



Written by [James Murphy](#) on October 10, 2024

## Judge: School Erred by Not Allowing Parents to Opt Out of Transgender Lesson

A transgender activist teacher made a mistake when she taught children in her first-grade class a lesson about gender identity without informing parents or allowing them to remove their children from the class. In a class in the Mt. Lebanon School District in Pennsylvania, teacher Megan Williams, the mother of a transgender child, read aloud to her first-grade students books discussing transitioning and showed them a short film entitled *Jacob's New Dress*.



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Three mothers — Carmilla Tatel, Stacy Dunn, and Gretchen Melton — [sued](#) Williams and the school district, arguing that their constitutional rights as parents were violated by the school system and the teacher when they were not given the option of removing their children from the lesson.

### The Judge's Opinion

Judge Joy Flowers Conti of the U.S. District Court for the Western District of Pennsylvania agreed with the moms. Conti noted in her [opinion](#):

A teacher instructing first-graders and reading books to show that their parents' beliefs about their children's gender identity may be wrong directly repudiates parental authority. Williams' conduct struck at the heart of Plaintiffs' own families and their relationship with their own young children. The books read and Williams' instruction to her first-grade students taught that gender is determined by the child — not, in accordance with the Parents' beliefs, by God or biological reality.

Further, noted the judge, the teacher's

conduct showed intolerance and disrespect for the religious or moral beliefs and authority of the Parents. A reasonable jury could only find that conduct, without a compelling governmental interest being shown, in the elementary school violated the Parents' fundamental constitutional rights to control the upbringing of their young children.

[According to Conti](#), the school district completely approved of the lesson and dismissed the concerns of the mothers:

When the parents complained, the school district supported the teacher and allegedly



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adopted a policy (the “de facto policy”) that the teacher’s conduct could continue in the future without notice to the parents or the opportunity to opt their children out of that kind of agenda (despite providing broad parental notice and opt out rights for other topics).

Alliance Defending Freedom (ADF) assisted the mothers with the case. ADF’s Vincent Wagner said [in a statement](#):

The school district here failed to notify these parents about instruction their young elementary schoolers would receive on the sensitive topic of gender identity. Worse, it instructed these kids that their parents might be wrong about whether they were boys or girls — striking at the heart of parents’ role in forming their children’s identity. Parents’ fundamental, constitutional right to make decisions about how to raise their children includes the right to the information they need to make those decisions. Without notice and a real chance to opt their children out of instruction like this, parents can’t exercise their constitutional rights.

Opt-out provisions for elementary school lessons have become contentious. State actors (such as schools) increasingly feel that they know better than parents when and how children should be instructed on controversial topics such as transgenderism. Of course schools should be allowed some discretion on how core subjects like math and English might be taught. But topics involving sex and sexuality should be squarely in the parents’ purview. At least [Judge Conti thought so](#):

Plaintiffs are not trying to control each and every aspect of their children’s education — only noncurricular teaching to their young children about a sensitive topic. The Parents only seek relief related to their children and recognize other parents may choose not to opt their children out of instruction about sensitive topics, like transgender issues. In other words, the Parents seek only to have effective prior notice and the ability to opt their own young children out of that kind of instruction.

It is good news that one judge agrees that children shouldn’t be taught sex-related topics without their parents’ approval. However, it’s disturbing that a school system and a teacher have taken it upon themselves to make such a decision. How often are these types of lessons being taught in school districts without brave mothers challenging them?





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