

1-1 By: Middleton S.B. No. 19  
 1-2 (In the Senate - Filed June 7, 2023; June 8, 2023, read  
 1-3 first time and referred to Committee on State Affairs;  
 1-4 June 15, 2023, reported favorably by the following vote: Yeas 7,  
 1-5 Nays 2; June 15, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11			X	
1-12		X		
1-13			X	
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18		X		

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to a period of prayer and reading of the Bible or other  
 1-22 religious text in public schools.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter C, Chapter 25, Education Code, is  
 1-25 amended by adding Section 25.0823 to read as follows:

1-26 Sec. 25.0823. PERIOD OF PRAYER AND READING OF BIBLE OR OTHER  
 1-27 RELIGIOUS TEXT. (a) The board of trustees of a school district or  
 1-28 the governing body of an open-enrollment charter school that is not  
 1-29 operated by or affiliated with a religious organization may by  
 1-30 record vote adopt a policy requiring every campus of the district or  
 1-31 school to provide students and employees with an opportunity to  
 1-32 participate in a period of prayer and reading of the Bible or other  
 1-33 religious text on each school day in accordance with this section.

1-34 (b) A policy adopted under Subsection (a) must prohibit:

1-35 (1) a student or employee of the school district or  
 1-36 open-enrollment charter school from being permitted to participate  
 1-37 in the period of prayer and reading of the Bible or other religious  
 1-38 text unless the employee or parent or guardian of the student  
 1-39 submits to the district a signed consent form that includes:

1-40 (A) an acknowledgment that the student or  
 1-41 employee has a choice as to whether to participate in the period of  
 1-42 prayer and reading of the Bible or other religious text;

1-43 (B) a statement that the person has no objection  
 1-44 to the student's or employee's participation in or hearing of the  
 1-45 prayers or readings offered during the period; and

1-46 (C) an express waiver of the person's right to  
 1-47 bring a claim under state or federal law arising out of the adoption  
 1-48 of a policy under this section, including a claim under the  
 1-49 Establishment Clause of the First Amendment to the United States  
 1-50 Constitution or a related state or federal law, releasing the  
 1-51 district or school and district or school employees from liability  
 1-52 for those claims brought in state or federal court;

1-53 (2) the provision of a prayer or reading of the Bible  
 1-54 or other religious text over a public address system; and

1-55 (3) a period of prayer and reading of the Bible or  
 1-56 other religious text from interfering with or being provided as a  
 1-57 substitute for instructional time.

1-58 (c) An employee or parent or guardian of a student may  
 1-59 revoke the person's consent provided under Subsection (b)(1) by  
 1-60 informing the appropriate school administrator, as determined by  
 1-61 the school district or open-enrollment charter school. An employee

2-1 or student for whom consent has been revoked under this subsection:  
2-2 (1) may not participate in the period of prayer and  
2-3 reading of the Bible or other religious text until the employee or  
2-4 parent or guardian of the student submits to the district or school  
2-5 a new consent form under Subsection (b)(1); and

2-6 (2) remains bound by the waiver described by  
2-7 Subsection (b)(1)(C).

2-8 (d) A policy adopted under Subsection (a):

2-9 (1) must include provisions ensuring a prayer or  
2-10 reading of the Bible or other religious text is not provided in the  
2-11 physical presence of, within the hearing of, or in another manner  
2-12 which would constitute an injury in fact within the meaning of the  
2-13 United States or Texas Constitution on a person for whom a signed  
2-14 consent form has not been submitted under Subsection (b)(1) or has  
2-15 been revoked under Subsection (c); and

2-16 (2) in order to comply with this subsection, may  
2-17 require that the period of prayer and reading of the Bible or other  
2-18 religious text be provided:

2-19 (A) before normal school hours;

2-20 (B) only in classrooms or other areas in which a  
2-21 consent form under Subsection (b)(1) has been submitted for every  
2-22 employee and student, which may include an entire district or  
2-23 school campus if a consent form has been submitted for each employee  
2-24 and student at the campus; or

2-25 (C) by any other method recommended by the  
2-26 attorney general or legal counsel for the district or school.

2-27 (e) The attorney general, on request from the board of  
2-28 trustees of a school district or the governing body of an  
2-29 open-enrollment charter school, shall:

2-30 (1) provide advice on best methods for a district or  
2-31 school to comply with the requirements of this section;

2-32 (2) provide a model consent form that may be used for  
2-33 purposes of providing consent under Subsection (b)(1); and

2-34 (3) defend the district or school in a cause of action  
2-35 arising out of the adoption of a policy under Subsection (a).

2-36 (f) If the attorney general defends a district or school  
2-37 under Subsection (e)(3), the state is liable for the expenses,  
2-38 costs, judgments, or settlements of the claims arising out of the  
2-39 representation. The attorney general may settle or compromise any  
2-40 and all claims under this subsection. The state may not be liable  
2-41 for any expenses, costs, judgments, or settlements of any claims  
2-42 arising out of the adoption of a policy under Subsection (a) against  
2-43 a district or school not being represented by the attorney general.

2-44 (g) Regardless of whether the board of trustees of a school  
2-45 district or the governing body of an open-enrollment charter school  
2-46 adopts a policy under Subsection (a), this section does not  
2-47 prohibit a student or employee of the district or school from  
2-48 participating in prayer or reading the Bible or other religious  
2-49 text during a period of the school day that is not designated as a  
2-50 period of prayer and reading of the Bible or other religious text.

2-51 SECTION 2. Section 25.901, Education Code, is amended to  
2-52 read as follows:

2-53 Sec. 25.901. EXERCISE OF CONSTITUTIONAL RIGHT TO PRAY. A  
2-54 public school student has an absolute right to individually,  
2-55 voluntarily, and silently pray or meditate in school in a manner  
2-56 that does not disrupt the instructional or other activities of the  
2-57 school. A person may not require~~[, encourage,]~~ or coerce a student  
2-58 to engage in or refrain from such prayer or meditation during any  
2-59 school activity.

2-60 SECTION 3. Each board of trustees of a school district and  
2-61 each governing body of an open-enrollment charter school shall take  
2-62 a record vote not later than six months after the effective date of  
2-63 this Act on whether to adopt a policy requiring every campus of the  
2-64 district or school to provide a period of prayer and reading of the  
2-65 Bible or other religious text under Section 25.0823, Education  
2-66 Code, as added by this Act.

2-67 SECTION 4. This Act applies beginning with the 2023-2024  
2-68 school year.

2-69 SECTION 5. This Act takes effect immediately if it receives

3-1 a vote of two-thirds of all the members elected to each house, as  
3-2 provided by Section 39, Article III, Texas Constitution. If this  
3-3 Act does not receive the vote necessary for immediate effect, this  
3-4 Act takes effect on the 91st day after the last day of the  
3-5 legislative session.

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