

**THE CIVICS ALLIANCE
NATIONAL ASSOCIATION OF SCHOLARS
MODEL CIVICS LEGISLATION**

FLAG CODE ACT

Introduction

Almost every state makes provision for displaying the American flag, and many include provision for instruction in flag etiquette, the meaning and history of the American flag, and recitation of the pledge of allegiance. A significant number also include parallel provisions with regard to the state flag. We have incorporated elements of all categories of state statute pertaining to flags into our model Flag Code legislation.

Our model Flag Code legislation specifies expectations for flag display, flag instruction, and the recitation of the pledge of allegiance. Our model also incorporates the modern jurisprudence that grants students and teachers the liberty to refrain from taking part in the pledge of allegiance.

No Penalties

Several states list penalties for failure to follow the provisions of their flag codes; we do not. We think it is reasonable for states to add such penalties, but our model code relies on administrators, teachers, and students to follow these provisions because they love their country's flag, not because they fear punishment.

States: Pledges

Mississippi ([Miss. Code Ann. § 37-13-7](#)), South Carolina ([S.C. Code Ann. §59-1-330](#)), and Texas ([Texas Education Code §25.082](#)) require students to pledge allegiance to their states in addition to the pledge to the United States. We think it is reasonable for states to add such provisions, but not essential. We have not included pledges of allegiance to the states in our model Flag Code.

Model Legislative Text

SECTION A:

The governing body of any school district or public charter school shall expend a reasonable sum from its funds for the purchase of United States flags manufactured in the United States and [name of state] flags manufactured in the United States, for the purchase and erection of a suitable flagstaff on the schoolhouse or school grounds, and for the purchase of necessary apparatus. The governing body shall renew such flags, flagstaff, and apparatus when necessary.

SECTION B:

(1) The governing body of any school district or public charter school shall cause the United States flag and the [name of state] flag to be displayed on the flagstaff, with all proper courtesy, during school hours and on every legal holiday or day proclaimed by the governor or the President of the United States for especial observance, when the weather permits. The flagstaff shall be located in front of the main building of the school. The flags shall not be lettered or marked in any way. The [name of state] flag shall be displayed on the same staff or pole as the United States flag and shall be positioned immediately below the United States flag. The flags displayed on the flagstaff shall be at least four (4) feet by six (6) feet. Each governing body shall establish rules and regulations for the proper care, custody, and display of the flags. The flags must be properly displayed in accordance with Title 4 of the United States Code.

(2) Whenever the flag of the United States is to be flown at half-staff by order or instructions of the President or pursuant to federal law, all public schools shall lower the United States flag in accordance with the executive order or instructions or federal law. The school shall announce the reason that the flag is being flown at half-staff to all students in assembly or by teachers in the various classrooms or by prominently displaying written notice throughout the school stating the reason that the flag has been lowered.

SECTION C:

The governing body of any school district or public charter school shall cause the United States flag and the [name of state] flag to be displayed in each classroom, assembly hall, and cafeteria. The flags shall not be lettered or marked in any way. The [name of state] flag shall be positioned immediately below the United States flag. The flags displayed in the classrooms and assembly halls shall be at least two (2) feet by three (3) feet. Each governing body shall establish rules and regulations for the proper care, custody, and display of the flags. The flags must be properly displayed in accordance with Title 4 of the United States Code.

SECTION D:

The right to display the United States flag shall not be limited or infringed upon in any classroom, building, event, or uniform of any public school or charter school.

SECTION E:

The governing body of any school district or public charter school shall require all students to take a program of instruction in the correct use and display of the United States flag. This program of instruction shall include, as a minimum, specific instruction regarding respect for

such flag and its display and use as provided by Sections 170 through 177 of Title 36 of the United States Code.

SECTION F:

(1) The governing body of any school district or public charter school shall require all students and teachers in charge each school day to stand and face the United States flag and while standing, with the right hand over the heart, and with headdress in the right hand and held to the left shoulder, except when such headdress is worn for religious purposes, to 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."

(2) Any student or teacher who wishes to be excused from the requirements of subsection (1) of this section shall be excused. Any such student or teacher shall be required to show full respect to the flag while the pledge is being given by standing at attention and maintaining a respectful silence.

(3) If a teacher chooses not to lead the pledge of allegiance, the teacher or principal shall select another suitable person to lead the class in the pledge of allegiance.

(4) The governing body of any school district or public charter school shall inform all students and teachers of their right to be excused from recitation of the pledge.

(5) No school evaluation may refer to whether a student or teacher participated or declined to participate in the recitation of the pledge.

SECTION G:

The governing body of any school district or public charter school shall cause the salute to the flag to be rendered immediately preceding interschool events when feasible.

SECTION H:

The governing body of any school district or public charter school may prepare a program for each classroom for the beginning of each school day that provides for the salute to the flag and other patriotic exercises that are approved by the United States government.

SECTION I:

The governing body of any school district or public charter school shall require all students to take a program of instruction in the meaning and history of the United States flag, the [name of state] flag, and the pledge of allegiance. This program will instruct students in the object and principles of our government, the sacrifices made by the founders of our nation, the important contributions made by all who have served in the armed services of our country since its inception, and how to love, honor, and respect the flag of our country.

SECTION J:

The governing body of any school district or public charter school shall provide appropriate accommodations for students, teachers, or other staff who are unable, due to disability, to comply with any section of this law.

SECTION K:

If any provision of this chapter, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this chapter and the application of its provisions to any other person or circumstance shall not be affected thereby.

Existing State Statutes

Flag: Acquisition

Arizona: [A.R.S. § 15-506](#) [*Flag, Constitution and the Bill of Rights display; recitation of the pledge of allegiance; exemption*]

Arkansas: [ACA § 6-16-105](#) [*United States flag*]; [ACA § 6-16-106](#) [*Arkansas state flag*]

Connecticut: [CT Gen Stat § 10-230](#) [*Flags in schoolrooms and schools. Policy on the reciting of the “Pledge of Allegiance”*]

Delaware: [14 DE Code § 4104](#) [*Display of American flag*]

Indiana: [IC 20-30-3-4](#) [*United States flag*]

Iowa: [Iowa Code § 280.5](#) [*Display of United States flag and Iowa state flag*]

Maryland: [MD Educ Code § 7-105](#) [*Display of flag; patriotic exercises*]

Massachusetts: [Ma. Gen. Laws, Ch. 71, §69](#) [*Display of national flags; pledge of allegiance; penalty for violation*]

Michigan: [MCL 380.1347](#) [*United States flag; purchase or possession; size; appliances; display*]

New Hampshire: [NH RSA §189:17](#) [*Flags; Penalty*]

New Jersey: [N.J. Stat. § 18A:36-3](#) [*Display of and salute to flag; pledge of allegiance*]

Oklahoma: [Okla. Stat. tit. 70, § 24-106](#) [*United States flag – Display – Instruction in history and etiquette – Pledge of allegiance*]

Oregon: [ORS 339.875](#) [*Procurement, display and salute of flags*]

Pennsylvania: [24 P.S. § 7-771](#) [*Display of United States flag; development of patriotism*]

South Dakota: [SDCL 13-24-17](#) [*Flagpole required—Display of flag*]

West Virginia: [W. Va. Code § 18-5-24](#) [*Purchase and display of United States flag; penalty for failure to display*]

Flag: Display

Alabama: [Alabama Code Title 16. Education § 16-43-1](#) [*US and Alabama Flag Display*]^c

Alaska: [AS 14.03.130](#) [*Display of Flags and Pledge of Allegiance*]

Arizona: [A.R.S. § 15-506](#) [*Flag, Constitution and the Bill of Rights display; recitation of the pledge of allegiance; exemption*]

Arkansas: [ACA § 6-16-105](#) [*United States flag*]; [ACA § 6-16-106](#) [*Arkansas state flag*]

California: [Cal Title 1, Div. 2 Chap. 3 § 431](#) [*Display of Flags*]

Connecticut: [CT Gen Stat § 10-230](#) [*Flags in schoolrooms and schools. Policy on the reciting of the “Pledge of Allegiance”*]

Delaware: [14 DE Code § 4104](#) [*Display of American flag*]

Florida: [Fla. Stat. § 1000.06](#) [*Display of flags*]

Georgia: [O.C.G.A. § 50-3-4.1](#) [*School superintendents and administrative officials authorized to display copies of national motto and American and Georgia flags in certain places; means of acquisition*]

Idaho: [Idaho Code § 33-1602](#) [*United States Constitution — National Flag and Colors — National Anthem — “America” — Citizenship — Civics Test*]

Illinois: [5 ILCS 465](#) [*Flag Display Act*]

Indiana: [IC 20-30-3-4](#) [*United States flag*]; [IC 20-30-5-0.5](#) [*Display of United States flag; Pledge of Allegiance*]

Iowa: [Iowa Code § 280.5](#) [*Display of United States flag and Iowa state flag*]

Maryland: [MD Educ Code § 7-105](#) [*Display of flag; patriotic exercises*]

Massachusetts: [Ma. Gen. Laws, Ch. 71, §69](#) [*Display of national flags; pledge of allegiance; penalty for violation*]

Michigan: [MCL 380.1347](#) [*United States flag; purchase or possession; size; appliances; display*]

Mississippi: [Miss. Code Ann. § 37-13-5](#) [*Display of Mississippi and United States flags; course of study*]; [Miss. Code Ann. § 37-13-6](#) [*Display of United States flag near public school buildings and in classrooms; student instruction in proper flag etiquette; daily recitation of pledge of allegiance at beginning of school day*]

Nebraska: [Neb. Rev. Stat. § 79-707](#) [*Flags; United States; State of Nebraska; display*]

New Hampshire: [NH RSA §189:17](#) [*Flags; Penalty*]
New Jersey: [N.J. Stat. § 18A:36-3](#) [*Display of and salute to flag; pledge of allegiance*]
New Mexico: [NMSA §22-2-9](#) [*United States and New Mexico flags; display regulations*]
North Carolina: [N.C. Gen. Stat. § 115C-47](#) [*Powers and duties generally*]
North Dakota: [N.D. Cent. Code § 15.1-06-17](#) [*United States flag – Display*]
Ohio: [Ohio Rev. Code Ann. §3313.80](#) [*Display of the national flag*]
Oklahoma: [Okla. Stat. tit. 70, § 24-106](#) [*United States flag – Display - Instruction in history and etiquette - Pledge of allegiance*]
Oregon: [ORS 339.875](#) [*Procurement, display and salute of flags*]
Pennsylvania: [24 P.S. § 7-771](#) [*Display of United States flag; development of patriotism*]
Rhode Island: [R.I. Gen. Laws § 16-9-10](#) [*Display of flags*]
South Carolina: [S.C. Code Ann. §59-1-320](#) [*Display of United States and State flags*]
South Dakota: [SDCL 13-24-17](#) [*Flagpole required—Display of flag*]
Tennessee: [Tenn. Code Ann. § 49-6-1001](#) [*Flag - Recitation of the Pledge of Allegiance - Display of flag*]
Texas: [Texas Education Code §1.003](#) [*The Flying of the United States and Texas Flags*]
Vermont: [Vt. Stat. Ann. tit. 16 § 3742](#) [*Flag display*]
Washington: [Rev. Code Wash. § 28A.230.140](#) [*United States flag—Procurement, display, exercises—National anthem*]
West Virginia: [W. Va. Code § 18-5-24](#) [*Purchase and display of United States flag; penalty for failure to display*]
Wisconsin: [Wi. Stat. § 118.06](#) [*Flag, pledge of allegiance, and national anthem*]
Wyoming: [Wyo. Stat. Ann. § 21-3-110](#) [*Duties of boards of trustees*]

Flag: Display: Liberty

South Dakota: [SDCL 13-24-17.2](#) [*Right to post flag—Opportunity to recite pledge of allegiance—National anthem*]

Flag: Instruction

Arkansas: [ACA § 6-16-105](#) [*United States flag*]

Colorado: [C.R.S. 22-1-106](#) [*Information as to honor and use of flag*]

Florida: [Fla. Stat. § 1003.42](#) [*Required instruction*]

Georgia: [O.C.G.A. § 20-2-310](#) [*Student directory information; registering to vote and with selective service; pledge of allegiance*]

Idaho: [Idaho Code § 33-1602](#) [*United States Constitution — National Flag and Colors — National Anthem — “America” — Citizenship — Civics Test*]

Illinois: [105 ILCS 5/27-3](#) [*Patriotism and principles of representative government - Proper use of flag - Method of voting - Pledge of Allegiance*]

Kansas: [K.S.A. 72-9928](#) [*Patriotic exercises; flag etiquette; observation of holidays*]

Kentucky: [KRS § 158.175](#) [*Recitation of Lord’s prayer and pledge of allegiance -- Instruction in proper respect for and display of the flag -- Observation of moment of silence or reflection*]

Louisiana: [La. R.S. 17:262](#) [*Flag and patriotic customs of the United States; required instruction*]

Maine: [M.R.S. Title 20-A §4805](#) [*Other special observances*]

Massachusetts: [Ma. Gen. Laws, Ch. 71, §2](#) [*Teaching of history and social science; professional development; student-led civic projects; commonwealth civics challenge*]

Mississippi: [Miss. Code Ann. § 37-13-5](#) [*Display of Mississippi and United States flags; course of study*]

Missouri: [RSMo 161.104](#) [*State board to adopt rules on instruction of etiquette concerning the U.S. flag*]

Nebraska: [Neb. Rev. Stat. § 79-724](#) [*Committee on American civics; created; duties; school board, State Board of Education, and superintendent; duties*]

Oklahoma: [Okla. Stat. tit. 70, § 24-106](#) [*United States flag – Display - Instruction in history and etiquette - Pledge of allegiance*]

Pennsylvania: [24 P.S. § 15-1511](#) [*Subjects of instruction; flag code*]

Utah: [Utah Code Ann. § 53G-10-304](#) [*Instruction on the flag of the United States of America*]

Virginia: [Va. Code Ann. § 22.1-202](#) [*Instruction in history and principles of flags of United States and Virginia; pledge of allegiance to American flag; guidelines developed by the Board*]

Pledge of Allegiance

Alabama: [Alabama Code Title 16. Education § 16-43-5](#) [*Voluntary Pledge of Allegiance*]

Alaska: [AS 14.03.130](#) [*Display of Flags and Pledge of Allegiance*]

Arizona: [A.R.S. § 15-506](#) [*Flag, Constitution and the Bill of Rights display; recitation of the pledge of allegiance; exemption*]

Arkansas: [ACA § 6-16-108](#) [*Daily recitation of the Pledge of Allegiance*]

California: [Cal Ed Code Div. 4 Part 28, Chap. 11 § 52720](#) [*Patriotic Exercises and Instruction [52720 - 52730]*]; [Cal Ed Code Div. 4 Part 28, Chap. 11 § 52730](#) [*Patriotic Exercises and Instruction [52720 - 52730]*]

Colorado: [C.R.S. 22-1-106](#) [*Information as to honor and use of flag*]

Delaware: [14 DE Code § 4105](#) [*Salute to flag and pledge of allegiance*]; [14 DE Code § 4106](#) [*Failure to require salute and pledge; penalty*]

Florida: [Fla. Stat. § 1003.44](#) [*Patriotic programs; rules*]

Georgia: [O.C.G.A. § 20-2-142](#) [*Prescribed courses*]; [O.C.G.A. § 20-2-310](#) [*Student directory information; registering to vote and with selective service; pledge of allegiance*]

Idaho: [Idaho Code § 33-1602](#) [*United States Constitution — National Flag and Colors — National Anthem — “America” — Citizenship — Civics Test*]

Illinois: [105 ILCS 5/27-3](#) [*Patriotism and principles of representative government - Proper use of flag - Method of voting - Pledge of Allegiance*]

Indiana: [IC 20-30-5-0.5](#) [*Display of United States flag; Pledge of Allegiance*]

Kansas: [K.S.A. 72-9928](#) [*Patriotic exercises; flag etiquette; observation of holidays*]

Kentucky: [KRS § 158.175](#) [*Recitation of Lord’s prayer and pledge of allegiance -- Instruction in proper respect for and display of the flag -- Observation of moment of silence or reflection*]

Maine: [M.R.S. Title 20-A §4010](#) [*Pledge of Allegiance*]

Maryland: [MD Educ Code § 7-105](#) [*Display of flag; patriotic exercises*]

Massachusetts: [Ma. Gen. Laws, Ch. 71, §69](#) [*Display of national flags; pledge of allegiance; penalty for violation*]

Michigan: [MCL 380.1347a](#) [*Pledge of allegiance; recitation; definition*]

Mississippi: [Miss. Code Ann. § 37-13-6](#) [*Display of United States flag near public school buildings and in classrooms; student instruction in proper flag etiquette; daily recitation of pledge of allegiance at beginning of school day*]; [Miss. Code Ann. § 37-13-7](#) [*Pledges of allegiance to United States and Mississippi flags*]

Montana: [Mont. Code Ann. § 20-7-133](#) [*Pledge of allegiance required – exemption for students and teachers*]

Nevada: [NV Rev Stat § 389.014](#) [*Patriotic observance*]

New Hampshire: [NH RSA §189:18](#) [*Patriotic Exercises*]

New Jersey: [N.J. Stat. § 18A:36-3](#) [*Display of and salute to flag; pledge of allegiance*]

New Mexico: [NMSA §22-5-4.5](#) [*Pledge of allegiance*]

New York: [NY CLS Title 1, Article 17, § 802](#) [*Instruction relating to the flag; holidays*]

North Carolina: [N.C. Gen. Stat. § 115C-47](#) [*Powers and duties generally*]

Ohio: [Ohio Rev. Code Ann. §3313.602](#) [*Pledge of allegiance - principles of democracy and ethics - Veterans' day observance*]

Oklahoma: [Okla. Stat. tit. 70, § 24-106](#) [*United States flag – Display - Instruction in history and etiquette - Pledge of allegiance*]

Oregon: [ORS 339.875](#) [*Procurement, display and salute of flags*]

Pennsylvania: [24 P.S. § 7-771](#) [*Display of United States flag; development of patriotism*]

Rhode Island: [R.I. Gen. Laws § 16-22-11](#) [*Pledge of allegiance*]

South Carolina: [S.C. Code Ann. §59-1-330](#) [*Pledge to State flag*].

South Dakota: [SDCL 13-24-17.2](#) “*Right to post flag--Opportunity to recite pledge of allegiance--National anthem*”

Tennessee: [Tenn. Code Ann. § 49-6-1001](#) [*Flag - Recitation of the Pledge of Allegiance - Display of flag*]

Texas: [Texas Education Code §25.082](#) [*Pledges of Allegiance; Minute of Silence*]

Utah: [Utah Code Ann. § 53G-10-304](#) [*Instruction on the flag of the United States of America*]

Virginia: [Va. Code Ann. § 22.1-202](#) [*Instruction in history and principles of flags of United States and Virginia; pledge of allegiance to American flag; guidelines developed by the Board*]

Washington: [Rev. Code Wash. § 28A.230.140](#) [*United States flag—Procurement, display, exercises—National anthem*]

West Virginia: [W. Va. Code § 18-5-15b](#) [*Pledge of allegiance to the flag*]

Wisconsin: [Wi. Stat. § 118.06](#) [*Flag, pledge of allegiance, and national anthem*]