

State of Play: Public Education

What Happened in the 89th Texas Legislature and What Comes Next

The 89th Texas legislative session produced a variety of new public education laws that affect religious freedom, school budgets, and teacher autonomy. This policy brief will highlight the legislation that Texas Impact tracked from their bill filing all the way to their approval by Governor Greg Abbott. Public education was a highly debated and divisive issue within the Texas Legislature this year, and it will continue that way as we see local communities becoming aware of and pushing back on these policies. Keep reading to learn more about what exactly these new laws are asking of Texas public schools, teachers, and administrators.

What passed in the 89th Legislative Session?

Senate Bill 2 (Texas Education Freedom Accounts)

- SB 2 created Texas Education Freedom Accounts (TEFA), which gives government money to private school students who are accepted into the program. There is a list of approved schools and allowed expenses that the money can be used for. Some of those approved expenses are: Tuition and fees at a private school, higher education provider, online educational course or program, or program that provides training for an industry-based credential approved by the Texas Education Agency; textbooks or other instructional materials; required uniforms; and fees for classes provided by school districts that do not qualify the child to be included in the school's average daily attendance.

Additionally, there is a prioritization system to those who are accepted into the program. The prioritization tiers for the first year of the TEFA are as follows:

- i. Children with a disability who are members of a household whose total annual income is at or below 500% of the Federal Poverty Level 1.
- ii. Children who are members of a household whose total annual income is at or below 200% of the Federal Poverty Level.
- iii. Children who are members of a household whose total annual income is between 200% and 500% of the Federal Poverty Level.

- iv. Children who are members of a household whose total annual income is at or above 500% of the Federal Poverty Level.
- v. Children who were enrolled in a Texas public school or charter school for at least 90% of the prior school year will be prioritized within this group. Funds for children in this category may not exceed 20 percent of the amount of money appropriated from the program fund for that school year.

In 2026 alone, the estimated expenditures for the TEFA program is \$1 billion, with corresponding losses in both enrollment and revenue to public schools.

Senate Bill 10 (Ten Commandments in classrooms)

- SB 10 requires public school classrooms to display the Ten Commandments in a “conspicuous” place in every public school classroom in Texas (if donated).
- The Ten Commandments must be both framed and printed to a size of at least 16 inches wide and 20 inches tall.
- The poster must be visible and legible for “a person with average vision” from anywhere in the classroom.
- There are many versions of the Ten Commandments, but this bill requires posting the King James translation, which is quoted in the bill as the only version to be used.
- Any public school that does not provide a framed copy of the Ten Commandments is required to accept and display any donation provided.

Senate Bill 11 (Period of prayer in schools)

- SB 11 requires school boards to vote on a measure to allow for a period of prayer in schools. If adopted, school districts would distribute a permission form to all parents. The period of prayer would not be allowed during instructional time, or in the earshot of students who were not permitted to participate.

HB 2 (Public school budget bill)

- Originally, this bill would have raised the basic allotment by \$395. However, after back and forth with the House and Senate, the final version of this bill added \$55 to the basic allotment. As the 2024-2025 basic allotment was \$6,160, this was an increase of %0.8. The bill added other allotments to the formula such as the “Allotment for Basic Costs,” or the ABC allotment. Each district can use that money, \$106 per student, for basic needs such as transportation, hiring retired teachers, employee benefits, and utilities, but is less flexible than the basic allotment. Another key feature of this bill is the permanent Teacher Retention Allotment. The changes to the public school funding equation will not be seen until the 2026 school year.

What is the current state of education legislation?

Senate Bill 2 created the Texas Education Freedom Account (TEFA) program, which has an up and running website and will begin receiving student applications in February of 2026. There are now about 775 schools that have been approved to receive TEFA funds. Schools in all of the major Texas metropolitan areas have TEFA approved schools, with 70 in the Austin area, 195 in Dallas, 233 in Houston, 94 in San Antonio, and many others in most corners of Texas. Schools that are approved to receive TEFA funds can be found on the official website, educationfreedom.texas.gov.

Senate bills 10 and 11 have seen a significant amount of organized local pushback since the end of the regular legislative session. Senate Bill 10 has been challenged in three different lawsuits, two from the ACLU of Texas, one of them being a class-action lawsuit, and one from Americans United for Separation of Church and State. Preliminary injunctions have been put in place for some of the school districts involved in the lawsuits. As a result, the Ten Commandments posters cannot go up in those school districts until further legal actions are completed, and may be prevented altogether.

What can we do now?

All of the aforementioned bills have been signed into law, so we are in the “now what” phase of advocacy.

There are different ways to advocate for better public education in Texas, and one of those is to connect with other advocates in your community. Attending the Public School Defenders action group via Texas Impact makes it easy to make those connections and figure out what the next steps are. In many cases, having an open dialogue with school leadership (Principals, superintendents, school board members) is the best way to gauge how you can be effective in your school district.

For example, if your school board members have no intention of passing the measure to allow for a period of prayer in school (SB 11), it is important to have that conversation prior to any large-scale community organizing.

In the case of vouchers, or TEFA, community education is a great way to help those who may not know the pitfalls or dangers of “voucher” funds.

Looking Forward: 2026-2027

Public school advocates should continue to pursue the best possible education for our children, with open minds and hearts. In our democratic system there is no “new normal,-” legislatures of the past are forbidden from creating laws that cannot be changed by future legislatures. As a result, advocates are free to pursue new legislation, study and amend programs already implemented, or seek repeal of legislation that they deem failed or never right in the first place.

Texas Education Freedom Accounts

- Now that TEFA is law, we should fight for legislation requiring study of the implementation of TEFAs, including their use, who is really benefiting in terms of private school funding, and their impact on public school funding, retirement systems, and enrollment.
- Hard limit on the monetary amount allotted to the TEFA program. This is necessary for predictability for funding public education.
- Fight for the elimination of the TEFA program if it does not provide expanded educational opportunities to specific populations who cannot afford education for their children, and who do not have access to public education opportunities.

Senate Bill 10 (Ten Commandments)

- Repeal of the requirement; it represents a clear establishment of preference of one branch of religion over others. More data and community stories will be available from both court cases and community experience with the bills.

Public Education Funding

- We can continue to fight for an economically significant increase in the basic allotment. The flexibility of the basic allotment is of particular urgency given the instability in public education funding created by both statutory mandates and privatization of school funds in the TEFA program.