

One Hundred Third Legislature - First Session - 2013

Introducer's Statement of Intent

LB540

Chairperson: Senator Kate Sullivan

Committee: Education

Date of Hearing: March 18, 2013

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

Legislative Bill 540 is designed to nullify an end-run around the Legislature by the State Board of Education at its August 2012 meeting when it revised Rule 10 by adding:

003.12 Each public school district shall require each such district's schools to establish a period of time during the school day, when a majority of pupils is scheduled to be present, during which pupils will be led in the recitation of the Pledge of Allegiance in the presence of the flag of the United States of America, in grades kindergarten through twelve. Pupil participation in the recitation of the " Pledge of Allegiance shall be voluntary. Pupils not participating in the recitation of the Pledge shall be permitted to silently stand or remain seated but shall be required to respect the rights of those pupils electing to participate.

Although not stating it specifically, it may be presumed that a teacher is to lead the recitation. A problematic situation would be created if a teacher had scruples against reciting such a pledge.

This action by the Board was taken in brazen disregard of the fact that the Education Committee during the 2012 Session had refused to advance LB 990, which contained a similar proposal:

On and after August 13, 2012, all pupils enrolled in a school district shall be led in a group recitation of the Pledge of Allegiance to the flag of the United States of America during the first class of each day that school is open and in session.

Such an action by a State Agency without authorization by the Legislature and which bespeaks contempt for the Legislature as an institution, cannot be permitted to stand. An amendment which more

appropriately addresses the situation will be offered which will say in effect - (strike new language and insert):

. . . nothing in this section authorizes the State Board of Education to adopt and promulgate rules or regulations requiring, authorizing, or permitting any teacher in the public schools, or any other person, to lead students in the recitation of any pledge of allegiance to any flag or other object, idea, or entity. Any such rule or regulation adopted by the board prior to the effective date of this act is hereby declared null and void.

Principal Introducer: _____

Senator Ernie Chambers