



SECTION III: STUDENT POLICIES 3400

American Flag and Pledge of Allegiance Policy

The Board of Education (“Board”) of the Oklahoma Virtual Charter Academy (“School”) hereby adopts this American flag and pledge of allegiance policy to ensure students may exercise and express their freedom, democracy, and love for our country. The Board adopts this policy in recognition of the significance of the American flag and the Pledge of Allegiance in the educational environment. The Board acknowledges that the flag represents the enduring values that our nation was built upon, and the Pledge of Allegiance serves as a reminder of our shared commitment to those principles. The Board seeks to ensure that these symbols are incorporated into the School not only to respect our heritage but also to instill a sense of patriotism and civic duty in students. To uphold these values and to comply with state laws, the Board hereby adopts this policy.

It is the policy of the Board that the U.S. flag, as defined in 4 U.S.C. §§ 1 and 2, may be flown and displayed on the School campus without infringement. This policy is intended to promote the respectful presentation of the flag, ensuring it is treated with the honor it deserves. Furthermore, every student shall be allowed to display the flag of the United States of America as the U.S. flag is defined under 4 U.S.C. §§ 1 and 2. The Supreme Court of the United States (“SCOTUS”), in 1969, stated:

“First Amendment rights, applied in light of the special characteristics of the school environment, are available to teachers and students. It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 506 (1969). “In our system, state-operated schools may not be enclaves of totalitarianism. School officials do not possess absolute authority over their students. Students in school as well as out of school are ‘persons’ under our Constitution. They are possessed of fundamental rights which the State must respect, just as they themselves must respect their obligations to the State. In our system, students may not be regarded as closed-circuit recipients of only that which the State chooses to communicate. They may not be confined to the expression of those sentiments that are officially approved. In the absence of a specific showing of constitutionally valid reasons to regulate their speech, students are entitled to freedom of expression of their views.” *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 511 (1969).

The Board directs the Head of School to ensure that the right to display the American flag shall not be limited or infringed upon in any classroom, any building, at any event, or on any uniform of the School. Additionally, the Board directs the Head of School to ensure that the School owns a suitable flag of the United States of America with staff or flagpole for every School site and cause the flag to be displayed during every School day either from a flagstaff or pole, within the School building. The Board further directs the Head of School to ensure instruction in the history and etiquette relating to the United States Flag is given in one or more grades in the School.

The Board acknowledges that it is mindful of the provisions and requirements of Title 21 O.S. § 372, which provides: "A. Any person who shall contemptuously or maliciously tear down, burn, trample upon, mutilate, deface, defile, defy, treat with indignity, wantonly destroy, or cast contempt, either by word or act, upon any flag, standard, colors or ensign of the United States of America, shall be guilty of a felony. B. The word 'defile' as used in this section shall include public conduct which brings shame or disgrace upon any flag of the United States by its use for unpatriotic or profane purpose. C. The terms 'flag', 'standard', 'colors', or 'ensign' of the United States as used in this section shall include any picture, representation or part thereof which an average person would believe, upon seeing and without deliberation, to represent the flag, standard, colors or ensign of the United States of America." As provided for by applicable law and this policy, any violation on School grounds shall be referred to the appropriate law enforcement and applicable disciplinary action will be taken by the School.

It is the further policy of the Board and in accordance with state law, that the School will lead its students in reciting the Pledge of Allegiance at least once a week. This policy is intended to develop the practice of reciting the pledge as a means of fostering a sense of national pride and respect for the country's ideals among students. Students attending the School are authorized to recite, at the beginning of each school day, the pledge of allegiance to the flag of the United States of America as enumerated at 36 U.S.C., Section 172; however, students shall recite the pledge of allegiance to the flag of the United States of America once every school week. Each student shall be informed by the School by a posting of a notice in a conspicuous place that students not wishing to participate in the pledge shall not be required to do so.

The Board directs the Head of School to submit a report detailing the School's policies regarding the display of the U.S. flag and the weekly recitation of the Pledge of Allegiance as may be required by the Oklahoma State Department of Education. The Board directs the Head of School to ensure that specific measures are implemented to ensure compliance with this policy and to implement measures to ensure these practices are being integrated into the school culture.

Legal Authority: 25 O.S. §153
70 O.S. §24-106
21 O.S. §372