



SYNOPSIS:

This bill would propose an amendment to the Constitution of Alabama of 2022, relating to public K-12 schools, to require each local board of education to adopt a policy requiring that The Pledge of Allegiance be conducted to the United States flag at the commencement of each school day in each public K-12 school.

This bill would require each local board of education, within 90 days of the ratification of this amendment, to vote whether to adopt a policy allowing employees and students to voluntarily participate in a daily prayer and reading of the Bible or other religious text and would provide for the submission of a consent form to participate.

This bill would prohibit the prayer and reading from being conducted as a substitute for instructional time or in the presence of any individual who has not consented to participate.

This bill would authorize violations of this amendment to be reported to the State Superintendent of Education and for investigation by the State Department of Education.

This bill would require the State Superintendent, upon the determination that a local



board of education or public school has shown a continued pattern of intentional refusal to conduct The Pledge of Allegiance in accordance with this amendment, to withhold 25 percent of state funding allocated to the offending local board of education.

This bill would require the State Superintendent, upon the determination that a local board of education has failed to hold a timely vote on whether to authorize the policy relating to prayer and reading of the Bible or other religious text to withhold 25 percent of state funding allocated to the offending local board of education.

This bill would also authorize the Legislature to further reduce the funding to a local board of education following continued violations.

A BILL  
TO BE ENTITLED  
AN ACT

Proposing an amendment to the Constitution of Alabama of 2022, to require local boards of education to adopt policies requiring each public K-12 school to recite The Pledge of Allegiance to the United States flag; to require each local board of education to vote on whether to adopt a policy allowing employees and students to voluntarily participate in daily prayer and a reading of the Bible or



other religious text, provided the prayer and reading meets certain requirements; to provide individuals the opportunity to consent before participating; to provide for the report and investigation of violations; to require the State Superintendent of Education to withhold state funding allocated to certain offending local boards of education; and to authorize the Legislature to further reduce funding upon continued violations.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 2022, is proposed:

PROPOSED AMENDMENT

(a) (1) Each local board of education shall adopt a policy requiring each public K-12 school under its jurisdiction, at the commencement of the first class each school day, to conduct The Pledge of Allegiance to the United States flag and give all students the opportunity to voluntarily recite The Pledge of Allegiance to the United States flag.

(2) Violations of this subsection may be reported to the local superintendent of education. The local superintendent of education shall review the violation. If the local superintendent of education determines the report is founded and the violation is not resolved, he or she shall report the violation to the State Superintendent of Education, who shall conduct an investigation. If the State Superintendent of Education, based on the results of the investigation, determines that a local board of education or



any school under that local board's jurisdiction has shown a continued pattern of intentional refusal to comply with this subsection, the State Superintendent of Education shall withhold 25 percent of the state funding allocated to that local board of education for the following fiscal year. If the local board of education or any school under that board's jurisdiction continues to violate this section, the Legislature shall provide for further reduction of funding to the local board of education in the annual appropriation of education funds.

(b) (1) No later than 90 days after the ratification of this amendment, each local board of education shall vote whether to adopt a policy requiring each public K-12 school under its jurisdiction to provide students and employees with an opportunity to participate in a period of prayer and reading of the Bible or other religious text on each school day. A policy adopted pursuant to this subsection shall reflect all of the following:

a. Prohibit a student or employee of the local board of education from being permitted to participate in the period of prayer and reading of the Bible or other religious text unless the employee or parent or guardian of the student submits a signed consent form to the local board of education that includes all of the following:

1. An acknowledgment that the student or employee has a choice as to whether to participate in the period of prayer and reading of the Bible or other religious text.

2. A statement that the individual has no objection to



the student's or employee's participation in or hearing of the prayer or readings offered during the period.

3. An express waiver of the individual's right to bring a claim under state or federal law arising out of the adoption of a policy under this section, including a claim under the Establishment Clause of the First Amendment to the United States Constitution or a related state or federal law, releasing the local board of education, public K-12 school, and school employees from liability for those claims.

b. Prohibit the provision of a prayer or reading of the Bible or other religious text over a public address system.

c. Specify that a period of a prayer or reading of the Bible or other religious text may not be a substitute for instructional time. In order to comply with this paragraph, the policy may require the period of prayer and reading of the Bible or other religious text be provided as follows:

1. Before normal school hours.

2. Only in classrooms or other areas in which a consent form under paragraph a. has been submitted for every employee and student.

3. By any other method recommended by the Attorney General or legal counsel of the local board of education.

d. Include provisions ensuring a prayer or reading of the Bible or other religious text is not provided in the physical presence of, within the hearing of, or in another manner which would constitute an injury in fact on an individual for whom a signed consent form has not been submitted under paragraph a. or revoked under paragraph e.



141           e. An employee or parent or guardian of a student may  
142   revoke the individual's consent provided in paragraph a. by  
143   informing the appropriate school administrator, as determined  
144   by the local board of education. An employee or student for  
145   whom consent has been revoked under this paragraph: (i) may  
146   not participate in the period of prayer and reading of the  
147   Bible or other religious text until the employee or parent or  
148   guardian of the student submits a new consent form to the  
149   local board of education; and (ii) remains bound by the waiver  
150   described in the consent form.

151           (2) If a local board of education fails to hold the  
152   vote as required by subdivision (1), the failure may be  
153   reported to the State Superintendent of Education. Upon the  
154   receipt of a reported failure, the State Superintendent of  
155   Education shall investigate the reported violation and if he  
156   or she determines, based on the results of the investigation,  
157   that a local board of education failed to hold the vote as  
158   required by subdivision (1), the State Superintendent of  
159   Education shall provide the local board of education with an  
160   opportunity to hold a vote within 90 days. If after 90 days  
161   the local board of education continues to be noncompliant, the  
162   State Superintendent of Education shall withhold 25 percent of  
163   the state funding allocated to that local board of education  
164   for the following fiscal year. If the local board of education  
165   continues to refuse to hold the vote required by subdivision  
166   (1), the Legislature shall provide for further reduction of  
167   funding to the local board of education in the annual  
168   appropriation of education funds.



Upon ratification of this constitutional amendment, the Code Commissioner shall number and place this amendment as appropriate in the constitution omitting this instructional paragraph and may make the following nonsubstantive revisions: change capitalization, hierarchy, spelling, and punctuation for purposes of style and uniformity; correct manifest grammatical, clerical, and typographical errors; revise internal or external citations and cross-references; harmonize language; and translate effective dates.

END OF PROPOSED AMENDMENT

Section 2. An election upon the proposed amendment shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 2022, and the election laws of this state. The appropriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment:

"Proposing an amendment to the Constitution of Alabama of 2022, to require local boards of education to adopt policies requiring each public K-12 school to recite The Pledge of Allegiance to the United States of America at the commencement of the first class each school day; to require local boards of education to vote whether to adopt policies allowing consenting employees and students with consent from their parent or guardian to participate in daily prayer and a reading of the Bible or other religious text; to prohibit the daily prayer or reading of the Bible or other religious text



197 from substituting for instructional time or being held in the  
198 presence of individuals who have not consented to participate;  
199 and to provide a mechanism for the withholding of funds from  
200 local boards of education that fail to adhere to this  
201 amendment.

202 Proposed by Act \_\_\_\_."

203 This description shall be followed by the following  
204 language:

205 "Yes( ) No( )."

206 Section 3. The proposed amendment shall become valid as  
207 a part of the Constitution of Alabama of 2022, when approved  
208 by a majority of the qualified electors voting thereon.