

Parents, students, doctors react to MCPS lawsuit targeting LGBTQ+ storybooks

Complaint alleges MCPS violated families' First Amendment rights



Image Credit: Mishka Espey

Three families [recently filed a federal lawsuit](#) demanding courts block MCPS from using LGBTQ+ inclusive children's storybooks without allowing parents to opt students out. As LGBTQ+ Pride Month begins and the school district prepares to file a response to the suit, tensions are mounting among parents and community members.

The lawsuit—Mahmoud, et al. v. McKnight, et al.—alleges the six storybooks in question promote “political ideologies about family life and human sexuality that are inconsistent with sound science, common sense, and the well-being of children.” The district [first added the six LGBTQ+ inclusive books to its supplemental curriculum](#) for pre-K through fifth grade in January. Supplemental curriculum materials are texts approved for use in the classroom at teachers' discretion, according to school guidelines.

In March, MCPS [revised its policy regarding the use of these supplemental materials](#), saying families should not expect to receive prior notice when their student is read one of the books in class. The ensuing [47-page legal complaint](#) alleges this policy violates parents' First Amendment right to “shape

their children's religious education." [Fourteen exhibits](#) are attached to the complaint, including scanned copies of the storybooks and redacted email exchanges between parents and school personnel.

William Haun, senior counsel with the Becket Fund for Religious Liberty—a nonprofit law firm from Washington, D.C. representing the plaintiffs—told MoCo360 he believes the core of the case hinges on the right of parents to direct their students' religious upbringing.

"We see this case as upholding the right of public institutions to stand for pluralism and also to respect the fact that people disagree and that those disagreements in our kind of society are aired openly," he said.

MCPS spokesperson Jessica Baxter declined to comment, saying the school district is prohibited from commenting on pending litigation.

The Council on American-Islamic Relations (CAIR), a prominent Muslim advocacy group, recently created a petition that has amassed nearly 2,000 signatures asking the school board to let parents opt their students out of LGBTQ+ inclusive curriculum. Over 1,075 signatories report living in Montgomery County, according to CAIR's deputy executive director Edward Ahmed Mitchell. CAIR has [noted](#) that "numerous families, including Muslim parents and children, had taken advantage of the opt-out option" before MCPS discontinued it on March 29.

[One of the exhibits](#) to the parents' complaint contains a March 20 email exchange in which parent Enas Barakat—a plaintiff—requested her Fallsmead Elementary student be allowed to leave the classroom while the LGBTQ-inclusive storybook *Prince and Knight* was read in class. In the exchange, Acting Principal Matthew Johnson replied: "No problem and [the teacher] will have the student sit outside the classroom during the activity." Three days later, MCPS announced parents like Barakat would no longer be able to make such a request.

At a May 25 school board meeting, multiple community members [testified](#) in favor of restoring the opt-out option, claiming the inclusive curriculum conflicts with Muslim and Christian religious beliefs.

"Infringing on the rights of certain students will build an environment of hostility to our children who will feel inferior, unheard, with a significant impact on their mental and emotional safety and wellbeing," Muslim parent and plaintiff Tamer Mahmoud testified.

Montgomery Blair High sophomore Nikhita Bhatt [testified in support](#) of LGBTQ+ inclusive schoolbooks, citing [data from the American Psychological Association](#) showing inclusive curriculum improves LGBTQ+ student safety and well-being. All the speakers asking the board for an opt-out from such books were adults, except for one female Muslim student who testified to her personal discomfort with the "unsettling" curriculum. The student's name is not listed in the [meeting agenda](#), and an MCPS spokesperson was unable to verify whether she attends public school in the county.

Recalling the student's testimony, board member Lynne Harris (At-large) said she felt "kind of sorry" for the girl and wondered to what extent she may have been "parroting dogma" learned from her parents. Harris pushed back on the idea that the no-opt-out policy is an infringement of parental rights.

"There is no right for a parent to micromanage their child's public school experience," she said. "If they want their child to receive an education that strictly adheres to their religious dogma, they can send their kid to a private religious school."

Harris said she considers it a "badge of honor" to have been quoted four times in the parents' complaint. She expressed concern about the precedent a win for the plaintiffs would set for the school district when it comes to opting students out of other curriculum.

“Do [the plaintiffs] realize it would be an impossible disruption to the school system if teachers had to screen the content they plan to teach every day and send out notices so white supremacists could opt out of civil rights content and xenophobes could opt out of stories about immigrant families?” she asked.

When asked whether the parents’ complaint includes any limiting principles that would prevent parents from using the suit as precedent to opt children out of other materials they found objectionable, Haun responded:

“It’s not simply about exposure to ideas you find objectionable. It’s preempting the right to form your children in your religious traditions and direct their upbringing in that way.”

Asked about the complaint’s description of the storybooks as being inconsistent with “sound science,” Haun said the books represent “an ethical dispute concerning physician worldview” and described the topics of gender identity and gender-affirming care as a “sharply contested medical debate.” To support this idea, both Haun and the complaint cited statements from the American College of Pediatricians, a group the Southern Poverty Law Center has [designated](#) a “fringe anti-LGBTQ hate group.”

According to Lee Blinder, head of prominent local advocacy group [Trans Maryland](#), Montgomery County severely lacks pediatric doctors and primary care providers who specialize in gender-affirming medical treatment. Julius Johnson-Weaver is a board-certified family medicine doctor from neighboring Howard County who offers [gender-affirming care and primary care services](#) to patients of all ages. They have been medically licensed for over 20 years.

Johnson-Weaver said established medical professionals overwhelmingly agree gender-affirming care is not controversial, noting that over 100 medical societies support its effectiveness in treating gender dysphoria—including the [American Academy of Pediatrics](#) and [American Medical Association](#).

“The same medical societies where we get our guidelines to treat asthma, ADHD, diabetes, high blood pressure they not only say [gender affirming care] is OK, but they say it’s necessary. It’s standard of care. To say it’s controversial is playing smoke and mirrors, because that’s just not true,” Johnson-Weaver said.

Jax Kobey, a junior at Rockville’s Wootton High, is one of 500 students who, as of February, had [utilized the MCPS gender identity support form to change their name](#) in the school system to better reflect their identity. Kobey read the lawsuit for themselves front to back, and they expressed confusion over plaintiffs’ argument that the storybooks fall within the realm of health curriculum.

“These books are not sexual and thus don’t fall under health class discussions about sex,” Kobey wrote to MoCo360. “If these books are to be counted as discussions of family life, then so should other class materials with any mention of family. If a teacher is talking about the relationship between George and Martha Washington, should the principal send a letter to parents first?”

When asked how he would explain his clients’ perceived need for an opt-out to young LGBTQ+ students, Haun responded:

“None of our parents would have any issue if the school wanted to teach kindness, empathy, respect for everyone, and seeing people as people. Period. [...] These are heavily contested ideas being given to highly impressionable children.”

Haun continued:

“It’s an ideological view that is being insisted upon at the expense of everything else, and it’s unfortunate, [...] but it doesn’t bear upon the need to be kind and respectful and empathetic toward all.

And none of our parents have any issue with that. They think they can achieve that without needing to insist upon an ideological view on sex and gender.”

A [2022 national survey](#) by The Trevor Project found that 45% of LGBTQ+ youth seriously considered attempting suicide in the past year. Children who described their school environment as LGBTQ-affirming reported lower rates of attempted suicide, the report shows. Transgender and nonbinary youth are almost four times more likely to experience bullying than their cisgender peers, according to a [peer-reviewed 2018 study](#).

Reacting to Haun’s comments about the need for kindness and empathy, Johnson-Weaver pointed out that empathy involves the need to understand one’s peers, which requires education and exposure. They also said the high risk of mental health disparities among LGBTQ+ students is a direct result of a lack of empathy for the LGBTQ+ community, which can result in bullying and ostracization.

“It’s very difficult to tell people to be kind to a group that they don’t quite understand that they haven’t had exposure to,” they said. “It’s very important that we have books that normalize being queer, being trans. When you ask to opt your kids out of that, you’re opting them out of education.”