

BILL ANALYSIS

Senate Research Center

S.B. 1839
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Education
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As Filed

DIGEST AND PURPOSE

Current law state that students have constitutional right to pray. It further states that a public school student has an absolute right to individually, voluntarily and silently pray or meditate in school in a manner that does not disrupt the instructional or other activities of the school. However, “silently” could be viewed as a prohibition to religious speech and prayer. As proposed, S.B. 1839 deletes the word “silently” from the Education Code and clarifies that religious speech is treated just as any other free speech provided by the United States Constitution.

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 Section 25.901, Education Code, to delete text providing that student has an absolute right to pray or meditate silently at school. Provides that a public school student’s prayer or meditation is a protected form of free speech and subject only to the same time, place, and manner restrictions as afforded by the constitution.

SECTION 2. Effective date: upon passage or September 1, 2003.