

# Breaking Down the Supreme Court's Decision in *Mahmoud v. Taylor*: Why It is More Important Than Ever to Advocate for Inclusive Schools

## How To Use This Resource:

The U.S. Supreme Court's harmful decision in [\*Mahmoud v. Taylor\*](#) on June 27, 2025 seriously endangers students' access to safe and inclusive public education. The Court held that a school district's decision not to allow parents to opt their children out of classes when teachers read aloud storybooks featuring LGBTQI+ people conflicted with those parents' free exercise rights.

To protect students' access to safe and inclusive education, it is crucial to counter efforts by far-right extremists attempting to over-interpret *Mahmoud*, including by wrongly suggesting that the decision requires schools to censor inclusive educational content or to limit their responses to harassment or discrimination against students. This resource breaks down the decision—what it does and doesn't do—to ensure students, parents, school staff, advocates, and faith leaders are prepared to push back against attempts to claim the decision requires broad censorship and other harm to inclusive and safe educational spaces. This resource also includes talking points and a template letter explaining why schools should not inappropriately expand the decision to enact harmful policies and how doing so would undermine schools' legal and ethical obligations to protect students' rights.

## Explainer: What the Supreme Court's decision in *Mahmoud v. Taylor* does and doesn't do.

*Mahmoud v. Taylor* involved a group of parents who sued their school district, Montgomery County Public Schools (MCPS) in Maryland. The parents claimed that by refusing their requests to opt their children out of instruction featuring storybooks with LGBTQI+ characters, MCPS unconstitutionally burdened their religious free exercise rights under the First Amendment.

## The facts of the case: What led to the decision?

In 2022, MCPS added storybooks featuring LGBTQI+ characters to its English and Language Arts (ELA) curriculum for elementary school students to ensure diversity in perspectives offered to students.<sup>1</sup> The books explored themes of belonging, kindness, and family, and included, for example: *Uncle Bobby's Wedding*, in which a young girl initially fears her uncle will have less time for her after marrying his boyfriend, but eventually becomes excited about welcoming a new family member; and *Pride Puppy*, which recounts a family's adventure losing their dog at a Pride parade and the diverse members of the LGBTQI+ community they run into on their way to reunite with their dog.<sup>2</sup>

Some parents asked if their children could leave class when the books were read.<sup>3</sup> Initially, MCPS accommodated these requests, but in March 2023, MCPS announced it would stop accommodating all requests in the 2024-2025 school year because the opt-out requests increased significantly, creating a huge administrative burden on schools. Schools found it difficult both to manage the sheer number of requests and to assign alternate teachers and lesson plans to the children excused from class.<sup>4</sup> MCPS also stated that accommodating the requests disrupted the school environment and its ability to educate students. Not only were rates of absences increasing (some parents would keep their children home for the whole day if any of the storybooks were read), but MCPS said that allowing students to leave class whenever a teacher read aloud a book that included an LGBTQI+ character made it difficult to ensure a safe and inclusive environment for all students.<sup>5</sup> In changing its policy, MCPS stated it would not accommodate opt-outs to the ELA curriculum for any reason, religious or otherwise.<sup>6</sup>

A group of parents then sued MCPS in federal district court in Maryland claiming MCPS unconstitutionally burdened their free exercise rights; specifically, their right to direct the religious upbringing of their children.<sup>7</sup> The district court held that the parents were not likely to succeed on their claim that MCPS's refusal to accommodate religious opt-outs unconstitutionally burdened their free exercise rights. The parents appealed to the U.S. Court of Appeals for the Fourth Circuit, which upheld the district court's ruling.<sup>8</sup> The parents then appealed to the U.S. Supreme Court, which, on June 27, 2025, reversed the lower court and sided with the parents, holding they were likely to succeed in their free exercise challenge and were entitled to opt their children out of classroom instruction featuring LGBTQI+ characters.<sup>9</sup>

Importantly, the parents in this case were represented by an extremist far-right group, the Becket Fund for Religious Liberty, which has a history of advocating against reproductive freedoms and LGBTQI+ rights. Though this case was framed as defending against an unconstitutional burden on the parents' rights to direct the religious upbringing of their children, the Becket Fund's history of attacks on civil rights makes it clear this is part of a larger effort by far-right extremists to misuse the principle of religious freedom to attack both LGBTQI+ people and public education.

## The holding: what does the Supreme Court's decision do?

In *Mahmoud v. Taylor*, the Supreme Court ruled 6-3 that MCPS's refusal to allow the objecting parents to opt their children out from LGBTQI+ storybooks on religious grounds and provide notice to these parents of future LGBTQI+ inclusive content was an unconstitutional burden on their free exercise rights to direct the religious upbringing of their children. Writing for the majority, Justice Alito reached this conclusion by broadly expanding the reach of a half-century old case, *Wisconsin v. Yoder*. In *Yoder*, the Court held that forcing Amish parents to comply with compulsory education laws requiring children to attend school until age 16 constituted an unacceptable burden on the parents' religious exercise because such schooling would directly undermine the Amish religion, which depended on integrating children into the Amish community at home.<sup>10</sup> *Mahmoud* extended the reasoning in that case and said MCPS's policy was similarly coercive to the group of parents' religious exercise,<sup>11</sup> even though in *Yoder*, unlike here, Amish children were compelled to do something their religion specifically forbade—which was to attend public schools.

Moreover, *Yoder* emphasized that the unique nature of Amish beliefs meant that “probably few other religious groups” could demonstrate the same burden on their religious exercise and thus also needed to be exempted from generally applicable educational requirements.<sup>12</sup> Meanwhile, *Mahmoud* held that exposing children to positive depictions of LGBTQI+ people in the classroom would impose a “pressure to conform” to views “hostile” to their religion, despite the fact that parents were still free to direct the religious upbringing of their children based on their own views outside of the classroom.

The Supreme Court’s decision spells serious danger for public education. The majority’s poorly-defined ruling risks far-right extremists claiming an overly broad interpretation that would essentially require schools to allow parents to opt their children out of curriculum whenever they have religious objections to the mere exposure of their children to ideas they disagree with—even if their religion does not specifically prohibit such exposure. This will put a serious strain on the resources of MCPS (and on other school districts’ who will be forced to do the same) in having to respond to a flood of opt-out requests and create additional educational programming for children that have opted out.

### **The limits of the holding: what does the Supreme Court’s decision not do?**

While the *Mahmoud* decision portends serious harm to safe and inclusive education, it is important not to overread the reach of the decision—and to be prepared to counter efforts by far-right extremists to do just that.

In its simplest terms, the decision says that MCPS must extend opt-outs to the specific group of parents who brought the lawsuit so their children could be excused from the classroom when storybooks with LGBTQI+ characters are read—and provide those parents notice whenever the books are read.<sup>13</sup> The Court found that MCPS’s refusal to extend opt-outs violated the parents’ rights to direct the religious upbringing of their children because, in the Court’s view: the storybooks were presented not in a “neutral” manner, but in a manner that was hostile to the parents’ religious beliefs;<sup>14</sup> and, the elementary school-aged children were especially susceptible to endorsing views that are hostile to their parents’ religious beliefs because they were especially young.<sup>15</sup> Attempts to extend the decision beyond this into other contexts are wrong. Still, far-right extremists may try to claim the decision requires schools to censor materials commonly targeted in the name of religion, such as other LGBTQI-inclusive materials, lessons on the existence of racism or sexism, or teaching of evolution—regardless of any specific request for a religious accommodation. Or, they may claim the decision prevents teachers from intervening to address bullying on the basis of a student’s race or LGBTQI+ status. **This is not what the decision requires.**

Schools do not need to preemptively censor inclusive learning materials, nor should they back down from their ethical and legal obligations to protect students from hostile school environments created by discriminatory harassment.

When coming into compliance with the decision, **schools must understand a key limiting principle of *Mahmoud*: the decision turned on the particular facts of the case. Indeed, the Supreme Court has affirmed that whether a law or policy unconstitutionally burdens religious free exercise rights is always heavily dependent on the facts of a case.**<sup>16</sup> These facts included MCPS’s ability to accommodate the design of alternate educational programming for students who qualify as emergent multilingual learners or for individualized educational programs (IEPs)—which the Court said undermined MCPS’s argument that accommodating opt-outs on religious grounds would be too hard to administer.<sup>17</sup>

These facts also included the age of the students involved and the fact that MCPS gave guidance to teachers reading storybooks with LGBTQI+ characters that the Court said presented the books in a manner that was not “neutral.” The Court explained that the question of whether school instruction is hostile to religion and pressures students to violate their religious beliefs will be analyzed differently for high school students and elementary school students, and turns on whether instruction is presented in a “neutral”

manner or in a manner that “pressure[s] [students] to conform.”<sup>18</sup> The Court said younger students were more likely to accept views presented by their teachers as authority figures, but distinguished this tendency from the critical thinking capabilities of high school students<sup>19</sup>—suggesting that, had the case involved older students, MCPS may not have been required to extend the parents opt-outs.<sup>20</sup> Importantly, when discussing the age of students as a limiting principle of the Court’s holding, it is crucial to rely on the critical thinking and autonomy of high school students as making them less susceptible to coercion because they are more capable of understanding how these books may, or may not, conflict with their religious beliefs—as opposed to endorsing the myth that there is something inherently harmful about exposing especially young students to the existence of LGBTQI+ people.

Finally, the Court did not specify notice procedures for parents to opt their children out of certain educational instruction. But if schools do provide a list of educational materials to parents in advance of receiving opt out requests, schools should not single out LGBTQI-inclusive materials or any other topic just because it is disfavored by a particular group of parents, and instead, provide a list of all educational materials to parents. Encouraging schools to select certain content for notice sends a harmful message that certain content should be assumed to be more objectionable than others. Moreover, it is simply not feasible for schools to try to guess what might trigger a religious objection. Public schools are not religious institutions and will not know what could be objectionable to every religious group.

The Court’s decision in *Mahmoud* is no doubt harmful, but students, parents, school staff, local advocates, and faith leaders should not back down from holding their school districts accountable for wrongly caving to pressure to inappropriately expand the Court’s decision and censor inclusive materials.

## Pushing Back: Talking Points for Students, Parents, School Staff, Local Advocates, and Faith Leaders

*Students, parents, school staff, local advocates, and faith leaders may need to address their school boards experiencing pressure from far-right extremists attempting to inappropriately expand the reach of the Supreme Court’s decision in Mahmoud v. Taylor. These talking points help explain the holding, address why opt-out policies are harmful to students, and support local efforts to fight censorship in schools, including at school board meetings.*

### Topline Messaging:

- Students benefit from inclusive education. Exposure to diverse and inclusive stories and curricula promotes safe school environments that help all students succeed.
- **Respecting religion and LGBTQI+ people are not in tension.** Indeed, many people of faith are LGBTQI+ or support LGBTQI+ people. The real problem is when religious freedom gets misused to divide us. Yet we are seeing religion being used to try to divide us and eliminate discussions about diverse communities—especially LGBTQI+ people and people of color.
- Some people are trying to stretch the Court’s decision beyond what it actually says.
- Schools need to guard against inappropriate and unnecessary expansions of this decision to avoid further endangering public education.
  - Schools cannot give in to demands to preemptively censor content or upend students’ rights to be free from harassment and discrimination in schools.
  - Preemptively censoring content distracts teachers from doing their jobs to educate and keep students safe. It also prevents students from seeing themselves, their families, and their peers reflected and valued in what they read and learn, despite it being proven to increase positive academic and emotional outcomes.
  - Schools cannot give in to demands to misuse this decision to harm safe school spaces for students in other contexts. This decision does nothing to disrupt students’ rights to be free from harassment and discrimination in schools.

## Messaging on the limitations of the decision and reasons schools must maintain inclusive curricula:

- Schools need to know that the Supreme Court’s holding is limited in scope and does not mean schools have to accommodate demands to destroy safe and inclusive educational spaces for all students.
  - The Supreme Court said its ruling depended on the age of students and the fact that the storybooks were not presented in a “neutral” manner. Because the students were elementary school-aged, the Court claimed students were being pressured to conform. The Court emphasized the decision would likely be different had it involved high school students. High school students have the critical thinking skills and autonomy necessary to discern between how lessons may or may not conflict with their beliefs—which means that it is far more inappropriate for schools to add new opt-out processes for high school students based on religious exercise claims by their parents.

### Note:

Though the Court emphasized the age of the students in the case, advocates should nonetheless be mindful of extremists’ effort to extend the Court’s holding to middle or high school students, as we have seen similar efforts by opponents of inclusive education (for example, [Florida’s Don’t Say Gay law](#) began as an effort to restrict LGBTQI-inclusive content for K-3 and was later extended to K-12) to incrementally expand harmful restrictions on classroom instruction/discussion to older ages over time.

- Regarding notice, schools should notify parents and caregivers of opt-out policies just as they would of any other school policy such as for medical accommodations or usage of electronics during the school day. If schools give notice of educational content, they should not only disclose LGBTQI-inclusive content or any other content that they believe will be disfavored. Doing so may send a message that there is something inherently wrong or shameful about a specific topic.
  - In administering opt-outs, schools should reject formulaic threat letters being circulated by anti-LGBTQI+ hate groups that seek to force them to preemptively censor all materials featuring LGBTQI+ characters and instead prioritize responding to each opt-out request based on the particular circumstances and accommodation needed.
- The decision does NOT require schools to preemptively censor content, nor does it undermine the civil rights protections LGBTQI+ students still have to be free from harassment. Yet, if schools try to anticipate what parents and caregivers might object to and preemptively impose censorship, it will be much harder for teachers to do their jobs and distract them from delivering competent education and providing safe spaces for students.
  - By giving broad instructions to educators to refrain from including topics that might trigger religious objections, teachers will have to weigh whether they can teach about things like evolution or discuss the historical contributions of women.
  - Censoring teacher speech through limiting what books can be taught is also the first step to school-sanctioned bullying of LGBTQI+ students—and giving teachers broad instruction to avoid topics that might trigger religious objections might make teachers feel they cannot step in when a queer student is being bullied.
  - **Nobody knows better than educators how much one size does not fit all in learning and student wellbeing.** It is crucial that teachers are given the ability to focus on educating informed, empathetic young people, rather than shrinking their lesson plans or limiting the support they offer to students based on a small minority of parents forcing teachers to guess at what these parents might deem “objectionable.”

- Respecting religious exercise and including and valuing LGBTQI+ students and families in the classroom are not in tension with one another, and the efforts of one group of parents to censor representations of LGBTQI+ people do not speak for all people of faith. There is nothing new about the obligation of schools to avoid expressing any hostility towards specific religious beliefs, or the lack of any religious belief.

## **Messaging on the importance of ensuring students' access to inclusive education and safe school spaces**

- Ensuring students feel seen in what they learn improves learning outcomes and school safety and belonging. [Research shows](#) that when students see themselves in what they learn, it not only helps them feel safer in the classroom but actually improves their comprehension and learning outcomes because recognizing themselves and their experiences keeps them engaged. All students deserve this opportunity!
- Excluding topics that touch on the identities and lived experiences of certain student groups—especially [LGBTQI+ students](#) and [students of color](#)—increases their risk of facing stigma and harassment. Including these students in educational materials decreases this stigma by helping students develop tolerance and empathy for those different than them, and ensures schools protect students from harassment and discrimination—as schools are required to by law.
- Exposing students to diverse viewpoints and people different from them is a crucial part of education. Diversity in education prepares students to think critically and develop tolerance and empathy. If students are opted out of exposure to any topic they disagree with, they won't learn how to deal with differences in the real world.
- Our schools must show up for their teachers in this moment and give them necessary support to educate our students.
  - If schools give in to requests for broad censorship, it opens the door for a small group of parents to control major aspects of public education in the name of religion. The harms of school censorship will not end with targeting LGBTQI+ students, and we have seen recent book banning attempts target the right of all students to learn about minority religious groups, antiracist movements, and students' civil rights in school.
- No matter what the Supreme Court says or how some people may try to distort the decision, LGBTQI+ people and their families will continue to be a vital and welcome part of our communities.
  - LGBTQI+ students still have protections against harassment and discrimination in school spaces under federal civil rights laws like Title IX of the Education Amendments of 1972 and under the U.S. Constitution's Equal Protection Clause. Schools have a legal and moral responsibility to protect these students and ensure safe school spaces.

## **Pushing Back: Template Letter to School Administrators and School Boards**

*We can win against censorship if we speak up for our right to speak, learn, and read in safety. The majority of people in the U.S. strongly support the freedom to learn and read. School censorship, and other efforts to suppress truth and diversity, are deeply unpopular. However, our opponents have managed to seize outsized attention, distorting the narrative in culture and media and creating the illusion of organic consensus. In reality, they are spreading fear and lies to destroy public education. This has incited them to pressure school boards to undermine safe and inclusive school spaces—including by wrongly demanding that schools censor materials pursuant to *Mahmoud v. Taylor*. Today, send a letter to your school board and local school administrators to put a stop to the censorship fear campaign.*



Dear Education Leaders,

My name is [YOUR NAME]. I am writing to you today as a [STUDENT/PARENT/TEACHER/FAITH LEADER/COMMUNITY MEMBER] to encourage you to take a strong stance in support of the freedom to learn and read. We need safe and inclusive schools, not censorship.

[YOUR REASONS FOR SUPPORTING INCLUSIVE EDUCATION—personal stories make the most difference. Prompts include: why is it important for students to see themselves in books and lessons at school? What is wrong with letting a few parents dictate what is taught in classrooms? Why do you personally value diversity in your school and community? Why is it important to your family (or your values) to allow your children or others to have access to these books?]

Our school district's first obligation is the wellbeing and safety of our students—and part of a safe, welcoming school environment is making sure that books and curricula are inclusive and reflect the diversity of the entire student community. When schools ensure that students can see themselves in materials at school and learn about people who are different from them, we see better learning outcomes for all students. Students also need and deserve the tools to thrive as adults in our diverse and multicultural society.

As our school considers if and how to adjust its curriculum policies given the Supreme Court's decision in *Mahmoud v. Taylor*, it is very important that we do not overread the decision and damage the entire school community by creating new censorship policies that are unnecessary and harmful to students. Please keep these important points in mind:

- All our school's policies must prioritize students' safety, inclusion, and wellbeing. That includes holding firm against inappropriate pressure for a small number of families to dictate what all students can and cannot read, think, and learn.
- The *Mahmoud* decision only touches on curriculum opt-outs. It does not affect any other area of education or civil rights law.
  - For example, it would be wrong, and possibly illegal, for a school to use *Mahmoud* as a reason to implement "opt-outs" for students being taught by a woman teacher, an openly LGBTQI+ teacher, or a teacher who practices a minority religion (or no religion).
  - *Mahmoud* does NOT require any school to censor and remove books from school libraries or classroom libraries, especially based on the books portraying characters who are in minority and/or historically oppressed social groups, such as disabled people, queer people, Black, brown, or Indigenous people, etc.
  - Schools also must still enforce existing laws and policies to protect students from bullying, exclusion, harassment or discrimination by other students. It would be **illegal** to rely on *Mahmoud* as a reason to weaken anti-harassment policies or refuse to protect students suffering harassment and discrimination in school.
  - LGBTQI+ students have strong protections under federal laws like Title IX of the Education Amendments of 1972 and under the Equal Protection Clause to be free from harassment and discrimination. Moreover, about 50% of US jurisdictions have additional laws and regulations on top of these federal protections, requiring that schools protect LGBTQI+ youth from discrimination. See if yours does [here](#).
- Schools do **not** categorically have to allow curriculum opt-outs to middle school and high school students for material that might conflict with their family's religious values. The Supreme Court's decision involved curriculum being presented to the youngest elementary grade students, and did distinguish between especially young students and the critical thinking and developmental differences of high school students
  - In its own words, the Supreme Court said their decision might very well have been different if the circumstances involved older students (above grade 5) or different curriculum (where teachers were **not** telling students how to think about and understand

the stories presented). It said: “educational requirements targeted toward very young children, for example, may be analyzed differently from educational requirements for high school students,” and emphasized that high school students would be less likely to automatically accept the beliefs presented to them by their teachers.<sup>21</sup>

- In other words, high schools **have the least reason** to affirmatively change curricular opt-out policies and **have the most reason** to be very cautious and gradual in any changes to existing policies for accommodating individual students’ and parents’ religious exercise needs.
- Schools should **not** stigmatize LGBTQI+ community members by providing written warnings singling out LGBTQI+ people, history, or relationships that may come up in classroom materials or discussion. When adults act as though these topics are inherently taboo, it promotes stigma, bullying, and exclusion that makes all classrooms less welcoming and safe.
- Schools [should not make the jobs of teachers harder](#) by forcing them to self-censor or undermine their professional judgment and instead allow them to focus on educating students and ensuring safe school spaces.
  - Protecting educators requires taking a strong stance against harmful efforts to wrongly expand the holding in *Mahmoud*. Schools must make it clear they are maintaining inclusive lessons and curricula, enforcing anti-bullying and non-discrimination policies, and that they will not allow a small minority of parents override the core functions of public school to safely educate students.

Again, please take a strong stance against censorship efforts and the dangerous movement to make it impossible for teachers to teach and students to learn. Thank you for all your work to ensure our local schools are safe, welcoming, and inclusive for all our students.

Sincerely,

[YOUR NAME & HOMETOWN HERE]

### **Additional tips for personalizing your letter:**

Remember, even if your school district is remaining strong against censorship efforts, it is still a good idea to say thank you and give them positive reinforcement! Or, if your school district has capitulated to censorship extremists, don’t give up. Explain why they should reconsider.

- **Do: share about your experiences and values**
  - *If writing as a student:* outline the importance of seeing yourself reflected in what you read and learn, as well as seeing diverse perspectives to help students with different identities, backgrounds, and families feel safer
  - *If writing as a parent:* outline the danger of letting some parents dictate what is taught in the classroom; explain that parents’ ability to direct the religious upbringing of children are not in tension with students’ rights to feel safe and seen in the classroom; discuss how your religion values inclusiveness in education, including in curricula and books taught to students, and how your own diverse background and family is something you want to embody pride in for your child(ren), rather than shame
  - *If writing as a faith leader or faith-based org:* emphasize that respecting religion and the existence and lived experiences of LGBTQI+ people are not in tension, and that you reject efforts to use religion in your name to harm LGBTQI+ students and any and all student groups; outline the danger of the decision being turned around to censor depictions of certain faith groups
- **Don’t: fearmonger or repeat stereotypes**
  - It can be tempting to “myth bust,” or talk about why pro-censorship messages are wrong and (often) offensive. But in this context, it is more helpful to deliver a positive message about why inclusive education matters so much—in part, because if we repeat lies from our opponents too



much, our audience may actually remember the repeated lie as truth.

- It is helpful to point out that schools should not assume any tension between respecting religious families' practices and supporting/including students of color, LGBTQI+ students, and girls and women. However, make sure your letter does not disparage any religion. Doing so is unnecessary and contributes to the myth that there is a tension between respecting religion and providing students with inclusive learning materials, including those featuring LGBTQI+ people. If you are religious, you can focus on the values your faith teaches you, such as tolerance, love, and the importance of community.

## Endnotes

<sup>1</sup> Brief of Respondents at 5, *Mahmoud v. Taylor*, No. 24-297 (2025).

<sup>2</sup> *Id.* at 7.

<sup>3</sup> *Id.* at 12.

<sup>4</sup> *Id.* at 12–13.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* at 13.

<sup>7</sup> Amended Complaint at 27, *Mahmoud v. Taylor*, 688 F.Supp.3d 265, 271 (D. Md 2023) (No. 8:23-CV-01380).

<sup>8</sup> *Mahmoud v. Taylor*, 688 F.Supp.3d 265, 271 (D. Md 2023); *Mahmoud v. Taylor*, 102 F.4th 191, 197 (4th Cir. 2024).

<sup>9</sup> *Mahmoud v. Taylor*, 145 S. Ct. 2332, 2342 (2025).

<sup>10</sup> *Id.* at 2352 (citing *Wisconsin v. Yoder*, 406 U.S. 205, 211 (1972)).

<sup>11</sup> *Id.* at 2355–56.

<sup>12</sup> *Yoder*, 406 U.S. at 233.

<sup>13</sup> *Mahmoud*, 145 S. Ct. at 2363–64.

<sup>14</sup> *Id.* at 2355.

<sup>15</sup> *Id.* at 2353.

<sup>16</sup> *Yoder*, 406 U.S. at 218.

<sup>17</sup> *Mahmoud*, 145 S. Ct. at 2362.

<sup>18</sup> *Id.* at 2353 (citing *Yoder*, 406 U.S. at 211).

<sup>19</sup> *Id.* at 2353.

<sup>20</sup> *Id.* at 2392, n.8 (citing *Kennedy v. Bremerton*, 597 U. S. 507 (2022)).

<sup>21</sup> *Id.* at 2353.