IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ALAN L., on behalf of himself and his minor child, J.L., Plaintiff, vs. LEXINGTON PUBLIC SCHOOLS; LEXINGTON SCHOOL COMMITTEE; DR. JULIE HACKETT, in her individual and official capacity as Superintendent of the Lexington Public School District; DR. GERARDO J. MARTINEZ, in his individual and official capacity as Principal of Joseph Estabrook Elementary School and; ANDREA SO, in her individual and official capacity as Director of Elementary Education, Defendants.	)	Civil Action No.: 1:25-cv-13047-FDS

PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION

Plaintiff, Alan L., on behalf of himself and his minor child, J.L. (hereinafter "Plaintiff"), pursuant to Rule 65, Fed. R. Civ. P., and Local Rule 7.1, and on the grounds stated in the Attached Declaration, the supporting exhibits attached thereto, and the Memorandum of Law in Support of Plaintiff's Motion for Preliminary Injunction filed simultaneously herewith, moves the Court for an order of preliminary injunction enjoining Defendants and Defendants' officers, agents, servants, employees, and attorneys, and all persons in active concert or participation with them, from violating Plaintiffs' constitutional and statutory rights and require Defendants to:

1. Provide Plaintiff with notice and an opportunity to review copies of all planned classroom instruction, lessons, materials, assemblies, or other required activities at Joseph Estabrook Elementary School that will be assigned to J.L within 10 days of entry of the injunction.

In the event Defendants make any changes to classroom instruction, lessons, materials, assemblies or other curriculum, Defendants shall provide written notice to Plaintiff within a reasonable period of time to ensure that J.L. is properly opted-out of the curriculum.

2. Provide advance written notice to Plaintiff and an opportunity to opt out of any classroom instruction, lessons, materials, assemblies, or other required activities for J.L. that are reasonably understood to address, discuss, or depict in any manner matters relating to:

a. Sexual education;

b. LGBTQ relationships, lifestyles, or identities; or

c. Political or other ideologies promoting the LGBTQ Pride movement or Black Lives Matter (BLM).

3. Honor Plaintiff's written opt-out requests for J.L. to be excused from such classroom instruction, lessons, materials, assemblies, or other required activities.

4. Provide J.L. with an alternative activity during any class time that he is opted out of.

5. Refrain from retaliating against Plaintiff or J.L. in any manner for Plaintiff's exercise of his constitutional rights.

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WHEREFORE, Plaintiff respectfully requests the Court grant its Motion and issue a preliminary injunction pending a decision on the merits of Plaintiff's claims in this matter.

Dated: November 6, 2025

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CERTIFICATE OF CONFERRAL

Pursuant to Local Rule 7.1(a)(2), Plaintiff certifies that, by Counsel, he conferred in good faith with Counsel for the Defendants before filing this Motion for a Preliminary Injunction and the aforementioned Complaint, seeking to resolve the issues presented by this Motion. Such a resolution did not occur.

/s/Abigail Southerland
Abigail Southerland

REQUEST FOR ORAL ARGUMENT

Plaintiff requests that the Court grant oral argument on this motion because Plaintiff believes oral argument will aid the Court in determining the issues presented herein.

CERTIFICATE OF SERVICE

I, Abigail Southerland, hereby certify that on November 6, 2025, the foregoing document was filed electronically using the Court's CM/ECF system, which will send notification of this filing to all registered participants. Paper copies will be sent to those indicated as non-registered participants.

/s/ Abigail Southerland
Abigail Southerland

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PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION

Plaintiff, Alan L., on behalf of himself and his minor child, J.L. (hereinafter "Plaintiff"), pursuant to Rule 65, Fed. R. Civ. P., and Local Rule 7.1, by and through counsel, files this memorandum of law in support of Plaintiff's Motion for Preliminary Injunction.[1]

INTRODUCTION

This case is governed by the Supreme Court's recent landmark decision in *Mahmoud v. Taylor*, 145 S. Ct. 2332, 2337 (2025). In *Mahmoud*, the Court held that public schools substantially burden parents' free exercise of religion when they compel children to participate in instruction that "poses 'a very real threat of undermining' the religious beliefs and practices that parents wish to

[1] This Motion is based on Plaintiff's First, Second, and Third Claims in his Complaint, claims based on the Free Exercise and Due Process Clauses of the Constitution.

instill in their children." *Id.* at 2342 (quoting *Wisconsin v. Yoder*, 406 U.S. 205, 218 (1972)). The Court further held that when such a burden exists, schools must provide advance notice and honor opt-out requests. *Id.* In fact, the Court directly ruled that plaintiffs, under circumstances closely parallel to this one, are entitled to an injunction mandating that parents' right to opt out be protected:

> in light of the strong showing made by the parents here, and the lack of a compelling interest supporting the Board's policies, an injunction is both equitable and in the public interest. The petitioners should receive preliminary relief while this lawsuit proceeds. . . . Specifically, until all appellate review in this case is completed, the Board should be ordered to notify them in advance whenever one of the books in question or any other similar book is to be used in any way and to allow them to have their children excused from that instruction.

Id. at 2364. Plaintiff in this case seeks the identical relief awarded by the Supreme Court.

Like the parents in *Mahmoud*, Plaintiff is a person of faith who holds sincere religious beliefs about marriage, gender, and sexuality. Like the school board in *Mahmoud*, Defendants here introduced LGBTQ-themed materials into the elementary school curriculum, showed those materials to very young children, and refused to provide advance notice or honor Plaintiff's opt-out requests.

But Defendants in this case went further. While the school board in *Mahmoud* at least had a facially applicable no-opt-out policy, Defendants here created a Catch-22 designed to frustrate religious parents: they refused to provide curriculum materials in advance, yet demanded that parents submitting an opt-out identify specific objectionable lessons with particularity. Then, while Plaintiff was still waiting for the information he needed, Defendants knowingly and intentionally showed his five-year-old child the very content that conflicted directly with his religious faith and practices.

Under *Mahmoud*, this conduct is unconstitutional. The Court could not have been clearer: schools cannot force parents to choose between their religious faith and the benefits of public education. They cannot "strip away the critical right of parents to guide the religious development of their children." *Id.* at 2358. Yet, that is precisely what happened here. Plaintiff has demonstrated

every element necessary for a preliminary injunction under controlling Supreme Court precedent decided only a few short months ago. The need for immediate relief is acute. J.L. remains enrolled in Lexington Public Schools. More lessons are scheduled. Defendants have not changed their policies. Without a preliminary injunction, constitutional violations will continue.

FACTUAL BACKGROUND

Plaintiff is a practicing Christian whose faith shapes every aspect of his family life, including his children's moral and spiritual formation. Alan L. Decl. ¶¶ 3-5. His religious convictions include a biblical understanding of marriage as the union of one man and one woman, of two genders as divinely ordained, and of his duty as a parent to instruct his children in these truths. *Id.* ¶¶ 5-6, 8, 10. Before the 2025-2026 school year began, Plaintiff contacted school officials to express his concerns about content in the Health and Diversity, Equity, and Inclusion ("DEI") curricula. *Id.* ¶¶ 26-27. He requested his child's schedule, the course syllabi, and specifically an opt-out from health class and any DEI curriculum. *Id.* ¶¶ 20-27. He emphasized that "as a parent, I am heavily interested in what is being taught to my child and the only way I can be sure is for me to go through everything myself." *Id.* ¶ 27 Ex. A.

The teacher responded with links to generic curriculum overviews that lacked detail about specific lessons. *Id.* ¶ 23. Three days later, on August 28, Defendant Andrea So—the Director of Elementary Education—denied Plaintiff's opt-out requests. *Id.* ¶ 40. She stated that requests "may be denied or returned for clarification if [they do] not clearly identify the specific *required* curriculum or instructional material at issue." *Id.* ¶ 40 Ex. C. She characterized Plaintiff's requests as "overly broad" and requiring "further clarification." *Id.* This response created an impossible burden: Defendants refused to provide the information Plaintiff needed, yet faulted him for not

identifying specific lessons that he could not find or access. *See Id.* Plaintiff could not comply with Defendants demand because only they possessed the information necessary for compliance.

On August 30, Plaintiff submitted another written opt-out request, this time specifying that he sought to excuse his child from "lessons, events, school assemblies or other instructional activities and programs which cover issues of sexual orientation or gender identity." *Id.* ¶ 46, *see also Id.* Ex. D. On September 5, Defendant So again rejected the request, demanding that Plaintiff "re-submit [his] opt-out request with more information regarding a specific lesson." *Id.* ¶ 48 Ex. E. But Defendants still had not provided the specific lesson information Plaintiff needed to identify objectionable content. On September 10, Plaintiff's counsel sent a detailed letter further clarifying Plaintiff's beliefs and opt-out requests. *Id.* ¶ 48 Ex. F. Defendants did not respond.

On September 16—six days after counsel's letter, 17 days after Plaintiff's formal opt-out request, and 22 days after his initial request to review "everything" his child would be taught—Defendants showed J.L. a video depicting same-sex couples with children. *Id.* ¶ 57. The video was a read-aloud of "Families, Families, Families" by Suzanne Lang, which shows "two roosters in neckties holding each other and their chicks" with the text "some children have two dads," and "two female koalas with their babies" with the text "some children have two mothers." *Id.* ¶ 58 Ex. G. The book concludes: "whatever it might be, if you love each other, then you are a family." *Id.* As Defendants knew at the time this video was shown to Plaintiff's son, this teaching directly contradicted Plaintiff's closely held religious beliefs. Plaintiff learned of the violation only after reviewing curriculum materials belatedly provided a week later. *Id.* ¶ 60. Upon information and belief, Defendants also showed J.L. another book, "All Are Welcome," which contains illustrations of same-sex couples, including a pregnant lesbian mother, that violated Plaintiff's opt-out request. *Id.* ¶ 72. Only on September 19—nearly a month after Plaintiff's initial request—did Defendant

provide *some* of the information requested by Plaintiff which included links to the Health curriculum. *Id.* ¶ 63 Ex. H. Even then, the links to Units 2 and 3 ("Families are Special" and "We're All Different and Special") were inaccessible. *Id.* ¶ 64. When Plaintiff finally gained access days later, he discovered that J.L. had already been shown the objectionable content. *Id.* ¶ 65.

J.L. remains enrolled in Lexington Public Schools. *Id.* ¶ 84. Additional Social Studies lessons and other potentially objectionable content are scheduled for the remainder of the school year. *Id.* ¶ 85. Defendants have not changed their policies or committed to honoring future opt-out requests. *Id.* ¶ 86. They continue to place the burden on Plaintiff to identify specific lessons without providing the information necessary for him to do so. *Id.* ¶¶ 85-86. And Defendants have represented that the curriculum is subject to change throughout the year; which means Plaintiff has no guarantee that other content that violates his religious beliefs will not be shown to J.L. *Id.* ¶ 85. The threat of further constitutional violations is real and imminent.

ARGUMENT

"A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits; that he is likely to suffer irreparable harm in the absence of preliminary relief; that the balance of equities tips in his favor; and that an injunction is in the public interest." *Winter v. Natural Resources Defense Council*, 555 U.S. 7, 20 (2008). This case involves the deprivation of fundamental constitutional rights—free exercise of religion and parental autonomy—for which the law presumes irreparable harm: when it comes to the First Amendment, the overall burden is on the Government to justify its infringement of constitutional rights. *United States v. Playboy Entm't Group, Inc.*, 529 U.S. 803, 816 (2000) ("When the Government restricts speech, the Government bears the burden of proving the constitutionality of its actions.") (citations omitted). Defendants bear the burden of demonstrating that their restriction on speech is constitutional. *See Ashcroft v.*

Am. Civil Liberties Union, 542 U.S. 656, 665–66 (2004). Defendants here cannot satisfy this heavy burden.

I. Plaintiff Is Likely to Succeed on the Merits.

Plaintiff brings claims under the Free Exercise Clause and the Due Process Clause. Those claims are directly resolved by the application of the Supreme Court's analysis in *Mahmoud.* "In the First Amendment context, the likelihood of success on the merits is the linchpin of the preliminary injunction analysis." *Sindicato Puertorriqueño de Trabajadores v. Fortuño*, 699 F.3d 1, 10 (1st Cir 2012); *see also Corp. Techs., Inc. v. Harnett*, 731 F.3d 6, 9-10 (1st Cir. 2013).

A. Plaintiff is Likely to Succeed on His Free Exercise Claim.

In *Mahmoud v. Taylor*, the Supreme Court definitively resolved the question presented here. Public schools substantially burden parents' free exercise of religion when they compel children to participate in instruction that "poses 'a very real threat of undermining' the religious beliefs and practices that parents wish to instill in their children." 145 S. Ct. at 2342 (quoting *Yoder*, 406 U.S. at 218). When such a burden exists, strict scrutiny applies, and schools must provide advance notice and honor religious opt-out requests.

In other words, the Free Exercise Clause analysis is straightforward and in two parts. Under *Mahmoud v. Taylor*, Plaintiff can and must first demonstrate that Defendants substantially burdened his religious exercise, which triggers strict scrutiny review. Then, Defendants must prove that their actions satisfy strict scrutiny's demanding requirements. They cannot do so here.

1. Defendants Have Substantially Burdened Plaintiff's Religious Exercise.

This case is *Mahmoud* applied. Here, just as there, the Defendants' "introduction of the 'LGBTQ+-inclusive' storybooks, combined with its no-opt-out policy, burdens the parents' right to the free exercise of religion." *Id.* at 2360. Strict scrutiny is mandated because the Defendants

have interfered with the Plaintiff's right to direct his children's religious upbringing. Strict scrutiny applies to laws that restrict the "right of parents . . . to direct the [religious] education of their children." *Employment Division v. Smith*, 494 U.S. 872, 881 (1990) (citing *Yoder*, 406 U.S. 205). The Supreme Court has long recognized this right. *See, e.g., Pierce v. Soc'y of Sisters*, 268 U.S. 510, 534-35 (1925). It is rooted in "[t]he history and culture of Western civilization," which "reflect a strong tradition of parental concern for the nurture and upbringing of their children." *Yoder*, 406 U.S. at 232; *see also Espinoza v. Mont. Dep't of Revenue*, 140 S. Ct. 2246, 2261 (2020). Under the Free Exercise Clause, this parental right is "now established beyond debate as an enduring American tradition." *Yoder*, 406 U.S. at 214, 232.

In *Yoder*, the Court invoked this right to protect Amish parents opting their children out of high school entirely. 406 U.S. at 214, 232. The Court emphasized that the rights of parents to direct "the religious upbringing and education of their children in their early and formative years have a high place in our society." *Id.* at 213-14. And because "exposing Amish children to worldly influences" at school could "substantially interfer[e]" with their religious development "at the crucial adolescent stage," the Court applied strict scrutiny. *Id.* at 218.

Mahmoud held that strict scrutiny applies whenever government action "substantially interferes with the religious development" of a child. *Mahmoud*, 145 S. Ct. at 2353. The law mandates this review: "it is sufficient to note that the burden imposed here is of the exact same character as that in *Yoder*. That is enough to conclude that here, as in *Yoder*, strict scrutiny is appropriate regardless of whether the policy is neutral and generally applicable." *Id.* at 2361 n. 14. The same principle is true here: Defendants' actions substantially interfere with J.L.'s religious development, triggering strict scrutiny under *Mahmoud*. The state's interest in compulsory education does not permit it to override parental religious authority over moral formation. A burden

exists when government action "substantially interferes with the religious development" of a child. *Mahmoud*, 145 S. Ct. at 2353. The Court in *Mahmoud* emphasized that such requirements imposed a substantial burden because they were "unmistakably normative" and presented "certain values and beliefs as things to be celebrated, and certain contrary values and beliefs as things to be rejected." *Id.* The books did not merely expose children to the existence of diverse families—they conveyed a moral message about which family structures are valid and worthy of celebration. *Id.*

The Supreme Court has regularly emphasized the particular susceptibility of and risk to school children in the presence of mandatory public education. *Edwards v. Aguillard*, 482 U.S. 578, 583-84 (1987). "[T]here are heightened concerns with protecting freedom of conscience from subtle coercive pressure in the elementary and secondary public schools." *Lee v. Weisman*, 505 U.S. 577, 592 (1992). This heightened concern reflects this Court's common-sense recognition that "[s]tudents in such institutions are impressionable and their attendance is involuntary." *Edwards*, 482 U.S. at 584. The Court emphasized as crucial to any analysis of the government's "coercive power" the authority of the state to mandate attendance and "the students' emulation of teachers as role models and the children's susceptibility to peer pressure." *Id.*

Mahmoud is indistinguishable from the present case. Like the parents in *Mahmoud*, Plaintiff's sincerely held Christian belief is that marriage is ordained by God as the union of one man and one woman, and that children should be raised in accordance with biblical teachings about family. These beliefs directly conflict with curriculum materials that normalize same-sex relationships and gender identity concepts. Plaintiff's sincerely held religious belief is also that that God created all people in His image and that children should be taught to judge others by the content of their character and individual choices rather than the color of their skin. He believes that as the father of J.L., it is his role to instill good, moral, and Christian values in J.L. and to

shape J.L.'s concept of the world and of different identities. Plaintiff's religious objections are precisely the type *Mahmoud* protects. The Supreme Court noted that parents from "diverse religious backgrounds"—including Muslim, Catholic, and Ukrainian Orthodox families—all asserted similar objections to LGBTQ-themed materials based on their faith traditions. *Mahmoud*, 145 S. Ct. at 2342. Plaintiff's Christian beliefs fit comfortably within this framework.

Age only strengthens the case. J.L. is five years old—a kindergartner. *Mahmoud* emphasized that "[e]ducational requirements targeted toward very young children, for example, may be analyzed differently from educational requirements for high school students" because they are more susceptible to moral messaging and less able to critically evaluate competing viewpoints. *Id.* at 2353. J.L. falls squarely within this protected group. At age five, a child such as J.L. cannot compartmentalize conflicting messages from parents and teachers. He cannot engage in critical analysis of moral claims. He absorbs what trusted authority figures tell him as truth. When the school tells him that "whatever it might be, if you love each other, then you are a family," he has no framework to reconcile that with his parents' religious teaching that God designed marriage as the union of one man and one woman. This is precisely the vulnerability *Mahmoud* recognized. Exposure at a formative age "substantially interferes with the religious development" of the child and "imposes the kind of burden on religious exercise that Yoder found unacceptable." *Id.* at 2353.

The materials shown to J.L. were not presented neutrally. Like the books in *Mahmoud*, they conveyed unmistakably normative messages. Consider the "Families, Families, Families" video. It depicts same-sex couples and states affirmatively that "some children have two dads" and "some children have two mothers." Alan L. Decl. ¶ 58 Ex. G. The video concludes with the moral claim: "whatever it might be, if you love each other, then you are a family." *Id.* This is not neutral exposition. It is moral instruction. The message directly contradicts Plaintiff's religious conviction

that marriage and family have a divinely ordained structure. "Like many books targeted at young children, the books are unmistakably normative. They are clearly designed to present certain values and beliefs as things to be celebrated and certain contrary values and beliefs as things to be rejected." *Mahmoud*, 145 S. Ct. at 2353. They are celebratory depictions designed to normalize and affirm same-sex relationships as morally equivalent to traditional marriage.

In *Mahmoud*, the Supreme Court found similar materials substantially burdensome. Justice Alito's majority opinion noted that one book featured a character who initially expressed reservations about same-sex marriage, only to be corrected by her mother—a narrative structure designed to teach children that opposition to same-sex marriage is wrong. *Id.* at 2353-54. The Court concluded that such materials "convey a particular viewpoint about same-sex marriage and gender. That goes far beyond mere 'exposure.'" *Id.* at. 2356. The materials here are indistinguishable and convey the particular viewpoint that all family structures are equally valid and should be celebrated—a viewpoint Plaintiff's faith rejects.

If anything, this case presents a stronger claim of substantial burden than *Mahmoud* because Defendants not only showed objectionable content but actively prevented Plaintiff from exercising his opt-out rights. In *Mahmoud,* the school board adopted a clear no-opt-out policy. Parents knew where they stood. Here, Defendants created something worse: a procedural maze designed to frustrate religious objections. They demanded specific identification of objectionable lessons while refusing to provide the curriculum information necessary to make such identifications. They ignored statutory deadlines for public records requests. And then, while Plaintiff was still seeking information, they showed his child the objectionable content. This procedural obstruction is itself a substantial burden on religious exercise, making it functionally impossible for Plaintiff to opt out before his child was exposed to objectionable content.

Even if this Court were to analyze Defendants' actions under *Employment Division v. Smith*'s framework—and *Mahmoud* makes clear such analysis is unnecessary here—Defendants' policies fail the general applicability requirement. "A law is not generally applicable if it 'invite[s] the government to consider the particular reasons for a person's conduct by providing a mechanism for individualized exemptions.'" *Fulton v. City of Philadelphia*, 593 U.S. 522, 533 (2021) (citation omitted). Massachusetts law requires schools to allow parents to opt their children out of certain sex education content. M.G.L. c. 71, § 32A. Defendants must regularly provide notice and an opportunity to opt other students out of content that their parents find objectionable, including these sex education materials. In *Mahmoud*, the school board continued "to permit opt outs in a variety of other circumstances, including for 'noncurricular' activities" and "g[oes] to great lengths to provide independent, parallel programming for many other students[.]" *Mahmoud*, 145 S. Ct. at 2362. The Court held that this "conduct undermines [the board's] assertion that its no-opt-out policy is necessary." *Id.* The same principle applies here. If Defendants can provide opt-outs for sex education, English language learners, and students with individualized education programs, they can provide opt-outs for religious objections. *Mahmoud* and *Fulton* render the conclusion inescapable; Defendants' conduct is subject to strict scrutiny.

2. Defendants Cannot Satisfy Strict Scrutiny

To survive strict scrutiny, the government must demonstrate that its policy "advances 'interests of the highest order' and is narrowly tailored to achieve those interests." *Fulton v. Philadelphia*, 593 U.S. 522, 541 (2021) (quoting *Church of Lukumi Babalu Aye, Inc. v. Hialeah*, 508 U.S. 520, 546 (1993)). The Defendants here cannot justify the burden they have imposed on Plaintiff's free exercise rights.

Start with the compelling interest requirement. Defendants may claim an interest in teaching tolerance or preventing discrimination. But whatever interest the state has in promoting such values, it does not extend to overriding parental religious convictions about marriage and sexuality, especially for a five-year-old child. While the state has authority to ensure children receive a basic education, it does not have authority to standardize their moral views or indoctrinate them in values contrary to their parents' faith. *See Yoder*, 406 U.S. at 233 (rejecting the notion that the state may "standardize its children").

Even if Defendants could identify a compelling interest, their actions are not narrowly tailored. Narrow tailoring requires the government to prove "that it lacks other means of achieving its desired goal without imposing a substantial burden on the exercise of religion by the objecting parties." *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682, 728 (2014). In *Mahmoud*, the Court emphasized that "the Board's conduct undermines its assertion that its no-opt-out policy is necessary to serve that interest." *Mahmoud*, 145 S. Ct. at 2362. The Respondent continued "to permit opt outs in a variety of other circumstances." *Id.* Under Massachusetts law, opt outs are available to students in a variety of circumstances. For example, 71 M.G.L., § 32A requires that parents have the right "to exempt their children from any portion" of any "curriculum which primarily involves human sexual education or human sexuality issues." In *Mahmoud*, Maryland had a similar law: Code of Md. Regs., tit. 13a, §04.18.01(D). The school has a robust system of "independent, parallel programming for many other students," with many individualized education programs ("IEPs"), such as the program J.L. himself utilizes. *See* Alan L. Decl. ¶ 38. The school, in short, provides many opt outs. Because of these available exceptions, the Supreme Court emphasized that the "robust 'system of exceptions' undermines the Board's contention that the

provision of opt outs to religious parents would be infeasible or unworkable." *Mahmoud*, 145 S. Ct. at 2362.

Multiple less restrictive alternatives were available and obvious: First, Defendants could have provided advance notice and honored opt-out requests. This is the remedy *Mahmoud* prescribed. Defendants already, as mandated by law, allow other students to opt out for other reasons. Adding religiously inclusive content to that list requires no additional infrastructure. Second, Defendants could have, at a minimum, disclosed curriculum materials promptly upon request. Plaintiff asked repeatedly, beginning in August. Defendants could have provided comprehensive information immediately instead of creating delay, withholding key units, and ignoring statutory deadlines. Plaintiff should not have been required to make official public record requests in order to review his child's own curriculum. Even then, if Defendants had fulfilled his public records request on time, he could have identified objectionable content and exercised his opt-out rights before any violation occurred. Third, Defendants could have provided alternative instruction. Schools routinely provide alternative assignments. Providing alternative lessons during opted-out periods would impose minimal burden.

The Defendants cannot escape liability by relying on how difficult they have made it to identify objectionable curriculum. "The Board cannot escape its obligation to honor parents' free exercise rights by deliberately designing its curriculum to make parental opt outs more cumbersome." *Mahmoud*, 145 S. Ct. at 2362. If Defendants had fulfilled Plaintiff's repeated requests for detailed curriculum information, he could have identified objectionable content and exercised his opt-out rights before any violation. Defendants chose none of these alternatives. Instead, they created administrative barriers, withheld information, and proceeded with instruction they knew would violate Plaintiff's religious beliefs. This is the opposite of narrow tailoring.

Because Defendants' actions substantially burden Plaintiff's religious exercise and cannot survive strict scrutiny, Plaintiff is likely to succeed on his Free Exercise claim. The imposition of such a curriculum "places an unconstitutional burden on the parents' religious exercise if it is imposed with no opportunity for opt outs." *Id.*

B. Plaintiff Is Likely to Succeed on His Substantive Due Process Claim

The Due Process Clause in the Fourteenth Amendment protects the fundamental right of parents to direct the upbringing and education of their children. For over a century, the Supreme Court has repeatedly upheld this right. In *Meyer v. Nebraska*, the Court held that the liberty protected by the Fourteenth Amendment includes "the right of parents" to control the education of their own children. 262 U.S. 390, 400 (1923). Two years later, in *Pierce,* the Court struck down a law requiring attendance at public schools, holding that "the child is not the mere creature of the State" and that "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. at 535.

In 2000, in *Troxel v. Granville*, the Supreme Court again affirmed that "the interest of parents in the care, custody, and control of their children—is perhaps the oldest of the fundamental liberty interests recognized by this Court." 530 U.S. 57, 65 (2000). Justice O'Connor's plurality opinion emphasized that this right encompasses parents' "fundamental right to make decisions concerning the care, custody, and control of their children." *Id.* at 66. The right at issue here is not merely the right to make educational decisions in a general sense. It is the right to direct the *moral and religious* formation of one's child—a right that lies at the very core of parental liberty and is likewise protected by the First Amendment. In *Yoder*, the Court emphasized that "the values of parental direction of the religious upbringing and education of their children in their early and formative years have a high place in our society." 406 U.S. at 213. If parents have a constitutional

right to withdraw their children from public school entirely based on religious objections to the curriculum, they certainly possess the right to opt their children out of specific lessons that conflict with their faith while keeping them enrolled.

Defendants have infringed Plaintiff's fundamental parental rights in two ways. First, as discussed above they compelled his five-year-old child to receive moral instruction contrary to the family's religious beliefs. The state has no authority to override parental moral instruction in this way. "The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the State to standardize its children by forcing them to accept instruction from public teachers only." *Pierce*, 268 U.S. at 535. Defendants substituted the state's moral judgment—that all forms of family are equally valid—for Plaintiff's religious conviction about marriage between one man and one woman.

Second, Defendants blocked Plaintiff's ability to exercise his parental rights by withholding curriculum materials and creating administrative obstacles. By refusing to provide advance notice or curriculum access, Defendants made it impossible for Plaintiff to make informed decisions about his child's education. This procedural obstruction itself is a substantive violation of parental rights.

Because Defendants have infringed a fundamental right, their actions must survive strict scrutiny. *See Smith*, 494 U.S. at 881. For the reasons explained above in Plaintiff's Free Exercise claim, Defendants cannot meet this exacting standard. The state has no compelling interest in forcing a five-year-old to receive moral instruction contrary to his parents' religious convictions. And Defendants' actions were not narrowly tailored. Numerous less restrictive alternatives were available—providing notice, honoring opt-out requests, offering alternative instruction—yet Defendants chose none of them. Plaintiff is likely to succeed on his substantive due process claim.

C. Plaintiff Is Likely to Succeed on His Procedural Due Process Claim

Even if Defendants could identify a compelling reason for exposing J.L. to this curriculum—and they cannot—they violated Plaintiff's rights by denying him adequate procedural protections before doing so. As explained above, Plaintiff possesses a fundamental liberty interest in directing his child's upbringing and education. *Troxel*, 530 U.S. at 65. The interest at stake is profound. This is not a case about grades, discipline, or academic placement. It concerns Plaintiff's fundamental right to direct the moral and religious formation of his young child. That interest is "perhaps the oldest of the fundamental liberty interests recognized by this Court." *Id.*

"The fundamental requirement of due process is the opportunity to be heard 'at a meaningful time and in a meaningful manner.'" *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) (quoting *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965)). Before the government deprives someone of a protected liberty interest, it must provide notice and an opportunity to be heard. *Id.* Defendants provided neither. Despite Plaintiff's repeated requests beginning in August 2025, Defendants refused to disclose the specific curriculum materials his child would encounter. When Plaintiff submitted a formal public records request on August 29, Defendants ignored the statutory deadline. When they finally provided partial curriculum access on September 19, they withheld the very units most likely to contain objectionable content. Meanwhile, on September 16—while Plaintiff was still waiting for information—Defendants showed J.L. the "Families, Families, Families" video. Plaintiff received no advance notice. He had no opportunity to object before his child was exposed to the content. He learned of the violation only after the fact, when it was too late to protect his son from the instruction he had explicitly sought to avoid.

This sequence of events violated the most basic requirements of procedural due process. The Supreme Court has held that due process requires "notice reasonably calculated, under all the

circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections." *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950). Defendants provided no such notice. Without advance notice or curriculum access, Plaintiff had no way to identify objectionable content before his child was exposed to it. The violation here was not erroneous—it was inevitable. Defendants created a system that was seemingly designed to frustrate parental oversight. Additional safeguards—notice, curriculum disclosure, and a reasonable opportunity to opt out—would have prevented this deprivation entirely.

The government's interest does not justify inadequate procedures, and the burden of additional safeguards is minimal. Massachusetts law already requires notice and opt-out rights for certain sex education content. M.G.L. c. 71, § 32A. Extending similar protections to other sensitive content would impose no significant burden on the school's operations. The procedures Defendants employed were constitutionally inadequate. Plaintiff is therefore likely to succeed on his procedural due process claim.

II. The Relief Plaintiff Seeks Tracks Mahmoud's Remedy

This Court need not craft novel remedies or balance competing interests in a vacuum. *Mahmoud* provides a clear blueprint. After finding that the school board's policies substantially burdened parents' free exercise rights, the Supreme Court ordered specific injunctive relief: "the Board should be ordered to notify [parents] in advance whenever one of the books in question or any other similar book is to be used in any way and to allow them to have their children excused from that instruction." *Mahmoud*, 145 S. Ct. at 2364. The injunction Plaintiff seeks here mirrors this remedy: (1) advance notice of any LGBTQ-themed curriculum materials addressing sexual orientation, gender identity, or family structures; and (2) the right to opt J.L. out of such instruction

based on Plaintiff's religious objections. These requirements are neither novel nor burdensome—they are the accommodations the Supreme Court held the Constitution requires just months ago. *Mahmoud* emphasized that such relief is "both equitable and in the public interest" because it protects parents' constitutional rights while allowing schools to teach their curriculum to willing students. *Id.* The injunction simply requires that they notify Plaintiff in advance and honor his religious opt-out requests. The same constitutional violations *Mahmoud* condemned will continue absent immediate injunctive relief. This Court should apply the remedy the Supreme Court prescribed.

III. The Plaintiff Will Suffer Irreparable Harm Absent Relief

The Plaintiff will suffer immediate and irreparable harm if the Court does not prohibit Defendants from enforcing their discriminatory policy. *Mahmoud* itself establishes that the harm Plaintiff faces is irreparable. After finding that the school board's policies violated parents' free exercise rights, the Court held that "an injunction is both equitable and in the public interest" and ordered immediate preliminary relief. *Mahmoud*, 145 S. Ct. at 2364. If the harm was irreparable in *Mahmoud,* it is certainly irreparable here, where J.L. has already been exposed to objectionable content and faces ongoing exposure to additional materials.

"'Irreparable injury' in the preliminary injunction context means an injury that cannot adequately be compensated for either by a later-issued permanent injunction, after a full adjudication on the merits, or by a later-issued damages remedy." *Rio Grande Cmty. Health Ctr., Inc. v. Rullan*, 397 F.3d 56, 76 (1st Cir. 2005). The First Circuit has affirmed that where, as here, the Plaintiff has made "a strong showing of likelihood of success on the merits of [his] First Amendment claim, it follows that the irreparable injury component of the preliminary injunction analysis is satisfied as well." *Sindicato Puertorriqueno de Trabajadores v. Fortuno*, 699 F.3d 1, 15

(1st Cir. 2012). Irreparable harm is easily satisfied in cases where a plaintiff would otherwise be prevented from exercising his constitutional right to free speech. "The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." *Elrod v. Burns*, 427 U.S. 347, 373 (1976).

Plaintiff faces three forms of irreparable harm. J.L. remains enrolled in Lexington Public Schools and will continue to be exposed to curriculum that violates Plaintiff's religious beliefs. Additional Social Studies lessons and other potentially objectionable content are scheduled for the remainder of the year. Defendants have not changed their policies or committed to honoring future opt-out requests. Without an injunction, the constitutional violations will continue.

Second, the harm already suffered cannot be undone. J.L. has been exposed to moral instruction contrary to his family's faith. That exposure has created confusion and required Plaintiff to engage in "damage control"—explaining to his five-year-old why the school's teaching conflicts with the family's beliefs. The child's innocence on these subjects has been compromised. This psychological and spiritual harm cannot be remedied by money damages after the fact.

Third, Plaintiff faces ongoing anxiety and loss of trust. He now feels he is in an adversarial relationship with the school and will need to work to convince his child that his family's religious beliefs, and not the school's values, are correct. This burden on the parent-child relationship and the family's religious life constitutes irreparable harm. Plaintiff should not have to choose between enrolling his child in public school and protecting his religious upbringing.

IV. The Balance of the Equities Favors Preliminary Injunctive Relief

The balancing of the equities overwhelmingly favors the Plaintiff. On one side of the scale is a parent's fundamental right to direct his child's religious upbringing—a right the Supreme Court

has protected for nearly a century. On the other side is the school's interest in teaching its curriculum without accommodating religious objections.

Defendants cannot claim an interest in continued enforcement of an unconstitutional practice, a policy that discriminates against religion. *See ACLU v. Ashcroft*, 322 F.3d 240, 251 n.11 (3d Cir. 2003). In the absence of a compelling state interest in regulating the plaintiff's speech, the public interest strongly favors the preservation of the plaintiff's constitutional free speech and associational rights. Schools across Massachusetts already provide notice and opt-out rights for sex education. Extending similar protections to other sensitive content that offends religious rights would require minimal additional effort and ensure that families with religious objections are not forced to participate.

V. The Injunction Is in the Public Interest.

Finally, the public interest also supports granting preliminary injunctive relief. "Surely, upholding constitutional rights serves the public interest." *Newsom Albemarle Cnty. Sch. Bd.*, 354 F.3d 249, 261 (4th Cir. 2003); *Carey v. Klutznick*, 637 F.2d 834, 839 (2d Cir. 1980). Protecting First Amendment rights is by definition in the interest of the general public. *Machesky v. Bizzell*, 414 F.2d 283, 288–90 (5th Cir. 1969) ("First Amendment rights are not private rights . . . so much as they are rights of the general public.") The protection of constitutional rights clearly outweighs any purported concerns of Defendants. Granting this injunction would serve the public interest by reaffirming the government's duty to respect religious conscience. The public interest is necessarily served by an injunction that preserves the constitutional rights of the Plaintiff.

CONCLUSION

For these reasons, the Plaintiff respectfully requests that the Court issue a preliminary injunction.

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CERTIFICATE OF SERVICE

I, Abigail Southerland, hereby certify that on November 6, 2025, the foregoing document was filed electronically using the Court's CM/ECF system, which will send notification of this filing to all registered participants. Paper copies will be sent to those indicated as non-registered participants.

/s/ Abigail Southerland
Abigail Southerland

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ALAN L., on behalf of himself and his minor child, J.L., Plaintiff, vs. LEXINGTON PUBLIC SCHOOLS; LEXINGTON SCHOOL COMMITTEE; DR. JULIE HACKETT, in her individual and official capacity as Superintendent of the Lexington Public School District; DR. GERARDO J. MARTINEZ, in his individual and official capacity as Principal of Joseph Estabrook Elementary School and; ANDREA SO, in her individual and official capacity as Director of Elementary Education, Defendants.	Civil Action No.: 1:25-cv-13047-FDS

DECLARATION OF ALAN L.

Now comes Alan L., pursuant to Fed. R. Civ. P. 56(c)(4) and 28 U.S.C. § 1746, and states as follows to this Honorable Court:

1. My name is Alan L. I am over 18 years of age. I am competent to make this declaration and I have personal knowledge of all of the contents of this declaration.
2. I am the father of J.L., a minor child who attends Kindergarten class at Joseph Estabrook Elementary School, located in Lexington, MA.
3. I am a committed, practicing Christian and attend a local church.
4. My faith shapes all aspects of my life, including my family life, and informs the way I raise my child.

5. My religious beliefs are sincere and deeply held. They guide my daily decisions, my parenting, and my family's life together. I am committed to raising my children according to biblical principles and Christian teaching.
6. As a Christian, I believe that the Bible is the inspired Word of God and provides authoritative guidance for all matters of faith and practice, including marriage, sexuality, gender, and family life.
7. I believe that Christianity requires me to follow the teachings of the Bible, including teachings regarding human sexuality.
8. I believe the Bible teaches that God created people in His image, and that they are created either male or female. (Gen. 1:27).
9. I believe that human sexuality is a gift from God and should be treated with honor and respect.
10. I believe that sexuality is designed by God to be expressed only within the context of a one-man, one-woman marriage. (Matt. 19:5).
11. I also believe that God created all people in His image – including their skin color – and that children should be taught to judge others by the content of their character and individual choices rather than the color of their skin. (Acts 10:34-35).
12. I believe that unity in Christ transcends worldly divisions and that the Bible teaches that a person's value or worth is not based on one's race or sexual identity (Galations 3:28) and that we are to treat one another justly and fairly.
13. As the father of J.L., it is my role to instill good, moral, and Christian values in J.L., such as respect, kindness, and empathy, and to shape J.L.'s concept of the world and of different identities. (Prov. 22:6).

14. It violates my religious beliefs to allow J.L. to be instructed in content that focuses on diversity, equity, and inclusion issues, including issues of race, gender, and sexuality, taught from a secular worldview.

15. My religious beliefs require that I protect J.L. from instruction that contradicts or undermines the biblical teachings I am working to instill in him, particularly during his early and formative years when he is most impressionable.

16. Because of my Christian belief that the Bible holds me accountable for the upbringing of my children, I pay particular attention to the classes and curricula in which my child engages.

17. Before the 2025-2026 school year began, I became aware that Lexington Public Schools had introduced curriculum materials addressing topics related to sexual orientation, gender identity, and family structures that conflicted with my religious beliefs.

18. I was concerned that J.L. might be exposed to instruction that would normalize or celebrate same-sex relationships and non-traditional family structures in a way that contradicted our family's biblical beliefs about marriage and sexuality.

19. I was particularly concerned because J.L. is only five years old. At this age, he cannot critically evaluate competing moral claims or compartmentalize contradictory messages from different authority figures. He trusts his teachers and absorbs what they tell him as truth.

20. On August 25, 2025, I sent an email to Joseph Estabrook School and requested J.L.'s full class schedule and the syllabus for the classes.

21. In that same email, I requested that J.L. not attend Health class on Tuesday. *Id.*

22. In response to my email and requests, I was provided a link to by the Kindergarten teacher, Mrs. Caroline Chestna.

23. This link is a landing page for Curriculum in Lexington public schools. While it provides links to information regarding curriculum standards and links to, among other things, 1) "learning expectations by grade," and family guides to learning standards, it generally "provides families high level overviews of literacy, mathematics, science and social studies as they are taught in Lexington Public Schools" for K-5 core curriculum. What it does not provide are the actual syllabi and curricula for my child's classes.

24. On August 25, 2025, I was also informed via email by Ms. Alexis Bonavita, IEP Lead Teacher, that J.L. would not be required to attend health class and could instead leave to receive 1:1 time in an ILP classroom as long as it was in writing. She further informed me that my email sufficed as that required for written request. Attached hereto as Exhibit A is a true and accurate copy of my August 25, 2025 email exchange.

25. On the same day, I received the "Kindergarten Scope and Sequence" for the school year from Mrs. Chestna. She informed me that she does not teach any OAP classes, such as health, art, P.E., music, or library, so she did not have access to any of that curriculum. *Id.* at 2.

26. That same day, I reviewed what I received from Mrs. Chestna and sent an email to her letting her know that I was going to pull J.L. out of any DEI curriculum. I also told her if she needed an official letter from me, to please let me know. *Id.* at 3.

27. In another email, I also made it clear that "I am heavily interested in what is being taught to my child and the only way I can be sure is for me to go through everything myself." *Id.* at 6.

28. The "Kindergarten Scope and Sequence" document I received from Mrs. Chestna was a spreadsheet identifying eight different subjects: 1) Reading, 2) Writing, 3) Phonics and PA, 4) Mathematics, 5) AMC Benchmarks, 6) Science/Social Studies, 7) Big Backyard, and 8) DEI Curriculum.
29. Within each subject were overarching lesson themes for each subject, with a few links to documents that described the overviews of the classes or required permission to access.
30. I requested access to view the file, and it was denied by Andrea So, the Director of Elementary Education. I then sent an email to Mrs. Chestna to inquire how I could escalate the matter to gain access. *Id.* at 4.
31. Mrs. Chestna informed me that most of the links in the spreadsheet she sent were only accessible to Lexington public educators, since they led to curriculum websites that required logins. She stated that she would look into the matter for me to learn if there was a place that parents could find more detailed information regarding class curriculum information as well as syllabus by units. *Id.* at 5.
32. I reiterated my request to remove J.L. from any DEI curricula, as that subject contained no links information, not even a general overview of the subject. *Id.* at 6.
33. Mrs. Chestna responded the same day, stating that she had edited the scope and sequence with more parent-accessible information and added hyperlinks. She stated that she would refer my DEI opt-out question to other school officials, including Ms. Lexi Bonavita and Ms. Johanna Hoxie. *Id.* at 7,
34. On or about August 26, 2025, Ms. Hoxie, the Evaluation Team Supervisor, emailed me offering to schedule an IEP Team meeting to discuss J.L.'s goals, objectives, and services.

I agreed and requested that the meeting be scheduled as soon as possible. Attached hereto as Exhibit B is a true and accurate copy of my August 26-28, 2025 email exchange.

35. In that same email, she stated, "we will not go into a heavily detailed discussion around curriculum." *Id.* at 1.

36. Over the following days, I asked Ms. Hoxie whether Estabrook had an official opt-out form for parents to fill out with the principal's office. She responded that Central Office administration would contact me regarding the opt-out request. *Id.* at 2.

37. I then clarified to Ms. Hoxie that, since Estabrook did not yet have a parent-approved IEP for J.L, the school should continue following the plan from J.L's previous program (LCP), which did not include any DEI curriculum. I also reiterated that I was awaiting the official opt-out form from Central Office. *Id.* at 2-3.

38. Ms. Hoxie confirmed that the school was following the last accepted IEP from December 2024 through December 2025. I responded that I wanted to amend J.L.'s IEP to specifically exclude any DEI curriculum from J.L.'s schedule, in addition to my formal opt-out request. *Id.* at 3.

39. On August 28, 2025, Ms. Hoxie scheduled a virtual IEP meeting for September 4, 2025. *Id.* at 4.

40. On August 28, 2025, I also received an email from Ms. So, responding to my DEI and Health class opt-out requests. Attached hereto as Exhibit C is a true and accurate copy of my August 28, 2025 email exchange with Ms. So.

41. Ms. So stated that parents could opt out of required curriculum only if the request was based on a sincerely held religious belief and that my request was not tied to such a belief. She denied my opt-out request on that basis. *Id.* at 1.

42. I responded to Ms. So the same day, explaining that J.L. and I are both Christians and attend church regularly, and again requested that J.L. be removed from Health and DEI curriculum. I asked what additional requirements were necessary to formalize the request. *Id.* at 2.

43. Later that day, I asked Ms. So to provide the formal opt-out requirements at Estabrook. *Id.* I also emailed Principal Dr. Gerardo Martinez requesting contact information for the school's Freedom of Information Act (FOIA) representative, so I could obtain detailed syllabi for J.L's kindergarten curriculum. Attached hereto as Exhibit D is a true and accurate copy of my email exchange with Dr. Martinez.

44. Dr. Martinez responded on August 29, 2025, referring me to Ms. Kristen McGrath, who provided me with the link to the district's public records request process and a Google Form to submit my public records (or "FOIA") request. Exhibit D, at 2.

45. I proceeded to file a formal public records request to obtain the specific curriculum materials in question that same day.

46. On August 30, 2025, I submitted a formal written opt-out letter to Dr. Martinez. In that letter, I requested that J.L be excused from all lessons, events, assemblies, or other instructional activities covering:

    a. sex education or human sexuality under M.G.L. c. 71, § 32A;

    b. issues of sexual orientation or gender identity pursuant to *Mahmoud v. Taylor*, 145 S. Ct. 2332 (2025);

c. any surveys concerning sexual orientation, gender identity, religion, politics, or similar personal matters under the PPRA, 20 U.S.C. § 1232h; any

d. use of alternate names or pronouns for my child that would reflect a gender identity inconsistent with our beliefs.

The letter also pointed to a Massachusetts Department of Elementary and Secondary Education advisory opinion that would allow exempted students to be accommodated in another class, or otherwise provided alternative educational as I had previously requested be provided for J.L. *Id.* at 3-4.

47. On September 3, 2025, Dr. Martinez acknowledged receipt of my opt-out letter and informed me that I would receive a response from Ms. So. *Id.* at 3.

48. On September 5, 2025, Ms. So emailed me again, acknowledging that my August 30 letter requested an opt-out based on religious beliefs. She stated that the district would accommodate my request regarding sexual education under Massachusetts law, but claimed that there is no sexual education in kindergarten. She further stated that my other opt-out requests were overly broad, required clarification, and could be denied if not tied to a specific sincerely held religious belief or specific required curriculum materials. Attached hereto as Exhibit E is a true and accurate copy of Ms. So's email.

49. Ms. So requested that I re-submit my opt-out request with greater specificity regarding the particular lessons or required materials I objected to and offered to allow me to review the materials before resubmitting – even though I had requested to review the materials before I submitted my first request and did not receive access. *Id.*

50. Throughout this process, I consistently requested transparency and the ability to review all DEI-related curriculum materials before allowing my child to participate, and I sought to exercise my rights as a parent in good faith under Massachusetts law.

51. As I was not able to secure an opt-out for J.L. on my own, I retained counsel who, on September 10, 2025, sent a clarification and formal opt-out letter to Dr. Martinez on my behalf. Attached hereto as Exhibit F is a true and accurate copy of my legal request to Dr. Martinez.

52. That letter reaffirmed that my opt-out request was based on sincerely held Christian beliefs, as described above, and specifically sought to exclude J.L. from any instruction, events, or activities that normalize or promote LGBTQ identities or lifestyles or teach DEI content from a secular worldview. Exhibit F.

53. The letter further explained that exposing J.L. to such content would burden my religious exercise and parental rights. *Id.*

54. I further requested that J.L. be excused from all instruction or activities promoting LGBTQ identities or lifestyles and from the Kindergarten DEI Curriculum, and that J.L. receive an alternative assignment—preferably IEP services—during those times. *Id.*

55. In response, counsel for Lexington Public Schools sent a letter on September 23rd stating that while the district recognizes that *Mahmoud v. Taylor* requires notice and a religious opt-out for required instruction that substantially burdens a family's sincerely held beliefs, my request to opt out of "all DEI instruction" was "overly broad." The letter asserted that many DEI principles—such as promoting respect, preventing bullying, and fostering inclusion—are integral to the school's educational mission and required by non-discrimination laws.

56. The District's attorney invited me to meet with Ms. So to review the kindergarten curriculum and after-hours classroom books so I could identify specific "read-aloud" materials for which I sought an exemption. The letter stated that the school would provide notice and a process for requesting opt-outs from "specific, required curriculum or instructional materials" but would not approve an opt-out from all DEI instruction or all content that promoted LGBTQ identities or lifestyles, as I had requested.

57. On or about September 16, 2025, after my counsel's letter and before any such meeting or notice occurred as outlined in the District's letter, J.L. was shown a "read-aloud" video of *Families, Families, Families!* by Suzanne Lang in Health class.

58. The book features animal characters representing same-sex couples (i.e., two roosters together with their chicks and two female koalas together with their baby) and teaches that all family structures are equally valid, ending with "if you love each other, then you are a family." This lesson directly contradicted my religious beliefs and occurred despite my explicit opt-out request. Attached hereto as Exhibit G are true and accurate screenshots of the pages of *Families, Families, Families!*

59. I later learned that J.L. was shown this video when Ms. So belatedly provided links to Units 2 and 3 of the Health curriculum—"Families Are Special" and "We're All Different and Special"—on September 22, 2025. These materials confirmed that *Families, Families, Families!* had been shown on September 16.

60. I did not learn that this video had been shown to J.L. until about a week after it was shown, after I finally received access to some of the curriculum materials I had been requesting.

61. When I learned about the video and viewed it myself, I was shocked and deeply upset. The video depicts same-sex couples with children and conveys the message that all family arrangements are equally morally acceptable.

62. Specifically, the video shows two male roosters wearing neckties, holding each other and their chicks, with the text "some children have two dads." It then shows two female koalas with their babies and states "some children have two mothers." *See* Exhibit G.

63. On September 19, 2025—four days after the ten-business-day deadline for my public-records request expired—I received partial Health-curriculum information, but links to the two lessons containing the video were missing. Only after further follow-up were those links provided. Attached hereto as Exhibit H is a true and accurate copy of Ms. So's email.

64. However, even in this September 19 email, the links to two units—Unit 2 ("Families are Special") and Unit 3 ("We're All Different and Special")—were not accessible to me. These were the very units most likely to contain content related to family structures and LGBTQ topics. Exhibit H.

65. I had to send a follow-up email specifically requesting access to Units 2 and 3. It was only after this follow-up request that I was finally granted access to these materials—days after J.L. had already been shown the *Families, Families, Families* video.

66. On October 2, 2025, my counsel sent a legal-demand letter explaining that J.L. had been shown the *Families, Families, Families!* video in violation of my opt-out request. The letter demanded that J.L be excused from any future instruction normalizing or promoting LGBTQ lifestyles or DEI content.

67. The demand letter also detailed how the school delayed providing curriculum access, forced me to file a public-records request, and then exposed my child to the very content I

had sought to prevent. It further identified objectionable materials in the DEI and Social Studies curricula—including *Say Something*, *You Have a Voice*, *Love Makes a Family*, *Julian Is a Mermaid*, and *This Day in June*—that promote secular moral values, LGBTQ themes, or activism contrary to our faith.

68. This message directly contradicts the biblical teaching about marriage and family that I am working to instill in J.L. The video presents same-sex relationships as a normal and acceptable form of family structure—indeed, as morally equivalent to marriage between one man and one woman.

69. This is precisely the type of content I had been trying to prevent J.L. from being exposed to through my repeated opt-out requests. The school showed this video to my five-year-old child despite having received multiple written communications from me explaining my religious objections to such content.

70. Again, I was not notified in advance that this video would be shown on September 16, 2025, or at any time prior to the lesson. If I had been notified, I would have exercised my right to opt J.L. out of that lesson

71. The school's delay in providing these materials—and the specific withholding of the units most relevant to my religious concerns—prevented me from exercising my parental rights in a meaningful way.

72. Upon information and belief, while I was waiting for copies of the Social Studies curriculum, J.L. was also shown a book in Social Studies class called *All Are Welcome* by Alexandra Penfold.

73. I have since learned that this book contains illustrations of same-sex couples and their children, including a pregnant lesbian mother. Attached hereto as Exhibit I is a true and accurate copy of one of the pages from this book.

74. This content also directly violated my opt-out requests. Like the *Families, Families, Families* video, this book presents same-sex relationships as normal and acceptable, which contradicts the biblical teachings I am working to instill in J.L.

75. Once again, I was not notified in advance that this book would be shown to J.L., and I had no opportunity to opt-out of that lesson.

76. As a direct result of the school's actions, J.L. has been exposed to moral instruction about marriage, sexuality, and family that directly contradicts the biblical teachings in which our family believes.

77. At age five, J.L. cannot understand or process the conflict between what the school is teaching and what we teach at home. J.L. cannot critically evaluate competing moral claims. As any child does, J.L. simply absorbs what trusted authority figures—including teachers—say.

78. When the school taught that "if you love each other, then you are a family," my child received a message that contradicts what we teach at home about God's design for marriage and family. This has created confusion during a critical period of moral and spiritual development.

79. I have now had to engage in "damage control" with my five-year-old child. I have been forced to be prepared to discuss sensitive topics related to sexuality, marriage, and family structures much earlier than I wanted to or believe is appropriate for my child's age and maturity level.

80. These are conversations I wanted to have with J.L. at a much later age. I wanted to introduce these topics gradually, in an age-appropriate way, and in accordance with our family's faith. The school is taking that right and duty away from me.

81. J.L.'s innocence on these subjects has been compromised. My child has been exposed to concepts and ideas from which I specifically sought to shield J.L.

82. I am deeply concerned about the long-term impact of this exposure on J.L.'s spiritual development. I fear that the school's instruction—delivered by trusted authority figures during J.L.'s most impressionable years—will undermine the biblical foundation I am trying to build in my child's life.

83. The trust I once had in Lexington Public Schools has been destroyed. I no longer believe that school officials will respect my parental rights or my family's religious convictions.

84. J.L. remains enrolled at Joseph Estabrook Elementary School in the Lexington Public School District and continues to attend kindergarten there.

85. To the best of my ability, I have now reviewed available curriculum materials and identified specific lessons in the Health, DEI, and Social Studies curricula that violate our family's religious beliefs. However, I continue to lack access to some materials, and Defendants have represented that the curriculum is subject to change throughout the year.

86. Despite my repeated requests, Defendants refuse to commit to providing me with advance notice of content that conflicts with my religious beliefs or to honoring my opt-out requests for such content.

87. Without a preliminary injunction, I fear that J.L. will continue to be exposed to instruction that undermines the religious teachings I am working to instill. The constitutional violations that occurred in September 2025 will be repeated.

88. I should not have to choose between enrolling my child in public school and protecting J.L.'s religious upbringing. But that is the choice Defendants are forcing me to make.

89. I am considering whether I may need to seek alternative educational opportunities for J.L.—whether that means private school, homeschooling, or some other option. But these alternatives would impose significant financial and logistical burdens on my family. Moreover, I should not be forced to remove my child from public school simply to exercise my constitutional rights as a parent.

90. I verify under penalty of perjury under the laws of the United States of America that the factual statements in this Declaration concerning myself, my activities, and my intentions are true and correct pursuant to 28 U.S.C. § 1746.

Executed on 10/25/2025, 2025,

Signed by:
A6B5FA462C8041C...

Alan L.

EXHIBIT A

On Mon, Aug 25, 2025 at 3:25 PM Alan L [redacted] > wrote:
Hi all,

It was nice meeting you two today and I'm sure you are extremely busy with the anticipation of the first day tomorrow.

Per our conversation, can you please send me J[redacted]'s full schedule and the syllabus of the classes?

The first thing that stood out to me is the Health class on Tue. I don't want J[redacted] to participate in that and [redacted] could benefit more from attending the 1 on 1 instead.

Thanks, Alan

[redacted]

On Mon, Aug 25, 2025 at 3:43 PM Bonavita, Alexis <abonavita@lexingtonma.org> wrote:

Hi Alan,

It was great meeting you today as well! Thank you Mrs. Chestna for sharing that resource!

As far as the health class goes, I checked in with our ETS, Johanna, she shared that as long as we have it in writing (the email you sent is just fine) that J[redacted] not attend the health class, it is fine for [redacted] to receive 1:1 time with us in [redacted] ILP classroom.

Thank you for following up! Best,

Ms. Lexi

EXHIBIT A

On Mon, Aug 25, 2025 at 3:53 PM Caroline Chestna <cchestna@lexingtonma.org> wrote:

Hello again,

Here is our Kindergarten Scope and Sequence for the year. I do not teach any of the OAP classes such as health, art, P.E., music or library so I do not have access to their curriculum. But this should cover all of the academic subjects for kindergarten. And again, this will be gone over in detail at the back to school night as well.

Kindergarten Scope and Sequence

Caroline Chestna
Kindergarten Teacher
Estabrook School

EXHIBIT A

On Mon, Aug 25, 2025 at 3:55 PM Alan L[redacted] <[redacted]> wrote:

I'm going to opt out J[redacted] from ANY DEI curriculum noted on row 26.

If you need an official letter from me, please let me know.

Thanks, Alan

EXHIBIT A

On Mon, Aug 25, 2025 at 4:08 PM Alan L[redacted] <[redacted]> wrote:

Hi all,

Andrea So denied my request to view the file, do you know who I can talk to to escalate this?

Thanks, Alan

EXHIBIT A

On Mon, Aug 25, 2025 at 4:19 PM Caroline Chestna <cchestna@lexingtonma.org>

wrote: Hi Alan,

Most of the hyperlinks are only accessible for Lexington public educators since they lead to curriculum websites that require logins. I will look into if there is a place to find more detailed curriculum information/syllabus by units for parents. On the website I shared, there are contacts/emails for curriculum department heads. They may have this information more easily accessible if you are hoping to look at it sooner. It may take me a bit of time to gather the information myself especially with all the craziness of the first week of school.

Thanks,
Mrs. Chestna
Caroline Chestna
Kindergarten Teacher
Estabrook School

EXHIBIT A

On Mon, Aug 25, 2025 at 4:25 PM Alan L[redacted] <[redacted]>

wrote: Hi Caroline,

Thank you so much for your effort and I am aware you have a lot on your plate and also understand there are many moving parts. However, as a parent, I am heavily interested in what is being taught to my child and the only way I can be sure is for me to go through everything myself.

With that, at the very minimum at this moment, under the DEI row, all hyperlink is empty and I would like to opt out J[redacted] from ANY DEI curriculum activities at Estabrook until more information is available to me.

Please let me know what I need to do to remove J[redacted] from ANY DEI curriculum at Estabrook?

Thanks for your time and effort! Alan

EXHIBIT A

From: **Caroline Chestna** <cchestna@lexingtonma.org> Date: Mon, Aug 25, 2025, 17:55

Subject: Re: J[redacted] L[redacted]'s full schedule and syllabus for K To: Alan L[redacted] <[redacted]>

Cc: Bonavita, Alexis <abonavita@lexingtonma.org>

Hi Alan,

I have edited this version of the scope and sequence with more parent accessible curriculum and unit information for you to review. There is a parent letter hyperlinked under DEI with more information on these lessons as well as other hyperlinks for social studies, science, math and fundations. Still working on parent resources/unit overviews for reading and writing but hope to have some more information in there soon!

Kindergarten Scope and Sequence

As far as the DEI lessons opting out, I will refer to Lexi and Johanna on how to proceed and what they may need from you.

Thanks, Caroline

Caroline Chestna
Kindergarten Teacher
Estabrook School

EXHIBIT B

On Tue, Aug 26, 2025, 12:39 Hoxie, Johanna <jhoxie@lexingtonma.org> wrote:

Dear Alan and Yun,

I hope this email finds you well. Ms. Bonavita passed along your request for a Team meeting "to go over the exact curriculum", Alan. While we will not go into a heavily detailed discussion around curriculum, I can certainly schedule a Team meeting for the purpose of discussing J[redacted]'s IEP goals, objectives, and services. Please let me know if you are still intereseted and I will search for a date.

Thank you,
Johanna Hoxie, M.Ed., BCBA,
LABA Evaluation Team Supervisor
Intensive Learning Program
jhoxie@lexingtonma.org

EXHIBIT B

On Wed, Aug 27, 2025 at 8:07 AM Alan L[redacted] <[redacted]> wrote:

Hi Johanna,

I have another question, does Estabrook have the official opt out form for parents to officially fill out? It is usually done with the principal/principal office and it is officially documented.

I'm looking forward to meeting with you this week.

Thanks,
Alan

On Wed, Aug 27, 2025 at 8:33 AM Hoxie, Johanna <jhoxie@lexingtonma.org> wrote:

Hi Alan,

Central Office administration will be in touch with you in the near future regarding your opt-out request. Regarding a Team meeting, the earliest we can meet is next week. I will be in touch with a date and time soon.

Thank you,
Johanna Hoxie, M.Ed., BCBA, LABA
Evaluation Team Supervisor
Intensive Learning Program
jhoxie@lexingtonma.org

On Wed, Aug 27, 2025 at 9:10 AM Alan L[redacted] <[redacted]> wrote:

Hi Johanna,

EXHIBIT B

Understand that you are busy. SInce Estabrook doesn't have a parent approved IEP for J[redacted], please continue to follow the plan from LCP which does not include any DEI curriculum in [redacted] education plan, which I wait for the central office for the official opt out form/request.

I'm looking forward to meeting you next week.

Thanks,
Alan

On Wed, Aug 27, 2025 at 12:57 PM Hoxie, Johanna <jhoxie@lexingtonma.org> wrote:

Thank you for your understanding, Alan. In terms of goals, objectives, and accommodations, we are following the last accepted IEP, which is dated 12/11/24-12/10/25. We are following the service delivery grid you accepted via amendment in the spring. If you need a full copy of the IEP, please let me know.

Johanna Hoxie, M.Ed., BCBA, LABA
Evaluation Team Supervisor
Intensive Learning Program
jhoxie@lexingtonma.org

On Wed, Aug 27, 2025 at 1:51 PM Alan L[redacted] <[redacted]> wrote:

Hi Johanna,

Thank you and I have a copy of the IEP.

However, the situation and element changed from LCP to Estabrook and I would like to amend the IEP to specifically exclude any DEI curriculum to be on J[redacted]'s schedule in addition to the opt-out request with the central office.

Thank you for your effort and understanding.

Alan

EXHIBIT B

On Thu, Aug 28, 2025 at 9:55 AM Hoxie, Johanna <jhoxie@lexingtonma.org> wrote:

Hi Alan,

I can offer a virtual meeting on 9/4 at 1:00, or we can meet in person. To reiterate, we will discuss IEP services (i.e., goals, objectives, service grid, accommodations). Central Office administration will be contacting you regarding your curriculum questions/opt-out request.

Please let me know if this date and time works for you. I will send the meeting invite electronically if so.

Best,
Johanna Hoxie, M.Ed., BCBA, LABA
Evaluation Team Supervisor
Intensive Learning Program
jhoxie@lexingtonma.org

On Thu, Aug 28, 2025 at 10:03 AM Alan L[redacted] <[redacted]> wrote:

Hi Johanna,

Yes, virtual on 9/4 at 1PM to go over J[redacted]'s IEP would be great. [redacted] also had an incident yesterday at school where [redacted] got bullied at the playground but [redacted] couldn't report the incident and when check with Mrs.Chestna and Ms. Lexi and they said they didn't see anything, even J[redacted] was staff 100%.

I will forward you the email as well.

Thanks,
Alan

On Thu, Aug 28, 2025 at 2:10 PM Hoxie, Johanna <jhoxie@lexingtonma.org> wrote:

EXHIBIT B

Hi Alan,

Attached is the meeting invite and below is the meeting link. Thank you for sharing about the playground with me. If necessary, we can discuss that next week as well.

J[redacted] L[redacted] Reconvene
Thursday, September 4 · 1:00 – 1:45pm
Time zone: America/New_York
Google Meet joining info
Video call link: https://meet.google.com/qju-mqyk-gbw
Or dial: (US) +1 234-805-1440 PIN: 167 356 074#
More phone numbers: https://tel.meet/qju-mqyk-gbw?pin=7076769176858

Johanna Hoxie, M.Ed., BCBA,
LABA Evaluation Team Supervisor
Intensive Learning Program
jhoxie@lexingtonma.org

From: **Alan L[redacted]** <[redacted]>
Date: Thu, Aug 28, 2025 at 7:18 PM
Subject: Re: Request for Team meeting
To: Hoxie, Johanna <jhoxie@lexingtonma.org>

Thanks Johanna and looking forward to speaking to you next week.

Thanks,
Alan

EXHIBIT C

On Thu, Aug 28, 2025, 14:24 So, Andrea <aso@lexingtonma.org> wrote:

Dear Andy,

We have received your request to opt J[redacted] out of "any DEI activities," and for J[redacted] not to participate in Health class. Under the law, parents have the right to opt-out of *required* curriculum based on a sincerely held religious belief. Your request is not tied to a sincerely held religious belief and is not specific as to what required curriculum is objectionable. As such, I cannot grant your request.

Also, please note that with respect to health class; health and physical education is required instruction under Massachusetts law. Parents may opt out of the sexual reproduction unit of health education; however, this is not addressed in our health curriculum until upper elementary.

If you have questions or concerns regarding any required curriculum based on a sincerely held religious belief, please let me know.

Best, Andrea
Andrea So 蘇靜恩 (she/her)
Director of Elementary Education
Student Engagement Specialist (PK-12)
Lexington Public Schools

On Thu, Aug 28, 2025, 15:21 Alan L[redacted] <[redacted]> wrote:

Hi Andrea,

Thanks for your reply. J[redacted] and I are both Christians and we both attend church on Sunday.

Please remove J[redacted] from Health and DEI criculum.

Please let me know what other requirements are there so I can prepare properly.

Thanks, Alan
[redacted]

EXHIBIT C

From: **Alan L** [redacted] > Date: Thu, Aug 28, 2025 at 3:22 PM Subject: Re: Response to Opt-Out Request To: So, Andrea <aso@lexingtonma.org>
Cc: Dr. Gerardo Martinez <gmartinez@lexingtonma.org>

Hi Andrea,

One more question, what is the formal opt out requirements at Estabrook? Can you please provide the information to me?

Thanks, Alan
[redacted]

EXHIBIT D

On Thu, Aug 28, 2025 at 7:39 PM Alan L [redacted] wrote:

Hi Dr. Martinez,

Can you please let me know who is the Freedom of Information Act representative for Estabrook Elementary school so I can start a conversation in regards to the detailed syllabus for kindergarten at Estabrook?

Thanks, Alan
[redacted]

On Fri, Aug 29, 2025, 09:45 Martinez, Dr. Gerardo <gmartinez@lexingtonma.org> wrote:

Hello Mr. L [redacted],

Your request for information should go to Kristen McGrath who is copied here. She will send you information and a form that will allow you to clarify your request.

Best, G

On Fri, Aug 29, 2025 at 9:47 AM Alan L [redacted] wrote:

Thank you so much DR. G.

Hi Kristen,

I'm looking forward to hearing from you.

Thanks, Alan
[redacted]

EXHIBIT D

From: **McGrath, Kristen** <kmcgrath@lexingtonma.org> Date: Fri, Aug 29, 2025 at 9:51 AM
Subject: Re: Freedom of Information Act (FOIA) rep for Estabrook To: Alan L[redacted]
<[redacted]>
Cc: Martinez, Dr. Gerardo <gmartinez@lexingtonma.org>

Good morning Mr. L[redacted],

HERE is the link to the LPS Public Records Request information. There is a Google Form within the information that you can complete with your request.

Thank you, Kristen

Visit our website for the Office of Personnel for all other questions and HR needs!

If you need help with the following, please see the corresponding contact:
~Benefits and Leaves, Employee Assistance Program, Retirement, Worker's Compensation: Tracy MacMillan- tmacmillan@lexingtonma.org x68051

~Absence Management, Hourly Employment Opportunities, Substitutes, Student Teachers and Interns: Sofia Perez - soperez@lexingtonma.org x68033
~Employment Opportunities, Lane Changes/Other: Kari Grossman - kgrossman@lexingtonma.org x68048
~Time Sheets and payroll questions - Finance/Payroll - schoolpayroll@lexingtonma.org x68078

Kristen J. McGrath
Executive Administrative Assistant for Human Resources Phone: 781-861-2580, ext. 68046
Fax: 781-861-2582
Joy in learning; curiosity in life; and compassion in all we do.

EXHIBIT D

On Sat, Aug 30, 2025 at 10:00 AM Alan L [redacted] <[redacted]> wrote:

Hi Dr. Martinez,

Please see attached opt out letter for J [redacted] L [redacted] for the school year 2025-2026. Please let me know if you have any questions.

Thanks, Alan
[redacted]

From: **Martinez, Dr. Gerardo** <gmartinez@lexingtonma.org> Date: Wed, Sep 3, 2025, 10:29

Subject: Re: J [redacted] L [redacted] Opt Out letter 2025 - 2026 To: Alan L [redacted] <[redacted]>

Dear Mr. L [redacted],

I received your email and want to let you know that you will receive a response from our Elementary Curriculum Coordinator, Andrea So.

Best, G
Dr. Gerardo J Martinez
Principal
Joseph Estabrook Elementary School

EXHIBIT D

30August2025

Dear Dr. Gerardo Martinez,

Our child, J[redacted] L[redacted], is very excited for the 2025-2026 school year. We are writing to notify you that we will be exercising our right to opt our child out from the following:

1. Please exempt our child from all lessons, events, school assemblies or other instructional activities and programs which cover sex education or human sexuality issues, pursuant to Massachusetts General Laws Chapter 71, Section 32A. Please also notify me in advance when such lessons, events, activities, etc. are scheduled.

2. Please exempt our child from lessons, events, school assemblies or other instructional activities and programs which cover issues of sexual orientation or gender identity, pursuant to the U.S. Supreme Court's decision in Mahmoud v. Taylor. Please also notify me in advance when such lessons, events, activities, etc. are scheduled. The school's views on these issues conflict with our religious beliefs and instructing our child on these topics at school would substantially interfere with our constitutional right to instill our religious values in our child, as well as our fundamental parental rights.

3. Please exempt our child from any surveys, whether formal or informal, that ask about our child's sexual orientation, gender identity, mental health, religion, political beliefs, sexual behavior, drug use, family issues, or racism or racial attitudes, pursuant to the PPRA, 20 U.S. Code § 1232h. Please notify me in advance about any such surveys.

4. Do not use an alternate name or pronouns for our child to reflect a different gender identity at school. Doing so would violate our religious beliefs and substantially interfere with our constitutional right to direct our child's religious upbringing, as well as our fundamental parental rights.

As we are sure you know, state law also requires that no student shall be penalized by reason of any exemptions allowed by law, for example by denying him or her course credit. The Massachusetts Department of Elementary and Secondary Education further advises that, "In order to ensure that all students receive the structured learning time due them, the school should make efforts to accommodate the exempted student in another class, assign an alternative educational project, or provide the student with a directed study period for the duration of the exemption." See Commissioner of Education's April 7, 1997 "Advisory Opinion on the Parental Notification Law."

EXHIBIT D

Thank you for understanding our position and for your attention to this matter. If you have any questions regarding this letter, you can contact us at 617-201-0628 or huskyal02@gmail.com.

We are looking forward to a great school year!

Respectfully,

Alan L[redacted]

EXHIBIT E

From: **So, Andrea** <aso@lexingtonma.org> Date: Fri, Sep 5, 2025, 08:19
Subject: Re: Response to Opt-Out Request To: Alan L[redacted] <[redacted]>
Cc: Dr. Gerardo Martinez <gmartinez@lexingtonma.org>

Dear Mr. L[redacted]:

On August 30th, you submitted a written request to the District to opt your child, J[redacted] L[redacted] out of a portion of the curriculum or educational requirement of the District on the basis of your religious beliefs.

With respect to your request to opt J[redacted] out of sexual education and human sexuality, we will accommodate that request in accordance with MGL c. 71 s. 32A. Please note that there is no sexual education and human sexuality education in Kindergarten.

I am also requesting further clarification regarding your other opt-out requests. Please note that a request for religious opt-out may be denied or returned for clarification if it does not clearly identify the specific *required* curriculum or instructional material at issue, or if it lacks sufficient detail to allow for meaningful review. Requests that are based on general educational disagreements, pedagogical preferences, philosophical views, or personal opinions, rather than sincerely held religious beliefs, do not qualify for exclusion under the *Mahmoud v. Taylor* standard. Requests that seek to opt-out of an entire course, subject area, or broad category of instruction without narrowly identifying a specific required curriculum may be rejected as overbroad. Your requests as written are overly broad and require further clarification as they seek to opt out of broad topics. Also, please note that under *Mahmoud v. Taylor,* you may opt your child out of *required* curriculum, but not general school events and activities.

Kindly please re-submit your opt-out request with more information regarding a specific lesson, or if you would like to review required curricular materials to better inform your request. I will promptly review your updated request when it is received.

If you have any questions regarding your request, or my decision to return your request for further clarification, please do not hesitate to contact me.

Best, Andrea

EXHIBIT F

MASSACHUSETTS
LIBERTY LEGAL CENTER

Dr. Gerardo J. Martinez
Principal
Joseph Estabrook Elementary School
117 Grove Street
Lexington, MA 02420

September 10, 2025

Via Email and U.S. Mail
gmartinez@lexingtonma.org

Re: J[redacted] L[redacted] Curriculum Opt Out Request

Dear Dr. Martinez,

I write on behalf of my client, Mr. Alan L[redacted], regarding his request to opt his [redacted], J[redacted] L[redacted], out of content that conflicts with his family's religious beliefs in [redacted] Kindergarten class at Estabrook Elementary School. The purpose of this letter is to clarify this request and to ensure that it is honored by the school.

Mr. L[redacted] submitted a written request to you on August 30 to opt his [redacted] out of certain content, including "lessons, events, school assemblies or other instructional activities and programs which cover issues of sexual orientation or gender identity, pursuant to the U.S. Supreme Court's decision in *Mahmoud v. Taylor*" (see attached letter). He explained that "[t]he school's views on these issues conflict with our religious beliefs and instructing our child on these topics at school would substantially interfere with our constitutional right to instill our religious values in our child, as well as our fundamental parental rights." In response, Elementary Curriculum Coordinator Andrea So sent Mr. L[redacted] an email stating, "[y]our requests as written are overly broad and require further clarification as they seek to opt out of broad topics. Also, please note that under *Mahmoud v. Taylor*, you may opt your child out of required curriculum, but not general school events and activities" (see attached email). Ms. So requested that Mr. L[redacted] resubmit his opt-out request "with more information regarding a specific lesson."

Mr. L[redacted] and his [redacted] J[redacted] are committed Christians who attend a local church and follow the teachings of the Bible. As such, like the plaintiffs in *Mahmoud,* they believe that God created people in His image either male or female (see Gen. 1:27) and that human sexuality is a gift to be expressed only within the context of a one-man, one-woman marriage (see Matt. 19:5). They also believe that God created all people, regardless of skin color, in His image and that children should be taught to judge others by the content of their character rather than the color of their skin (see Acts 10:34-35). In addition, Mr. L[redacted] believes that it is his role as J[redacted]'s parent to instill good values into J[redacted], such as respect, kindness, and empathy, and to shape his [redacted]'s concept of the world and of different identities, exclusively from Christian worldview (see Prov. 22:6). It would therefore violate Mr. L[redacted]'s religious beliefs to allow J[redacted] to be instructed in

EXHIBIT F

MASSACHUSETTS
LIBERTY LEGAL CENTER

non-academic content that focuses on diversity, equity, and inclusion issues, including issues of race and gender, from a secular worldview.

For these reasons, Mr. L[redacted] is requesting that J[redacted] be opted out of any instruction or other required activities that normalize or promote LGBTQ identities or lifestyles. He is also requesting that J[redacted] be opted out of the Kindergarten "DEI Curriculum" outlined in this Scope and Sequence document. Exposing J[redacted] to this content would burden Mr. L[redacted]'s religious beliefs by interfering with his ability to instill those beliefs into J[redacted]. Therefore, pursuant to *Mahmoud,* J[redacted] should be given an alternative assignment whenever this content is going to be taught. We understand that J[redacted] may not be receiving the full 1-on-1 time called for by [redacted] IEP. Perhaps J[redacted] can receive these services during the time that the DEI Curriculum or other content specified above will be taught.

Finally, we would like to correct two claims made in Ms. So's email. First, it is not accurate to say that the *Mahmoud* decision does not apply to school events and activities. To the extent that an event or activity is part of a school's educational program, *Mahmoud* would require notice and an opportunity to opt out of such an event or activity if it presented content that undermined a parents' religious beliefs.[1] Second, it is also not accurate that parents cannot opt out of an entire category of content. *Mahmoud's* holding applied not just to the five storybooks at issue in that case, but also to "any other similar book" that promoted LGBTQ themes.[2] Parents are not required to scour a school's entire curriculum to identify any content that may contain themes that conflict with their religious beliefs. Once a parent has articulated their beliefs to the school, the burden is on the school to notify them when such content will be presented to their child in class. Teachers should know what they are teaching well enough to flag content that may conflict with a parent's expressed religious beliefs.

Accordingly, we expect that Mr. L[redacted] will be notified and given an opportunity to opt J[redacted] out of any instruction or other required activities that normalize or promote LGBTQ identities or lifestyles. We also expect that J[redacted] will be opted out of the Kindergarten DEI Curriculum. Please confirm at your earliest opportunity that this will be the case.

Very truly yours,

Sam Whiting

Sam Whiting
Counsel
Massachusetts Liberty Legal Center

[1] *Mahmoud v. Taylor*, 145 S. Ct. 2332, 2353 (2025) (applying holding to "educational requirement[s] or curricular feature[s]").
[2] *Id.* at 2364.

EXHIBIT G

EXHIBIT H

Gmail

Alan L [redacted]

Request to Review Materials

So, Andrea <aso@lexingtonma.org> Fri, Sep 19, 2025 at 11:02 AM
To: Alan L [redacted]
Cc: "Dr. Gerardo Martinez" <gmartinez@lexingtonma.org>, Dawn-Marie Ayles <dayles@lexingtonma.org>

Hi Alan,

We have received your request to review DEI and Health Curricula materials. Please see them here:

Health Kindergarten Curriculum
DEI Kindergarten Curriculum

Please reach out if you have any questions.
Best,
Andrea
--
Andrea So 蘇靜恩 (she/her)
Director of Elementary Education
Student Engagement Specialist (PK-12)
Lexington Public Schools

EXHIBIT I