

No. 25-1302

IN THE
Supreme Court of the United States

MIRANDA STOVALL,
Petitioner,

v.

JEFFERSON COUNTY BOARD OF EDUCATION, ET AL.,
Respondents.

On Petition for a Writ of Certiorari to the United
States Court of Appeals for the Sixth Circuit

**Brief *Amicus Curiae* of America's Future,
Public Advocate of the United States, and
Public Advocate Foundation
in Support of Petitioner**

RICK BOYER
INTEGRITY LAW FIRM
P.O. BOX 10953
Lynchburg, VA 24506

JEREMIAH L. MORGAN*
WILLIAM J. OLSON
WILLIAM J. OLSON, P.C.
370 Maple Ave. W., Ste. 4
Vienna, VA 22180
(703) 356-5070
jmorgan@lawandfreedom.com
**Counsel of Record*
Attorneys for Amici Curiae
June 17, 2026

TABLE OF CONTENTS

	<u>Page</u>
TABLE OF AUTHORITIES.	ii
INTEREST OF THE <i>AMICI CURIAE</i>	1
STATEMENT OF THE CASE	2
SUMMARY OF ARGUMENT.	3
ARGUMENT	
I. A COPYRIGHT STATUTE CANNOT BE ALLOWED TO RE-BALANCE THE CONSTITUTIONAL SCALES IN FAVOR OF EDUCATIONAL ELITES AND AGAINST PARENTS. . .	5
II. THIS COURT HAS RECOGNIZED THAT THE RIGHT OF PARENTS TO DIRECT THE UPBRINGING OF THEIR CHILDREN IS A PRE- EXISTING RIGHT RECOGNIZED AND CODIFIED IN THE CONSTITUTION	6
III. AMERICA’S PUBLIC SCHOOL ESTABLISHMENT IS ACTIVELY ATTEMPTING TO USURP THE PRE-EXISTING RIGHT OF PARENTS.	10
CONCLUSION	15

TABLE OF AUTHORITIES

	<u>Page</u>
<u>HOLY BIBLE</u>	
<i>Genesis</i> 1:27-28	8
<i>Genesis</i> 2:24	7
<i>Deuteronomy</i> 6:6-7	8
 <u>U.S. CONSTITUTION</u>	
Amendment I	7
Amendment XIV	9
 <u>STATUTES</u>	
Copyright Act	2, 3, 5
 <u>CASES</u>	
<i>District of Columbia v. Heller</i> , 554 U.S. 570 (2008)	10
<i>Hurtado v. California</i> , 110 U.S. 516 (1884)	9
<i>Mahmoud v. Taylor</i> , 606 U.S. 522 (2025)	5-7, 12, 14
<i>Parham v. J. R.</i> , 442 U.S. 584 (1979)	8, 9
<i>Pierce v. Society of Sisters</i> , 268 U.S. 510 (1925)	5, 7
<i>Troxel v. Granville</i> , 530 U.S. 57 (2000)	9
<i>United States v. Cruikshank</i> , 92 U.S. 542 (1876)	9, 10
<i>W. Va. State Bd. of Educ. v. Barnette</i> , 319 U.S. 624 (1943)	13
<i>Wisconsin v. Yoder</i> , 406 U.S. 205 (1972)	8
<i>Zellner v. Cedarburg Sch. Dist.</i> , 731 N.W.2d 240 (Wis. 2007)	3

MISCELLANEOUS

Antonino Cambria, “Pennsylvania School District Violated Parents’ Rights To Opt Students Out Of SEL Curriculum, Lawsuit Alleges,” <i>Daily Caller</i> (Jan. 26, 2023)	12
Jaryn Crouson, “Teachers Union Head Gleefully Declares That Her Union Owns American Children,” <i>Daily Caller</i> (June 24, 2025).	13
Laurel Duggan, “Blue State School District Won’t Let Students Opt Out Of ‘Pride’ Lessons,” <i>Daily Caller</i> (June 21, 2023).	12
Margaret Flavin, “Teacher Union Head Randi Weingarten Suggests Parents Who Want Good Schools for Their Kids are Racist,” <i>The Gateway Pundit</i> (Sept. 16, 2023)	12
Horace Mann, II <u>Life and Works of Horace Mann</u> , M. Mann, ed. (Lee and Shepherd Publishers: 1891)	11
Kerry McDonald, “Sorry, Washington Post, But Parents Do Have Every Right to Shape Their Kids’ Curriculum,” <i>Foundation for Economic Education</i> (Oct. 27, 2021)	11
Mary Margaret Olohan, “California School District Will Not Allow Parents To Opt Children Out Of LGBTQ Content, Emails Show,” <i>Daily Caller</i> (Aug. 13, 2019).	12
Alexandra Wilding, “ <u>A Tribute to Horace Mann</u> ,” <i>National Council on Teacher Quality</i> (May 5, 2014).	11

INTEREST OF THE *AMICI CURIAE*¹

Amici curiae America's Future, Public Advocate of the United States, and Public Advocate Foundation are nonprofit organizations, exempt from federal income tax under either section 501(c)(3) or 501(c)(4) of the Internal Revenue Code. These entities, *inter alia*, participate in the public policy process, including conducting research, and informing and educating the public on the proper construction of state and federal constitutions, as well as statutes related to the rights of citizens, and questions related to human and civil rights secured by law. Some of these *amici* have filed *amicus* briefs in this Court in cases addressing similar issues involving parental rights. See *Parents Protecting v. Eau Claire Area School District, Wisconsin*, No. 23-1280, Brief Amici Curiae of America's Future, et al. (July 8, 2024); *United States v. Skrmetti*, No. 23-477, Brief of Amici Curiae of America's Future, et al. (Oct. 15, 2024); *Mahmoud v. Taylor*, No. 24-297, Brief Amici Curiae of America's Future, et al. (Oct. 16, 2024) and Brief Amici Curiae of America's Future, et al. (Mar. 10, 2025), *Mirabelli v. Bonta*, No. 25A810, Brief Amicus Curiae of America's Future, et al. (Jan. 21, 2026), and *IPEC v. Ferguson*, No. 25-840, Brief Amicus Curiae of America's Future, et al. (Feb. 17, 2026).

¹ It is hereby certified that counsel of record for all parties received timely notice of the intention to file this brief; that no counsel for a party authored this brief in whole or in part; and that no person other than these *amicus curiae*, their members, or their counsel made a monetary contribution to its preparation or submission.

STATEMENT OF THE CASE

Petitioner Miranda Stovall “learned that Jefferson County Public Schools (‘JCPS’) planned to administer a mental health survey to students in grades six through twelve,” including the class in which her child was in school. *See Stovall v. Jefferson Cnty. Bd. of Educ.*, 2025 U.S. Dist. LEXIS 49021 at *2 (W.D. Ky. 2025) (“*Stovall I*”). Petitioner “filed an Open Record Act request to JCPS on January 17, 2023,” asking for a copy of the survey, wishing to obtain a copy to discuss it with her child, and learn what sort of personal questions the school might be asking.

The school responded that the survey was provided by a private vendor, NCS Pearson, Inc. (“Pearson”), and that “because the [survey] ‘is the copyrighted intellectual property of Pearson’ and ‘[Kentucky Revised Statute] 61.878(1)(k) prohibits from disclosure “[a]ll public records or information the disclosure of which is prohibited by federal law or regulation[.]” [thus,] we are not able to provide you with copies of copyrighted material.’” *Id.* at *1-2. The school advised that they would permit Petitioner to look at a copy on school grounds, but she could not take one home to review.

Petitioner filed for a declaratory judgment in federal district court asking the court to declare “that Defendant JCPS providing the surveys to her is fair use that does not infringe on Defendant Pearson’s copyright.” *Id.* at *3. The district court dismissed the suit, ruling that Petitioner’s attempt to seek declaratory relief in federal court on Copyright Act

grounds was an “end run” around state court action, since a Kentucky statute prohibited disclosure of information prohibited from disclosure by federal law. *Id.* at *7.

The Sixth Circuit affirmed. *Stovall v. Jefferson Cnty. Bd. of Educ.*, 164 F.4th 554 (6th Cir. 2026) (“*Stovall II*”). Like the district court, the Sixth Circuit rejected Petitioner’s argument that Congress gave exclusive jurisdiction over Copyright Act issues to federal courts, preventing her from bringing her case in state court. The court of appeals ruled that the fact “[t]hat Congress has vested federal courts with exclusive jurisdiction over copyright-infringement actions does not divest state courts of authority to consider incidental copyright questions.” *Id.* at 561. The court added that “[t]his means that where, as here, a claim does not arise under federal copyright law, state courts may exercise jurisdiction, even if that claim implicates a federal fair-use defense.” *Id.* at 562. As Petitioner notes, the Sixth Circuit cited only a single Wisconsin case for that proposition, *Zellner v. Cedarburg Sch. Dist.*, 731 N.W.2d 240, 246-48 (Wis. 2007), and neither cited nor discussed multiple other state and federal court decisions holding that state courts have no jurisdiction to adjudicate claims involving Copyright Act components. *Stovall II* at 13, 17-19.

SUMMARY OF ARGUMENT

These *amici* have filed scores of *amicus* briefs in support of petitions for certiorari, but this may be the first time that they take the position that this Court’s

decision to grant the petition is of greater significance than how the Court later would rule on the merits. Petitioner is correct that this Court's intervention is critical to resolve the "jurisdictional black hole" that currently exists because plaintiffs challenging a fair use defense by a school district currently do not know where to bring the challenge. Petition for Certiorari at 20. Here, the Sixth Circuit blames Petitioner for not seeking relief in state court first and closes the door to federal relief. As Petitioner notes, "every state court to consider whether it had jurisdiction to decide fair use issues ... has held that it does not have jurisdiction." *Id.* at 18.

Petitioners correctly point out that the Sixth Circuit's decision is based on jurisdictional principles that conflict with those of the Connecticut Supreme Court. Until this Court resolves the issue of federal versus state court authority to resolve fair use claims, school districts will be empowered to give the parents of children being experimented on by school districts the "old run around." Wherever the challenge is brought, the school district, funding their litigation with tax dollars, will take the position that it is the wrong court. In this way, school districts are empowered to hide from parents critical information about how their children are being treated, as a direct result of the confusion on a jurisdictional matter that can be resolved only by this Court.

ARGUMENT

I. A COPYRIGHT STATUTE CANNOT BE ALLOWED TO RE-BALANCE THE CONSTITUTIONAL SCALES IN FAVOR OF EDUCATIONAL ELITES AND AGAINST PARENTS.

Defendant JCPS has taken full advantage of the lower courts' confusion over Copyright Act jurisdiction, using the statute to immunize the schools' curriculum against Petitioner and her God-given parental rights to nurture and rear her child. School districts, like JCPS, decided that they have the right to subject students to highly personal and intrusive "mental health assessments," without a corresponding duty to inform the parents of those students. As recognized by the Court, those are the same parents who have "the right, coupled with the high duty, to recognize and prepare [their children] for additional obligations." *Mahmoud v. Taylor*, 606 U.S. 522, 586 (2025) (quoting *Pierce* at 535).

As Petitioner notes, the jurisdictional question under the Copyright Act is important, and deserves this Court's attention. The attacks on the age-old rights of parents being undertaken by JCPS, however, are based on the convenient excuse that the publisher of the assessment is a private vendor, retained by JCPS, which third-party's rights are far more important and trump the interests of the parents.

With the matter of jurisdiction undecided, the Petitioner notes:

parents are forced to play a jurisdictional shell game. Defendants can ask the forum court to send the case to its federal or state counterpart and tie up parents in expensive jurisdictional litigation for years. Justice delayed in these circumstances is justice denied. By the time jurisdiction over the lawsuit is decided, the parents' children may have long since graduated.... [Pet. at 3.]

In the meantime, their children are hostages, subject to the most intrusive social experimentation without parental control or ability to resist. This Court should grant certiorari to decide the issue and end the deprivation of the rights of the parents.

II. THIS COURT HAS RECOGNIZED THAT THE RIGHT OF PARENTS TO DIRECT THE UPBRINGING OF THEIR CHILDREN IS A PRE-EXISTING RIGHT RECOGNIZED AND CODIFIED IN THE CONSTITUTION.

While the narrow legal issue before the Court involves copyright law, the larger context of the case is the need of parents to have access to information about how school districts exercise their authority over children during the school day. When copyright law is used to impede parents' learning how their children are being treated, the matter takes on great significance. Thus, it is important at the outset to establish this larger context for this dispute.

Last year, in its salient case of *Mahmoud v. Taylor*, this Court affirmed its long-stated recognition

of the primary role of parents in directing the upbringing of their children. *Mahmoud* was decided on Free Exercise grounds, with this Court holding that where schools “attempt to employ their curricula to interfere with religious exercise, courts should carefully police such ingenious defiance of the Constitution.” *Mahmoud* at 592 (internal quotation omitted). But this Court harked back to its seminal 1925 case of *Pierce v. Society of Sisters*, 268 U.S. 510 (1925), noting that “the Court did not decide *Pierce* on free exercise grounds”:

“[t]he 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.” The Court rejected the premise that the child was merely a “creature of the State”; rather, “those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations.” [*Mahmoud* at 586 (quoting *Pierce* at 535) (emphasis added).]

The primary role of parents in directing the upbringing of children has been recognized before Western civilization itself. Holy Writ tells us that at the very creation of humanity, God Himself created the institution of the family and gave it primary responsibility for the creation of civilization and culture. *Genesis* 2:24 describes God’s creation of the institution of marriage: “Therefore shall a man leave his father and his mother, and shall cleave unto his

wife: and they shall be one flesh.” *Genesis* 1:27-28 describes God’s command to the first family to have children and create civilizations: “So God created man in his own image, in the image of God created he him; male and female created he them. And God blessed them, and God said unto them, Be fruitful, and multiply, and replenish the earth, and subdue it....”

In *Deuteronomy* 6:6-7, God expressly places the primary responsibility for education of children with their parents. “[T]hese words, which I command thee this day, shall be in thine heart: And thou shalt teach them diligently unto thy children, and shalt talk of them when thou sittest in thine house, and when thou walkest by the way, and when thou liest down, and when thou risest up.” Nowhere in Scripture is there a single command to civil government to teach children, nor the slightest suggestion of any authority to usurp that fundamental parental responsibility.

This Court has long recognized that the right of parents to direct the upbringing of their children is a natural, God-given right that predates the Constitution rather than being created by it. The Constitution simply recognizes the pre-existing right. This Court has long acknowledged this, noting that “[t]he 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.” *Wisconsin v. Yoder*, 406 U.S. 205, 232 (1972) (emphasis added). “Our jurisprudence historically has reflected Western

civilization concepts of the family as a unit with broad parental authority over minor children. Our cases have consistently followed that course....” *Parham v. J. R.*, 442 U.S. 584, 602 (1979).

This Court has grounded its constitutional parental rights jurisprudence in the Due Process Clause. “[I]t cannot now be doubted that the Due Process Clause of the Fourteenth Amendment protects the fundamental right of parents to make decisions concerning the care, custody, and control of their children.” *Troxel v. Granville*, 530 U.S. 57, 66 (2000). And this Court has recognized that the right to due process was not created by the Constitution, but was rather a pre-existing right which the Constitution simply recognized and codified. Due process “refers to certain fundamental rights which that system of jurisprudence, **of which ours is a derivative**, has **always recognized**.” *Hurtado v. California*, 110 U.S. 516, 536 (1884) (emphasis added).

This principle is hardly unique to parental rights. This Court has also held that the right of assembly long predated the Constitution:

The right of the people peaceably to assemble for lawful purposes existed long before the adoption of the Constitution of the United States. In fact, it is, and always has been, one of the attributes of citizenship under a free government. It “derives its source,” to use the language of Chief Justice Marshall, in *Gibbons v. Ogden*, 9 Wheat. 211, “from those laws whose authority is acknowledged by civilized

man throughout the world.” It is found wherever civilization exists. It was not, therefore, a right granted to the people by the Constitution. The government of the United States when established found it in existence, with the obligation on the part of the States to afford it protection. [*United States v. Cruikshank*, 92 U.S. 542, 551 (1876).]

Likewise with the right to bear arms for self-protection. “[T]his is not a right granted by the Constitution. Neither is it in any manner dependent upon that instrument for its existence. The second amendment declares that it shall not be infringed....” *District of Columbia v. Heller*, 554 U.S. 570, 592 (2008).

And as noted, *supra*, there is hardly a right of older vintage than the right of parents to direct the upbringing of their children.

III. AMERICA’S PUBLIC SCHOOL ESTABLISHMENT IS ACTIVELY ATTEMPTING TO USURP THE PRE-EXISTING RIGHT OF PARENTS.

Despite this Court’s recognition and defense of the fundamental right of parents, America’s government education system strongly disagrees. It is not a new problem. Indeed, Horace Mann (1796-1859), whom the National Council on Teacher Quality’s website has called “the Father of American Public Education,” had

the opposite intent.² Mann wrote “[w]e who are engaged in the sacred cause of education are entitled to look upon all parents as having given hostages to our cause.”³

Today, there is an alarming trend among politicians and the leadership of today’s government school system to continue Mann’s hostage situation, to attack the foundations of the parental right to the upbringing of children, and rip it away from American parents.

For example, in a 2021 *Washington Post* op-ed titled, “Parents claim they have the right to shape their kids’ school curriculum. They don’t,” the two authors argued that it is the job of public schools to step in “when a parent’s desire to inculcate a particular worldview denies the child exposure to other ideas and values that an independent young person might wish to embrace or at least entertain.”⁴ American Federation of Teachers President Randi Weingarten posted the story on X, commenting, “Great piece on parents’ rights and #publicschools.”⁵

² Alexandra Wilding, “A Tribute to Horace Mann,” *National Council on Teacher Quality* (May 5, 2014).

³ Horace Mann, II Life and Works of Horace Mann at 210, M. Mann, ed. (Lee and Shepherd Publishers: 1891).

⁴ Kerry McDonald, “Sorry, Washington Post, But Parents Do Have Every Right to Shape Their Kids’ Curriculum,” *Foundation for Economic Education* (Oct. 27, 2021).

⁵ <https://x.com/rweingarten/status/1452766787343355911>.

Weingarten has also stated that words like “school choice” and “parental rights” are “the same kind of words” as those used to defend school segregation during the *Brown v. Board of Education* era.⁶ In 2017, she offered the radical view that school choice programs are “only slightly more polite cousins of segregation.” *Id.*

Prior to this Court’s decision in *Mahmoud*, countless school districts across the country flatly refused to provide parental opt-out provisions for “transgender” and “gay pride”-themed school content, often openly stating that the school’s policy choices trumped parent objections.⁷ After the decision, former National Education Association president Becky Pringle posted on BlueSky, accusing this Court of censorship: “Students pay the price when books are

⁶ Margaret Flavin, “Teacher Union Head Randi Weingarten Suggests Parents Who Want Good Schools for Their Kids are Racist,” *The Gateway Pundit* (Sept. 16, 2023). Video available at <https://x.com/nickineily/status/1701982873543172320>

⁷ See, e.g., Laurel Duggan, “Blue State School District Won’t Let Students Opt Out Of ‘Pride’ Lessons,” *Daily Caller* (June 21, 2023) (“The Olympia School District has no opt out process for Pride-related lessons as they are aligned with the standards that are required to be taught within our schools. OSD is committed to gender-inclusive schools, and we will follow the guidance of our governing agency, the Office of the Superintendent of Public Instruction (OSPI”); Mary Margaret Olohan, “California School District Will Not Allow Parents To Opt Children Out Of LGBTQ Content, Emails Show,” *Daily Caller* (Aug. 13, 2019); Antonino Cambria, “Pennsylvania School District Violated Parents’ Rights To Opt Students Out Of SEL Curriculum, Lawsuit Alleges,” *Daily Caller* (Jan. 26, 2023).

censored and educators are silenced. Today, in the ruling on *Mahmoud v Taylor*, the Supreme Court failed students. They have discounted and ignored the expertise of trained educational professionals, and harmed students in the process. Shameful.”⁸

Horace Mann’s “hostages” philosophy remains alive and well. On June 23, 2025, Chicago Teachers’ Union President Stacy Davis Gates said in a speech: “The children are always ours. Every single one of them, all over the globe.’ Gates then mock[ed] parents who would respond by saying ‘CTU thinks your children are its children.’ ‘Yes, we do,’ Gates said. ‘We do.’”⁹

This Court has long rejected this radical and dangerous view. As Justice Robert Jackson famously wrote in rejecting the idea that public schools could require students to recite the Pledge of Allegiance, “If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion....” *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943).

⁸ <https://bsky.app/profile/neapresident.bsky.social/post/3lsmatkrwui27>.

⁹ Jaryn Crouson, “Teachers Union Head Gleeefully Declares That Her Union Owns American Children,” *Daily Caller* (June 24, 2025).

In *Mahmoud*, this Court reiterated that it is beyond the power of government to “impose ideological conformity with specific views.” *Id.* at 589. A school’s “exclusion of traditional ... views, coupled with a curriculum that ‘pressure[s students] to conform,’ constitute[s] an impermissible attempt to standardize the views of students,” this Court rightly ruled. *Id.* (citation omitted). This Court made clear that where “the government’s vision is irreconcilable with ‘the rights of parents to direct the religious upbringing of their children,’ even if it aligns with ‘the smart-set views of the day,’” it is the parent’s rights, not the ideology of Big Education, that trumps. *Id.* at 589-90 (citation omitted).

Again and again, across America, educational elites who seek to exercise unilateral authority over what information students will learn, find that providing information to parents is the enemy of that unilateral control. To these educational elites, parental review of curriculum is viewed as an unwelcome intrusion.

In a war where information is the ammunition, the leaders of Big Education are determined that parents must be disarmed. The cynical use of the Copyright Act by JCPS here flouts the rights this Court defended in *Mahmoud*. This Court’s intervention is necessary to give parents the ammunition they need to defend the interests of their children.

CONCLUSION

These *amici* urge the Court to grant the petition for a writ of certiorari.

Respectfully submitted,

RICK BOYER
INTEGRITY LAW FIRM
P.O. Box 10953
Lynchburg, VA 24506

June 17, 2026

JEREMIAH L. MORGAN*
WILLIAM J. OLSON
WILLIAM J. OLSON, P.C.
370 Maple Avenue West
Suite 4
Vienna, VA 22180-5615
(703) 356-5070
Fax (703) 356-5085
jmorgan@lawandfreedom.com
*Counsel of Record
Attorneys for *Amici Curiae*