



June 2, 2026

To: Texas Public School Districts and School Administrators

Re: Guidance Regarding Compliance with Texas Senate Bill 10 (Ten Commandments Displays)

Recently, the federal 5th Circuit Court of Appeals ruled that Texas Senate Bill 10 (“S.B. 10”), the Texas Ten Commandments Law, is constitutional and fully enforceable.¹ Texas school districts are therefore required to immediately comply with Texas law, including accepting and displaying qualifying donated Ten Commandments posters. The federal 5th Circuit Court of Appeals decision is currently the highest binding federal appellate ruling governing this matter in Texas.

If your school district does not have Ten Commandments posters for display, please let our office know and we will work to have them donated. If your school district currently is in possession of qualifying Ten Commandments posters but they have not yet been displayed, you are in violation of the law.

For more information, please review the below answers to common questions regarding implementation and compliance:

Frequently Asked Questions

1. What was the federal 5th Circuit Court of Appeals’ reasoning?

The federal court concluded that S.B. 10 does not violate the Establishment Clause or the Free Exercise Clause of the United States Constitution. The court explained that older “*Lemon test*” cases are no longer controlling and that courts now apply a “history and tradition” framework when evaluating Establishment Clause claims.

The court further concluded that “S.B. 10 looks nothing like a historical religious establishment...Students are neither catechized on the Commandments nor taught to adopt them.”² The law does not compel religious worship, prayer, or recitation, and instead requires only the display of a poster in classrooms.

2. Can districts delay compliance until additional appeals occur?

No. The federal court’s decision is controlling authority, and the injunction against S.B. 10 has been vacated. Appellate decisions generally become effective upon issuance of the mandate, absent a further stay.³ The federal court’s mandate issued on May 12, 2026 – the law is now active. Whether a school district was involved in a separate legal case involving the Ten Commandments displays or not is

¹ *Rabbi Nathan v. Alamo Heights ISD*, No. 25-50695 (5th Cir. Apr. 21, 2026) (en banc)

² *Nathan*, No. 25-50695, slip op. at 4.

³ Fed. R. App. P. 41(c)

irrelevant to a school district's duty to implement S.B. 10. Districts that delay implementation of a currently effective state law may expose themselves to costly litigation.

3. Can districts wait until the next school year to comply?

No. Postponement of compliance with state law is a clear violation. The statute evaluates compliance based on whether classrooms actually include the display – not whether the school district once possessed posters or temporarily hung them.

4. Does Texas law provide protections for districts complying with S.B. 10?

Yes. S.B. 10 provides for representation by the Office of the Attorney General in litigation arising from a school's compliance with the statute and includes certain protections relating to associated litigation costs and claims. Those protections are tied to compliance with the law.

5. What could be considered “bad-faith compliance”?

Texas school districts are now required to follow the law and display the posters in every classroom.

Examples of potential bad-faith compliance concerns may include:

- Placing displays in locations that are not reasonably visible within the classroom;
- Materially obstructing visibility of the display; or
- Adding unauthorized content to the display.

Implementation practices that effectively undermine the required display will expose districts to litigation risk even if the district claims compliance.

6. How can districts receive assistance with compliance?

Texas Values is available to assist districts with questions or provide donated posters. For free assistance, email info@txvalues.org.

7. Can school districts throw away posters after each school year?

No. S.B. 10's requirement for a “durable poster or framed copy” is a framing that implies the permanence of a long-term display or fixture. Good examples of other fixtures in classrooms include whiteboards, chalkboards, or Texas and United States flags.

Sincerely,

Texas Values Legal & Policy Team