

**ARKANSAS DIVISION OF HIGHER EDUCATION**  
**RULES GOVERNING THE STAR-SPANGLED BANNER ACT**

**RECEIVED**  
**APR 29 2022**  
**BUREAU OF**  
**LEGISLATIVE RESEARCH**

**1.00 AUTHORITY**

- 1.01 The Arkansas Higher Education Coordinating Board's authority for promulgating these Rules is pursuant to Ark. Code Ann. § 6-60-116 and Act 958 of 2021.
- 1.02 These Rules shall be known as the Arkansas Division of Higher Education ("Division") Rules Governing the Star-Spangled Banner Act.

**2.00 LEGISLATIVE FINDINGS**

The Arkansas Higher Education Coordinating Board notes that the Arkansas General Assembly finds that:

- 2.01 It is of the utmost importance that Arkansas youth learn the importance of the national anthem, "The Star-Spangled Banner";
- 2.02 The regular playing of "The Star-Spangled Banner" will foster patriotism and celebrate the common American experience; and
- 2.03 "The Star-Spangled Banner" should be played in solemn observance and recognition for the men and women who have sacrificed their lives in defense of the American Experiment.

**3.00 BROADCAST POLICY**

- 3.01 Each state-supported institution of higher education shall adopt a policy requiring the broadcast of "The Star-Spangled Banner" at the commencement of each school-sanctioned sporting event.
- 3.01.1 If any part of two (2) or more school-sanctioned sporting events occur on the same day at the same school, a state-supported institution of higher education may choose to broadcast "The Star-Spangled Banner" at only one (1) of the events.
- 3.02 Each state-supported institution of higher education shall select for broadcast, any recording of "The Star-Spangled Banner" that includes the lyrics from the first verse written by Francis Scott Key or is the standard arrangement or standard instrumental version used by U.S. military bands or similar arrangement or version.

3.03 A state-supported institution of higher education may adopt a policy that allows the performance of "The Star-Spangled Banner" at school-sanctioned sporting events:

3.03.1 From original sheet music that adheres to division rules and is performed by a school-sanctioned band program;

3.03.2 From original sheet music that adheres to division rules and is performed by a school-sanctioned chorale program, vocal group, or vocalist; or

3.03.3 By the attendees of a school-sanctioned event led by a vocalist selected by the state-supported institution of higher education hosting the school-sanctioned event.

Mark-Up Copy

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

As Engróssed: H4/6/21  
**A Bill**

HOUSE BILL 1831

5 By: Representatives M. Berry, Beaty Jr., Bentley, Crawford, Dotson, Haak, Speaks, Vaught, Watson,  
6 McGrew, B. Smith, S. Smith, Slape, Hollowell, Fortner, Lundstrum, McClure, Coleman, Cloud,  
7 Christiansen, Lowery  
8 By: Senators J. English, B. Ballinger, *D. Wallace*  
9

10 **For An Act To Be Entitled**

11 AN ACT TO CREATE THE STAR-SPANGLED BANNER ACT; AND  
12 FOR OTHER PURPOSES.  
13  
14

15 **Subtitle**

16 TO CREATE THE STAR-SPANGLED BANNER ACT.  
17  
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
20

21 SECTION 1. Arkansas Code Title 6, Chapter 10, is amended to add an  
22 additional section to read as follows:

23 6-10-135. Star-Spangled Banner Act.

24 (a) This section shall be known and may be cited as the "Star-Spangled  
25 Banner Act".

26 (b) The General Assembly finds that:

27 (1) It is of the utmost importance that Arkansas youth learn the  
28 importance of the national anthem, "The Star-Spangled Banner";

29 (2) The regular playing of "The Star-Spangled Banner" will  
30 foster patriotism and celebrate the common American experience; and

31 (3) "The Star-Spangled Banner" should be played in solemn  
32 observance and recognition for the men and women who have sacrificed their  
33 lives in defense of the American Experiment.

34 (c) Each school district board of directors shall:

35 (1) Adopt a policy requiring each public kindergarten through  
36 grade twelve (K-12) school to broadcast "The Star-Spangled Banner" at:



1                   (A)(i) The commencement of each school-sanctioned sporting  
2 event.

3                   (ii) However, if any part of two (2) or more school-  
4 sanctioned sporting events occur on the same day at the same school, a public  
5 school may choose to broadcast "The Star-Spangled Banner" at only one (1) of  
6 the events; and

7                   (B) Public kindergarten through grade twelve (K-12)  
8 schools at least one (1) time each week during school hours; and

9                   (2) Except as provided in subsection (d) of this section, select  
10 for broadcast from any recording of "The Star-Spangled Banner" that adheres  
11 to rules promulgated by the Division of Elementary and Secondary Education.

12                   (d) A school district board of directors may adopt a policy that  
13 allows any of the following to be played at school-sanctioned sporting  
14 events, at schools during school hours, or both:

15                   (1) The performance of "The Star-Spangled Banner" from original  
16 sheet music that adheres to division rules and is performed by a school-  
17 sanctioned band program;

18                   (2) The performance of "The Star-Spangled Banner" from original  
19 sheet music that adheres to division rules and is performed by a school-  
20 sanctioned chorale program, vocal group, or vocalist; or

21                   (3) The performance of "The Star-Spangled Banner" by the  
22 attendees of a school-sanctioned event led by a vocalist selected by the  
23 principal of the public school hosting the school-sanctioned event.

24                   (e) The division shall promulgate rules to implement this section.

25  
26                   SECTION 2. Arkansas Code Title 6, Chapter 60, Subchapter 1, is amended  
27 to add an additional section to read as follows:

28                   6-60-113. Star-Spangled Banner Act.

29                   (a) This section shall be known and may be cited as the "Star-Spangled  
30 Banner Act".

31                   (b) The General Assembly finds that:

32                   (1) It is of the utmost importance that Arkansas youth learn the  
33 importance of the national anthem, "The Star-Spangled Banner";

34                   (2) The regular playing of "The Star-Spangled Banner" will  
35 foster patriotism and celebrate the common American experience; and

36                   (3) "The Star-Spangled Banner" should be played in solemn

1 observance and recognition for the men and women who have sacrificed their  
2 lives in defense of the American Experiment.

3 (c) Each state-supported institution of higher education shall:

4 (1)(A) Adopt a policy requiring the broadcast of "The Star-  
5 Spangled Banner" at the commencement of each school-sanctioned sporting  
6 event.

7 (B) However, if any part of two (2) or more school-  
8 sanctioned sporting events occur on the same day at the same school, a state-  
9 supported institution of higher education may choose to broadcast "The Star-  
10 Spangled Banner" at only one (1) of the events; and

11 (2) Except as provided in subsection (d) of this section, select  
12 for broadcast from any recording of "The Star-Spangled Banner" that adheres  
13 to rules promulgated by the Division of Higher Education.

14 (d) A state-supported institution of higher education may adopt a  
15 policy that allows any of the following to be played at school-sanctioned  
16 sporting events:

17 (1) The performance of "The Star-Spangled Banner" from original  
18 sheet music that adheres to division rules and is performed by a school-  
19 sanctioned band program;

20 (2) The performance of "The Star-Spangled Banner" from original  
21 sheet music that adheres to division rules and is performed by a school-  
22 sanctioned chorale program, vocal group, or vocalist; or

23 (3) The performance of "The Star-Spangled Banner" by the  
24 attendees of a school-sanctioned event led by a vocalist selected by the  
25 state-supported institution of higher education hosting the school-sanctioned  
26 event.

27 (e) The division shall promulgate rules to implement this section.  
28

29 SECTION 3. DO NOT CODIFY. Rules.

30 (a) When adopting the initial rules required under this act, the  
31 Division of Elementary and Secondary Education shall file the final rules  
32 with the Secretary of State for adoption under § 25-15-204(f):

33 (1) On or before January 1, 2022; or

34 (2) If approval under § 10-3-309 has not occurred by January 1,  
35 2022, as soon as practicable after approval under § 10-3-309.

36 (b) The division shall file the proposed rules with the Legislative

1 Council under § 10-3-309(c) sufficiently in advance of January 1, 2022, so  
2 that the Legislative Council may consider the rules for approval before  
3 January 1, 2022.

4  
5 SECTION 4. DO NOT CODIFY. Rules.

6 (a) When adopting the initial rules required under this act, the  
7 Division Higher Education shall file the final rules with the Secretary of  
8 State for adoption under § 25-15-204(f):

9 (1) On or before January 1, 2022; or

10 (2) If approval under § 10-3-309 has not occurred by January 1,  
11 2022, as soon as practicable after approval under § 10-3-309.

12 (b) The division shall file the proposed rules with the Legislative  
13 Council under § 10-3-309(c) sufficiently in advance of January 1, 2022, so  
14 that the Legislative Council may consider the rules for approval before  
15 January 1, 2022.

16  
17 */s/M. Berry*

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19  
20 **APPROVED: 4/27/21**