

BILL ANALYSIS

Senate Research Center

S.B. 10
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Education K-16
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 10 would require Texas public elementary and secondary schools to display the Ten Commandments in each classroom. At present, Texas public schools have no such requirement, and this legislation only became legally feasible with the United States Supreme Court's opinion in *Kennedy v. Bremerton School District*, 142 S. Ct. 2407 (2022).

For two hundred years, the Ten Commandments were displayed in public buildings and classrooms across America. See *American Legion v. American Humanist Association*, 139 S. Ct. 2067, 2083 (2019) (noting that the Fraternal Order of the Eagles used to distribute copies of the Ten Commandments to school groups). However, in contravention of this history and tradition, the Court held that the *Lemon* test (found in *Lemon v. Kurtzman*, 403 U.S. 602 (1971)) prohibited public schools' display of the Ten Commandments in *Stone v. Graham*, 449 U.S. 39 (1980).

The Court has since overturned the *Lemon* test under the Establishment Clause and instead provided a test that considers whether a governmental display of religious content comports with America's history and tradition. See *Kennedy v. Bremerton School District*. With the Court's abandonment of *Lemon* and its Establishment Clause jurisprudence, *Stone v. Graham* is no longer applicable.

Now that the legal landscape has changed, it is time for Texas to pass S.B. 10 and restore the history and tradition of the Ten Commandments in our state and our nation. S.B. 10 will remind students all across Texas of the importance of a fundamental foundation of American and Texas law—the Ten Commandments.

S.B. 10 amends current law relating to the display of the Ten Commandments in public school classrooms.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 1, Education Code, by adding Section 1.0041, as follows:

Sec. 1.0041. DISPLAY OF TEN COMMANDMENTS. (a) Requires a public elementary or secondary school, subject to Subsection (e), to display in a conspicuous place in each classroom of the school a durable poster or framed copy of the Ten Commandments that meets the requirements of Subsection (b).

(b) Requires that a poster or framed copy of the Ten Commandments described by Subsection (a) include only the text of the Ten Commandments as provided by Subsection (c) 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 and be at least 16 inches wide and 20 inches tall.

(c) Requires that the text of the poster or framed copy of the Ten Commandments described by Subsection (a) use certain language.

(d) Requires a public elementary or secondary school in which each classroom does not include a poster or framed copy of the Ten Commandments as required by Subsection (a) to accept any offer of a privately donated poster or framed copy of the Ten Commandments provided that the poster or copy meets the requirements of Subsection (b) and does not contain any additional content and display the poster or framed copy as specified in Subsection (a).

(e) Authorizes, but does not require, a public elementary or secondary school in which each classroom does not include a poster or framed copy of the Ten Commandments as required by Subsection (a) to purchase posters or copies that meet the requirements of Subsection (b) using district funds.

(f) Provides that a public elementary or secondary school, notwithstanding any other law, is not exempt from this section.

(g) Requires the attorney general to defend a public elementary or secondary school in a cause of action relating to any claims arising out of a school's compliance with this section. Provides that, in a cause of action defended by the attorney general under this subsection, the state is liable for the expenses, costs, judgments, or settlements of the claims arising out of the representation. Authorizes the attorney general to settle or compromise any and all claims under this subsection.

SECTION 2. Provides that this Act applies beginning with the 2025–2026 school year.

SECTION 3. Effective date: upon passage or September 1, 2025.