

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 592 Session of  
2001

INTRODUCED BY EGOLF, BENNINGHOFF, DeLUCA, DeWEESE, T. 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, GABIG, HABAY, MAHER, GORDNER AND DIGIROLAMO, FEBRUARY 8, 2001

SENATOR RHOADES, EDUCATION, IN SENATE, AS AMENDED,  
OCTOBER 1, 2002

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 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.~~ THE UNITED STATES FLAG AND RELATING CEREMONIES. <—

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:

1 Section 771. Display of United States Flag; Development of  
2 Patriotism.--(A) The board of school directors in each district <—  
3 shall, when they are not otherwise provided, purchase a United  
4 States flag, flagstaff, and the necessary appliances therefor,  
5 and shall display said flag upon or near each public school  
6 building in clement weather, during school hours, and at such  
7 other times as the board may determine.

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

17 (C) (1) All supervising officers and teachers in charge of <—  
18 public, private or parochial schools shall [establish and direct  
19 the conduct of appropriate daily instruction or ceremonies, or,  
20 in lieu thereof,] cause the Flag of the United States of America  
21 to be displayed in every classroom during the hours of each <—  
22 school day, and shall offer the Pledge of Allegiance or the  
23 national anthem in grades one through twelve at the beginning of  
24 each school day. No pupil may be compelled against the pupil's  
25 objection, approved in writing, by the pupil's parent or  
26 guardian, to recite the Pledge of Allegiance or to sing the  
27 national anthem. In addition, the supervisor, officers and  
28 teachers may offer BE DISPLAYED IN EVERY CLASSROOM DURING THE <—  
29 HOURS OF EACH SCHOOL DAY, AND SHALL PROVIDE FOR THE RECITATION  
30 OF THE PLEDGE OF ALLEGIANCE OR THE NATIONAL ANTHEM AT THE

1 BEGINNING OF EACH SCHOOL DAY. STUDENTS MAY DECLINE TO RECITE THE  
2 PLEDGE OF ALLEGIANCE AND MAY REFRAIN FROM SALUTING THE FLAG ON  
3 THE BASIS OF RELIGIOUS CONVICTION OR PERSONAL BELIEF. THE  
4 SUPERVISING OFFICER OF A SCHOOL SUBJECT TO THE REQUIREMENTS OF  
5 THIS SUBSECTION SHALL PROVIDE WRITTEN NOTIFICATION TO THE  
6 PARENTS OR GUARDIAN OF ANY STUDENT WHO DECLINES TO RECITE THE  
7 PLEDGE OF ALLEGIANCE OR WHO REFRAINS FROM SALUTING THE FLAG.

8 (2) THIS SUBSECTION SHALL NOT APPLY TO ANY PRIVATE OR  
9 PAROCHIAL SCHOOL FOR WHICH THE DISPLAY OF THE FLAG, THE  
10 RECITATION OF THE PLEDGE OF ALLEGIANCE OR THE SALUTE OF THE FLAG  
11 VIOLATES THE RELIGIOUS CONVICTION ON WHICH THE SCHOOL IS BASED.

12 (D) THE SUPERVISING OFFICERS AND TEACHERS IN CHARGE OF  
13 PUBLIC, PRIVATE OR PAROCHIAL SCHOOLS MAY OFFER at least one full  
14 period per week, for the purpose of affirming and developing  
15 allegiance to and respect for the Flag of the United States of  
16 America, and for the promoting of a clear understanding of our  
17 American way of life, with all of the unparalleled individual  
18 opportunities, and our republican form of government, with its  
19 responsiveness to majority decisions and demands. Such elements  
20 shall be included in this program as instruction in the  
21 fundamental principles of our form of government, an  
22 understanding of the provisions of the Constitution of the  
23 Commonwealth of Pennsylvania and the Constitution of the United  
24 States of America, the values to be found in the freedom of  
25 speech, of religion and of the press, the values to be found in  
26 obedience to the laws of the land and the Commonwealth, the  
27 importance of exercising the right of franchise, the obligation  
28 of every citizen to stand ready to defend our country at all  
29 times from infiltration or aggression by those whose acts and  
30 ideologies are contrary to our American philosophy of life.

Section 2. ~~Section 1209 of the act, amended April 15, 1959~~  
~~(P.L.41, No.16) and June 24, 1959 (P.L.485, No.110), is amended~~  
~~to read:~~

Section 1209. ~~Disqualifications. No teacher's certificate~~  
~~shall be granted to any person who has not submitted, upon a~~  
~~blank furnished by the [Superintendent of Public Instruction]~~  
~~Secretary of Education, a certificate from a physician legally~~  
~~qualified to practice medicine in this Commonwealth, or in any~~  
~~other state or the District of Columbia, setting forth that said~~  
~~applicant [is neither mentally nor physically disqualified, by~~  
~~reason of tuberculosis or any other communicable disease or by~~  
~~reason of mental disorder from successful performance of the~~  
~~duties of a teacher; nor to any person who has not a good moral~~  
~~character, or who is in the habit of using opium or other~~  
~~narcotic drugs in any form, or any intoxicating drink as a~~  
~~beverage, or to any applicant who has a major physical~~  
~~disability or defect unless such a person submits a certificate~~  
~~signed by an official of the college or university from which he~~  
~~was graduated or of an appropriate rehabilitation agency,~~  
~~certifying that in the opinion of such official the applicant,~~  
~~by his work and activities, demonstrated that he is sufficiently~~  
~~adjusted, trained and motivated to perform the duties of a~~  
~~teacher, notwithstanding his impediment.] has no current mental~~  
~~or physical impairment which prevents said applicant from~~  
~~performing the essential functions of a teaching position with~~  
~~or without reasonable accommodation and that said applicant does~~  
~~not currently use illegal drug substances.~~

Section 3. ~~Section 1502(a) of the act, amended June 25, 1997~~  
~~(P.L.297, No.30), is amended to read:~~

Section 1502. ~~Days Schools not to be Kept Open. (a) Except~~

1 ~~as provided in subsection (c), no school shall be kept open on~~  
2 ~~any Saturday for the purpose of ordinary instruction, except~~  
3 ~~when Monday is fixed by the board of school directors as the~~  
4 ~~weekly holiday, or on Sunday, Memorial Day, Fourth of July,~~  
5 ~~{Christmas} Veterans Day, Thanksgiving, Christmas, the First of~~  
6 ~~January and up to five additional days designated as local~~  
7 ~~holidays in the adopted school calendar by the board of school~~  
8 ~~directors as official local school district holidays, nor shall~~  
9 ~~any school be kept open in any district during the time of~~  
10 ~~holding the teachers' institute for such district. The board of~~  
11 ~~school directors may cancel any day designated as a local~~  
12 ~~holiday in the event of a weather emergency or natural disaster.~~

13       ~~\* \* \*~~

14       ~~Section 4. Section 1516.1 of the act, added December 6, 1972~~  
15 ~~(P.L.1412, No.305), is amended to read:~~

16       ~~Section 1516.1. Meditation and Prayer Periods. (a) In each~~  
17 ~~public school classroom, the teacher in charge [may, or if so~~  
18 ~~authorized or directed by the board of school directors by which~~  
19 ~~he is employed,] shall, at the opening of school upon every~~  
20 ~~school day, conduct a brief period of silent prayer or~~  
21 ~~meditation with the participation of all the pupils therein~~  
22 ~~assembled.~~

23       ~~(b) The silent prayer or meditation authorized by subsection~~  
24 ~~(a) of this section is not intended to be, and shall not be~~  
25 ~~conducted as, a religious service or exercise, but shall be~~  
26 ~~considered as an opportunity for silent prayer or meditation on~~  
27 ~~a religious theme by those who are so disposed, or a moment of~~  
28 ~~silent reflection on the anticipated activities of the day.~~

29       ~~Section 5. The Department of Education shall provide or pay~~  
30 ~~for all flags required by this act.~~

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

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