

**ALEXANDRIA CITY PUBLIC SCHOOLS**  
**Alexandria, Virginia**

**Administrative Directives**  
**2018-2019 Series**  
**No. 2**  
**Date: August 24, 2018**

**TO:** Principals

**FROM:** Gregory C. Hutchings, Jr., Ed.D.  
Superintendent of Schools

**TOPIC:** **Standard Operating Procedures for Schools**

**PURPOSES:**

1. To provide principals with a "checklist" of policies, procedures, and practices to be implemented at the beginning of each school year.
2. To confirm routine operating procedures for schools.
3. To ensure that principals incorporate all currently adopted policies, procedures, and practices into their standard operating procedures, and share these procedures with staff members.

**THE PROCESS:**

1. Review the listed procedures with staff, students, and parents, as appropriate.
2. Include the information provided in memos, announcements, newsletters, etc.
3. Refer to these procedures throughout the school year, as necessary.

**STUDENT-RELATED OPERATING PROCEDURES:**

**Regarding Registration and Enrollment**

1. ACPS no longer requests a Social Security Account Number for students enrolling in ACPS schools. Instead, a unique student identification number will be generated.
2. Students enrolling for the first time in a Virginia school are required by State Law ([§ 22.1-3.1](#)) to present a **CERTIFIED BIRTH RECORD**. If no certified birth record is presented, the person enrolling the student must complete an affidavit which is to be forwarded, along with requested photo-

copies of documents, to the Chief Student Services Officer within 14 days after enrolling. A transfer student must present a certified birth record, or a request for documentation must be made to the school from which the student transferred.

3. School administrators should review, with their staff, and have available, the following documents for information, use, and reference when registering new students:

- . **Administrative Directive No. 4** (current series) - Division-wide Procedures for Verification of Addresses and Residences of Students in the Alexandria City Public Schools
- . **Alexandria City Public Schools Policies** - Reference Alexandria City School Board Policy Manual, <http://www.acps.k12.va.us/board/manual/>
  - . *JEB Entrance Age*
  - . *JEC School Admission*
  - . *JEC-R School Admission Regulations*
  - . *JECA Admission of Homeless Children*
  - . *JHCB Admission of Non-Public School Students*
  - . *JHCA Physical Examinations of Students*
  - . *JHCB Immunization of Students*
  - . *JHCD Administering Medicines to Students*
  - . *JHCD-R Medication Regulations for Students*
  - . *JO Student Records (Important Document)*
- . **Student Code of Conduct**, Alexandria City Public Schools, 2018-19 school year

4. Parents/guardians who register students in the Alexandria City Public Schools must provide proof of residence in the City of Alexandria, Virginia. **Principals** are required to review the address verification materials. Parents/guardians must produce the following documents before registration can be completed (original documents only; copies not acceptable):

- a. **ONE** of the following documents must be submitted for verification of residency within the City of Alexandria. Only **originals** of documents will be accepted (no copies). Supporting documents must be current and where indicated, dated within the past 60 days.
  - **Lease Agreement** (current document with dates, legal guardian's signature and address)
  - **Deed**, with a real state property tax receipt in the legal guardian's name
  - **Mortgage Contract**
- b. And **TWO** supporting documents noting parent's/legal guardian's name and property address:
  - Utility bill (water, gas, electric, cable, or landline phone)- within the past 60 days
  - Current personal Alexandria property tax bill/receipt (vehicle, boat, RV, etc.)
  - Mailed letter from a government agency (TANIF, HUD, IRS, etc.)
  - Current pay stub (noting Virginia tax withholding) within the past 60 days
  - Latest federal/state income tax return (cover page only)

- Two consecutive bank statements (mailed within the past 60 days)
  - Current vehicle registration from the Department of Motor Vehicles (DMV)
  - Current homeowner's or renter's insurance policy
- c. **Or, in lieu of "a" and "b" above, an affidavit (using "Form A") from the parent/guardian** showing that the student resides in Alexandria, ***and an affidavit (using "Form B") from the owner or lessee of the residence*** where the student is staying declaring that a family and student reside in Alexandria City. (Forms are appended to this directive.) Forms A and B are only valid for six months and must be re-filed within five days of expiration or the student shall be withdrawn from Alexandria City Public Schools. The resident's mortgage or lease agreement must accompany all Forms A and B. The parent/guardian must provide two supporting documents (in the parent's/guardian's or adult student's name) as listed above. Forms A and B should be filed at the local school. The school registrar or principal designee should forward a copy to the Residency Verification Specialist for monitoring and follow up.
- c) Other documents submitted to officially verify the address/residence of parents or guardians registering children for school must be reviewed individually by the principal, who should refer such documents to the Residency Verification Specialist.

Student who are homeless shall be enrolled in accordance with [Policy JECA](#).

Questions regarding Alexandria street names and numbers, addresses, and zip codes should be directed to the Department of Technology Services, 703-619-8005.

5. Students are not to be counted as part of the school **MEMBERSHIP** until they have actually attended school. After the first day of actual attendance, they are to be counted in the membership. Thereafter, when these students are reported absent, they are still recorded in membership counts. Only students who withdraw from school are no longer included in the membership count.
6. School administrators must review student **IMMUNIZATION RECORDS** when registering new and transfer students. Specific guidelines are provided in [Policy JHCB](#) and the ACPS Health Requirements for Registration (*Attachment A*). This information must be reviewed with **all** appropriate staff members prior to the start of the school year and intermittently, as needed.
7. All new students are to complete a [home language survey](#) as part of the registration process. Forms are available from the EL (English Learner) Center.
8. **STUDENT EMERGENCY CARE INFORMATION FORMS** must be completed when students are registered for school and must be revised whenever addresses or emergency contacts change. Student Emergency Care Information Forms (pink form) are kept by the school nurse in the School Health Office. Student emergency information should be reviewed and the electronic student data base updated annually and when changes are made to emergency contact information. (The Student Information Emergency Data Cards have been eliminated.)
9. The **CONSOLIDATED PERMISSION FORM**, also known as the ACPS Signature Form, is to be

sent home for parent/guardian signatures regarding the following: Student Code of Conduct, Student Directory Information (FERPA), Media Participation, Responsible Use for Technology and Social Media, Student Record Information, Book Contract, and School Bus Regulations. Schools will provide the accompanying material and the ACPS Signature Form in the Welcome to School packet for the parent/guardian to read. A new consolidated permission form is to be completed annually and the student's record is to be electronically updated with this information. Please note that the Student Code of Conduct, while on the consolidated permission form to facilitate enrollment procedures, will be sent home annually, since this document requires a review and signature each year.

10. **STUDENTS WHO HAVE A HOME LANGUAGE SURVEY (HLS) INDICATING THEY WERE BORN OUTSIDE OF THE UNITED STATES OR SPEAK A LANGUAGE OTHER THAN ENGLISH IN THE HOME** must register at the English Learners (EL) Program Office, 1340 Braddock Place, Alexandria, VA 22314. School personnel should consult the division's Home Language Survey in making registration referrals to the EL Office and should call the EL Office at 703-619-8022 if they have questions concerning a particular student registration.
11. **STUDENT HEALTH INSURANCE** flyers are to be provided to each student in the back to school packet.
12. Schools must have a written and approved **student arrival and dismissal plan** that is shared with all staff members and parents of Kindergarten students.
13. **THE SCHOOL BUS REGULATIONS** are detailed in the Student Code of Conduct and are provided in pamphlet form to each student in grades K-5. Parents and guardians are required to review them with their children. **VERIFICATIONS** that parents and students have read and understand Alexandria's **School Bus Regulations** are required as part of the consolidated permission forms.
14. **FREE OR REDUCED PRICE MEALS** can be served for the first 30 school days or 45 calendar days of the new school year to students with approved applications on file from last year. **NOTE: Kindergarten siblings of students who received free and reduced price meals in 2017-18 will NOT receive these benefits until a new family application is approved for 2018-19.** Students will be eligible for free/reduced priced meals within ten days of application approval. The Food and Nutrition Services Staff will process meal applications daily. Notification letters will be printed daily throughout the school year, and parents and guardians will be notified by US mail. New meal status will be downloaded daily to cafeteria computers. New meal codes will take effect after download/file transfer is completed each morning and will be effective for breakfast and lunch. Applications are not necessary for students who have been directly certified for free meals.
15. **LUNCH/BREAKFAST MONEY** Federal regulations prohibit the charging of meals to the cafeteria. The principal shall be responsible for developing procedures for children who forget or lose their money. Students may not borrow money or receive free food from Food and Nutrition Services. Parents should be encouraged to [Prepay](#) for their children's meals. Principals are to develop procedures to meet this need at their individual schools.

#### **SCHOOL-RELATED OPERATING PROCEDURES:**

1. **TEACHERS** are to be present at their job sites at least **20 MINUTES BEFORE** students are sched-

uled to arrive and are to remain at their job sites at least **20 MINUTES AFTER** students are dismissed. Principals should refer to the listing of school hours for 2018-19 (*Attachment B*).

2. Official ACPS identification or visitor badges must be worn and visibly displayed at all times in school buildings by all Alexandria City Public Schools employees, students, School Board members, ACPS contractors and ACPS volunteers. **ALL VISITORS** and **VOLUNTEERS** must report to the main office of the school, sign into the KeepNTrack system, and be issued a visitor badge before proceeding into the building. At the end of their visit, visitors are to return to the office, sign out, and surrender their visitor badges. For further information see [www.acps.k12.va.us/getinvolved/volunteer/](http://www.acps.k12.va.us/getinvolved/volunteer/).
3. The School Board policies and regulations on **ASSESSMENT AND EVALUATION**, as well as **COURSE ASSIGNMENTS-SECONDARY**, should be reviewed with teachers at the first regularly scheduled staff meeting of the school year. Reminder: Adherence to the revised Assessment and Evaluation policy and regulations ([IFA](#) and [IFA-R](#)) and the revised Course Assignment-Secondary policy and regulations ([IKB](#) and [IKB-R](#)) is mandatory.
4. **GROUPING FOR INSTRUCTION** ([Policy IHA](#)) must be reviewed by the principal at a staff meeting at the beginning of the school year. It should be included in other meetings related to instruction and curriculum during the school year.
5. **RELIGIOUS HOLIDAYS** - Student examinations, field trips, or special events are **NOT** to be scheduled on religious holidays. Administrators are asked to check school division calendars and available Holiday Calendars to confirm dates and avoid conflicts. Teachers will provide ample time for students to make up all assignments that are missed during an absence for a religious holiday. Please refer to policy [IKB](#) and regulation [IKB-R](#) and to Attachment C.
6. **NO DOOR-TO-DOOR SOLICITATION** is to occur for any school-related event. P.T.A. and student groups should be reminded that students are not to solicit door-to-door for school fund-raising events.
7. **FIRE DRILLS** Orientation sessions should be scheduled to familiarize staff and students with the fire plan for each building. Pursuant to the [§22.1-137](#) of the Code of Virginia two fire drills must be conducted during the **first 20 days of school**. One fire drill should be held during the first 10 days, a second fire drill during the second 10 days and **each month** thereafter. Copies of the "[School Exit Drill Form](#)" (Virginia Department of Education and State Fire Marshall) must be completed and sent to the Coordinator of Security & Emergency Management.

School administrators must be familiar with the Virginia Educator's Guide for Planning and Conducting School Emergency Drills which provides procedures and guidance for holding emergency-related safety and security drill in schools. Copies of this guide can be obtained on line of through the ACPS Office of Safety and Security Services.

In addition, ACPS schools are required to participate in and ensure that a majority of staff are certified in the ACPS Violent Intruder Training Program, conducted and administered by the ACPS Office of Safety and Security Services.

8. **SCHOOL NURSES** will identify students with major health conditions and needs (e.g., epilepsy,

allergies, etc.) during the first two weeks of school and inform teachers, administrators, and other members of the support staff on a need-to-know basis. Students who need to take medication at school must bring a signed [Medication Authorization Form](#) for dispensing of such medications by the school nurse. ACPS school health personnel or trained ACPS staff may give non-prescription/non-controlled medications to students with a licensed prescriber's written order and signed authorization from a parent or guardian. Such permission shall include the name of the medication, the required dosage of the medication, and the time the medication is to be given. Such medication must be in the original container. Secondary students with a signed authorization form from a parent or guardian may carry one dosage of non-prescription/non-controlled medication at a time, such as Advil, Motrin, and Tylenol, if such medications is not stored in the clinic.

9. **WELLNESS POLICY/FOOD ALLERGY GUIDELINES** - Principals are responsible for ensuring adherence to the [Wellness Policy](#) (JHCF) and its [Guidelines](#) (JHCF-R) and the ACPS [Food Allergy Guidelines](#) by all school staff members.
10. The **FLAGS** of the United States of America and the Commonwealth of Virginia will be flown daily at all schools.
11. All **ACCIDENTS** that occur at school are to be reported to the principal immediately. These include accidents involving students and staff members. **Accident reports** must be completed in a timely manner by the administrator in charge of the incident when the services of medical, police, or fire personnel are required (*Attachment D*).
12. **SERIOUS, EMERGENCY INCIDENTS** that occur at schools are to be reported by staff members to the building principal. Incidents of a very serious or life threatening nature should be reported immediately by phone to the Superintendent's office. Any incident that requires fire, rescue, or police assistance at a school site should be reported by email as stipulated in the Addendum to this Administrative Directive (*Attachment D*).
13. **MOMENT OF SILENCE** - Each school day must begin with a moment of silence in accordance with [School Board Policy IE](#). The following statement should be made over the public address system: "AS WE BEGIN ANOTHER DAY, LET US PAUSE FOR A MOMENT OF SILENCE." Staff members must be informed of this important activity prior to the first day of school.
14. **PLEDGE TO THE UNITED STATES FLAG** - [§ 22.1-202](#) of the Code of Virginia addresses instruction in the history and principles of flags of the United States and Virginia. Included is the direction that school boards must require the **daily recitation of the Pledge of Allegiance in every classroom.** (*Attachment E*: See page 4 of the attached guidelines adopted July 26, 2001.)
15. **IN GOD WE TRUST POSTERS** - State law requires the posting in all schools of the National Motto "In God We Trust." Schools were sent a poster to display. Should a replacement be required, schools are to contact [Sarah Whelan](#) at 703-619-8328.
16. **BILL OF RIGHTS IN PUBLIC SCHOOLS** – State law requires the posting in all schools the Bill of Rights of the Constitution of the United States. To facilitate compliance with this requirement, posters were provided to all schools by the Curriculum and Instruction Department. Please contact [Sarah Whelan](#) at 703-619-8328 should your school need a replacement copy of the Bill of Rights

poster.

**FOR ADDITIONAL INFORMATION CONTACT:** Dr. Julie Crawford, Chief Student Services Office – 703-619-8034

Attachments

## **ACPS HEALTH REQUIREMENTS FOR REGISTRATION**

- **Physical examination (Grades K-5)**, including a hearing and vision screen, on the state form MCH-213 G within one year of original entry date into school (Grades K-5 only). It is very important for parents to complete Part I – Health Information Form. Copies of the state physical form can be downloaded from [VA School Entrance Health Form](#).

The physical examination should be performed by a health care provider licensed in the United States. ***Any transfer students (Grades K-5) entering an ACPS elementary school must provide either one or the other of the following: records establishing that a physical examination was completed less than 12 months prior to enrolling in another school or a report of a physical examination dated within the last 12 months. This documentation does not have to be on the Virginia State form.*** (Note: the lead screen, anemia screen, and urinalysis are no longer required components of the physical examination for elementary school students.)

- **Tuberculosis screening/PPD:** Interdermal Mantoux “PPD” test (tine skin test not accepted) or written documentation of a negative tuberculosis risk assessment performed by a health care provider is required for all children entering or reentering Alexandria City Public Schools. The risk assessment or PPD must be done less than one year prior to the date of entry and the PPD must be read by a nurse or doctor 48-72 hours after placement.
- **Immunization records, including:**
  - **Diphtheria, Tetanus, and Pertussis (Dtap, DPT, or Tdap)** – a minimum of three doses, with one dose given after the 4th birthday. If the child has received six doses of Dtap or DPT before the 4th birthday, additional doses are contraindicated. DT (Diphtheria, Tetanus) is required for children who are medically exempt from the pertussis containing vaccine (Dtap or DTP). Adult Td is required for children 7 years of age or older who do not meet the minimum requirements for tetanus and diphtheria. ***A booster dose of Tdap vaccine is required for all children entering the 6th grade, and new students entering Grades 7-11 if at least five years have passed since the last dose of tetanus-containing vaccine. Students not meeting this requirement will not be allowed to enroll.***
  - **Haemophilus Influenzae Type b (Hib) Vaccine** - This vaccine is required only for children up to 60 months of age (preschoolers). Children between the ages of 15 and 60 months (5 years) are only required to have one dose of vaccine.
  - **Hepatitis B** – All children must have 3 doses of the Hepatitis B vaccine. There must be at least 1 month spacing between the 1st and 2nd doses and 4 months spacing between the 1st and 3rd doses. The third dose must be given after the age of 6 months. (There is a 2- dose vaccine [Recombivax HB] approved for adolescents ages 11-15 only; the doses for this vaccine must be separated by a min-

imum of 4 months.)

- **Human Papillomavirus Vaccine (HPV)** – Effective October 1, 2008, a complete series of 3 doses of HPV vaccine is required for females. The first dose shall be administered before the child enters 6<sup>th</sup> grade. **Parents may elect for their child not to receive the HPV vaccine.**
- **Measles, Mumps, and Rubella (MMR)** – All children entering school (**K-12**) must have at least 2 doses of the **measles and mumps vaccines** and one dose of the rubella vaccine, with the first dose given on, or after the 1st birthday. Most children receive 2 doses of each because the vaccine usually administered is the combination MMR vaccine. The 1st and 2nd doses of MMR vaccine must be separated by at least 4 weeks (28 days).
- **Polio (OPV or IPV)** – All children must have at least **4 doses** of polio vaccine, with one dose given on or after the 4th birthday.
- **Varicella (Chickenpox) Vaccine** – All susceptible children are required to have a dose of varicella vaccine not earlier than 12 months of age. **Effective March 3, 2010, a second dose must be administered prior to entering Kindergarten. The 1st and 2nd doses of Varicella vaccine must be separated by at least 3 months for children under age 13.**

### **Evidence of Immunization**

Evidence acceptable for proof of required immunizations must include the month, day, and year each dosage was administered on [forms developed by, or approved by, the State Department of Health](#). All students for whom dates cannot be provided (month, day, and year) must be referred to the local health department or their private physicians to update their records before entering school.

### **Conditional Enrollment**

A student may be enrolled for a period of 90 school days contingent upon the student's having received at least one dose of each of the required vaccines and the student's possessing a plan, from a physician or local health department, for completing his or her immunization requirements within the ensuing 90 school days; except that a student who has not yet received a second dose of measles (rubeola) vaccine must receive such second dose pursuant to the State Board of Health minimum immunizations required for school attendance.

### **Exemptions**

1. When the parent or guardian has an objection on the grounds that the administration of immunizing agents conflicts with his or her religious tenets or practices and provides the principal with a written statement of such objection, unless an emergency or a disease epidemic has been declared by the State Board of Health. (The parent must provide the school with a notarized copy of the Commonwealth of Virginia Certificate of Religious Exemption which

can be obtained online by accessing the website for the Virginia Department of Health.)

2. When the parent or guardian presents a statement from a physician that states that the physical condition of the child is such that the administration of one or more of the required immunizing agents would be detrimental to the health of the child.

### **Students who are Homeless**

If a student is a homeless child or youth as defined in [Va. Code § 22.1-3](#) and does not have documented proof of necessary immunizations or has incomplete immunizations and is not exempted from immunization, ***the school division will immediately admit such student and will immediately refer the student to the Lead Social Worker*** (Arnecia Moody, [arnecia.moody@acps.k12.va.us](mailto:arnecia.moody@acps.k12.va.us), 703-619-8156), who will assist in obtaining the documentary proof of, or completion of, immunization.

Revised 07/15

Attachment B

School hours for the 2018-2019 school year are shown in the table below.

School	School Hours
Early Childhood Center Co-located at John Adams	800 a.m. – 2:35 p.m.
John Adams	8:00 a.m. - 2:35 p.m.
Charles Barrett	8:00 a.m. - 2:35 p.m.
Ferdinand T. Day	8:00 a.m. – 2:35 p.m.
Patrick Henry	8:00 a.m. - 2:35 p.m.
Jefferson-Houston	8:00 a.m. - 2:35 p.m.
Cora Kelly	8:00 a.m. - 2:35 p.m.
Lyles-Crouch	8:00 a.m. - 2:35 p.m.
Douglas MacArthur	8:00 a.m. - 2:35 p.m.
George Mason	8:00 a.m. - 2:35 p.m.
Matthew Maury	8:00 a.m. - 2:35 p.m.
Mount Vernon	8:00 a.m. - 2:35 p.m.
James K. Polk	8:00 a.m. - 2:35 p.m.
William Ramsay	8:00 a.m. - 2:35 p.m.
Samuel Tucker	8:00 a.m. - 2:35 p.m.
Francis C. Hammond	8:30 a.m. - 3:15 p.m.
George Washington	8:30 a.m. - 3:15 p.m.
T. C. Williams High School – Minnie Howard Campus	8:35 a.m. - 3:15 p.m.
T.C. Williams High School	8:35 a.m. - 3:15 p.m.
T.C. Williams – Satellite	
Chance for Change	8:35 a.m. – 3:15 p.m.
Northern VA Juvenile Detention Center	8:35 a.m. – 3:15 p.m.
Shelter Care	8:35 a.m. – 3:15 p.m.

## Attachment C

### **Religious Holidays**

The First Amendment Center of the Freedom Forum has given ACPS permission to reference this document: [\*Finding Common Ground: A Guide to Religious Liberty in the Public Schools\*](#).

A list of religious holidays is available at: [http://www.jcouncil.org/site/DocServer/2018-2019\\_JCRC\\_Holiday\\_Calendar.pdf?docID=12346](http://www.jcouncil.org/site/DocServer/2018-2019_JCRC_Holiday_Calendar.pdf?docID=12346)

## Attachment D

### **Addendum to Administrative Directive No. 2**

#### Regarding Item 12 - **Incidents**

School-based administrators and central office administrators are advised to follow this protocol when reporting all incidents that require assistance from the **fire or police departments or Emergency Rescue Services**.

#### **Who must receive the report?**

- Superintendent of Schools
- Clerk of the Board
- Chief Academic Officer
- Chief Human Resources Officer
- Chief Operating Officer
- Chief Student Services Officer
- Director, Communications and Public Relations
- Executive Director, Secondary School Instruction
- Executive Director, Elementary School Instruction
- Director, Safety and Security Services

#### **How to Create an Incident Reporting User List**

To ensure that protocol is followed and all appropriate individuals receive incident reports, lead administrators and their designees are instructed to create and update incident reporting user lists within their e-mail address books. Instructions for creating this user list are as follows:

- In Zimbra
- select Address Book
- select New, and on the drop-down menu, select <Contact Group>

- select “Incident Reporting” as group name
- input all names individually that will be on the list
- save the list.

Again, this process will ensure that **all** incidents are reported in a consistent manner to the appropriate staff.

### **Who should send the report?**

The lead administrator handling an incident or event should send the report. If it is not the principal sending the report, the principal should review prior to sending. Administrators are advised to explain the reporting protocol to all other technical and support staff members who may have responsibility for preparing the report (e-mail) for transmission.

### **When must the report be made?**

Incidents must be reported as soon as possible after they occur and the facts are available. Initial reports must be made prior to the end of the day that the incident occurs. Note, partial reports may be sent but must be updated as soon as additional details are available.

### **What must the report contain?**

A succinct (3-5 sentence) description of the event or incident that explains

- What happened
- When it happened
- Where it happened
- Who was involved [**DO NOT** use the name, gender or race of a student, staff member, or parent; use generic terms such as the following:
  - a third grade student
  - the school counselor
  - the mother of an eleventh grade student]

**Example of a report:** The Alexandria rescue squad was called at 10:05 this morning to assist a third grade student who was injured on the playground. The school nurse accompanied the student to Alexandria Inova Hospital. The parents have been contacted and are on their way to the hospital.

**Note:** These guidelines are to be used for sending reports of incidents by electronic mail (e-mail).

Submit written, confidential reports for incidents that require greater specificity and detail. Send **sealed** copies of these reports to the **Superintendent** who will determine the extent of further distribution.

Contact: Dr. Julie Crawford, Chief Student Services Officer 703-619-8034

Attachment E

**VIRGINIA BOARD OF EDUCATION GUIDELINES  
RECITATION OF THE PLEDGE OF ALLEGIANCE**

**(Adopted July 26, 2001)**

## Introduction

A primary function of public schools is providing fundamental knowledge to elementary and secondary students about particular subjects, such as English, mathematics, science, and history. However, public education has also supported various community functions as well, including provision for a responsible citizenry. For example, schools have been considered places to teach students to be responsible and participatory members of society.<sup>1</sup>

That no free government, nor the blessings of liberty, can be preserved to any people, but by a firm adherence to justice, moderation, temperance, frugality, and virtue; by frequent recurrence to fundamental principles; and by the recognition by all citizens that they have duties as well as rights, and that such rights cannot be enjoyed save in a society where law is respected and due process is observed.

That free government rests, as does all progress, upon the broadest possible diffusion of knowledge, and that the Commonwealth should avail itself of those talents which nature has sown so liberally among its people by assuring the opportunity for their fullest development by an effective system of education throughout the Commonwealth.<sup>2</sup>

As directed by [§ 22.1-202](#) of the *Code of Virginia*, the following document discusses the constitutional rights and restrictions pertaining to the recitation of the Pledge of Allegiance in the public schools. Historical information and legal precedent is provided along with statutory requirements and Board of Education guidance.

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<sup>1</sup> Diane Ravitch, (1983). *The Troubled Crusade: American Education, 1945-1980*.

<sup>2</sup> *Constitution of Virginia*, Article I, § 15.

## Background

We do honor to the stars and stripes as the emblem of our country and the symbol of all that our patriotism means. We identify the flag with almost everything we hold dear on earth. It represents our peace and security, our civil and political liberty, our freedom of religious worship, our family, our friends, our home. We see it in the great multitude of blessings, of rights and privileges that make up our country.

-- Calvin Coolidge, 30<sup>th</sup> President of the United States, and his sentiments  
Regarding the flag of the United States of America

In 1942 Congress officially recognized the Pledge of Allegiance. One year later, in June 1943, the Supreme Court ruled that school children could not be forced to recite it. The case, *West Virginia State Board of Education v. Barnette*, ruled that expulsion from school and criminal penalties against the student for not participating in the pledge violated his/her First Amendment rights to free speech and free exercise of religion.<sup>3</sup>

The *Barnette* case made it clear that a state could not require a specific act of respect toward a national symbol. However, court rulings since *Barnette* have supported the authority of many state legislatures to enact laws requiring students to recite the Pledge as long as the school exempts students who choose not to participate for religious, philosophical, or personal reasons. The courts have also sustained the decision of a state to include the Pledge of Allegiance in the curriculum of its public schools as part of a local or state goal to provide instruction in patriotism and citizenship. The Supreme Court in *Island Trees Union Free School District v. Pico*, has recognized that public schools are vitally important “in the preparation of individuals for participation as citizens,” and as vehicles for “inculcating fundamental values necessary to the maintenance of a democratic political system.”<sup>4</sup>

Although the Supreme Court has established that no student can be compelled to recite the Pledge of Allegiance (*Barnette*), non-participating students can be required to refrain from any activity that disrupts or distracts those making the Pledge. In *Goetz v. Ansell* (1973), the United States Court of Appeals for the Second Circuit held that a non-participating student must be allowed to engage in “a silent, non-disruptive expression of belief by sitting down” at his or her desk during the Pledge. This does not sanction, however, conduct that “materially disrupts classwork or involves substantial disorder or invasion of the rights of others.”<sup>5</sup> The Supreme Court has not yet quantified what would be construed as disruptive.

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<sup>3</sup> *West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943).

<sup>4</sup> *Island Trees Union Free School District No. 26 v. Pico*, 457 U.S. 853 (1982).

<sup>5</sup> *Goetz v. Ansell*, 477 F.2d 636 (1973).

**Code of Virginia, § 22.1-202**

[Section 22.1-202 of the Code of Virginia](#) addresses instruction in the history and principles of flags of the United States and Virginia, the Pledge of Allegiance to the American flag, and guidelines to be developed by the Board of Education. The section mandates the following:

1. Instruction in the history and principles of the flag of the United States and the flag of the Commonwealth shall be given in one or more grades in every school division. The instruction shall include the Pledge of Allegiance and the appropriate etiquette and conventions for respecting the dignity and appropriate display of such flags.
2. School boards must require the daily recitation of the Pledge of Allegiance in every classroom.
3. All students are required to learn the Pledge of Allegiance and to demonstrate such knowledge.
4. School boards must ensure that an American flag is in place in every classroom of the respective school division.
5. School boards must determine the appropriate time during the school day for the recitation of the Pledge.
6. School boards must provide appropriate accommodations for students who are unable to comply with these procedures due to a disability.
7. School boards must apply their codes of conduct to disruptive behavior during the recitation of the Pledge in the same manner as provided for other circumstances of similar behavior.
8. Students must either stand and recite the Pledge while facing the flag with their right hands over their hearts or in an appropriate salute if in uniform. No student can be compelled to recite the Pledge if he, his parent, or legal guardian objects on religious, philosophical, or other grounds.
9. Students who are exempt from reciting the Pledge must remain quietly standing or sitting at their desks while others recite the Pledge, not making any display that disrupts or distracts others who are reciting the Pledge.
10. The Office of the Attorney General must intervene on behalf of local school boards and provide legal defense of these provisions.
11. The Board of Education, in consultation with the Office of the Attorney General, must develop guidelines on constitutional rights and restrictions relating to the recitation of the Pledge in the public schools.

**Board of Education Guidelines**

In order to promote the ideals and patriotism expressed in the Pledge while adhering to constitutional principles; the General Assembly enacted [Va. Code § 22.1-202](#) in 1996. This statute requires the Board of Education, in consultation with the Office of the Attorney General, to develop guidelines on constitutional rights and restrictions relating to the recitation of the Pledge

in the public schools. The Board of Education's guidelines must include, but are not limited to, provisions that address the following:

1. The initiative and involvement of local school boards, individual schools, administrators, teachers, and students;
2. The propriety and constitutionality of any recitation or participation requirements;
3. Appropriate etiquette and conventions for respecting the dignity and appropriate display of the flag of the United States and the flag of the Commonwealth; and
4. Relevant state and federal constitutional concerns, such as freedom of speech and religion.

### The Involvement of Local School Boards

Local school boards and their administrative and educational employees can play a key role in transmitting and instilling the American culture into the lives of our young citizens of the commonwealth. Through lessons taught through the social studies curriculum to holiday observances, school children can become familiar with the beliefs, symbols, and rituals of American society.

Early exposure to the practice of reciting the Pledge of Allegiance can be an ideal opportunity to teach young children about the history and values of the United States. As the young students mature, concepts behind the 31 words of the Pledge could become embedded in the curriculum along with such topics as citizenship, democracy, and government.

Whatever the method a school division may choose to instill a sense of patriotism, the Pledge of Allegiance can be an important first step in citizenship education and civic values. Understanding the Pledge can also provide the foundation for future understanding of more complex documents such as the Declaration of Independence and the United States Constitution.

### The Constitutionality of any Recitation or Participation Requirements

Following the 1892 celebration of the 400th anniversary of Christopher Columbus' venture to the Americas, school children around the country began to pledge their loyalty to the American flag. Flags began to appear atop every schoolhouse in the nation and laws were passed to compel schoolchildren to salute the flag. It was not long before opposition to this requirement ensued.

On November 6, 1935, two children were expelled from a Pennsylvania school for refusing to stand up and recite the Pledge of Allegiance with their classmates. Their father was arrested and fined, and the children were forced to attend another school. Believing that the school board's action was unjust, the father took the school district to court. In 1940 the Supreme Court ruled for the school district, which mandated that all students must recite the Pledge of Allegiance. By the end of 1940, 43 states required all students to salute the American flag.

In 1943 a similar case was heard by the Supreme Court. Once again students refused to participate in a school requirement to recite the Pledge of Allegiance due to religious convictions. This case involved a group of Jehovah's Witnesses in West Virginia who refused to recite the Pledge because they believed it would violate the Biblical commandment not to worship any graven image. School officials expelled the students, threatening to send them to a reform school for juvenile delinquents and to bring criminal charges against their parents. The students and their parents claimed that requiring any recitation of the Pledge violated their First Amendment rights to free speech and free exercise of religion. This time, the Supreme Court agreed. Ironically, the decision was handed down on Flag Day, June 14, 1943.

Although our nation was then engaged in World War II, the Court reasoned that the West Virginia requirement was not justified by the need to promote national unity or patriotism:

To believe that patriotism will not flourish if patriotic ceremonies are voluntary and spontaneous instead of a compulsory routine is to make an unflattering estimate of the appeal of our institutions to free minds.<sup>6</sup>

This issue has never since advanced to the Supreme Court, and this ruling remains the law of the land. However, the decision did not bar the recitation of the Pledge of Allegiance, but merely prohibits any law that would make the exercise compulsory without exemptions for religious, philosophical, or personal reasons, in the public schools of the nation. Twenty-four states currently require students to salute the American flag.<sup>7</sup>

### Appropriate Etiquette and Display of the Flag

The United States Flag Code, Public Law 107-7, was reauthorized in 2001 to specify and unify the traditional ways in which we give respect to the flag. The Flag Code contains specific instructions on how and when the flag is to be displayed and how it is to be handled. However, the Flag Code is "merely advisory and does not proscribe behavior."<sup>8</sup> To ensure that appropriate etiquette and display of the American flag is carried out during the school day school divisions should adhere to the following:

1. The United States flag when displayed indoors should always be positioned to its own right. The flag should be placed to the right of the speaker (public address system) or staging area. Other flags should be to the left.
2. The United States flag should be at the center and at the highest point of the group when a number of flags of states, localities, or societies are grouped for display. No flag or pennant displayed in a school should be placed to the right or above the flag of the United States.
3. When displaying the flag against a wall, vertically or horizontally, the flag's union (stars) should be at the top, to the flag's own right, and to the observer's left.
4. No part of the flag should come in contact with the ground.

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<sup>6</sup> *West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943).

<sup>7</sup> Education Commission of the States (2001).

<sup>8</sup> *Dimmitt v Clearwater* (1993, CA11 FL) 985 F2d 1565, 7 FLW Fed C 168.

5. When reciting the Pledge of Allegiance, individuals should be standing at attention, facing the flag with the right hand over the heart. When not in uniform, men should remove their head-dress with their right hand and hold it at the left shoulder, the hand being over the heart. Persons in uniform should remain silent, face the flag, and render the military salute.
6. The flag should be folded neatly and ceremoniously when stored.
7. The flag should be cleaned and mended when necessary.
8. When the flag is so worn that it is no longer fit to serve as a symbol of our country, it should be destroyed by burning in a dignified manner.<sup>9</sup>

### Constitutional Concerns, Freedom of Speech and Religion

The Supreme Court has ruled that particular forms of ceremony are immune from constitutional examination. Although the high court has struck down a New York school prayer law in 1962,<sup>10</sup> the passive display of the Ten Commandments in Kentucky schools in 1980,<sup>11</sup> and a moment-of-silence law in Alabama in 1985,<sup>12</sup> governmental practices such as the Pledge of Allegiance, legislative prayer, the reference to God in court proceedings, and even the Christmas holiday have been permissible, notwithstanding the “Establishment Clause.”

The “Establishment Clause” according to Thomas Jefferson was intended to erect “a wall of separation between church and State.”<sup>13</sup> The Supreme Court first explored the meaning of the establishment clause in the 1947 case *Everson v. Board of Education*. The high court concluded that neither a state nor the federal government could set up a church, pass laws that aid one religion, aid all religions, or prefer one religion to another.<sup>14</sup> In 1971, the Supreme Court’s landmark case of *Lemon v. Kurtzman* established a three-pronged test to analyze alleged establishment clause violations. To withstand scrutiny under this test, a challenged governmental practice must: (1) have a secular purpose; (2) have a primary effect which neither advances nor inhibits religion; and (3) not foster excessive entanglement with religion.<sup>15</sup>

While the Pledge contains the phrase “one Nation under God,” its recital in the public schools is not a violation of the Establishment Clause of the Constitution of the United States. The United States Supreme Court has implicitly recognized the phrase to be a constitutionally permissible acknowledgment of the historic role of religion in American life. In *Lynch v. Donnelly* (1984), the Supreme Court pointed out that, “One nation under God, as part of the Pledge of Allegiance... is recited by many thousands of public school children - and adults - every year.”<sup>16</sup>

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<sup>9</sup> American Legion Posts regularly conduct a dignified flag burning ceremony, often on Flag Day, June 14th. Contact your local American Legion Hall to inquire about the availability of this service.

<sup>10</sup> *Engel v. Vitale*, 370 U.S. 421, 422, 424 (1962).

<sup>11</sup> *Stone v. Graham*, 449 U.S. 39, 39, 41 (1980).

<sup>12</sup> *Wallace v. Jaffree*, 472 U.S. 38, 56 (1985).

<sup>13</sup> *Reynolds v. United States*, 98 U.S. 145, 164 (1879).

<sup>14</sup> *Everson v. Board of Education*, 330 U.S. 1 (1947).

<sup>15</sup> *Lemon v. Kurtzman*, 403 U.S. 602 (1971).

<sup>16</sup> *Lynch v. Donnelly*, 465 U.S. 668 (1984).

In *McGowan v. Maryland* (1961), the high court opined that "the 'Establishment' Clause does not ban federal or state regulation of conduct whose reason or effect merely happens to coincide or harmonize with the tenets of some or all religions."<sup>17</sup> In *School District of Abington Township, Pa. v. Schempp* (1963), the court noted that, "The reference to divinity in the revised Pledge of Allegiance . . . may merely recognize the historical fact that our Nation was believed to be founded under God." Thus reciting the Pledge and including its tenets in a school's curriculum may be no more of a religious exercise than the reading aloud of Lincoln's Gettysburg Address, which contains an allusion to the same historical fact.<sup>18</sup>

### Conclusion

All of the foregoing information requires thoughtful consideration when applied to particular circumstances. The United States Supreme Court has consistently emphasized the tenets of the 1943 *Barnette* case, restricting compulsory participation in the recitation of the Pledge. Public school authorities should become familiar with the general concerns of law in order to make an informed decision.

The court cases mentioned in this document must "not be viewed as setting the precise limits to the necessary constitutional inquiry, but serve only as guidelines with which to identify instances in which the objectives of the Establishment Clause have been impaired."<sup>19</sup>

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<sup>17</sup> *McGowan v. Maryland*, 366 U.S. 420, 466 (1961).

<sup>18</sup> *School District of Abington Township V. Schempp*, 374 U.S. 203 (1963).

<sup>19</sup> *Meek v. Pittenger*, 421 U.S. 349, 359 (1975).