By:  Middleton H.B. No. 4151

A BILL TO BE ENTITLED

AN ACT

relating to a period of prayer in public schools and at school-sponsored athletic events.

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

SECTION 1.  The heading to Section 25.082, Education Code, is amended to read as follows:

Sec. 25.082.  PLEDGES OF ALLEGIANCE; MINUTE OF SILENCE; PERIOD OF PRAYER.

SECTION 2.  Section 25.082, Education Code, is amended by amending Subsections (c) and (d) and adding Subsection (e) to read as follows:

(c)  On written request from a student's parent or guardian, a school district or open-enrollment charter school shall excuse the student from reciting a pledge of allegiance under Subsection (b) or participating in a period of prayer under Subsection (e).

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

(e)  The board of trustees of a school district or the governing body of an open-enrollment charter school that is not operated by or affiliated with a religious organization may by record vote adopt a policy requiring every campus of the district or school to provide a period of prayer following the recitations of the pledges of allegiance to the United States and state flags under Subsection (b) and before each school-sponsored athletic event held on a district campus or facility. A district or school adopting a period of prayer under this subsection is not required to provide the observance of one minute of silence as required by Subsection (d). A policy adopted under this subsection must require a student volunteer to lead the period of prayer. The period of prayer must be conducted over a public address system.

SECTION 3.  Subchapter C, Chapter 25, Education Code, is amended by adding Section 25.082A to read as follows:

Section 25.082A DEFENSE OF SCHOOL DISTRICTS IN SUITS RELATED TO SCHOOL PRAYER POLICY. (a) The attorney general shall defend a school district in any action in any court arising from a policy adopting a period of prayer under Section 25.082(e) if:

(1)  the board of trustees of the school district requests the attorney general's assistance in the defense; and

(2)  the attorney general determines that the cause of action arises out of a claim involving the school district's good-faith compliance with Section 25.082(e).

(b)  If the attorney general defends a school district under Subsection (a), the state is liable for the expenses, costs, judgment, or settlement of the claims arising out of the representation. The attorney general may settle or compromise any and all claims described by Subsection (a)(2). The state may not be liable for any expenses, costs, judgments, or settlements of any claims against a school district not being represented by the attorney general under Subsection (a).

SECTION 4.  Section 25.901, Education Code, is amended to read as follows:

Sec. 25.901.  EXERCISE OF CONSTITUTIONAL RIGHT TO PRAY. A public school student has an absolute right to individually, voluntarily, and silently pray or meditate in school in a manner that does not disrupt the instructional or other activities of the school. A person may not require[~~, encourage,~~] or coerce a student to engage in or refrain from such prayer or meditation during any school activity.

SECTION 5.  Each board of trustees of a school district and each governing body of an open-enrollment charter school shall take a record vote not later than six months after the effective date of this Act on whether to adopt a policy requiring every campus of the district or school to provide a period of prayer under Section 25.082(e), Education Code, as added by this Act.

SECTION 6.  This Act applies beginning with the 2019-2020 school year.

SECTION 7.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.