

By: Middleton

H.B. No. 4151

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to a period of prayer in public schools and at  
3 school-sponsored athletic events.

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

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

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

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

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

16 (d) Except as provided by Subsection (e), the ~~The~~ board of  
17 trustees of each school district and the governing board of each  
18 open-enrollment charter school shall provide for the observance of  
19 one minute of silence at each campus following the recitation of the  
20 pledges of allegiance to the United States and Texas flags under  
21 Subsection (b). During the one-minute period, each student may, as  
22 the student chooses, reflect, pray, meditate, or engage in any  
23 other silent activity that is not likely to interfere with or  
24 distract another student. Each teacher or other school employee in

1 charge of students during that period shall ensure that each of  
2 those students remains silent and does not act in a manner that is  
3 likely to interfere with or distract another student.

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

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

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

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

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

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

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

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

18        SECTION 5. Each board of trustees of a school district and  
19 each governing body of an open-enrollment charter school shall take  
20 a record vote not later than six months after the effective date of  
21 this Act on whether to adopt a policy requiring every campus of the  
22 district or school to provide a period of prayer under Section  
23 25.082(e), Education Code, as added by this Act.

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

26        SECTION 7. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2019.