

No. 25-259

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**In the Supreme Court of the United States**

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JANUARY LITTLEJOHN, ET VIR.,

*Petitioners,*

v.

SCHOOL BOARD OF LEON COUNTY, FLORIDA, ET AL.,

*Respondents.*

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*ON PETITION FOR A WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT*

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**BRIEF OF ABIGAIL MARTINEZ AS AMICUS  
CURIAE SUPPORTING PETITIONERS**

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### **QUESTION PRESENTED**

When a plaintiff alleges that the application of a state policy infringed a fundamental right “deeply rooted in this Nation’s history and tradition,” *Washington v. Glucksberg*, 521 U.S. 702, 721 (1997), can a court deny relief because the infringement did not “shock the conscience”?

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**INTEREST OF *AMICUS CURIAE*<sup>1</sup>**

*Amicus* Abigail Martinez is a bereaved mother who lost her daughter Yaeli Galdamez to suicide in September 2019. Ms. Martinez is a devout Christian who immigrated from El Salvador as a teen and raised four children in southern California. She shares her family's tragic story in hopes that other families will not experience similar heartache from policies that exclude parents and pressure vulnerable minors to pursue gender transitions, often at the expense of their mental and physical health.



*Yaeli (right) and her mother Abigail Martinez.  
Photos courtesy of Abigail Martinez.*

Ms. Martinez urges this Court to consider the consequences of this petition for the Littlejohns and

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<sup>1</sup> All parties were timely notified of the filing of this brief. No counsel for a party authored this brief in whole or in part, and no party or counsel for a party made a monetary contribution intended to fund the preparation or submission of this brief. No person or entity other than *amici curiae* or their counsel made a monetary contribution to this brief's preparation or submission.

for families around the country facing similar situations.

In 2015, Abigail Martinez's teenage daughter Yaeli, a student in California's Arcadia Unified School District, began questioning her sexuality. She was bullied in middle school and struggled with depression, but this questioning was new. School staff told Yaeli to clandestinely join the LGBTQ club, where she was persuaded that the only way to be happy was to change her gender. An older transgender student, also a female transitioning to male, convinced Yaeli that her depression was because she was transgender. That same year, Arcadia Unified School District adopted a policy requiring staff to use preferred names and pronouns for transgender students without parental notification or permission, or any "medical or mental health diagnosis or treatment threshold."<sup>2</sup> The district directed staff to keep students' actual or perceived gender identity "private" from parents.

At age 16, the parent of Yaeli's transgender classmate took Yaeli from her mother's home and hid her for two days. The school psychologist pushing Yaeli's gender transition told her to accuse her mother of abuse at the police station, which would allow the state to pay for Yaeli's gender transition without parental consent. Based on this brainwashing, the California Department of Child and Family Services (DCFS) placed her in a group home. DCFS simultaneously placed Ms. Martinez on a child abuse

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<sup>2</sup> "Transgender Students – Ensuring Equity and Nondiscrimination," Arcadia Unified School District Policy Bulletin (Apr. 16, 2015), <https://perma.cc/5JGK-5777>.

registry, even as she continued raising her other three children.

Siding with the school psychologist, a judge ruled that Yaeli could receive cross-sex hormones. Meanwhile, Ms. Martinez was shut out of Yaeli's life, only allowed one hourly visit per week, and her visits were heavily monitored by members of RISE, activists from the Los Angeles LGBT Center who told her to "have a funeral for your daughter and adopt your son." "I was told not to talk about God," Martinez recalls. "They told me if you do that, you'll never see your daughter."



*Family visit at the group home for  
Yaeli's 17th birthday.  
Photos courtesy of Abigail Martinez.*

By age 19, Yaeli was sent to an independent living situation but continued to struggle with deep depression and poverty. Desperate for food, she reached out to her mom who immediately brought her groceries. After a grueling legal battle, Ms. Martinez was absolved of all claims of abuse and removed from

the child abuse registry. But the damage was already done. Two months later, Yaeli committed suicide by lying down on the tracks in front of a train. Her death was so gruesome that the funeral home was not able to show her body to Ms. Martinez.

After Yaeli's tragic death, Ms. Martinez requested meetings with the school staff and state workers who advised Yaeli, but no one responded. She eventually filed a civil lawsuit against the school district and DCFS. In response, DCFS admitted that they "aggressively pursued the implementation of inclusive, gender-affirming laws, policies, and supportive services for LGBTQ+ youth." According to the school district, "a claim suggesting our school or a staff member did not properly treat a student's severe depression is both completely inaccurate and troubling as our schools and staff would not be authorized or medically qualified to treat clinical depression." Yet the district thought itself medically qualified to facilitate Yaeli's transition behind her mother's back and even advocate that she be removed from her home absent evidence of abuse.

The government's imposition into Yaeli's life against the wishes of her mother denied Ms. Martinez the opportunity to treat her daughter's mental health and save her life. "To them, my child was a number in the system. It's all political," said Ms. Martinez. "I want them to change this broken system, not to play with our children's lives, to give them what they really need. Not to go for what they believe. I don't want any parent to suffer and go through what I've been

through. This pain doesn't have a beginning or an end."<sup>3</sup>

### SUMMARY OF ARGUMENT

Government policies that exclude parents from their children's lives have devastating consequences and infringe upon fundamental First and Fourteenth Amendment rights.

Parental rights and free exercise rights are closely intertwined, reaching their apex when religious families seek to teach their faith to the next generation. For nearly 100 years, the Court has reaffirmed the "enduring American tradition" of "the rights of parents to direct 'the religious upbringing' of their children." *Espinoza v. Montana Dep't of Revenue*, 591 U.S. 464, 486 (2020) (quoting *Wisconsin v. Yoder*, 406 U.S. 205, 213-14 (1972)); see also *Mahmoud v. Taylor*, 606 U.S. 522 (2025) (affirming that parents' right to direct their children's religious upbringing includes the right to opt out from instruction that substantially interferes with their religious beliefs). Despite this undeniable right, schools in "more than 1,000 districts have adopted . . . policies" that refuse to inform parents and provide clandestine assistance when their children seek to transition at school. *Parents Protecting Our Children, UA v. Eau Claire Area Sch. Dist.*, 145 S. Ct. 14 (Alito, J., dissenting).

As three Justices have recognized, this question is "of great and growing national importance: whether a public school district violates parents' 'fundamental

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<sup>3</sup> See also Kenneth Schrupp, *California mother says daughter killed herself after being transitioned by school*, The Center Square (Sept. 10, 2025), <https://perma.cc/HEJ9-T9QY>.

constitutional right to make decisions concerning the rearing of their children, *Troxel v. Granville*, 530 U.S. 57, 70 (2000) (plurality opinion), when, without parental knowledge or consent, it encourages a student to transition to a new gender or assists in that process.” *Id.* The Littlejohns’ case is a clean vehicle presenting that precise question. The Court should grant the petition for certiorari so that schools do not continue to violate parents’ religious exercise and parental rights by facilitating transitions without parental knowledge or consent.

## ARGUMENT

### **I. The Free Exercise Clause protects parents’ rights to direct the “religious upbringing” of their children.**

Parental rights are closely linked with free exercise rights and are especially strong for religious families seeking to teach their faith to the next generation. As far back as Blackstone in the 1700s, scholars have recognized that parents have the right to raise their children, which includes delegating authority to others. However, this authority is not unlimited. As Blackstone wrote, “[a parent] may also delegate part of his parental authority, during his life, to the tutor or schoolmaster of his child; who is then *in loco parentis*, and has such a portion of the power of the parent committed to his charge, viz. that of restraint and correction, as may be necessary to answer the purposes for which he is employed.” William Blackstone, *Commentaries on the Laws of England* 441 (1765). As this Court echoed in *Pierce v. Society of Sisters of the Holy Names of Jesus and Mary*, “The 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.” 268 U.S. 510, 535 (1925). Parents have both the right and the duty to raise their children in accordance with their beliefs and conscience.

This Court has held that the Free Exercise Clause “does perhaps its most important work by protecting the ability of those who hold religious beliefs of all kinds to live out their faiths in daily life[.]” *Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507, 524 (2022). The Littlejohns, like Ms. Martinez, are Christians. The Eleventh Circuit denied the Littlejohns the ability to live out their faith and teach their daughter their faith when it held that the school board’s actions in hiding the Littlejohn’s daughter’s gender transition did not “shock the conscience.” App. 3a. The Eleventh Circuit applied the “shock the conscience” standard to the detriment of the Littlejohn’s parental rights and free exercise rights under the First Amendment. Judge Tjoflat’s dissent properly framed the question: “Does the Constitution still protect parents’ fundamental right to direct the upbringing of their children when government actors intrude without their knowledge or consent?” App. 173a (Tjoflat, J., dissenting). Judge Tjoflat explained that the majority wrongly applied the “shock the conscience” standard, even though “[t]he question is whether the Littlejohns alleged a violation of a fundamental right,” and “[b]inding precedent . . . requires a different approach.” *Id.* The Eleventh Circuit decision flies in the face of Supreme

Court precedent and infringes on the Littlejohn's free exercise of religion.<sup>4</sup>

Courts have consistently recognized the link between parental rights and free exercise rights in the context of public-school policies, especially regarding religious families. The Free Exercise Clause undeniably protects families seeking to raise their children in accordance with their religious beliefs. *See Yoder*, 406 U.S. at 214 (parental rights regarding religious upbringing are “specifically protected by the Free Exercise Clause” . . . “[l]ong before . . . universal formal education”). *Yoder* described the Court’s holding in *Pierce* “as a charter of the rights of parents to direct the religious upbringing of their children.” 406 U.S. at 233. The Court directly connected parental rights and religious beliefs: “the duty to prepare the child for additional obligations . . . must . . . include the inculcation of moral standards, [and] religious beliefs.” *Id.* (cleaned up).

Furthermore, this Court has “recognized the fundamental right of parents to make decisions concerning the care, custody, and control of their

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<sup>4</sup> Although the Littlejohns did not bring a free exercise claim, this Court made clear in *Yoder* and *Mahmoud* that parental rights are inextricably linked with the Free Exercise Clause and thus, strict scrutiny should apply whenever schools impose a burden of the “special character” as in *Yoder*. *Mahmoud*, 606 U.S. at 565. Constitutional rights are often intertwined. *See, e.g., Sause v. Bauer*, 585 U.S. 957, 959 (2018) (finding that “First and Fourth Amendment issues may be inextricable” where officer ordered woman to stop praying); *Kennedy*, 597 U.S. at 523 (finding that Free Exercise Clause and Free Speech Clause provide “overlapping protection for expressive religious activities.”).

children.” *Troxel*, 530 U.S. at 66. The Free Exercise Clause does not lose its strength when parents send their children to public school. Rather, free exercise rights protect parents who have an obligation to raise their children in accordance with their religious convictions. Parents, like teachers and students, do not “shed their constitutional rights . . . at the schoolhouse gate.” *Tinker v. Des Moines Indep. Comm. Sch. Dist.*, 393 U.S. 503, 506 (1969). Indeed, “the right of parents ‘to direct the religious upbringing of their’ children would be an empty promise if it did not follow those children into the public school classroom.” *Mahmoud*, 606 U.S. at 547.

The Littlejohns’ petition argues that strict scrutiny, not the “shock the conscience” test, is the proper test here, because the government’s actions infringe fundamental parental rights. Pet. 15-19. Strict scrutiny should apply here for an additional reason: the government’s actions infringe religious parents’ free exercise right to raise their children according to their faith. *See Yoder*, 406 U.S. at 215 (“[O]nly those interests of the highest order and those not otherwise served can overbalance legitimate claims to the free exercise of religion.”); *Mahmoud*, 606 U.S. at 565 (“[W]hen a law imposes a burden of the same character as that in *Yoder*, strict scrutiny is appropriate regardless of whether the law is neutral or generally applicable.”). In *Mahmoud*, this Court held that strict scrutiny applies when school policies “substantially interfer[e] with the religious development’ of the parents’ children” and “pose ‘a very real threat of undermining’ the religious beliefs and practices that the parents wish to instill in their children.” *Id.* at 565 (quoting *Yoder*, 406 U.S. at 218).

The Eleventh Circuit applied the wrong standard here, and thus its decision conflicts with Supreme Court precedent and warrants reversal. This Court should bring needed clarity to the law in this area by granting certiorari and applying strict scrutiny.

Not only does the First Amendment protect parents' freedom to teach their faith to their children, but for many, including Ms. Martinez, this obligation is at the core of the parents' own religious exercise. The Littlejohns' case implicates the religious rights of millions of Americans from different faith backgrounds.

Religions from diverse cultures and geographic regions assert—as they have for millennia—that sex is an objective, binary category that cannot be changed by self-perception or medical intervention.<sup>5</sup> Millions of Christians worldwide hold to this belief. Catholic teaching makes clear that “[e]veryone, man and woman, should acknowledge and accept his sexual identity” and that “[p]hysical, moral, and spiritual difference and complementarity are oriented toward the goods of marriage and the flourishing of family life.”<sup>6</sup> The Orthodox Church of America teaches that “[o]ur sexuality begins with our creation,” and “[t]he Bible says ‘Male and female He

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<sup>5</sup> See, e.g., Christopher Yuan, *Gender Identity and Sexual Orientation*, The Gospel Coalition, <https://perma.cc/S6U5-VWNT>.

<sup>6</sup> Catholic Catechism, No. 2333, <https://perma.cc/V4WE-24UW>.

created them’ (Gen. 1:27).”<sup>7</sup> Within the Protestant tradition, most denominations believe the Bible’s teaching that God created humans male and female in His image, and that this reality cannot be changed based on perceived gender identity. These denominations include but not limited to the Anglican Church, Assemblies of God, the Church of God in Christ, the Lutheran Church, the Presbyterian Church in America, and Southern Baptists.<sup>8</sup> For millions of Christians, including amicus Ms. Martinez and the Littlejohn family, “[p]arents are to teach their children spiritual and moral values and to lead them, through consistent lifestyle example and loving discipline, to make choices based on biblical truth.”<sup>9</sup>

But these religious beliefs are not just the province of Catholics and Protestants. Sacred texts that define beliefs on marriage, sexuality, chastity, and sex as binary (male and female) also include the Quran,<sup>10</sup>

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<sup>7</sup> “*In the Beginning...*”: *Healing our Misconceptions*, Orthodox Church of America, <https://perma.cc/3Z43-TUB8> (quoting *Genesis* 1:27).

<sup>8</sup> For a complete list of sources, see First Liberty Institute, *Public Comment on Section 1557 NPRM* (Oct. 3, 2022), at 4-9, <https://perma.cc/97NU-VCMZ> (detailing religious beliefs of 20 faith groups on sex and gender).

<sup>9</sup> Baptist Faith and Message (2000), <https://perma.cc/FRX2-QQG5>.

<sup>10</sup> *Marriage in Islam*, Why Islam? Facts About Islam (March 5, 2015), <https://perma.cc/UX7Y-87UN>; *Women are the Twin Halves of Men*, Observer News Service, (March 9, 2017), <https://perma.cc/P7JC-R7BH>.

Hadith,<sup>11</sup> the Torah,<sup>12</sup> and the Book of Mormon.<sup>13</sup> The First Amendment provides robust protection for religious believers who adhere to these faiths, as well as for individuals who do not participate in a specific religious tradition but who hold sincere religious beliefs about the body, sexuality, marriage, and gender. *See Thomas v. Rev. Bd. of Ind. Emp. Sec. Div.*, 450 U.S. 707, 714 (1981).

The confluence of gender transition and parental rights is a contentious issue in today's society. Parents all over the country are challenging gender transition policies. *Foote v. Ludlow Sch. Comm.*, 128 F.4th 336 (1st Cir. 2025), *petition for cert. filed*, (No. 25-77) (parents challenged school committee policy that required staff to use student's requested gender pronouns without notifying parents); *see also Parents Protecting Our Children, UA v. Eau Claire Area Sch. Dist.*, 95 F.4th 501 (7th Cir. 2024), *cert. denied*, 145 S. Ct. 14 (parents challenged school district's policy of concealing students' gender identity transitions from parents); *John and Jane Parents 1 v. Montgomery Cnty. Bd. of Educ.*, 78 F.4th 622 (4th Cir. 2023), *cert. denied*, No. 23-601 (parents challenged a county board of education's guidelines for "gender identity support"

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<sup>11</sup> Dr. Sikiru Gbena Eniola, *An Islamic Perspective of Sex and Sexuality: A Lesson for Contemporary Muslims*, 12 IOSR JOURNAL OF HUMANITIES AND SOCIAL SCIENCE 2 (2013), at 2028, <https://perma.cc/5LWK-BZRA>.

<sup>12</sup> *Issues in Jewish Ethics: Homosexuality*, JEWISH VIRTUAL LIBRARY, <https://perma.cc/D7EU-DZAN>.

<sup>13</sup> *The Family: A Proclamation to the World*, The First Presidency and Council of the Twelve Apostles of The Church of Jesus Christ of Latter-day Saints, <https://perma.cc/A2Z3-GUSH>.

plans for students); *Lee v. Poudre Sch. Dist. R-1*, 135 F.4th 924 (10th Cir. 2025) (parents sued after teacher secretly invited their daughter to Gender and Sexualities Alliance meeting); *Lavigne v. Great Salt Bay Comm. Sch. Bd.*, 146 F.4th 115 (1st Cir. 2025) (mother sued when school board gave chest binder to her daughter and referred to her at school by different name and pronouns without informing her mother). Courts have struggled with which standard to apply, often deciding these cases on procedural grounds instead of reaching the merits. Yet these cases are only the tip of the iceberg, and they will surely keep coming unless this Court provides clarity.

Children’s most sensitive gender identity questions, which are heavily implicated by religion, clearly fall outside the scope of government authority in public schools. In fact, for a century, this Court has prohibited governmental interference with the rights of parents to direct their children’s upbringing. See *Pierce*, 268 U.S. at 534-35; *Meyer v. Nebraska*, 262 U.S. 390 (1923); *Yoder*, 406 U.S. at 218. The Littlejohns have a fundamental right to guide their child through her most difficult struggles in a way that aligns with their faith, and school officials must be held accountable for actively thwarting and undermining the Littlejohns’ efforts to that end.

## **II. *Mahmoud* requires reversal here.**

The Court recently held that a school board was required to provide parents with advance notice when it read “LGBTQ+ inclusive” books to children because parents had a free exercise right to opt out of their children receiving such instruction. *Mahmoud*, 606 U.S. at 546. If schools are required to provide parents

notice when teachers are reading a book about LGBTQ+ individuals, how much more vital it is that parents receive notice when their own children are considering gender transition.

When a student attempts to transition to a different gender, this decision has life-long consequences. It personally affects the student: the student's physical body, the student's mental state, the student's future life. Social transition (which includes changing names and pronouns at school), is a significant medical intervention that makes minors more likely to persist in gender dysphoria, especially when that step is affirmed by adults in authority roles.<sup>14</sup> Beyond that, such decisions also affect the entire family. Ms. Martinez and her family endure a constant state of grief after Yaeli's suicide. For the Littlejohns, their family relationships will never be the same because of the school's interference in their daughter's life. D.Ct.Doc.38 ¶¶ 159, 162.

In *Mahmoud*, the Court reasoned that there are “limits on the government’s ability to interfere with a student’s religious upbringing in a public school setting.” 606 U.S. at 547. What children believe about gender and sexuality is at the heart of many religious denominations’ beliefs. Millions of parents, like the parents in *Mahmoud*, “believe they have a ‘sacred obligation’ or ‘God-given responsibility’ to raise their children in a way that is consistent with their

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<sup>14</sup> The Cass Review, *Independent Review of Gender Identity Services for Children and Young People* 158 (Apr. 2024); see also Dr. Andre Van Mol, *Social Transitioning is Neither Neutral nor Benign*, Christian Medical & Dental Association (Jan. 9, 2025), <https://perma.cc/B57E-RXXR>.

religious beliefs and practices.” *Id.* The storybooks in *Mahmoud* “unmistakably convey[ed] a particular viewpoint about same-sex marriage and gender.” *Id.* at 555-56. So too, school officials who privately affirm and encourage children to change their gender without parental knowledge or consent are providing only one viewpoint about a controversial issue, and that viewpoint is contrary to many parents’ religious convictions. *See, e.g., Defending Educ. v. Olentangy Local Sch. Dist. Bd. of Educ.*, 2025 WL 3102072, No. 23-3630 (6th Cir. Nov. 6, 2025) (en banc) at \*14 (finding viewpoint discrimination where school policy required “preferred” pronouns, because school district “has taken a side” in this policy debate, which is “[e]ven more concerning from a First Amendment perspective”).

Here, Leon County’s Policy and practice of excluding parents from sensitive decisions about their children’s physical and mental health interferes with religious exercise in multiple ways: (1) school staff are instructed to “affirm” a child’s questioning of their gender identity or desire to change genders, in direct conflict with the religious beliefs their family may hold; (2) school staff are prevented from disclosing a child’s experimentation with gender identity unless the child *and staff* deems the parents “supportive” enough, thus requiring staff to evaluate parents’ beliefs; and (3) school staff interfere with the instruction that religious parents seek to provide to their children, by allowing and encouraging students to undergo gender transitions without their parents’ knowledge or consent. This Policy violates both free exercise rights and parental rights by interfering with religious parents’ historically rooted and

constitutionally protected ability to raise their children in accordance with their sincere beliefs.

Religion is not relegated only to the home. The First Amendment protects parents' rights to raise their children in accordance with their religious beliefs, even and especially when those children attend public school. In fact, "[i]t is both insulting and legally unsound to tell parents that they must abstain from public education in order to raise their children in their religious faiths[.]" *Mahmoud*, 606 U.S. at 562. Given that parents deserve advance notice and opt-outs when their children receive *teaching* that interferes with their faith, then parents certainly deserve to know when their children are *taking* drastic, life-changing steps with devastating consequences.

### CONCLUSION

This Court should grant the petition for certiorari.

Respectfully submitted,

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