

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 762
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Education K-16
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 762 addresses concerns over political or ideological displays in public school classrooms. In recent years, disputes over symbols such as Pride flags, Black Lives Matter banners, Blue Lives Matter flags, and Confederate flags have led to administrative bans, protests, and lawsuits. For example, at a high school in north Texas, administrators removed rainbow "safe space" stickers and Pride flags, prompting a student walkout. Similar incidents across the state illustrate the divisiveness and disruption that competing political symbols can generate in school settings.

Texas law already emphasizes patriotism in schools by requiring daily recitations of the U.S. and Texas Pledges of Allegiance and prominently displaying both flags (Section 25.082, Education Code). However, courts have ruled that schools may regulate speech that causes substantial disruption (*Tinker v. Des Moines*, 1969). In *Melton v. Young* (6th Cir. 1972), a federal court upheld a ban on Confederate flag clothing, citing its potential to incite racial discord. These rulings affirm that while students have free speech rights, schools have the authority to limit displays that interfere with education.

Displaying political symbols in classrooms amounts to implicit school endorsement, potentially making some students feel alienated or pressured. Teachers' classroom decorations and flags displayed on school grounds carry the school's imprimatur, which should remain politically neutral. A Black Lives Matter poster, a Blue Lives Matter flag, or a Confederate flag might be intended as supportive speech by some but could be perceived as divisive by others. Without clear guidance, some schools allow partisan messaging that distracts from curriculum and stirs division, while others face backlash over removing such items.

S.B. 762 ensures schools prioritize education and shared civic values by establishing a uniform standard that prevents political symbol conflicts, maintaining a neutral learning environment.

Legislative Intent:

S.B. 762 maintains neutral public school environments by proactively limiting permanent flag displays to unifying symbols like the U.S. and Texas flags, preventing partisan influence while allowing educational and historical flags, and aligning with schools' legal authority to regulate disruptive speech.

Committee Substitute:

- Defines a flag.
- Instead of parental civil action, schools failing to report remedies within the required timeframe now face a \$500 daily civil penalty, pursued by the attorney general to be deposited in the state treasury to the credit of the general revenue fund.

Revised Key Provisions:

- Section Provision Summary
- Sec. 1.0031(a) (Definitions) defines "display" and "flag."

- Sec. 1.0031(c) (Parent)

Notification:

- Allows parents/guardians to file written notice of a violation. School has 10 business days to correct the issue.
- Sec. 1.0031(d) (School)

Response:

- School must respond in writing to the parent within 10 business days, detailing how the violation was remedied.
- Sec. 1.0031(e) (Civil Penalty) if the school fails to respond within the 10-day window, it may incur a \$500/day penalty until compliance.

C.S.S.B. 762 amends current law relating to the display of flags in public schools and provides a civil penalty.

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 1.0031, as follows:

Sec. 1.0031. DISPLAY OF FLAGS. (a) Defines "display" and "flag."

(b) Prohibits a public elementary or secondary school from displaying or permitting an employee, agent, volunteer, or student to display on school property any flag other than certain flags.

(c) Authorizes a parent or guardian of a child who is enrolled, or eligible to enroll, in a school that violates Subsection (b) to provide written notice of the alleged violation to the school and allow the school 10 business days from receipt of the notice to remedy the violation.

(d) Requires the school, not later than the 10th business day after receiving a written notice under Subsection (c), to provide in writing to the parent or guardian notice of the remedy the school implemented.

(e) Provides that a school that violates Subsection (b) and fails to provide notice of the remedy implemented by the school within the period prescribed by Subsection (d) is liable to the state for a civil penalty in the amount of \$500 for each day that the school fails to provide notice of the remedy after the period prescribed by Subsection (d). Authorizes the attorney general to sue to collect a civil penalty under this subsection. Requires that money collected under this subsection be deposited in the state treasury to the credit of the general revenue fund.

SECTION 2. Severability clause.

SECTION 3. Effective date: January 1, 2026.