

## Daily Period of Prayer and Reading of Bible or Other Religious Text

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### 1. What does the Texas Education Code provide about periods of prayer and reading of religious texts?

Texas Education Code section 25.0823 was added by Senate Bill 11 (SB 11) in the 89<sup>th</sup> Regular Session of the Texas Legislature in 2025. The statute allows a school board to adopt, by record vote on a prescribed resolution, 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 (“Daily Prayer Period”) on each school day in accordance with the law. A school board does not have to adopt a Daily Prayer Period, but a board does have to vote by March 1, 2026, on whether to adopt a resolution on the matter.

### 2. The March 1, 2026, deadline does not appear in Section 25.0823. Where does that requirement come from?

The enrolled version of SB 11, signed by the governor on June 20, and effective September 1, contains a transition provision in Section 3 of the bill. Transition provisions are procedural or technical provisions that do not appear in the permanent substantive provisions of a bill. Section 3 states:

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

Even though this requirement does not appear in the Education Code, it is still a legal requirement for all school boards and open enrollment charter schools.

### 3. What would be required for a Daily Prayer Period?

A policy adopted under Section 25.0823 must:

- **Require consent:** District policy must prohibit a student or employee of the school district from participating in a Daily Prayer Period unless the employee or parent or guardian of the student (“participant”) has completed a signed consent form that acknowledges participation is by choice, the participant has no objection, and the participant waives any claim under state or federal law arising out of the adoption of the policy. A participant’s written consent can be revoked by informing the appropriate school administrator. After consent has been revoked, the employee or student may not participate until a new consent form is submitted. The waiver included in the original consent form continues to be binding.

- **Ensure only consenting participants hear the prayers or readings:** District policy must prohibit the provision of a prayer or reading of the Bible or other religious text over a public address system. The policy must also ensure prayer or reading is not provided in the physical presence of, within the hearing of, or in another manner that could harm a non-participant.
- **Schedule the period for non-instructional time:** District policy must specify that a Daily Prayer Period may not be a substitute for instructional time. District policy may specify that the Daily Prayer Period will be established before normal school hours. Note that the statute addresses avoiding instructional time and does not use the term “school day.”
- **Schedule the period for appropriate locations:** District policy may provide that the Daily Prayer Period will take place for consenting participants only in classrooms or other areas in which a consent form has been submitted for every employee and student, which may include an entire school district or campus if a consent form has been submitted for each employee and student at the campus. The statute does not address any requirement to offer multiple locations on a given campus.

4. **What if the board is interested in offering a Daily Prayer Period, but not under the same terms as set out in the statute? For example, could the period be weekly not daily, or only at certain grade levels, or only for students and not employees?**

Section 25.0823 is offered as an “all or nothing” opportunity, with the required policy elements and required resolution including all aspects of the statute as described above. The law carries with it certain protections and support from the Texas Attorney General, and acting outside of the statute would not offer those same protections.

That said, school districts have in the past and may continue to exercise local authority through other avenues, outside of this law, to create or permit opportunities for students and employees to gather for religious expression. Examples include designated non-instructional time for meetings of student clubs, use of school facilities for meetings of community groups, “See You at the Pole,” and other similar formal and informal gatherings of interested participants who meet for prayer, reading, or other religious purposes in a manner consistent with district policy and state and federal law.

5. **What is the deadline for school boards to make a decision?**

As stated above, every school board is required to take a record vote by March 1, 2026, regarding whether to adopt the statutory resolution to create the Daily Prayer Period. A record vote is a vote that records the vote of each board member.

After meeting that initial deadline, a school board could revisit its decision whether to opt in or out of this policy.

**6. What considerations should be taken into account as the board prepares to make its initial decision?**

Establishing an on-campus, Daily Prayer Period could be a matter of high public interest with parents expressing strong, and potentially divergent, opinions. Moreover, school boards are public bodies, and the Open Meetings Act requires deliberation among a quorum of the board to take place in a properly posted public meeting.

In light of these factors, a district that anticipates high public interest on this topic should plan accordingly. The administration may want to create an opportunity to inform the board about this change in the law and answer questions about current district practices before the board has to vote. The district might choose to task an appropriate district-level committee to collect input from staff, parents, and other community members to make a recommendation to the board.

In addition, the public posting under the Open Meetings Act should give adequate public notice of the subject matter and should not presuppose the outcome of the board's vote. An agenda item should clarify that the board may approve or not approve the proposed statutory resolution.

**7. What steps does a board take to adopt a Daily Prayer Period?**

A board wishing to establish a Daily Prayer Period must do so by adopting a specific statutory resolution. For your convenience, a sample resolution complying with the statutory requirements is available in a TASB Policy Alert available to subscribers in the Policy Online Governance Management Library. If your board adopts the resolution, contact your policy consultant for recommended policy language at DGA(LOCAL) and FNA(LOCAL) to implement the Daily Prayer Period.

**8. How does a board decline to adopt a Daily Prayer Period?**

The bill says, "each board of trustees of a school district and each governing body of an open-enrollment charter school shall take a record vote on whether to adopt a resolution described by Section 25.0823(a-1)." Other motions, resolutions, or statements may help explain the board's action, but at a minimum, the board should vote yes or no on the adoption of the statutory resolution by the March 1 deadline.

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