

THE
ROGER
BALDWIN
FOUNDATION
OF ACLU,
INC.

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Principal Reid Shipley
2100 East Calumet Street
Centralia, IL 62801
FAX: (618) 532-8952

Dear Principal Shipley:

We have received a complaint from a member of the Centralia community that Centralia High School has a policy requiring students to stand during the Pledge of Allegiance and the National Anthem. *See* Att. A (Centralia High School Handbook). The policy states:

Students are required to stand during the *Pledge of Allegiance* and *National Anthem* while at school. Students are not required to say the pledge or place their hand over their heart. Students causing a disruption, a distraction, or refusing to stand for Pledge or Anthem will be dealt with according to the discipline policy. Att. A (emphasis in original).

This policy violates the First Amendment and we urge you to revise it.

The First Amendment protects the right of public school students not to participate in the Pledge of Allegiance. *West Virginia Bd. of Educ. v. Barnette*, 319 U.S. 624 (1943). As the Supreme Court expressed 60 years ago: “The action of the local authorities in compelling the flag salute and transcends constitutional limitations on their power and invades the sphere of intellect and spirit which it is the purpose of the First Amendment to our Constitution to reserve from all official control.” *Id.* at 642. Thus, the Seventh Circuit has interpreted Illinois’ Pledge-in-school statute to allow students not to participate in the Pledge, and has reaffirmed that *Barnette* protects the rights of pupils not to participate in the Pledge. *Sherman v. Community Consol. Sch. Dist. 21 of Wheeling Township*, 980 F.2d 437, 442 (7th Cir. 1992).

The right not to participate in the Pledge extends to the right not to stand during its recitation. *Lipp v. Morris*, 579 F.2d 834, 836 (3rd Cir. 1978) (striking down a state statute that required public school students to stand at attention during the recitation of the Pledge). A standing mandate “is an unconstitutional requirement that the student engage in a form of speech.” *Id.* at 836.

It also bears emphasis that the right not to participate in the Pledge extends to the right not to be forced to exit the room during its recitation. *Goetz v. Ansell*, 477 F.2d 636 (2d Cir. 1973) (holding that public school may not require students to stand silently during the Pledge or leave the room); *accord Frain v. Baron*, 307 F. Supp. 27, 33-34 (E.D.N.Y. 1969). *See also Sherman*, 980 F.2d at 443 (in upholding the Illinois Pledge-in-school statute, emphasizing the fact that the school in question did not require students who refused to recite the Pledge “to leave the room while others recite”). Requiring a student to leave the classroom during the Pledge may reasonably be viewed as punishment for non-participation in the Pledge. *Goetz*, 477 F.2d at 638. Such banishment in front of one’s peers is stigmatizing. A student should not be singled out and punished for exercising his or her right not to participate in the Pledge.

Centralia High School should adopt, and distribute to teachers, a policy clearly stating that students should be permitted to remain seated quietly at their desks while their classmates stand and recite the Pledge of Allegiance. At a minimum, it should withdraw the current policy, which explicitly states that students “are required to stand during the Pledge of Allegiance and the National Anthem,” and that refusal to do so is grounds for discipline.

By February 19, please advise me in writing of your position regarding the foregoing. If you have any questions or would like to discuss this matter, please do not hesitate to call me at (312) 201-9740 x325.

Sincerely,



Karen Sheley

cc: Chuck Lane, Superintendent of Schools
Keith Kessler, President of the School Board

ATTACHMENT A



Centralia High School

2009/2010

Home of the Orphans/Annies
Centralia High School District #200
2100 East Calumet
Centralia, IL 62801

Chuck Lane, Superintendent
Reid Shipley, Principal
Julie Boltz, Assistant Principal
Brad Tuttle, Assistant Principal

WEB ADDRESS: www.centraliahhs.org

Property of: _____

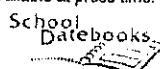
Address: _____

Phone #: _____

In case of emergency, please notify:

Name: _____ Phone #: _____

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kind (including aspirin, or aspirin substitutes such as Tylenol) in any school buildings during the school day. Each student having or possessing any prescribed medication shall, as soon as possible after entry into any school building, immediately deliver the medication to the health office, which shall retain the medication during the school day, monitor and observe the self-administration of the medication.

MOVING ABOUT THE CAMPUS/USE OF PASSES:

Anytime it becomes necessary for you to be somewhere other than your assigned class, you will be required to carry a pass issued and signed by a teacher or be subject to disciplinary action.

PESTICIDES MANAGEMENT POLICY:

CHS has an Integrated Pest Management Policy which incorporates building maintenance, sanitation, physical barriers and, as a last resort, the safest and most effective means of pesticide. This policy complies with the law passed in 1999 requiring that public schools notify parents at least 48 hours prior to the application of pesticides on school property. Excluded from this notification requirement are disinfectants, sanitizers, and insecticide and rodenticide baits. Although we have no intention of spraying or fogging with pesticides during the school day when students are in attendance, we are creating a voluntary registration. Contact the school office if you are asking to be notified two days before an airborne pesticide application. In the event of an extreme emergency where pesticides must be used immediately, we will notify you as soon as possible.

PHYSICAL EDUCATION UNIFORMS:

Each student is required to have a standardized physical education uniform. The uniform may be purchased in the physical education department at the beginning of each semester or the Main Office at a cost of \$16.00 (\$8.00 for shirt and \$8.00 for shorts.)

PLEDGE OF ALLEGIANCE/NATIONAL ANTHEM:

Students are required to stand during the *Pledge of Allegiance* and *National Anthem* while at school. Students are **not** required to say the pledge or place their hand over their heart. Students causing a disruption, a distraction, or refusing to stand for Pledge or Anthem will be dealt with according to the discipline policy.

RECIPROCAL REPORTING WITH LAW ENFORCEMENT:

Illinois School Code requires a reciprocal reporting system between law enforcement agencies and schools. Therefore, it is the policy of Centralia High School to share information regarding illegal or controlled substances, weapons, gang activity, serious crime or felony, or any information that might be beneficial with local law enforcement agencies. Information will be shared only to designated representatives of those agencies whose knowledge of such information is necessary to carry out the purposes of this policy.

SCHOOL DAY:

The normal school day consists of seven class periods plus lunch. Senior and junior students may elect to take one study hall period per year. Seniors may be excused from classes for purposes of work if they have earned sufficient credit and with the approval of the principal.

SECURITY CAMERAS:

One facet of our school safety plan has been the installation of closed circuit cameras both inside and outside our school building. These cameras allow us to monitor our campus and parking lots.

SORORITIES/FRATERNITIES/SECRET SOCIETY:

Centralia High School, in accordance with article 31 of the Illinois School Code, does not recognize fraternities, sororities or secret societies which are compiled wholly, or in part, of public school pupils, and which seek to perpetuate itself by taking in additional members from the pupils enrolled in such school on the basis on the decision of its membership rather than upon the free choice of any pupil. It is prohibited for an outside sorority/fraternity/secret society to promulgate itself by utilizing any school day or any special school function (dances, athletic events, etc.) for membership drives, initiation rites, advertising their special events or fund raising promotions.

SPECIAL EDUCATION SERVICES:

Any referral for an evaluation to determine eligibility for special education services must be made in writing by the student themselves, their parents or school personnel. Written referrals should be given to the administration or the student's counselor. With parental consent the evaluation will be carried out