

SB166 INTRODUCED



1 SB166
2 7DFKE2E-1
3 By Senators Kelley, Kitchens, Smitherman, Roberts, Butler,
4 Allen, Waggoner, Gudger, Livingston, Chesteen, Sessions,
5 Shelnuttt, Weaver
6 RFD: Education Policy
7 First Read: 12-Feb-25



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SYNOPSIS:

This bill would require each local board of education and the governing body of each public institution of higher education to display the Ten Commandments and a context statement in a common area of each school under its jurisdiction.

This bill would provide that no local board of education or public institution of higher education is required to use its funds to comply with the display requirement and that it may accept donations to comply with the display requirement.

This bill would require the State Department of Education to identify and publicize free resources that local boards of education may use to comply with the display requirement.

This bill would require the State Board of Education and the Alabama Commission on Higher Education to adopt rules.

A BILL
TO BE ENTITLED
AN ACT

Relating to public K-12 schools and public institutions



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29 of higher education; to provide Legislative findings; to add
30 Sections 16-1-20.7 and 16-5-16 to the Code of Alabama 1975; to
31 require each local board of education and public institution
32 of higher education to display the Ten Commandments and a
33 context statement in schools; to provide for the use of
34 donations to comply with the display requirement; to require
35 the State Department of Education to publicize free resources
36 available to schools to comply with this act; and to require
37 the State Board of Education and the Alabama Commission on
38 Higher Education to adopt rules.

39 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

40 Section 1. (a) The Legislature finds and declares all
41 of the following:

42 (1) In 2005, the Supreme Court of the United States
43 recognized in *Van Orden v. Perry*, 545 U.S. 677, 688 (2005)
44 that it is permissible to display the Ten Commandments on
45 government property.

46 (2) In 2018, Alabama voters overwhelmingly approved an
47 amendment to the state's constitution authorizing public
48 displays of the Ten Commandments. Section 3.02 of the
49 Constitution of Alabama of 2022, provides that "property
50 belonging to the state may be used to display the Ten
51 Commandments, and the right of a public school and public body
52 to display the Ten Commandments on property owned or
53 administrated by a public school or public body in this state
54 is not restrained or abridged."

55 (3) In 2019, the Supreme Court of the United States
56 further recognized in *American Legion v. American Humanist*



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57 Association, 588 U.S. 29, 53 (2019) that the Ten Commandments
58 "have historical significance as one of the foundations of our
59 legal system." The court also ruled that the displaying of the
60 Ten Commandments on public property may have "multiple
61 purposes" such as "historical significance" and represent a
62 "common cultural heritage." Id, 588 U.S. at 54.

63 (4) Further, in 2022, the Supreme Court of the United
64 States in *Kennedy v. Bremerton*, 597 U.S. _ (2022) provided
65 that the Establishment Clause may be interpreted by "reference
66 to historical practices and understandings," and that it "does
67 not 'compel the government to purge from the public sphere'
68 anything an objective observer could reasonably infer endorses
69 or 'partakes of the religious.'"

70 (5) Recognizing the historical role of the Ten
71 Commandments accords with our nation's history and faithfully
72 reflects the understanding of the founders of our nation with
73 respect to the necessity of civic morality to a functional
74 self-government.

75 (6) Including the Ten Commandments and other documents
76 generated during the formative years of our government in the
77 education of our children is part of our state and national
78 history, culture, and tradition. A document setting forth
79 historical truths about the foundation of American government
80 that includes the Ten Commandments is not only consistent with
81 historical practices, but also accurately reflects historical
82 understandings.

83 (7) The text of the Ten Commandments set forth in this
84 act is identical to the text of the Ten Commandments monument



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85 that was upheld by the Supreme Court of the United States in
86 Van Orden v. Perry, 545 U.S. 677, 688 (2005).

87 (8) The Mayflower Compact of 1620 was America's first
88 written constitution and made a covenant with Almighty God to
89 "form a civil body politic." This was the first purely
90 American document of self-government and affirmed the link
91 between civil society and God.

92 (9) The Northwest Ordinance of 1787 provided a method
93 of admitting new states to the Union from the territory as the
94 country expanded to the Pacific. The Ordinance "extended the
95 fundamental principles of civil and religious liberty" to the
96 territories and stated that "[r]eligion, morality, and
97 knowledge, being necessary to good government and the
98 happiness of mankind, schools and the means of education
99 shall forever be encouraged."

100 (10) It is the intent of the Legislature to apply the
101 decision set forth by the Supreme Court in Van Orden v. Perry
102 to continue this rich tradition and ensure that the students
103 in our public schools may understand and appreciate the
104 foundational documents of our state and national government.

105 (11) The Supreme Court of the United States
106 acknowledged that the Ten Commandments may be displayed on
107 local government property when a private donation is made for
108 the purchase of the historical monument. Pleasant Grove City,
109 Utah v. Summum, 555 U.S. 460 (2006).

110 (12) It is the intent of the Legislature that this act
111 does not create an unfunded mandate on any public school
112 governing authority. Local boards of education are encouraged



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113 to use documents that are printed and made available to the
114 schools free of charge.

115 Section 2. Section 16-1-20.7 is added to the Code of
116 Alabama 1975, to read as follows:

117 §16-1-20.7

118 (a) No later than January 1, 2026, each local board of
119 education shall display the Ten Commandments in each school
120 under its jurisdiction. The display must be placed in an entry
121 way or other common area in the school, such as the school
122 library. The nature of the display shall be determined by each
123 local board of education, with the minimum requirement that
124 the Ten Commandments shall be displayed on a poster or framed
125 document that is at least 11 inches by 14 inches. The text of
126 the Ten Commandments shall be the central focus of the poster
127 or framed document and shall be printed in a large, easily
128 readable font.

129 (b) (1) The text displayed pursuant to subsection (a)
130 shall read as follows:

131 "The Ten Commandments

132 I AM the LORD thy God.

133 Thou shalt have no other gods before me.

134 Thou shalt not make to thyself any graven images.

135 Thou shalt not take the Name of the Lord thy God in
136 vain.

137 Remember the Sabbath day, to keep it holy.

138 Honor thy father and thy mother, that thy days may be
139 long upon the land which the Lord thy God giveth thee.

140 Thou shalt not kill.



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141 Thou shalt not commit adultery.

142 Thou shalt not steal.

143 Thou shalt not bear false witness against thy neighbor.

144 Thou shalt not covet thy neighbor's house. Thou shalt
145 not covet thy neighbor's wife, nor his manservant, nor his
146 maidservant, nor his cattle, nor anything that is thy
147 neighbor's."

148 (2) The Ten Commandments shall be displayed with the
149 following context statement:

150 "The History of the Ten Commandments in American Public
151 Education

152 The Ten Commandments were a prominent part of American
153 public education for almost three centuries. Around the year
154 1688, The New England Primer became the first published
155 American textbook and was the equivalent of a first grade
156 reader. The New England Primer was used in public schools
157 throughout the United States for more than 150 years to teach
158 Americans to read and contained more than 40 questions about
159 the Ten Commandments.

160 The Ten Commandments were also included in public
161 school textbooks published by educator William McGuffey, a
162 noted university president and professor. A version of his
163 famous McGuffey Readers was written in the early 1800s and
164 became one of the most popular textbooks in the history of
165 American education, selling more than 100 million copies.
166 Copies of the McGuffey Readers are still available today.

167 The Ten Commandments also appeared in textbooks
168 published by Noah Webster which were widely used in American



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169 public schools along with America's first comprehensive
170 dictionary that Webster also published. His textbook, The
171 American Spelling Book, contained the Ten Commandments and
172 sold more than 100 million copies for use by public school
173 children all across the nation and was still available for use
174 in American public schools in the year 1975."

175 (c) A local board of education may also display the
176 Mayflower Compact, the Declaration of Independence, and the
177 Northwest Ordinance along with the Ten Commandments.

178 (d) This section does not require a local board of
179 education to spend its funds to purchase the displays required
180 by this section. In order to fund the displays free of charge,
181 a local board of education may accept donated funds to
182 purchase the displays or may accept donated displays.

183 (e) The State Department of Education shall identify
184 appropriate resources for local boards of education to comply
185 with this section free of charge. Once identified, the
186 department shall list the free resources on the department's
187 website.

188 (f) The State Board of Education shall adopt rules to
189 implement this section.

190 Section 3. Section 16-5-16 is added to the Code of
191 Alabama 1975, to read as follows:

192 (a) No later than January 1, 2026, the governing body
193 of each public institution of higher education shall require
194 each institution under its jurisdiction to display the Ten
195 Commandments. The display must be placed in an entry way or
196 other common area of the school, such as the school library.



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197 At a minimum, the Ten Commandments shall:

198 (1) Read the same as the language provided in Section
199 16-1-20.7(b);

200 (2) Be displayed on a poster or framed document that is
201 at least 11 inches by 14 inches;

202 (3) Be the central focus of the poster or framed
203 document; and

204 (4) Be printed in a large, easily readable font.

205 (b) This section does not require the governing body of
206 a public institution of higher education or any public
207 institution of higher education to spend its funds to purchase
208 the displays required by this section. In order to fund the
209 displays free of charge, a public institution of higher
210 education or its governing body may spend donated funds to
211 purchase the displays or may accept donated displays.

212 (c) The Alabama Commission on Higher Education shall
213 adopt rules to implement this section.

214 (d) It is the intent of the Legislature that all
215 constitutionally created boards of trustees comply with the
216 requirements of this section.

217 Section 4. This act shall become effective on October
218 1, 2025.