

# Flag Display Policy

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*(Background Information for Policy Review Committee)*

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School districts and municipalities across the country have had to respond to requests to fly such flags as the Black Lives Matter or the rainbow gay pride flag on school and town flagpoles. The requests or the actual flying of such flags have led, in many places, to lengthy community discussions and some community divisiveness. Students have also become involved in what often has been a contentious discussion. The situation has caused districts to take a pause on raising different flags and such action has caused consternation and also multiple requests for a variety of flags to be flown. This is an important and sensitive issue.

In the absence of policy direction and amid the debate, many districts are refusing to fly any flags other than the U.S. and State flags. Flag-raising rule changes are being evaluated in civic circles across the country; in some cases, for the first time ever.

Often the approval or disapproval to fly such flags has been made without the existence of a comprehensive policy regarding flag raising at district schools or at municipal buildings. Lawsuits have been threatened when flag requests were either approved or disapproved. Some districts across the nation have denied the proposal to fly these flags because of the worry about the precedent that would be set, especially in the absence of a policy upon which to base a decision.

Some have supported the flying of other flags as reflective of the diversity of the local community and the board's support of it. It could be voiced that the flying of these flags could be a public statement of the district's values; an indication of the district's current thinking and where it is trying to go.

However, other board members have indicated that once you permit such flags to be flown, it would be difficult to say no to other groups. Other mechanisms, such as a proclamation or program, some have suggested, could be used to indicate local board support or recognition of such issues. Some counter, however, that a more visible stance is necessary. Some believe flying the rainbow flag or Black Lives Matter flag is aligned with the effort for diversity, equity and inclusion. Also to be considered and cited are the inclusivity and equity policies adopted by the district.

Another argument presented is that such flags, listed in this narrative, are politically-oriented flags. A Utah district has indicated that its policy is designed to keep its classrooms politically neutral by prohibiting Black Lives Matter, rainbow, Make America Great Again and other similar flags from being displayed in and at school. Others counter that some flags, such as the rainbow flag, do not belong on a political list.

The need exists for board of education discussion on this issue and the crafting of a policy that is broadly applicable when requests are made by students and adults alike to fly a particular flag on school property. The discussion must provide an opportunity for student and community input and careful scrutiny of applicable laws and community beliefs and concerns.

To some the flying of a gay pride flag indicates respect for the LGBTQ community, representing the hope of acceptance and equality. The flying of the Black Lives Matter flag to some represents heritage and a belief that all students matter and that it represents a symbol of hope and safety for some students.

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What must be considered is the issue of freedom of expression and First Amendment rights. In the school setting, it is important to consider the concept of viewpoint neutrality.

## Legal Perspective

C.G.S. 10-230 mandates that boards of education provide a U.S. flag for each classroom and shall cause such flag to be displayed therein during each day school is in session. Further, each school building is required to display a flag on the school grounds each school day as well when the weather will permit and on the inside of the schoolhouse on other school days. Connecticut law is silent on the flying of other flags.

The U.S. Flag Code, a joint resolution passed by Congress on June 22, 1942 and later amended on December 22, 1942, specifies that the U.S. flag should be displayed at every public institution and in or near every polling place on election days, and in schoolhouses during school days. The Code indicates that in the United States, no other flag should be placed above the American flag or, if they are to be placed at the same level to the right of the American flag. When flags of states, cities, etc. are flown on the same halyard, the American flag should be at the peak.

When the flags are flown from adjacent staffs, the flag of the United States should be hoisted first and lowered last. No such flag or pennant may be placed above the flag of the United States or to the United States flag's right.

These rules were set to make sure the American flag is in a position of prominence over other flags. The flag represents the people and the people are highest authority. The American flag is even displayed above church flags, except in rare circumstances.

The flags that commonly fly below the American flag include state and town/city flags or a POW flag.

Potential First Amendment implications are cited about flying a variety of flags on school district property. If the school district approves the request, for example, to fly a Pride flag, the district's flagpole would be opened up as a forum for public speech and the district would be forced to approve other similar requests, this could result in the flying of some which the district may not want displayed, because once a forum is public, viewpoints cannot be discriminated against, no matter how odious or repulsive.

The First Amendment doesn't just apply to individual free speech rights. Governmental agencies also have free speech rights, including what speech it wants to support as an entity. This often materializes in cases such as government bodies choosing what kind of monuments or public art they allow on their properties, but could also apply to the types of flags flown on a flagpole. An example of this is that President Biden has approved U.S. embassies flying the Pride flag and Governor Whitmer (Michigan) was the first governor to fly a rainbow flag on an official state building in 2019.

There have been some courts around the country that have held that LGBTQ issues to be political speech and therefore cannot be expressed through clothing or other means, such as the display of the Pride flag. Others have held that signage that is displayed on district property is, or becomes political in nature and must be removed. Such individuals see this as partisan political activity.

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## Issue of Viewpoint Neutrality and Public Forums

The level of control over what flags may be flown at district flagpoles and at ground level ceremonies will depend on what type of “forum” these locations represent.

The First Amendment does not dictate that a governmental agency must allow speech equally in all places and at all times (*Cornelius v. NACCP Legal Def. & Educ. Fund* (1985) 473 U.S. 788). The U.S. Supreme Court and Federal Circuit Courts have adopted a “forum analysis” which prescribes how and when a governmental body may regulate speech. Those various forums include the following:

- *Traditional Public Forum* – The authority to restrict speech of private citizens is most limited. Such speech may be restricted only to “serve a compelling state interest.” Few restrictions pass this test. A sidewalk, street or park are considered public forums; a government office building, prison or military base are not.
- *Designated Public Forum* – A governmental agency may create such a forum by designating particular property for public speech. A school district’s flagpole can be designated a public forum. The courts have held that flags flown at public buildings constitute a form of government speech insulated from First Amendment review.
- *Nonpublic Forum* – This is a space that is not by tradition or designation a forum for free speech by private citizens. This includes city/town buildings, district newsletters/websites etc. In this space, governmental restrictions are permitted if they are “reasonable,” and “not an effort to suppress the speaker’s activity due to disagreement with the speaker’s view.” This provides the widest latitude to regulate speech, including control over content.
- *Limited Public Forum* – this is an otherwise nonpublic forum that the governmental agency has intentionally opened only to certain groups or for the discussion of certain topics. It is possible to regulate such expression provided it is reasonable and does not target one viewpoint on a particular issue over another. It is a violation of the First Amendment to allow certain flags while excluding others.

When a school district opens its flagpoles to flying flags other than the U.S. flag, state flag, city/town flags or the POW flag, it creates a “limited public forum.” In a “limited public forum” the district cannot prohibit speech based on the viewpoint it represents without violating the First Amendment.

However, a policy could be enacted in which the flag displays would be limited to the Flags of the United States, State of Connecticut, the city/town flag and any other flags the district authorizes to display in its policy. This means a non-public forum is created. The Government Speech Doctrine, defined by the U.S. Supreme Court establishes that a government agency may advance its own expression without requiring viewpoint neutrality when the government itself is the speaker, so long as its expression does not show religious preference or encourage a certain vote in an election.

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On May 2, 2022, the U.S. Supreme Court decided a case, *Shurtleff v. City of Boston*, on the use of flagpoles on government property. The ruling indicates flagpoles under government control are not automatically considered government speech. Whether a flagpole on government property will be considered government speech needs to be determined on a case by case basis.

In the opinion, the Court asserts, “In answering these questions, we conduct a holistic inquiry designed to determine whether the government intends to speak for itself or to regulate private expression.” Such factors as, the history of the expression of concern, the public’s likely perception as to who is speaking, and the extent to which the government has actively shaped or controlled the expression need to be considered before determining flagpole use.

The case has implications for public school districts, in that a district’s own policies and procedures for use of its flagpoles will be important factors in determination as to whether the flags a district flies will be considered government speech.

## Policy Implications

This is a complex issue. The adoption of a flag policy will help to clarify practices to be followed for the display of flags on school district property and also provide a procedure for the display of commemorative flags as may be authorized by the municipality as an expression of its official sentiments.

It is possible for the district to take the position that its flagpoles are not intended to serve as a public forum for free expression by the public or create a limited public forum in which an approval process would be utilized to consider the flying of flags.

A new policy, #6115.3, “Flag (Display) Policy”, has been developed. There are several versions representing various positions which a local district may want to take on this issue. In addition, there are two sample administrative regulations. These materials follow for your consideration.

This is considered an optional policy for inclusion in a district’s policy manual at this time.

January 2022

Revised February 2023

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*CABE's policy on this topic to consider.*

## **Instruction**

### **School Ceremonies and Observances**

#### **Flag (Display) Policy (Version #1)**

It is the policy and intent of the \_\_\_\_\_ School District (District) that the display of national, state and other flags of institutional significance at District schools shall be in accordance with all applicable federal and state law, policy of the District, and proclamations by the President of the United States, the Governor of Connecticut, the \_\_\_\_\_ Board of Education (Board) and the Superintendent or any other school official designated in this policy.

**OR**

All flags shall fly in accord with the standards of the United States Code, Title 4. All other flags shall be displayed in accord with applicable state and federal law.

All the flag poles owned by the District are under the control and management of the District. It is impermissible to fly any flag without the approval of the Board or its designee as set forth herein. The flying of flags representing an entity other than the United States of America, the State of Connecticut, the Town/City, or the District (whether a District flag or the flag of an individual school) shall be governed by the procedures and guidelines for approval outlined herein.

**OR**

There is a distinction between government speech and private speech. District flagpoles are a form of government speech, under the control and management of the District. It is impermissible to fly any flag without the approval of the Board, with the exception of the flags of the United States of America, the State of Connecticut, the flag of the town/city, District flag, school flag, or the POW/MIA flag.

The Board is not obligated to approve any flag requests. Requests that meet the guidelines outlined below are not guaranteed approval by the Board because flag requests are suggestions for Board consideration. This policy determines how these suggestions are to be proposed. The guidelines outlined in this policy establish minimum standards for a flag request to be considered by the Board; but the Board has the right to apply other standards beyond the minimum at its discretion.

#### **Procedures**

Requests to display flags shall apply to all District schools.

It is the Board's intent that, in most instances, the Principal shall be able to decide whether a particular flag shall be displayed at his/her respective school.

## **Instruction**

### **School Ceremonies and Observances**

#### **Flag (Display) Policy (Version #1) (continued)**

#### **Guidelines**

The following criteria are included as part of the decision-making procedure and process:

1. Only requests from officially organized/recognized student groups or District stakeholders will be considered (when there is sufficient reason to believe that such messaging via the flag pole will promote student well-being).
2. Requests must be aligned with the District mission, goals, values and student learning outcomes.
3. The Board may determine to raise any flags which clearly support a stated District goal, current academic endeavors or programs, or curriculum or courses of study.
4. The timeframe for flying a flag requested hereunder shall be consecutive and for no longer than twenty (20) days in which school is in session (or thirty calendar days).
5. A flag that is approved and displayed shall not be eligible to be displayed again for one (1) calendar year from the date in which it is first raised. This guideline may be waived in special circumstances.
6. A petition or other form of evidence of student support within the school may be required.
7. Previously approved flag requests may be renewed by the Board in subsequent years without new evidence of student support.
8. The flag requested to be flown shall be presented, it shall be of professional quality and shall be smaller than the United States flag and the State of Connecticut flag on display at the same location(s).
9. Excluding the United States and Connecticut flags, only two flags at a time may be approved by the Board to be raised. Preference shall be based upon when a request is received by District administration.
10. If placed upon any official district halyard or flag pole no more than two (2) flags shall fly below the United States flag and if one of them is the Connecticut State flag or a recognized local government flag, such shall take the spot on the halyard or flagpole immediately below the U.S. flag (or otherwise in accord with SAID Article 4 or applicable law).

## **Instruction**

### **School Ceremonies and Observances**

#### **Flag (Display) Policy (Version #1)**

##### **Guidelines** (continued)

11. Requests will be submitted to the Board via placement on the agenda of a Board regular or special meeting and discussed and acted upon in open session.
12. The Board reserves the right to evaluate whether the flag in question is offensive or is contrary to the values and mission of the District.
13. No commercial flags shall be flown or displayed and no flag may be flown for commercial purposes.
14. Any approved flag requests must comply with existing Board policies.
15. The Board may remove a previously-approved flag at any time.
16. In accordance with the U.S. Flag Code, approved additional flag(s) will be removed during half-mast orders.

The flags initially approved under this Flag Policy include the following:

- The United States flag
- The Connecticut State flag
- The official flags of the President and Vice-President of the United States
- The official flags of all branches of the U.S. Military and Armed Forces
- The POW/MIA flag
- City/Town flag
- School District and School flags

(cf. 0521 – Nondiscrimination)

(cf. 0521.1 – Commitment to Religious Neutrality)

(cf. 0523 – Equity and Diversity)

(cf. 0524 – Hate Crimes and Bias Incidents in Schools)

(cf. 5145.2 –Freedom of Speech/Expression)

(cf. 6115.3 – Ceremonies and Observances)

(cf. 6144 – Controversial Issues)

## **Instruction**

### **School Ceremonies and Observances**

#### **Flag (Display) Policy (Version #1)**

Legal Reference      Connecticut General Statutes

10-230 Flags in classrooms and schools. Policy on the reciting of the  
“Pledge of Allegiance.”

4 U.S.C. Title 4, Chapter 1, Section 5-9 (display of the flag)

First Amendment-U.S. Constitution

36 U.S.C. 174

*Tinker v. Des Moines Independent Community School District*, 393 U.S. 503

Policy adopted:

cps 1/22

rev 2/23



*An administrative regulation on this topic to consider.*

## **Instruction**

### **School Ceremonies and Observances**

#### **Flag (Display) Policy – Regulation**

#### **Flag Proposal Steps Required**

1. Requests to fly a flag will be submitted to the Superintendent of Schools in writing.
2. The Superintendent or designee will review the request to ensure that it includes and conforms with the guidelines contained within the Board's policy, the following criteria and is eligible for consideration by the Board:
  - a. Required Proposal Components**
    - A visual replication of the exact flag, with dimensions and method of attachment to the flagpole. Any proposed flag may not be larger than the American flag.
    - A rationale that explains how the proposed flag supports a stated District goal, current academic endeavors or programs, curriculum and courses of study.
    - A proposed time frame for raising and flying the flag.
    - Estimated cost of the flag.
    - Evidence of support from a faculty advisor/sponsor.
    - Demonstrated student support for the proposed flag.
  - b. Exclusionary Criteria to be Considered by the Superintendent or Designee Upon Initial Receipt of the Request**
    - The flag may not be libelous, defamatory, obscene, lewd, vulgar, or profane.
    - The flag may not violate federal, state or local laws.
    - The flag may not violate any District policy.
    - The flag may not depict any symbols, language, slogans, etc., that are registered as hate speech by a nationally recognized organization such as the Anti-Defamation League or Southern Poverty Law Center.
    - The flag may not interfere with or advocate interference with the rights of any individual or the orderly operation of the schools and their programs.
    - The flag may not be subject to copyright, licensing or trademarks (meaning that the District should not commit itself to paying royalties or becoming involved in any type of legal dispute for flying flags that the District did not receive licensing approval or pay royalties to fly).
    - The flag may not be commercial in nature.
3. If eligible to be considered by the Board, the Superintendent will arrange for the proposal to be added to an agenda to be presented to the Board at an upcoming legally warned Board meeting. If the request is ineligible to be considered by the Board, the Superintendent or designee will notify the requestor(s) in writing of the reason for ineligibility.

## **Instruction**

### **School Ceremonies and Observances**

#### **Flag (Display) Policy – Regulation**

##### **Flag Proposal Steps Required (continued)**

4. If the Superintendent determines a request to be ineligible and the requestor(s) disagrees with the Superintendent or designee's eligibility decision, the requestor(s) may appeal to the Board in writing for the request to be heard. The Superintendent or designee's written response and rationale for determining the request ineligible will be submitted as a part of the materials for consideration by the Board as it hears the request on appeal. Appeals must be submitted to the Board within fourteen (14) calendar days of the date of the eligibility denial issued by the Superintendent.
5. After hearing a request, the Board will vote on the flag request within the next two (2) regularly scheduled and legally warned Board meetings. The Board will provide a written statement articulating why the flag request was approved or denied, to be delivered to the requestor(s) through the Superintendent.
6. The Board may also determine to renew a previously-approved flag to fly upon a written request from the original applicant(s) directly to the Board. Any such request shall follow the procedural requirements in step 3.

##### **Displaying the Flag with Other Flags**

The American flag may be displayed with other flags as long as its display follows the rules specified by the Flag Code. These rules were set to make sure the American Flag is in a position of prominence over other flags. The flag represents the government of the United States, and on American soil, the government is the highest authority.

##### **The Rules:**

- When displayed with other flags, the size of the American Flag should be larger than the other flags or relatively equal to the size of the largest flag. Other flags should not overshadow the American Flag in any way.
- The American Flag should be flown higher than lesser flags. If the flags are displayed on the same level, the American Flag should be flown to the *(flag's own)* right of all other flags. The right is a position of prominence.
- If the flags of other nations are displayed with the American Flag, they should be of equal size and at equal heights on separate staffs at a time of peace. The American flag should be displayed to the *(flag's own)* right but not higher than other national flags.
- In a group of state, local and/or society flags, the American Flag should be flown highest and in the center.

## **Instruction**

### **School Ceremonies and Observances**

#### **Flag (Display) Policy – Regulation**

##### **Displaying the Flag with other Flags (continued)**

- The American Flag should be hoisted first and lowered last, when flown with other flags on adjacent staffs.
- When the American flag is displayed against a wall with another flag, it should be on the (*flag's own*) right with its staff in front of the other flag.
- Another nation's flag should not be displayed on the same halyard as the American Flag.

##### **United States Flag at Half-Staff**

Flying a flag at half-staff is a signal of mourning. By tradition, the national flag flies at half-staff only when the entire country mourns. If local flags are flown at half-staff, the national flag may be flown at full staff with them. The flag should be hoisted to the top of the staff for an instant before being lowered to half-staff. It should be hoisted to the peak again before being lowered for the night.

The national flag shall fly at half-staff (36 U.S.C.175):

1. For 30 days from the death of the President or a former President.
2. For 10 days from the death of the Vice President, the Chief Justice, or a retired Chief Justice, or the speaker of the House of Representatives.
3. From the day of death until burial of an Associate Justice of the Supreme Court, a former Vice President, a member of the Cabinet, a secretary of the Army, Navy, or Air Force, and the Governor of the state.
4. On the day of death and the following day for a Member of Congress.
5. By order of the President upon the death of principal figures of the United States government as a mark of respect to their memory.
6. Flags shall be flown at half-staff on Pearl Harbor Day, on September 11<sup>th</sup> Remembrance Day, on days commemorating the death of a personage of great importance, and on days designated by the President or the Governor.

**Note:** The two paragraphs below are optional and offered for the Board's consideration.

The Board has discretion in determining when the flag will fly at half-staff to commemorate the death of a local person. Flags on individual buildings will be flown at half-staff for 30 days if a present employee or student in that building dies. The flag shall also be flown at half-staff the day of the funeral of any former employee well-known in the school. This will be at the discretion of the Superintendent.

**Instruction**

**School Ceremonies and Observances**

**Flag (Display) Policy – Regulation**

**United States Flag at Half-Staff** (continued)

All flags in the District are to be flown at half-staff when a present Board member dies and are kept at half-staff for 30 days. All flags are put at half-staff on the day of the funeral of a former Board member. All flags in the District are flown at half-staff on the day of the funeral of a present employee or a present student. The flag will not be displayed on days when the weather is inclement.

Regulation approved:

cps 1/22

*Another version on this topic to consider.*

## **Instruction**

### **School Ceremonies and Observances**

#### **Flag (Display) Policy (Version #2)**

The Board of Education believes that the Flag of the United States is a symbol of the values of our nation, the ideals embedded in our Constitution and the spirit that should animate our District. The District shall purchase a United States flag, flag staff and the necessary appliances for its display upon or near every school building. There shall be a flag on display in every classroom room of every school.

The Flag shall be flown at full- or half-staff pursuant to law. In addition, the Flag may be flown at half-staff to commemorate the death of a present or former Board member, present employee or student. Consistent with national and state law and regulations and this policy, the Superintendent of Schools shall develop rules and regulations for the proper custody, care and display of the flag.

(cf. 0521 – Nondiscrimination)  
(cf. 0521.1 – Commitment to Religious Neutrality)  
(cf. 0523 – Equity and Diversity)  
(cf. 0524 – Hate Crimes and Bias Incidents in Schools)  
(cf. 5145.2 – Freedom of Speech/Expression)  
(cf. 6115.3 – Ceremonies and Observances)  
(cf. 6144 – Controversial Issues)

Legal Reference      Connecticut General Statutes

10-230 Flags in classrooms and schools. Policy on the reciting of the “Pledge of Allegiance.”

4 U.S.C. Title 4, Chapter 1, Section 5-9 (display of the flag)

First Amendment-U.S. Constitution

36 U.S.C.174

*Tinker v. Des Moines Independent Community School District*, 393 U.S. 503

Policy adopted:

cps 1/22

*Another version on this topic to consider.*

## **Instruction**

### **School Ceremonies and Observances**

#### **Flag (Display) Policy (Version #3)**

It is the policy of the Board of Education (Board) to correctly honor the flags of the United States, the State of Connecticut, the POW/MIA recognition, the City/town of \_\_\_\_\_ and the flags of other governmental entities and ensure a standard of flag display on District property.

The Board shall comply with national and state protocols for flag display and etiquette.

In addition to the above referenced flags, other flags or banners may be displayed on a permanent or temporary basis outside or inside of District buildings. Other flags and banners may only be displayed upon the issuance of a federal or state proclamation or resolution or Mayoral or First Selectperson or Town Manager proclamation. Examples include, but are not limited to, sister City flags, Heritage Month flags, (e.g. African American History, Asian/Pacific American History, National Hispanic Heritage, National American Indian/Alaska Native Heritage), flags received in recognition of awards, or flags designating an event or accomplishment. All such flags and banners will be displayed with the authorization by the Mayor or First Selectperson or Town Manager as prescribed by the applicable proclamation or resolution.

- (cf. 0521 – Nondiscrimination)
- (cf. 0521.1 – Commitment to Religious Neutrality)
- (cf. 0523 – Equity and Diversity)
- (cf. 0524 – Hate Crimes and Bias Incidents in Schools)
- (cf. 5145.2 – Freedom of Speech/Expression)
- (cf. 6115.3 – Ceremonies and Observances)
- (cf. 6144 – Controversial Issues)

Legal Reference            Connecticut General Statutes  
10-230 Flags in classrooms and schools. Policy on the reciting of the  
“Pledge of Allegiance.”  
4 U.S.C. Title 4, Chapter 1, Section 5-9 (display of the flag)  
First Amendment-U.S. Constitution  
36 U.S.C.174  
*Tinker v. Des Moines Independent Community School District*, 393 U.S. 503

Policy adopted:

eps 1/22

*Another version on this topic to consider.*

## **Instruction**

### **School Ceremonies and Observances**

#### **Flag (Display) Policy (Version #4)**

The Board of Education (Board) believes that the Flag of the United States is a symbol of the values of our nation, the ideas embedded in our Constitution and the spirit that should animate our District.

The District shall purchase a United States flag, flag staff and the necessary appliances for its display upon or near every school building. There shall be a flag on display in every classroom and room of assembly (i.e., auditorium) of every school.

The American flag shall be displayed at full-staff, during school hours every day school is in session pursuant to law. However, the flag shall not be displayed outdoors in inclement weather. Outdoor display, except on special occasions for patriotic effects, is limited to the hours from sunrise to sunset.

The flag must be flown at half-staff on September 11<sup>th</sup> Remembrance Day and on December 7<sup>th</sup> (Pearl Harbor Day); on days commemorating the death of a personage of national or state standing as designated by the President of the United States and/or the Governor of the State of Connecticut as special periods of mourning.

In addition, flags may be flown at half-staff, at the discretion of the Superintendent, on days commemorating the death of a:

- Public servant or an official who, in the opinion of the school district, contributed to the community;
- Local serviceman;
- Present or former school board member;
- Present or former employee; and
- Present student.

Consistent with national and state law and regulations and this policy, the Superintendent of Schools shall develop rules and regulations for the proper custody, care and display of the flag.

(cf. 0521 – Nondiscrimination)

(cf. 0521.1 – Commitment to Religious Neutrality)

(cf. 0523 – Equity and Diversity)

(cf. 0524 – Hate Crimes and Bias Incidents in Schools)

(cf. 5145.2 – Freedom of Speech/Expression)

(cf. 6115.3 – Ceremonies and Observances)

(cf. 6144 – Controversial Issues)

## **Instruction**

### **School Ceremonies and Observances**

#### **Flag (Display) Policy (Version #4)**

Legal Reference

Connecticut General Statutes

10-230 Flags in classrooms and schools. Policy on the reciting of the “Pledge of Allegiance.”

4 U.S.C. Title 4, Chapter 1, Section 5-9 (display of the flag)

First Amendment-U.S. Constitution

36 U.S.C.174

*Tinker v. Des Moines Independent Community School District*, 393 U.S. 503

Policy adopted:

cps 1/22



*An administrative regulation on this topic to consider.*

## **Instruction**

### **School Ceremonies and Observances**

#### **Flag (Display) Policy – Regulation**

A United States flag shall be displayed in front of every school building in the district every day that school is in session and at such other times as the Superintendent of Schools shall direct. Unless otherwise stated, the flags shall be flown at full-staff. The flags may also be displayed at night upon special occasions, at the discretion of the Superintendent, when it is desired to produce a patriotic effect. In addition to days when school is in session, the flags will be displayed on the following days if school is open to the public: New Year's Day, Martin Luther King, Jr. Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Flag Day, the Fourth of July, Labor Day, September 11<sup>th</sup> Remembrance Day, POW/MIA Recognition Day, Columbus Day, Veterans Day, Thanksgiving Day, Pearl Harbor Day and Christmas Day. If any of these days (except Flag Day) falls on a Sunday, the flag shall be displayed on the next day. In addition, the flag shall be displayed on each general election day and each day appointed by the President of the United States or by the Governor of Connecticut as a day of general thanksgiving or for displaying the flag.

Flags shall be flown at half-staff on Pearl Harbor Day, on September 11<sup>th</sup> Remembrance Day, on days commemorating the death of a personage of great importance, and on days designated by the President or the Governor.

**Note:** The two paragraphs below are optional and offered for the Board's consideration.

The Board has discretion in determining when the flag will fly at half-staff to commemorate the death of a local person. Flags on individual buildings will be flown at half-staff for 30 days if a present employee or student in that building dies. The flag shall also be flown at half-staff the day of the funeral of any former employee well-known in the school. This will be at the discretion of the Superintendent.

All flags in the district are to be flown at half-staff when a present Board member dies and are kept at half-staff for 30 days. All flags are put at half-staff on the day of the funeral of a former Board member. All flags in the district are flown at half-staff on the day of the funeral of a present employee or a present student. The flag will not be displayed on days when the weather is inclement.

#### **Hoisting of the Flag**

The flag shall be hoisted briskly and lowered ceremoniously. In half-staffing the flag, it first should be hoisted to the peak for an instant and then lowered to the half-staff position. The flag shall be again raised to the peak before it is lowered for the day. The flag shall never be put at half-mast in the middle of the day. It must be put at half-mast in the morning only.

**Instruction**

**School Ceremonies and Observances**

**Flag (Display) Policy – Regulation (continued)**

**Indoor Flags and Those Not on Movable Hoists**

There shall be a United States flag in each assembly room of every school in the District. It is the duty of the teacher or other person in charge of each assembly room to ensure that the flag in the room is displayed from a staff standing at the audience's right as they face the stage. If the flag is placed on the platform, it should stand at the right of the speaker as he/she faces the audience and at the audience's left as they face the stage.

Regulation approved:

cps 1/22