

Case Summary: *Mahmoud v. Taylor*, No. 24-297 (U.S. June 27, 2025)

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(All views expressed in this article are those of the author and do not necessarily represent the position of the Clemson Law Review.)

Mahmoud v. Taylor is a case regarding LGBTQ books in the classroom that was brought before the Supreme Court of the United States by way of appeal after being heard by the United States District Court for the District of Maryland and the Fourth Circuit Court of Appeals. In 2022, the Montgomery County Board of Education introduced “LGBTQ+-inclusive” books into the kindergarten-5th grade curriculum that highlighted topics of sexuality and gender.¹ Initially, the board informed parents beforehand when these texts were going to be used in schools so they could opt-out their child from the lesson that day if they chose. This was consistent with the board's "Guidelines for Respecting Religious Diversity,” which stipulated that the board would make “reasonable accommodations” for the beliefs of students.² However, the board stopped notifying parents when the books would be used after less than a year of the texts being used in classes.³ The school board

¹ *Mahmoud v. Taylor*, No. 24-297, slip op. at 1 (U.S. June 27, 2025) (“The Board of Education of Montgomery County, Maryland (Board), has introduced a variety of ‘LGBTQ+- inclusive’ storybooks into the elementary school curriculum.”).

² *Id.* at 3 (“[T]he Board’s ‘Guidelines for Respecting Religious Diversity’ profess a commitment to making ‘reasonable accommodations’ for the religious ‘beliefs and practices’ of MCPS students.”).

³ *Id.* at 9 (“In March 2023, less than a year after the ‘LGBTQ+-inclusive’ texts were introduced, the Board issued a statement declaring that ‘[s]tudents and families may not choose to opt out of engaging’ with the storybooks and that ‘teachers will not send home letters to inform families when inclusive books are read in the future.’”).

claimed that this decision was made because there were too many students being opted-out of the lessons, so they could no longer accommodate the requests.⁴ The United States District Court for the District of Maryland ruled in favor of the school board and the Fourth Circuit Court of Appeals affirmed the decision of the district court, arguing “the record in this case is too ‘threadbare’ to demonstrate a burden on religious exercise.”⁵ A writ of certiorari was petitioned and granted and the case was then heard by the Supreme Court of the United States.

Parents of various religious backgrounds came together and first filed suit in the United States District Court for the District of Maryland. The plaintiffs argued that the use of “LGBTQ+-inclusive” texts without the option of an opt-out policy infringed on the right of parents to direct the religious upbringing of their children. Citing *Wisconsin v. Yoder*, which supports that parents have a right to bring up their children in the religion they choose, the parents argued that this right cannot be infringed upon by laws that threaten this.⁶ The parents sought out a preliminary and permanent injunction to prohibit students from being forced to use the texts as part of their education if parents object.⁷ The district court denied this injunction and the

⁴ *Id.* at 9 (“According to one MCPS official, the Board decided to change its policy because, among other things, ‘individual principals and teachers could not accommodate the growing number of opt out requests without causing significant disruptions to the classroom environment.’”).

⁵ *Id.* at 31 (citing 102 F. 4th 191, 209 (2024)) (noting “the Fourth Circuit’s view that the record before us is too ‘threadbare’ to demonstrate a burden on religious exercise.”).

⁶ *Id.* at 14-15 (citing 406 U.S. 205 (1972)) (“In *Yoder*, we recognized that parents have a right ‘to direct the religious upbringing of their children,’ and that this right can be infringed by laws that pose ‘a very real threat of undermining’ the religious beliefs and practices that parents wish to instill in their children.”).

⁷ *Id.* at 14 (“They sought a preliminary and permanent injunction ‘prohibiting the School Board from forcing [their] children and other students—over the objection of their parents—to read, listen to, or discuss’ the storybooks.”).

circuit court affirmed. After these decisions by the lower courts, the case was then appealed to the United States Supreme Court.

The Supreme Court held that the parents were entitled to the preliminary injunction they had requested.⁸ They also held that the parents were likely to win their case that the lack of an opt-out policy for these texts infringed upon their right to practice their religion freely and bring their children up in the same religion.⁹ The Supreme Court agreed that books are influential enough to potentially impact the beliefs of children and that if the parents of these children do not agree with the pro-LGBTQ+ sentiments contained in these books, then they have the right to not expose their children to them.¹⁰ Again citing *Wisconsin v. Yoder*, the Supreme Court argued that forcing children to use texts that contradicted the religious beliefs that their parents wished to instill in them was “unacceptable” according to this precedent and “hostile” to their parents’ beliefs.¹¹

The Supreme Court further highlights that the Montgomery County Board of Education did not present any compelling evidence that their policy was not infringing upon the right of parents to exercise their religion.¹² Furthermore, the

⁸ *Id.* at 16 (“We now hold that the parents have shown that they are entitled to a preliminary injunction”).

⁹ *Id.* at 17 (citing *Espinoza v. Montana Dept. of Revenue*, 591 U. S. 464, 486 (2020) (quoting *Yoder*, 406 U. S., at 213–214 (1972))) (“[W]e hold that the parents are likely to succeed on their claim that the Board’s policies unconstitutionally burden their religious exercise. ‘[W]e have long recognized the rights of parents to direct ‘the religious upbringing’ of their children.’”).

¹⁰ *Id.* at 22 (“substantially interferes with the religious development of their children and imposes the kind of burden on religious exercise that *Yoder* found unacceptable...the books are unmistakably normative. They are clearly designed to present certain values and beliefs as things to be celebrated and certain contrary values and beliefs as things to be rejected.”).

¹¹ *Id.* at 21-22 (citing 406 U.S. 205 (1972)).

¹² *Id.* at 27 (“None of the counterarguments raised by the dissent, the Board, the courts below, or the Board’s amici give us any reason to doubt the existence of a burden here.”).

Supreme Court stressed that “public education is a public benefit” that cannot be withheld merely because parents decline to conform to a policy that challenges their religious beliefs, especially considering that education is compulsory in Maryland.¹³ Due to the focus on religious liberties in this case, the Supreme Court chose to apply the strict scrutiny test in making their decision, requiring that the school board’s policy serve a compelling public interest in order to be upheld.¹⁴ This policy did not pass strict scrutiny and the Supreme Court awarded the parents the preliminary injunction they sought out, claiming the injunction to be “both equitable and in the public interest.”¹⁵ Reversing the decision of the Fourth Circuit Court, the Supreme Court remanded the case for further proceedings.

Justice Thomas wrote a concurring opinion, agreeing that the school board’s no-opt-out policy infringes on the free exercise of the parents’ religious rights and does not pass constitutional scrutiny.¹⁶ Thomas argued that the lessons taught to children using these “LGBTQ+-inclusive” texts are not “critical to the students’ civic development” and therefore should not be required.¹⁷ He further reasoned that the

¹³ *Id.* at 33 (citing *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 582 U. S. 449, 462 (2017)) (“Public education is a public benefit, and the government cannot ‘condition’ its ‘availability’ on parents’ willingness to accept a burden on their religious exercise. *Ibid.* Moreover, since education is compulsory in Maryland, see Md. Educ. Code Ann. §7–301(a– 1)(1), the parents are not being asked simply to forgo a public benefit. They have an obligation—enforceable by fine or imprisonment—to send their children to public school unless they find an adequate substitute. §§7–301(a)(3), (e).10. And many parents cannot afford such a substitute.”).

¹⁴ *Id.* at 36 (“[S]trict scrutiny is appropriate regardless of whether the law is neutral or generally applicable.”).

¹⁵ *Id.* at 41.

¹⁶ *Id.* at 1 (Thomas, J., concurring) (“The Court correctly holds that the policy contravenes the parents’ free exercise right to direct the religious upbringing of their children, see ante, at 17, and I join its opinion in full. I write separately to highlight additional reasons why the Board’s policy cannot survive constitutional scrutiny”).

¹⁷ *Id.* at 2 (Thomas, J., concurring).

state does not have a right to step into a parental role by deciding what children should and should not be exposed to in their education, but that this right should be reserved for the parents.¹⁸

Justice Sotomayor, joined by Justices Kagan and Jackson, dissented, pointing out that public schools are a symbol of democracy and should not be required to restrict what students are exposed to based on the religious beliefs of parents.¹⁹ Additionally, she argued that opt-out policies “impose impossible administrative burdens on schools” and lead to “costly litigation over opt-out rights,” reducing the resources available for students.²⁰ Sotomayor highlights how courts have historically not considered exposure to potentially controversial ideas as infringement on free exercise. Given that the schools do not encourage students to forgo any of their own religious principles, but instead introduce them to beliefs that others around them may hold, Sotomayor argued that the usage of these classroom texts was not an infringement on free exercise.²¹

Mahmoud v. Taylor is important to future legal proceedings because it establishes the precedent that parents may object to educational practices or

¹⁸ *Id.* at 6 (Thomas, J., concurring) (citing 406 U.S. 222-233 (1972)) (“[I]f a State were “empowered, as *parens patriae*, to ‘save’ a child’ from the supposed ‘ignorance’ of his religious upbringing, then ‘the State will in large measure influence, if not determine, the religious future of the child.’ . . . Such an arrangement would upend the ‘enduring American tradition’ of parents occupying the ‘primary role . . . in the upbringing of their children’—a role that includes the “inculcation of . . . religious beliefs.””).

¹⁹ *Id.* at 1 (Sotomayor, J., dissenting) (“Public schools, this Court has said, are ‘at once the symbol of our democracy and the most pervasive means for promoting our common destiny.’...Yet it will become a mere memory if children must be insulated from exposure to ideas and concepts that may conflict with their parents’ religious beliefs”).

²⁰ *Id.* at 2 (Sotomayor, J., dissenting).

²¹ *Id.* at 10 (Sotomayor, J., dissenting) (“Consistent with these longstanding principles, this Court has made clear that mere exposure to objectionable ideas does not give rise to a free exercise claim”).

materials that conflict with their religious beliefs. This case has the possibility to implicate instructional methods and materials in schools around the country. Schools may be less inclined to use potentially controversial classroom materials for fear of legal action from parents. Additionally, this case could give parents more control over their child's curriculum, introducing a precedent that supports parents' right to object to instructional materials required by public schools that may violate their religious beliefs. This could potentially lead to similar cases in the future. These cases could include topics such as LGBTQ-inclusive class materials or expand to other topics that parents could see as challenging their religious beliefs.