

## Learning About LGBTQ Topics in School



As the 2025-26 school year gets underway, schools will grapple with the consequences of a U.S. Supreme Court decision issued in June. In *Mahmoud v. Taylor*, the Court sided with a group of Maryland parents who had unsuccessfully tried to opt their elementary school-aged children out of reading books featuring LGBTQ themes because they said this material violated their religious beliefs. In this Q&A, professors [Scott Skinner-Thompson](#), [Bethy Leonardi](#), and [Sara Staley](#), all of the University of Colorado Boulder, explain the legal and educational implications of the ruling. Skinner-Thompson is a professor at CU's Law School whose research and teaching interests include constitutional law, civil rights, and privacy law, with a particular focus on LGBTQ and HIV issues. Leonardi, an NEPC Fellow, is an associate professor in the School of Education who specializes in studying the policy-practice nexus in areas that rub up against the status quo. Along with Leonardi, Staley, who is also an associate professor in the School of Education, directs [A Queer Endeavor](#), which builds partnerships with districts and school communities to create spaces in which LGBTQ youth, families, and staff can thrive.

### **Q: What did the Court determine in *Mahmoud v. Taylor*?**

**A:** The *Mahmoud* decision should be read in light of its unique facts. Properly understood, the Court held that a school district likely burdens certain parents' religious free exercise when (1) in the context of elementary school, (2) within one of the nation's most religiously diverse counties, (3) the school district refused "to heed widespread and impassioned pleas for accommodation," from (4) the school district's compulsory education requirement when (5) the school district introduced LGBTQ-inclusive storybooks, and (6) did not permit par-

ents to opt their children out of this aspect of the curriculum.

The Court's majority emphasized that whether a school policy interferes with the religious development of a child "will always be fact-intensive" and emphasized that educational programming "targeted toward very young children . . . may be analyzed differently from educational requirements for high school students." Likewise, the Court underscored that books that were, in its view, "normative" as opposed to neutrally descriptive would be more legally troubling. For example, the Court indicated that a book would be problematic if, under its reading, the book suggested that it was hurtful to some people if others held "the view that gender is inextricably bound with biological sex." Elsewhere, the Court emphasized that books which merely referred to "an existing practice" or fact would be unproblematic. Similarly, while the Court in *Mahmoud* suggested that school districts needed to notify parents of their right to opt out from the storybooks at issue, that requirement arose in a context where parents had already raised extensive objections and desire to opt out.

**Q: How might the decision impact teaching and learning for all students?**

**A:** Because the Court's decision is based on the specific facts of the case, caution is warranted regarding how local districts, schools, and other educational agencies implement the ruling. If school districts over-comply with the decision and withdraw all mention of LGBTQ individuals from the curriculum, it will negatively impact all students. For queer and trans students and those whose family members are part of the LGBTQ community, the erasure of their identities will send an alarming signal that they do not matter, that there is shame in being part of the LGBTQ community, or that this part of their identities is something to hide. Research continues to demonstrate that this type of message negatively impacts students' mental health, as well as the important academic and personal development that public schools are meant to support.

For students who do not identify as part of the LGBTQ community, the absence of conversations about gender and family diversity at the elementary level limits their understanding of the diverse world we live in, including many families and people who are part of their communities. This would create a context for bias and misunderstandings.

Further, many students, even in elementary school, are individually exploring aspects of their own identities. Offering examples of diverse characters through stories is a powerful way for all students to see "windows" into the worlds of people who they are different from as well as "mirrors" into who they are.

An obvious concern—and one raised in the dissent—is that burdensome efforts to notify parents and families in advance of introducing elements of a curriculum that acknowledge the existence of LGBTQ people will place an incredible administrative burden on schools, diminishing the educational experience for all. Moreover, students opting out as a result of this notification will directly impact LGBTQ students and families as they notice the absence or removal of some of their peers. Last, schools (and eventually courts) will have to wrestle with the reality that it is impossible to predict when conversations about LGBTQ people will arise, given the diversity of identities, experiences, and lived realities that exist in all classrooms across the country.

**Q: What are some best practices for schools as they adapt to the ruling?**

**A:** Again, we emphasize that in the short term, it is important to bear in mind the unique facts of the *Mahmoud* case and not overreact to it. The case only deals with elementary schools and with curriculum that had been objected to and was, in the Court's reading, overly normative with regard to the treatment of queer, trans, and nonbinary people. Outside of those facts, school districts can and should continue to acknowledge the existence of LGBTQ people and comply with state and local curricular guidance and antidiscrimination protections for LGBTQ people.

For instance, we recommend that schools follow these promising practices:

- Include LGBTQ lives, history, and voices in curricula: When LGBTQ youth see themselves included and affirmed in the curriculum, they report greater feelings of safety and belonging at school. Inclusive curriculum and teaching are also associated with safer school climates as well as lower rates of bullying and harassment based on gender identity and/or sexuality.
- Support students' access to affirming clubs: GSAs (Gender-Sexuality Alliances) contribute to inclusive school environments in which LGBTQ students feel safer and more accepted. School staff should support students' access to these vital spaces.
- To the extent permitted by local law, teachers and school staff should address students by their chosen names and pronouns. Teachers should consider confidentially surveying students at the beginning of the year or semester to solicit the names and pronouns that students use. School staff should consider collaborating with students and families to organize a team of trusted adults (e.g., teachers, counselors, school leaders) that can support students who are navigating gender transitions at school.
- Talk with teachers about this ruling: Dispel any myths that school staff might have regarding this ruling and its implications. Be clear in communicating that this ruling does *not* mean that teachers cannot include LGBTQ identities in the curriculum. Consider how you will address some parents' questions and concerns about inclusive curricula, if they arise.

The bottom line for educators is to recognize that their job entails supporting all students—queer, trans, and nonbinary students included. We encourage educators to be creative in finding ways to do this, even in the most restrictive contexts. We also invite readers to visit [A Queer Endeavor](#)'s website for additional supports. There, we share a few resources that we (still) believe contain promising practices that are useful in our current context. These can be found in the "[For Educators](#)" tab.

### NEPC Resources on LGBTQ Issues

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