

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

TAMER MAHMOUD, et al.,

Plaintiffs,

v.

MONIFA B. MCKNIGHT, in her official
capacity as Superintendent of the
Montgomery Board of Education, et al.,

Defendants.

Case No. 8:23-CV-01380-TJS

**DECLARATION OF
ROBERT MCCAW**

I, Robert Stephen McCaw, declare as follows:

1. My name is Robert Stephen McCaw. I am over 21 years old and capable of making this declaration pursuant to 28 U.S.C. § 1746. I have personal knowledge of all of the contents of this declaration.

2. I am the Government Affairs Department Director at the Council on American-Islamic Relations (CAIR), the nation's largest Muslim civil rights and advocacy organization. Since 2011, I have overseen CAIR's Muslim civic engagement and empowerment programs. Since 2015, I have served as Chairman of the U.S. Council of Muslim Organizations Steering Committee for the National Muslim Advocacy Day on Capitol Hill. I hold a Master's degree in political science and a Certificate in Public Affairs from the University of Florida, Gainesville.

3. On June 8, 2023, I submitted an open records request to the Montgomery County Public Schools (MCPS) regarding its no-opt-out policy regarding newly introduced reading materials and teacher-led discussions about issues involving gender, family life and other related topics.

4. A copy of MCPS's response is attached as Exhibit A.

5. MCPS also included over 130 pages of documents that were responsive to the request, including all “communications” between June 1, 2022, and June 8, 2023, “from or to Superintendent [Monifa B.] McKnight or Chief Academic Officer [Dr. Peggy A. Pugh] concerning the newly approved MCPS reading list of books” that are at issue in the captioned litigation.

6. I have reviewed all of the documents provided in response to the request. I *found no mentions of any concern that the number of parental requests for opt-outs* were becoming too numerous or burdensome for MCPS.

7. The documents attached as Exhibit B were also included among the documents produced by MCPS.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on this 26th day of June, 2023.



Robert Stephen McCaw

Exhibit A

MONTGOMERY COUNTY PUBLIC SCHOOLS

Expanding Opportunity and Unleashing Potential

PUBLIC INFORMATION OFFICE

July 17, 2023

Mr. Robert McCaw
rmccaw@cair.com

Dear Mr. McCaw:

I have received your Maryland Public Information Act (MPIA) request seeking copies of emails, text messages, files, reports, policies, trainings, guidance, classroom lesson plans, reading lists or other records, herein listed as "communications," sent, received or possessed by MCPS Superintendent of Schools Dr. Monifa B. McKnight (Monifa_B_McKnight@mcpsmd.org) and MCPS Chief Academic Officer Dr. Peggy A. Pugh (Peggy_Pugh@mcpsmd.org) between June 1, 2022, and June 8, 2023, related to the subjects identified below. The requested information includes:

- Any communications from or to Superintendent McKnight or Chief Academic Officer Pugh concerning the August 2022 professional development training titled: "Building Community with LGBTQ+ Affirming Picture Books."
- Any communications from or to Superintendent McKnight or Chief Academic Officer Pugh concerning the newly approved MCPS reading list of books for students in prekindergarten to eighth grade. Books include: "Pride Puppy" by Robin Stevenson; "Uncle Bobby's Wedding" by Sarah Brannen; "Intersection Allies: We Make Room for All" by Chelsea Johnson, LaToya Council and Carolyn Choi; "My Rainbow" by Trinity and DeShanna Neal; "Prince & Knight" by Daniel Haack; "Love, Violet" by Charlotte Sullivan Wild; "Born Ready: The True Story of a Boy Named Penelope" by Jodie Patterson; "Cattywampus" by Ash Van Otterloo; "The Best at It" by Maulik Pancholy; "Ivy Aberdeen's Letter to the World" by Ashley Herring Blake; "Hurricane Child" by Kacen Callender; "The Stonewall Riots: Coming Out in the Streets" by Gayle E. Pitman; and "Troublemaker for Justice: The Story of Bayard Rustin, the Man Behind the March on Washington" by Jacqueline Houtman, Walter Naegle and Michael G. Long.

I am responding on behalf of the superintendent of schools who, as official custodian of records for the school system, is responsible for replies under the Maryland Public Information Act, Title 4 of the General Provisions (GP) Article.

Please copy and paste the following link to find enclosed responsive documents to your request:
https://drive.google.com/drive/folders/1zIDT-5dIKvpI_IJG3NDb1h6QtKfmM0Do?usp=sharing

Documents have been redacted in accordance with the student records exception in GP § 4-313.

If you believe you have been wrongly denied a public record, you are entitled to seek judicial review of this decision pursuant to GP § 4-362. In addition, pursuant to GP § 4-1B-01 et seq., you also have the option to express any concerns about this decision to the Public Access Ombudsman.

With regards,



Christopher C. Cram
Director, Department of Communications

CCC:vem

Copy to:

Dr. Pugh

Ms. Williams

Exhibit B

From: [Bayewitz, Michael D](#)
To: [Murphy, Patrick K](#); [Rogovoy, Elizabeth M](#); [Reuben, Ruschelle](#); [Hazel, Niki T](#); [Logan, Kisha](#); [Pugh, Peggy A](#); [Cram, Christopher C](#); [Stockton, Brian S](#); [Hull, Brian](#); [Bolden, Natasha](#); [Edmundson, Greg](#)
Cc: [Clark-Harrison, Arienne M](#); [Handy, Christine C - MCAAP](#); [Forkert, Ryan D](#)
Subject: MCAAP Elementary Cabinet White Paper on LGBTQ+ Materials
Date: Tuesday, November 22, 2022 10:36:09 AM
Attachments: [MCAAP Elementary Cabinet White Paper on LGBTQ+ Materials.docx](#)

Good morning,

On behalf of the MCAAP Elementary Cabinet, I am sharing the attached document that outlines specific concerns and questions raised by principals in regard to the LGBTQ+ supplemental materials. We also offer several suggestions. We stand ready to collaborate with central office leadership to be thought partners in order to ensure that our schools are welcoming, inclusive places where students feel physically and emotionally safe.

Arienne and I are happy to field any questions you may have.

I hope each of you are able to enjoy a happy and healthy Thanksgiving break!

Michael D. Bayewitz
Chair, Elementary Chapter, MCAAP
Principal, Cloverly Elementary School

Principals support the desire for all students to see themselves and their families in their literature. We value all stakeholders and strive for our school communities to be inclusive and value diversity. Principals also share Dr. McKnight's interest in rebuilding trust with our community. To achieve these goals, we must strive for clear communication and full transparency with all stakeholders.

It is within this context that we share the following concerns around the recent distribution, communication, and messaging around the LGBTQ+ supplemental books and materials.

1. Communication Regarding Intent of Materials

Central office leaders have communicated to principals that the purpose of the materials is to portray and represent LGBTQ+ characters in literature, for students to be able to see themselves and/or family in their learning, and to promote inclusivity; it has been communicated that MCPS is not teaching about sexual orientation and gender identity as stand alone concepts in elementary school. However, several of the books and supporting documents seemingly contradict this message. (See item #7). Principals are requesting a clear and transparent message from MCPS to families about the intent and purpose of these books, as well as a draft message principals could utilize after the system-wide communication.

2. Appropriateness of Materials

Numerous concerns have been raised by principals, teachers, and community members that the content of the books does not align with the stated messages. There are concerns that the plot of some of the books center around sexual orientation and gender identity. There are concerns that some of the books are not appropriate for the intended age group, or in one case, not appropriate at all for young students. Specific concerns raised include:

- Pride Puppy (Pre-K)- Depicts a “*queen*”, (drag queen in glossary).
- Uncle Bobby's Wedding (K)- No concerns shared
- Intersection Allies- (Gr. 1)- No concerns shared about content, but the text is too difficult and unengaging for first grade students.
- My Rainbow (Gr. 2)- The plot is about an African American autistic girl who comes to understand she identifies transgender. The words *transgender* and *cisgender* are used but not explained.
- Prince and Knight (Gr.3)- The plot is about a prince searching for a bride and who falls in love with a knight.
- Love, Violet (Gr. 4)- The plot is about a young school-age girl who falls in love with another girl in her class. It is problematic to portray elementary school age children falling in love with other children, regardless of sexual preferences.

- Born Ready: True Story of a Boy Named Penelope (Gr. 5)- The plot is about a girl who identifies as a boy.

Principals are requesting that MCPS consider other titles that more closely align to the communicated intent of the materials.

3. **If Materials are Mandatory or Optional**

MCPS has stated publicly that these are optional materials. This stance places principals (and leadership teams) in a potentially polarizing position of having to decide whether to use the materials. In many schools that we have spoken with, there have been parents who have already vehemently expressed their desire for their child to be removed from the classroom during any lessons surrounding gender identity, sexual orientation, or LGBTQ+ related content. Other parent groups have shared their strong support for the materials to be used. If this is a school by school, or teacher by teacher decision, this will significantly damage school-community relationships.

4. **Opt-Out Option**

MCPS has stated publicly that there is no option to opt-out, with the rationale that MCPS is simply providing books about inclusion of LGBTQ+ characters and inclusivity. However, due to the concerns shared earlier about the plot and nature of the books, this creates a significant concern by some parents about “indoctrination” or “hidden agendas.”

5. **Teacher Training**

Teachers have not been trained on the use of these materials and subsequent questions, conversations, and class discussions that may occur. Some teachers have shared their discomfort about the content, the terminology, and the appropriateness of the books developmentally as well as from a sexual education perspective. For example, family life isn’t taught until fifth grade, but a second grade book uses terminology such as *cisgender* or *transgender*.

6. **Process of Selection of Materials**

It has been shared that these materials went through the established MCPS process of including multiple stakeholders and community involvement in the approval process. However, given the sensitive nature of the materials, there needs to be a more robust, inclusive, public-facing process that includes deliberate attempts to include administrators, teachers, and parents as stakeholders. It is especially important to include communities that represent various perspectives across Montgomery County.

7. **Communication Moving Forward**

Beginning with the materials arrived in schools this summer without clear communication, the communication around the materials and messaging has been wrought with confusion. Moving forward, principals are seeking one office, or one point-person, to be the contact of communication for principals.

8. **Supporting Documents Containing Mixed Messaging and/or Questionable Content**

- a. In “[Sample Student Call-Ins](#)” document. Example provided:

A Student might say something like.....	We can respond with....
“Being_____ (gay, lesbian, queer, etc) is wrong and not allowed in my religion.”	I understand that is what you believe, but not everyone believes that. We don’t have to understand a person’s identify to treat then with respect and kindness. (Concern- dismissive of religious beliefs)
“That’s weird. He can’t be a boy if he was born a girl.”	That comment is hurtful; we shouldn’t use negative words to talk about people's identities. (Concern- shaming comment to a child).
“What body parts do they have?”	When we’re born, people make a guess about our gender and label us boy or girl based on our body parts. Sometimes they’re right and sometimes they’re wrong. Our body parts do not decide our gender. (Concern: Stated as a fact. Some would not agree this as a fact).

- b. “[Adding an LGBTQ+ Lens to Our Critical Selection Repertoire](#)”

Sample of concerns:

- “Who wrote & illustrated the book? How do they identify? Are they writing from a place of lived experience(s)?” (Concern: This criterion is exclusionary and should not limit possible resources that are relevant.)
- Does the book promote deep engagement and leave room for discussion and curious exploration? (Concern: This suggests the literature is designed to spark curiosity about the topic, as opposed to exposure and inclusivity).

- c. “[Responding to Caregivers / Community Questions](#)”

Concern: Throughout this document, many of the answers provided contradict the overarching messaging and seem to support the explicit teaching of gender and sexual identify.