WISCONSIN INSTITUTE FOR LAW & LIBERTY

# *Mahmoud v. Taylor*
# What Does It Mean for Parents of Public School Children?

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On June 27, 2025, the United States Supreme Court issued a landmark decision reaffirming that parents have a constitutional right to control the religious upbringing of their children, even when their children attend a public school. In *Mahmoud v. Taylor*, the Court ruled that the Montgomery County School District in Maryland violated the Free Exercise Clause of the First Amendment by revoking parents' ability to opt their children out of reading books with LGBTQ+ themes that conflicted with their religious beliefs.

**The Court emphasized that parental rights do not end at the schoolhouse gate. The ruling establishes a nationwide requirement: when public schools include instructional materials on controversial topics such as gender identity, they must accommodate families with sincere religious objections by offering and respecting an opt-out right to parents.**

This decision has immediate implications for parents across the country as they prepare for the 2025-2026 school year. Parents should know their rights and take proactive steps to protect them. WILL offers a parental opt-out form, a template notice letter for teachers to inform families, and a model school board policy that parents can share with their local board to ensure schools comply with the ruling and respect religious liberty.

## Why was this case brought?

A group of religious parents in Montgomery County, Maryland, one of the most religiously and ethnically diverse counties in the United States, sued the Montgomery County Board of Education in 2023 when the district revoked its prior policy allowing parents to opt their children out of reading LGBTQ+ books. *Mahmoud v. Taylor*, No. 24-297, 2025 WL 1773627, at *5–7, (U.S. June 27, 2025).

The school district integrated these books into their English Language Arts curriculum in 2022. *Id.* at *6. While the district initially allowed religious opt-outs, it rescinded that policy with regard to the LGBTQ+ books in 2023. *Id.* at 9.

Teachers were also instructed to respond to students' questions about the books in ways that discouraged negative perceptions of LGBTQ+ ideals and were meant to "'[d]isrupt the either/or thinking' of their students." *Id.* at *9 (citation omitted).

**What was in these books?**

The books contained numerous references to queer culture, transgenderism, same-sex marriage, and choosing and respecting pronouns. All of the books presented these topics in an affirming, positive light, often portraying them as essential to happiness and identity. *Id.* at *7–8.

One book, *Prince and Knight*, depicted a same-sex relationship between a prince and a knight, which ended with the entire kingdom applauding on their wedding day. *Id.* at *7. Another told the story of a girl named Penelope who wished to be a boy and felt happy and fulfilled after her mother recognized her as one. *Id.* at *7–8. Teachers were trained to frame these concepts as unquestionably right and dismiss religious objections as "hurtful" and wrong.

**What did the parents argue to the Court?**

The parents argued that the school district violated their First Amendment right to freely exercise their religion by withholding notice and refusing to allow them to opt their children out of reading or being lectured to about the LGBTQ+ storybooks. They said that by forcing their children to participate in instruction that directly conflicted with their faith, the school district interfered with their right "to direct the religious upbringing of their children," which posed "'a very real threat of undermining' the religious beliefs and practices that parents wish to instill in their children." *Id.* at *12, quoting *Wisconsin v. Yoder*, 406 U.S. 205, 218, 233 (1972).

**What did the Montgomery County School Board argue to the Court?**

The school board argued that it would be too difficult and disruptive to allow every child with a religious objection to opt out. *Id.* at *9. They said it would burden teachers, disrupt the classroom environment, and "expose other students to 'social stigma and isolation.'" The board also told parents that if they didn't like the curriculum, they should consider enrolling their children in private school. *Id.* (citation omitted).

**What did the United States Supreme Court decide?**

The Supreme Court rejected the school board's arguments. It ruled that the school district's refusal to notify parents and allow them to opt their children out of instruction involving the storybooks substantially interfered with the parents' religious upbringing of their children. *Id.* at *15. The Court compared this to a previous case, *Wisconsin v. Yoder*, where the Court protected the rights of Amish parents to withdraw their children from high school despite the Wisconsin law requiring attendance until age 16.

Like in *Yoder*, the Court said the government needed to meet a very high standard, called "strict scrutiny," to justify infringing on these parental rights. That means the government must have a truly compelling reason and must use the least restrictive way to achieve its goal. The Court found that the Montgomery County School Board failed to meet that standard, making its actions unconstitutional. *Mahmoud* at *24.

Given that in *Yoder* the Supreme Court held that parents had the right to completely opt out of educational instruction based upon their religious beliefs, it is no surprise that in *Mahmoud* the Court required schools to allow parents to opt out of particular instructional materials and to notify the parents when the materials would be used in the classroom. *Id.* at *24.

**Does this ruling apply just to Montgomery County?**

No. Because this case was decided by the United States Supreme Court, it applies to every public school district in the United States. All public schools must allow parents to opt their children out of instructional content that conflicts with their sincerely held religious beliefs.

**What must schools do to comply with this decision?**

To comply with *Mahmoud v. Taylor*, public schools must allow parents to opt their children out of any instructional content that conflicts with their sincerely held religious beliefs—not just materials related to gender identity or sexuality. Schools must provide a clear opt-out process, treat all religious objections neutrally, and ensure that students who are opted out are not penalized. They should ideally ensure that students who are opted out also receive appropriate alternative instruction.

While the Supreme Court did not impose a blanket requirement for advance notice in all instructional contexts, it held that the refusal by Montgomery County Public Schools to notify parents or honor opt-out requests violated the Constitution. That decision underscores that schools cannot undermine parental rights by keeping families in the

dark. To avoid similar violations, districts should adopt clear policies for identifying sensitive or controversial topics, such as sexuality, gender identity, or race essentialism, and should err on the side of providing notice. While schools cannot anticipate every objection, transparency is the best safeguard for respecting constitutional rights.

This ruling applies to any content that could undermine a parent's efforts to instill religious values at home, including but not limited to instruction on religion, morality, or other topics presented in ways that contradict the family's faith. The key principle is that parents (not the government) have the primary right to direct their child's religious upbringing, and public schools may not interfere with that right unless they can meet the strict scrutiny standard. Districts should update policies and assign staff to ensure timely compliance.

**What does this mean for parents of children who attend public school?**

As the 2025–2026 school year begins, parents should understand that they have a constitutional right to opt their children out of classroom materials that conflict with their religious beliefs. The Supreme Court's decision in *Mahmoud v. Taylor* makes clear that public schools must accommodate such opt-out requests unless they can meet the most demanding legal standard—strict scrutiny.

For parents, this means being proactive. Ask questions, review the curriculum, and communicate with teachers and principals. Under the federal Family Educational Rights and Privacy Act (FERPA), parents have the right to inspect and review the instructional materials used in their child's classes. If you believe your child is being exposed to content that violates your religious beliefs, you can submit an opt-out request at any time. WILL offers free resources to help, including an opt-out form, a teacher notification template, and a model school board policy.

For schools, now is the time to review and revise local policies. To comply with *Mahmoud*, school boards should adopt clear procedures for notifying parents in advance when content that may implicate religious concerns will be used and should provide a clear opt-out process. Transparency and communication with families are key.

The Supreme Court's decision in *Mahmoud v. Taylor* is a powerful reminder that public schools must respect the constitutional rights of parents. WILL provides a parental optout form, a teacher notice template, and a model school board policy to help ensure that families and schools uphold these rights.