



September 15, 2025

Fred Podesta
Superintendent, Seattle Public Schools
Office of the Superintendent
MS: 32-150
P.O. Box 34165
Seattle, WA 98124

Chris Reykdal
Superintendent, Washington Office of Superintendent of Public Instruction
Old Capitol Building
P.O. Box 47200
600 Washington St. SE
Olympia, WA 98504

RE: Seattle Public School District's LGBTQ-Inclusive Instruction Rules Violate the First Amendment

Mr. Podesta & Mr. Reykdal:

The America First Policy Institute issues this letter concerning Seattle Public School District's (SPSD) open defiance, as supported and directed by the Washington Office of Superintendent of Public Instruction (OSPI), of the Supreme Court's decision in *Mahmoud v. Taylor*. SPSD promotes and distributes education materials promoting "LGBTQ-inclusive instruction," including the "Gender Jamboree" lesson and the ["K-5 Gender Lessons."](#) The Supreme Court is clear. Whenever public schools engage in the proliferation of education materials promoting gender ideology, the First Amendment guarantees parents the right to have their children "opt out" of such instruction. Therefore, we respectfully request that SPSD come into compliance with federal law by issuing clear guidance to all SPSD schools about the opt-out process available to the parents of Seattle public school students.

SPSD is blatant in their disregard for the law, boldly proclaiming on the *Opt Out Requests for LGBTQ-Inclusive Instruction* webpage that ["\[t\]here is no option to 'opt students out' of learning about particular identities or groups of people."](#) On the same webpage, SPSD claims that instruction on gender ideology is about building a "safe and welcoming environment" and is not a part of the state's Comprehensive Sexual Health Education program, therefore it is "not subject to an opt-out provision." Not only does such a statement fail to comport with SPSD's own [study materials](#), but it reflects a gross misunderstanding of the law. Troublingly, SPSD touts OSPI's support for their rejection of Supreme Court precedent on such fallacious grounds.

Despite their efforts to differentiate “inclusive instruction” from sexual health education, SPSD’s study materials are of such a nature as to require an opt-out provision under *Mahmoud*. Like the storybooks in *Mahmoud*, SPSD’s education materials are “unmistakably normative,” 145 S. Ct. 2332, 2353 (2025), such that they substantially interfere with children’s religious development and thus burden the Free Exercise rights of parents. The key message of the “Gender Jamboree” lesson is that “some people are boys, some people are girls, some people are both, and some people are neither.” This message is not presented as opinion but as a fact that the students must learn and integrate into their understanding of sex and gender.

Additionally, the [It Feels Good to Be Yourself lesson plan](#) provided for third-to-fifth-grade instruction unequivocally states that its goal is to help students “[d]efine and use the correct pronoun for various gender identities.”

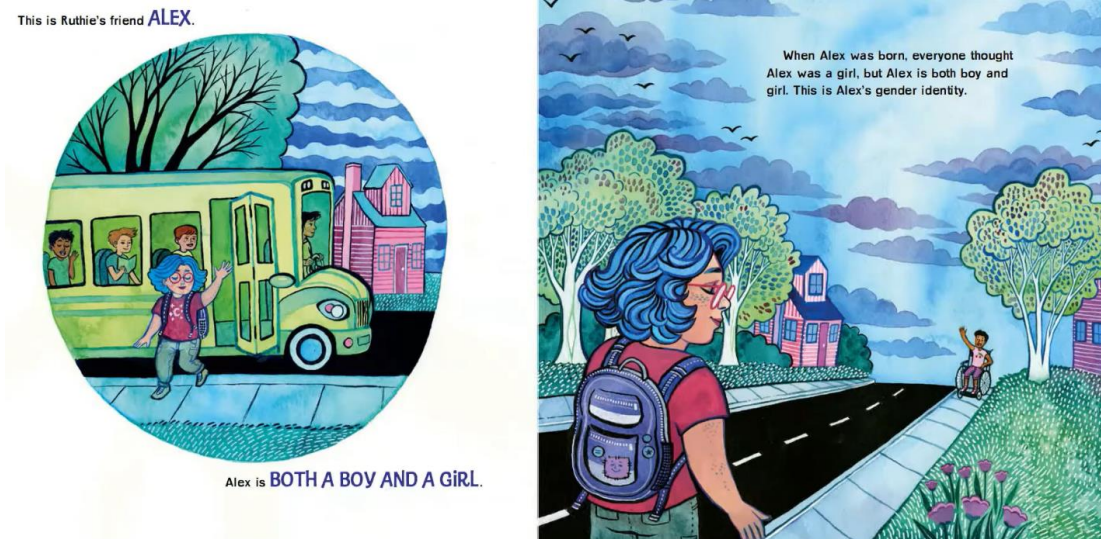


Photo of the book *It Feels Good to Be Yourself*, read by Brenon Ham, a queer, bigender, “mixed-Latinx,” to students during the lesson. [Click here](#)

Notice that these terms and definitions are not presented to children as a suggested view of reality; rather, they are presented as objective facts. For example, “Alex is both boy and girl.”

The [I Am Jazz lesson plan](#) for fourth graders teaches the term “transgender” while reading a storybook.



Photo of the book *I am Jazz*, read again by Brenon Ham. [Click here](#)

Again, these terms are presented as objective facts. They also “explore” gender diversity and demonstrate “how to be an ally.” They define an “ally” as “a person who works for equality to support people and groups different than them.” They are insinuating a trans-activist mindset in children. These objectives make it undeniably clear that these lessons are intended to be normative.

Nowhere does *Mahmoud* necessitate that education on topics relating to sex and gender be a part of a broader sexual health education scheme to be subject to an opt-out provision. In fact, an opt-out already existed in Maryland for its sexual education curriculum, and the Court held that such a right extends to “particular education requirement[s] that burden[] their well-established right to direct the religious upbringing of their children.” 145 S. Ct. at 2363. Furthermore, the Supreme Court in *Mahmoud* specifically rejected the argument SPSD relies on for denying an opt-out provision, holding that a welcoming environment cannot be achieved “through hostility toward the religious beliefs of students and their parents.” 145 S. Ct. at 2363.

Even if SPSD were able to avoid its duties under the First Amendment by claiming “inclusive instruction” is distinct from sexual health education, SPSD’s own materials make clear such a separation does not, in fact, exist. Each lesson plan on the *K-5 Gender Lessons* webpage clearly identifies how that individual lesson relates to one of Washington’s statewide sexual health standards.

SPSD’s “inclusive instruction” materials are of the sort that require an opt-out provision under *Mahmoud*. For this reason, we request that SPSD provide an opt-out provision and come into compliance with federal law.

Sincerely,



Leigh Ann O'Neill

Leigh Ann O'Neill
Chief of Staff, Litigation; Senior Legal Strategy Attorney
America First Policy Institute