

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

PETITION OF CITIZENS FOR A)
RESPONSIBLE CURRICULUM, *et al.*)
)
FOR JUDICIAL REVIEW OF THE)
DECISION OF THE MARYLAND STATE)
BOARD OF EDUCATION)
)
IN THE CASE OF)
)
CITIZENS FOR A)
RESPONSIBLE CURRICULUM, *et al. v.*)
MONTGOMERY COUNTY PUBLIC)
SCHOOLS, *et al.*)
)
(Opinion No. 07-30))

Civil Action No. 284980V

RESPONDENT PFLAG’S STATEMENT IN LIEU OF MEMORANDUM

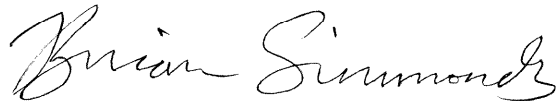
As provided for by Maryland Rule 7-207(a), Respondent Parents, Families, and Friends of Lesbians and Gays of Metropolitan Washington, D.C. (“PFLAG”) adopts by reference the Memorandum in Response to the Petition for Review filed by Respondents Montgomery County Board of Education, Montgomery County Public Schools, and Jerry D. Weast (collectively, “the MCPS Respondents”). The State Board of Education’s decision should be upheld for the reasons stated in the MCPS Respondents’ Memorandum. PFLAG files separately to call the Court’s attention to additional record material filed in the administrative proceeding under review. *See* Exhibit 1 (Letter to the Maryland State Board of Education, dated March 29, 2007).

In the proceeding below, PFLAG submitted policy statements and clinical guidance from the American Academy of Pediatrics, the American Psychological Association, and the American Medical Association calling upon educators to provide support for students regardless of their sexual orientation, *id.*, Attach. A at 1831, Attach. B at 3; concluding that homosexuality is not a disorder, *id.*, Attach. A at 1828, Attach. B at 2; and indicating the potential harm posed by attempts to modify sexual orientation, *id.*, Attach. C. The Revised Lessons, as adopted, are fully in accord with the positions of these leading medical and counseling organizations. Petitioners therefore have no basis for asserting that “a reasoning mind could not have reasonably reached the conclusion” to teach such material. Pet’r. Mem. at 5.

The issue before the Court, however, is not whether the conclusions of the leading medical and counseling organizations are correct, despite the Petitioners’ attempt to draw the Court into such a debate. Rather, the *only* question on review is whether the State Board of Education erred in permitting the MCPS Respondents to implement a curriculum whose content is consistent with these organizations’ clinical and policy guidance. The MCPS Respondents’ Memorandum explains in detail why the State Board’s decision should stand. Simply put, Maryland law entrusts the State Board of Education and the county boards with the discretion and authority to promulgate a health curriculum, and it would be impossible for them to exercise their intended role if every person who

disagreed with the inclusion or phrasing of a lesson could use the courts to blue-pencil the particular words or ideas she didn't like.

Respectfully submitted,



Dated: November 28, 2007

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