

## CHAPTER 47

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**EDUCATION - PUBLIC SCHOOLS**


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**HOUSE BILL 04-1002**

BY REPRESENTATIVE(S) Crane, Briggs, Brophy, Cadman, Clapp, Cloer, Decker, Fairbank, Frangas, Harvey, Hefley, King, Lee, Lundberg, May M., McCluskey, Mitchell, Paccione, Rhodes, Rose, Schultheis, Spradley, Stafford, Stengel, Williams S., and Williams T.;  
also SENATOR(S) Lamborn, Andrews, Arnold, Cairns, Chlouber, Dyer, Hanna, Hillman, Isgar, Johnson S., Jones, Keller, Kester, May R., McElhany, Teck, and Windels.

**AN ACT**

**CONCERNING CONFORMING AMENDMENTS TO THE PLEDGE OF ALLEGIANCE STATUTE TO MAKE THE STATUTE CONSTITUTIONAL AS REQUIRED BY THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT IN THE 1992 DECISION ENTITLED *SHERMAN VERSUS COMMUNITY CONSOLIDATED SCHOOL DISTRICT 21 OF WHEELING TOWNSHIP*.**

*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 teacher or a student to recite the pledge of allegiance described in paragraph (a) of this subsection~~

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

~~(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).~~

(3) EACH SCHOOL DISTRICT SHALL PROVIDE AN OPPORTUNITY EACH SCHOOL DAY FOR WILLING STUDENTS TO RECITE THE PLEDGE OF ALLEGIANCE IN PUBLIC ELEMENTARY AND SECONDARY EDUCATIONAL INSTITUTIONS. ANY PERSON NOT WISHING TO PARTICIPATE IN THE RECITATION OF THE PLEDGE OF ALLEGIANCE SHALL BE EXEMPT FROM RECITING THE PLEDGE OF ALLEGIANCE AND NEED NOT PARTICIPATE.

**SECTION 2. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 17, 2004