

Instruction

**CEREMONIES AND OBSERVANCES**

**Patriotic Exercises**

The Pledge of Allegiance shall be recited or patriotic exercises conducted at the beginning of each school day. No student may be compelled against his/her will to participate in such exercises.

**Special Days and Events**

The District shall commemorate the following special days and events as part of the school program on the days designated below:

U.S. Constitution Day  
Dr. Martin Luther King Jr. Day  
Lincoln's Birthday  
Susan B. Anthony Day  
George Washington's Birthday  
Black American Day  
Conservation, Bird and Arbor Day  
Day of the Teacher  
Classified Employee Week

**Display of Flags**

The flag of the United States and the flag of California shall be displayed during business hours at the entrance or on the grounds of every district school and on or near the Education Support and Services Center. At all times the national flag shall be placed in the position of first honor. (Government Code 431, 436; 4 USC 6)

The national flag shall fly at half-staff on the following occasions: (4 USC 7)

1. For 30 days from the death of the President or a former President
2. For 10 days from the death of the Vice President, the Chief Justice or a retired Chief Justice, or the Speaker of the House of Representatives
3. From the day of death until interment of an Associate Justice of the Supreme Court, a secretary of an executive or military department, former Vice President, or the Governor of a state
4. On the day of death and the following day for a Member of Congress

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**CEREMONIES AND OBSERVANCES** (continued)

5. On Memorial Day, until noon only
6. On Peace Officers Memorial Day (May 15), unless it falls on Armed Forces Day
7. Upon a proclamation from the Governor in the event of the death of a present or former official of the state government or a member of the Armed Forces from the state who has died while serving on active duty

On other occasions by order of the President and/or Governor and in accordance with presidential and/or gubernatorial instructions or orders.

Flags shall be displayed during the respective site's normal operating hours unless inclement weather and/or other conditions prevent the display of those flags.

**Ceremonial Flags**

The District may establish a ceremonial flagpole at the Education Support and Services Center for the display of certain ceremonial flags pursuant to this Board Policy. If established, that ceremonial flagpole is not intended to serve as a forum for free expression by the public.

Ceremonial flags displayed on the ceremonial flagpole at the Education Support and Services Center may not exceed three feet in height and five feet in length. No more than two ceremonial flags will be displayed on the ceremonial flagpole at any one time. The flag associated with the earlier submitted application shall be placed above the flag associated with the later submitted application, unless such placement violates any law or regulation. In the event such placement would violate any law or regulation, the placement order shall be reversed or other action shall be taken to ensure compliance with the law or regulation. Ceremonial flags will be displayed for not less than one day and no more than one calendar month at a time and will be raised, lowered, and maintained by District staff.

Any individual or entity who seeks to display a ceremonial flag shall submit an application to the Superintendent or designee no later than thirty days prior to the display of the flag. The Superintendent or designee shall develop an application for this purpose. The Superintendent or designee will approve applications for flags that have a direct educational significance or purpose; promote positive student educational outcomes; represent the diversity and history of our community; embrace inclusivity and the diversity of our students and staff; and are consistent with the District's shared vision and shared values. community;

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**CEREMONIES AND OBSERVANCES** (continued)

The Superintendent or designee shall not approve for display any flag which includes and/or promotes the following:

1. Crude, vulgar, obscene, sexually explicit, or sexually suggestive content
2. Alcohol, drugs, tobacco
3. Violence, hate speech, and/or fighting words
4. Defamation
5. Illegal activity(ies)
6. Discrimination and/or prejudice against any protected categories including those described in Education Code section 220
7. Support or defeat of any ballot measure or candidate unless authorized by Education Code section 7054
8. Content that is reasonably likely to cause substantial disruption and/or materially interfere with any District and/or Education Support and Services Center programs and/or activities

The Board of Education recognizes that the law changes from time to time concerning items that may or may not be displayed on the above-mentioned ceremonial flagpole. The Superintendent or designee shall deny any application to display a flag that is not identified in the above-noted list, but would conflict with any current law(s) and/or other requirements.

The Superintendent or designee may deny applications that seek to display flags when the flagpole is occupied by two flags for some or all of the time requested in those applications. The Superintendent's and/or designee's approval of an application for a certain flag on one occasion does not necessarily require the Superintendent or designee to approve an application associated with the same flag on any other occasion. The Superintendent's or designee's decision shall be final and not subject to appeal.

If approved, the District will notify the applicant of the approval and the applicant will be required to deliver the generally accepted flag for the represented group no later than 24 hours prior to the first date when that flag will be displayed. Applicants are encouraged to furnish flags suited for all weather, including unfavorable weather conditions. Flags that are or become damaged will not be displayed by the District and the applicant will forfeit any and all remaining display days. Flags delivered to the District shall become property of the District and will not be returned to the applicant.

Legal Reference:

EDUCATION CODE

7054 – Political Activities of School Officers and Employees

37220-37223 Saturdays and holidays

45203 Paid holidays

45460 Classified employee week

52720 Daily performance of patriotic exercises in public schools

Board of Education v. Barnette, 319 U.S. 624

Banks v. Board of Public Instruction, 314 F. Supp. 285

Hanover v. Northrup, 325 F. Supp. 170

Policy

Adopted: 11/13/90

Adopted: 08/09/23

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

Chula Vista, California