Washington Examiner

OP-EDS

Obergefell at 11: The conflict moved to the classroom

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Published June 23, 2026 9:00am ET

In the 2022–2023 school year, the Montgomery County Board of **Education** in **Maryland** introduced a set of LGBT-inclusive storybooks into its elementary curriculum, kindergarten through fifth grade. The books featured story lines built around sexuality and **gender identity** for children as young as five. Initially, the board offered parents the choice to opt out. But when a wave of parents exercised that right, the board quietly revoked it — without a vote, a hearing, or even an explanation — though officials later cited "administrative burden" and the risk that excused children might feel "stigmatized." The message to parents, many of them observant **Muslims**, Christians, and Jews, was plain: your religious convictions about marriage and family are an inconvenience, and your children will be instructed accordingly.

Last June, the Supreme Court disagreed. In *Mahmoud v. Taylor,* a **6–3 decision** written by Justice Samuel Alito, the court held that the government burdens parents' free exercise of religion when it compels their children to participate in instruction that violates the family's religious beliefs. The board was ordered to restore notice and opt-out provisions. The decision was a victory — but it was also a confession. It confirmed that, a full decade after *Obergefell v. Hodges*, the conflict between state-imposed orthodoxy on marriage and the conscience of ordinary families had not been resolved. It had simply moved downstream — from the courthouse to the classroom.

This was, of course, precisely what the dissenters in *Obergefell* predicted. Alito warned in 2015 that those who held the traditional view of marriage would be "labeled as bigots and treated as such by governments, employers, and schools." The majority waved away the concern with a single line about the **First Amendment's** protection of the right to "advocate." But advocacy, it turns out, is not what parents in Montgomery County were asking for. They were asking not to have their kindergartners conscripted into lessons that contradict what is taught in their homes. They were asking, in other words, to be left alone. And the school board said no.

Montgomery County is not an outlier. Since 2022, 26 states have introduced 85 new parental-rights bills, many of them aimed at restoring the basic transparency that school boards such as Montgomery County's tried to eliminate. The sheer volume of legislation tells a story the *Obergefell* majority did not anticipate: the redefinition of marriage did not end the argument. It relocated it. The venue is no longer the statehouse or the ballot box, where the democratic process could have produced a durable compromise. The venue is the elementary school, where five-year-olds are the target, and where the penalty for dissent is not a lost election but a revoked right to guide your own child's moral formation.

The pattern extends well beyond curricula. In the 11 years since *Obergefell*, the court has been forced to repeatedly intervene on behalf of citizens whose consciences the 2015 majority promised would be protected. Whether it is Lorie Smith being told to create websites for marriages her faith forbids, Jack Phillips being hauled before a commission that equated his beliefs with defenses of slavery, or **Catholic** Social Services being stripped of foster-care contracts for declining to certify same-sex couples, the logic remains the same: the post-*Obergefell* regime treats disagreement as discrimination, and it does not ask permission before it enters your child's classroom.

The public is beginning to notice. New Gallup data show support for same-sex marriage has fallen to 65% in 2026 — the first sustained decline after decades of growth. This shift doesn't suggest a country settling into a comfortable consensus; it suggests a country waking up to the downstream costs of a ruling it was told would cost nothing.

And the heaviest of those costs, as always, falls on children. The child-advocacy organization Greater Than argues that equality for adults should not require inequality for **children**. When a school board can override a parent's religious formation of her own child, the child does not gain a right. The child loses the one adult whose duty it is to protect her from the state. When the law treats a five-year-old's moral instruction as a matter of government prerogative rather than parental responsibility, it has not expanded liberty. It has contracted it at the expense of the republic's smallest and least powerful citizens.

The *Mahmoud* decision was a necessary correction, but it was a narrow one. The broader question — whether our legal order can still accommodate parental rights, religious liberty, and free speech — remains unanswered. Eleven years ago, the court promised parents that the redefinition of marriage would not touch their families. The mandates, the revoked opt-outs, and the compelled-speech cases tell a different story. The question now is not just whether the court will keep its promise, but whether the parents living that story will finally be heard.

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