

SENATE BILL 2599
By Crowe

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 6, relative to instruction in and recitation of the pledge of allegiance in public schools.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-6-1001, is amended by designating the existing language as subsection (a) and by adding the following language as new, appropriately designated subsections:

(b) 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.

(c)(1) Each board of education shall require the daily recitation of the pledge of allegiance in each classroom in the school system and shall ensure that the flag of the United States is in place in each such classroom. 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, 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. Each board of education shall provide appropriate accommodations for students who are unable to comply with the procedures described herein due to disability.

(2) 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.

(d)(1) 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.

(2) The state board of education's guidelines shall include, but shall not be limited to, provisions which 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.

SECTION 2. Each local education agency shall implement the provisions of this act at the commencement of the 2002-2003 school year, but in no instance later than October 1, 2002.

SECTION 4. The state board of education is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.