools. He stated that he has been quoted in the media correctly, everyone has been very supportive in the newspaper and television. There have been "a few naysayers, but that why it is America, because everyone can say their piece." Mr. Zierke testified that there is a 1943 Supreme Court case dealing with Jehovah's Witnesses in West Virginia that says that you cannot force anyone to say the pledge. He described visiting high schools just last week and walked into Lincoln High School and counted 61 flags from other countries in the foyer of Lincoln High School and they had no American flags there. "That actually makes my point that there is a limited number of flags of this country in our schools and if we have teachers who don't want to say the Pledge of Allegiance, I just think it is a job requirement. I think if you are going to teach American History and patriotism then you should lead the children." He asked for a 8-0 vote from the Board.

Bob Van Valkenburg, Lincoln businessman and retired Lt.Col. U.S.Army. Mr. VanValkenburg wanted to note a few things. First, there was "no American flag in this room, and it is a Board of Education function." He stated that he has filed for candidacy for the State Board of Education "for this very reason" when he found out that across this state very few of the classrooms have the traditional picture of George Washington and an American flag. His son is in the military, just back from Afghanistan, "this is an emotional subject for me when I see body bags and caskets coming back to Dover Air Force base draped in a flag that some of our left leaning liberals don't think we should salute and by God we are going to change that!" "There was a comment made that it would cost too much money to put a flag in every classroom. I daresay there are Legionnaires in this classroom, VFW members across this state and myself that could raise the money probably in 48 hours to put a flag in

every classroom and we are going to make it happen. For those who want to get in the way of this happening, let me remind you of this, every elected official, save members of the Legislature, can be recalled. I believe it is a serious enough offense to stand against the flag of our country to serve on any body politic in the State of NE and I want the elected officials to remember that, they work for us, the tail doesn't wag the dog. If they don't have the courage to do what needs to be done we need to replace them." With regard to the language in the proposed rule, it allows for a person to sit during the recitation of the flag. Mr. Van Valkenburg stated that the flag salute was originally adopted in 1892. Every session of Congress opens with the Pledge as do meetings with all levels of local government, "except perhaps this one," and there seems to be no problem with that. "Everyone seems to be afraid of the ACLU. The ACLU is a 501(c)(3) tax exempt corporation and I can tell you if they continue to mess with the politics of my state and my country perhaps we should ask the IRS being enjoined from granting them that tax privilege until they start acting more like Americans. And I'm willing as a retired business and consultant to work on that project." Mr. Van Valkenburg testified that he would like to see an amendment made to this resolution that includes the deletion of the phrase "or remain seated" and that the Pledge of Allegiance should be recited within the first hour of everyday that school is in session. He stated that we should not let "a bunch of left leaning liberal lunatics try to decide when and if it will be said, it needs to be chiseled in the granite eventually in our laws." Mr. Van Valkenburg congratulated Sen. Fulton and Mr. Zierke for working on this. "Somebody said it would take too much time to say the Pledge, a gentleman testified it takes 15 seconds, that is not very long, isn't the flag that has draped those caskets worth 15 seconds?"

John Liebsack, Nebraska Adjutant Quartermaster of the Veterans of Foreign Wars, testified in support of the proposed revision to Rule 10. Mr. Liebsack testified that he served under the flag and the flag is a symbol of our country, it is not just a piece of cloth. "Many people have fought and died for that flag and there should be respect and we should say the Pledge of Allegiance every day. We do say it at our meetings. We have a resolution before our convention that starts tomorrow that we will bring that back to the Legislature and get that passed."

David Moshman, professor of Educational Psychology at University of Nebraska-Lincoln submitted written testimony in opposition of the proposed revision to Rule 10 (attached). This testimony is the same testimony that Mr. Moshman provided during the hearing of LB 990.

No other written or oral testimony was received.

Attachments

Opening Comments
Proposed Addition for RULE 10 (92 NAC 10) Public Hearing
June 6, 2012

Presented by: Freida Lange, Administrator of Accreditation and School Improvement

Rule 10 (92 NAC 10) contains the rules and regulations that must be met by all accredited school systems in order to ensure both equality of opportunity and quality of programs offered. The focus of today's hearing is to gather input related to a proposed addition to Rule 10 that would require the recitation of the Pledge of Allegiance in all public schools.

The proposed phrasing states, "Each public school district shall require each such district's schools to establish a period of time during the school day, when a majority of pupils is 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 shall be voluntary. Pupils not participating in the recitation of the Pledge shall be permitted to silently stand or remain seated, but shall be required to respect the rights of those pupils electing to participate."

We appreciate your attendance at this hearing and welcome your testimony that will be placed in a hearing summary and presented to the State Board of Education at the July 2012 State Board meeting for review and consideration.

Importance of the Pledge of Allegiance

The Pledge of Allegiance is important for children to recite because it is a way of honoring the nation and instilling a feeling of patriotism.

It is an action that symbolizes one's loyalty to the United States.

When a child recites the pledge every day, he or she may be inclined to think more deeply about its meaning and significance.

The Pledge of Allegiance is considered to be a platform where kids are given the opportunity to think about their roles as citizens in the country

I would very much like for my grandchildren to say it every day all the way through high school.

It only takes 15 seconds and I think it is time well spent.

Thank you very much.

Wayne Smith

* Was this properly announced?

Nancy Russell

Concerned about the scope of the information to outlying areas.

Can't believe that there is that much apathy about this issue in other areas.

Reason for testimony: Cultural preservation in age when multicultural ed is required but historic culture is under attack & there is diminished, particularly patriotic loyalty & christian culture of the majority.

I agree with the previous gentleman that children saying the pledge will absorb the meaning.

I Encourage the adoption of this rule to foster the well-being of this United States.

* Summary of talk

Response to the Nebraska State Board of Education Proposal Requiring That Public Schools Lead Students in the Pledge of Allegiance

By Frank Edler, Ph. D.

Lincoln Executive Building
June 6, 2012

As I understand it, Mr. Richard Zierke is the Vietnam veteran who pressed Lincoln Senator Tony Fulton to introduce the measure to *require public school students to recite the Pledge of Allegiance* without requiring them to do so.

In a Journal Star article, Zierke said that it's a matter of patriotism. I totally agree. I'm an immigrant. This is the country I adopted. And I love this country.

Zierke says "If we don't teach our children what 'America' is, what freedom stands for, and how much freedom costs, we're going to lose it."

I completely agree with this too.

What I don't agree with is that the mere repetition of the Pledge of Allegiance is going to teach our children what America is.

Let me use an example. When I was in grade school in Canada, we sang "O, Canada" (the Canadian national anthem) every morning in class. It begins this way: "O Canada! Our home and native land! True patriot love in all thy sons command." To this very day, I do not understand why patriotic love is commanded of Canadian sons but not of Canadian daughters. The fact that sons seemed to count and daughters didn't made absolutely no sense to me. We've all had that experience where we are asked day after day to recite something that doesn't make sense to us in some way.

Our Pledge of Allegiance is 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." What does that mean? What does it mean to pledge allegiance, to pledge loyalty to a piece of cloth? What does it mean for a flag to be a symbol for our nation? The line about liberty and justice for all simply wasn't true until recently, and it still isn't true for gays and lesbians.

The main point I'm making is that we need to teach real civics education again. The unthinking repetition of the Pledge of Allegiance will not teach our children what America is. Instead of repeating the Pledge, have each student on a separate day take five minutes to express what America means to them, what freedom means, what service to the common good means, what sacrifice means. The words of the Pledge of Allegiance do not come with an automatic explanation of what they mean.

Thank you.

Frank Edler

Wid, Brenda

From: David Moshman [dmoshman1@unl.edu]
Sent: Wednesday, June 06, 2012 9:46 AM
To: Wid, Brenda
Cc: Swisher, Scott
Subject: Written testimony for pledge hearing
Attachments: LB 990 Testimony.docx

Attached is my testimony on LB 990, which also applies to the State Board of Education hearing today. I will not be able to attend and so am sending this as written testimony in opposition to the proposed plan to require the pledge of allegiance.

Thank you.

David Moshman
1901 Pepper Avenue
Lincoln, NE 68502
(402) 435-7439

Education Committee, Nebraska Legislature, 7 February 2012
Testimony by David Moshman against LB 990 (Flag Display and Required Pledge)

I am a professor of educational psychology at UNL, where I teach and study adolescent development, cognitive development, and intellectual freedom in education. I am the author of *Adolescent Rationality and Development* (3rd edition, 2011) and *Liberty & Learning: Academic Freedom for Teachers and Students*. I also blog on intellectual freedom in education for the *Huffington Post*.

In addition, I have served since 1982 on the Board of Directors of ACLU Nebraska and since 1988 on the Board of the Academic Freedom Coalition of Nebraska (AFCON) and am a past president of both organizations. Both ACLU and AFCON oppose this bill.

Should the pledge of allegiance be required? Should patriotism be compulsory? Can it be? The Supreme Court, it turns out, has already addressed these questions in a classic statement of American liberty: *West Virginia State Board of Education v. Barnette* (1943). Not many people have favorite Supreme Court decisions, but I do—and this is it.

The Court ruled: “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.”

The case that led to this ruling came out of West Virginia but reflected a national crisis over compulsory patriotism. In January 1942, seeking to foster “the ideals, principles, and spirit of Americanism,” the state Board of Education mandated that teachers and pupils in public schools regularly salute the flag and pledge their allegiance.

Jehovah’s Witnesses nationwide refused to participate in such rituals. “Thou shalt have no other gods before me,” God had commanded in Exodus. “Thou shalt not bow down to them nor serve them.”

In *Barnette*, wary of governmental indoctrination, the Supreme Court found the mandatory flag rituals to violate the constitutional requirements of democratic self-government. Democracy requires free minds and is thus inconsistent with forms of schooling that “strangle the free mind at its source.”

The Court explained: “There is no mysticism in the American concept of the State or of the nature or origin of its authority. We set up government by consent of the

governed, and the Bill of Rights denies those in power any legal opportunity to coerce that consent. Authority here is to be controlled by public opinion, not public opinion by authority."

National unity may be "the basis of national security" but the promotion of national unity, observed the Court, could proceed via "persuasion and example" rather than "compulsion." Efforts to "coerce uniformity of sentiment" were needless and dangerous.

The Court wrote: "As governmental pressure toward unity becomes greater, so strife becomes more bitter as to whose unity it shall be. Probably no deeper division of our people could proceed from any provocation than from finding it necessary to choose what doctrine and whose program public educational officials shall compel youth to unite in embracing."

Coercive efforts to achieve unity, the court warned, would undermine the legitimacy of schools. Instead, public schools must respect democratic principles of intellectual freedom. "Free public education, if faithful to the ideal of secular instruction and political neutrality, will not be partisan or enemy of any class, creed, party or faction."

What about the community interest in social cohesion and patriotic commitment? Diversity and liberty pose no threat. "We apply the limitations of the Constitution with no fear that freedom to be intellectually and spiritually diverse or even contrary will disintegrate the social organization."

In summary, patriotic ceremonies must be "voluntary and spontaneous instead of a compulsory routine." To doubt that American patriotism can flourish under such conditions, the court observed, "is to make an unflattering estimate of the appeal of our institutions to free minds."

Nearly 70 years later we should not forget that one of the Supreme Court's most rigorous and stirring defenses of liberty came in the middle of World War II in a case involving children pledging their allegiance in school. Compulsory patriotism defies the First Amendment.

One final quotation, my favorite quote from my favorite decision: "Freedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order."

Thank you for allowing me to question the existing order.

TITLE 92 - NEBRASKA DEPARTMENT OF EDUCATION
CHAPTER 10 - REGULATIONS AND PROCEDURES FOR THE ACCREDITATION OF
SCHOOLS

003.12 Each public school district shall require each such district's schools to establish a period of time during the school day, when a majority of pupils is 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 shall be voluntary. Pupils not participating in the recitation of the Pledge shall be permitted to silently stand or remain seated but shall be required to respect the rights of those pupils electing to participate.

One Hundred Second Legislature - Second Session - 2012

Introducer's Statement of Intent

LB990

Chairperson: Senator Greg Adams

Committee: Education

Date of Hearing: February 07, 2012

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB990 amends Neb. Rev. Stat. 79-707 to require the display of the flags of the United States and the State of Nebraska in each classroom of the public schools of this state at the beginning of the 2012 - 2013 school year. The bill also requires the leading of all pupils in a group recitation of the Pledge of Allegiance to the flag of the United States during the first class of each day that school is open and in session. LB990 does not place any participatory requirement on any pupil, nor does it necessarily require any instructor to lead such a group recitation.

Principal Introducer: _____

Senator Tony Fulton

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 990

Introduced by Fulton, 29; Bloomfield, 17; Janssen, 15; Krist, 10;
Lambert, 2; Louden, 49; Mello, 5; Nelson, 6;
Nordquist, 7; Price, 3; Wallman, 30.

Read first time January 12, 2012

Committee: Education

A BILL

- 1 FOR AN ACT relating to schools; to amend section 79-707, Reissue
- 2 Revised Statutes of Nebraska; to change provisions
- 3 relating to flags; to provide for recitation of a pledge;
- 4 and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-707, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 79-707 (1) The flags of the United States of America and
4 of the State of Nebraska shall be prominently displayed on the school
5 grounds of and, beginning August 13, 2012, in each classroom of every
6 public school in the state on each day that such school is in
7 session, in accordance with the standards prescribed for the display
8 of the flag of the United States of America. For the purposes of this
9 section and section 79-708, public school ~~shall mean all institutions~~
10 means an institution of learning supported in whole or in part by
11 public funds, including ~~those providing a postsecondary education.~~
12 educational institution.

13 (2) On and after August 13, 2012, all pupils enrolled in
14 a school district shall be led in a group recitation of the Pledge of
15 Allegiance to the flag of the United States during the first class of
16 each day that school is open and in session.

17 Sec. 2. Original section 79-707, Reissue Revised Statutes
18 of Nebraska, is repealed.