Oct 01, 2025

**Categories:**

Publications
SCOTUS Collection

**Authors:**

Nora Sullivan

# Supreme Court Reinforces Parents' Rights to Voluntarily Opt Out Students from Classroom Instruction on the Basis of Religious Exercise

## *Mahmoud v. Taylor*, 145 S. Ct. 2332 (June 27, 2025)

In *Mahmoud v. Taylor*, the U.S. Supreme Court addressed whether a public school board's introduction of "LGBTQ+-inclusive" storybooks into the curriculum of school-aged children, coupled with its refusal of parents' requests that their children opt out of such instruction, violated the parents' First Amendment right to freely exercise their religion and their right to parent their children. In a 6-3 decision authored by Justice Samuel Alito, the Supreme Court's conservative majority held that the school board's actions imposed an unconstitutional burden on the parents' religious exercise. The majority held that a preliminary injunction was proper, requiring the school board to notify parents in advance when LGBTQ+-inclusive books are used and to permit their children to be excused from such instruction while the case proceeds.

The case arose in Montgomery County, Maryland, where the Board of Education selected LGBTQ+-inclusive texts for use in the county's public-school curriculum. At issue were illustrated storybooks that were introduced into kindergarten through fifth-grade classrooms. Initially, the board allowed parents to opt their children out of classroom instruction involving these books, consistent with its "Guidelines for Respecting Religious Diversity." However, as opt-out requests increased, the board changed its policy, citing difficulties accommodating the number of requests and concerns that allowing some students to exit the classroom exposed children to social stigma.

Parents from diverse religious backgrounds and an association of concerned parties sued in federal district court, arguing that the lack of notice and no-opt-out policy infringed upon their free


2026 FBT Gibbons LLP. All rights reserved. ADVERTISING MATERIAL.

FBT Gibbons

exercise and parental rights. The parents sought an injunction prohibiting the Montgomery County Board of Education from forcing students to read the books. This request was denied, and a divided Fourth Circuit affirmed, suggesting that success on a free exercise claim requires a showing of direct or indirect coercion arising out of the exposure to the books.

The Supreme Court reversed, however, finding the parents met the criteria for a preliminary injunction: a likelihood of success on the merits, irreparable harm, a favorable balance of equities, and alignment with the public interest. The majority noted the ruling does not ban LGBTQ+-inclusive texts outright, but instead criticizes the normative instruction and framing of the storybooks and the board's refusal to accommodate opt-outs.

The majority emphasized that the Constitution provides a generous measure of protection to the rights of parents to educate their children in their religious beliefs, especially against government policies––including in public school settings––that substantially interfere with the religious development of children. The Supreme Court relied heavily on *Wisconsin v. Yoder*, 406 U.S. 205 (1972), the landmark case in which the Supreme Court ruled Amish parents could not be forced to enroll their children in public high school beyond eighth grade as doing so would substantially and systematically interfere with the religious development of their children. Because the case hinged on parents' right to guide their children's religious development, the Supreme Court applied strict scrutiny, finding that while schools have a compelling interest in maintaining a cohesive educational environment, the Montgomery County Board of Education's actions were not narrowly tailored to that interest.

Central to the majority's opinion was the moral messaging embedded in the storybooks, which they described as "unmistakably normative," presenting certain values and beliefs that are to be celebrated and thereby undermining contrary values and beliefs. For example, the fairytale *Prince & Knight* depicts a prince who falls in love with a male knight and culminates in a wedding celebrated by the entire kingdom, conveying, per the majority, that same-sex marriage should be accepted by all. In *Uncle Bobby's*


2026 FBT Gibbons LLP. All rights reserved. ADVERTISING MATERIAL.

*Wedding*, the book teaches that two people can get married, regardless of their sex, so long as they love each other. The Supreme Court found that these texts do more than simply acknowledge same-sex marriage, but instead actively promote its acceptance as a moral good. The majority determined that while many Americans may view same-sex marriages with approval, other Americans may wish to present a different moral and religious message to their children, an effort which is undermined by presenting contrary moral messaging via such storybooks. The majority also criticized the institutional reinforcement of these pro-LGBTQ+ messages, noting teacher training sessions, discussion guides, and suggested responses to student questions that affirm LGBTQ+ relationships as normative. The Supreme Court warned that young, impressionable children are especially susceptible to moral instructions from teachers, which may conflict with their parents' religious teachings and pose an "objective danger."

Justice Sonia Sotomayor's dissent argued that the majority "invents a constitutional right to avoid exposure to 'subtle' themes 'contrary to the religious principles' that parents wish to instill in their children," a move she warned lacks limiting principles and will result in chaos for the nation's public schools. She accused the majority of cherry-picking facts about the Montgomery County Board of Education's years-long process of introducing books with themes that were absent from the curriculum, including perspectives on race, culture, immigrants, and civil rights. She also contended the majority misrepresented the content of *Uncle Bobby's Wedding* "in order to rewrite its story" and included the book in full in the appendix. The dissent emphasized that the board had explicitly stated there would be no formal instruction on gender identity and sexual orientation and that the goal was to foster mutual respect and tolerance.

The majority responded by underscoring the narrowness of its holding, stressing that the combination of young students, moral framing, and lack of opt-out provisions created a narrow scenario, not a broad license for religious objections to any classroom content.


2026 FBT Gibbons LLP. All rights reserved. ADVERTISING MATERIAL.

## Key Takeaways

- The decision does not categorically bar LGBTQ+–inclusive texts but grants the preliminary injunction because the school board refused any reasonable opt-out mechanism for the moral instruction at odds with parents' beliefs.
- The dissent criticizes errors in the majority's reasoning and warns that establishing a new constitutional right to opt out of instruction contrary to one's religious beliefs will create a nightmare for school administrators and a chilling effect on public school curricula.

Frost Brown Todd's appellate advocates have a proven track record of success in appeals involving questions of first impression, bet-the-company judgments, and decisions that shape the rules under which our clients will operate well into the future. For more information, please contact the author or any attorney with the firm's Appellate Practice Group.

---

# Want more U.S. Supreme Court coverage?

Explore our full wrap-up and analysis of the most consequential rulings for businesses and industries during the U.S. Supreme Court's 2024-2025 term.

SCOTUS Collection | GO>>

© 2026 FBT Gibbons LLP. May be considered attorney advertising in some jurisdictions.


2026 FBT Gibbons LLP. All rights reserved. ADVERTISING MATERIAL.

FBT Gibbons