

STEPHANIE P.,

Appellant

v.

MONTGOMERY COUNTY  
BOARD OF EDUCATION,

Appellee.

ORDER OF THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR24-09

### ORDER

Appellant, Stephanie P., is the parent of an elementary-aged child attending Montgomery County Public Schools (“MCPS”). The Appellant objects to MCPS’s use of LGBTQ+ inclusive texts in its English language arts curriculum and requests to receive advance notice when the texts are used in her child’s classroom and to allow her child to opt-out of use of such texts. The Appellant argues that the LGBTQ+ inclusive texts concern family life and human sexuality and that State regulation requires MCPS to allow her child to opt-out. She also maintains that the no opt-out policy violates her constitutional rights.

MCPS denied the Appellant’s request. The local board explained that the LGBTQ+ inclusive texts are not part of the Family Life and Human Sexuality curriculum. It further explained that the diverse composition of MCPS families makes it impossible to notify parents of upcoming readings, discussions, or classroom activities that may conflict with any religious beliefs. The Appellant appealed the local board’s decision to the State Board.

The same facts and issues raised in this appeal are currently the subject of litigation in a case pending before the United States District Court for the District of Maryland, *Mahmoud v. McKnight*, CV DLB-23-1380, filed May 24, 2023.<sup>1</sup> In the District Court case, several parents of elementary-aged children attending MCPS schools filed the federal lawsuit against MCPS and school system officials seeking the ability to have their children opt-out of any use of the LGBTQ+ inclusive texts and alleging constitutional and State law claims. Although the Appellant is not a party to the pending litigation, the District Court case involves substantially similar parties, facts, and issues as the instant appeal. Accordingly, because of the unique circumstances of parallel proceedings in federal court and before the State Board, the State Board has stayed this appeal pending resolution of the federal case, including any appeals. *See Smiley v. Arizona Beverages*, 2024 WL 327044 \*2 (D. Md. Jan. 29, 2024) (principles of comity and judicial economy warrant the stay of the later-filed action, absent a showing that the balance of convenience favors the second action). The State Board desires to promote judicial efficiency by not proceeding with matters that are part of ongoing litigation.

Therefore, it is this 21st day of May 2024, by the Maryland State Board of Education,

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<sup>1</sup> The District Court denied the plaintiffs’ request for preliminary injunction. *See Mahmoud v. McKnight*, 2023 WL 5487218 (D. Md. Aug. 24, 2023), *aff’d*, 2024 WL 2164882 (4<sup>th</sup> Cir. May 15, 2024).

ORDERED that the appeal referenced above is hereby stayed until such time that the federal case and any appeals are resolved.

MARYLAND STATE BOARD OF EDUCATION

Signature on File:

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Joshua L. Michael  
Vice-President