

Introduced by Senator WylandFebruary 19, 2008

An act to amend Section 52720 of, to amend the heading of Article 2 (commencing with Section 52720) of Chapter 11 of Part 28 of Division 4 of Title 2 of, and to add Section 52730 to, the Education Code, relating to patriotic exercises.

LEGISLATIVE COUNSEL'S DIGEST

SB 1274, as introduced, Wyland. Patriotic exercise and instruction.

(1) Existing law requires each public school to conduct daily patriotic exercises. Existing law provides that this requirement may be satisfied through reciting the Pledge of Allegiance to the Flag of the United States of America.

This bill would require instead that the Pledge of Allegiance to the Flag of the United States of America be recited each day during the school year. Pupils would be required to memorize both the Pledge of Allegiance to the Flag of the United States of America and the national anthem by the conclusion of the 3rd grade.

(2) By requiring public schools to teach both the Pledge of Allegiance to the Flag of the United States of America and the national anthem, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The heading of Article 2 (commencing with
2 Section 52720) of Chapter 11 of Part 28 of Division 4 of Title 2
3 of the Education Code is amended to read:

4
5 Article 2. Patriotic Exercises *and Instruction*
6

7 SEC. 2. Section 52720 of the Education Code is amended to
8 read:

9 52720. (a) ~~In every~~ a public elementary school each day during
10 the school year at the beginning of the first regularly scheduled
11 class or activity period at which the majority of the pupils of the
12 school normally begin the schoolday, there shall be conducted
13 appropriate patriotic exercises. ~~The giving of~~ A pupil shall recite
14 the Pledge of Allegiance to the Flag of the United States of
15 America ~~shall satisfy the requirements of this section as part of~~
16 *the patriotic exercises. A pupil who does not wish to participate*
17 *in the recitation may remain silent and seated in the classroom*
18 *during the exercise. A pupil shall not be subjected to harassment,*
19 *discipline, retaliation, or ostracism for not participating in the*
20 *recitation.*

21 ~~In every~~
22 (b) *In a public secondary school each day during the school*
23 *year at the beginning of the first regularly scheduled class or*
24 *activity period at which the majority of pupils of the school*
25 *normally begin the schoolday, there shall be conducted daily*
26 *appropriate patriotic exercises. ~~The giving of~~ A pupil shall recite*
27 *the Pledge of Allegiance to the Flag of the United States of*
28 *America ~~shall satisfy such requirement as part of the patriotic~~*
29 *exercises. Exceptions for pupils with specific religious or*
30 *philosophical objections shall be made. ~~Such~~ These patriotic*
31 *exercises for secondary schools shall be conducted in accordance*
32 *with the regulations ~~which~~ that shall be adopted by the governing*
33 *board of the district maintaining the secondary school.*

34 SEC. 3. Section 52730 is added to the Education Code, to read:

1 52730. A pupil in a public school, upon finishing grade 3, shall
2 have memorized all of the following:

3 (a) The Pledge of Allegiance to the Flag of the United States of
4 America.

5 (b) The national anthem of the United States of America.

6 SEC. 4. If the Commission on State Mandates determines that
7 this act contains costs mandated by the state, reimbursement to
8 local agencies and school districts for those costs shall be made
9 pursuant to Part 7 (commencing with Section 17500) of Division
10 4 of Title 2 of the Government Code.

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