

TO: The Cooper High School Board of Education

FROM: Legal Counsel

DATE: 12/09/2025

SUBJECT: Choosing Knowledge: Autonomy After *Mahmoud v. Taylor*

I. Background

The Supreme Court's decision in the case of *Mahmoud v. Taylor* (2025) significantly reshaped the balance between parental rights and student autonomy in public education. The Court ruled that parents may exempt their children from instruction that "substantially interferes" with their religious upbringing, affirming the constitutional protection of religious liberty under the First Amendment and the Due Process Clause. However, the ruling left unclear the extent to which schools must enforce parental opt-out requests when the student is subject to them.

At Cooper High School, this ambiguity surfaced in two contrasting cases. Senior David Kim was excused from AP Biology lessons on evolution and genetics at his parents' request. Junior Emma Walsh, however, refused to comply with her parents' opt-out demand during a unit on carbon dating in AP Chemistry. She claimed that the material did not violate her personal beliefs and that, as a nearly eighteen-year-old, she had the right to choose her own learning. When Emma refused to leave class, the school suspended her for insubordination, citing parental authority under *Mahmoud v. Taylor*.

Emma's case has ignited community and legal debate. The school's enforcement of her parents' wishes - contrary to her own - raises questions about minors' constitutional rights, the reach of parental authority, and the fairness of disciplinary action. The board now seeks guidance on whether Emma's suspension was lawful and how future conflicts should be managed.

II. Issues Presented

1. Whether *Mahmoud v. Taylor* required schools to enforce parental opt-out requests when the student objects.
2. Whether Emma Walsh's suspension for insubordination was legally justified or constituted a violation of her constitutional or educational rights.
3. What policies should the district adopt to ensure consistent and lawful treatment of future parent-student opt-out conflicts?

III. Analysis

A. Enforcement of Parental Opt-Outs When Students Object

Under *Mahmoud v. Taylor*, parents retain a fundamental right to direct the religious upbringing of their children, rooted in *Meyer v. Nebraska* (1923) and *Pierce v. Society of Sisters* (1925). These cases affirm that the state may not compel instruction that “contradicts the faith and moral code” of parents without a compelling interest. The Court in *Mahmoud* extended that protection by recognizing a right to opt children out of a specific instructional content that substantially conflicts with religious beliefs.

However, *Mahmoud* did not explicitly address situations in which the student, particularly an older minor, disagrees with the parents' requests. Public school students do not forfeit constitutional rights “at the schoolhouse gate” (*Tinker v. Des Moines*, 1969). As students approach adulthood, courts have increasingly acknowledged their evolving capacity for autonomy, particularly concerning beliefs and expression (*Planned Parenthood v. Danforth*, 1976), recognizing minors' maturing decision-making in sensitive contexts.

Emma Walsh, at nearly 18, demonstrates both maturity and an educational interest directly tied to her academic success. Her refusal was not disruptive or defiant in a broad sense - it was a rescinded assertion of her learning rights. While parents retain authority, that authority weakens as the child nears the age of majority. The school, therefore, should not have enforced an opt-out that directly conflicted with Emma's autonomous choice without a clear legal mandate or demonstrable disruption.

In sum, *Mahmoud v. Taylor* grants parents the right to opt out but does not require schools to compel a student's compliance when it infringes on her personal liberty and educational access.

B. Legality of Emma Walsh's Suspension

A suspension for "insubordination" must be both procedurally and substantively justified. Procedurally, Emma was entitled to notice and a chance to respond (*Goss v. Lopez*, 1975). Substantively, discipline must serve a legitimate pedagogical purpose and not punish constitutionally protected behavior. Emma's conduct - remaining in class to learn - did not cause disruption, defiance of school rules, or harm to others. Her "insubordination" was an assertion of intellectual freedom. Punishing her for choosing to learn could constitute **viewpoint discrimination**, a First Amendment violation, since it penalizes her for rejecting her parents' religious viewpoint rather than for disruptive conduct.

Moreover, suspending a student for attending class may violate the right to education guaranteed by state law and recognized in *Plyler v. Doe* (1982), which holds that denial of educational opportunity must serve a substantial state interest. Here, no such interest exists. The disciplinary action thus appears disproportionate and constitutionally suspect.

If challenged, Emma could argue that the school's enforcement of her parents' beliefs over her own constituted a **compelled religious exercise**, violating the Establishment Clause. By privileging parental religion over a student's individual conscience, the school entangles itself in religious decision-making - a role the constitution forbids.

C. **Balancing Parental Rights, Student Autonomy, and Educational Integrity**

The challenge facing the Board is to reconcile three legitimate interests: (1) parental rights under *Mahmoud5 v. Taylor*; (2) student autonomy and expression rights under *Tinker*; and (3) the school's educational missions.

Courts generally favor a **balancing test** that weighs these interests. When a student is old enough to articulate a reasoned objection and the material in question is academically essential, the student's autonomy should carry greater weight. Conversely, for younger students or non-essential content, parental requests may justifiably prevail.

The Board should therefore distinguish between:

- **Voluntary opt-outs**, where both parent and student should agree:
- **Contested opt-outs**, where the student objects.
- **Academic core content**, where exemption may undermine educational standards.

Emma's case falls within the second and third categories - she objected, and the lesson was core to AP Chemistry. The school's duty to preserve educational integrity should have outweighed parental control in this context.

IV. **Policy Recommendations**

To prevent future inconsistencies and legal disputes, the district should adopt the following policies:

1. **Written Opt-Out Procedure:**

Require all parental opt-out requests to be submitted in writing, specifying the religious basis and identifying the specific instructional content. Requests should be reviewed by an administrative committee that includes educators, legal counsel, and (when appropriate) the student.

2. Student Consultation Requirement:

Before approving a parental opt-out, the school must consult the student - especially if over sixteen - to assess their wishes and understanding. When the student objects, the school should weigh their maturity age and educational interests.

3. Core Academic Content Protection:

Exemptions should not apply to essential curriculum standards or graduation requirements unless alternative instruction of equal educational value is provided.

4. Discipline Policy Revision:

Clarify that refusal to comply with a parental opt-out is not “insubordination” when the student’s behavior is non-disruptive and educationally motivated.

5. Training and Transparency:

Train staff on constitutional and educational obligations arising from *Mahmoud v. Taylor*.
Publish clear guidelines to ensure consistent application of cases

These policies would protect the district from liability, promote fairness, and affirm both family and student rights.

V. Conclusion

Emma Walsh’s suspension in class was not legally justified under current constitutional standards. While *Mahmoud v. Taylor* affirms parental rights to direct religious upbringing, it does not compel schools to override a mature student’s independent educational choice. Emma’s

punishment likely constitutes viewpoint discrimination and an undue restriction of her access to education.

The district should adopt policies emphasizing student consultation, academic integrity, and procedural fairness. By doing so, Cooper High School can navigate future opt-out conflicts with both constitutional soundness and educational compassion.

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