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| BILL ANALYSIS |

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| S.B. 10 |
| By: King |
| Public Education |
| Committee Report (Unamended) |

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| **BACKGROUND AND PURPOSE** In a 5-4 decision in *Van Orden v. Perry* (2005), the U.S. Supreme Court allowed the display of the Ten Commandments monument on the Texas Capitol grounds because of its historical meaning. In the plurality opinion written by Chief Justice William H. Rehnquist, the court noted that "simply having religious content or promoting a message consistent with a religious doctrine does not run afoul of the establishment clause." In accepting the monument, the 57th Legislature specifically noted that public campaigns to encourage the display of the Ten Commandments in classrooms and public places were designed "to promote youth morality and to help stop the alarming increase in delinquency." As Justice Stephen Breyer explained in his concurring opinion, these efforts were motivated in part "to highlight the Commandments' role in shaping civic morality." Under current law, Texas public schools are not required to display the Ten Commandments in each classroom. The Supreme Court prohibited their display in *Stone v. Graham* (1980), using the test established under *Lemon v. Kurtzman* (1971) to determine violations of the First Amendment Establishment Clause. In *Kennedy v. Bremerton School District* (2022), the Court indicated it was abandoning the *Lemon* test when it decided that a public school coach had the right to pray on the football field after a game; the Court reached its decision, it said, by relying on "original meaning and history." Academic commentators have indicated that, with the Court's abandonment of the *Lemon* test in *Kennedy*, *Stone v. Graham* is likely no longer applicable. S.B. 10 seeks to remind students all across Texas of the importance of the Ten Commandments as a fundamental foundation of American and Texas law by requiring a public elementary or secondary school to display a poster or framed copy of the Ten Commandments. |
| **CRIMINAL JUSTICE IMPACT**It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision. |
| **RULEMAKING AUTHORITY** It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution. |
| **ANALYSIS** S.B. 10 amends the Education Code to require a public elementary or secondary school to display in a conspicuous place in each classroom of the school a durable poster or framed copy of the Ten Commandments. The bill requires the poster or framed copy to be at least 16 inches wide and 20 inches tall and include only the text of the Ten Commandments as specified by the bill in a size and typeface that is legible to a person with average vision from anywhere in the classroom in which the poster or framed copy is displayed. The bill requires the text of the poster or framed copy to read as follows: "The Ten Commandments I AM the LORD thy God. Thou shalt have no other gods before me. Thou shalt not make to thyself any graven images. Thou shalt not take the Name of the Lord thy God in vain. Remember the Sabbath day, to keep it holy. Honor thy father and thy mother, that thy days may be long upon the land which the Lord thy God giveth thee. Thou shalt not kill. Thou shalt not commit adultery. Thou shalt not steal. Thou shalt not bear false witness against thy neighbor. Thou shalt not covet thy neighbor's house. Thou shalt not covet thy neighbor's wife, nor his manservant, nor his maidservant, nor his cattle, nor anything that is thy neighbor's."S.B. 10 requires a public elementary or secondary school in which each classroom does not include a poster or framed copy of the Ten Commandments to do the following:* accept any offer of a privately donated poster or framed copy of the Ten Commandments provided that the poster or copy meets the bill's requirements and does not contain any additional content; and
* display the poster or framed copy in accordance with the bill's requirements.

The bill authorizes, but does not require, such a public elementary or secondary school to purchase posters or copies that meet the bill's requirements using district funds. The bill establishes that, notwithstanding any other law, a public elementary or secondary school is not exempt from the bill's provisions.S.B. 10 applies beginning with the 2025-2026 school year. |
| **EFFECTIVE DATE** On passage, or, if the bill does not receive the necessary vote, September 1, 2025. |