

CHAPTER 356

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 03-1368

BY REPRESENTATIVE(S) Crane, Harvey, May M., Schultheis, Hefley, Wiens, Briggs, Brophy, Cadman, Clapp, Cloer, Decker, Fairbank, Fritz, Hall, Hoppe, Johnson R., King, Lee, Lundberg, McCluskey, Mitchell, Rhodes, Rippey, Rose, Sinclair, Smith, Spence, Spradley, Stafford, Stengel, White, Williams T., and Jahn;
also SENATOR(S) Lamborn, Andrews, Arnold, Cairns, Dyer, Evans, Hillman, Johnson S., Jones, Kester, May R., McElhany, and Nichol.

AN ACT

CONCERNING THE REQUIREMENT OF A DAILY RECITATION OF THE PLEDGE OF ALLEGIANCE IN EACH PUBLIC SCHOOL IN THE STATE.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 22-1-106, Colorado Revised Statutes, is amended to read:

22-1-106. Information as to honor and use of flag. (1) The commissioner of education shall provide the necessary instruction and information so that all teachers in the grade and high schools in the state of Colorado may teach the pupils therein the proper respect of the flag of the United States, to honor and properly salute the flag when passing in parade, and to properly use the flag in decorating and displaying.

(2) (a) THE TEACHER AND STUDENTS IN EACH CLASSROOM IN EACH PUBLIC ELEMENTARY, MIDDLE, AND JUNIOR HIGH SCHOOL IN THE STATE OF COLORADO SHALL BEGIN EACH SCHOOL DAY BY RECITING ALOUD THE PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA. THE TEACHER AND STUDENTS IN EACH CLASSROOM IN EACH PUBLIC HIGH SCHOOL IN THE STATE OF COLORADO SHALL RECITE ALOUD THE PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA WHEN THE SCHOOL CONDUCTS ITS DAILY ANNOUNCEMENTS. IF A PUBLIC HIGH SCHOOL DOES NOT CONDUCT DAILY ANNOUNCEMENTS, THEN THE TEACHER AND STUDENTS IN EACH CLASSROOM IN THE PUBLIC HIGH SCHOOL SHALL, ON A DAILY BASIS, RECITE ALOUD THE PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

(b) NOTHING IN THIS SUBSECTION (2) SHALL BE CONSTRUED TO REQUIRE A

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

TEACHER OR A STUDENT TO RECITE THE PLEDGE OF ALLEGIANCE DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (2) IF THE TEACHER OR STUDENT OBJECTS TO THE RECITATION OF THE PLEDGE ON RELIGIOUS GROUNDS. A STUDENT SHALL BE EXEMPT FROM RECITING THE PLEDGE OF ALLEGIANCE IF A PARENT OR GUARDIAN OF THE STUDENT OBJECTS IN WRITING TO THE RECITATION OF THE PLEDGE ON ANY GROUNDS AND FILES THE OBJECTION WITH THE PRINCIPAL OF THE SCHOOL.

(c) NOTHING IN THIS SUBSECTION (2) SHALL BE CONSTRUED TO REQUIRE STUDENTS AND TEACHERS WHO ARE NOT UNITED STATES CITIZENS AND ARE ATTENDING OR TEACHING SCHOOL IN THE STATE OF COLORADO TO RECITE THE PLEDGE OF ALLEGIANCE DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (2).

SECTION 2. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: June 3, 2003