



ANTHONY G. BROWN, MARYLAND ATTORNEY GENERAL

PRESS RELEASE

FOR IMMEDIATE RELEASE

Media Contacts:
press@oag.state.md.us
410-576-7009

Attorney General Brown Co-Leads Coalition in Multistate Amicus Brief Supporting Safety and Inclusion for LGBTQ+ Youth in Schools

BALTIMORE, MD (November 1, 2023) – Maryland Attorney General Anthony G. Brown, with Massachusetts Attorney General Andrea Joy Campbell, co-led a coalition of 19 Attorneys General in filing an [amicus brief](#) supporting a Maryland local board of education’s efforts to create a safe and supportive environment for LGBTQ+ children and all students. The Montgomery County Board of Education (MCBE) is facing a challenge to its policy that incorporates LGBTQ+-inclusive books into its language arts curriculum without allowing students to opt out. In the amicus brief, filed in the U.S. Court of Appeals for the Fourth Circuit, the Attorneys General reiterate the importance of providing safe and inclusive school environments for all children, and explain that policies such as MCBE’s do not raise constitutional or other concerns.

“Our schools play a fundamental role in shaping the minds and hearts of the next generation, and it’s our duty to ensure that every child feels safe, supported, and valued,” **said Attorney General Brown**. “Educational policies that promote respect for LGBTQ+ people will help build a more equitable future for all children.”

MCBE and its members, like other school authorities around the country, are charged with playing a critical role in one of the most important responsibilities of democratic self-governance: nurturing successive generations of children on their path to becoming capable citizens. Courts have long afforded state and local governments significant discretion in how they pursue this goal, so long as they act within the constraints of federal and state law.

In the current case, out of a concern that LGBTQ+ people were not adequately represented in the books children encounter in school, MCBE has chosen to incorporate a variety of LGBTQ+-inclusive books into its elementary school language arts curriculum. MCBE does not permit students to opt out of classes where these books are read. A group of parents sued MCBE, arguing that, in declining to allow opt-outs, MCBE had violated their right to the free exercise of their religion. The district court denied a preliminary injunction to the plaintiffs, concluding that they were unlikely to prevail on their claims, and the plaintiffs appealed to the Fourth Circuit.

The amicus brief, filed in support of MCBE, argues that:

- States have an interest in making schools safe, supportive, and inclusive for all students, including LGBTQ+ youth;
- All students benefit from supportive and inclusive schools;
- LGBTQ+ youth face unique struggles that are addressed through a supportive and inclusive school environment, including curricula that incorporate LGBTQ-inclusive books;
- MCBE's use of the books it has chosen fosters tolerance and prepares children for a diverse world; and
- MCBE's efforts do not burden religious freedom or violate Maryland law.

The amicus brief, co-led by the Attorneys General of Maryland and Massachusetts, was joined by the Attorneys General of California, Connecticut, Delaware, the District of Columbia, Hawaii, Illinois, Maine, Michigan, Minnesota, Nevada, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, Vermont, and Washington.

<https://www.marylandattorneygeneral.gov/press/2023/110123.pdf>

###