

IN THE  
*Supreme Court of the United States*

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TAMER MAHMOUD, ET AL.,  
*Petitioners,*

v.

THOMAS W. TAYLOR, ET AL.,  
*Respondents.*

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On Writ of Certiorari to the  
United States Court of Appeals for the Fourth Circuit

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BRIEF OF THE AMERICAN PSYCHOLOGICAL  
ASSOCIATION AND THE AMERICAN  
COUNSELING ASSOCIATION AS *AMICI CURIAE*  
IN SUPPORT OF RESPONDENTS

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## INTEREST OF *AMICI CURIAE*<sup>1</sup>

*Amicus curiae* the American Psychological Association (“APA”) submits this brief to provide the Court with the benefit of extensive scientific research that suggests students—and lesbian, gay, bisexual, transgender, or queer (“LGBTQ+”) students in particular—benefit from an inclusive school environment.<sup>2</sup> A substantial body of research indicates that inclusive instructional materials that acknowledge LGBTQ+ people and stories as part of the general curriculum reduce student victimization in schools and ameliorate associated mental health issues for student populations. As the largest professional association of psychologists in the United States, the APA is deeply concerned about the mental health effects on students of limiting instruction using books that feature LGBTQ+ characters.

The APA is a scientific and educational organization dedicated to increasing and disseminating psychological knowledge. Its over 174,000 members include researchers, educators, clinicians, consultants, and students. The APA’s mission is to promote the

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<sup>1</sup> Pursuant to Rule 37.6, counsel for *amici curiae* state that no counsel for a party authored this brief in whole or in part, and no person or entity other than *amici* or their counsel has made a monetary contribution to the preparation or submission of this brief.

<sup>2</sup> The APA gratefully acknowledges the assistance of the following psychologists and neuropsychologists in the preparation of this brief: W. Beischel, Ph.D.; S. Budge, Ph.D.; T. Hart, Ph.D.; M. Jourdan, Ph.D.; A. Noriega, Ph.D.; F. Pavelchuk, Ph.D.; and F. J. Sánchez, Ph.D.

advancement, communication, and application of psychological science and knowledge to benefit society and improve lives. To that end, the APA has been and continues to be a strong and consistent advocate for access to equal care and treatment for LGBTQ+ individuals.

The APA has filed nearly 250 *amicus* briefs in federal and state courts around the country. The APA has a rigorous approval process for filing *amicus* briefs, the touchstone being an assessment of whether there is sufficient scientific research, data, and literature on a question in a particular case such that the APA can usefully contribute to the Court’s understanding and resolution of that question.

The APA has a particular interest in this case because one of the storybooks referenced by Petitioners—although not at issue in this case—is *Jacob’s Room to Choose*, which is published under the APA’s publishing imprint.<sup>3</sup> The book was authored by Sarah and Ian Hoffman, who wrote it in the wake of their six-year-old son’s experience of being assaulted in a bathroom by another child who did not understand his presence there because of his hair and clothes.<sup>4</sup> After unsuccessful attempts to find books about children like their son, the Hoffmans took to writing them on their own because they knew “how meaningful it is for kids to

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<sup>3</sup> Sarah Hoffman & Ian Hoffman, *Jacob’s Room to Choose* (2019).

<sup>4</sup> Sarah Hoffman & Ian Hoffman, *Our Books Help Teach LGBTQ Themes in Schools. Should SCOTUS Allow Parents to Opt Out?*, Time (Mar 10, 2025), <https://time.com/7266486/lgbtq-books-scotus-case-jacobs-room-choose-essay/>.

see themselves represented in books.”<sup>5</sup> And so they wrote books about “being kind,” one of which is *Jacob’s Room to Choose*.<sup>6</sup> The APA is proud of its association with this lauded book, and submits this brief to highlight the scientific research strongly indicating that children benefit when stories like *Jacob’s Room to Choose* are part of school curricula.

Founded in 1952, *amicus* the American Counseling Association (“ACA”) is a not-for-profit organization dedicated to the growth and enhancement of the counseling profession. ACA provides education, community, and professional development opportunities for more than 60,000 members, including counselors in various practice settings and counselors in training. ACA engages in extensive advocacy for the profession and for those whom it serves. ACA’s Code of Ethics provides the foundation and direction for all that it does. The preamble of the ACA 2014 Code of Ethics describes the core professional values and the ethical principles that guide decision-making and practice for the counseling profession. These core professional values include: honoring diversity and embracing a multicultural approach in support of the worth, dignity, potential, and uniqueness of people within their social and cultural contexts; promoting social justice; and practicing in a competent and ethical manner.

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<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

## SUMMARY OF ARGUMENT

Without opining on the particular facts of this case, *amici* present this brief to make the Court aware of the scientific research examining the effects of including LGBTQ+ figures and stories in educational content, referred to here as “inclusive curricula.” Robust findings indicate that implementing an inclusive school curriculum is associated with positive outcomes for LGBTQ+ students in particular, and for students overall.

LGBTQ+ youth face stress and stigma in and outside of school. In addition to still prevalent bullying within school contexts, messaging that is indirectly disapproving of their identities, such as discriminatory laws and policies, also has adverse effects. In combination, this direct and indirect stress increases mental health concerns. LGBTQ+ students exhibit reduced rates of psychological well-being and academic success in comparison to their peers.

Exposing all students to stories that include LGBTQ+ characters helps to destigmatize non-heterosexual sexual orientation and nonconforming gender identity, and to decrease bullying and incidents of violence or harm to this population of students. These benefits are associated with augmented peer connection and peer intervention in bullying, student perceptions that teachers are supportive of their identities, and the simple but powerful validation conferred by seeing representations of LGBTQ+ people in the school setting. School environments that are inclusive of LGBTQ+ history and culture are safer learning environments for LGBTQ+ youth and for other students as well, who

benefit from positive school climates that do not tolerate bullying and lessons that counteract stereotypes regarding gender.

Allowing parents to opt their children out of inclusive lessons detracts from the goal of destigmatizing LGBTQ+ identities. Research shows that inclusive curricula are most effective when taught consistently and universally. Indeed, it is the only effective way to reach all students, including LGBTQ+ students and those prone to participate in bullying of LGBTQ+ students. Moreover, opt-out policies may signal to students that respect and inclusion are optional values in school and operate like other forms of state-sanctioned discrimination to create an environment intolerant of LGBTQ+ students. These policies can also stand in the way of LGBTQ+ students who are themselves pulled out of inclusive instruction from reconciling their religious beliefs with their sexual or gender identity, a process that research shows is protective against psychological disorders.

## **ARGUMENT**

### **I. All Students Benefit from Inclusive School Curricula.**

According to extensive survey data and scientific research, LGBTQ+ youth suffer serious health consequences as a result of school-based victimization, rejection, and harassment; intolerant social environments; and the internalized shame and stigma that often accompany these experiences. Inclusive curricular programs are a key intervention that schools can use to disrupt this stigmatic ecosystem; the scientific

evidence supports the efficacy of such programs in promoting LGBTQ+ students' sense of safety at school, and in turn, their ability to learn and thrive. Moreover, when schools are places of tolerance, inclusion, and respect, they better protect all students from harmful victimization and the internalization of stigma. All students flourish when schools prioritize inclusive and affirming instruction.

**A. School Bullying, Intolerant School Environments, and Lack of Representation in Schools Contribute to Serious and Widespread Harms in LGBTQ+ Youth.**

Recent surveys and studies reveal that harassment and victimization of LGBTQ+ young people remain prevalent in schools.<sup>7</sup> More than half of LGBTQ+ students report experiencing verbal harassment, almost 90% heard homophobic remarks using slurs, between 9% and 12.5% were physically assaulted, and 20% experienced unwanted sexual contact, all based on their sexual orientation, gender identity, or gender expression.<sup>8</sup> In addition, 68% of LGBTQ+ students

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<sup>7</sup> GLSEN, *The 2021 National School Climate Survey Executive Summary* (2022), <https://bit.ly/429FsKq>; The Trevor Project, *2023 U.S. National Survey on the Mental Health of LGBTQ Young People* (2023), <http://bit.ly/420QUtj>; Laura Kann et al., CDC, *Sexual Identity, Sex of Sexual Contacts, and Health-Related Behaviors Among Students in Grades 9–12 — United States and Selected Sites, 2015*, 65 Morbidity & Mortality Weekly Report Surveillance Summaries (Aug. 12, 2016), <https://www.cdc.gov/mmwr/volumes/65/ss/pdfs/ss6509.pdf>.

<sup>8</sup> GLSEN, *supra* note 7, at 5–7; Trevor Project, *supra* note 7, at 14; *see also* Kann, *supra* note 7, at 15–16 (reporting that 34.2% of LGB

report feeling unsafe at school and between 12% and 16.2% have left or changed schools due to that lack of safety.<sup>9</sup> Specifically for those students who express a transgender identity or gender non-conformity, 54% had been verbally harassed, 24% had been physically attacked, and 17% left a school due to mistreatment.<sup>10</sup> These survey results are consistent with the research literature.<sup>11</sup> And for many students, this harassment adds to victimization occurring at home due to their sexual orientation or gender identity.<sup>12</sup>

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students faced nonspecific bullying at school and 17.8% were forced to engage in intercourse).

<sup>9</sup> Trevor Project, *supra* note 7, at 14; GLSEN, *supra* note 7, at 5; *see also* Kann, *supra* note 7, at 14 (12.5% of LGB students missed school due to feeling unsafe).

<sup>10</sup> Sandy E. James et al., Nat'l Ctr. for Transgender Equal., *The Report of the 2015 U.S. Transgender Survey: Executive Summary*, at 9 (Dec. 2016), <https://bit.ly/42qyKkG>; *see also* Jamie M. Grant et al., Nat'l Ctr. for Transgender Equal. & Nat'l Gay & Lesbian Task Force, *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey*, at 3 (2011), <https://bit.ly/4cnk9Ki> (similarly documenting that 78% of transgender students reported experiencing harassment of some sort and 35% had been physically assaulted).

<sup>11</sup> Shannon D. Snapp et al., *LGBTQ-Inclusive Curricula: Why Supportive Curricula Matter*, 15 Sex Educ. 580, 581 (2015) (reviewing studies finding that between 59% and 84% of LGBTQ+ students experience verbal abuse at school and 63% of LGBTQ+ students felt unsafe at school due to their sexual orientation).

<sup>12</sup> Martin Blais et al., *Family Victimization Among Canadian Sexual and Gender Minority Adolescents and Emerging Adults*, 9 Int'l J. Child & Adolescent Resilience 5, 11 (2022) (finding that in a sample of LGBTQ+ youth and young adults, 32.8% reported social

This school-based victimization is strongly correlated with mental health and other issues for LGBTQ+ students. For instance, one 2023 dataset revealed that 27% of LGBTQ+ youth who reported experiencing physical threats or harm also reported attempted suicides, compared to 9% who had not.<sup>13</sup> Another recent survey found that LGBTQ+ students “who experienced higher levels of in-person victimization” were “nearly three times as likely to have missed school in the past month than those who experienced lower levels.”<sup>14</sup> Those same respondents reported reduced perceptions of belonging in their school communities, had lower grades, and were twice as likely to report no plans to pursue post-secondary education.<sup>15</sup> Again, these findings are consistent with the bulk of the research on these topics, and indeed, a meta-analysis of studies examining this relationship confirms that victimization related to sexual orientation and gender identity is associated with negative mental health outcomes.<sup>16</sup> As

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exclusion, verbal violence or expressions of contempt and prejudice, and 10% reported physical violence by family members).

<sup>13</sup> Trevor Project, *supra* note 7, at 16.

<sup>14</sup> GLSEN *supra* note 7, at 9.

<sup>15</sup> *Id.*

<sup>16</sup> Jennifer de Lange et al., *Minority Stress and Suicidal Ideation and Suicide Attempts Among LGBT Adolescents and Young Adults: A Meta-Analysis*, 9 *LGBT Health* 222, 226, 232–34 (2022) (LGBT bias-based victimization was significantly associated with both suicidal ideation and suicide attempts); *see also* Snapp, *supra* note 11, at 581 (collecting studies finding that LGBTQ+ students miss school at high rates, are at higher risk of dropping out of school than gender-conforming and straight peers, and that victimization

shown by one study, the psychological harm due to bullying related to minority sexual identity can last into adulthood.<sup>17</sup>

The harms of direct victimization are compounded by the effect of broader social intolerance, whether it occurs within a particular institution—like a school—or a larger political unit. This dynamic has been extensively studied through the Minority Stress Model, which explains how both external stressors (*e.g.*, discrimination, victimization, and exclusionary policies)<sup>18</sup> and internal

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predicts a host of mental health problems, including suicidal ideation, depression, anxiety, and substance use).

<sup>17</sup> Trevor A. Hart et al., *Childhood Maltreatment, Bullying Victimization, and Psychological Distress Among Gay and Bisexual Men*, 55 J. Sex Rsch. 604, 612 (2018) (finding a significant relationship between adulthood symptoms of anxiety and depression and childhood anti-gay bullying, gender non-conformity teasing, and other childhood abuse).

<sup>18</sup> Mark L. Hatzenbuehler et al., *Protective School Climates and Reduced Risk for Suicide Ideation in Sexual Minority Youths*, 104 Am. J. Pub. Health 279, 284 (2014) (finding that, after controlling for confounding variables, suicidal thoughts were reduced in LGB students living in jurisdictions with higher rates of schools with positive and inclusive climates); Mark L. Hatzenbuehler et al., *The Impact of Institutional Discrimination on Psychiatric Disorders in Lesbian, Gay, and Bisexual Populations: A Prospective Study*, 100 Am. J. Pub. Health 452, 455–56 (2010) (LGB individuals living in states that passed constitutional amendments banning gay marriage experienced higher rates of psychological disorder and distress, in particular with respect to mood and anxiety disorders “characterized by hopelessness, chronic worry, and hypervigilance, which are common psychological responses to perceived discrimination”); Ellen D. B. Riggle et al., *Psychological Distress, Well-Being, and Legal Recognition in Same-Sex Couple Relationships*, 24 J. Fam. Psych. 82, 84 (2010) (comparing those in

stressors (*e.g.*, the internalization of stigma and expectations of rejection)<sup>19</sup> interact to contribute to mental health challenges among LGBTQ+ individuals. Extensive research on minority stress, including in the

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committed same-sex relationships with and without legal recognition and finding that legal status is related to reduction in “depressive symptoms, stress, and internalized homophobia”); Richard Bränström & John E. Pachankis, *Sexual Orientation Disparities in the Co-Occurrence of Substance Use and Psychological Distress: A National Population-Based Study (2008–2015)*, 53 *Soc. Psychiatry & Psychiatric Epidemiology* 403, 406 (2018) (“[T]he elevated risk of substance use, psychological distress, and their co-occurrence among sexual minorities compared to heterosexuals, could partially be explained by sexual minorities’ elevated exposure to discrimination, victimization/threat, and social isolation.”).

<sup>19</sup> Danielle R. Schwartz et al., *Minority Stress and Mental and Sexual Health: Examining the Psychological Mediation Framework Among Gay and Bisexual Men*, 3 *Psych. Sexual Orientation & Gender Diversity* 313, 318 (2016) (studying the relationship between affective, cognitive, and social responses to minority stress and finding that “it is how individuals cope with negative emotions, as well as their perceived social support, that are most important in understanding mental health outcomes” in gay and bisexual men); Michael E. Newcomb & Brian Mustanski, *Internalized Homophobia and Internalizing Mental Health Problems: A Meta-Analytic Review*, 30 *Clinical Psych. Rev.* 1019, 1026 (2010) (conducting meta-analysis of studies examining relationship between internalized homophobia and markers of psychological distress and finding a correlation between internalized homophobia and symptoms of depression and anxiety); Joanna Almeida et al., *Emotional Distress Among LGBT Youth: The Influence of Perceived Discrimination Based on Sexual Orientation*, 38 *J. Youth Adolescence* 1001, 1008–10 (2009) (finding that perceived discrimination was associated with higher incidence of depressive symptoms in LGBTQ+ students, especially for boys).

school context, indicates that the elevated rates of mental health disorders among LGBTQ+ individuals often stem from psychological responses to actual or perceived discrimination. These responses can include internalized stigma, heightened vigilance, persistent rumination, social isolation, and physiological stress reactions.<sup>20</sup> Minority stressors' impacts on the rates of psychological disorder in the LGBTQ+ population has been supported by decades of studies across populations, including in recent research.<sup>21</sup>

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<sup>20</sup> Amie R. McKibban & Austin R. Anderson, *Addressing Gender and Sexual Orientation Diversity Within Youth Populations: An Evaluation of Health Disparities and Recommendations on Affirmative School Policy*, in *Supporting Gender Identity and Sexual Orientation Diversity in K-12 Schools* 165 (Megan C. Lytle & Richard A. Sprott eds., 2021) (citing documentation of the mechanisms by which minority stress result in psychological disorders); William J. Hall, *Psychosocial Risk and Protective Factors for Depression Among Lesbian, Gay, Bisexual, and Queer Youth: A Systematic Review*, 65 *J. Homosexuality* 263, 293 (2018) (finding in review of literature that internalized oppression was the “most prominent risk factor” linking LGBTQ+ identity and risk for depression); Bridgid Mariko Conn et al., *High Internalized Transphobia and Low Gender Identity Pride Are Associated with Depression Symptoms Among Transgender and Gender-Diverse Youth*, 72 *J. Adolescent Health* 877, 881 (2023) (finding that “greater internalized transphobia was significantly associated with greater anxiety and depressive symptoms,” especially among transgender youth with lower levels of gender-identity pride).

<sup>21</sup> David M. Frost & Ilan H. Meyer, *Minority Stress Theory: Application, Critique, and Continued Relevance*, 51 *Current Op. in Psych.*, 2023, at 4 (reviewing evidence of persistent health inequalities and evidence that “exposure to minority stress remains a significant concern in the lives of sexual and gender minority individuals,” including through greater numbers of hate crimes, the

Moreover, these statistics fail to reflect the compounded harms experienced by LGBTQ+ students of color and those with other marginalized identities. Research demonstrates that such harms not only affect LGBTQ+ students from majority racial groups but are often intensified among those who navigate multiple, intersecting forms of marginalization.<sup>22</sup>

All of this occurs just as many LGBTQ+ youth are undergoing crucial stages of identity formation and development.<sup>23</sup> Petitioners note the impressionable

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uptick in passage of anti-transgender laws and violence, and continually high rates of bullying and name calling); Ilan H. Meyer et al., *Minority Stress, Distress, and Suicide Attempts in Three Cohorts of Sexual Minority Adults: A U.S. Probability Sample*. 16 PLoS One e0246827 (2021), at 12–13 (study tracking minority stress in three different LGBTQ+ age-based cohorts did not find that changed social conditions lessened stress and associated psychological burden on younger cohort of LGBTQ+ respondents, who fared similarly or worse across both “distal minority stressors, which measure direct exposure to external conditions, such as antigay violence, and proximal stressors, which measure how homophobia is internalized and learned”).

<sup>22</sup> See, e.g., Charlotte Woodhead et al., “We’re Not One-Box Issue People”: *Intersectional Perspectives on LGBTQ+ Mental Health in Schools: A UK Qualitative Study with Students, Staff and Training Providers*, 254 *Acta Psychologica* 104783 (2025), at 7–8 (“The Whiteness of LGBTQ+ affirmative representations constrained self-awareness, belonging, and relatable role models for racially minoritized students.”); Allison Lloyd et al., *How Schools Can Bolster Belonging Among Black Lesbian, Gay, Bisexual, and Queer Youth*, 10 *Translational Issues in Psych. Sci.* 82, 87–89 (2024).

<sup>23</sup> Meg D. Bishop et al., *Sexual Identity Development Milestones in Three Generations of Sexual Minority People: A National Probability Sample*, 56 *Developmental Psych.* 2177, 2183 (2020) (finding that, for gay men, the mean age of first same-sex attraction

developmental stage of the students exposed to the Pride Storybooks program, emphasizing its relevance to parents' ability to instill their religious values in their children. Pet's Br. 33–34. Yet this same developmental period is also formative for LGBTQ+ students, whose emerging identities may otherwise go unrecognized in a school environment that offers no representation—or that frames inclusion as optional, thereby signaling that their identities are less valid or less important. The lack of LGBTQ+ representation in school curricula is widespread.<sup>24</sup> In the absence of such representations, young people may internalize the belief that their bullying is deserved because their identity is something to hide.

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was 10.74 across generational cohorts, and that younger generations reached identity development milestones earlier on average); Jerel P. Calzo & Aaron J. Blashill, *Child Sexual Orientation and Gender Identity in the Adolescent Brain Cognitive Development Cohort Study*, 172 JAMA Pediatrics 1090, 1092 (2018) (examining self- and parental- identification of nine and ten year old children as LGBTQ+ and finding that almost 1% of such children self-identified as gay or bisexual, .4% as transgender, and that parents indicated higher rates—6.7% reported their children might be gay or bisexual, and 1.2% reported their children might be transgender).

<sup>24</sup> Chelsea N. Proulx et al., *Associations of Lesbian, Gay, Bisexual, Transgender, and Questioning-Inclusive Sex Education with Mental Health Outcomes and School-Based Victimization in U.S. High School Students*, 64 J. Adolescent Health 608, 611 (2019) (examining state-level data on proportion of schools offering inclusive sex education and concluding that the proportion varied from 16.2% to 57.1% across states); Snapp, *supra* note 11, at 582 (reporting that 20% of students had exposure to positive representations of LGBTQ people in their classes).

*Amici* the Maryland Family Institute et al. and the Manhattan Institute et al. contend that the Pride Storybooks program threatens to introduce population-level health problems in schools. They posit that the program will do so in a two-step fashion: first, it will create an environment supportive of more students identifying as LGBTQ+; and second, those newly LGBTQ-identified students will present with mental health disorders that disproportionately befall that population. *See* Br. for Maryland Family Inst. et al. as *Amici Curiae* Supporting Petitioners at 9–11; Br. for The Manhattan Inst. et al. as *Amici Curiae* Supporting Petitioners at 15–19.

This prediction is seriously flawed and contrary to the evidence. It supposes that mere identification as LGBTQ+, in a vacuum, accounts for differences in student health outcomes. But as discussed, those outcomes are strongly linked to the external conditions surrounding a student, including their experiences of harassment and the supportiveness of their environments. There is no evidence that the cause is—as other *amici* would have the Court believe—students’ identities themselves. To the contrary, studies focusing on LGBTQ+ students who are affirmed in their identities indicate little variation between those children and their cis-gender, heterosexual counterparts.<sup>25</sup>

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<sup>25</sup> *See* Kristina R. Olson et al., *Mental Health of Transgender Children Who Are Supported in Their Identities*, 137 *Pediatrics* e20153223 (2016), at 5 (finding that supported and socially transitioned transgender children allowed to present in everyday life in accordance with their gender identity experience “developmentally normative levels of depression and anxiety”).

Accordingly, other *amici* are incorrect to suggest that curricular programs like the one at the center of this case, which improve the educational environment for LGBTQ+ students, would have a deleterious effect on student health overall. In fact, as discussed in more detail *infra*, the opposite is true.

**B. Inclusive Curricula Alleviate the Stigma and Stressors that Drive Disproportionate Mental Health Issues in LGBTQ+ Youth.**

Including LGBTQ+ representation in school curricula is associated with a range of crucial benefits for LGBTQ+ students. By crafting an inclusive curriculum that affords LGBTQ+ youth a sense of futurity, visibility, and normalcy, schools help to foster a supportive environment and bring about dramatically improved outcomes for that student population.

A sizable body of research establishes the value of inclusive school curricula. Students feel safer in school and experience reduced bullying.<sup>26</sup> Relatedly, surveyed

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<sup>26</sup> Snapp, *supra* note 11, at 591 (concluding that “when schools teach inclusive curricula, especially in sexuality education/health, students report less bullying and more safety” and when “lessons are viewed as more supportive, in sexuality education/health, music/art/drama and PE, safety increases and bullying decreases”); Joseph G. Kosciw et al., *The Effect of Negative School Climate on Academic Outcomes for LGBT Youth and the Role of In-School Supports*, 12 J. Sch. Violence 45, 55 (2013) (“Inclusive curriculum had a significant and negative relation with in-school victimization, such that youth who had been taught positive representations of LGBT people, history, and events reported less victimization.”); Russell B. Toomey et al., *Heteronormativity, School Climates, and Perceived Safety for Gender Nonconforming Peers*, 35 J. Adolescence 187, 194 (2012) (finding increased perception of safety

LGBTQ+ youth who attend schools with an inclusive sex education curriculum report lower levels of depression and suicidality. The benefits in this regard are outsized: one study found a “20% reduction in reported suicide plans for every 10% increase in schools teaching LGBTQ-inclusive sex education in a state.”<sup>27</sup> In fact, the literature on this topic suggests that inclusive and sensitive curricula may have the most promise of the currently studied school-based interventions in use. As one study found, “actions to promote LGBTQ inclusion in the formal discourses of schools are among the strongest predictors of which schools are safer than others.”<sup>28</sup> The effects of inclusive curricula may be particularly potent in schools where there is more hostility to LGBTQ+ students and for students who are subject to more severe harassment.<sup>29</sup>

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for gender nonconforming students in schools with inclusive curricula and school-sponsored support groups).

<sup>27</sup> Proulx, *supra* note 24, at 611.

<sup>28</sup> Toomey, *supra* note 26, at 194; *see also* McKibban & Anderson, *supra* note 20, at 169 (“In reviewing the available literature, . . . this strategy—that of inclusive and sensitive curricula—may have the strongest impact on [gender and sexually diverse] and non-[gender and sexually diverse] student outcomes. More specifically, inclusive curricula not only improve student well-being outcomes across the literature but also account for average differences in school climate between schools, as demonstrated in large-scale studies.”).

<sup>29</sup> Kosciw, *supra* note 26, at 56 (“[I]nclusive curriculum positively influences self-esteem, the regression model suggested that it might have additional benefits in schools with poor climates, or for students who are more severely victimized.”).

The Gay, Lesbian, and Straight Education Network (“GLSEN”) conducted a survey in 2021 that gathered and compared statistics about LGBTQ+ students in schools with and without inclusive curricula.<sup>30</sup> The survey suggests the significant benefits of intentionally cultivating understanding and empathy across lines of difference. Having an LGBTQ+ inclusive curriculum was associated with substantially less use of harmful anti-LGBTQ+ language and slurs. For example, students in those schools reported approximately *half* the rate of use of words like “fag” and “dyke.”<sup>31</sup> The rates of negative comments about transgender identities were similarly almost halved in such schools.<sup>32</sup> Additionally, the incidence of in-person victimization on the basis of sexual orientation and gender expression was reduced by half in schools with inclusive curricula.<sup>33</sup>

As a result, according to the GLSEN survey, LGBTQ+ students thrived more frequently in school. They were substantially more likely to feel safe, to report that their peers were somewhat or very accepting of LGBTQ+ people, and to experience a greater sense of belonging in their school communities.<sup>34</sup> They also performed better academically in school, were less likely to miss school due to feeling unsafe, and were

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<sup>30</sup> GLSEN, *supra* note 7, at 13–14.

<sup>31</sup> *Id.* (47.8% vs. 26.7%).

<sup>32</sup> *Id.* (42.7% vs. 23.6%).

<sup>33</sup> *Id.* (7.7% vs. 3.4% for sexual orientation; 9.5% vs. 5.1% for gender expression).

<sup>34</sup> *Id.*

more likely to plan on pursuing post-secondary education.<sup>35</sup> Finally, LGBTQ+ students who attended schools that employed an inclusive curriculum “[r]eported better psychological wellbeing,” including “higher levels of self-esteem; lower levels of depression, and a lower likelihood of having seriously considered suicide in the past year.”<sup>36</sup> Since 2005, GLSEN surveys have “consistently found” that LGBTQ+ youth with access to inclusive instruction report “improved education outcomes, including a decreased likelihood of absenteeism because they felt unsafe; less severe . . . victimization; improved mental health outcomes, including lower levels of depression; and greater feelings of belonging, including peer acceptance.”<sup>37</sup>

Several mechanisms underlie the benefits of inclusive curricula. One involves the role of social support and peer intervention in reducing bullying. As multiple studies have shown, youth are more likely to intervene when witnessing bullying in schools that use inclusive curricula.<sup>38</sup> The results of this research align

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<sup>35</sup> *Id.*

<sup>36</sup> *Id.* at 14.

<sup>37</sup> GLSEN, *Inclusive Learning: A Synthesis of 20+ Years of Research on the Education and Wellbeing Impacts of Inclusive Curriculum, Instruction, and School Books* 17–18 (2024), <https://bit.ly/4l7OSPf> (footnotes omitted).

<sup>38</sup> Laura Baams et al., *Comprehensive Sexuality Education as a Longitudinal Predictor of LGBTQ Name-Calling and Perceived Willingness to Intervene in School*, 46 *J. Youth Adolescence* 931, 936–37 (2017) (finding association between extensiveness and inclusivity of sexuality education and greater perceived willingness to intervene by school staff and female peers, as well as greater

with studies showing that school-sponsored support programs known as Gay-Straight Alliances or Gender and Sexuality Alliances (“GSAs”) reduce stigma and increase student feelings of safety.<sup>39</sup> Like GSAs, inclusive curricular programs aim to promote social support through the creation of positive school environments.

Another mechanism is the role of representation in dispelling students’ feelings of loneliness and shame. As discussed, traditional school curriculum generally keeps

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reported willingness to intervene by male peers); Trish Williams et al., *Peer Victimization, Social Support, and Psychosocial Adjustment of Sexual Minority Adolescents*, 34 J. Youth Adolescence 471, 480 (2005) (highlighting moderating role of peer social support in reducing effect of victimization on mental health in LGB students); Emily A. Greytak & Joseph G. Kosciw, *Responsive Classroom Curriculum for Lesbian, Gay, Bisexual, Transgender, and Questioning Students*, in *Creating Safe and Supportive Learning Environments: A Guide for Working With Lesbian, Gay, Bisexual, Transgender, and Questioning Youth and Families* 158 (Emily S. Fisher & Karen Komosa-Hawkins eds., 2013).

<sup>39</sup> See Carol Goodenow et al., *School Support Groups, Other School Factors, and the Safety of Sexual Minority Adolescents*, 43 Psych. Schs. 573, 580 (2006) (“Sexual minority youth in schools with such groups were less than half as likely as those in other schools to report dating violence, being threatened/injured at school, or skipping school due to fear . . . , and were less than one third as likely to report making multiple past-year suicide attempts . . . .”); Leah M. Lessard, *Bias-Based Bullying and School Adjustment Among Sexual and Gender Minority Adolescents: The Role of Gay-Straight Alliances*, 49 J. Youth & Adolescence 1094, 1102 (2020) (finding a significant reduction in bias-based bullying across many biases, including gender typicality- and sexuality-based bias, in schools with GSAs, as well as higher perceived school safety and decreased likelihood of student suspension); GLSEN, *supra* note 7, at 12.

LGBTQ+ individuals and topics out of sight, which can produce feelings of shame for LGBTQ+ students. *See supra* at 13 & n.24. Representation and direct instruction on LGBTQ+ identity can be curative in that it increases understanding of minority sexual and gender identities, bolsters resilience in LGBTQ+ students, and encourages useful dialogues about inclusion.<sup>40</sup>

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<sup>40</sup> Rachel D. Fine et al., *Transformative Tales: The Role of Story Videos on Children’s Reasoning About Transgender Identities*, Brit. J. Developmental Psych., 2024, at 14 (examining effect of a story directly and realistically depicting a transgender character on children of elementary age and finding “modest but consistent effects on several aspects of children’s reasoning about gender” by increasing understanding of transgender identities and reducing beliefs in gender immutability); Trent Mann et al., *Thriving Not Surviving: LGBTQ+ Students’, Staff, and Parents’ Experiences of Schools as Sites of Euphoria*, 21 Sexuality Rsch. & Soc. Pol’y 44, 53–54 (2024) (large-format survey citing consistent reports that inclusive curriculum “rais[ed] awareness, visibility, knowledge, perceptions of school climate, and encourag[ed] inclusive dialogue”); Shelley L. Craig et al., *Media: A Catalyst for Resilience in Lesbian, Gay, Bisexual, Transgender, and Queer Youth*, 12 J. LGBT Youth 254, 269–71 (2015) (qualitative study found that consuming media featuring LGBTQ+ representation “may buffer some of the effects of marginalization, such as isolation or victimization” and fosters resilience to those hardships); Lauren B. McInroy & Shelley L. Craig, *Perspectives of LGBTQ Emerging Adults on the Depiction and Impact of LGBTQ Media Representation*, 20 J. Youth Stud. 32, 38–39 (2017) (qualitative study found that emerging adults actively sought out LGBTQ characters in television and film to “figure out . . . what does a queer person look like and sound like,” especially during early identity exploration, and participants described these portrayals as legitimizing and “validating”); Sophia Fantus & Peter A. Newman, *Promoting a Positive School Climate for Sexual and Gender Minority Youth Through a Systems Approach: A Theory-*

In addition, researchers have discovered a strong relationship between student perceptions of how supportive teachers are and improved school climate.<sup>41</sup> When teachers read or assign stories like *Jacob's Room to Choose*, they signal to students that they are a resource for LGBTQ+ students in need.<sup>42</sup>

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*Informed Qualitative Study*, 91 Am. J. Orthopsychiatry 9, 13 (2020) (qualitative study examining school structures that produce minority stress addressed the role of heteronormative classroom materials and noted one participant's observation that "[w]hen homophobia and transphobia are not addressed in the formal curriculum, 'it's allowed to go on, then everyone in that room feels that somehow at some level society says it's okay to say the things that were just said'").

<sup>41</sup> Goodenow, *supra* note 39, at 580 ("Sexual minority adolescents who believed that there was a school staff member they could talk to about a problem were only about one third as likely as those without such perceived support to report being threatened or injured with a weapon at school . . . or making multiple past-year suicide attempts . . ."); Adrienne B. Dessel et al., *The Importance of Teacher Support: Differential Impacts by Gender and Sexuality*, 56 J. Adolescence 136, 141 (2017) (finding that "multiple vectors of teacher-student relationships—including teachers' use of biased language, public interventions in anti-LGBTQ bullying, students' access to a trusted adult at school, and comfort talking with teachers—were significant in predicting self-esteem"); Peter S. McCauley et al., *Support From School Personnel and In-School Resources Jointly Moderate the Association Between Identity-Based Harassment and Depressive Symptoms Among Sexual and Gender Diverse Youth*, 117 J. Educ. Psych. 445, 456–58 (2025) (examining teacher support and other in-school supports for LGBTQ+ students and finding that feeling cared for and supported by staff and teachers was a "key protective factor" against depressive symptoms).

<sup>42</sup> See Greytak & Kosciw, *supra* note 38, at 158.

The scientific evidence is clear that inclusive curricular programs are associated with substantial real-world benefits for LGBTQ+ students.

### **C. Inclusive Curricular Programs and Supportive School Climates Benefit All Students.**

The benefits of inclusive curricular programs extend beyond LGBTQ+ students. Inclusive curricula contribute to a more supportive and respectful school climate, which in turn is associated with increased feelings of safety for all students. They also challenge gender-based stereotypes that can cause harm to all students.

Researchers have consistently found that reducing bullying in a school environment can create a virtuous cycle in which students perceive their schools to have norms of non-violence and peer support, which is, in turn, linked to further reductions in bullying.<sup>43</sup> In

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<sup>43</sup> Nicholas A. Gage et al., *School Climate and Bullying Victimization: A Latent Class Growth Model Analysis*, 29 Sch. Psych. Q. 256, 257 (2014) (“[P]ositive school climates may decrease the likelihood of school-based bullying perpetration and improve positive peer interactions, lessening peer rejection and improving both academic achievement and social development.” (internal citations omitted)); Aseel Sahib et al., *The Curative Effect of Schools: A Longitudinal Study of the Impact of School Climate, School Identification, and Resilience on Adolescent Mental Health*, 40 Sch. Psych. 13, 20 (2025) (finding that “ill-health and well-being indicators were significantly predicted by school climate through first greater school identification and then greater resilience”); Silja Saarento et al., *Student-, Classroom-, and School-Level Risk Factors for Victimization*, 51 J. Sch. Psych. 421, 430–31 (2013) (analyzing predictors of bullying at the individual, classroom, and

addition, studies have found that greater student “[r]espect for [d]ifferences”—including identity-based differences such as race—is associated with reductions in bullying overall.<sup>44</sup> These findings suggest that inclusive instruction can play a key role in improving school climate and protecting all students from fear of harm.

Inclusive curricula can also help dispel limiting stereotypes that harm students’ academic and mental health. Gender-based assumptions—such as the belief that girls are less capable in math or that boys should suppress emotional expression—have been linked to poorer academic performance and mental health outcomes.<sup>45</sup> Exposure to counternarratives can mitigate

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school levels and determining that “victimization was more common in classrooms and schools where teachers were perceived to be less disapproving of bullying,” such as where teachers “fail[ed] to explicitly express clear disapproval of bullying”).

<sup>44</sup> Gage, *supra* note 43, at 264 (concluding that the data “suggest[ed] that students in schools that respect cultural diversity are more likely to report feeling safer in school”); *see also* Dessel, *supra* note 41, at 141 (finding that teachers’ use of unbiased language and interventions in anti-LGBTQ bullying promoted self-esteem in students of all sexual orientations and gender identities).

<sup>45</sup> Junlin Yu et al., *Which Boys and Which Girls Are Falling Behind? Linking Adolescents’ Gender Role Profiles to Motivation, Engagement, and Achievement*, 50 J. Youth & Adolescence 336, 346–47 (2021) (concluding that boys and girls who resisted gender norms—including boys who resisted “emotional stoicism”—were more academically successful); Sian L. Beilock et al., *Female Teachers’ Math Anxiety Affects Girls’ Math Achievement*, 107 Proc. Nat’l Acad. Sci. 1860, 1862 (2010) (finding girls who expressed belief that boys are better at math performed worse in math); Adam A. Rogers et al., *Traditional Masculinity During the Middle School*

these effects. For example, girls whose mothers strongly reject the stereotype that girls are bad at math perform better on math assessments.<sup>46</sup> Programs like Pride Storybooks may contribute to a more affirming and flexible learning environment for all students by challenging norms associated with negative outcomes.

The evidence thus shows that students as a whole benefit from inclusive curricula. Yet in its brief, the Maryland Family Institute erroneously invokes the APA's report regarding the sexualization of young girls as evidence that the Pride Storybooks program would undermine the benefits of an inclusive educational environment for all students. See Maryland Family Institute Br. 8–9 (“For girls, in particular—according to the landmark American Psychological Association study—early sexualization may provoke lower levels of self-esteem, and a greater risk of depression.” (citing American Psychological Ass’n, *Report of the APA Task Force on the Sexualization of Girls* (2007), <http://www.apa.org/pi/women/programs/girls/report-full.pdf>.) (“*Task Force on Sexualization of Girls*”). This research is improperly invoked: it explicitly defines sexualization as excluding “age-appropriate exposure to

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*Transition: Associations with Depressive Symptoms and Academic Engagement*, 46 J. Youth & Adolescence 709, 713, 719 (2017) (finding that middle schoolers’ adherence to norms of traditional masculinity, including emotional stoicism, predicted increased symptoms of depression and reduced academic engagement for both boys and girls).

<sup>46</sup> Carlo Tomasetto et al., *Girls’ Math Performance Under Stereotype Threat: The Moderating Role of Mothers’ Gender Stereotypes*, 47 Developmental Psych. 943, 947 (2011).

information about sexuality” and does not identify school curricula as a source of harm. *Task Force on Sexualization of Girls* at 1.

Not only is the Maryland Family Institute’s conflation of instructional material acknowledging LGBTQ+ identities with sexualizing content incorrect, it is an example of substituting an age-appropriateness objection for broader discomfort with LGBTQ+ issues. One study examining this phenomenon found that there was a link between a parent’s belief that avoiding all discussion of LGBTQ+ identities is beneficial to society and their belief that children must be older before exposing them to information about LGBTQ+ identities.<sup>47</sup> As the authors of that study noted based on their review of the literature, “beliefs about which gender identities and sexual orientations are appropriate for discussion tend to be inequitable as conversations imbuing heteronormativity and heterosexuality permeate classrooms and everyday dialogue.”<sup>48</sup> The Maryland Family Institute’s view, then, is associated with a broader desire to keep LGBTQ+ topics out of all discourse, despite the common references to heterosexual identities in school.<sup>49</sup>

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<sup>47</sup> Kimberly E. Chaney et al., *Predictors and Implications of Parents’ Beliefs About the Age Appropriateness of LGBTQ+ Topics for Children*, 15 Soc. Psych. & Personality Sci. 863, 865, 868–871 (2024).

<sup>48</sup> *Id.* at 864 (emphasis omitted).

<sup>49</sup> Indeed, although it is not directly at issue in this case, the content of *Jacob’s Room to Choose* rebuts the notion that it or material like it thrusts sexuality on children at too early an age. The book tells the story of two young children who are “are chased out of the

## II. Allowing Students to Opt-Out May Detract from the Benefits of Inclusive Instruction.

A policy allowing students to opt-out of lessons acknowledging LGBTQ+ identities could undermine the positive effects of an inclusive curriculum. While inclusivity can help reduce the stigma associated with negative health outcomes among LGBTQ+ youth, its impact depends on how broadly and consistently it is implemented. That is so because of the need to reach as many students as possible, including those students more prone to targeting LGBTQ+ students for harassment. It is also so because of the stigmatic message inherent in allowing opt-outs, which, as discussed *supra*, contributes to stress on minority groups.

First, an inclusive curricular program that is broadly integrated across a school's offerings yields the most significant benefits for school climate, particularly for LGBTQ+ students. One study found that "the overall school climate is improved" only when "inclusive and supportive curricula reach a critical mass within a school."<sup>50</sup> That same study concluded that "students feel safer and report less bullying when the overall school level of inclusive and supportive curricula is higher."<sup>51</sup> A

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bathrooms at school" because "other kids decide that they do not belong in those places based on their clothes." Hoffman & Hoffman, *supra* note 4. In the final act, their teacher discovers the problem, resulting in "an impromptu lesson on basic courtesy in bathrooms." *Id.*

<sup>50</sup> Snapp, *supra* note 11, at 590.

<sup>51</sup> *Id.*

key reason is simple: the more consistently these inclusive messages are embedded in instruction, the greater the likelihood they will reach students who might otherwise contribute to the harassment of LGBTQ+ youth. A similar limitation has been observed in the positive impact of GSAs, which—while beneficial—often reach only self-selected participants. As researchers note, this can mean that “notions of sexual diversity may not reach those most likely to perpetuate victimization.”<sup>52</sup> Opt-out policies introduce a comparable limitation: they can prevent inclusive messages from reaching such students, thereby weakening the overall impact on school climate.

In addition, the existence of an opt-out policy can itself contribute to increased stigma and diminished feelings of safety among LGBTQ+ students. Formalizing a system for opting-out of inclusive instruction may signal that LGBTQ+ identities are controversial or inappropriate—mirroring the effects of government-sanctioned discrimination. Research has found that such structural stigma is associated with higher rates of mood and anxiety disorders for LGB individuals, as well as other adverse mental health outcomes.<sup>53</sup> Similarly, a study focusing on transgender

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<sup>52</sup> Proulx, *supra* note 24, at 609.

<sup>53</sup> See Mark L. Hatzenbuehler et al., *State-Level Policies and Psychiatric Morbidity in Lesbian, Gay, and Bisexual Populations*, 99 Am. J. Pub. Health, 2275, 2278 (2009); see also Julia Raifman et al., *Difference-in-Differences Analysis of the Association Between State Same-Sex Marriage Policies and Adolescent Suicide Attempts*, 171 JAMA Pediatric 350 (2017) (comparing data from 32 states that implemented same-sex marriage policies by 2015 to that from 15 states that did not and finding that “[a]fter same-sex

individuals concluded that “living in states with discriminatory policies . . . was associated with a statistically significant increase in the number of psychiatric disorder diagnoses.”<sup>54</sup>

These studies indicate that institutional and governmental policies send messages to LGBTQ+ individuals about how safe and welcomed they are in any given environment, which in turn affects psychological well-being. Allowing other students to opt-out of inclusive instruction signals to LGBTQ+ students that content reflecting their identities is less legitimate—undermining their sense of belonging and safety at school. And students will likely associate that message with the teachers who send opt-out students out of the classroom, degrading the protection offered by a student’s belief that their teacher supports their identity without reservation. *See supra*, Section I.B. Programs like Pride Storybooks are associated with the best outcomes when they are universal.

Moreover, opt-out policies may be especially harmful to LGBTQ+ students who are themselves removed from inclusive instruction due to their parents’ religious beliefs. Research shows that individuals who are able to reconcile their religious and sexual identities tend to

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marriage laws were implemented, the proportion of high school students reporting suicide attempts in the past year decreased by 0.6 percentage points, equivalent to a 7% decline”).

<sup>54</sup> Judith Bradford et al., *Experiences of Transgender-Related Discrimination and Implications for Health: Results from the Virginia Transgender Health Initiative Study*, 103 Am. J. Pub. Health 1820, 1827 (2013).

experience fewer symptoms of psychological distress, including suicidal ideation, than those who perceive these identities to be in conflict.<sup>55</sup> For LGBTQ+ students from religious backgrounds, inclusive instruction may offer an affirming space where identity integration is possible. When these students are excluded from such lessons, they are denied access to narratives that could support both their spiritual and psychological well-being. Indeed, religiosity has been shown to be a protective factor—so long as it is not experienced as a source of internal conflict.<sup>56</sup>

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<sup>55</sup> Joel R. Anderson et al., *The Protective Role of Identity Integration Against Internalized Sexual Prejudice for Religious Gay Men*, 15 Psych. Religion & Spirituality 379, 383–84 (2023) (finding that “identity integration”—as measured by tool testing degree to which an individual is able to reconcile religious views with their sexual identity—is negatively associated with internalized prejudice, and noting prior studies finding same as to negative psychological health outcomes); Edward McCann et al., *An Exploration of the Relationship Between Spirituality, Religion and Mental Health Among Youth Who Identify as LGBTQ+: A Systematic Literature Review*, 59 J. Religion & Health 828, 838 (2020) (reviewing literature finding that for LGBTQ+ youth, “conflict between religion and sexuality is strongly associated with internalized homonegativity and poor mental health”); Michael A. Goodman, *Associations Between Religion and Suicidality for LGBTQ Individuals: A Systematic Review*, 46 Archive Psych. Religion 157, 162 (2024) (across multiple studies, individuals who reported difficulty reconciling their religious and LGBTQ+ identities experienced higher levels of suicidal ideation and attempts).

<sup>56</sup> McCann, *supra* note 55, at 837; Goodman, *supra* note 55, at 164–66 (cataloguing studies that identified religious affiliation, salience, and behaviors as protective factors against suicidality, particularly

Permitting inclusive curricula while allowing parents to remove their children from participation undercuts the benefits such instruction is designed to promote. Research shows that inclusive curricula contribute to stronger peer support, greater trust in educators, and a sense of belonging and safety among LGBTQ+ students. Opt-out policies risk weakening these outcomes—not only for LGBTQ+ students, but for the broader school community.

### CONCLUSION

For the foregoing reasons, *amici curiae* respectfully request that this Court affirm the decision below.

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when individuals reported a sense of belonging within their religious communities).