



August 21, 2025

**Re: School districts must not implement Texas’s unconstitutional Ten Commandments law**

Dear Superintendent:

Public-school officials are legally required to protect and uphold the constitutional rights of students and families, including their right to religious freedom under the Establishment and Free Exercise Clauses of the First Amendment. We write to advise you that implementing Senate Bill No. 10 (“S.B. 10”) would violate this obligation and could result in litigation being filed against your district.

S.B. 10 purports to require public-school superintendents to post a copy of the Ten Commandments in a “conspicuous place” in every elementary- and secondary-school classroom.<sup>1</sup> In July, on behalf of sixteen multifaith and nonreligious families with children in Texas’s public schools, the undersigned attorneys brought a federal lawsuit against eleven school districts challenging the constitutionality of S.B.10.

On August 20, a federal district court ruled in our clients’ favor and determined that S.B. 10 is “plainly unconstitutional.”<sup>2</sup> Accordingly, the court granted a preliminary injunction and prohibited the school-district defendants from “displaying the Ten Commandments pursuant to S.B. 10.”<sup>3</sup>

Even though your district is not a party to the ongoing lawsuit, all school districts have an independent obligation to respect students’ and families’ constitutional rights. Because the U.S. Constitution supersedes state law, public-school officials may not comply with S.B. 10.

Indeed, S.B. 10 directly contravenes the Supreme Court’s ruling in *Stone v. Graham*, which struck down a similar Kentucky statute that required public schools to post a copy of the Ten Commandments in every classroom.<sup>4</sup> In June, the U.S. Court of Appeals for the Fifth Circuit held that a Louisiana law similar to S.B. 10 violates the First Amendment under *Stone*.<sup>5</sup> And in its ruling yesterday, the Texas district court concluded the same.<sup>6</sup>

Texas’s public schools serve families who practice a rich diversity of religions, as well as many families who do not practice any faith. These families “entrust public schools with the education of their children, but condition their trust on the understanding that the classroom will not purposely be used to advance religious views that may conflict with the private beliefs of the student and his or her family.”<sup>7</sup> They also trust that public officials will live up to their fiduciary duties by not engaging in

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<sup>1</sup> Tex. S.B. 10 § 1(a), 89th Leg. R.S. (2025).

<sup>2</sup> *Rabbi Mara Nathan v. Alamo Heights Indep. Sch. Dist.*, Case No. 5:25-cv-00756-FB (W.D. Tex. Aug. 20, 2025), Slip Op. at 43 (quoting *Roake v. Brumley*, 141 F.4th 614, 645 (5th Cir. 2025)).

<sup>3</sup> *Id.* at 55.

<sup>4</sup> 449 U.S. 39, 42 (1980).

<sup>5</sup> *Roake v. Brumley*, 141 F.4th 614, 645 (5th Cir. 2025).

<sup>6</sup> *Nathan*, Slip Op. at 43.

<sup>7</sup> *Edwards v. Aguillard*, 482 U.S. 578, 584 (1987).

conduct that has already been ruled unconstitutional and could result in unnecessary and costly litigation.

In light of the court's August 20 ruling that S.B. 10 is unconstitutional, any school district that implements S.B. 10 will be violating the First Amendment and could be inviting additional litigation. **We thus urge you to respect the First Amendment rights of Texas students and families by not posting the Ten Commandments displays pursuant to S.B. 10 and/or immediately removing any displays of the Ten Commandments that have already been posted in your district's classrooms.**

Sincerely,

x 

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