



**House Education Policy Reported Substitute for
HB43**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 a devotion, provided the prayer and reading meets certain requirements; to provide for the report and investigation of violations; to require the State Superintendent of Education to withhold administrative 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



House Education Policy Reported Substitute for HB43

29 school day, to conduct The Pledge of Allegiance to the United
30 States flag and give all students the opportunity to
31 voluntarily recite The Pledge of Allegiance to the United
32 States flag.

33 (2) Violations of this subsection may be reported to
34 the local superintendent of education. The local
35 superintendent of education shall review the violation. If the
36 local superintendent of education determines the report is
37 founded and the violation is not resolved, he or she shall
38 report the violation to the State Superintendent of Education,
39 who shall conduct an investigation. If the State
40 Superintendent of Education, based on the results of the
41 investigation, determines that a local board of education or
42 any school under that local board's jurisdiction has shown a
43 continued pattern of intentional refusal to comply with this
44 subsection, the State Superintendent of Education shall
45 withhold up to 12.5 percent of the administrative state
46 funding allocated to that local board of education for the
47 following fiscal year, as provided in subsection (c). If the
48 local board of education or any school under that board's
49 jurisdiction continues to violate this section, the
50 Legislature shall provide for further reduction of funding to
51 the local board of education in the annual appropriation of
52 education funds.

53 (b) (1) No later than 90 days after the ratification of
54 this amendment, each local board of education shall vote
55 whether to adopt a policy requiring each public K-12 school
56 under its jurisdiction to provide students and employees with



House Education Policy Reported Substitute for HB43

57 an opportunity to participate in a period of prayer and
58 reading of a devotion on each school day. A policy adopted
59 pursuant to this subsection shall reflect all of the
60 following:

61 a. Prohibit the provision of a prayer or reading of a
62 devotion over a public address system.

63 b. Specify that a period of prayer or a reading of a
64 devotion may not be a substitute for instructional time. In
65 order to comply with this paragraph, the local board of
66 education shall designate a place and time for employees and
67 students to meet for the prayer and reading of a devotion. The
68 meeting may be before normal school hours.

69 (2) If a local board of education fails to hold the
70 vote as required by subdivision (1), the failure may be
71 reported to the State Superintendent of Education. Upon the
72 receipt of a reported failure, the State Superintendent of
73 Education shall investigate the reported violation and if he
74 or she determines, based on the results of the investigation,
75 that a local board of education failed to hold the vote as
76 required by subdivision (1), the State Superintendent of
77 Education shall provide the local board of education with an
78 opportunity to hold a vote within 90 days. If after 90 days
79 the local board of education continues to be noncompliant, the
80 State Superintendent of Education shall withhold 12.5 percent
81 of the administrative state funding allocated to that local
82 board of education for the following fiscal year, as provided
83 in subsection (c). If the local board of education continues
84 to refuse to hold the vote required by subdivision (1), the



House Education Policy Reported Substitute for HB43

85 Legislature shall provide for further reduction of funding to
86 the local board of education in the annual appropriation of
87 education funds.

88 (c) (1) In withholding funds pursuant to this section,
89 the State Superintendent and the Legislature may withhold only
90 those funds allocated for administrative or central office
91 expenditures. No funds allocated for teacher salaries,
92 classroom materials, transportation, or special education
93 services may be withheld under this section.

94 (2) Any funds withheld under this section may be
95 released to the applicable local board of education upon
96 verification by the State Superintendent of Education that the
97 local board of education has come into compliance with this
98 section.

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

108 END OF PROPOSED AMENDMENT

109 Section 2. An election upon the proposed amendment
110 shall be held in accordance with Sections 284 and 285 of the
111 Constitution of Alabama of 2022, and the election laws of this
112 state. The appropriate election official shall assign a ballot



House Education Policy Reported Substitute for HB43

113 number for the proposed constitutional amendment on the
114 election ballot and shall set forth the following description
115 of the substance or subject matter of the proposed
116 constitutional amendment:

117 "Proposing an amendment to the Constitution of Alabama
118 of 2022, to require local boards of education to adopt
119 policies requiring each public K-12 school to recite The
120 Pledge of Allegiance to the United States of America at the
121 commencement of the first class each school day; to require
122 local boards of education to vote whether to adopt policies
123 allowing employees and students to participate in daily prayer
124 and a reading of a devotion; to prohibit the daily prayer or
125 reading of a devotion from substituting for instructional
126 time; and to provide a mechanism for the withholding of funds
127 from local boards of education that fail to adhere to this
128 amendment.

129 Proposed by Act ____."

130 This description shall be followed by the following
131 language:

132 "Yes() No()."

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