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Memorandum

To: All principals
From: Zone Executive Directors
cc: Charles A. Ruggiero, Esq., Deputy City Solicitor
Date: 01/11/2017
Re: The Pledge of Allegiance and Student Rights

It has come to our attention that there has been some controversy recently regarding the performance of the Pledge of Allegiance. This memorandum is provided to you to clarify students' rights, and you are directed to share this information with your staff immediately.

The right to refrain from participating in the Pledge of Allegiance is long-established. The US Supreme Court and Rhode Island courts have affirmed this right on multiple occasions, and Rhode Island General Law §16-22-11 states, in its entirety:

(a) All public schools, commencing with preprimary school through and including high school, shall commence each day with the following pledge:

"I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all."

(b) Any person not wishing to participate in the "pledge of allegiance" is exempt from participation and need not participate in the pledge.

This is an unequivocal statement that no one may be forced to participate in the performance of the Pledge. Additionally, no member of a school community has an obligation to justify his or her refusal to participate, nor does any school or District official have the right to decide what constitutes sufficient justification for an individual's choice not to participate.

To be clear: students absolutely have the right to remain seated or silent during the Pledge. No one should question a student who chooses not to participate, and no student should be asked to justify his or her decision. Teachers who object to this need to be counseled immediately that they must (1) respect state and federal law, (2) allow students to remain seated and/or silent should they not wish to participate, (3) refrain from asking students to justify their choice, and (4) refrain from any actions that could be perceived as retaliation against any student who does not choose to participate in the Pledge. Such counseling should be appropriately documented.

Staff who refuse to honor students' right not to participate in the Pledge may be disciplined, both for insubordination and for violating students' rights.

Any questions regarding this memo should be directed to Human Resources.