



FAQ: Education in Massachusetts After *Mahmoud v. Taylor*

This resource is intended to provide information and general guidance to Massachusetts public school leaders on the meaning and practical implications of the U.S. Supreme Court’s Mahmoud v. Taylor decision and related cases. This resource was created for educational purposes only and is not legal advice. Please consult with an attorney regarding your school’s particular policies and practices.

Case Background

In *Mahmoud v. Taylor*, a group of parents from different religious backgrounds sued a Maryland school district after it stopped letting them opt their elementary school children out of certain classes. These classes used five storybooks that helped teach reading skills and included LGBTQ+ characters. The district ended its opt-out policy because it felt that the number of requests had become too hard to manage. The parents argued that taking away their ability to opt out violated their constitutional right to freely practice their religion.

In June 2025, the Supreme Court ruled in favor of the parents. The Court said the school district must give parents an opt-out procedure if they request to excuse their children from any class using the storybooks in question for instruction, and then must give parents who asked for the opt-out notice of when those books would be used. The Court found that the parents were likely to win their claim that denying the opt-out unfairly limited their right to practice their religion. It also said that when school instruction “substantially interferes with the religious development” of children, a policy denying opt-outs is unconstitutional unless the school can prove it serves a “compelling” government interest and is “narrowly tailored” to meet that goal.

The Court did not set a clear rule for how parents’ religious rights apply to public school instruction. Instead, it said that whether a lesson “substantially interferes” with a child’s religious development “will depend on the specific religious beliefs and practices asserted, as well as the specific nature of the educational requirement or curricular feature at issue.”

The Court also seemed especially concerned with the young age of the students, suggesting that this decision might not apply as broadly to older students. Because the ruling leaves many questions open, schools should consult their legal counsel when deciding how to handle specific cases involving opt-out requests.

Frequently Asked Questions

- **When are schools required to provide religious opt-outs, and how should that process work?**

Because of the Court’s decision, schools now generally must allow parents to excuse their children from classroom lessons that pose a “very real threat of undermining” their sincerely held religious beliefs and practices and that significantly interfere with their children’s religious development.

However, it’s important to note that the books in this case were used with kindergartners and elementary school students. The Court emphasized that such young children are especially impressionable and specifically stated that “[e]ducational requirements targeted toward very young children . . . may be analyzed differently from educational requirements for high school students.” This means that the need for opt-outs in middle or high school will likely be lower.

In *Mahmoud*, the Court also described the books—and the guidance teachers were given for using them—as “convey[ing] a particular viewpoint about same-sex marriage and gender.” In other words, the Court seemed to believe the books were promoting a specific opinion rather than simply sharing neutral information.

Schools with religious opt-outs should require parents to take clear, intentional steps to request them, such as submitting their religious objection in writing. School districts should train staff on how to manage these requests and make sure they are reviewed quickly. Staff should treat all opt-out requests with respect and sensitivity, even if the school ultimately denies them. Remarks that come across as disrespectful or hostile toward religion are unhelpful, can make conflicts worse, and might be used as evidence if a lawsuit occurs.

Finally, while the Court criticized the district for failing to notify and accommodate parents *after* they had voiced their objections, the decision does not require schools to notify all parents *in advance* about opt-out rights. However, if a school district decides to send notices or forms explaining these rights, it should do so carefully—without singling out or drawing unnecessary attention to LGBTQ+-related material.

- **What types of classroom activities does this decision impact?**

Mahmoud focused only on the use of books for “instruction,” meaning materials that are part of the official curriculum. The decision neither requires nor allows schools to censor or remove books from classroom or school library shelves, including LGBTQ+-inclusive books or any others that parents might object to for religious reasons. The Massachusetts Governor and Attorney General have instructed public schools not to interpret the *Mahmoud* decision as “requiring or permitting them to erase particular groups from the curriculum.”¹ The Massachusetts Department of Elementary and Secondary Education (“DESE”) actively encourages school libraries to include a selection of high-interest LGBTQ+ books and media, and to ensure that students can access

¹ “Legal Guidance Regarding Lawfully Promoting Access to Educational Opportunity,” Executive Office of Education, Department of Higher Education, Department of Elementary and Secondary Education, and Office of the Attorney General, <https://www.mass.gov/doc/joint-guidance-education/download> (September 23, 2025).

information related to LGBTQ+ resources and health information, including education about transgender and gender nonconforming students.²

The Court also made clear that this decision does not give parents control over what schools teach. It only gives them the right to “have their children opt out of a particular educational requirement.”

Finally, the decision does not diminish students’ rights to express themselves at school, to discuss LGBTQ+-related topics, or to create LGBTQ+-themed student clubs just like any other extracurricular club.³ It also does not affect teachers’ rights to be themselves at school without fear of workplace discrimination based on their sexual orientation or gender identity.⁴

- **Is the decision providing the right to religious opt-out accommodations in public schools only applicable to LGBTQ+-related content?**

No. Although *Mahmoud* dealt with LGBTQ+-inclusive storybooks, the Court’s reasoning applies more broadly. The Massachusetts Governor and Attorney General have issued guidance explaining that “schools should not presuppose what might give rise to a request for accommodation.”⁵ School leaders should create general policies for religious opt-outs that aren’t focused only on LGBTQ+ content.

- **For convenience, should schools segregate LGBTQ+-related content and then just provide opt-outs for that unit?**

No. Research shows that inclusive education not only improves students’ academic performance but also helps them develop empathy and stronger connections with one another.⁶ Separating this

² “Principles for Ensuring Safe and Supportive Learning Environments for Lesbian, Gay, Bisexual, Transgender, Queer and Questioning (LGBTQ) Students,” Massachusetts Department of Elementary and Secondary Education, <https://www.doe.mass.edu/sfs/lgbtq/Principles-SafeEnvironment.html>. See also “Guidance for Massachusetts Public Schools Creating a Safe and Supportive School Environment,” Massachusetts Department of Elementary and Secondary Education, <https://www.doe.mass.edu/sfs/lgbtq/genderidentity.html> (“In order to further a safe and supportive school environment for all students, schools should incorporate education and training about transgender and gender nonconforming students into their anti-bullying curriculum, student leadership trainings, and staff professional development.”).

³ G.L. c. 71, §§ 82-83; G.L. c. 76, § 5; 603 CMR 26.06. For more information about LGBTQ+ students’ rights in Massachusetts public schools, visit <https://www.aclum.org/know-your-rights/know-your-rights-lgbtq-students-massachusetts-public-schools/>.

⁴ G.L. c. 151B, § 4; *Bostock v. Clayton County*, 590 U.S. 644 (2020) (holding that Title VII of the Civil Rights Act prohibits workplace discrimination on the basis of sexual orientation and gender identity); “Gender Identity Guidance,” Massachusetts Commission Against Discrimination, <https://www.mass.gov/doc/gender-identity-guidance/download>.

⁵ “Legal Guidance Regarding Lawfully Promoting Access to Educational Opportunity,” Executive Office of Education, Department of Higher Education, Department of Elementary and Secondary Education, and Office of the Attorney General, <https://www.mass.gov/doc/joint-guidance-education/download> (September 23, 2025).

⁶ E.g., “Inclusive Learning: A Synthesis of 20+ years of Research on the Education and Wellbeing Impacts of Inclusive Curriculum, Instruction, and School Books,” GLSEN, https://www.glsen.org/sites/default/files/2024-06/Inclusive%20Learning%20Research%20Brief_0.pdf; “Inclusive and Affirming School-Based Practices for LGBTQ+ Students,” National Association of School Psychologists, https://www.nasponline.org/assets/documents/Research%20and%20Policy/Position%20Statements/PS_Inclusive%20and%20Affirming%20Schools%20for%20LGBTQ.pdf; “Legal Guidance Regarding Lawfully Promoting Access to Educational Opportunity,” Executive Office of Education, Department of Higher Education, Department of Elementary and Secondary Education, and Office of the Attorney General, <https://www.mass.gov/doc/joint-guidance-education/download>.

kind of information from the rest of the curriculum—such as lessons in history, reading, literature, or art—takes away the benefits of learning about classmates from different backgrounds and being part of a multicultural community. As DESE has noted, including LGBTQ+ topics in curricula also corresponds to all students feeling safer in school, regardless of sexual orientation or gender identity.⁷

Because schools must also be ready to respect parents’ religious beliefs about other kinds of classroom topics, focusing only on removing LGBTQ+ content could create bigger problems, leading to a complicated and confusing school curriculum that would make this court decision even harder to put into practice.

- **How does this case impact existing state laws?**

Many important state laws that promote and protect inclusive education for students are still in place. Public schools in Massachusetts are still required to provide a welcoming learning environment for everyone.⁸ State law also bans discrimination in public school activities and classes based on gender identity, sex, or sexual orientation.⁹

These laws remain unaffected by the *Mahmoud* ruling.

- **Have there been any developments in Massachusetts about religious opt-outs following *Mahmoud*?**

Mahmoud is the controlling decision for religious opt-outs in Massachusetts. As of February 2026, there is at least one ongoing case in federal court in Massachusetts regarding religious opt-out rights.

In *Alan L. v. Lexington Public Schools*, the father of a kindergartener sued the school district, asserting that the reading of books depicting certain LGBTQ+ content would burden his religious rights, and alleging that the school’s opt-out procedure was insufficient. The court issued a narrow preliminary injunction, based on *Mahmoud* that required the district to provide the father with copies of materials planned or expected to be used in connection with teaching or school activities that depicted “LGBTQ+ characters, relationships, or activities, or LGBTQ+ political or social advocacy.” While not ruling that such materials definitely burdened the father’s free exercise rights, or that schools always need to identify LGBTQ+ materials in advance, the court ordered the school to provide this level of specificity to this particular parent *in response* to his initial, broad opt-out request, so that he could then specifically identify which of those materials he was challenging.

Importantly, the *Alan L. v. Lexington* case is still in early stages, and the order issued by the court is designed to protect the specific plaintiff with a specific procedure while the case is ongoing. The

[education/download](#) (September 23, 2025) (“There are significant, well-established benefits to representing students’ identities in the curriculum.”).

⁷ “Principles for Ensuring Safe and Supportive Learning Environments for Lesbian, Gay, Bisexual, Transgender, Queer and Questioning (LGBTQ) Students,” Massachusetts Department of Elementary and Secondary Education, <https://www.doe.mass.edu/sfs/lgbtq/Principles-SafeEnvironment.html>.

⁸ 603 CMR 26.05.

⁹ G.L. c. 76, § 5; 603 CMR 26.03, 23.06.

court has not yet decided whether the case will be dismissed, who will win the case, or what the right remedy will be if it ultimately decides that the school violated the father's opt-out rights.¹⁰ Nothing about the *Alan L.* case places requirements on schools regarding opt-out processes beyond the requirements of the *Mahmoud* ruling.

Last updated March 6, 2026

¹⁰ For updated information about the *Alan L.* litigation, visit <https://www.courtlistener.com/docket/71677178/alan-l-v-lexington-public-schools/>.