

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 592 Session of  
2001

INTRODUCED BY EGOLF, BENNINGHOFF, DeLUCA, DeWEESE, ARMSTRONG, READSHAW, YOUNGBLOOD, NAILOR, BELARDI, CORNELL, LYNCH, HENNESSEY, CALTAGIRONE, GEIST, GRUCELA, PHILLIPS, M. BAKER, TRAVAGLIO, VANCE, GEORGE, SOLOBAY, FEESE, TULLI, LAUGHLIN, DAILEY, ORIE, CAPPELLI, WOJNAROSKI, ZUG, DALEY, BELFANTI, WILT, LEDERER, STABACK, WOGAN, TIGUE, DALLY, FRANKEL, SHANER, JADLOWIEC, FAIRCHILD, FORCIER, CLARK, SCHRODER, S. MILLER, FICHTER, SCHULER, PISTELLA, BASTIAN, E. Z. TAYLOR, WALKO, LEH, ROHRER, SURRA, MARSICO, SATHER, CIVERA, McNAUGHTON, WASHINGTON, T. STEVENSON, KELLER, BARRAR, BARD, METCALFE, HUTCHINSON, COLAFELLA, STERN, HASAY, HESS, CLYMER, MICHLOVIC, LUCYK, PETRARCA, COSTA, HORSEY, SEMMEL, SAMUELSON, HARHAI AND GABIG, FEBRUARY 8, 2001

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
OCTOBER 16, 2001

## AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," further providing for the display of  
6 the United States flag and ~~for~~ relating ceremonies, FOR <—  
7 DISQUALIFICATIONS FOR TEACHER'S CERTIFICATE, FOR DAYS SCHOOLS  
8 NOT TO BE KEPT OPEN AND FOR MEDITATION AND PRAYER PERIODS;  
9 AND REQUIRING THE DEPARTMENT OF EDUCATION TO PAY FOR ALL  
10 FLAGS.

11 The General Assembly of the Commonwealth of Pennsylvania  
12 hereby enacts as follows:

13 Section 1. Section 771 of the act of March 10, 1949 (P.L.30,  
14 No.14), known as the Public School Code of 1949, amended January  
15 8, 1952 (1951 P.L.1856, No.497), is amended to read:

16 Section 771. Display of United States Flag; Development of

1 Patriotism.--The board of school directors in each district  
2 shall, when they are not otherwise provided, purchase a United  
3 States flag, flagstaff, and the necessary appliances therefor,  
4 and shall display said flag upon or near each public school  
5 building in clement weather, during school hours, and at such  
6 other times as the board may determine.

7 All boards of school directors, all proprietors or principals  
8 of private schools, and all authorities in control of parochial  
9 schools or other educational institutions, shall display the  
10 United States national flag, not less than three feet in length,  
11 within all school buildings under their control during each day  
12 such schools are in session. In all public schools, the board of  
13 school directors shall make all rules and necessary regulations  
14 for the care and keeping of such flags. The expense thereof  
15 shall be paid by the school district.

16 All supervising officers and teachers in charge of public,  
17 private or parochial schools shall [establish and direct the  
18 conduct of appropriate daily instruction or ceremonies, or, in  
19 lieu thereof,] cause the Flag of the United States of America to  
20 be displayed in every classroom during the hours of each school  
21 day, and shall offer the Pledge of Allegiance or the national  
22 anthem in grades one through twelve at the beginning of each  
23 school day. No pupil may be compelled against the pupil's  
24 objection, approved in writing, by the pupil's parent or  
25 guardian, to recite the Pledge of Allegiance or to sing the  
26 national anthem. In addition, the supervisor, officers and  
27 teachers may offer at least one full period per week, for the  
28 purpose of affirming and developing allegiance to and respect  
29 for the Flag of the United States of America, and for the  
30 promoting of a clear understanding of our American way of life,

1 with all of the unparalleled individual opportunities, and our  
2 republican form of government, with its responsiveness to  
3 majority decisions and demands. Such elements shall be included  
4 in this program as instruction in the fundamental principles of  
5 our form of government, an understanding of the provisions of  
6 the Constitution of the Commonwealth of Pennsylvania and the  
7 Constitution of the United States of America, the values to be  
8 found in the freedom of speech, of religion and of the press,  
9 the values to be found in obedience to the laws of the land and  
10 the Commonwealth, the importance of exercising the right of  
11 franchise, the obligation of every citizen to stand ready to  
12 defend our country at all times from infiltration or aggression  
13 by those whose acts and ideologies are contrary to our American  
14 philosophy of life.

15 SECTION 2. SECTION 1209 OF THE ACT, AMENDED APRIL 15, 1959 <—  
16 (P.L.41, NO.16) AND JUNE 24, 1959 (P.L.485, NO.110), IS AMENDED  
17 TO READ:

18 SECTION 1209. DISQUALIFICATIONS.--NO TEACHER'S CERTIFICATE  
19 SHALL BE GRANTED TO ANY PERSON WHO HAS NOT SUBMITTED, UPON A  
20 BLANK FURNISHED BY THE [SUPERINTENDENT OF PUBLIC INSTRUCTION]  
21 SECRETARY OF EDUCATION, A CERTIFICATE FROM A PHYSICIAN LEGALLY  
22 QUALIFIED TO PRACTICE MEDICINE IN THIS COMMONWEALTH, OR IN ANY  
23 OTHER STATE OR THE DISTRICT OF COLUMBIA, SETTING FORTH THAT SAID  
24 APPLICANT [IS NEITHER MENTALLY NOR PHYSICALLY DISQUALIFIED, BY  
25 REASON OF TUBERCULOSIS OR ANY OTHER COMMUNICABLE DISEASE OR BY  
26 REASON OF MENTAL DISORDER FROM SUCCESSFUL PERFORMANCE OF THE  
27 DUTIES OF A TEACHER; NOR TO ANY PERSON WHO HAS NOT A GOOD MORAL  
28 CHARACTER, OR WHO IS IN THE HABIT OF USING OPIUM OR OTHER  
29 NARCOTIC DRUGS IN ANY FORM, OR ANY INTOXICATING DRINK AS A  
30 BEVERAGE, OR TO ANY APPLICANT WHO HAS A MAJOR PHYSICAL

1 DISABILITY OR DEFECT UNLESS SUCH A PERSON SUBMITS A CERTIFICATE  
2 SIGNED BY AN OFFICIAL OF THE COLLEGE OR UNIVERSITY FROM WHICH HE  
3 WAS GRADUATED OR OF AN APPROPRIATE REHABILITATION AGENCY,  
4 CERTIFYING THAT IN THE OPINION OF SUCH OFFICIAL THE APPLICANT,  
5 BY HIS WORK AND ACTIVITIES, DEMONSTRATED THAT HE IS SUFFICIENTLY  
6 ADJUSTED, TRAINED AND MOTIVATED TO PERFORM THE DUTIES OF A  
7 TEACHER, NOTWITHSTANDING HIS IMPEDIMENT.] HAS NO CURRENT MENTAL  
8 OR PHYSICAL IMPAIRMENT WHICH PREVENTS SAID APPLICANT FROM  
9 PERFORMING THE ESSENTIAL FUNCTIONS OF A TEACHING POSITION WITH  
10 OR WITHOUT REASONABLE ACCOMMODATION AND THAT SAID APPLICANT DOES  
11 NOT CURRENTLY USE ILLEGAL DRUG SUBSTANCES.

12 SECTION 3. SECTION 1502(A) OF THE ACT, AMENDED JUNE 25, 1997  
13 (P.L.297, NO.30), IS AMENDED TO READ:

14 SECTION 1502. DAYS SCHOOLS NOT TO BE KEPT OPEN.--(A) EXCEPT  
15 AS PROVIDED IN SUBSECTION (C), NO SCHOOL SHALL BE KEPT OPEN ON  
16 ANY SATURDAY FOR THE PURPOSE OF ORDINARY INSTRUCTION, EXCEPT  
17 WHEN MONDAY IS FIXED BY THE BOARD OF SCHOOL DIRECTORS AS THE  
18 WEEKLY HOLIDAY, OR ON SUNDAY, MEMORIAL DAY, FOURTH OF JULY,  
19 [CHRISTMAS] VETERANS DAY, THANKSGIVING, CHRISTMAS, THE FIRST OF  
20 JANUARY AND UP TO FIVE ADDITIONAL DAYS DESIGNATED AS LOCAL  
21 HOLIDAYS IN THE ADOPTED SCHOOL CALENDAR BY THE BOARD OF SCHOOL  
22 DIRECTORS AS OFFICIAL LOCAL SCHOOL DISTRICT HOLIDAYS, NOR SHALL  
23 ANY SCHOOL BE KEPT OPEN IN ANY DISTRICT DURING THE TIME OF  
24 HOLDING THE TEACHERS' INSTITUTE FOR SUCH DISTRICT. THE BOARD OF  
25 SCHOOL DIRECTORS MAY CANCEL ANY DAY DESIGNATED AS A LOCAL  
26 HOLIDAY IN THE EVENT OF A WEATHER EMERGENCY OR NATURAL DISASTER.

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28 SECTION 4. SECTION 1516.1 OF THE ACT, ADDED DECEMBER 6, 1972  
29 (P.L.1412, NO.305), IS AMENDED TO READ:

30 SECTION 1516.1. MEDITATION AND PRAYER PERIODS.--(A) IN EACH

1 PUBLIC SCHOOL CLASSROOM, THE TEACHER IN CHARGE [MAY, OR IF SO  
2 AUTHORIZED OR DIRECTED BY THE BOARD OF SCHOOL DIRECTORS BY WHICH  
3 HE IS EMPLOYED,] SHALL, AT THE OPENING OF SCHOOL UPON EVERY  
4 SCHOOL DAY, CONDUCT A BRIEF PERIOD OF SILENT PRAYER OR  
5 MEDITATION WITH THE PARTICIPATION OF ALL THE PUPILS THEREIN  
6 ASSEMBLED.

7 (B) THE SILENT PRAYER OR MEDITATION AUTHORIZED BY SUBSECTION  
8 (A) OF THIS SECTION IS NOT INTENDED TO BE, AND SHALL NOT BE  
9 CONDUCTED AS, A RELIGIOUS SERVICE OR EXERCISE, BUT SHALL BE  
10 CONSIDERED AS AN OPPORTUNITY FOR SILENT PRAYER OR MEDITATION ON  
11 A RELIGIOUS THEME BY THOSE WHO ARE SO DISPOSED, OR A MOMENT OF  
12 SILENT REFLECTION ON THE ANTICIPATED ACTIVITIES OF THE DAY.

13 SECTION 5. THE DEPARTMENT OF EDUCATION SHALL PROVIDE OR PAY  
14 FOR ALL FLAGS REQUIRED BY THIS ACT.

15 Section ~~2~~ 6. This act shall take effect in 60 days.

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