

By: Middleton

S.B. No. 380

A BILL TO BE ENTITLED

AN ACT

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

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

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

Sec. 25.0823. PERIOD OF PRAYER AND READING OF BIBLE OR OTHER RELIGIOUS TEXT. (a) 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 on a resolution described by Subsection (a-1) adopt a policy requiring every campus of the district or school to provide students and employees with an opportunity to participate in a period of prayer and reading of the Bible or other religious text on each school day in accordance with this section.

(a-1) A resolution to adopt a policy under Subsection (a) must read as follows:

"The (insert name of school district or open-enrollment charter school) shall adopt a policy requiring every campus of (insert name of district or school) to provide a period of prayer and reading of the Bible or other religious text as provided by Section 25.0823, Education Code."

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

(1) a student or employee of the school district or

1 open-enrollment charter school from being permitted to participate
2 in the period of prayer and reading of the Bible or other religious
3 text unless the employee or parent or guardian of the student
4 submits to the district or school a signed consent form that
5 includes:

6 (A) an acknowledgment that the student or
7 employee has a choice as to whether to participate in the period of
8 prayer and reading of the Bible or other religious text;

9 (B) a statement that the person has no objection
10 to the student's or employee's participation in or hearing of the
11 prayers or readings offered during the period; and

12 (C) an express waiver of the person's right to
13 bring a claim under state or federal law arising out of the adoption
14 of a policy under this section, including a claim under the
15 Establishment Clause of the First Amendment to the United States
16 Constitution or a related state or federal law, releasing the
17 district or school and district or school employees from liability
18 for those claims brought in state or federal court;

19 (2) the provision of a prayer or reading of the Bible
20 or other religious text over a public address system; and

21 (3) a period of prayer and reading of the Bible or
22 other religious text from interfering with or being provided as a
23 substitute for instructional time.

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

1 or student for whom consent has been revoked under this subsection:

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

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

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

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

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

19 (A) before normal school hours;

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

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

27 (e) The attorney general, on request from the board of

1 trustees of a school district or the governing body of an
2 open-enrollment charter school, shall:

3 (1) provide advice on best methods for a district or
4 school to comply with the requirements of this section;

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

7 (3) defend the district or school in a cause of action
8 arising out of the adoption of a policy under Subsection (a).

9 (f) If the attorney general defends a district or school
10 under Subsection (e)(3), the state is liable for the expenses,
11 costs, judgments, or settlements of the claims arising out of the
12 representation. The attorney general may settle or compromise any
13 and all claims under this subsection. The state may not be liable
14 for any expenses, costs, judgments, or settlements of any claims
15 arising out of the adoption of a policy under Subsection (a) against
16 a district or school not being represented by the attorney general.

17 (g) Regardless of whether the board of trustees of a school
18 district or the governing body of an open-enrollment charter school
19 adopts a policy under Subsection (a), this section does not
20 prohibit a student or employee of the district or school from
21 participating in prayer or reading the Bible or other religious
22 text during a period of the school day that is not designated as a
23 period of prayer and reading of the Bible or other religious text.

24 SECTION 2. Section 25.901, Education Code, is amended to
25 read as follows:

26 Sec. 25.901. EXERCISE OF CONSTITUTIONAL RIGHT TO PRAY. A
27 public school student has an absolute right to individually,

1 voluntarily, and silently pray or meditate in school in a manner
2 that does not disrupt the instructional or other activities of the
3 school. A person may not require~~[, encourage,]~~ or coerce a student
4 to engage in or refrain from such prayer or meditation during any
5 school activity.

6 SECTION 3. Not later than six months after the effective
7 date of this Act, each board of trustees of a school district and
8 each governing body of an open-enrollment charter school shall take
9 a record vote on whether to adopt a resolution described by Section
10 25.0823(a-1), Education Code, as added by this Act.

11 SECTION 4. This Act applies beginning with the 2025-2026
12 school year.

13 SECTION 5. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2025.