

## SCOTUS Snapshot

*Your weekly window into the Court that shapes the nation.*

### ***Mirabelli v. Bonta***

#### **What's At Stake**

- What is the case about?

Under both California state law and school district policy, public schools are prohibited from informing parents that their child is “gender transitioning” without that child’s consent. Both teachers and parents challenged the policy, claiming it violated their First Amendment right to exercise religion and their Fourteenth Amendment right to direct their children’s upbringing. Their suit became a class action. The district court granted summary judgment for all plaintiffs and permanently enjoined the “gender transition” policies. The Ninth Circuit stayed the district court’s injunction, allowing the state policies to go back into effect. The plaintiffs filed an emergency application, asking the Supreme Court to vacate the Ninth Circuit’s stay.

This week, the Supreme Court granted the request by plaintiffs to lift the Ninth Circuit’s stay. Therefore, California school “gender transition” policies are enjoined from taking effect while the case is pending. The Court concluded that the parents would likely succeed in their constitutional challenge on both free exercise and parental rights grounds.

- Who is affected and how?

California public schools, students, teachers and parents. However, this decision puts school districts across the country on notice that secrecy policies designed to cut parents out of critical decisions about their children will not withstand constitutional scrutiny.

- Why does it matter?

This case will have significant implications regarding parents’ fundamental right to direct the upbringing of their children.

#### **Our Take**

While the Supreme Court did not issue a final ruling on the merits, its decision to reinstate the district court’s injunction signals that the Court recognizes the constitutional principle that parents, not the government, have the authority to direct the upbringing of their children. The Court effectively put schools and government officials nationwide on notice that policies designed to conceal important information about a child’s well-being from parents are unconstitutional. Future cases are likely to further reinforce that parental rights are fundamental and cannot be overridden by school policies that sideline parents from critical decisions affecting their children.