No. 25-1189

IN THE

SUPREME COURT OF THE UNITED STATES

ROCKLIN UNIFIED SCHOOL DISTRICT,
Petitioner

v.

PUBLIC EMPLOYMENT RELATIONS BOARD,
ROCKLIN TEACHERS PROFESSIONAL

ASSOCIATION,

Respondents

On Petition for Writ of Certiorari
to the Court of Appeal of California,
Third Appellate District

BRIEF OF *AMICUS CURIAE* FOUNDATION FOR MORAL LAW IN SUPPORT OF PETITIONER

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Amicus Curiae Foundation for Moral Law ("the Foundation") (www.morallaw.org) is a national public interest organization based in Montgomery, Alabama, dedicated to the strict interpretation of the Constitution as written and intended by its Framers and to the right to acknowledge God in the public arena.

The Foundation believes the Constitution protects the rights of parents to custody, nurture, and control of their children, which includes rearing and educating them in their beliefs and moral values. The Foundation further believes that neither the California Public Employment Relations Board (PERB) nor any teacher's union, but specifically, Rocklin Teachers Professional Association (RTPA), has any grounds to usurp parents' fundamental rights to liberty under the Fourteenth Amendment and to free speech and free exercise of religion under the First Amendment.

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[1] Pursuant to Fed. R. App. P. 29(a)(4)(E), the Foundation confirms that no party or party's counsel authored this brief in whole or in part, or contributed money that was intended to fund its preparation or submission; and no person other than the amicus curiae, their members, or their counsel, contributed money that was intended to fund the preparation or submission of this brief. The Foundation has provided 10 days written notification of this amicus to all parties.

SUMMARY OF THE ARGUMENT

Who has the authority to determine what is best for children? Across this nation, a battle rages. From education departments to attorney generals to as high up as the governor's office, public entities are asserting control over children at the expense of the family unit. Policies are being implemented in schools across the nation which deny parental notification when a child seeks gender transitioning. When a school does create policies to notify the parents of a child's gender transition, another state entity, such as an attorney general or the civil rights department, or in this case, the labor department, steps in to prevent the school from implementing parent notification. California's Governor Gavin Newsom recently signed Assembly Bill 1955 into law which unconstitutionally prohibits school districts from requiring staff to disclose information to parents related to their student's sexual orientation or gender identity. In the case at hand, RTPA and PERB have stepped in to usurp parental rights and parental authority under the guise of teachers' employment bargaining rights. These public entities erroneously argue that the assertion of control is for the safety of the child and for the protection of the child's individual rights. These entities fail to recognize that a child's rights are in fact directly intertwined with and superseded by fundamental parental rights. The Constitution and this Court firmly establish that parental rights are fundamental and sacred. They are endowed by the Creator and are firmly rooted in this nation's history and tradition. Any policy, person, or entity acting on behalf of the

state, or on behalf of teachers, may not infringe upon parents' fundamental rights.

ARGUMENT

1. Parents have a high privilege and duty to God to nurture, care, and control their children.

This nation's founders understood that liberty and justice could not prevail if people were unable to follow the mandates of their God. Parental rights are unalienable rights endowed by the Creator, who gave parents both the privilege and obligation to raise children according to His standard. Nature's God, to whom the founders so often refer, is the God of the Bible, who established proper jurisdiction for self, the family, the church and the state.[2] God established three institutions—family, church, and state—because He knows government power can be abused. Placing authority with families is a check on government power.

God created the jurisdiction of the family when he created male and female and gave them dominion over the earth, commanding them to be fruitful and multiply. Along with this mandate, God gave a stewardship authority over property which is to be administered through the family. This stewardship authority over property is the basis for the concept of private property and free enterprise.[3] The right to

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[2] Robert Barth. *Renewing Your Mind as You Study Law*, 39-42 (Oak Brook College of Law and Government Policy 1st ed. 2001)

[3] *Id.* at 41.

life, liberty, and property, therefore, is tied up in this understanding of the family jurisdiction. The family is a God-ordained unit of one man and one woman to whom He gave the privilege to pro-create. With the privilege of pro-creation, He gave the duty to raise and train children. This privilege and duty belong to the family unit and are necessarily wrapped up in the right to life, liberty, and property.

2. The Constitution wholly secures parents' fundamental rights.

The U.S. Constitution neither creates rights nor denies rights, it merely provides securities for unalienable rights. According to the Tenth Amendment, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." The Constitution did not delegate authority over children to the federal government or to the States. Therefore, it is reserved to the people, to parents. The Ninth Amendment confirms, "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." Therefore, since the Constitution has not enumerated parental duty or privilege, and since it has not delegated such a duty and privilege to the State, then the duty and privilege to parent and train a child is retained by the people.

Furthermore, the Fourteenth Amendment states that "no state shall make or enforce any law which shall abridge the privileges or immunities of citizens." The Court in *Troxel v. Granville*, 530 U.S.

57, 60 (2000) stated that the Fourteenth Amendment's Due Process clause "provides heightened protection against government interference with certain fundamental rights and liberty interests." (quoting *Wash. v. Glucksberg*, 521 U.S. 702, 720 (1997)). *Troxel* held that those fundamental rights included parents' rights to make decisions concerning the care, custody, and control of their children. *Troxel* referred to *Meyer v. Nebraska*, 262 U.S. 390 (1923), which held *seventy-five years* earlier that the liberty "protected by the Due Process Clause includes the right of parents to 'establish a home and bring up children' and '*to control the education* of their own.'" (emphasis added)

Finally, because God ordains parental jurisdiction, the First Amendment's free exercise of religion completely encompasses and protects parents' duty and privilege to nurture, care and control their children. No public entity may prohibit or abridge parents' free exercise of their God-ordained privilege and duty.

3. History and tradition have always encouraged and established education as part of parents' God-given rights.

According to *Wash. v. Glucksberg*, 521 U.S. 702, 720 (1997), one of the primary features of the substantive due-process analysis is that it protects those fundamental liberties which are "deeply rooted in this Nation's history and tradition," and "implicit in the concept of ordered liberty," such that "neither liberty nor justice would exist if they were sacrificed." *Troxel v. Granville*, 530 U.S. 57, 60

(2000), firmly established that parents' right to the care, custody, and control of their children "is perhaps the oldest of the fundamental liberty interests recognized by this Court."

The Commentaries on the Laws of England written by Sir William Blackstone from 1765-1769 embody the principles and beliefs upon which our rights and liberties are predicated and are often cited by this Court. With regard to Parent and Child in the 16th Chapter of Book 1, the duties of parents to legitimate children consisted principally of three particulars, "... their maintenance, their protection, and their education." The Law of England recognized the power of a parent to give authority to a tutor or schoolmaster "*in loco parentis*" for "restraint and correction," as necessary for instruction. Nothing in the law ever suggested a tutor or schoolmaster could restrain or correct outside the necessary instruction or withhold information from a parent in regard to the child's wellbeing. Likewise, nothing in the law ever suggested a schoolmaster could assist a child to act against the parents' control or consent, especially to assist a child to alter his or her gender contrary to natural law.

Even before the United States gained independence, colonists strongly believed in the necessity of educating and nurturing their children. Christian groups, such as the Puritans, Anglicans, Catholics, and Dutch Reformed established a majority of America's earliest schools and colleges to include renowned colleges such as Yale, Harvard, and William and Mary College. Private donors funded

the operation of early schools. Families and tutors were responsible for teaching younger elementary children math and reading. As the settlements grew, towns began to charter their own public schools. Colonial America focused education on the religious needs of the communities, especially the need for trained ministers. Colonial settlers encouraged literacy so that all people could read the Bible.[4] In 1647, Massachusetts even enacted the Old Deluder Satan Act, which required towns to appoint one of their own to teach children to read and write "because it was 'one chief project of the old deluder, Satan, to keep men from the knowledge of the Scriptures."[5] All across the nation, the earliest colleges offered ministerial training in addition to civics and history in order to educate future spiritual, political, and business leaders.[6]

The pillars of early government were religion and good moral conduct, which had always been encouraged through education. In 1789, President George Washington signed into law the Northwest Ordinance which set forth the requirements of statehood for prospective territories. When the territories applied for admission as a State, Congress

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[4] Patrick Capriola, *The History of Education in America: A Timeline*, Strategies for Parents (2022), https://strategiesforparents.com/the-history-of-education-in-america-a-timeline/ (retrieved Feb. 26, 2026)

[5] John Eidsmoe. Christianity and the Constitution. Baker Book House (1987) p. 28.

[6] Patrick Capriola

would issue an enabling act that would require the state to form its government in a manner "not repugnant to the Ordinance."[7] Consequently, many state constitutions also made provisions similar to Article III of the Ordinance which declared: "Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged." Framers of the Ordinance, who were also the framers of the First Amendment, believed that schools and educational systems would encourage religion, morality, and knowledge.[8] Rather than take authority away from parents, the early government, both federal and local, established schools to enhance the morality, knowledge, and religion that parents were already providing for their children.

Even as states established more schools and asserted more control over education, the fundamental right of parents to control the nurture and education of their children remained firmly intact. In *Pierce v. Society of Sisters*, 268 U.S. 510 (1925), the Court expanded upon *Meyer v. Nebraska*, 262 U.S. 390 (1923) by striking down an Oregon law that forced all parents to send their children to public schools, stating:

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[7] David Barton, *Original Intent: The Courts, the Constitution, & Religion*. WallBuilder Press, 47 (2008).

[8] *Id.*

> rights guaranteed by the Constitution may not be abridged by legislation which has no reasonable relation to some purpose within the competency of the State. The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the state to standardize its children by forcing them to accept instruction from public teachers only.

Two years later, in *Farrington v. Tokushige*, 273 U.S. 284 (1927), the Court held that not only could a governmental entity (in this case the Territory of Hawaii) not force parents to send their children to public schools; they also could not force them to send their children to private schools that were essentially the same as public schools. Over forty years later, the Court ruled in favor of Amish parents, who asserted their right to determine the upbringing and education of their children coupled with their First Amendment right to free exercise of religion. Citing *Meyer* and *Pierce*, the Court concluded in *Wisconsin v. Yoder*, 406 U.S. 205, 214 (1972):

> A State's interest in universal education, however highly we rank it, is not totally free from a balancing process when it impinges on fundamental rights and interests, such as those specifically protected by the Free Exercise Clause of the First Amendment, and the traditional interest of parents with respect to the religious upbringing of their children, so long as they, in the

> words of *Pierce*, 'prepare [them] for additional obligations.'

The Court further stated at 232,

> The history and culture of Western civilization reflect a strong tradition of parental concern for the nurture and upbringing of their children. *This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition.* (emphasis added).

Yoder settled the debate. Parenting is an enduring American tradition, a tradition that dates back to the beginning of time. History and tradition consistently affirm that parenting belongs to parents, not to the state. American history and tradition consistently affirm that raising a child is a God given, sacred right that the state cannot infringe upon.

4. The State can neither supply nor hinder the family unit's privilege and duty in regard to children's individual rights.

Under the guise of protecting children's civil rights, public entities are attempting to make the child a creature of the State rather than a member of a family unit. But a child's civil rights cannot be separated from parental civil rights and are in fact protected by parents' rights. *Parham v. J.R.,* 442 U.S. 584, 602 (1979) characterized the Western civilization concept of the family as a "*unit* with

broad parental authority over minor children."[9] (emphasis added) Unless parents have abdicated their authority by unlawful or evil conduct toward their child, the family remains a unit, and "the relationship between parent and child is constitutionally protected."[10] This relationship within the family unit is the protection provided for children's rights. *Pierce v. Society of Sisters*, 268 U.S. 510, 534-535 (1925), specifically stated that a child "is not the mere creature of the State; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations."[11] *Prince v. Massachusetts*, 321 U.S. 158, 166 (1944), also affirmed the higher rights of parents when it stated, "It is cardinal with us that the custody, care and nurture of the child reside *first* in the parents, whose primary function and freedom include preparation for obligations *the state can neither supply nor hinder*."[12] (emphasis added) The state cannot supply

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[9] Parham v. J.R., 442 U.S. 584, 602 (1979) (deciding Georgia's medical factfinding processes to admit a child to a state mental health facility did not violate due process).

[10] Quilloin v. Walcott, 434 U.S. 246, 255 (1978) (deciding the state did not violate a biological father's due process or equal protections rights in the adoption process of his son by the stepfather).

[11] Pierce v. Society of Sisters, 268 U.S. 510, 534-535 (1925) (deciding that Oregon's Compulsory Education Act which required parents to send children to a public school was invalid).

[12] Prince v. Massachusetts, 321 U.S. 158, 166 (1944) (holding that the ruling was restricted to the facts of the case but

the kind of protection and preparation for the world that a parent provides. Likewise, the state cannot hinder the protection and preparation that only a parent can provide. Referencing *Parham*, the Court in *Troxel v. Granville*, 530 U.S. 57, 60 (2000) reiterated that a presumption exists that parents act in their children's best interests. *Troxel* stated, "there will normally be no reason for the State to inject itself into the private realm of the family to further question the ability" of parents to make the best decisions regarding their children. *Id.* at 68-69.

In keeping with this Court's rulings, any public entity asserting control over children, and thereby usurping parental rights, automatically falls under strict scrutiny. In *Mahmoud v. Taylor*, 606 U.S. 522 (2025), this Court determined the school board lacked a compelling interest to enforce a policy introducing LGBTQ+ storybooks. If the school board in *Mahmoud* lacked a compelling interest in interfering with parental rights, then RTPA and PERB, both far removed from the nurture and care of children, have an even greater lack of compelling interest. A teacher does not have any right, let alone a fundamental right, to bargain for policies that directly interfere with parents' rights under the Free Exercise Clause.

In *Mirabelli v. Bonta*, 607 U.S. ___ (March 2, 2026), this Court determined that parents who sought religious exemptions had a strong likelihood to succeed on the merits because California's policies

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upholding a parent's conviction for violating state child labor laws by engaging her child in street preaching on a public road).

likely trigger strict scrutiny since they *substantially* interfere with the parents' rights "to guide the religious development of their children." *Mirabelli* (slip op., at 5) (emphasis added) (quoting *Mahmoud v Taylor*, 606 U.S. 522, 559 (2025); *see also Wisconsin v. Yoder* at 205). This Court stated that California's policies violate sincerely held religious beliefs and "impos[e] the kind of burden on religious exercise that *Yoder* found unacceptable." *Mirabelli* (slip op., at 5) (quoting *Mahmoud* at 550.) This Court further stated that "the intrusion on parents' free exercise here—unconsented facilitation of a child's gender transition—is greater than the introduction of LGBTQ storybooks we considered sufficient to trigger strict scrutiny in *Mahmoud*." *Id.* The Court further stated that the right protected includes the right "not to be shut out of participation in decisions regarding their children's mental health." *Id.* (referring to *Parham v. J.R.* at 602).

While the State argued that its policies advance a compelling state interest in student safety and privacy, these policies "cut out the primary protectors of children's best interests: their parents." *Mirabelli* (slip op., at 5). If children's safety and privacy are the State's primary equity concern, then the Court's ruling satisfies the issue because the injunction "promotes child safety by guaranteeing fit parents a role in some of the most consequential decisions in their children's lives." *Id.* at 6. In her concurring opinion, Justice Barrett pointed out that California's nondisclosure policy "obviously excludes parents from highly important decisions about their child's mental health." *Mirabelli* (slip op., Barrett, J. concurring, 2); see also *Parham* at 601-604. She

further stated that California's policy will exclude parents "*perhaps for years*—from participating in consequential decisions about their child's mental health and wellbeing." *Id.* at 3 (emphasis added). A child's wellbeing and civil liberties are protected because they are part of the family unit. The State cannot "supply or hinder" that protection.

Parents' duty and privilege are to instill in their children the values and beliefs they believe will best protect their children's wellbeing. Since the child's safety and civil liberties are directly intertwined with parents' fundamental rights, any assertion contrary to the family unit must be strictly scrutinized. Just as the Court determined strict scrutiny was appropriate in *Mahmoud* and in *Mirabelli*, so the Court should impose strict scrutiny in this case. While the Respondents might argue that they are addressing a harm created by a state agent, the injunction imposed by the lower court directly affects parents' free exercise and due process. California's labor department and the teacher's union, both far removed entities, have interfered with and directly prevented the school district in their attempt to uphold parents' rights to the control and nurture of their children.

5. Only parents have the privilege to determine the values and beliefs by which their children will be reared.

While the state, through teachers and school staff, may provide some nurture and direction for a child, neither the teacher nor the state has the privilege to govern the proper upbringing of any

child. A state's interest is limited to *encouraging* education for good government and the happiness of mankind.[13] A teacher's interest is limited to the authority given to them by parents "*in loco parentis*" for "restraint and correction," as necessary for instruction.[14] The privilege and duty to control a child's upbringing and education according to their own values and beliefs belong solely to the parents.

In *Mahmoud,* this Court stated that the storybooks imposed upon the children "are unmistakably normative. They are designed to present certain values and beliefs as things to be celebrated, and certain contrary values and beliefs as things to be rejected." *Mahmoud* at 524. In the same way, encouraging and indoctrinating gender transition among students unmistakably imposes certain values and beliefs to be celebrated, while at the same time, unmistakably rejects parents' values and beliefs by denying parents notification of their child's social transitioning behavior. Just as the books imposed a set of values and beliefs "hostile" to parents' religious beliefs, so too, imposing gender transition upon students is "hostile" to parents' beliefs. Just as the books exerted upon children a psychological "pressure to conform" to a specific viewpoint, so too, gender transitioning pressures students to conform and therefore "presents the same kind of "objective danger to the free exercise of religion" the Court identified in *Yoder*." *Id.* (quoting *Wisconsin v. Yoder* at 218). Just as the Court did not

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[13] Northwest Ordinance, *supra*.

[14] Commentaries on the Laws of England, *supra*.

accept the Board's characterization of the storybooks as "mere 'exposure to objectionable ideas' or as lessons in 'mutual respect'," this Court should reject gender transitioning and not allow teachers to reinforce this ideology or to reprimand any students who disagree. Gender transitioning, like the storybooks, goes beyond mere "exposure," and substantially interferes with the child's religious development and poses "a very real threat of undermining" the religious beliefs and practices of parents. *Id* at 525.

Parents, and parents alone, have the authority to determine which values and beliefs they want their children to adhere to. While a child may decide they do not wish to adhere, until they reach legal age of maturity, they remain under the protection and direction of the family unit. State agents may wish to influence children with different values and beliefs, but they do not have jurisdiction to impose values that are in direct opposition to parents' control, care, and custody.

CONCLUSION

By asserting an illegitimate teachers' right to bargain over policies and by filing an injunction against Rocklin's parent notification policy, RTPA and PERB have violated parents' fundamental rights. This Court has already established that public entities must adhere to parental rights as established by the First Amendment Free Exercise Clause and the Fourteenth Amendment's Due Process Clause and as supported by history and tradition. The Foundation urges the Court to rule

that California's labor board exceeded its jurisdiction when it assessed the legality of Rocklin's school board policy, wrongfully adjudicated a dispute affecting constitutional rights, and unconstitutionally ruled to invalidate the policy. When the Court rules in favor of Rocklin Unified School District, it will uphold this nation's sacred law, tradition, and already settled question concerning who has authority.

May 2026

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