

By the Committee on Judiciary; and Senator Fasano

590-2096-06

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Senate Joint Resolution

A joint resolution proposing an amendment to Section 1 of Article IX of the State Constitution, relating to public education, to require students to recite the pledge of allegiance daily in public schools, to provide protocol for such recitals, and to provide for a student to be excused at the written request of the student's parent or guardian.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Section 1 of Article IX of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose.

ARTICLE IX

EDUCATION

SECTION 1. Public education.--

(a) The education of children is a fundamental value of the people of the State of Florida. It is, therefore, a paramount duty of the state to make adequate provision for the education of all children residing within its borders. Adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education and for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require. To assure that children attending public schools obtain a high

1 | quality education, the legislature shall make adequate  
2 | provision to ensure that, by the beginning of the 2010 school  
3 | year, there are a sufficient number of classrooms so that:

4 |       (1) The maximum number of students who are assigned to  
5 | each teacher who is teaching in public school classrooms for  
6 | prekindergarten through grade 3 does not exceed 18 students;

7 |       (2) The maximum number of students who are assigned to  
8 | each teacher who is teaching in public school classrooms for  
9 | grades 4 through 8 does not exceed 22 students; and

10 |       (3) The maximum number of students who are assigned to  
11 | each teacher who is teaching in public school classrooms for  
12 | grades 9 through 12 does not exceed 25 students.

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14 | The class size requirements of this subsection do not apply to  
15 | extracurricular classes. Payment of the costs associated with  
16 | reducing class size to meet these requirements is the  
17 | responsibility of the state and not of local schools  
18 | districts. Beginning with the 2003-2004 fiscal year, the  
19 | legislature shall provide sufficient funds to reduce the  
20 | average number of students in each classroom by at least two  
21 | students per year until the maximum number of students per  
22 | classroom does not exceed the requirements of this subsection.

23 |       (b) Every four-year old child in Florida shall be  
24 | provided by the State a high quality pre-kindergarten learning  
25 | opportunity in the form of an early childhood development and  
26 | education program which shall be voluntary, high quality,  
27 | free, and delivered according to professionally accepted  
28 | standards. An early childhood development and education  
29 | program means an organized program designed to address and  
30 | enhance each child's ability to make age appropriate progress  
31 | in an appropriate range of settings in the development of

1 language and cognitive capabilities and emotional, social,  
2 regulatory and moral capacities through education in basic  
3 skills and such other skills as the Legislature may determine  
4 to be appropriate.

5 (c) The early childhood education and development  
6 programs provided by reason of subparagraph (b) shall be  
7 implemented no later than the beginning of the 2005 school  
8 year through funds generated in addition to those used for  
9 existing education, health, and development programs. Existing  
10 education, health, and development programs are those funded  
11 by the State as of January 1, 2002 that provided for child or  
12 adult education, health care, or development.

13 (d) Each district school board shall adopt rules to  
14 require the reciting of the pledge of allegiance to the  
15 American flag at the beginning of the day in each public  
16 pre-kindergarten, elementary, middle, and high school in the  
17 state. Students shall stand with the right hand over the heart  
18 to render the pledge of allegiance: "I pledge allegiance to  
19 the flag of the United States of America and to the republic  
20 for which it stands, one nation under God, indivisible, with  
21 liberty and justice for all." Each student shall be informed  
22 by posting a notice in a conspicuous place that the student  
23 has the right not to participate in reciting the pledge. Upon  
24 written request by his or her parent or guardian, the student  
25 must be excused from reciting the pledge. When the pledge is  
26 given, civilians must show full respect to the flag by  
27 standing at attention, men removing the headdress, as provided  
28 by Pub. L. No. 77-435, s. 7, approved June 22, 1942, 56 Stat.  
29 377, as amended by Pub. L. No. 77-806, 56 Stat. 1074, approved  
30 December 22, 1942, except when the headdress is worn for  
31 religious purposes.

1 BE IT FURTHER RESOLVED that the following statement be  
2 placed on the ballot:

3 CONSTITUTIONAL AMENDMENT

4 ARTICLE IX, SECTION 1

5 PLEDGE OF ALLEGIANCE.--Proposing an amendment to the  
6 State Constitution to require the daily recital of the pledge  
7 of allegiance to the American flag in the public schools of  
8 this state, to provide for a student to be excused from  
9 reciting the pledge upon written request by the student's  
10 parent or guardian, and to provide protocol for showing  
11 respect during the recital.

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13 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
14 COMMITTEE SUBSTITUTE FOR  
15 Senate Joint Resolution 534

16 Clarifies that a parent or guardian can provide a written  
17 request to excuse a student from reciting the Pledge of  
18 Allegiance.  
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