



Civics is all around us. The United States Supreme Court is the highest court in the land. Through its power of judicial review, its decisions have a lasting impact on "We the People". So what is the Court hearing this session and how might the justices rule? Let's help each other expand our civic literacy.

## The Case of School Curriculum vs. Parental Rights

### The Facts of *Mahmoud v. Taylor*:

Montgomery County Public Schools, located in the suburbs of Washington, D.C., is one of the most religiously diverse counties in the United States. In October 2022, the school district approved new "storybooks" to accompany their elementary English Language Arts curriculum. A few of those storybooks contained characters and themes related to sexual orientation and gender identity. Initially, the school board had guidelines that required parents to be notified of lessons involving these books, with an option for them to opt their children out of the lesson. However, in October 2023, the school board announced they would be ending this policy and would no longer allow parents to excuse their children from instruction that used these storybooks. The rationale later provided by the district was that the opt-out policy was becoming a disruptive administrative burden and that they wanted all students to benefit from the lessons of inclusivity these books taught. ([Respondent Brief](#), pg. 12)



This change in district policy prompted a group of parents from different religious backgrounds to take this case to court. The parents argue that the school board's refusal to allow them to opt their children out of the lessons with these storybooks violates their rights under the [First Amendment](#) to [freely exercise](#) their religion. The "forced instruction on religiously sensitive matters [of gender and sexuality] substantially interfere with children's religious formation and their parents' own religious exercise of guiding that development." ([Petitioner's Brief](#), pg. 2)

The Montgomery County Public School District (MCPS) contends that the storybooks were not being used to teach values or explicit lessons on gender and sexuality but instead used for lessons on respect, acceptance, and diversity in the world. MCPS argues that they "made clear from the beginning that the storybooks were to be used in the same way as any other book in the ELA curriculum: placed on a shelf for students to find on their own; offered as an option for literature circles, book clubs, or reading groups; or used for read-alouds. Teachers are not required to use any of the storybooks in any given lesson, and were not provided any associated mandatory discussion points, classroom activities, or assignments. Teachers are expected to incorporate the storybooks into the curriculum based on their professional judgment and experience." ([Respondent Brief](#), pg.9)

A U.S. district court disagreed with the parents, finding that they failed to demonstrate an evident burden to their religious freedom. The U.S. Court of Appeals for the Fourth Circuit agreed with the lower court, citing that the parents failed to demonstrate how exposing their children to the storybooks compelled them to violate their religion.

On appeal to the U.S. Supreme Court, the justices granted [certiorari](#) on January 17, 2025, and heard oral arguments on April 22, 2025.

The Court is being asked to address one question:

1. Do public schools burden parents' religious exercise when they compel elementary school children to participate in instruction on gender and sexuality against their parents' religious convictions and without notice or opportunity to opt out? ([Petitioner's Brief](#)).



### Supreme Court Precedent Used in this Case:

- [Meyer v. Nebraska](#) (1923): The Court declared a Nebraska law prohibiting teaching grade school children any language other than English unconstitutional. They ruled the law a violation of liberty under the Due Process Clause of the 14th Amendment, explaining that liberty also means the right of parents to control the upbringing of their child as they see fit.
- [West Virginia State Board of Education v. Barnette](#) (1943): The Court ruled that compelling public schoolchildren to salute the flag was unconstitutional, finding that the First Amendment cannot enforce a unanimity of opinion on any topic.
- [Wisconsin v. Yoder](#) (1972): The Court ruled that an individual's interests in the free exercise of religion under the First Amendment outweighed the State's interests in compelling school attendance beyond eighth grade.
- [Fulton v. City of Philadelphia](#) (2021): The Court ruled that the city of Philadelphia's refusal to contract with Catholic Social Services for foster care unless CSS agreed to certify same-sex couples violated the Free Exercise Clause of the First Amendment.
- [Kennedy v. Bremerton School District](#) (2022): The Court ruled that the Free Exercise Clause of the First Amendment protects an individual engaging in a personal religious observance from government reprisal, and established a new consideration of "historical practices and understandings" as a test for future cases.

**To Think and To Do:** During [oral arguments](#), the Justices raised concerns over exposure to materials versus teaching/instruction of materials. They also expressed hesitancy over issuing a ruling that would have a wide sweep and give parents too broad a discretion to opt out. However, as Justice Kavanaugh explained, in religion cases, the Court is looking for the win/win that will simultaneously accommodate religion and allow government to pursue its goals. A majority of the Justices seem to think an opt-out policy could do just that. Given the precedents used in this case and your understanding of it, how do you think the Supreme Court will rule? Explain.

**Learn More:** [Brief for the Petitioners](#), Tamer Mahmoud, et al. (parents); [Brief for the Respondents](#), Thomas Taylor, et al. (MCPS)