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In SCOTUS Brief, Attorney General Brown Defends use of LGBTQ-Inclusive Books in Public Schools

Coalition of 19 States File SCOTUS Brief Defending Local Discretion to Incorporate LGBTQ-Inclusive Books into Curriculum for All Students

BALTIMORE, MD (April 9, 2025) – Attorney General Anthony G. Brown has today led a coalition of 19 attorneys general in filing an amicus brief in the Supreme Court of the United States (SCOTUS) to defend the discretion of public schools in Montgomery County, Maryland, to incorporate LGBTQ-inclusive books into their curricula for all students.

The brief was filed in support of the respondents in *Mahmoud, et al. v. Taylor, et al.* and argues that the use of curricula with LGBTQ-inclusive books without an opt-out option falls within public schools' longstanding authority to foster safe learning environments and does not violate anyone's right to free religious exercise.

Although the case focuses on policies of the Montgomery County Board of Education, it could be consequential for public schools nationwide.

"All students deserve to learn in classrooms where they feel safe and respected, regardless of their sexual orientation or gender identity," **said Attorney General Brown.** "When public schools teach from LGBTQ-inclusive books, they create a culture where all students can feel comfortable and accepted, fostering a learning environment that allows them to thrive."

In March 2023, the Montgomery County Board of Education (Montgomery County) in Maryland adopted a mandatory K-5 language arts curriculum that included LGBTQ-inclusive books and was designed to foster respect and tolerance for LGBTQ people. A group of parents, who are the petitioners in the Supreme Court, filed a lawsuit and motion for preliminary injunction challenging the policy, arguing that the lack of an opt-out option violated their First Amendment right to free religious exercise. In 2024, the U.S. Court of Appeals for the Fourth Circuit affirmed a lower court's decision to deny the preliminary injunction, finding that the challenge concerned the mere exposure of children to LGBTQ-inclusive books and did not interfere with the petitioners' free exercise rights. The Supreme Court is slated to hear arguments on the petitioners' challenge on April 22.

In filing the brief, the coalition urges the Supreme Court to reject the petitioners' constitutional challenge.

Montgomery County's Policies Fall Within State and Local Governments' Authority to Shape Public Education and Create Safe and Inclusive Environments for Students

The coalition argues that Montgomery County's use of LGBTQ-inclusive books is an effort to foster a safe and inclusive environment for students and protect LGBTQ students from harm. The coalition further asserts that this effort falls well within the legal authority of state and local governments to shape public education and design educational environments that support the success of all students.

The coalition references [research](#) indicating that LGBTQ students experience disproportionate levels of harm from discrimination and bullying in schools. A [2022 study](#) found that 68% of LGBTQ students reported feeling unsafe at school due to their sexual orientation or gender identity and that nearly all of LGBTQ students reported hearing homophobic language by peers.

The coalition also references research indicating that students with access to LGBTQ-supportive school environments, including curricula with LGBTQ-related topics, have experienced less discrimination, better psychological wellbeing, and a greater sense of belonging at school. As such, Montgomery County's policies are also aligned with state laws designed to address discrimination and bullying in schools and create inclusive learning environments for all students.

While the petitioners argue they should be able to opt out of the LGBTQ-inclusive curriculum because they are allowed to opt out of sex-education classes, the coalition asserts that the books in question are not sex-education, but are designed to foster tolerance and respect for LGBTQ individuals. By not allowing an opt-out option, Montgomery County affirms its commitment to inclusivity by teaching all students to treat LGBTQ people with dignity and respect.

Mere Exposure To LGBTQ-Inclusive Books Does Not Burden the Right to Free Exercise of Religion

The coalition asserts that the only constitutional question presented at this preliminary stage of the case is whether the mere exposure of students to LGBTQ-inclusive books in schools burdens their parents' right to freely exercise their religion. Because such exposure does not force or compel the petitioners to abandon or act against their religious beliefs, the coalition argues that — consistent with Supreme Court precedent — Montgomery County's policy is constitutional.

The coalition's amicus brief may be viewed in its entirety [here](#).

Attorney General Brown co-led the brief with Massachusetts Attorney General Andrea Joy Campbell. Joining the brief are the attorneys general of California, Connecticut, Colorado, Delaware, the District of Columbia, Hawaii, Illinois, Maine, Michigan, Minnesota, Nevada, New Jersey, New York, Oregon, Rhode Island, Vermont, and Washington.

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