

FAQ: Pledge/National Anthem Student First Amendment Rights

Q: Can the District require students to participate in the Pledge of Allegiance or National Anthem?

A: No. There is a United States Supreme Court case, *West Virginia State Board of Education v. Barnette* (1943) that prevents schools from requiring the pledge or flag-saluting. The Fourteenth Amendment's requirement of due process and the First Amendment's requirements of religious freedom and free speech are the reasons that a school district cannot exert "official pressure" on students to state a particular opinion, including that they honor their government.

Q: Can students protest the Pledge of Allegiance or National Anthem?

A: Yes, so long as they are silent and respectful. District Policy 2333 and RCW 28A.230.140 provides that "students not reciting the pledge of allegiance shall maintain a respectful silence."

Q: What if a student says they're protesting the Pledge or Anthem based upon religion or race?

A: The student's right to religious observance does not give the right to disrupt the State and District's right to a respectful pledge/allegiance. The two rights must be respected and balanced. See District Regulation 2340R for more guidance.

Q: How do I handle locker room conversations about whether or not students should "take a knee" during the Pledge/Anthem?

A: District Regulation 2331R addresses Controversial Issues. A teacher should have a plan to address the issue in an objective and scholarly manner. The teacher should be a moderator who allows students to express his/her opinion provided that it is respectful and that the conversation considers alternate points of view.

Q: What if some students decide to "take a knee" and others don't?

A: Encourage an environment where student choices are respected. District Policy/Regulation 3207 guides us on preventing harassment, intimidation and bullying.

Office of Student Life

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EVERY STUDENT. EVERY DAY.

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Activities

Q: Can a coach exclude students from playing who choose to “take a knee” or otherwise respectfully protest the Pledge/Anthem?

A: No. It could not only be considered retaliation for exercising a free speech right, District Policy 5010 prevents threatening, intimidating, harassing, coercing or abusing (either physically or verbally) another employee or student. The policy also requires staff to observe the rights of students and avoid statements which may be demeaning or personally offensive to any student or group of students.

Q: Can a coach express his/her own opinions about protesting the Pledge/Anthem?

A: Not in the locker room or classroom. Coaches and teachers also have free speech rights if they’re speaking as a private citizen on a matter of public concern. But, if they are speaking in the locker room or classroom as part of your job, what they say is not entitled to First Amendment protection. Further, District Policy/Regulation 5253 provides that staff shall not engage in political activities during working hours. Also consider that a coach or teacher has an obligation to not use words or behavior that would endanger the safety of others or provoke a fight (Policy 5010)

Q: What does the District recommend that I do if this issue comes up in my classroom or locker room?

A: We recommend that Coaches and Teachers guide students on how to exercise their free speech rights so that they are in compliance with our student conduct code and district policies. Coaches and Teachers should refrain from taking a position on the issue and explain that this is a student’s individual decision and right and that the teacher/coach plays the role of helping to minimize conflict.