

AN ACT

relating to the recitation of the pledges of allegiance to and display of the United States and state flags at and the observation of a moment of silence at open-enrollment charter schools and other public schools.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 25.082, Education Code, is amended by amending Subsections (b), (c), and (d) and adding Subsection (b-1) to read as follows:

(b) The board of trustees of each school district and the governing board of each open-enrollment charter school shall require students, once during each school day at each campus [~~school in the district~~], to recite:

(1) the pledge of allegiance to the United States flag in accordance with 4 U.S.C. Section 4[~~, and its subsequent amendments~~]; and

(2) the pledge of allegiance to the state flag in accordance with Subchapter C, Chapter 3100, Government Code.

(b-1) The board of trustees of each school district and the governing board of each open-enrollment charter school shall require that the United States and Texas flags be prominently displayed in accordance with 4 U.S.C. Sections 5-10 and Chapter 3100, Government Code, in each campus classroom to which a student is assigned at the time the pledges of allegiance to those flags are

1 recited. A district or school is not required to spend federal,
2 state, or local district or school funds to acquire flags required
3 under this subsection. A district or school may raise money or
4 accept gifts, grants, and donations to acquire flags required under
5 this subsection.

6 (c) On written request from a student's parent or guardian,
7 a school district or open-enrollment charter school shall excuse
8 the student from reciting a pledge of allegiance under Subsection
9 (b).

10 (d) The board of trustees of each school district and the
11 governing board of each open-enrollment charter school shall
12 provide for the observance of one minute of silence at each campus
13 [~~school in the district~~] following the recitation of the pledges of
14 allegiance to the United States and Texas flags under Subsection
15 (b). During the one-minute period, each student may, as the student
16 chooses, reflect, pray, meditate, or engage in any other silent
17 activity that is not likely to interfere with or distract another
18 student. Each teacher or other school employee in charge of
19 students during that period shall ensure that each of those
20 students remains silent and does not act in a manner that is likely
21 to interfere with or distract another student.

22 SECTION 2. (a) Sections 25.082(b), (c), and (d), Education
23 Code, as amended by this Act, apply beginning with the 2013-2014
24 school year.

25 (b) Section 25.082(b-1), Education Code, as added by this
26 Act, applies beginning with the 2016-2017 school year.

27 SECTION 3. This Act takes effect immediately if it receives

H.B. No. 773

1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I certify that H.B. No. 773 was passed by the House on April 26, 2013, by the following vote: Yeas 139, Nays 1, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 773 on May 20, 2013, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 773 on May 26, 2013, by the following vote: Yeas 140, Nays 2, 2 present, not voting.

Chief Clerk of the House

H.B. No. 773

I certify that H.B. No. 773 was passed by the Senate, with amendments, on May 16, 2013, by the following vote: Yeas 29, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 773 on May 26, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor