



A Three-Part Analysis Examining the Practical, Philosophical, and Religious Implications of the *Mahmoud v. Taylor* Supreme Court Ruling January 2026

Katharine L. Allen

Policy Advisor, Truth in Education 2400 Old Milton Parkway, #1173 Alpharetta, GA 30009

DOI: <https://doi.org/10.47772/IJRISS.2026.1026EDU0068>

Received: 20 January 2026; Accepted: 26 January 2026; Published: 09 February 2026

ABSTRACT

The U.S. Supreme Court ruling in *Mahmoud v. Taylor* held that parents had the right to opt their child out of LGBTQ+ content at school. While the ruling made headlines in religious and LGBTQ+ circles, its underlying practical, philosophical, and religious implications are only beginning to unfold.

From a practical standpoint, the *Mahmoud* ruling challenged whether “diversity” and “inclusion” objectives justified removing parental opt outs to ensure all children were exposed to LGBTQ+ marriage and sexuality beliefs. While the Court’s ruling ultimately sided with parental First Amendment protections, it remains to be seen how this holding will apply to unique yet similar situations ahead.

On a philosophical level, the *Mahmoud* ruling solidifies the dichotomy of LGBTQ+ marriage and sexuality beliefs: one cannot simultaneously find them both morally acceptable and morally sinful. This dichotomy of beliefs emerges through competing worldviews, of which only one may prevail in the classroom.

From a religious perspective, LGBTQ+ beliefs are marketed as a secular civil rights issue, yet some view it instead as sexual content. The *Mahmoud* Court acknowledged that definitions of marriage and sexuality are rooted in religious beliefs and doctrines, holding that teaching LGBTQ+ marriage and sexuality beliefs to children against their parents’ religious beliefs was a First Amendment violation. When schools teach a sexuality doctrine tied to religious beliefs, it leaves one to wonder where philosophy ends and religion begins in public education.

The practical applications of *Mahmoud* are numerous, yet the underlying implications of the ruling leave one wondering if public education can ever be truly secular, free from philosophical worldviews and religiously rooted beliefs.

INTRODUCTION

The U.S. Supreme Court ruling in *Mahmoud v. Taylor*¹ held that parents had the right to opt their child out of LGBTQ+ content at school. While the ruling made headlines in religious and LGBTQ+ circles, its underlying practical, philosophical, and religious implications are only beginning to unfold.

From a practical standpoint, the *Mahmoud* ruling challenged the existing practice of placing sexual content outside of sexual education courses, which placed them outside legal parental opt out protections. It also challenged whether “diversity” and “inclusion” objectives justified removing parental opt outs to ensure all children were exposed to the LGBTQ+ teachings of marriage and sexuality. While the Court’s ruling ultimately sided with parental First Amendment protections, it remains to be seen how this holding will apply to unique yet similar situations ahead.

¹ 606 U. S. ____ (2025).



The philosophical ramifications of *Mahmoud* are profound, as the ruling solidifies the dichotomy of LGBTQ+ marriage and sexuality beliefs: one cannot simultaneously find them both morally acceptable and morally sinful. When educators normalize one definition of marriage and sexuality for children, it must “disrupt” and supersede the traditional definitions already instilled in them by parents. Because marriage and sexuality beliefs are tied to worldviews, the dichotomy of worldviews emerges, of which only one may prevail in the classroom.

From a religious perspective, LGBTQ+ marriage and sexuality beliefs are marketed as a secular civil rights issue. This stands directly in contrast to its existence as sexual content carrying potential harm for children when provided against parents’ direction and faith values. The *Mahmoud* Court acknowledged that definitions of marriage and sexuality are rooted in religious beliefs and doctrines, and teaching one at school which undermined the parents’ religious beliefs for their children was a First Amendment violation. When schools teach a sexuality doctrine tied to religious beliefs, it leaves one to wonder where philosophy ends and religion begins in public education.

The practical applications of *Mahmoud* are numerous, and it remains to be seen how far the ruling will go to protect parents’ First Amendment rights in other contexts. Yet this pales in comparison to the underlying implications of the ruling, which challenge whether public education can ever be truly secular, free from philosophical worldviews and religiously rooted beliefs.

Mahmoud v. Taylor: A Practical Analysis

In public schools, placement of books and materials matters. Placing them inside the curriculum, for example, can give parents increased oversight and ability to object whereas placing them elsewhere in the classroom and school reduces visibility and parental control. When an opt out is employed for materials and then rescinded due to widespread use and consequent classroom disruption, questions are raised as to the legal challenges caused by a curriculum designed to make opt outs burdensome and thus unfeasible. Questions also exist as to whether the placement of LGBTQ+ materials in a literature curriculum to meet “diversity” and “inclusion” policy objectives justifies placing the materials outside of the sexual education curriculum where it is usually housed and subject to an opt out provision. The age of the child also can affect whether materials are objectionable due to variations in their perceived abilities to accept or reject newly taught concepts. These questions capture some of the most contentious debates in public education, and the Supreme Court seems to send a clear message that parental First Amendment protections will continue to stand firm.

The Legal Web of Instruction, Curriculum, and Materials

If there is one thing that has become essential to navigating public education law, it is understanding the definitional differences between education terms such as **instruction**, **curriculum**, and **materials**. While this may seem to be a minor detail, the *Mahmoud* ruling sheds light on the importance of understanding these foundational terms.

While every state approaches these definitions differently, it is important to note that the Montgomery County Board of Education of the *Mahmoud* ruling directly inserted the LGBTQ+ materials into the curriculum for purposes of instruction.

The Board suggested “that teachers incorporate the new texts into the curriculum in the same way that other books are used, namely to put them on a shelf for students to find on their own; to recommend a book to a student who would enjoy it; to offer the books as an option for literature circles, book clubs, or paired reading groups; or to use them as a read aloud” . . . And “[a]s with all curriculum resources,” the Board voiced its “expectation that teachers use the LGBTQ-Inclusive Books as part of instruction.”²

This results in the conclusion that “[i]n circumstances like these, where the Board has clearly stated how it intends to proceed, the parents may base their First Amendment claim on the Board’s representations.”³

² *Mahmoud v. Taylor*, No. 24-297, slip op. at 6-7 (U.S. June 27, 2025).

³ *Id.* at 32 (majority opinion).



It remains a question how this ruling might apply to school boards which are not so bold, and the state of Georgia provides a prime example of why these legal definitions matter. When the Parents' Bill of Rights became law in 2022, parental rights advocates saw it as a major victory. One of the protections it explicitly gave was "[t]he right to review all instructional materials intended for use in the classroom of his or her minor child."⁴ Though seemingly a win, the definitional terms proved to provide elusive protection for children.

The Georgia Department of Education explains Instructional Materials and Content as including two separate categories of materials – instructional and supplementary or ancillary:

As used in Code Section 20-2-1017, the term 'locally approved instructional materials and content' means instructional materials and content . . . which constitute the principal source of study for a state funded course, **not including supplementary or ancillary material**, which is adopted by a local board of education **or** used by a local school system. Supplementary or ancillary material includes, but is not limited to, articles, online simulations, worksheets, novels, biographies, speeches, videos, music, and similar resources in any medium, including both physical or digital.⁵

These distinct categories matter, as one is subject to parental review and one is not. In case there is any ambiguity on this point, counties such as Columbia County, Georgia, provide clarification in their own policies:

*In accordance with the Parents' Bill of Rights, instructional material is any locally approved material and content which serves as the principal source of study for a state-funded course. **This does not include supplementary or ancillary material** which is adopted by the Columbia County Board of Education **or** used by schools within the District. Supplementary or ancillary material includes, but is not limited to, articles, online simulations, worksheets, novels, biographies, speeches, videos, music, and similar resources in any medium, including physical and/or digital.*⁶

It is in this space – the broadly defined supplementary or ancillary materials category – where controversial materials are often injected into the classroom. Policies such as these do not require Board oversight or approval for these materials, often resulting in frustrated parents being the first ones to discover them after their children have already been exposed.

Justice Thomas, in his concurring opinion, seems to catch on to this public education practice and warns that it will not excuse school boards from following the Constitution:

*The Board may not insulate itself from First Amendment liability by "weav[ing]" religiously offensive material throughout its curriculum and thereby significantly increase the difficulty and complexity of remedying parents' constitutional injuries . . . Were it otherwise, the State could nullify parents' First Amendment rights simply by saturating public schools' core curricula with material that undermines "family decisions in the area of religious training."*⁷

While the *Mahmoud* ruling clearly applies to school boards where policy intentions are definitively stated, it leaves discussion as to how it can be applied in situations where objectionable materials exist outside of this direct declaration of instructional purpose, or if they exist outside the curriculum in support of a broadly worded "diversity initiative"-type policy.

In her dissenting opinion, Justice Sotomayor addresses another aspect of the ruling when she questions what the new parameters of objectionable materials might be:

Nor is the Court's reasoning seemingly limited to reading material. Interactions with teachers and students could presumably involve implicit "normative" messages that parents may find "contrary to the religious principles"

⁴ Ga. Code Ann. § 20-2-786(e)(1)(B).

⁵ Ga. Comp. R. & Regs. 160-4-4.10 (2025) (emphasis added)

⁶ Columbia County School District, *Board Policy JRB: Parents' Bill of Rights* (2024), <https://www.ccboe.net/> (follow links for About Us, Board of Education, then Board Policies) (emphasis added).

⁷ *Mahmoud v. Taylor*, No. 24-297, slip op. at 12-13 (U.S. June 27, 2025) (Thomas, J., concurring).



they wish to impart to their children and therefore “hostile” to their religious beliefs . . . A female teacher displaying a wedding photo with her wife; a student’s presentation on her family tree featuring LGBTQ+ parents or siblings; or an art display with the phrase “Love Is Love” all could “positively reinforc[e]” messages that parents disapprove on religious grounds.⁸

In addressing the extremes of this ruling, Justice Sotomayor brings a fair point to the discussion of the spectrum between exposure and endorsement of ideologies in school. Students and administrators of LGBTQ+ backgrounds will continue to be actively present in public schools, and exposure to the topics is inevitable to the extent that the individuals will speak of their families and express their beliefs by exercising their own First Amendment rights. The *Mahmoud* parents do not challenge this fact and seem to accept it as a reality of public education where different beliefs and worldviews will always be present. Justice Sotomayor captures this sentiment when she later states that “[p]etitioners conceded that they have no objection ‘to the books being on the shelf or available in the library’ . . . The injunction therefore should not be read to prohibit schools from placing the books on shelves or in libraries.” However, her conclusion potentially stands in contradiction to the majority’s ruling that “put[ting] [LGBTQ+ books] on a shelf for students to find on their own” constitutes using them as part of a curriculum for purposes of instruction – which falls under the Court’s holding.⁹

This differentiation between books available in a classroom and books available in a school library is a key component of this ruling, and one that will likely need clarification in the future. Is it the placement of books that matter, whether in a classroom or a school library? Do the *Mahmoud* parents’ lack of objections to LGBTQ+ books in a library mean that the ruling doesn’t apply to parents who do object to their children finding and reading them there, without parental knowledge? Or is it the published intent of instruction using the LGBTQ+ books that is a required prerequisite for this ruling to apply? Does this ruling apply to supplementary and ancillary materials that are legally defined differently than instructional materials in some states?

All of these questions, along with those of Justice Sotomayor, will no doubt be explored in the landscape of this new ruling.

Opting Out: Must One Already Exist?

Another key fact of this case is that an opt out option existed for the *Mahmoud* parents before it was removed due to complications arising from the overwhelming number of parents employing it. The Court makes clear that this defense of “administrability” is no excuse for removing the opt out:

. . . this assertion only tends to show that the Board’s concerns about “administrability” are a product of its own design. If the Board can structure the “Family Life and Human Sexuality” curriculum to more easily accommodate opt outs, it could structure instruction concerning the “LGBTQ+-inclusive” storybooks similarly. The Board cannot escape its obligation to honor parents’ free exercise rights by deliberately designing its curriculum to make parental opt outs more cumbersome.¹⁰

The Court further noted that “. . . the Board goes to great lengths to provide independent, parallel programming for many other students, such as those who qualify as emergent multilingual learners (EMLs) or who qualify for an individualized educational program.”¹¹ But does an opt out have to previously exist to be reinstated, or can this ruling be used for parents to initiate opt out processes for LGBTQ+ materials? Does this apply only to LGBTQ+ materials or to any materials to which parents voice religious objections?

The statements from the Court seem to support a broad application of the ruling. The Court reasons that if a school board is able to honor mandatory opt outs for sexual education programs and design other programs to incorporate only particular students, then it is feasible for school boards to follow the same processes when

⁸ *Id.* at 23 (Sotomayor, J., dissenting).

⁹ *Id.* at 30 n.11.

¹⁰ *Id.* at 38-39 (majority opinion).

¹¹ *Id.* at 38.

designing programs which incorporate LGBTQ+ materials. And while the Court does not directly address these questions head on, its conclusory statements seem to illustrate the intended purpose of the ruling:

*When it comes to instruction that would burden the religious exercise of parents, the Board cannot escape its obligations under the Free Exercise Clause by crafting a curriculum that is so burdensome that a substantial number of parents elect to opt out. There is no de maximis exception to the Free Exercise Clause.*¹²

When Sexual Materials Educate Outside Sexual Education Programs

A school official “. . . spoke up to ‘clarify’ that the storybooks would not be used for explicit instruction on sexuality and gender, but rather as part of the ‘literacy curriculum.’”¹³ This simple statement sets the stage for a much larger debate.

While all states have sexual education programs, the content and opt out requirements differ from state to state. *Mahmoud* cites that in Maryland, parents are required by law to be given the option to opt out of the instruction.¹⁴ Maryland already incorporates LGBTQ+ instruction into its Comprehensive Sex Education (CSE) program, stating that “Maryland family life and human sexuality instruction shall represent all students regardless of ability, sexual orientation, gender identity, and gender expression.”¹⁵ Including LGBTQ+ instruction is in line with international guidance on CSE standards, according to the United Nations:

*‘Sexuality’ may thus be understood as a core dimension of being human which includes: the understanding of, and relationship to, the human body; emotional attachment and love; sex; gender; gender identity; sexual orientation; sexual intimacy; pleasure and reproduction. Sexuality is complex and includes biological, social, psychological, spiritual, religious, political, legal, historic, ethical and cultural dimensions that evolve over a lifespan.*¹⁶

Author Sarah Camille Conrey further states that “LGBTQ teens are more likely than straight teens to engage in risky sexual behavior, including being much less likely than straight teens to use a condom, which increases the need for gay and lesbian-specific sexual education,” promoting CSE courses as “a vehicle for change.”¹⁷ The LGBTQ+ acronym defines itself as a series of sexual preferences including lesbian, gay, bisexual, transgender, and queer. It is impossible, then, to speak of LGBTQ+ materials without simultaneously speaking of sexuality. It would seem that LGBTQ+ materials are widely accepted in the public education system when placed in CSE course instruction.

Justice Thomas, in his concurring opinion, discusses the school board’s decision to place LGBTQ+ materials in the literacy curriculum. He states that “the practice of teaching sexuality- and gender- related lessons to young children” is a new educational practice, then embarks on a robust historical analysis of sexual education programs and their incorporated opt out protections.¹⁸ While not explicitly stating that LGBTQ+ books belong in the CSE curriculum, Justice Thomas writes: “Most straightforwardly, rather than attempt to ‘weave the storybooks seamlessly into ELA lessons,’ the Board could cabin its sexual- and gender-identity instruction to specific units,” where an opt out could be provided.¹⁹

Justice Thomas’s statements capture a broader trend in education that parents have objected to en masse: Placing sexual materials – even those of the heterosexual variety - outside of sexual education means that legal

¹² *Id.* at 39.

¹³ *Id.* at 10.

¹⁴ *Id.* at 38.

¹⁵ Code of Md. Regs, tit. 13a, §04.18.01(D)(2)(a).

¹⁶ *International Technical Guidance on Sexuality Education: An Evidence-Informed Approach*, United Nations Educational, Scientific and Cultural Organization (UNESCO) 17 (2018), https://cdn.who.int/media/docs/default-source/reproductive-health/sexual-health/international-technical-guidance-on-sexuality-education.pdf?sfvrsn=10113efc_29&download=true (last visited Jul. 15, 2025).

¹⁷ *Hey, What About Me?: Why Sexual Education Classes Shouldn't Keep Ignoring LGBTQ Students*, 23 *Hastings Women's L.J.* 85, 93–94 (2012).

¹⁸ *Mahmoud v. Taylor*, No. 24-297, slip op. at 2-5 (U.S. June 27, 2025) (Thomas, J., concurring).

¹⁹ *Id.* at 12 (Thomas, J., concurring).

protections no longer apply. In states like Georgia, as referenced above, placing these materials outside of the “instructional” category further removes them from parental oversight. This broader trend is precisely what the *Mahmoud* school official communicates that the school has done in their statement. This re-categorization from the sexual education program to a literacy curriculum means that the LGBTQ+ materials no longer carry legal protections of parental notification and consent, and the intentionality of this re-categorization is not lost upon Justice Thomas and the Court.

While this re-categorization has been done for purposes of “‘equity’ and ‘inclusion’”, the resulting First Amendment conflict remains.²⁰ Will the *Mahmoud* ruling end the practice of re-categorizing LGBTQ+ books to remove them from sexuality education program protections? Will it apply to other sexual and pornographic materials that could be categorized as sexuality education materials which parents find morally objectionable? Does the fact that the stated purpose is to promote “diversity” and “inclusion” rather than sexuality education matter? Only time will tell as these questions unfold.

Does a Child’s Age Affect Parental First Amendment Protections?

In perhaps one of the simpler discussions of this analysis, it remains to be seen how the *Mahmoud* ruling will apply to different age groups within the public education system.

The facts of this particular case address LGBTQ+ books “. . . for children generally between 5 and 11 years old.”²¹ The ruling focuses on the heightened concerns of this particular age group, noting that “[t]he storybooks . . . are designed to present the opposite [of traditional marriage] viewpoint to young, impressionable children who are likely to accept [it] without question . . .”²² The opinion addresses how this is compounded by the positional authority of school personnel, stating “[t]hat ‘objective danger’ is only exacerbated by the fact that the books will be presented to young children by authority figures in elementary school classrooms.”²³ It also presents a comparison to older children, noting that “[h]igh school students may understand that widespread approval of a practice does not necessarily mean that everyone should accept it, but very young children are most unlikely to appreciate that fine point.”²⁴

Though drawing a comparison between the age groups, the Court does not seem to discount that high school students are equally protected by parental First Amendment rights. In drawing upon judicial precedent, the Court states that “[l]ike the compulsory high school education considered in *Yoder*, these books impose upon children a set of values and beliefs that are ‘hostile’ to their parents’ religious beliefs.”²⁵ In applying its ruling to both younger and older students, the Court affirms the precedent of its previous rulings: “[T]here are heightened concerns with protecting freedom of conscience from subtle coercive pressure in the elementary and secondary public schools.”²⁶

Despite this clarity, the Court makes a comment in a footnote that serves to muddy the waters just a bit: “It goes without saying, however, that the age of the children involved is highly relevant in any assessment of the likely effect of instruction on the subjects in question.”²⁷ Perhaps the Court is just acknowledging that while the ages of children make a difference, both elementary students and teenagers can still be impressionable, albeit in different ways. Perhaps this is compatible with the opinion’s prevalent message that all minors, regardless of age, fall under parental First Amendment protections. As some may see it, though, this statement could signal a possibility that future cases – where older children are affected rather than younger ones – may produce a different result.

²⁰ *Id.* at 5.

²¹ *Id.* at 4 (majority opinion).

²² *Id.* at 22.

²³ *Id.* at 25.

²⁴ *Id.* at 22-23.

²⁵ *Id.* at 25 (citing *Wisconsin v. Yoder*, 406 U.S. 205, 218 (1972)).

²⁶ *Id.* at 26 (citing *Lee v. Weisman*, 505 U. S. 577, 592 (1992)).

²⁷ *Id.* at 26 n.8.



The Court's New Message: We Are Now Involved

Justice Sotomayor in her dissenting opinion correctly notes that traditionally the Court has been reluctant to inject themselves into public school matters; however, the current ruling seems to send a bold, new message: *You did not respect the Constitution, so we are now involved.*

The Court begins by openly refuting the narrow interpretations of First Amendment religious freedoms and parental rights enshrined in cases such as *Yoder* and *Barnette*²⁸. Not only does the Court lean heavily upon parental First Amendment protections specifically addressed in *Yoder* throughout its opinion, it explicitly stands by its broad interpretation of it, calling it “an important precedent of this Court [which] cannot be breezily dismissed as a special exception granted to one particular religious minority.”²⁹ The Court chastises the dissenting opinion’s own interpretation of the case, stating that “[*Yoder*] instead embodies a principle of general applicability, and that principle provides more robust protection for religious liberty than the alarmingly narrow rule that the dissent propounds.”³⁰ *Yoder* has often been debated as to the extent of its reach, but the *Mahmoud* opinion seems to place it firmly in favor of broad parental First Amendment protections.

Just in case the message did not come across, the Court reaffirms again soon after:

*We reject this chilling vision of the power of the state to strip away the critical right of parents to guide the religious development of their children. Yoder and Barnette embody a very different view of religious liberty, one that comports with the fundamental values of the American people.*³¹

The Court delivers another scathing rebuke to the dissent’s view that parents are free to exercise private or home school options: “It is both insulting and legally unsound to tell parents that they must abstain from public education in order to raise their children in their religious faiths, when alternatives can be prohibitively expensive and they already contribute to financing the public schools.”³² Continuing its rebuke, the Court states:

*According to the dissent, parents who send their children to public school must endure any instruction that falls short of direct compulsion or coercion and must try to counteract that teaching at home. The Free Exercise Clause is not so feeble. The parents in Barnette and Yoder were similarly capable of teaching their religious values “at home,” but that made no difference to the First Amendment analysis in those cases.*³³

The Court also exerts its judicial authority by rejecting the dissent’s notion that parents cannot challenge their school boards using the judicial system:

*In making this argument, the dissent seems to confuse our country with those in which laws enacted by a parliament or another legislative body cannot be challenged in court. In this country, that is not so. Here, the Bill of Rights and the doctrine of judicial review protect individuals who cannot obtain legislative change. The First Amendment protects the parents’ religious liberty, and they had every right to file suit to protect that right.*³⁴

The Court then makes a statement that silently speaks volumes to refute what parents have been told by their school administrators for years:

*It must be emphasized that what the parents seek here is not the right to micromanage the public school curriculum, but rather to have their children opt out of a particular educational requirement that burdens their well-established right “to direct ‘the religious upbringing’ of their children.”*³⁵

²⁸ *W. Virginia State Bd. of Educ. v. Barnette*, 319 U.S. 624 (1943).

²⁹ *Mahmoud v. Taylor*, No. 24-297, slip op. at 30 (U.S. June 27, 2025).

³⁰ *Id.*

³¹ *Id.* at 31.

³² *Id.* at 34.

³³ *Id.*

³⁴ *Id.* at 35.

³⁵ *Id.* at 40.



This strategically crafted phrase also speaks directly to school board and superintendent associations, who conflate objections to school board decisions with “micromanaging” the experts of public education. The imposed new “burden” of the ruling is captured in Justice Sotomayor’s dissenting opinion, citing amicus briefs from both the School Superintendents Association and National Education Association³⁶:

*As one group of amici representing over 10,000 school district leaders and advocates and an association of 25 state school board associations attests, however, “it would be an extreme and overly broad burden to force all school districts in the country” to provide the extensive notification regime that the majority’s test would require.*³⁷

She later expands upon the micromanaging issue, explaining that parents and the Court should leave curriculum decisions to the experts:

*In effect, then, the majority’s new rule will hand a subset of parents a veto power over countless curricular and administrative decisions. Yet that authority has long been left to democratically elected state and local decisionmakers, not individual parents and courts. This Court has repeatedly recognized the wisdom of that regime, including in *Yoder* itself.*³⁸

Following this point, Justice Sotomayor cites multiple cases in which the Court is described as “ill-equipped” and “lack[ing] specialized knowledge and experience” in the realm of public education.³⁹

These interchanges between the justices capture yet another broader contemporary debate of who should manage public education – expert administrators of the field or parents of the children attending? Does questioning the experts equate to micromanaging a school district? Is the school system beyond judicial reach due to the elected nature of school boards? Justice Thomas in his concurring opinion seems to summarize the Court’s new position best: “Insofar as schools or boards attempt to employ their curricula to interfere with religious exercise, courts should carefully police such ‘ingenious defiance of the Constitution’ no less than they do in other contexts.”⁴⁰

Mahmoud v. Taylor: A Philosophical Analysis

The *Mahmoud* Court solidifies the dichotomy surrounding LGBTQ+ marriage and sexuality beliefs: one cannot simultaneously find them both morally acceptable and morally sinful. This dichotomy is recognized by all parties involved, as the school board sought to “disrupt” students’ beliefs about traditional marriage and sexuality. Given this dichotomy, conflicting ideas of marriage and sexuality will continue to cause discord between modern educators and parents of traditional values. Further complicating the matter is that marriage and sexuality are inherently tied to worldviews, of which only one can prevail in the classroom. This dichotomy turns the classroom into a covert battlefield where educators rival parents to determine the norms and values of the next generation.

Teaching LGBTQ+ Beliefs: A True Dichotomy

The Law of Noncontradiction in formal logic states that “for any object x and any property F, x cannot be both F and not-F at the same time and in the same sense.”⁴¹ The *Mahmoud* case stems from this logic law in two ways:

In presenting sexual determinations (x), sexual determinations cannot be defined by biology (F; captured as parents’ religious beliefs) and non-biology (not-F; captured as self-interpreted gender).

³⁶ An analysis of the First Amendment views of these organizations, accompanied by their policy directives and influence upon the school districts of this nation, remains to be done.

³⁷ *Id.* at 25 (Sotomayor, J., dissenting).

³⁸ *Id.* at 27.

³⁹ *Id.*

⁴⁰ *Id.* at 13 (Thomas, J., concurring) (citation omitted).

⁴¹ Richard A. Holland, Jr. & Benjamin K. Forrest, *Good Arguments: Making Your Case in Writing and Public Speaking*, 27 (2017).



In presenting sexual norms (x), sexual norms cannot be grounded in both heterosexuality (F; captured as parents' religious beliefs) and non-heterosexuality (not-F; captured as LGBTQ+ beliefs).

The Montgomery County Board of Education “introduced a variety of ‘LGBTQ+- inclusive’ storybooks . . . designed to ‘disrupt’ children’s thinking about sexuality and gender.”⁴² Parents brought suit, citing their beliefs that “‘mankind has been divinely created as male and female’ and ‘that “gender” cannot be unwoven from biological “sex”’” along with beliefs that “‘sexuality is expressed only in marriage between a man and a woman for creating life and strengthening the marital union.’”⁴³ In sum, the school board taught that LGBTQ+ beliefs were morally acceptable, while parents taught they were sinful and against their religious beliefs. Can these views co-exist for children? The Court seems to answer this question with a resounding “no,” as captured in statements from both the Court and the parties of the case:

- (1) “These books – and associated educational instructions provided to teachers – are designed to ‘disrupt’ children’s thinking about sexuality and gender.”⁴⁴ (The school board acknowledges both views cannot co-exist: one must replace the other).
- (2) Teacher training “encouraged teachers to ‘[d]isrupt the either/or thinking’ of their students.”⁴⁵ (The school board acknowledges both views cannot co-exist: one must replace the other).
- (3) “[The books] 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.”⁴⁶ (The Court acknowledges the beliefs are either “celebrated” or “rejected”).
- (4) . . . “there are many Americans who would view [a homosexual marriage] that way [as a joyous event] . . . But other Americans wish to present a different moral message to their children. And their ability to present that message is undermined when the exact opposite message is positively reinforced in the public school classroom at a very young age.”⁴⁷ (The Court acknowledges homosexual marriage is viewed as a “joyous event” by some but as morally wrong to others).
- (5) “The book and the accompanying discussion guidance present as a settled matter a hotly contested view of sex and gender that sharply conflicts with the religious beliefs that the parents wish to instill in their children.”⁴⁸ (The Court acknowledges that issues of sex and gender are “hotly contested” and “sharply conflict with [parents’] religious beliefs”).

Logic affirms the Court’s conclusion: one cannot embrace LGBTQ+ marriage and sexuality beliefs as morally acceptable while simultaneously viewing them as inherently sinful. In affirming this logic, the Supreme Court Justices and school boards are in agreement that the beliefs cannot co-exist, and one must “disrupt” and supersede the other when being taught to children at school. The implications of this in broader contexts are enormous.

Marriage is Love or Marriage is an Institution?

The school board used the LGBTQ+ books to teach that “[w]hen grown up people love each other that much, sometimes they get married,” and that “[t]wo men who love each other can decide they want to get married.”⁴⁹ The Court acknowledged the parents’ beliefs in its statement that “[m]any Americans ‘advocate with utmost, sincere conviction that, by divine precepts, same-sex marriage should not be condoned.’”⁵⁰ The Court also acknowledged the antithetical nature of the two sides: “That view [that any two people in love can get married]

⁴² *Mahmoud v. Taylor*, No. 24-297, slip op. at 1 (U.S. June 27, 2025).

⁴³ *Id.* at 11-12.

⁴⁴ *Id.* at 1.

⁴⁵ *Id.* at 7.

⁴⁶ *Id.* at 22.

⁴⁷ *Id.* at 23-24.

⁴⁸ *Id.* at 24.

⁴⁹ *Id.* at 6-7.

⁵⁰ *Id.* at 22 (quoting *Obergefell v. Hodges*, 576 U. S. 644, 679 (2015)).



is now accepted by a great many Americans, but it is directly contrary to the religious principles that the parents in this case wish to instill in their children.”⁵¹

These opposing views of marriage – and the history behind each – is well documented in the Court’s 2015 decision *Obergefell v. Hodges*, legalizing same-sex marriage nationwide. The Court discusses the historical and religious roots of marriage, stating that “[t]he centrality of marriage to the human condition makes it unsurprising that the institution has existed for millennia and across civilizations.”⁵² Citing historical texts of Confucius and Cicero, The Court further stated that “[t]here are untold references to the beauty of marriage in religious and philosophical texts spanning time, cultures, and faiths . . . It is fair and necessary to say these references were based on the understanding that marriage is a union between two persons of the opposite sex.”⁵³

Interestingly, the Court also highlighted the drastic changes in marriage beliefs that had occurred in the nation, noting that “[f]or much of the 20th century, moreover, homosexuality was treated as an illness” by the American Psychiatric Association.⁵⁴

In holding that same-sex couples had the right to marry, the *Obergefell* Court ushered in a new and unprecedented view of marriage. The Court acknowledged its stark break from the millennia of marriage tradition, explaining that “[t]he right to marry is fundamental as a matter of history and tradition, but rights come not from ancient sources alone. They rise, too, from a better informed understanding of how constitutional imperatives define a liberty that remains urgent in our own era.”⁵⁵

Ten years later, the *Mahmoud* Court continues to address these conflicting beliefs of marriage in the context of public education. In a classroom where both cannot be normalized, which one will be taught?

Sex or Gender?

If the legal definition of marriage is new, it pales in comparison to the new definitions of sex and gender. The *Mahmoud* case again shows the opposing views manifesting in the classroom, as the Court captures the school board’s new LGBTQ+- inclusive curriculum which teaches that “at any point in our lives, we can choose to identify with one gender, multiple genders, or neither gender”⁵⁶ and “[w]hen we’re born, people make a guess about our gender . . . based on our body parts. Sometimes they’re right and sometimes they’re wrong.”⁵⁷

Teaching that gender is fluid potentially places a child on a road to declaring a gender different from their biological sex. Yet this is unfolding in school districts even as a recent Court decision upholds state laws that seek to ban these types of treatments due to medical concerns for children. In *United States v. Skrametti*, the Court found that “[t]he current standards recognize known risks associated with the provision of sex transition treatments to adolescents, including potential adverse effects on fertility and the possibility that an adolescent will later wish to detransition.”⁵⁸ The Court also gives an in-depth summary of studies from Finland, England, Sweden, and Norway supporting its findings that gender transitions for minors is experimental with unknown and potentially dangerous consequences.⁵⁹

Does teaching transgenderism to young children inspire them to ask teachers other sexuality related questions without parental supervision and consent? How do school districts reconcile teaching two biological sexes in science and health courses that conflict with the transgender messages present in other types of instruction? Can school boards such as that in *Mahmoud* be found liable for introducing teachings that can lead to potentially dangerous medical decisions for children? As transgender treatment for minors is evaluated for safety and

⁵¹ *Id.* at 23.

⁵² 576 U.S. 644, 679 (2015).

⁵³ *Id.*

⁵⁴ *Id.* at 661.

⁵⁵ *Id.* at 671-672.

⁵⁶ *Mahmoud v. Taylor*, No. 24-297, slip op. at 5 (U.S. June 27, 2025).

⁵⁷ *Id.* at 7.

⁵⁸ 145 S. Ct. 1816, 1825 (2025).

⁵⁹ *Id.* at 1825-26.

effectiveness, the choice to provide materials at school which normalize gender fluidity may not only confuse children but also carry legal consequences.

Diversity or Conformity?

What if inclusivity is not inclusive? The *Mahmoud* Court addresses this key point, as “. . . the Board [sought] to defend its policy by claiming that it promote[d] ‘equity’ and ‘includi[on]’”.⁶⁰ Upon examining the facts of the case, the Court – articulated best in Justice Thomas’s concurring opinion – seems to arrive at the conclusion that “[f]ar from promoting ‘includi[on]’ and ‘respect for all,’ the Board’s no-opt-out policy imposes conformity with a view that undermines parents’ religious beliefs, and thus interferes with the parents’ right to ‘direct the religious upbringing of their children.’”⁶¹

The Court reviewed the LGBTQ+ books presented in the case, finding that they normalized only the LGBTQ+ marriage and sexuality beliefs while denigrating traditional religious beliefs on the subjects. In one example cited by the Court, “the moral implication of the story is that it is seriously harmful to deny a gender transition . . . that it is hurtful, perhaps even hateful, to hold the view that gender is inextricably bound with biological sex.”⁶² In another example, the student member of the board equated parents’ sincere religious beliefs as “‘ignorance and hate’” at a board meeting.⁶³ This was problematic, as “[t]he Board’s exclusion of traditional religious views, coupled with a curriculum that ‘pressure[s students] to conform,’ constitute an impermissible attempt to ‘standardize’ the views of students.”⁶⁴ Justice Thomas notes that the “. . . Board’s ‘LGBTQ+-inclusive’ curriculum and no-opt-out policy rest on the sort of conformity-driven rationales that this Court rejected in *Pierce v. Society of Sisters*, 268 U. S. 510 (1925).”⁶⁵

Ultimately, the Court determined that “[a] classroom environment that is welcoming to all students is something to be commended, but such an environment cannot be achieved through hostility toward the religious beliefs of students and their parents.”⁶⁶ Justice Thomas expanded on this, stating “. . . the Board’s response to parents’ unsuccessful attempts to opt their children out of the storybook curriculum conveys that parents’ religious views are not welcome in the ‘fully inclusive environment’ that the Board purports to foster.”⁶⁷ He concludes that “[a]t a minimum, these statements suggest that ‘being accepted’ has limits – and that parents’ sincerely held religious beliefs fall beyond them.”⁶⁸

Readers are left to draw upon their own experiences to determine if diversity efforts are truly inclusive, or if they are vehicles to promote a conformed acceptance of LGBTQ+ marriage and sexuality beliefs.

Two Worldviews, One Classroom

Perhaps the biggest takeaway from *Mahmoud* is that there is a battle between worldviews taking place in public education. While the signs have been ongoing for some time, parental recognition of it is only recently emerging.

In the days of early America, education primarily occurred at home. If a child happened to live near a school, he would attend part of the year, learning the basics of reading, writing, math... and religion. All public schools were Christian schools of some variety, reflecting the expectations of the time as captured in the Northwest Ordinance of 1787: “Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.”⁶⁹

⁶⁰ *Mahmoud v. Taylor*, No. 24-297, slip op. at 5 (U.S. June 27, 2025) (Thomas, J., concurring).

⁶¹ *Id.* at 10-11 (citations omitted).

⁶² *Id.* at 25 (majority opinion).

⁶³ *Id.* at 9.

⁶⁴ *Id.* at 10 (Thomas, J., concurring) (citations omitted).

⁶⁵ *Id.* at 6.

⁶⁶ *Id.* at 39-40 (majority opinion).

⁶⁷ *Id.* at 9 (Thomas, J., concurring).

⁶⁸ *Id.*

⁶⁹ U.S.C.A. § NORTHWEST ORDINANCE (West).



Early Supreme Court rulings such as *Vidal v. Girard's Executors* in 1844 reflected this status quo as well:

*It is unnecessary for us, however, to consider what would be the legal effect of a devise in Pennsylvania for the establishment of a school or college, for the propagation of Judaism, or Deism, or any other form of infidelity. Such a case is not to be presumed to exist in a Christian country . . .*⁷⁰

The Court continued in its ruling to prescribe the Bible as the model textbook for education:

*And we cannot overlook the blessings, which such men by their conduct, as well as their instructions, may, nay must impart to their youthful pupils. Why may not the Bible, and especially the New Testament, without note or comment, be read and taught as a divine revelation in the college—its general precepts expounded, its evidences explained, and its glorious principles of morality inculcated?*⁷¹

This Biblical Christian worldview was the unquestioned foundation of education establishments. Education laws such as “the ‘Old Deluder Satan Law’” of Massachusetts and Connecticut (1642 and 1647, respectively) provided public education for all children so that they could become literate and able to read the Bible.⁷² Even the prestigious higher education establishments such as Harvard, William & Mary, Yale, and Princeton carried charters and rules declaring the essentiality of Christianity in education.⁷³

Over time, the Christian worldview became questioned and eventually eroded, until it was finally evicted from education with the 1962 *Engel v. Vitale* ruling. Here, the Court held that “by using its public school system to encourage recitation of the Regents' prayer, the State of New York has adopted a practice wholly inconsistent with the Establishment Clause.”⁷⁴ This ruling, along with subsequent ones such as *Lee v. Weisman* (1992), created important precedents for First Amendment jurisprudence in the public education setting because they engaged the question of when exposure to ideas in public school becomes endorsement of those beliefs by the “machinery of the State.”⁷⁵ In *Lee*, even a high school student's exposure to a nondenominational prayer at graduation was deemed to be a violation of the Establishment Clause because the public education setting inherently carried “particular risk of indirect coercion.”⁷⁶ This ruling is especially applicable to the much later *Mahmoud* context, as the *Lee* Court warned that “there are heightened concerns with protecting freedom of conscience from subtle coercive pressure in the elementary and secondary public schools.”⁷⁷ The rulings of this era have sought to create a secular, and seemingly neutral, public school environment by removing prayer and other such practices of Christianity.

But in the absence of the Biblical Christian worldview, another one steadily emerged. Secular humanism, a belief system that is diametrically opposed to Christianity, rose to fill the void created in the wake of Christianity removed. The American Humanist Association – carrying the slogan of “Good Without a God” – published its third Humanist Manifesto in 2003 capturing its beliefs and aspirations.⁷⁸ By comparing the teachings of this manifesto to the teachings of Christianity, the transition of worldviews emerges as its answers to philosophical questions align with those taught in the modern education system:

⁷⁰ 43 U.S. 127, 198–99 (1844).

⁷¹ *Id.* at 200.

⁷² David Barton, *Original Intent*, 86 (5th ed. 2010).

⁷³ *Id.* at 87-91.

⁷⁴ 370 U.S. 421, 424 (1962).

⁷⁵ *Lee v. Weisman*, 505 U.S. 577, 592 (1992).

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Humanism and Its Aspirations: Humanist Manifesto III, a Successor to the Humanist Manifesto of 1933*, American Humanist Association (2025), <https://americanhumanist.org/what-is-humanism/manifesto3/>.



Philosophical Question	Biblical Christian	Secular Humanist ⁷⁹
From where did man come?	“So God created man in his own image, in the image of God he created him; male and female he created them.” Genesis 1:27 (ESV).	“Humans are an integral part of nature, the result of unguided evolutionary change.”
What is the ultimate source of truth?	God’s Word, through the Bible	“Humanists find that science is the best method for determining this knowledge as well as for solving problems and developing beneficial technologies.”
What is the purpose of life?	“The end of the matter; all has been heard. Fear God and keep his commandments, for this is the whole duty of man.” Ecclesiastes 12:13 (ESV).	“Life’s fulfillment emerges from individual participation in the service of humane ideals.”
What is the source of morality?	God’s Word, through the Bible	“Humanists ground values in human welfare shaped by human circumstances, interests, and concerns and extended to the global ecosystem and beyond.”

In answering the specific questions of the *Mahmoud* case, the comparisons emerge as follows:

Philosophical Question	Biblical Christian	Secular Humanist
What is marriage?	“Therefore a man shall leave his father and his mother and hold fast to his wife, and the two shall become one flesh.” Matthew 19:5 (ESV).	“The equal recognition of LGBTQ marriages across the country is long overdue, and our nation must stop clinging to outdated and discriminatory religious arguments that deny couples their fundamental rights.” ⁸⁰
Are there sex distinctions?	“So God created man in his own image, in the image of God he created him; male and female he created them.” Genesis 1:27 (ESV).	“AFFIRMS the right of every person to be affirmed in the sexual orientation and gender expression that best fit their personality, including expressions which may be singular, multiple, unclear, or none at all.” ⁸¹

⁷⁹ *Id.*

⁸⁰ Merrill Miller, *Uphold the Rights of Same-Sex Couples, Says Humanist Group to U.S. Supreme Court*, American Humanist Association (Mar. 5, 2015), <https://americanhumanist.org/news/2015-03-uphold-the-rights-of-same-sex-couples-says-humanist/>.

⁸¹ *Resolution Affirming Human Rights for All*, American Humanist Association (Sep. 27, 2015), <https://americanhumanist.org/key-issues/statements-and-resolutions/humanrights/>.



It seems that the parents in *Mahmoud* were not alone in their rejection of the secular humanist worldview, as the Court notes how the opt outs were rescinded because the school “could not accommodate the growing number of opt out requests . . .”⁸²

As parents of religious beliefs begin to realize that their children are being educated to an opposing and incompatible worldview, it is likely that cases such as *Mahmoud* are just the tip of the iceberg.

Mahmoud v. Taylor: A Religious Analysis

While LGBTQ+ marriage and sexuality beliefs are marketed as a civil rights issue, viewing them through the lens of sexual content places them in a very different light, as sexual content for children is acknowledged as potentially harmful and often regulated by law. While the *Mahmoud* Court did not address this particular question, it clearly held that the LGBTQ+ storybooks provided to children in violation of their parents’ religious beliefs constituted harm in the form of a First Amendment violation. A deeper analysis of the connections between marriage and sexuality teachings and religious beliefs reveals that most faiths carry prescribed doctrines on each, posing the fundamental question of where philosophy ends and religion begins in public education.

Is Sexuality Different?

The facts of *Mahmoud* show a common concern that if LGBTQ+ marriage and sex beliefs are not affirmed, then it will lead to an unraveling of civil rights causes across the nation. The ruling cites examples of this, such as when a school board member found the objecting parents comparable to “‘white supremacists’ who want to prevent their children from learning about civil rights . . .”⁸³ A school board member also responded to the parents’ voiced religious beliefs by analogizing them to religions that “‘teach that women should only achieve certain subservient roles in life.’”⁸⁴ In her dissenting opinion, Justice Sotomayor predicted that this ruling could undo the “‘lessons on ‘evolution,’ and teaching ‘children to use imagination beyond the limitation of scriptural authority . . .’”⁸⁵

This view is captured by a logical syllogism:

Civil rights movements bring freedom to oppressed Americans.

Normalizing LGBTQ+ marriage and sexuality beliefs is a civil rights movement.

Therefore, normalizing LGBTQ+ marriage and sexuality beliefs will bring freedom to oppressed Americans.

But what if normalizing LGBTQ+ marriage and sexuality beliefs was not a civil rights movement, and instead something different? What if it were treated as normalizing sexual content instead?

This would distinguish it from previous civil rights movements such as slavery and women’s suffrage in the important sense that it is universally applicable – and potentially harmful – to all children in the population. Because states acknowledge that sexual content for children is a sensitive subject, state sexual education laws are designed to contain sexual content in a designated course of instruction, where parents may opt their child out of the course. Exposing children to sexual content in absence of (or worse – in violation of) parental knowledge and consent poses additional risks, as it opens the door to grooming techniques, which make children vulnerable to sexual harm and exploitation.

The National Crimes Against Children Investigators Association (NCACIA) explains the warning signs of grooming children for sexual exploitation.⁸⁶ Under the initial steps of Targeting and Building Trust, the online

⁸² *Mahmoud v. Taylor*, No. 24-297, slip op. at 9 (U.S. June 27, 2025).

⁸³ *Id.* at 11.

⁸⁴ *Id.* at 9.

⁸⁵ *Id.* at 23 (Sotomayor, J., dissenting) (citations omitted).

⁸⁶ Michael Lee, *The Grooming Playbook: Understanding and Exposing the Manipulation of Child Sexual Abusers*, National Crimes Against Children Investigators Association (NCACIA) (Jul. 6, 2023), <https://www.ncacia.org/post/the-grooming-playbook-understanding-and-exposing-the-manipulation-of-child-sexual-abusers>.

manual discusses how child abusers not only seek out roles such as mentors or coaches in the community which give them access to children, they establish themselves as trusted individuals that children admire. They use this position of authority to target the unfilled emotional needs of children to “foster[] a sense of dependence and loyalty, making it harder for the child to recognize the abuser's harmful intentions.”⁸⁷

Under the next steps of Establishing Emotional Connection and Isolating the Child, the manual discusses how the abuser preys upon the unfilled emotional needs of the child, working to fill the void by making the child “feel[] like they belong and that they have found a safe haven in the abuser.” Simultaneously, the abuser works to separate the child from their support network, isolating them and fostering a “culture of secrecy” to protect the perpetrator from being discovered by those close to the child. This causes the child to lose trust in their support network, which usually includes those who love them most such as parents, family, and friends. The abuser redirects this trust towards themselves, and “may manipulate the child's emotions to foster loyalty and dependence.”⁸⁸

This paves the way to the fifth step of Desensitizing, where the relationship becomes sexual in nature through the abuser introducing sexual materials or topics to the child. Exposure begins “with seemingly innocent or non-explicit content and progressively exposing them to more explicit material over time. This exposure aims to normalize sexual content and erode the child's natural boundaries and understanding of appropriate behavior,” paving the way for sexual conversations to begin taking place. As in the materials, the conversations may “begin subtly, with the abuser testing the child's reactions and boundaries, and gradually become more explicit and intrusive” as the abuser continues to break down the child's natural barriers. The grooming is achieved when sexual conversations become sexual acts, as “the abuser normalizes sexualized interactions and blurs the lines between appropriate and inappropriate behavior.”⁸⁹

Perhaps even more alarming is that empirical evidence shows that abusers “strategically manipulate the victim, their family, and the community to hide their deviant intentions and avoid detection it is highly unlikely that police and community members will be able to detect grooming behaviors that occur before the abuse in cases of intrafamilial and professional child abuse.”⁹⁰ This evidence also “speculate[s] that as few as 5% of child sex offenders [] are ever apprehended.”⁹¹

In light of these studies, it would seem to be the highest priority to determine if LGBTQ+ marriage and sexuality materials are inherently sexual content, as providing such materials to children without parental consent is alarmingly in line with known grooming techniques. Alternatively, if LGTBQ+ marriage and sexuality materials were to be viewed as sexual content rather than as part of a civil rights movement, it could then place materials such as LGBTQ+ books squarely into a state's sexual education program (where some already are), and cases such as *Mahmoud* would potentially become obsolete.

Bedfellows: Religion and Sexuality Beliefs

The *Mahmoud* Court acknowledged the sincerely held religious beliefs of the plaintiff parents as they related to marriage and sexuality. As Muslims, one set of parents believed that “‘mankind has been divinely created as male and female’ and ‘that “gender” cannot be unwoven from biological “sex”—to the extent the two are even distinct—without rejecting the dignity and direction God bestowed on humanity from the start.”⁹² The Catholic parents cited their belief that “‘sexuality is expressed only in marriage between a man and a woman for creating life and strengthening the marital union’” and “‘that gender and biological sex are intertwined and inseparable.’”⁹³

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ Georgia M. Winters & Elizabeth L. Jeglic, *Stages of Sexual Grooming: Recognizing Potentially Predatory Behaviors of Child Molesters*, 38 DEVIANT BEHAV. 724 (2017).

⁹¹ *Id.*

⁹² *Mahmoud v. Taylor*, No. 24-297, slip op. at 11 (U.S. June 27, 2025).

⁹³ *Id.* at 12.



While the *Mahmoud* case assumes LGBTQ+ marriage and sexuality beliefs are secular, this could be challenged due to its prevalence in the faith doctrines of multiple religions.

Paganism, for example, teaches that “all acts of love and pleasure are the rituals of the Goddess,” building upon British Wicca “in which celebrants use symbolic or literal sexual ritual to participate in the ongoing creation of the universe.”⁹⁴ While Pagan beliefs can differ significantly, the religion has grown with converts who felt rejected from their traditional faith doctrines of sexuality, as Paganism “tend[s] to be relatively accepting of same-sex relationships, BDSM, polyamory, transgender, and other expressions of gender and sexuality that are marginalized by mainstream society.”⁹⁵

Another faith with similar sexuality doctrines includes the Unitarian Universalist Association. This religion invites members of Atheist and Agnostic, Buddhist, Christian, Earth-Centered, Hindu, Humanist, Jewish, and Muslim faiths⁹⁶ to create a “shared covenant” which is “centered around love.”⁹⁷ Practices include weekly worship, religious education, rites, and ceremonies⁹⁸ to include weddings for all sexual orientations.⁹⁹ The faith teaches that “Sexuality is an integral part of life . . . encompass[ing] the full expression of an individual's gender, [having] intellectual and emotional as well as biological dimensions, and is conditioned by cultural and religious norms.”¹⁰⁰

A third religion that encompasses LGBTQ+ marriage and sexuality beliefs in its faith doctrines is the Church of Satan, which has increasingly entered mainstream culture through avenues such as the 2023 Target stores partnership with Abprallen, a “London-based company that designs and sells occult- and satanic-themed LGBTQ+ clothing and accessories.”¹⁰¹ The Church of Satan states that “[w]e fully accept all forms of human sexual expression between consenting adults. The Church of Satan has always accepted gay, lesbian, bisexual and asexual members since its beginning in 1966,” citing its doctrinal text as *The Satanic Bible* by Anton Szandor LaVey.¹⁰²

While there are some religions where sexuality doctrine has divided the churches, it should be noted that most of these faiths have adhered to traditional marriage and sexuality teachings for centuries, and only in recent decades have they interpreted religious doctrines to allow for LGBTQ+ beliefs.

Even without challenging the premise that LGBTQ+ marriage and sexuality beliefs are potentially a religious doctrine of their own, the *Mahmoud* Court found that harm was caused to parents when their First Amendment rights were violated by their children being exposed to teachings on sexuality that were antithetical to the parents’ religious beliefs. The Court created binding precedent in this regard when it stated “. . . we hold that the Board’s introduction of the ‘LGBTQ+-inclusive’ storybooks – combined with its decision to withhold notice to parents and to forbid opt outs – substantially interferes with the religious development of their children and imposes the kind of burden on [First Amendment] religious exercise that *Yoder* found unacceptable.”¹⁰³

Is Secular Really Neutral?

⁹⁴ Christine H. Kraemer, *Gender and Sexuality in Contemporary Paganism*, 6 RELIGION COMPASS 390, 390 (2012).

⁹⁵ *Id.*

⁹⁶ *We Welcome People with Many Beliefs*, Unitarian Universalist Association (2025), <https://www.uua.org/beliefs/what-we-believe/beliefs>.

⁹⁷ *Beliefs and Shared Values*, Unitarian Universalist Association (2025), <https://www.uua.org/beliefs/what-we-believe>.

⁹⁸ *Id.*

⁹⁹ *Weddings*, Unitarian Universalist Association (2025), <https://www.uua.org/beliefs/what-we-do/celebrations/weddings>.

¹⁰⁰ *Why Is Sexuality Education a Unitarian Universalist Issue?*, Unitarian Universalist Association (2025), <https://www.uua.org/reproductive/education/why-is>.

¹⁰¹ Anne D’Innocenzio, *Target Becomes Latest Company to Suffer Backlash for LGBTQ+ Support, Pulls Some Pride Month Clothing*, ASSOCIATED PRESS (May 24, 2023, 12:20 PM), <https://apnews.com/article/target-pride-lgbtq-4bc9de6339f86748bcb8a453d7b9acf0>.

¹⁰² *F.A.Q. Sexuality & Gender*, Church of Satan (2025), <https://churchofsatan.com/faq-sexuality-and-gender/>.

¹⁰³ *Mahmoud v. Taylor*, No. 24-297, slip op. at 21-22 (U.S. June 27, 2025).

The Supreme Court has held that “the State may not establish a ‘religion of secularism’ in the sense of affirmatively opposing or showing hostility to religion, thus ‘preferring those who believe in no religion over those who do believe.’”¹⁰⁴ This was addressed in *Smith v. Board of School Commissioners of Mobile County*, an 11th Circuit case in 1987 in which plaintiff parents challenged the secular humanist views taught in public school textbooks.¹⁰⁵ The district court ruled in favor of the plaintiff parents, holding that “secular humanism constitutes a religion within the meaning of the first amendment and that the forty-four textbooks at issue in this case both advanced that religion and inhibited theistic faiths in violation of the establishment clause.”¹⁰⁶ The 11th Circuit Court of Appeals overturned the ruling, finding that while secular humanism existed in the textbooks, “consistency with religious tenets is insufficient to constitute unconstitutional advancement of religion.”¹⁰⁷ As analyzed by one legal scholar, the *Smith* case shows how if a school were to promote atheism by name, it would be a violation of the First Amendment.¹⁰⁸ Schools instead teach the ideas of atheism through the worldview of secular humanism, employing “humanistic psychology and values clarification programs . . . teaching[] that moral values are subjective and that the highest purpose for human beings is self-actualization [which] do seem to inculcate ‘faith-assumptions’ about the nature of human beings and ethics.”¹⁰⁹

This secular-as-neutral premise carries an interesting application to opt-out rights in public schools. Historically, opt-outs carry a religious implication, making it at times hotly contested as to what qualifies for opt-outs and what accommodations are reasonable for school districts to put in place. In terms of teaching the scientific theory of evolution, however, federal court precedent has created a standard that it alone must be taught, regardless of religious beliefs. Evolution must be taught by all teachers (*Webster v. New Lenox Sch. Dist. No. 122*),¹¹⁰ it must be taught with no mention of the theory of creationism (*McLean v. Arkansas Bd. of Ed.*),¹¹¹ and it must be taught without a disclaimer calling for independent critical analysis (*Freiler v. Tangipahoa Par. Bd. of Educ.*).¹¹² *Mahmoud*, though it addresses the question of LGBTQ+ books, is possibly the first case challenging the teaching of secular ideas as neutral, and thus mandatory, for all students to learn.

The implications of these questions go far beyond the LGBTQ+ books of this case. As discussed above, it affects teaching evolution (nature created man or *imago Dei*?). It affects teaching morals (discovered or dictated?). It affects teaching truth (revealed through science or revealed through God?). It affects teaching sexual education (sexual rights or sexual chastity?). It affects teaching law (natural or positive?). It affects nearly every aspect of education, increasing tension between the secular and religious all while claiming *détente* between the sides.

But what if one were to reject the premise of secular neutrality and instead view secular beliefs as the forced absence of any supernatural explanation to life, limiting knowledge to what only humans can understand? Would this still not create a central godly authority – using humans to fill the spiritual void left behind in the wake of an expelled God? If two opposing worldviews are taught at school, does this equate to two opposing religious doctrines as well? Does teaching the beliefs of a religion equate to the religion being taught? What if the religion is not labeled, or markets itself as having no label to then assert the claim of neutrality and gain access to public education? If both cannot coexist, which side will the state choose to teach? Will this choice serve as the state’s endorsement of a particular religion?

CONCLUSION

The practical applications of *Mahmoud* are numerous and undoubtedly consequential in the shaping of parents’ First Amendment protections in public education. It is the underlying philosophical and religious implications,

¹⁰⁴ *Sch. Dist. of Abington Twp., Pa. v. Schempp*, 374 U.S. 203, 225 (1963) (citation omitted).

¹⁰⁵ *Smith v. Bd. of Sch. Comm’rs of Mobile Cnty.*, 827 F.2d 684 (11th Cir. 1987).

¹⁰⁶ *Id.* at 689.

¹⁰⁷ *Id.* at 692.

¹⁰⁸ Andrew A. Cheng, *The Inherent Hostility of Secular Public Education Toward Religion: Why Parental Choice Best Serves the Core Values of the Religion Clauses*, 19 U. Haw. L. Rev. 697, 714 (1997).

¹⁰⁹ *Id.* at 716.

¹¹⁰ *Webster v. New Lenox Sch. Dist. No. 122*, 917 F.2d 1004 (7th Cir. 1990).

¹¹¹ *McLean v. Arkansas Bd. of Ed.*, 529 F. Supp. 1255 (E.D. Ark. 1982).

¹¹² *Freiler v. Tangipahoa Par. Bd. of Educ.*, 185 F.3d 337 (5th Cir. 1999).



however, that carry the potential to challenge the very idea of secular education as a neutral forum free from religious influence. If secular education is neutral in name only but teaches worldviews and beliefs rooted in religion... what then?

And if only one religion can be taught, must it be Christianity as the foundational doctrine underlying the Mayflower Compact, Declaration of Independence, and ultimately the Constitution? If the *Mahmoud* case is the trigger that brings the United States full circle to its historical Christian founding, it may prove to be the most revolutionary shot ever heard round the world.