

BILL ANALYSIS

Senate Research Center
88R12590 JTZ-D

S.B. 1556
By: Parker
State Affairs
3/31/2023
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

On June 27, 2022, the United States Supreme Court ruled 6-3 in *Kennedy v. Bremerton School District*, finding in favor of a high school football coach, Joseph Kennedy, who sued Bremerton School District in Washington State because his contract was not renewed in response to Kennedy praying on the field immediately following games.

Grounded in the Kennedy decision, S.B. 1556 codifies the right of school employees to engage in religious speech or prayer while on duty. As established in Kennedy, any infringement shall be analyzed under strict scrutiny, requiring the infringement to be (1) necessary to further a compelling state interest and (2) narrowly tailored using the least restrictive means to achieve that compelling state interest.

As proposed, S.B. 1556 amends current law relating to the right of a public school employee to engage in religious speech or prayer while on duty.

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 Subchapter A, Chapter 22, Education Code, by adding Section 22.012, as follows:

Sec. 22.012. RELIGIOUS SPEECH OR PRAYER. Prohibits the right of an employee of a school district or open-enrollment charter school to engage in religious speech or prayer while on duty from being infringed on by a school district or school or another state governmental entity, unless the infringement is:

- (1) necessary to further a compelling state interest; and
- (2) narrowly tailored using the least restrictive means to achieve that compelling state interest.

SECTION 2. Effective date: upon passage or September 1, 2023.