



FAQ: Education in Rhode Island After *Mahmoud v. Taylor*

The following resource is intended to provide information and guidance to Rhode Island public school leaders on the meaning and practical implications of the U.S. Supreme Court's Mahmoud v. Taylor decision. 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*, parents representing a variety of faith backgrounds sued a Maryland school district after it ceased accommodating their requests to opt their elementary school children out of class when five storybooks that taught literacy skills and included LGBTQ+ characters were used as part of classroom instruction. The suit was filed after the school district had rescinded its opt-out policy because opt-out requests had become unmanageable. The parents alleged that rescinding their opportunity to opt-out their children from those classes violated their constitutional rights to free exercise of religion.

In June 2025, the Supreme Court issued a ruling in favor of the parents, requiring the school district to provide them with advance notice of, and the option to excuse their children from, any classroom instruction in which the challenged storybooks would be used. The Court held that the parents were likely to succeed on their claims that denial of an opportunity to opt out impermissibly burdened their right to religious exercise. The Court further explained that where school instruction "substantially interferes with the religious development" of the parents' children, the challenged policy is unconstitutional unless school officials can show that it serves a "compelling" government interest and is "narrowly tailored" to achieve that goal.

The Court did not create a clear, bright-line rule for how the free exercise rights of parents applies to public school instruction, but instead held that the question of whether instruction "substantially interferes" with the religious development of a child "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."

Moreover, as noted below, the Court seemed strongly influenced by the young age of the students, a factor that appears to limit the breadth of the ruling. As a result of the nebulousness of the Court's decision, we suggest schools confer with counsel in deciding how to handle any specific issues that arise related to elementary school instruction opt-outs.

Frequently Asked Questions

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

As a result of the court decision, schools must generally allow parents to opt out of classroom instruction that poses a “very real threat of undermining” their sincerely held religious beliefs and practices and that substantially interferes with the religious development of their children.

However, it should be noted that the books that were challenged in the case applied to kindergartners and elementary school students. The Court emphasized the particularly impressionable nature of children at that age and explicitly noted that “[e]ducational requirements targeted toward very young children . . . may be analyzed differently from educational requirements for high school students.” Thus, the need for opt outs in middle school or high school may be significantly reduced, as school instruction will be less likely to impact a young person’s religious upbringing in ways that raise constitutional concerns.

Furthermore, in *Mahmoud*, the Court characterized the books – and the guidance that the district provided to teachers for use during discussions of the books – as “convey[ing] a particular viewpoint about same-sex marriage and gender.” In other words, the Court appeared to be swayed by their perception that the books in this case were promoting a specific position rather than simply providing information to the young children.

Appropriate opt-out processes should require parents to take affirmative steps to exercise their right to religious opt-outs, such as notifying the school of their religious objection in writing. School districts should train their staff on how to handle such requests and ensure that parent requests are promptly considered. School personnel should treat opt-out requests with respect and sensitivity, even if they ultimately deny such a request. Comments perceived as hostile toward religion are unnecessary and counterproductive, escalate disagreements, and can be taken into account if litigation arises.

Because the Court found fault with the school district’s decision not to notify and accommodate parents even after they had made their objections known, the decision does not necessarily require schools to affirmatively notify all parents of their rights related to opting their children out of classroom instruction. However, if a school district elects to send out any notices or forms informing parents of their right to religious opt-outs, it should do so in a way that does not unnecessarily single out or stigmatize LGBTQ+-related content in particular.

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

Mahmoud focused specifically on the use of books for “instruction,” that is, curricular material. The decision does not require or authorize any censorship of books on the shelf in the classroom or in the school library, including LGBTQ+-inclusive books or any other books parents might object to for religious reasons. In fact, censorship or restriction of materials in school libraries based on LGBTQ+ content would be a violation of Rhode Island law.¹

¹ “The Freedom to Read Act,” enacted 7/2/2025. <https://webserver.rilegislature.gov/PublicLaws/law25/law25415.htm>

The Court also acknowledged that the decision does not allow parents to dictate a school's curriculum in any way; it only gives them the right to "have their children opt out of a particular educational requirement."

Additionally, nothing about this decision impacts students' long-standing rights to be themselves at school, to talk about LGBTQ+-related issues, or to form LGBTQ+-themed student clubs on the same terms as other extracurricular student clubs.

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

No. While *Mahmoud* specifically involved LGBTQ+-inclusive storybooks, the Court's reasoning is not limited to such content. School leaders should aim to craft general religious accommodation opt-out processes that do not focus specifically or solely on LGBTQ+ content.

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

No. Studies show that inclusive education not only boosts academic outcomes but also helps to build empathy and greater connection amongst all students.² Segregating this information so that it is no longer part of ongoing discussion across the whole curriculum (in history, reading, literature, art, etc.) detracts from the benefits of learning about their diverse classmates and participating in a multicultural society. Because schools must also be prepared to accommodate parents' religious beliefs on other types of instructional content, isolating LGBTQ+ content would also create a slippery slope. It could lead to a complicated and confusing balkanization of the school curriculum that could make this court decision even more difficult for a school to implement.

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

Many important state statutes that have been designed to promote and ensure an inclusive education for students remain intact. Public schools in Rhode Island must still provide a welcoming education environment for all students.³ State law also explicitly prohibits discrimination in educational activities, including curricular programs, based on gender identity, sex, sexual orientation, and perceived sexual orientation.⁴

² See, 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

³ See, e.g., the Safe Schools Act, R.I. Gen. Laws § 16-21-33, and the Trauma-Informed Schools Act, R.I. Gen. Laws § 16-21-40.

⁴ R.I. Gen. Laws § 16-38-1.1.

State law further provides for establishment of a comprehensive educational program “calculated to emphasize the origin of prejudice based on race or color, religion, sex, sexual orientation, gender identity or expression, disability, age, or country of ancestral origin; its harmful effects; and its incompatibility with American principles of equality and fair play.”⁵ In addition, Rhode Island’s education laws mandate units of curriculum on such topics as “African Heritage and History”⁶ and “holocaust and genocide.”⁷

All of these laws remain unaffected by the *Mahmoud* ruling.

Last updated 10/17/25

⁵ R.I. Gen. Laws § 28-5-14.

⁶ R.I. Gen. Laws § 16-110-3.

⁷ R.I. Gen. Laws § 16-93-3.