

No. 24-297

In the Supreme Court of the United States

TAMER MAHMOUD, ET AL.,

Petitioners,

v.

THOMAS W. TAYLOR, ET AL.,

Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE FOURTH CIRCUIT

JOINT APPENDIX

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**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-DLB

**DEFENDANTS' MEMORANDUM OF LAW IN
OPPOSITION TO PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

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Central to MCPS’s mission are curricula that represent the wide range of families calling Montgomery County home. By ensuring that curricula reflect the community to which its students belong, MCPS helps to “foster[] a positive learning environment that embraces all unique and individual differences” and to “ensure compliance with all federal, state, and local nondiscrimination laws.” Ex. 1 at 1-2 (Policy ACA). Among these laws is Maryland’s “Equity Regulation,” which was adopted by the Maryland State Board of Education in 2019 and requires every school district to ensure “educational equity” to “maximize [students] academic success and social/emotional well-being.” COMAR § 13A.01.06.01(A), (B). “[E]ducational equity” is defined as “view[ing] each student’s individual characteristics as valuable,” including their “[e]thnicity,” “[f]amily structure,” “[g]ender identity and expression,” “[r]ace,”

“[r]eligion,” and “[s]exual orientation.” *Id.* § 13A.01.06.03(B)(2) & (5).

As part of its commitment to serving its diverse community, MCPS works to accommodate families of all religious backgrounds. MCPS authorizes absences for religious holidays, ensures that students can make up missed assignments, and provides that students cannot be denied a perfect attendance award due to such absences. Decl. ¶ 20. MCPS no longer schedules classes on Eid al-Fitr and Eid al-Adha—two Islamic holidays significant to many MCPS students—and recognizes dozens of “days of commemoration” on which principals are advised not to schedule tests or other major events. *Id.* And MCPS has adopted Guidelines for Respecting Religious Diversity (the “Guidelines”) that provide a reference for schools regarding applicable MCPS policies, regulations, and state and federal laws. Compl. Ex. A. at 1.

* * *

By contrast, MCPS does allow opt outs—both religious and secular—from aspects of the health education curriculum serving “family life and human sexuality objectives,” as it must under Maryland law. *See* COMAR § 13A.04.18(D)(2). Plaintiffs’ argument that these policies implicate *Tandon* fails out of the gate because they have not established that MCPS is distinguishing between religious and secular activities. Plaintiffs offer no evidence that the conduct MCPS forbids (opt outs from the ELA curriculum) is religious while the conduct that MCPS permits (opt outs from the health education curriculum) is secular. MCPS’s no-opt-out policy for the LGBTQ-Inclusive

Books thus does not trigger strict scrutiny under *Tandon*.

Plaintiffs independently fail to establish, as they must under *Tandon*, that opt outs from the ELA curriculum are comparable to opt outs from the health education curriculum. “[W]hether two activities are comparable for purposes of the Free Exercise Clause must be judged against the asserted government interest that justifies the regulation at issue.” *Tandon*, 141 S. Ct. at 1296. A “relatively close comparison” is required, *Doe v. Catholic Relief Servs.*, 618 F. Supp. 3d 244, 255-256 (D. Md. 2022), and is lacking here. Opt outs from the two curricula are not comparable because the curricula are tailored to different grade levels, cover different topics, and serve different educational objectives. The asserted government interests behind the two opt-out policies are also distinct. The government interest justifying MCPS’s policy of allowing opt outs from the health education curriculum is clear: Maryland law requires it. Decl. ¶ 43. By contrast, Maryland law is silent on the question of opt outs from the ELA curriculum. MCPS has prohibited such opt outs here—whether religious or secular—because they would disrupt classroom instruction and undermine MCPS’s efforts to create a learning environment free from discrimination. *Id.* ¶¶ 36-39.

English Language Arts Framework

Goal

The goal of the Pre-K–12 English Language Arts program is to create literate, thoughtful communicators, capable of controlling language effectively as they negotiate an increasingly complex and information-rich world. Students will refine specific skills and strategies in reading, writing, speaking, listening, and viewing and will use these skills and strategies widely as tools for learning and reflection. Exploring a variety of texts, students will understand and appreciate language and literature as catalysts for deep thought and emotion.

Enduring Understandings

- Language is a powerful tool for expressing ideas, beliefs, and feelings.
- Knowledge of language facilitates thought.
- Readers, listeners, and viewers continually develop and apply strategies to construct meaning from increasingly complex and challenging texts.
- Writers and speakers strategically use language to communicate for a variety of purposes.
- Individuals need advanced literacy skills to participate actively and successfully in today's demanding, information-based society.
- Literature reveals the complexities of the world and human experience.

Content

Guided by the Maryland English Language Arts Content Standards (2008) and the Common Core State Standards for English Language Arts (2010), the Pre-K–12 English Language Arts program focuses on the

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communication processes of reading, writing, speaking, listening, and viewing through the study of language and literature.

Each unit integrates the communication processes and contents. No one process (reading, writing, speaking, listening, and viewing) is taught in isolation; neither of the contents (literature and language) is taught in isolation. Rather, students learn the dynamic relationships among them as they study the significant role language plays in literature and in the craft of expressing oneself through the written and spoken word. Enduring Understandings and Essential Questions for each unit provide a larger purpose for learning targeted content. Specifically, each unit exposes students to the following aspects of the communication processes, literature, and language:

Reading and Listening—Effective readers and listeners use strategies before, during, and after reading or listening to construct and extend meaning according to the text and purpose. They access background knowledge, survey structure, predict, question, summarize, clarify, visualize, draw conclusions, validate perceptions, analyze, synthesize, and evaluate. In English Language Arts classes, students develop and apply these strategies to a variety of increasingly challenging and complex texts.

Viewing—Effective viewers approach visual texts in much the same way they approach written or spoken texts. In English Language Arts, students actively view visual texts by applying and refining strategies they use when reading and listening and learn new concepts specific to understanding visual media.

Writing and Speaking—Effective communicators are aware of the essential elements of powerful writing and speaking—ideas and development, organization, diction, syntax, voice, and language conventions. They use their knowledge of the nature, organization, and structure of language to improve as writers and speakers. Effective writers employ a recursive process that includes pre-writing, drafting, revising, editing, and publishing. In English Language Arts, students apply their understanding of language and the writing process to develop organized and coherent responses to literature, synthesize information, develop arguments for a variety of purposes, describe situations or events, and express their personal ideas.

Literature—Effective readers realize that universal human experiences often serve as sources of literary themes. Readers also understand that authors make conscious decisions to affect an audience. In English Language Arts, students read, listen to, and view traditional and contemporary works to examine how authors, speakers, and directors use language, literary elements, and genres to provide their audiences with new insights and perspectives.

Language—Effective communicators are aware of the rules that govern language, grammar, syntax, and organization, and they understand the power of word choice and semantics. In English Language Arts, students use their knowledge of language to improve as communicators and to analyze the textual decisions authors make to influence voice, tone, and meaning in literary works.

Instructional Approach

Designed to provide challenge for all learners, the Pre-K–12 English Language Arts curriculum offers a flexible program focused on developing strategies for active reading and clear writing. Instructional activities guide students to examine the techniques authors use to develop universal themes in various genres. Students build, refine, and apply skills in organization and clear use of language in recursive writing tasks throughout the year. The English Language Arts curriculum promotes instruction that

- integrates the communication processes and contents.
- is student centered and challenging for all learners.
- provides experiences for students to construct and produce their own meaning.
- encourages critical thinking and metacognition.
- places literature study in a social and personal context.
- includes ongoing assessment for the purpose of modifying instruction to ensure student success.
- promotes opportunities for teachers to provide frequent and immediate feedback to students.
- values all learners and is differentiated for their strengths, interests, and learning styles.
- nurtures appreciation and understanding of diverse individuals, groups, and cultures.
- offers students many opportunities to demonstrate and apply their learning in a variety of modes.
- includes a variety of instructional approaches and conceptual models, such as simulations, shared inquiry, seminars, research, and concept formation.

- uses flexible grouping practices and collaboration.
- provides frequent formal and informal writing opportunities, with attention to the writing process and portfolio assessment.
- incorporates grammar and vocabulary study in the context of writing and literature study.
- emphasizes and models critical thinking and problem solving.
- includes a wide variety of texts, both assigned and student selected, representing diverse cultures and a range of difficulty.
- provides opportunities to study speaking, listening, and viewing processes to enhance the study of text.
- offers frequent opportunities for close critical reading, analysis, and discussion.
- provides active and direct work with writing, using models, frequent feedback, and rubrics to give students opportunities to improve their work.
- incorporates and encourages the use of technology.
- develops strategic readers and writers.

Documents and Concepts Considered in this Framework

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- Marzano, Robert J., Debra J. Pickering, and Jane E. Pollock. *Classroom Instruction that Works: Research-based Strategies for Increasing Student Achievement*. Alexandria, VA: Association for Supervision and Curriculum Development, 2001.
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Core Learning Practices for English Language Arts

In an effort to create sustainable, culturally responsive pedagogy, teachers should regularly work with their PLCs to plan instructional experiences where *students* frequently engage in these learning practices. PLCs should use these practices along with the Components of a Rigorous Classroom and the Instructional Continuum of Personalized Learning to ensure students are meeting the demands of the Common Core State Standards.

Analysis and Use of Language

- Evaluating the effects of an author's word choices
- Exploring how and why an author varies sentence structure and style
- Determining and clarifying meaning of unknown and multiple-meaning words from context
- Choosing precise language to convey ideas effectively
- Varying sentence structure for meaning, interest, and style (e.g., sentence combining and imitating)

Close Reading

- Engaging with complex text
- Questioning and making meaning from text
- Reading a variety of texts across genres- short fiction, nonfiction, poetry, essays, and visual texts
- Thinking critically about diverse points of view

Critical Thinking and Inductive Reasoning

- Evaluating ideas and challenging beliefs

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- Recognizing faulty logic and sound reasoning
- Synthesizing evidence to formulate independent conclusions
- Examining abstract or ambiguous concepts
- Engaging in authentic inquiry and incorporating new knowledge to refine thinking
- Using metacognition to develop thinking skills

Learning *By Writing* and *About Writing*

- Taking risks to develop ideas and voice
- Writing frequently to explore thinking and to build fluency and stamina
- Composing narratives, arguments, and explanatory texts, as well as blending these types of writing
- Synthesizing the best evidence from multiple sources in support of claims
- Engaging in frequent reflection and using ongoing feedback to develop and strengthen writing

Student Choices

- Cultivating curiosity and wonder by driving their own learning
- Making choices in content, process, pace, and product
- Reflecting on how they learn to make informed choices
- Using a variety of ways to access challenging content and engage in tasks worth doing
- Leading discussions on self-selected texts
- Selecting from a range of diverse texts to understand and appreciate multiple perspectives

Student Discourse

- Propelling conversations and building on ideas
- Participating in a range of collaborative discussions (e.g., Shared Inquiry, Socratic seminar)
- Providing meaningful and constructive feedback
- Using effective presentation skills
- Citing evidence to support claims
- Working together to clarify questions and solve problems

REGULATION

MONTGOMERY COUNTY PUBLIC SCHOOLS

Related Entries: BLB, EGB-RA, IGP-RA, IGT-RA, IB
Responsible Office: Deputy Superintendent of Schools

**Evaluation and Selection of Instructional
Materials and Library Books**

I. PURPOSE

To set forth the procedures for the evaluation and selection of instructional materials and library books in order to locate and make available for students and professional staff members instructional materials that support the curriculum and goals of education on a countywide basis

To establish a procedure for parents, students, and staff to request a reconsideration of previously approved instructional materials being used in MCPS

II. BACKGROUND

Instructional materials are evaluated and selected according to specified procedures by professional staff to assure that the materials in teaching/learning situations support the curriculum and meet the diverse needs of students in accordance with state laws.

III. DEFINITIONS

A. *Instructional materials* are print and non-print items that are designed to impart information to the learner in the teaching/learning process. Instructional materials may be consumable and expendable and include such items as charts,

kits, textbooks, magazines, newspapers, pictures, recordings, slides, transparencies, videos, video discs, workbooks, and electronic resources such as software, CD-ROMs, and online services.

B. *Library books* are literary works, narratives, and other texts that are selected for research or free choice reading but not used for directed instruction.

C. *Subject-Area Evaluation and Selection Committees* consist of teachers, media specialists, other relevant staff, and the coordinator/supervisor of each subject area who evaluate textbooks, videos, electronic resources, and other instructional materials for county-wide use.

IV. PROCEDURES

A. General

1. The Evaluation and Selection Unit coordinates the processes of the evaluation of instructional materials and library books in accordance with this regulation.
2. Instructional materials and all library books are to be reviewed and evaluated prior to purchase.
3. All instructional materials and library books received as gifts and intended for use with or by MCPS students must be evaluated.
4. Instructional materials duplicated or copied in compliance with Regulation EGB-RA: *Using Copyrighted Materials* for use with or by MCPS students must be evaluated.

5. All instructional materials and library books must be selected from those approved through the evaluation process.
6. Guidelines to implement specific evaluation and selection procedures are provided by the Evaluation and Selection Unit.

B. Identification of Materials

1. Professional staff members and Subject-Area Evaluation and Selection Committees may request and evaluate materials by using:
 - a) MCPS Form 365-25: *Record of Evaluation for Instructional Materials* for print and non-print materials
 - b) MCPS Form 365-29: *EPIC-CDROM/Computer Software Record of Evaluation* for electronic materials
2. Newly approved textbooks will remain in the Evaluation and Selection Unit for 30 calendar days to permit examination by professional staff and parents before school orders will be honored.
3. The Evaluation and Selection Unit will coordinate all requests from vendors and representatives who want to meet with Subject-Area Evaluation and Selection Committees and workshops held by subject-area coordinators.
4. Professional staff members are encouraged to seek newly published educational materials through professional activities such as conferences and training sessions.

Requests for preview and evaluation copies of materials are made through the Evaluation and Selection Unit. Vendors who contact staff should be directed to the Evaluation and Selection Unit.

5. Vendors and publishers' representatives are prohibited from soliciting the sale of instructional materials on school premises. (See Regulation COD-RA: *Prohibition of Vendors on or Near School Premises*, and Exhibit COD-EA: *Vendors on School Grounds, Montgomery County Code*.)

C. Evaluation of Instructional Materials

1. General

- a) All textbooks must be evaluated by Subject-Area Evaluation and Selection Committees using MCPS Form 365-25: *Record of Evaluation for Instructional Materials*.
- b) Instructional materials for county-wide use must be evaluated by Subject-Area Evaluation and Selection Committees using MCPS Form 365-25: *Record of Evaluation for Instructional Materials*.
- c) Instructional materials, other than textbooks and Family Life and Human Sexuality materials, for single-school use must be evaluated by more than one professional staff member (the school media specialist, a teacher in the content area, or an administrator) using MCPS

Form 365-25: *Record of Evaluation for Instructional Materials.*

- d) Instructional materials should, in their overall effect, make a positive contribution to the MCPS program and directly align to MCPS curriculum. Titles that are part of a series and kits or sets must be evaluated individually on their own merit.
- e) Criteria that should be applied to the evaluation of all instructional materials are:
 - (1) Materials shall be directly aligned to the MCPS curriculum and relevant to and reflective of the multicultural society and global community.
 - (2) As appropriate, the materials shall offer opportunities to better understand and appreciate the issues, aspirations, and achievements of women and persons from diverse racial, ethnic, and cultural backgrounds, avoiding those which contain negative attitudes, stereotypes, caricatures, epithets, and dialect (except in historical or literary contexts).
 - (3) As appropriate, the materials shall provide students with the opportunity to investigate, analyze, and evaluate social issues.

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- (4) Materials shall take the following into account:
- (a) Direct support of student achievement toward MCPS curriculum standards
 - (b) Authenticity
 - (c) Impact on instructional time
 - (d) Age/grade appropriateness (in the case of motion media, Motion Picture Movie Association age ratings must be applied when applicable)
 - (e) Recency – Copyright date
 - (f) Clarity, conciseness, and understandability
 - (g) Value in terms of purchase price
 - (h) Compliance of electronic materials and resources with MCPS hardware and network standards

2. Family Life and Human Sexuality

- a) Consistent with MCPS Regulation IGP-RA, *Comprehensive Health Education Instructional Program*, instructional materials that are to be used in direct classroom instruction in the family life and human sexuality education program (~~Focus Areas II and III~~) are to be evaluated within the health education curriculum advisory committee in accordance

with criteria established by MCPS and the Maryland State Department of Education.

- b) Annually, under direction of the principal, each school must organize a school-community advisory group representing a variety of viewpoints within the community.
 - (1) This committee will review the curriculum and instructional materials for the family life and human sexuality program and will assist the principal in planning information sessions for parents about the program.
 - (2) Parents/guardians will have an opportunity to review the state and county regulations and to examine the curriculum and the county-approved instructional materials to be used with students.
 - (3) The committee will advise the principal on implementation of the program and assist the principal in evaluating the program.
- c) Instructional materials in the family life and human sexuality curriculum that are approved only for direct supervised instruction are to be placed in a designated

area of the school accessible to staff only.

D. Evaluation of Library Books

1. Approval of library books requires review and signature of more than one professional staff member using MCPS Form 365-25: *Record of Evaluation for Instructional Materials*.
2. Professional staff members may use reviews from selected journals and MCPS bibliographies to evaluate library books.

E. Review of Approved Instructional Materials and Library Books

1. School-based and central office staff will review on an on-going basis all instructional materials in schools based upon curriculum objectives and revisions, datedness of material, out-of-print items, challenge to authenticity, and comparative market prices.
2. The library media specialist, in conjunction with other local school professional staff, will review the media center collection on an ongoing basis.
3. MCPS professional staff may request, through the Evaluation and Selection Unit, newly published and updated instructional materials and library books from vendors and publishers by completing the bibliographic data on MCPS Form 365-25: *Record of Evaluation for Instructional Materials*.

F. Reconsideration of Instructional Materials and Library Books

When the appropriateness of instructional materials or library books is questioned by a parent, student, or staff member, resolution begins at the school level.

1. When resolution cannot be reached at the school level, a “*Request for Reconsideration of Instructional Materials and Library Books*” form, which can be obtained from the supervisor of Evaluation and Selection, must be completed and forwarded to the Evaluation and Selection Unit. The supervisor of evaluation and selection shall contact the principal or library media specialist for all pertinent data concerning the request.
2. Upon receipt of the “*Request for Reconsideration of Instructional Materials and Library Books*,” the Evaluation and Selection Unit will:
 - a) Appoint an ad hoc committee to reevaluate the material and establish a date for completion of its work. The committee will be composed of school library media specialist(s), teacher(s), principal(s), counselor(s), subject coordinator(s), and one librarian from the public sector other than MCPS, such as the public library system or higher education.
 - b) Notify in writing principals, library media specialists, and school staff giving

pertinent information concerning the text and the reason for the request. Such materials will not be purchased during the reevaluation period. The instructional material or library books in question will not be withdrawn from the collection during the time the committee is reevaluating the material.

- c) Any professional staff member may then write a memorandum to the supervisor of Evaluation and Selection outlining concerns relevant to the item in question. All correspondence becomes a part of the committee file.
- d) The instructional material or library book in question and the report of the ad hoc committee will be examined by the director of School Library Media Programs and the associate superintendent for Instruction and Program Development. Upon examination of the recommendations of the ad hoc committee and in consultation with other staff members at the discretion of the associate superintendent, the associate superintendent will decide the disposition of the item in question.
- e) The parent or staff member who filed the complaint will be sent a letter signed by the associate superintendent for Instruction and Program Development stating the decision.

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- f) Any material that has been through the complete reevaluation process within the past three years will not be reconsidered. The earlier committee action will stand.
- g) Consideration of a title that has been removed through the reevaluation process must be initiated by professional staff using MCPS Form 365-25.
- h) Schools will be notified by written communication as to the status of the reevaluated material.

G. Appeals

1. Appeals to the Superintendent of Schools

- a) Requests to appeal the decision of the associate superintendent for instruction and program development must be made in writing to the superintendent.
- b) The superintendent or designee will, upon review of the documentation constituting the record and consultation with appropriate administrative staff, respond in writing to the complainant.

2. Appeals to the Board of Education

- a) Requests to appeal the decision of the superintendent must be made in writing to the president of the Board of Education. The appeal must be related to the original particulars cited on the *Request for Consideration of Instructional Materials and Library Books* form.

- b) When a request for appeal is received, the superintendent will provide each Board member with a file on the item under appeal to include:
 - (1) A copy of the “*Request for Reconsideration of Instructional Materials and Library Books*” form submitted by the complainant
 - (2) Available published reviews of the item
 - (3) A copy of the evaluation form
 - (4) A statement from the principal of the school from which the complaint originated about how the item is used in the instructional program
 - (5) Any statements from other professional staff concerning the usefulness of the item
 - (6) The report of the reevaluation ad hoc committee
 - (7) A copy of the letter notifying the parent, student, or staff member who filed the complaint of the superintendent’s decision
 - (8) A copy of the publication in dispute
 - (9) Any additional relevant information
- c) Consideration of the appeal will be handled by the Board in accordance with Policy BLB: *Rules of Procedure in Appeals and Hearings*.

Regulation History: Formerly Regulation No. 365-2, October 16, 1980; revised November 23, 1999; updated office titles June 1, 2000; revised September 20, 2005; technical update for compliance with COMAR, March 29, 2023.

**Office of Curriculum and Instructional
Programs – Evaluation and Selection Unit
MONTGOMERY COUNTY PUBLIC SCHOOLS**

<p>RECORD OF EVALUATION FOR INSTRUCTIONAL MATERIALS</p>
--

Rockville, Maryland 20850

INSTRUCTIONS: Please PRINT or TYPE on this form.

*School or Office Name _____

*School # (if applicable) _____

*Requester Name and Position _____

*Full Title of Material _____

*Author/Editor/Producer/Compiler _____

*Publisher _____

*Copyright _____

Vendor _____

Catalog # _____

Catalog Date _____

Series Title _____

*ISBN _____

*Cost _____

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*Grade Level(s): PK K 1 2 3 4 5 6 7 8 9 10 11 12
College Level Prof.

*Subject(s) _____

*Course Name (Secondary schools only) _____

Reading Level (if known) _____

*Media type _____

- Textbook, Workbook, Test Preparation (five signatures by teaching professionals, content supervisor signature required, 30-day shelf for community review)
 - Instructional or Library Materials (two signatures by teaching professionals required)
 - Software/Purchased web content (two signatures by teaching professionals required)
 - Requested testing for compatibility by Field Installation
 - Date approved by Field Installation:
//___
 - Instructional film
 - Captioning Available
 - Language other than English available
 - If so, which ones? _____
- MPAA Age Rating (choose one):
- G
 - PG
 - PG13
 - R

JA 32

- NC-17
Attach waiver request (Form 365-21) or film waiver (content supervisors only) for instructional film outside MPAA age rating
- Not Rated (e.g. films produced before the MPAA rating system or non-commercial films, which are not covered by MPAA)

Appropriate Audience

- Accelerated and Enriched
- Learning Disability
- Deaf/Hard of Hearing
- Physical Disability
- ESOL (English for Speakers of Other Languages)
- Read Aloud
- High Interest, Lower Vocabulary
- Visually Impaired

*For recommendations – Check One

- Highly Recommended
- Recommended
- Disapproved

*Please print or type your name, your position, and provide a signature:

1. _____
2. _____
3. _____
4. _____

5. _____

Date ____/____/____

COMMENTS: Provide the following information to describe how the materials are essential to student learning:

- 1.*Direct support of content standards and performance indicators
- 2.*Authenticity of the material
- 3.*Impact on instructional time
- 4.*Clarity or ease of understanding
- 5.*Provide information about content, strengths/weaknesses, areas of concern (restrictions) and cultural relevance (culture, religion, ethnicity, region, country, author, characters, gender)

Please check where appropriate:

- Contents
- Glossary
- Bibliography
- Index
- Illustrations
- Maps
- Charts
- Timeline
- Web references

For films and textbooks only, content supervisors, print or type:

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First and Last Name _____

Position _____

Signature _____

Date ____/____/____

*Required fields

MCPS Form 365-25, Rev. 11/11

**Instructions for Completing Revised
MCPS Form 365-25**

All fields with an asterisk (*) must be completed
unless exceptions are noted.

Field Name	Directions for completion
*School or Office Name	<ul style="list-style-type: none"> • Enter school or office name.
*School # (if applicable)	<ul style="list-style-type: none"> • Enter school number, if requestor is school staff member. Central service requestors may leave this blank.
*Requester Name and Position	<ul style="list-style-type: none"> • Enter first and last names and position title of person requesting the material to be evaluated.
*Full Title of Material	<ul style="list-style-type: none"> • Enter complete title. Complete information for a book is located on the title page. For non-print materials, this information is either on the packaging or the media itself.
*Author/Editor/Producer/Compiler	<ul style="list-style-type: none"> • Enter complete names. Complete information for a book is located on the title page. For non-print materials, this information is either on the packaging or the media itself.
*Publisher	<ul style="list-style-type: none"> • Enter the publisher's name (generally applies to books). Usually complete information is on the title page. It also can be located on the back of the book's title page.
*Copyright	

<ul style="list-style-type: none"> • Enter the copyright date located on the back of a book's title page. The copyright date on non-print materials is not in a standard location. It is often on the back of the packaging.
<p>Vendor</p> <ul style="list-style-type: none"> • The vendor is the supplier. If it is different from the publisher and if the information is available, enter the vendor name.
<p>Series Title</p> <ul style="list-style-type: none"> • Enter the series name, if known (generally applies to books). The most complete information is on the title page.
<p>*ISBN</p> <ul style="list-style-type: none"> • Enter the ISBN number, which is located on the back of a book's title page and is often on the packaging of non-print materials or on the media.
<p>*Cost</p> <ul style="list-style-type: none"> • This information is located in catalogs, on the material or on the websites of online ordering companies (e.g., Amazon or Barnes and Noble).
<p>*Grade Level(s): PK K 1 2 3 4 5 6 7 8 9 10 11 12 College Level Prof.</p> <ul style="list-style-type: none"> • Enter the specific grade level or a range of grade levels of intended use.
<p>*Subject(s)</p> <ul style="list-style-type: none"> • Enter the content areas appropriate to intended use.
<p>*Course Name (Secondary schools only)</p> <ul style="list-style-type: none"> • Enter the exact course name in which this material will be used.
<p>Reading Level (if applicable)</p>

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<ul style="list-style-type: none">• Enter the reading level, if known, and applicable to the media type.
<p>*Media type</p> <ul style="list-style-type: none">• Enter the delivery method that applies to this material (e.g., book, DVD, CD-ROM, Playaway, Blu-Ray, MP3).
<p><input type="checkbox"/> Textbook, Workbook, Test Preparation (Five signatures by teaching professionals, content supervisor signature required, 30-day shelf for community review)</p> <ul style="list-style-type: none">• If requesting approval for a textbook, check the box. This is the last field to complete. After completion, send a copy of Form 365-25 with the material to the appropriate content supervisor. Textbooks include traditional textbooks, workbooks, test preparation materials, core books/anchor texts. These can be in print or non-print forms (as expressed in “Media Type”). If the title is approved by the content supervisor, MCPS Form 365-25 and the material is sent to Evaluation and Selection to sit on the 30-day shelf for community review before It is available for purchase.
<p><input type="checkbox"/> Instructional or Library Materials (Two signatures by teaching professionals required)</p> <ul style="list-style-type: none">• If you seek approval as an instructional material (for all teaching staff) or library material (only media specialists), check this box. Two reviewers/evaluators are required for approval, and both are required to sign the form before submitting to Evaluation and Selection.

<p><input type="checkbox"/> Software/Purchased web content (Two signatures by teaching professionals required)</p> <p><input type="checkbox"/> Requested testing for compatibility by Field Installation</p> <p>Date Approved by Field Installation: __/__/__</p> <ul style="list-style-type: none">• If you seek approval for software or web content that must be purchased, check this box. Before submitting this form, contact Field Installation staff for testing, Confirm that you have contacted Field Installation by checking “<i>Requested testing for compatibility by Field Installation</i>” and by entering the “<i>Date Approved by Field Installation.</i>” This is the date you received permission from Reid Installation to use this product.
<p><input type="checkbox"/> Instructional film</p> <p><input type="checkbox"/> Captioning Available</p> <p><input type="checkbox"/> Language other than English available</p> <p>If so, which ones?</p> <ul style="list-style-type: none">• If you seek approval for instructional film, check this box. Also, check whether captioning is available. Include information about languages other than English, if applicable.
<p>MPAA Age Rating (choose one):</p> <ul style="list-style-type: none"><input type="checkbox"/> G<input type="checkbox"/> PG<input type="checkbox"/> PG13<input type="checkbox"/> R<input type="checkbox"/> NC-17

Attach waiver request (From 365-21) or film waiver (content supervisors only) for instructional film outside MPAA rating age

- Not Rated (e.g. films produced before the MPAA rating system or non-commercial films, which are not covered by MPAA)
 - For information concerning the MCPS procedures for MPAA rated films, contact the appropriate content supervisor or the Evaluation and Selection of Instructional Materials unit.

Appropriate Audience

- Accelerated and Enriched Inst.
- Learning Disability
- Deaf/Hard of Hearing
- ESOL (Eng. for Speakers of Other Languages)
- High Interest, Lower Vocabulary
- Physical Disability
- Read Aloud
- Visually Impaired
- Check all that apply.

*For recommendations – Check One

- Highly Recommended
- Recommended
- Disapproved
- Choose the appropriate recommendation.

Signatures:

*Please print or type your name, your position, and provide a signature.

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<ul style="list-style-type: none">• If you are requesting textbook evaluation, do not sign, but send the form to the content supervisor for committee review. See directions under Media Type above.• If you are evaluating instructional materials, library materials, software or purchased web content, only two professional teaching staff signatures are required.• Please make sure to print (or type) your name and your position.
<p>*Direct support of content standards and performance indicators</p> <ul style="list-style-type: none">• Describe the intended use of this material along with applicable and specific standards, indicators, unifying questions for the content area(s) and/or courses.
<p>*Authenticity of the material</p> <ul style="list-style-type: none">• Is the author/editor/producer/compiler qualified to publish this title? Are the situations realistic? Can the facts be verified?
<p>*Impact of instructional time</p> <ul style="list-style-type: none">• How much time do you expect the use of this title to take (could be minutes, a day, or title minutes or any combination)? Is using this title a productive use of class time and in what way?
<p>*Clarity/ease of understanding</p> <ul style="list-style-type: none">• Is the material accessible to the population you want to reach? Is the language appropriate for the intended audience? Is

difficult or challenging content handled appropriately for the intended audience?
<p>*Provide information about</p> <ul style="list-style-type: none">• Content – brief summary of the material• Strengths/weaknesses –What is especially good about this resource? Why would you spend money on this resource? What are drawbacks to this resource? What is missing that you would like to see in a resource on this topic?• Areas of concern (restrictions) –Do you predict any restrictions to its use? Any content that doesn't quite "hit the mark?"• Cultural relevance (culture, religion, ethnicity, region, country, author, characters, gender) –as appropriate, please provide information
<p>Please check where appropriate:</p> <ul style="list-style-type: none"><input type="checkbox"/> Contents<input type="checkbox"/> Glossary<input type="checkbox"/> Bibliography<input type="checkbox"/> Index<input type="checkbox"/> Illustrations<input type="checkbox"/> Maps<input type="checkbox"/> Charts<input type="checkbox"/> Timeline<input type="checkbox"/> Web references <ul style="list-style-type: none">• Check all that apply to this resource
<p>For films and textbooks only, content supervisors print or type first and last name:</p> <p>_____</p>

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Position: _____

Signature: _____

Date ___/___/___

- Content supervisors (only) print or type name and position. Sign when approving a textbook or film outside the MPAA age rating.

**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
HISHAM GARTI**

I, Hisham M. Garti, declare as follows:

1. My name is Hisham M Garti. 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 current Outreach Director for the Montgomery County Muslim Council, a grassroots community advocacy organization made up of American Muslims based in Montgomery County, Maryland.

3. Alongside other Muslim organizations, Montgomery Muslim Council has been privately and publicly calling on Montgomery County Public Schools to restore the opt-out option for books and classroom discussions that we believe would force students to unnecessarily compromise their sincerely held religious beliefs.

4. On May 1st, 2023, I attended a meeting between Muslim community leaders (Myself and Dr.

Zainab Chaudry of CAIR) and MCPS officials, including Dr. Pugh, Ms. Niki Hazel & Ms. Elba Garcia, to discuss the issue. I personally took written notes on the statements that were made during the meeting and the most important points.

5. According to notes I took at the meeting, Dr. Pugh told me that the “decision to rescind the Opt-Out was made after a few parents of the LGBTQ community complained they (children) were offended and had their feelings hurt when students started leaving classrooms during instructions of these texts.”

6. The aforementioned statement was the only explanation MCPS provided for why it rescinded the opt-out when I specifically asked for clarification purposes. At no point did Dr. Pugh or any other MCPS official present claim that the number of students requesting opt-outs had become too burdensome or disrupted the functioning of the schools.

7. Dr. Chaudry, who was also present at the hearing, has confirmed to me on multiple occasions that my handwritten notes and personal recollections align exactly with her memory of what MCPS officials said during the meeting.

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.

/s/ Hisham M. Garti
Hisham M. Garti

**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.

Civil Action No.
8:23-cv-01380-DLB

**DEFENDANTS' RESPONSE TO PLAINTIFFS'
SUPPLEMENTAL BRIEF AND DECLARATION
OF GRACE MORRISON**

* * *

**II. The Morrison Declaration Does Not Support
Plaintiffs' Free Exercise or Due Process
Claims**

But even setting that aside, the Morrison Declaration does not support granting injunctive relief for the same reason that the other parent declarations do not: Parents are not constitutionally entitled to public school instruction that is entirely consistent with their religious beliefs. “[T]he mere fact that a child is exposed on occasion in public school to a concept offensive to a parent’s religious belief does not inhibit the parent from instructing the child differently.” *Parker v. Hurley*, 514 F.3d 87, 105 (1st Cir. 2008). That is still the case even when a public school student has a disability that could make it more

difficult for a parent to contravene effectively a teacher's instruction. The Morrisons state that their child "doesn't understand or differentiate instructions from her teachers and her parents." Morrison Decl. ¶ 9. But the Morrisons have not averred that a teacher's instruction will always win out over the religious teachings that the Morrisons share with their child. Nor would that offend the Constitution. Any child, with or without a learning disability, may come away from public school instruction with a new perspective not easily contravened by their parents. So long as the parents "remain[] free to discuss these matters and to place them in the family's moral or religious context, or to supplement the information with more appropriate materials," the parents' rights have not been violated. *Parker*, 514 F.3d at 105.

* * *

**Excerpts from Transcript of
Preliminary Injunction Hearing**

Mahmoud v. McKnight,

No. 8:23-cv-1380-DLB (D. Md. Aug. 9, 2023)

[TR. PAGE 54-55]

* * *

MR. SCHOENFELD: There is no evidence in the record that any student was told something is right versus wrong or asked to disagree with their religious faith or in any way impugn any student's religious faith as part of these discussions. The only allegations in the declarations are that students were asked participate in read-alouds where these books were read.

THE COURT: Do you agree that the record—there is record evidence that there will be classroom discussion about these books? I mean, it goes without saying, it seems so obvious, but I need to pin that down.

MR. SCHOENFELD: Sure. I'll answer in two ways; I want to make sure I satisfy you. I don't dispute that there will be discussion that ensues. In fact, I think everyone would hope that discussion ensues. There is no evidence, however—and that's sort of (1)(A)—that there would be anything derisive, or derogatory, or impugning anyone's religious faith, or that anyone would be punished for expressions of religious faith or beliefs rooted in religious faith as part of that discussion.

I'll also make the second point, which is, none of the declarations complains about some sort of discussion or anything that happened in those discussions. Each

of the declarations is specific, that their complaint is about exposure to the text in the classroom.

* * *

[TR. PAGE 58-61]

* * *

THE COURT: Will the teachers be instructing children that gender is anyone's guess at birth?

MR. SCHOENFELD: I think that is one of the—that is a paraphrase of one of the Q and A that's provided. I think that's a way of answering a specific question presented to a child. And so that may well be part of the discussion. I—that statement may take place as part of the discussion. There is nothing free exercise violative of that statement, right; it is a way of describing to a questioning child how gender identity works.

Parents are aware—as is evidenced by this case, parents are aware of that sort of discussion potentially happening; they remain free to have those discussions with their children at home.

THE COURT: One thing the plaintiffs argue—and it wasn't raised here, but it's in their declaration—is that they don't want to have those discussions so early, that they're being forced now to have those discussions to preempt and defuse what they believe is information that conflicts with their religion.

MR. SCHOENFELD: I understand that. And you know, age-appropriateness of curriculum is a choice that school districts always have to make. And this was the same issue that was raised in *Parker*. Once

professional educators make a decision to include this in the curriculum, the question—and it may be a good decision, it may be a bad decision; that’s why public school boards are democratically elected, and that’s why school board meetings are open to the public, and that’s why the process for selecting these texts is meant to be open and participatory, as it was here.

The question before the Court, and the challenging one, is whether there’s a free exercise claim to including age-inappropriate—or that some would claim are age-inappropriate texts; the answer is no. Some principals may take that view, some teachers may take that view. The question before the Court is whether it violates someone’s free exercise rights to have their child exposed to that and have them come home asking certain questions.

THE COURT: Okay. Go ahead.

MR. SCHOENFELD: I would just make one observation about your colloquy, and you maybe get at this, but your colloquy with Mr. Baxter about the healthy life curriculum or whatever it’s called. You know, it struck me that his description of the family life curriculum is precisely why Montgomery County has introduced these texts. As I understood his argument—and I’m sure he’ll clarify if I have it wrong—anything that mentions LGBT people should be subject to a special curriculum about human sexuality and family life.

And these texts were introduced in order to defuse that notion, that families are straight, and they’re white, and they have two kids, and there’s a mom and a dad, and to push everything that acknowledges the existence and humanity of LGBT people into a special

curriculum from which people may have the opt-out right in Maryland I think is precisely what this curriculum is meant to fight against.

* * *

[TR. PAGE 85-86]

THE COURT: Does that overcome the First Amendment objections or the—if we assume there’s a violation of the First Amendment rights?

MR. SCHOENFELD: I view these as explanations for why the no-opt-out policy is narrowly tailored; yes. I mean, the alternative, as I understand it, is allowing opt-outs for this curriculum, and I think it’s unsustainable for Montgomery County, for the reasons described in Ms. Hazel, and nothing, then, stops families from opting out of tons of other things. I don’t mean to invoke a kind of slippery slope argument here, but this is the real experience of Montgomery County Schools under a system where opt-outs were allowed for these particular texts.

THE COURT: Go ahead.

MR. SCHOENFELD: No, I was done.

THE COURT: I was going to ask—so tell me more about the experience last year. I under—I’ve read what Ms. Hazel has said. Were there any reports of students who might be transgender, or transitioning, or gay being bullied because of opt-outs or harassed because of opt-outs?

MR. SCHOENFELD: There’s nothing in the record to that effect, and I don’t know why, but I think it’s also the case that the absence of those—the absence of those incidents might just be a testament to the fact

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that there was some curriculum being introduced at that point in time. I don't know a way of making a kind of causation or correlation between the two.

* * *

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No. 23-1890

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

TAMER MAHMOUD, *et al.*,
Plaintiffs – Appellants

v.

MONIFA B. MCKNIGHT, *et al.*,
Defendants – Appellees

On Appeal from the United States District Court
for the District of Maryland, Southern Division,
No. 8:23-cv-1308

**BRIEF OF THE NATIONAL EDUCATION
ASSOCIATION, MARYLAND STATE
EDUCATION ASSOCIATION, AND
MONTGOMERY COUNTY EDUCATION
ASSOCIATION AS AMICI CURIAE IN
SUPPORT OF DEFENDANTS-APPELLEES**

Kristy K. Anderson	Alice O'Brien
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Counsel for Amici Curiae

* * *

Since its founding over a century and a half ago, NEA and its affiliates have worked to create, expand, and strengthen the quality of public education available to all children. Amici NEA, MSEA, and MCEA believe that public education is the cornerstone of our social, economic, and democratic structures, and that students of all backgrounds have the right to excellent public schools. Amici therefore all have a strong interest in ensuring that public schools create safe, inclusive, and welcoming school environments for all students. Montgomery County’s school community—which values inclusivity, equity, tolerance, and cooperation—is a shining example of such an environment which fosters learning that prepares students to thrive in a richly diverse society. Amici have interviewed MCEA members, who are the classroom teachers responsible for educating the students of Montgomery County and implementing the policies of Montgomery County Public Schools. Amici write to share the voices of these educators who embody the values behind, and witness the impact of, these MCPS policies and practices every day in their classrooms, on the playground, and in their relationships with families and caregivers in their school communities.

ARGUMENT

Amici support the leadership of Maryland County Public Schools (“MCPS”) in taking the position that inclusivity and tolerance are not optional in its schools, but rather, that its curricula must provide students with exposure to, and a basis on which to understand, the diverse backgrounds and identities of the families that make up their community and the

broader world in which they will become citizens, parents, neighbors, workers, and entrepreneurs.

* * *

MCPS educators interviewed for this brief described how their instruction in line with these MCPS policies creates an environment that allows young students to break down barriers and learn inclusivity:

- Danillya Wilson, a first grade teacher with 11 years of experience, stated:

In my classroom, the students are taught that all humans are valuable and deserve to be seen for their authentic selves. A diverse and inclusive curriculum, including books with LGBTQ+ characters, communicates a commitment to fairness, understanding, and respect for all individuals.

- Ms. Wilson also described texts used in the social studies curriculum where the main character has two moms or two dads:

It's important for our kids to see families that reflect both their own familial structure and other make-ups so that they can build empathy and understanding. We want children to recognize there are familial structures different from their own and that they are one part of a larger community.

- A second grade teacher with 21 years in MCPS described reading DeShanna Neal & Trinity Neal, MY RAINBOW (2020) to her class, as part of teaching character point of view and responding to challenges:

This story is not only a wonderful book to use to teach ELA standards, but it also teaches compassion and appreciation of differences. The main character is the book, Trinity, is not only transgender, but also has autism.

While I read the book to the class, upon hearing the words, "I'm a transgender girl," one of the children in my class called out, "That's like my sister!" This child felt seen. This child saw his family reflected in the pages of a story, and it was safe to hear the experiences of the character in the book as well as identify with that character and share that with his classmates. That moment was so tender. We need to support our students and validate their tender truths.

- Another MCPS teacher offered this explanation of her approach to teaching to a diverse group of students with different backgrounds and beliefs:

I have always worked to teach my students that families can look many different ways. We read texts about families with different beliefs (Jewish, Christian, Muslim, Atheist, etc.), families that come from different cultures (Indigenous, Hispanic, African, European, Asian, etc.), and families with different make-ups (single parents, children being raised by grandparents, nuclear families, two same-sex parents, etc.).

* * *

The stories of MCPS educators also confirm some of the ways in which all students benefit and draw lessons from materials that may center LGBTQ+ characters and experience:

- Ms. Wilson explains that she reads Sarah Hoffman et al., *JACOB'S NEW DRESS* (2014), Stacy B. Davids, *ANNIE'S PLAID SHIRT* (2015), and Jessica Love, *JULIÁN IS A MERMAID* (2018) to show that kids are allowed to wear whatever clothes make them comfortable; she reads Michael Hall, *RED: A CRAYON'S STORY* (2015) and Sharon Purtill & Sujata Saha, *IT'S OKAY TO BE DIFFERENT* (2009) to teach that we should accept people for who they are on the inside; and Robb Pearlman & Eda Kaban *PINK IS FOR BOYS* (2018) and Laura Gehl & Joshua Heinsz, *EXCEPT WHEN THEY DON'T* (2019) to tell kids that they can like whatever makes them happy.
- Ms. Wilson also relies on storybooks with LGBTQ+ characters to meet specific state educational standards. She explained that she uses the book Chelsea Johnson et al., *INTERSECTION ALLIES: WE MAKE ROOM FOR ALL* (2019) in first grade to highlight the state standards requiring students to “[a]sk and answer questions about key details in a text” and to “[d]escribe characters, details, and major events in a story using key details.” Md. State Dep’t of Educ., *Maryland College and Career Ready Standards for English Language Arts Grades 1–2* §§ R.1.1, R.1.3 (Nov. 2022).

* * *

JA 57

**Maryland State Department of Education
Equity and Excellence**

**Karen B. Salmon, Ph.D.
State Superintendent of Schools**

TO: Members of the State Board of Education

FROM: Karen B. Salmon, Ph.D.

DATE: June 25, 2019

SUBJECT: COMAR 13A.04.18
*Comprehensive Health Education
Instructional Programs for Grades
Prekindergarten – Grade 12*
**PERMISSION TO PUBLISH –
REPEAL**

COMAR 13A.04.18
*Comprehensive Health Education
Instructional Programs for Grades
Prekindergarten – Grade 12*
**PERMISSION TO PUBLISH –
REPLACE**

PURPOSE:

The purpose of this item is to request permission to publish the repeal of COMAR 13A.04.18 Comprehensive Health Education Instructional Programs for Grades Prekindergarten – Grade 12, and replace with new COMAR 13A.04.18 Comprehensive Health Education Instructional Programs for Grades Prekindergarten – Grade 12.

REGULATION PROMULGATION PROCESS:

Under Maryland law, a state agency, such as the State Board, may propose a new or amended regulation whenever the circumstances arise to do so. After the State Board votes to propose such a regulation, the proposed regulation is sent to the Administrative, Executive, and Legislative Review (AELR) Committee for a 15-day review period. If the AELR Committee does not hold up the proposed regulation for further review, it is published in the Maryland Register for a 30-day public comment period. At the end of the comment period, Maryland State Department of Education (MSDE) staff reviews and summarizes the public comments. Thereafter, MSDE staff will present a recommendation to the State Board to either: (1) adopt the regulation in the form it was proposed; or (2) revise the regulation and adopt it as final because the suggested revision is not a substantive change; or (3) revise the regulation and re-propose it because the suggested revision is a substantive change. At any time during this process, the AELR Committee may stop the promulgation process and hold a hearing. Thereafter, it may recommend to the Governor that the regulation not be adopted as a final regulation or the AELR Committee may release the regulation for final adoption.

BACKGROUND:

Over the last two years, the Maryland State Department of Education has engaged local school systems, parents, school staff, and other state agencies in the development of revised regulations to meet the changing needs of students and local school systems (LSSs) in the State.

The proposed changes to the regulations are summarized as follows:

1. Adoption of National Standards: A survey of Maryland stakeholders confirmed that the State should change the health education standards to align with National Health Education standards which are skills-based standards rather than knowledge-based standards. However, Maryland stakeholders indicated that the State should include the core concepts identified by the Center for Disease Control and Prevention (CDC). Therefore, Maryland has customized the National Standards by adding the core concept topics and embedding them into Standard 1.
2. New Special Requirements Section: Legislative mandates are grouped into this section, including requirements for abuse and assault prevention, heroin and opioid prevention, and consent education lessons.
3. Inclusive Language: Family Life and Human Sexuality education is representative of all students and aligns with the new Educational Equity regulations.
4. Contraceptives: This instruction will now begin in grade 7 instead of grade 8 with the goal of addressing the rise of sexually transmitted infections (STIs) in Maryland youth. Additionally, this shift has the potential of delaying the onset of sexual activity and/or increasing the likelihood of safer sexual activity.

5. Approval of Family Life and Human Sexuality Instructional Materials: The regulation continues to require stakeholder involvement and approval; however, the State does not require local board of education approval unless mandated by LSS approval policies.
6. Disease Prevention: The parent/student opt-out is removed as a safety issue. This instruction includes medically accurate information about contact with bodily fluids as a method of transmitting infections.
7. Sexually Transmitted Infections and HIV: After extensive consultation with the Maryland Department of Health, outdated language regarding HIV and AIDS has been revised.

EXECUTIVE SUMMARY:

The recommended changes to Maryland's Health Education regulations are the result of consultation with the Maryland Department of Health regarding sexually transmitted infections in Maryland's youth and data regarding the sexual behavior of young people in the state. The proposed amendments resulted from stakeholder and LSS input and require skills-based health education with an emphasis on student safety, including mandates in Maryland statute.

ACTION:

Request permission to publish the repeal of COMAR 13A.04.18 Comprehensive Health Education instructional Programs for Grades Prekindergarten – 12 and replace with new COMAR 13A.04.18

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Comprehensive Health Education instructional Programs for Grades Prekindergarten – 12.

Attachments:

NEW: COMAR 13A.04.18.01 Comprehensive Health Education Instructional Program for Grades Prekindergarten-12

REPEAL: COMAR 13A.04.18.01 Comprehensive Health Education Instructional Program for Grades Prekindergarten-12

* * *

**Maryland Health Education Standards
and Regulations**

* * *

Significant Change #3 D(2)(a)

Change:

Inclusive language

Maryland Family Life and Human Sexuality education shall represent all students regardless of ability, sexual orientation, gender identity, and gender expression.

Rationale:

- ✓ This statement mirrors language in the new equity COMAR

* * *

**Maryland Comprehensive Health Education
Framework: Pre-Kindergarten Through
High School**

June 2021

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Introduction

The statutory authority for health education is Education Art. §7-401. Other statutes require instruction in schools regarding dating violence, Ed. §7-411; diabetes and oral health education, Ed. §7-411.1; awareness and prevention of sexual abuse and assault, Ed. §7-439; anti-bullying, harassment and intimidation, Ed. §7-424; and instruction on the meaning of consent and respect for personal boundaries, Ed. §7-445.

Comprehensive health education has been a feature of Maryland education regulation since 1970. The most recent revisions to the health education regulation were adopted by the Maryland State Board of Education on October 22, 2019, and are located at COMAR 13A.04.18. Among the essential concepts for promotion of health and disease prevention in the regulations are: mental and emotional health; substance abuse prevention; family life and human sexuality; safety and violence prevention; healthy eating; and disease prevention and control.

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Under the regulation standards, students will analyze the influence that family, peers, culture, and media technology have on health behaviors, and demonstrate the ability to access valid information, products, and services to enhance health. Students will learn to advocate for personal, family, and community health.

To implement the regulation, the Maryland State Department of Education (MSDE) updated the Maryland Comprehensive Health Education Framework in 2020. The framework is based on the requirements of the health education and equity education (COMAR 13A.01.06) regulations and reflect statutory changes in health education, anti-bullying and harassment, and ensuring educational equity. The framework was developed with the input of a task force including MSDE, the Maryland Department of Health, local education agency health education supervisors, teachers, students, national subject matter experts, and stakeholders. MSDE updates the framework as required by changes in legislation and regulation.

The family life and human sexuality component of the regulation and framework represents all students regardless of ability, sexual orientation, gender identity, and gender expression. Concepts and skills related to family life and human sexuality must be age appropriate and taught by teachers who have had additional preparation in content and teaching methods of the material. The framework is not instructional material for classroom use; it is intended to guide educational professionals in developing curricula that is adopted by the local boards. Local educational professionals should ensure that lessons

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and content are age appropriate and reflect educational equity.

Local education agencies develop the curricula to implement the regulations and is aligned with the framework. In developing their family life and human sexuality curricula, local education agencies must establish a joint committee of educators and representatives of the community to review and comment on instruction materials. Parents and guardians must have the opportunity to view instructional materials to be used in teaching objectives.

Moreover, local education agencies must establish policies, guidelines, and procedures for parents to opt-out their students from family life and human sexuality instruction in all grades, except for HIV and AIDS prevention. The opt-out provision reflects the State Board's and MSDE's respect for individual parents' values and beliefs concerning family life and human sexuality instruction. Each local education agency establishes a procedure for providing opt-out students with appropriate alternative learning objectives and/or assessments in health education.

The laws, regulations, and MSDE framework ensure students have access to scientifically and medically accurate information and that all students are treated equitably and with dignity and respect. Students have the right to educational environments that are safe, appropriate for academic achievement, and free from any form of harassment. Local education agencies must be mindful of balancing the needs of diverse constituents so that public schools remain welcoming to all, and create and maintain

environments that are equitable, fair, safe, diverse, and inclusive.

**Comprehensive Health Education Standards
Pre-K-12**

1. Students will comprehend concepts related to health promotion and disease prevention to enhance health, including:
 - a) Mental and emotional health;
 - b) Substance abuse prevention;
 - c) Family life and human sexuality;
 - d) Safety and violence prevention;
 - e) Healthy eating; and
 - f) Disease prevention and control.
2. Students will analyze the influence of family, peers, culture, media, technology, and other factors on health behaviors.
3. Students will demonstrate the ability to access valid information, products, and services to enhance health.
4. Students will demonstrate the ability to use interpersonal communication skills to enhance health and avoid or reduce health risks.
5. Students will demonstrate the ability to use decision-making skills to enhance health.
6. Students will demonstrate the ability to use goal-setting skills to enhance health.

7. Students will demonstrate the ability to practice health-enhancing behaviors and avoid or reduce health risks.
8. Students will demonstrate the ability to advocate for personal, family, and community health.

* * *

**Standard 1c: Family Life and Human Sexuality
(E1)**

The local school system shall establish policies, guidelines, and/or procedures for student opt-out regarding instruction related to family life and human sexuality objectives COMAR 13A.04.18.01D(2)(e)(i).

Topic: Health relationships and consent

Prekindergarten

- Identify what is special about your family. 1c.P.1
- Recognize that family is a group of people that support each other. 1c.P.2
- Recognize that there are different types of families (e.g., single- parent, same-gender, intergenerational, blended, interracial, adoptive, foster, etc.). 1c.P.3
- Describe the characteristics of a friend. 1c.P.4
- Recognize that individuals have personal boundaries and bodily autonomy. 1c.P.5

Kindergarten

- Identify that family is a group of people that support each other. 1c.K.1
- Identify different types of families (e.g., single-parent, same-gender, intergenerational, cohabitating, adoptive, foster, etc.). 1c.K.2
- Recognize pro-social behaviors (e.g., helping others, being respectful of others, cooperation, and consideration). 1c.K.3
- Recognize that individuals have personal boundaries and bodily autonomy. 1c.K.4

Grade 1

- Describe differences in families. (e.g., single-parent, samegender, intergenerational, cohabitating, adoptive, foster, etc.). 1c.1.1
- Identify healthy family and peer relationships. 1c.1.2
- Demonstrate how to communicate respect for someone's personal boundaries. 1c.1.3

Grade 2

- Explain why it is important to respect different kinds of families (e.g., single-parent, same-gender, intergenerational, cohabitating, adoptive, foster). 1c.2.1
- Describe healthy family and peer relationships. 1c.2.2
- Demonstrate appropriate actions when someone says or does something that does not respect your personal boundaries. 1c.2.3

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- Practice communicating personal boundaries. 1c.2.4

Topic: Gender identity and expression

Prekindergarten

- Recognize and respect that people express themselves in many different ways. 1c.P.6

Kindergarten

- Recognize a range of ways people identify and express their gender. 1c.K.5
- Recognize it is important to treat people of all gender identities and expressions with dignity and respect. 1c.K.6

Grade 1

- Identify a range of ways people identify and express gender. 1c.1.4
- Identify ways to treat people of all gender identities and expressions with dignity and respect. 1c.1.5

Grade 2

- Demonstrate ways to treat people of all gender identities and expressions with dignity and respect. 1c.2.5

Standard 1c: Family Live and Human Sexuality (E2)

The local school system shall establish policies, guidelines, and/or procedures for student opt-out

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regarding instruction related to family life and human sexuality objectives COMAR 13A.04.18.01D(2)(e)(i).

All grade 4 and 5 content must be taught by the end of grade 5.

Topic: Healthy relationships and consent

Grade 3

- Define consent as people of all ages and abilities having the right to tell others not to touch their body when they do not want to be touched. 1c.3.1

Grade 4

- Identify parents, caregivers, or other trusted adults (e.g., counselors and other health care professionals) that students can talk with about relationships, puberty, and health. 1c.4.1
- Explain the relationship between consent, personal boundaries, and bodily autonomy. 1c.4.2

Grade 5

- Explain the importance of talking with parents and other trusted adults about issues related to relationships, growth and development, and sexual health. 1c.5.1
- Analyze the relationship between consent and personal boundaries. 1c.5.2

Topic: Gender identify and expression

Grade 3

- Demonstrate ways to treat people of all gender identities and expressions with dignity and respect. 1c.3.2

Topic: Sexual orientation and identity

Grade 4

- Identify sexual orientation as a person's physical and/or romantic attraction to an individual of the same and/or different gender. 1c.4.3

Topic: Puberty and adolescent sexual development

Grade 4

- Identify the physical, social, and emotional changes that occur during puberty. 1c.4.4
- Explain how the onset and progression of puberty varies considerably. 1c.4.5
- Identify human reproductive systems including medically accurate names for internal and external genitalia and their functions. 1c.4.6

Grade 5

- Describe the physical, social, and emotional changes that occur during puberty. 1c.5.3
- Summarize that the onset and progression of puberty varies considerably. 1c.5.4

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- Describe human reproductive systems including medically accurate names for internal and external genitalia and their functions. 1c.5.5
- Describe how puberty prepares human bodies for the potential to reproduce. 1c.5.6
- Identify that reproduction requires that a sperm and egg join and implant. 1c.5.7

Standard 1c: Family Live and Human Sexuality (MS)

The local school system shall establish policies, guidelines, and/or procedures for student opt-out regarding instruction related to family life and human sexuality objectives COMAR 13A.04.18.01D(2)(e)(i).

Topic: Healthy relationships and consent

Grade 6

- Describe characteristics of healthy relationships. 1c.6.1
- Describe healthy ways to express affection, love, and friendship. 1c.6.2
- Identify why individuals have the right to refuse sexual contact. 1c.6.3

Grade 7

- Explain the characteristics of a healthy dating relationship. 1c.7.1
- Evaluate the impact of technology (e.g., use of smartphones and digital monitoring) and social media on communication and consent in relationships. 1c.7.2

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- Explain why individuals have the right to refuse sexual contact. 1c.7.3
- Discuss what does and does not constitute sexual consent. 1c.7.4

Grade 8

- Distinguish healthy relationships from unhealthy ones. 1c.8.1
- Analyze how peers, family, media, society, culture, and a person's intersecting identities can influence attitudes, beliefs, and expectations about relationships. 1c.8.2
- Describe strategies a student might use to end an unhealthy relationship, including involving a trusted adult who can help. 1c.8.3
- Summarize why individuals have the right to refuse sexual contact. 1c.8.4
- Analyze factors, including alcohol and other substances that can affect the ability to give or perceive consent to sexual activity. 1c.8.5
- Explain the importance of setting personal limits to avoid sexual risk behaviors. 1c.8.6

Topic: Gender identity and expression
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Grade 6

- Define sex assigned at birth, gender identity, and gender expression. 1c.6.4

Grade 7

- Compare sex assigned at birth and gender identity and explain how they may or may not differ. 1c.7.5

Grade 8

- Explain sex assigned at birth and gender identity and explain how they may or may not differ. 1c.8.7

Topic: Sexual orientation and identity

Grade 6

- Explain sexual orientation. 1c.6.5

Grade 7

- Define sexual identity and explain a range of identities related to sexual orientation. 1c.7.6

Grade 8

- Describe sexual identity and explain a range of identities related to sexual orientation. 1c.8.8

Topic: Harassment, teasing, and bullying

Grade 6

- Describe ways to show courtesy and respect for others when aspects of their sexuality (such as sexual activity, sexual abstinence, sexual orientation, gender expression, and gender identity) are different from one's own. 1c.6.6

Grade 7

- Explain why it is wrong to tease or bully others based on aspects of their sexuality (such as sexual activity, sexual abstinence, sexual orientation, gender expression, and gender identity). 1c.7.7
- Identify strategies for respecting individual differences in sexual growth and development, or physical appearance. 1c.7.8

Grade 8

- Describe how intolerance can affect others when aspects of their sexuality are different from one's own. 1c.8.9

Topic: Anatomy and physiology

Grade 6

- Identify human reproductive systems including medically accurate names for internal and external genitalia and their functions. 1c.6.7
- Describe conception and its relationship to the menstrual cycle and vaginal sex. 1c.6.8

Grade 7

- Describe human reproductive systems including medically accurate names for internal and external genitalia and their functions. 1c.7.9
- Describe menstruation, fertilization, and implantation. 1c.7.10

Grade 8

- Summarize human reproductive systems including medically accurate names for internal and external genitalia and their functions. 1c.8.10
- Explain menstruation, fertilization, and implantation. 1c.8.11

Topic: Sexual health

Grade 7

- Identify ways to prevent pregnancy, including not having sex and effective use of contraceptives, including condoms. 1c.7.11
- Describe ways sexually active people can reduce the risk of HIV, and other STIs. 1c.7.12

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- Identify solo, vaginal, anal, and oral sex along with possible outcomes of each. 1c.7.13
- Describe how the effectiveness of condoms can reduce the risk of HIV, and other STIs. 1c.7.14
- Describe the relationship between substance use and sexual risk behaviors. 1c.7.15
- Recognize racism and intersectionality and describe their impacts on sexual health 1c.7.16

Grade 8

- Describe ways sexually active people can reduce the risk of pregnancy. 1c.8.12
- Explain ways sexually active people can reduce the risk of HIV, and other STIs including condoms and preventative medications. 1c.8.13
- Identify proper steps to using barrier methods correctly. 1c.8.14
- Describe the state and federal laws related to minors' access to sexual healthcare services, including pregnancy and STI/HIV prevention, testing, care, and treatment. 1c.8.15
- Describe the factors that contribute to engaging in sexual risk behaviors including substance use. 1c.8.16
- Identify racism and intersectionality and describe their impacts on sexual health 1c.8.17

Topic: Sexually explicit media

Grade 6

- Identify the impact sexually explicit media can have on one's body image, expectations about sex, relationships, and self-esteem. 1c.6.9
- Explain the negative consequences of sending sexually explicit pictures or messages by e-mail

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or cell phone or posting sexually explicit pictures on social media sites. 1c.6.10

Grade 7

- Explain the impact sexually explicit media can have on one's body image, expectations about sex, relationships, and self-esteem. 1c.7.17
- Summarize the negative consequences of sending sexually explicit pictures or messages by e-mail or cell phone or posting sexually explicit pictures on social media sites. 1c.7.18

Grade 8

- Describe the state and federal laws that impact young people's sexual health and rights, ability to give and receive sexual consent, and engagement with sexually explicit media. 1c.8.18
- Analyze the negative consequences of sending sexually explicit pictures or messages by e-mail or cell phone or posting sexually explicit pictures on social media sites. 1c.8.19

Standard 1c: Family Live and Human Sexuality (HS)

The local school system shall establish policies, guidelines, and/or procedures for student opt-out regarding instruction related to family life and human sexuality objectives COMAR 13A.04.18.01D(2)(e)(i).

Topic: Healthy relationships and consent

High School I

- Compare and contrast characteristics of healthy and unhealthy relationships. 1c.HS1.1

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- Summarize the importance of talking with parents and other trusted adults about issues related to relationships, growth and development, sexual decision-making, and sexual health. 1c.HS1.2
- Justify the benefits of respecting individual differences in aspects of sexuality, growth and development, and physical appearance. 1c.HS1.3
- Describe what constitutes sexual consent, its importance, and legal consequences of sexual behavior without consent. 1c.HS1.4
- Identify factors that can influence the ability to give and receive sexual consent. 1c.HS1.5

High School II

- Analyze how peers, media, family, society, culture, and a person's intersecting identities can influence self-concept, body image, and self-esteem. 1c.HS2.1
- Describe effective ways to communicate consent, personal boundaries, and preferences as they relate to sexual behavior. 1c.HS2.2
- Evaluate the potentially positive and negative roles of technology and social media in relationships. 1c.HS2.3
- Analyze factors that can influence the ability to give and receive sexual consent. 1c.HS2.4

Topic: Gender identity and expression
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High School I

- Differentiate between sex assigned at birth, gender identity, and gender expression. 1c.HS1.6

High School II

- Examine the impact of gender expression and gender identity on members of marginalized communities and analyze the intersectionality of race, culture, and gender for members of those communities. 1c.HS2.5

Topic: Sexual orientation and identity

High School I

- Define sexual identity and explain a range of identities related to sexual orientation. 1c.HS1.7
- Identify how school and community programs and policies can promote dignity and respect for people of all sexual orientations and gender identities and expressions. 1c.HS1.8

High School II

- Differentiate between sexual orientation, sexual behavior, and sexual identity. 1c.HS2.6
- Analyze how school and community programs and policies can promote dignity and respect for people of all sexual orientations and gender identities and expressions. 1c.HS2.7

Topic: Anatomy and physiology

High School I

- Summarize human reproductive systems including medically accurate names for internal and external genitalia and their functions. 1c.HS1.9
- Summarize the relationship between the menstrual cycle and conception. 1c.HS1.10

High School II

- Summarize human reproductive systems including medically accurate names for internal and external genitalia and their functions. 1c.HS2.8

Topic: Sexual health

High School I

- Identify sexual behaviors, including solo, vaginal, oral, and anal sex, that impact the risk of unintended pregnancy and potential transmission of STIs, including HIV. 1c.HS1.11
- Identify how systemic oppression and intersectionality impact the sexual health of communities of color and other marginalized groups. 1c.HS1.12
- Describe common symptoms, or lack thereof, of and treatments for STIs, including HIV. 1c.HS1.13
- Explain the steps to using barrier methods correctly (e.g., external and internal condoms and dental dams). 1c.HS1.14

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- Compare and contrast types of contraceptive and disease-prevention methods. 1c.HS1.15
- Evaluate community services and resources related to sexual and reproductive health. 1c.HS1.16
- Identify the laws related to reproductive and sexual health care services (e.g., contraception, pregnancy options, safe surrender policies, prenatal care). 1c.HS1.17

High School II

- Analyze ways systemic oppression and intersectionality impact the sexual agency of communities of color and other marginalized groups. 1c.HS2.9
- Summarize common symptoms, or lack thereof, of and treatments for STIs, including HIV. 1c.HS2.10
- Demonstrate the steps to using barrier methods correctly (e.g., external and internal condoms and dental dams). 1c.HS2.11
- Identify the efficacy of biomedical approaches to prevent STIs, including HIV (e.g., hepatitis B vaccine, HPV vaccine, and PrEP, PEP). 1c.HS2.12
- Summarize community services and resources related to sexual and reproductive health. 1c.HS2.13
- Explain the laws related to reproductive and sexual health care services (e.g., contraception, pregnancy options, safe surrender policies, prenatal care). 1c.HS2.14

Topic: Sexually explicit media

High School I

- Explain the impact sexually explicit media can have on one's perceptions of, and expectations for, a healthy relationship. 1c.HS1.18
- Explain federal and state laws that prohibit the creation, sharing, and viewing of sexually explicit media that includes minors. 1c.HS1.19

High School II

- Evaluate the impact sexually explicit media can have on one's perceptions of, and expectations for, a healthy relationship. 1c.HS2.15
- Analyze the federal and state laws that impact young people's sexual health rights, ability to give and receive sexual consent, and engagement with sexually explicit media. 1c.HS2.16

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Public Statement

**Navigating Differences:
Clarifying Sexual and Gender Ethics in Islam**

May 23, 2023

navigatingdifferences.com/clarifying-sexual-and-gender-ethics-in-islam

List of signatories was updated on June 7, 2023 at 3:41 pm ET.

Public discourse on sexuality over the past few decades has presented challenges to faith communities. Today, Islamic sexual and gender ethics are at odds with certain recently popular societal views, causing tension for Muslims between their religious beliefs and societal expectations. At the same time, public disapproval of LGBTQ practices, beliefs, and advocacy is increasingly met with charges of intolerance and unwarranted accusations of bigotry. More troubling still, there is an increasing push to promote LGBTQ-centric values among children through legislation and regulations, disregarding parental consent and denying both parents and children the opportunity to express conscientious objection. Such policies subvert the agency of Muslim parents to teach their children their religiously grounded sexual ethics, violate their constitutional right to freely practice their religion, and contribute to an atmosphere of intolerance toward faith communities.

We are Muslim scholars and preachers representing a diverse range of theological schools. Below is our collective, non-partisan articulation of Islam's position on sexual and gender ethics. As a religious minority that frequently experiences bigotry and exclusion, we reject the notion that moral disagreement amounts to intolerance or incitement of violence. We affirm our right to express our beliefs while simultaneously recognizing our constitutional obligation to exist peacefully with those whose beliefs differ from ours.

The Source of Morality for Muslims

The most essential requirement for accepting Islam is to submit to God completely, voluntarily, and lovingly. God says, "It is not for a believing man or woman—when God and His Messenger decree a matter—to have any other choice in that matter" (Quran, *alAhz āb:36*). By submitting to God, we declare that only He possesses absolute knowledge and wisdom. Therefore, it follows from this submission that the ultimate source and basis of morality is Divine guidance, not just reason or societal trends.

Islam enjoys a rich tradition of jurisprudence that allows for diverse perspectives and accommodates various cultural norms. However, particular principles that are explicitly stated in revelation, known to be necessary elements of Islam, and unanimously agreed upon by qualified scholars are deemed immutable and not open to revision by any

person or entity, including the highest religious authorities. As God asserts, “And the word of your Lord has been fulfilled in truth and justice. None can alter His words, and He is the All-Hearing, the All-Knowing” (Quran, *al-An‘ām*: 115).

Islam’s Position on Sexuality and Gender

By a decree from God, sexual relations are permitted within the bounds of marriage, and marriage can only occur between a man and a woman. In the Quran, God explicitly condemns sexual relations with the same sex (see, e.g., Quran, *al-Nisā’*: 16, *al-A‘rāf*: 80–83, and *al-Naml*: 55–58). Moreover, premarital and extramarital sexual acts are prohibited in Islam. As God explains, “Do not go near fornication. It is truly an immoral deed and a terrible way [to behave]” (Quran, *al-Isrā’*: 32). These aspects of Islam are unambiguously established in the Quran, the teachings of Prophet Muhammad (peace be upon him), and a chain of scholarly tradition spanning fourteen centuries. As a result, they have gained the status of religious consensus (*ijmā’*) and are recognized as integral components of the faith known to the general body of Muslims.

God defined humanity as consisting of males and females and declared that He “... created [humans] from a male and a female and made [them] into peoples and tribes so that you may come to know one another” (Quran, *al-Hijr*: 13; see also *al-Najm*: 45). Islam affirms that men and women are spiritually

equal before God, even though each has different characteristics and roles. The Prophet Muhammad (peace be upon him) referred to women as equivalent counterparts of men. Yet, he (peace be upon him) explicitly condemned imitating the appearance of the opposite gender. Further, God calls on humanity to respect His wisdom in creation (see, e.g., Quran, *al-Nisā'*: 119). As such, as a general rule, Islam strictly prohibits medical procedures intended to change the sex of healthy individuals, regardless of whether such procedures are termed gender “affirming” or “confirming.” For individuals born with biological ambiguities, such as disorders of sexual development, Islam permits them to seek medical care for corrective reasons.

Islam distinguishes between feelings, actions, and identity. God holds individuals accountable for their words and actions, not for their involuntary thoughts and feelings. As our Prophet (peace be upon him) said, “God has pardoned Muslims for what they think, as long as they do not speak of or act on it” (Bukhari, 2528). In Islam, the sinful actions of an individual do not and should not dictate his or her identity. As such, it is impermissible for Muslims to take pride in identifying with labels that categorize them by their sins. It is important to note that the stance of Islam on illicit sexual relations goes hand in hand with its protection and promotion of the individual’s right to privacy. Islam prohibits prying into others’ private lives and discourages public disclosure of sexual

behavior (see, e.g., Quran, *al-Hu jurāt*: 12 and *al-Nūr*: 19).

We recognize that some religious groups have reinterpreted or revised religious doctrine to be inclusive of LGBTQ ideology. The Muslim community is not immune to such pressures. Indeed, some have attempted to reinterpret Islamic texts in favor of LGBTQ affirmation. We categorically reject such efforts as theologically indefensible because these aspects of sexual ethics fit within the category of immutable tenets and are therefore not subject to revision.

Our Constitutional Right to Hold Our Views

We recognize that our moral code conflicts with the goals of LGBTQ proponents. We also acknowledge their constitutional right to live in peace and free from abuse. Nevertheless, we emphasize our God-given and constitutional rights to hold, live by, and promote our religious beliefs in the best manner (Quran, *al-Nahl*: 125) without fear of legal reprisal or systematic marginalization. Peaceful coexistence does not necessitate agreement, acceptance, affirmation, promotion, or celebration. We refuse the false choice between succumbing to social pressures to adopt views contrary to our beliefs or facing unfounded charges of bigotry. Such coercive ultimatums undermine prospects for harmonious coexistence.

We call on policymakers to protect our constitutional right to practice our religious beliefs freely, without fear of harassment, and to oppose any legislation seeking to stifle the religious freedoms of faith communities. Consistent with our claim of non-partisanship, we are committed to working with individuals of all religious and political affiliations to protect the constitutional right of faith communities to live according to their religious convictions and to uphold justice for all.

To Our Muslim Community

We urge Muslim public figures to uphold the sanctity of our faith and refrain from making erroneous pronouncements on behalf of Islam. We reject any attempt to attribute positions to Islam concerning sexual and gender ethics that contravene well-established Islamic teachings. To be clear, we cannot overstate the detrimental spiritual consequences for those who intentionally reject, advocate the rejection of, or misrepresent the will of God, as in doing so they endanger their status as believers (Quran, *al-An'ām*: 21).

To those among us who struggle with desires that fall outside the boundaries set by God: know that even the most righteous can commit sins and that every Muslim, no matter how sinful, has the potential to be forgiven. Practicing self-restraint in devotion to God is considered heroic. Its spiritual reward increases proportionally with the level of struggle involved. Our

ultimate purpose is to prioritize devotion to God over our desires and not sacrifice our faith. We pray to God to grant us the necessary strength and unwavering commitment to live up to our ideals. May we find inner peace and satisfaction through loving submission, and may God deem us worthy of being counted among the believers, the most honorable of titles.

For inquiries, please email info@navigatingdifferences.com. For religious scholars and Imams who wish to sign this statement, please fill out the form at the bottom of this page.

* * *

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AlMaghrib Institute

Professor Ovamir Anjum, PhD

Ummatics Institute

Ustadha Zaynab Ansari

Tayseer Seminary

Imam Navaid Aziz

Islamic Information Society of Calgary

JA 91

Shaykh Jamal Badawi, PhD

Fiqh Council of North America

Professor Ihsan Bagby, PhD

Fiqh Council of North America

Shaykh Nomaan Baig

Institute of Knowledge

Shaykh Waleed Basyouni, PhD

AlMaghrib Institute

Shaykh Ahmed Billoo

Institute of Knowledge

Imam Yaser Birjas

Valley Ranch Islamic Center

Professor Jonathan Brown, PhD

Georgetown University

Canadian Council of Imams

Representing 80 Canadian Imams

Professor Sharif El-Tobgui, PhD

Boston Islamic Seminary

Shaykh Alauddin Elbakri

Tawasaw

Shaykh Shadee Elmasry, PhD

NBIC Safina Society

Shaykh Mohammad Elshinawy

Mishkah University

JA 92

Imam Tom Facchine

Yaqeen Institute for Islamic Research

Shaykh Yasir Fahmy

Prophetic Living

Shaykh Mohammed Faqih

Memphis Islamic Center

Shaykh Yassir Fazzaga

Memphis Islamic Center

Shaykha Hanaa Gamal

Fiqh Council of the Islamic Society of Greater
Houston

Professor Abdullah Bin Hamid Ali, PhD

Zaytuna College

Shaykh Suleiman Hani

AlMaghrib Institute

Shaykh Asif Hirani, PhD

Islamic Circle of North America

Shaykh Omar Husain, PhD, LPC

Shaykh AbdulNasir Jangda

Qalam Institute

Shaykh Abdur Rahman Khan

The Shariah Council of Islamic Circle of North
America

Shaykh Ahmad Kutty

Ustadha Fatima Lette

Qalam Institute

Shaykh Mohammed Amin Kholwadia

Darul Qasim College

Shaykh Hamzah Maqbul

Ribat Institute

Ustadh AbdelRahman Murphy

Roots Community

Shaykha Ieasha Prime

Barakah Inc. Leadership Institute

Shaykh Yasir Qadhi, PhD

Islamic Seminary of America

Shaykh Yahya Rhodus, PhD

Al-Maqasid Islamic Seminary

Imam Jihad Saafir

Islah LA

Ustadha Aatifa Shareef, LPC

Qalam Institute

Shaykh Muzzamil Siddiqi, PhD

Fiqh Council of North America

Imam Syed Soharwardy

Islamic Supreme Council of Canada

Shaykh Zulfiqar Ali Shah, PhD

Fiqh Council of North America

JA 94

Shaykh Omar Suleiman, PhD

Yaqeen Institute for Islamic Research

Ustadh Amjad Tarsin

Al-Maqasid Islamic Seminary

Shaykh Saad Tasleem

AlMaghrib Institute

Shaykh Mustafa Umar

California Islamic University

Ustadh Mobeen Vaid

Shaykh Abdullah Waheed

Miftaah Institute

Mufti Abdul Rahman Waheed

Miftaah Institute

Imam Siraj Wahhaj

Al-Taqwa Mosque (Brooklyn, NY)

Shaykh Dawud Walid

Shaykha Aysha Wazwaz, PhD

Gems of Light Institute

Imam Suhaib Webb

Institute of Sacred Sciences

Shaykh Tahir Wyatt, PhD

United Muslim Masjid

Shaykha Haifaa Younis, MD

Jannah Institute

JA 95

Shaykh Jamaal Zarabozo

Shaykh Abu Zayd, PhD

Quran Literacy Institute

Shaykh Furhan Zubairi

Institute of Knowledge

Signatures Added On May 24, 2023

Imam Qutaibah Abbasi

DeSoto House of Peace Mosque

Shaykh Taha Abdul-Basser

Imam Yusuf Abdulle

Islamic Association of North America

Imam AbdurRahman Ahmad

Islamic Center of New England.

Shaykh Tanweer Ahmed

Hillside Islamic Center

Shaykh Abdullah Al-Mahmudi

Muslim Unity Center

Imam Mowlid Ali

As-Sadique Islamic Center

Shaykh Umer Ansari

Northside Islamic Center of San Antonio

Imam Akram Baioumy

Imam Nadim Bashir

East Plano Islamic Center

JA 96

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Shaykh Ismaeel Chartier

Sunna Institute

Sheikh Aqib Choudhury

Shaykh Chad Earl

Islamic Center of Maryland

Imam John Ederer

Muslim Community Center of Charlotte

Imam Ismail Fenni

Yusuf Mosque

Ustadh Ayman Hammous, PhD

Executive director of Muslim American Society

Shaykh Ikramul Haq

Masjid Al-Islam (Rhode Island)

Shaykh Abdullah Hatia

Halton Islamic Association

Imam Mohamed Herbert

Legacy International High School

Ustadh Iyad Hilal

Alarqam Institute

Imam Ibrahim Hindy

Ustadh Shakiel Humayun

NYC Muslim Center

JA 97

Shaykh Noman Hussain

Oasis Chicago

Professor Muzammil Hussain, PhD

Shaykh Osama Ibrahim

Islamic Society of Palm Springs

Professor Seema Imam, EdD

Shaykh Auda Jasser, PhD

Muslim Association of Canada

Shaykh AbdulRazzak Junaid

Islamic Center of Nashville

Imam Umar Kabiruddin

Al Salaam Academy

Imam Abdirahman Kariye

Dar Al Farooq Center

Imam Musleh Khan

Islamic Institute of Toronto

Shaykh Zaid Khan

Institute of Knowledge

Imam Salah Mahmoud

Islamic Center of Frisco

Shaykh Mamdouh Mahmoud, PhD

Islamic society of greater Houston

Imam Fuad Mohamed

Muslim American Society (Bay Area)

JA 98

Shaykh Rihabi Mohamed Rihabi, PhD

Shaykh Ahmed Mohamed, PhD

Islamic Society of Central Jersey

Mufti Wahaajuddin Mohammed

Tawheed Center (MI)

Sheikh Uzair Mohsin

Islamic Association of Collin County

Shaykh Suhail Mulla

Islamic Society of West Valley

Shaykh Abdullah Mullanee

Lubab Academy

Imam Irshad Osman

Danforth Islamic Centre

Mufti Nayef Patel

Masjid Arqam

Chaplain Tricia Pethic

Muslim Prisoner Project

Shaykh Usman Qamar

Wijhah Initiative

Imam Hamid Raza

Al-Ansar Center

Ustadh Zuhair Shaath

Chino Valley Islamic Center

JA 99

Imam Farhan Siddiqi

Dar Al-Hijrah Islamic Center

Shaykh Khalil Skafi

Sunni Muslim

Shaykh Mikaeel Ahmed Smith

Qalam Institute

Ustadh Ahmed Soboh

Islamic Shura Council of Southern California

Ustadh Fahad Tasleem

Sapience Institute

Shaykh Suhel Teli

Darul Uloom New York

Shaykh Azfar Uddin

Islamic Foundation North

Shaykh Osman Umarji, PhD

Yaqeen Institute

Shaykh Ibad Wali

Sacred Knowledge Inc.

Signatures Added On May 26, 2023

Shaykh Ramzy Ajem

Masjid Vaughan

Shaykh Yasser Albaz

DAR Foundation

JA 100

Shaykh Rizwan Ali, PhD

Islamic Center of Naperville

Imam Mohamed Badawy

Islamic Association of Raleigh

Shaykh Osama Bahloul, PhD

Fiqh Council of North America

Imam Mohamed Bendame, PhD

MAC, Kitchener Masjid

Shaykh Mongy El-Quesny

Northwest Indiana Islamic Center

Shaykh Mohammed ElFarooqui

Islamic Society of Greater Houston

Imam Mohamed Elghobashy

Muslim Association of Greater Rockford

Imam Sulaimaan Hamed

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Imam Ameer Hamza

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Shaykh Omar Hedroug

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Siraj Institute

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Hajar Institute

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MAC, Ottawa

Imam Mustapha Kifah

Council of Imams and Scholars of Greater Chicago

Mufti Wasim Khan

ISRA Foundation (Plano, TX)

Imam Safi Khan

Roots Community

Ustadh Adrian Ashir Kirk

Measured Tones Institute of Quran

Professor Rihabi Mohamed, PhD

Quranic Performance

JA 102

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Islamic Society of Central Jersey

Mufti Abdullah Nana

Islamic Society of Mill Valley

Shaykh Abdullah Oduro

Coppell Islamic Center

Shaykh Sadique Pathan

Al Rashid Mosque

Imam Omer Rangoonwala, Esq.

Shaykh Abdulaziz Rasoul

ISNA Schools and I3 Institute

Shaykh Osama Salama

Islamic Society of Palm Springs

Shaykh Ahmad Saleem

Hamzah Islamic Center (Atlanta, GA)

Mawlana Mushtaq Shaikh

Masjid Bilal Muslim Association

Shaykh Huzaifah Siddiqui

Islamic Society of Akron and Kent

Mufti Mohammad Shibli Siddiqui

Humble Islamic Center

Shaykh Essam Tawfik

Islamic Leadership Institute of America

Shaykh Mehmet Usta

i3 Institute

Signatures Added On May 30, 2023

Imam Aladin Abulhassan, PhD

Council of Shia Muslim Scholars of North America

Shaykh Hussein Afeefy, PhD

Shaykh Hashim Ahmad

Institute of Knowledge

Imam Haroon Ahmed

Masjid Uthman (IL)

Imam Moustafa Al-Qazwini, PhD

Islamic Educational Center of Orange County

Shaykh Ali Ali, PhD

Muslim Community of Western Suburbs (MI)

Shaykh Saber Alkilani, PhD

Islamic Association of Sault Ste Marie (ON)

Shaykh Main Alqudah, PhD

Guidance College

Shaykh Anwar Arafat

Islamic Association of Greater Memphis

Shaykh Tarik Ata

Orange County Islamic Foundation

Ustadh Abdullatif Bakbak

Muslim Association of Canada

JA 104

Shaykh Sheryar Bashir

Al-Ihsan Educational foundation

Shaykh Jamel Ben Ameer, PhD

Imam ShemsAdeen Ben-Masaud

Crescent View Academy

Ustadha Tuscany Bernier

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Salaam Islamic Center

Shaykh Numaan Cheema

Darul Uloom Central Jersey

Shaykh Mukhtar Curtis, PhD

Imam Bachir Djehiche, PhD

Guidance Collage

Professor Abdelhafid Djemil, PhD

President Majlis Ash-Shura of NY

Imam Imad Enchassi, PhD

Islamic Society of Greater Oklahoma City

Ustath Mohammed Hannini

Alarqam Institute

Shaykh Saad Haque

Zakaria Islamic Academy

Shaykh Anisul Haque

Shaykh Samir Hussain

Fahm Education

Shaykh Ismaael Iqbal

Ihya Foundation

Shaykh Hussain Kamani

Qalam Institute

Imam Faisal Khan

Quba Institute of New York

Imam Muhammad Kolila

Denver Islamic Society

Shaykh Ibrahim Ma

Chinese Muslim Association of North America

Ustadh Feras Marish

DAR Foundation

Shaykh Taha Masood

Al-Ihsan Educational Foundation

Ustadha Yasmin Mogahed

Shaykh Abdulhakim Mohamed, PhD

North American Imams Federation

Imam Yahya Momla

The BC Muslim Association

Imam Salahuddin Muhammad, DMin

As Salaam Islamic Center

Shaykh Saifullah Muhammad

Northwest Islamic Community Center (MN)

JA 106

Imam Bashir Mundi

West Cobb Islamic Center (GA)

Shaykh Mohamed Mursal

Islamic Association Of North America

Imam Abdus-Salaam Musa, DMin

South East Queens Muslim Collective

Shaykh Tariq Musleh

The Mecca Center

Ustadh Muneeb Nasir

Olive Tree Foundation

Shaykh Shakib Nawabi

Darululoom San Diego

Shaykh Hamza Palya

Sacred Knowledge Institute

Shaykh Rizwaan Patel

Darul Ifta Rockford

Ustath Yousef Salam

Straight Struggle

Imam Mohamed Sayed

Islamic Center of Bloomington

Shaykh Ali Sbeiti

Imam Hafiz Shafique

Masjid AlQuran (WI)

JA 107

Imam Jamal Shah

Nabvi Mosque (NY)

Shaykh Zubair Sidyot

Lethbridge Muslim Association

Imam Jamal Taleb, PhD

Canadian Islamic Center

Imam Sami Zaharna

Muslim Family Center (MD)

Signatures Added On June 7, 2023

Imam Hamzah Abdul-Malik

Midtown Mosque (TN)

Imam Abdelhamid Algizawi, PhD

Muslim Community Association of Ann Arbor

Imam Osama Alrefai

Islamic Center of Peoria

Shaykh Khaled AlTaweel, PhD

Muslim Wellness Network

Shaykh Ahmed Bedir

Omar Islamic Center (CT)

Shaykh Zahid Bukhari, PhD

Center for Islam and Public Policy, ICNA CSJ

Imam Atif Chaudhry

Rahma Center of Charlotte

Imam Ousmane Drame

Masjid Al-Farooq (Chicago)

Shaykh Alaa Elsaadawi

Al Tawheed Islamic Center (NJ)

Imam Talha Elsayed

Albuquerque Islamic Center

Imam Mustapha Elturk

Islamic Organization of North America

Shaykh Muwaffaq Ghalayini, PhD

Assembly of Muslim Jurists of America

Shaykh Aqil Ingram

Gwynn Oak Islamic Community

Shaykh Muzaffar Iqbal

Center for Islamic Sciences (Canada)

Imam Osama Jaber, PhD

Palos Islamic Center

Mufti Yusuf Lulat

Al Khalil Academy

Shaykh Abdullah Misra

Islamic Centre of Cambridge

Imam Hossam Musa

Islamic Center of Greater Cincinnati

Canadian Council of Muslim Theologians

Shaykh Muhammad Nabeel

American Muslim Center (MA)

Imam Saeed Purcell

Islamic Center of Irving

Imam Mohammad Qatanani, PhD

Center for Islam and Public Policy, ICNA CSJ

Imam Omar Reda

Islamic Center of Fort Collins

Imam Walid Shadi

Muslim American Society

Shaykh Musa Sugapong

Khalil Center

Imam Sayed Tora

Hamilton Downtown Mosque

Imam Raouf Zaman

Muslim Center of Middlesex County

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