

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

BETHEL MINISTRIES, INC.,

*

Plaintiff,

*

v.

*

No. 1:19-cv-01853-ELH

DR. KAREN B. SALMON, ET AL.,

*

Defendants.

*

* * * * *

MOTION TO SUBSTITUTE EXHIBIT

State Superintendent Dr. Karen B. Salmon, along with Broadening Options and Opportunities for Students Today (“BOOST”) Board Chair Matthew Gallagher and BOOST Board members Marva Jo Camp, Linda Eberhart, Dr. Nancy S. Grasmick, Elizabeth Green, Beth Sandbower Harbinson, and Dr. A. Skipp Sanders (collectively “the BOOST Board”), all sued in their official capacities, through counsel, hereby move under Local Rule 105 to substitute the exhibit filed at ECF 22-1 for the attached proposed exhibit and in support of the motion state:

1. Undersigned counsel discovered in preparation for the preliminary injunction hearing scheduled for tomorrow, January 9, 2020, that a page was inadvertently omitted from the November 14th, 2019, affidavit of Donna Gunning, filed in support of the defendants’ opposition to preliminary injunction, ECF 22-1.

2. The contents of the missing page was referenced in the defendants’ memorandum, ECF 22. Therefore there is no undue surprise or prejudice to any party. Moreover, a preliminary injunction hearing is the opportunity to present “evidence and

legal arguments for or against a preliminary injunction.” *Granny Goose Foods, Inc. v. Brotherhood of Teamsters & Auto Truck Drivers Local No. 70 of Alameda County*, 415 U.S. 423, 441 (1974). Therefore additional evidence could be admitted as late as the hearing tomorrow. However, to facilitate preparation for the hearing, undersigned counsel seeks to substitute a complete document today.

3. Undersigned counsel forwarded a complete copy of the proposed substitution to all counsel this morning in advance of this motion.

Wherefore, defendants request that ECF 22-1 be substituted with the attached proposed exhibit. A proposed order is attached.

Respectfully submitted,

BRIAN E. FROSH
Attorney General of Maryland

/s/ Sarah W. Rice

SARAH W. RICE
Assistant Attorney General
200 Saint Paul Place
20th Floor
Baltimore, Maryland 21202
srice@oag.state.md.us
410-576-7847
(410) 576-6955 (facsimile)

January 8, 2020

Attorneys for Defendants

Exhibit 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

BETHEL MINISTRIES, INC., *

Plaintiffs, *

v. *

No. 1:19-cv-01853-ELH

DR. KAREN B. SALMON, *et al.*, *

Defendants. *

* * * * *

AFFIDAVIT OF DONNA GUNNING

I, Donna Gunning, do solemnly declare and affirm under the penalties of perjury this 14th day of November, 2019, that the following facts are true and correct based upon my personal knowledge:

1. I am over the age of 18 years and am competent to testify as a witness.
2. I am the Executive Director for the Maryland State Department of Education Office of Policy and Fiscal Analysis, a position I have held since September 2018. I have worked for the Maryland State Department of Education since July 2000. My principle duties as Executive Director entail providing fiscal policy and analysis supervision and direct management support to programs within MSDE, including the Broadening Opportunities and Options for Students Today (BOOST) program, and managing MSDE's Fiscal Note responses to the Maryland General Assembly. As Executive Director, I have personal knowledge of the matters set forth herein that occurred subsequent to September

2018, and also of previous events based on a review of the relevant documents made available to me in the scope of my position.

3. The BOOST Scholarship Program provides funding to individual students to attend BOOST-eligible schools. The General Assembly has made provisions for this program in each year's budget, beginning in 2016. The program conditions and funding levels have changed from one year to the next and the General Assembly has not codified into statute any of the provisions governing BOOST.

4. It is currently unknown if the BOOST Scholarship Program will be funded for the 2020-2021 school year, and, if it is funded, how much money will be appropriated for the program or what eligibility conditions will be imposed for schools to receive funding.

5. The BOOST Scholarship Program for the 2019-2020 school year is governed by the provisions of the Fiscal Year 2020 Budget Bill, Chapter 565 of Maryland Laws 2019. The application window for individual students to apply for BOOST scholarship funds was March 6, 2019 through April 17, 2019. Schools who wished to be considered as BOOST eligible institutions for the 2019-2020 school year were required to submit applications by December 31, 2018 to the then Nonpublic Textbook and Technology Program. The Plaintiff, Bethel Christian Academy did not apply for the 2019-2020 school year. The funding appropriated for the BOOST Scholarship program for the 2019-2020 school year has been distributed in its entirety. As of August 2019, 2,768 scholarships were awarded to students and 1,134 students were placed on a wait list.

6. I have examined the records of MSDE, and from that examination and based on my knowledge and belief of the practices of MSDE, the October 13, 2017 letter from Matthew Gallagher to BOOST-Eligible Schools was sent to the list of schools attached as Exhibit A.

7. Upon my review of the file, the Maryland Parent Teacher Association submitted written testimony to the BOOST Board in 2017, declaring that at least one school which had been deemed BOOST-eligible and had signed and submitted an assurances document, had policies that expressly discriminated against students based on the sexual orientation of the child's parents. A copy of this written testimony is attached as Exhibit B. It was after this testimony was received that the BOOST Board sought information from BOOST-eligible schools regarding their handbooks and other admissions policies.

I declare under penalty of perjury that the foregoing is true and correct.

11/13/19
Dated


Donna Gunning

Attachment A



**Potential Participating Schools for the BOOST Scholarship Program
2017-2018 School Year**

THIS IS NOT A FINAL LIST OF ELIGIBLE SCHOOLS FOR THE 2017-2018 BOOST PROGRAM. This list represents schools that meet the criteria for participating in the Nonpublic Textbook Program and offering programs beyond kindergarten. To become fully eligible, schools must certify that they: administer certain assessments, will provide certain assessment results, and comply with certain non-discrimination laws.

As of September 29, 2017

School Name	
ACADEMY CHILD DEVELOPMENT CENTER - ROCKVILLE	
AL HUDA SCHOOL - COLLEGE PARK	
AL RAHMAH SCHOOL - BALTIMORE	
ALEF BET MONTESSORI SCHOOL - BETHESDA	
ALIM ACADEMY AKA MUSLIM COMMUNITY SCHOOL THE - POTOMAC	
ALPERT FAMILY ALEPH BET JEWISH DAY SCHOOL - ANNAPOLIS	
ARCHBISHOP BORDERS SCHOOL - BALTIMORE	
ARCHBISHOP CURLEY HIGH SCHOOL - BALTIMORE	
ARCHBISHOP NEALE ELEMENTARY SCHOOL- LA PLATA	
ARCHBISHOP SPALDING HIGH SCHOOL - SEVERN	
ARNOLD CHRISTIAN ACADEMY - ARNOLD	
ARTS AND IDEAS SUDBURY SCHOOL - BALTIMORE	
ARUNDEL CHRISTIAN SCHOOL - HANOVER	
ATHOLTON ADVENTIST ACADEMY - COLUMBIA	
BAIS HAMEDRASH AND MESIVTA OF BALTIMORE - BALTIMORE	
BAIS YAAKOV SCHOOL FOR GIRLS - BALTIMORE	
BALTIMORE ACTORS THEATRE CONSERVATORY THE - BALTIMORE	

BALTIMORE JUNIOR ACADEMY - BALTIMORE	
BALTIMORE SCHOOL OF INDEPENDENT LEARNERS - PIKESVILLE	
BALTIMORE TORAH SCHOOL - BALTIMORE	
BALTIMORE WHITE MARSH ADVENTIST SCHOOL - ROSEDALE	
BANNER SCHOOL THE - FREDERICK	
BEDDOW HIGH SCHOOL THE - ACCOKEEK	
BEDDOW SCHOOL INC THE - WALDORF	
BEDDOW SCHOOL INC THE - FT WASHINGTON	
BEGINNINGS MONTESSORI SCHOOL - CUMBERLAND	
BETHEL CHRISTIAN ACADEMY - SAVAGE	
BISHOP MCNAMARA HIGH SCHOOL - FORESTVILLE	
BISHOP WALSH MIDDLE HIGH SCHOOL - CUMBERLAND	
BNOS YISROEL OF BALTIMORE - BALTIMORE	
BOWIE MONTESSORI CHILDRENS HOUSE - BOWIE	
BROADFORDING CHRISTIAN ACADEMY - HAGERSTOWN	
BROOKWOOD SCHOOL - KENSINGTON	
BUTLER SCHOOL - DARNESTOWN	
CALVARY CHRISTIAN ACADEMY - CRESAPTOWN	
CALVARY LUTHERAN SCHOOL - BALTIMORE	
CALVERT HALL COLLEGE HIGH SCHOOL - BALTIMORE	
CAMBRIDGE SCHOOL - BALTIMORE	
CARDINAL HICKEY ACADEMY - OWINGS	
CARDINAL SHEHAN SCHOOL - BALTIMORE	
CARROLL LUTHERAN SCHOOL - WESTMINSTER	
CATHEDRAL CHRISTIAN ACADEMY - BALTIMORE	
CATHOLIC HIGH SCHOOL OF BALTIMORE THE - BALTIMORE	

CELEBRATION CHRISTIAN ACADEMY - COLUMBIA	
CENTER FOR CREATIVE LEARNING THE - BALTIMORE	
CHABAD OF PARK HEIGHTS - BALTIMORE	
CHESAPEAKE CHRISTIAN SCHOOL - EASTON	
CHESTER RIVER ADVENTIST SCHOOL - CHESTERTOWN	
COLUMBIA ACADEMY ELEMENTARY AND MIDDLE SCHOOL - COLUMBIA	
COUNTRYSIDE CHRISTIAN SCHOOL	
CREST LANE SCHOOL - WESTMINSTER	
CRISTO REY JESUIT HIGH SCHOOL - BALTIMORE	
DARCHEI NOAM MONTESSORI	
DEMATHA CATHOLIC HIGH SCHOOL - HYATTSVILLE	
DON BOSCO CRISTO REY HIGH SCHOOL - TAKOMA PARK	
EBENEZER CHRISTIAN SCHOOL - HAGERSTOWN	
ELIZABETH SETON HIGH SCHOOL - BLADENSBURG	
ELVATON CHRISTIAN ACADEMY - MILLERSVILLE	
EMMANUEL LUTHERAN SCHOOL - BALTIMORE	
FAIRHAVEN SCHOOL - UPPER MARLBORO	
FIRST BAPTIST SCHOOL OF LAUREL	
FORCEY CHRISTIAN SCHOOL - SILVER SPRING	
FREDERICK ADVENTIST ACADEMY - FREDERICK	
FREDERICK COUNTRY DAY - FREDERICK	
FRIENDS MEETING SCHOOL - IJAMSVILLE	
GEORGE E PETERS SDA ELEM SCHOOL - HYATTSVILLE	
GERMAN SCHOOL WASHINGTON D C - POTOMAC	
GLA ACADEMY "SCHOOL OF EXCELLENCE" - ROSEDALE	
GLENWOOD COUNTRY DAY SCHOOL - MT. AIRY	

GOOD SHEPHERD SCHOOL - PERRYVILLE	
GRACE ACADEMY - HAGERSTOWN	
GRACE CHRISTIAN ACADEMY OF MARYLAND - WALDORF	
GRACE LUTHERAN SCHOOL - LA PLATA	
GREATER GRACE CHRISTIAN ACADEMY - BALTIMORE	
GREATER YOUTH ACADEMY - BALTIMORE	
HIGHLAND PARK CHRISTIAN ACADEMY - LANDOVER	
HIGHLAND VIEW ACADEMY - HAGERSTOWN	
HOLY ANGELS ELEMENTARY SCHOOL - BALTIMORE	
HOLY CROSS SCHOOL - GARRETT PARK	
HOLY FAMILY SCHOOL - HILLCREST HEIGHTS	
HOLY REDEEMER SCHOOL - COLLEGE PARK	
HOLY TRINITY EPISCOPAL DAY SCHOOL - GLENN DALE	
IMMACULATE CONCEPTION SCHOOL - TOWSON	
IMMACULATE CONCEPTION SCHOOL - ELKTON	
IMMACULATE HEART OF MARY SCHOOL - BALTIMORE	
INSTITUTE OF NOTRE DAME - BALTIMORE	
ISLAMIC COMMUNITY SCHOOL - BALTIMORE	
ISRAEL HENRY BEREN HIGH SCHOOL - BALTIMORE	
JEWELS SCHOOL	
JOHN CARROLL SCHOOL - BEL AIR	
JOHN NEVINS ANDREWS SCHOOL - TAKOMA PARK	
KINGS CHRISTIAN ACADEMY - CALLAWAY	
KRIEGER SCHECHTER DAY SCHOOL - BALTIMORE	
LAMB OF GOD SCHOOL - BALTIMORE	
LANHAM CHRISTIAN SCHOOL - LANHAM	

LEO BERNSTEIN JEWISH ACADEMY OF FINE ARTS - SILVER SPRING	
LEONARD HALL JUNIOR NAVAL ACADEMY INC - LEONARDTOWN	
LIGHTHOUSE CHRISTIAN ACADEMY - CUMBERLAND	
LITTLE FLOWER SCHOOL - BETHESDA	
LITTLE FLOWER SCHOOL - GREAT MILLS	
LUCY SCHOOL - MIDDLETOWN	
MARY OF NAZARETH ROMAN CATHOLIC SCHOOL - DARNSTOWN	
MARYLAND INTERNATIONAL DAY SCHOOL - FT. WASHINGTON	
MARYVALE PREPARATORY SCHOOL - LUTHERVILLE	
MELVIN J BERMAN HEBREW ACADEMY - ROCKVILLE	
MERCY HIGH SCHOOL - BALTIMORE	
MESIVTA NE'IMUS HATORAH - BALTIMORE	
MONSIGNOR SLADE REGIONAL CATHOLIC SCHOOL - GLEN BURNIE	
MONTESSORI MANOR - PHOENIX	
MONTESSORI SCHOOL OF WESTMINSTER - WESTMINSTER	
MOST BLESSED SACRAMENT CATHOLIC SCHOOL - OCEAN PINES	
MOTHER CATHERINE ACADEMY - HELEN	
MOTHER OF GOD SCHOOL - GAITHERSBURG	
MOTHER SETON ACADEMY - BALTIMORE	
MOTHER SETON SCHOOL - EMMITSBURG	
MOUNT AVIAT ACADEMY - CHILDS	
MOUNT DE SALES ACADEMY - CATONSVILLE	
MOUNT PLEASANT CHRISTIAN SCHOOL	
MT. AETNA ADVENTIST SCHOOL - HAGERSTOWN	
MT. ST. JOSEPH HIGH SCHOOL - BALTIMORE	
NATIONAL CHRISTIAN ACADEMY - FT. WASINGTON	

NEW CHAPEL CHRISTIAN ACADEMY - CAMP SPRINGS	
NEW HOPE ACADEMY - LANDOVER HILLS	
NEW SPIRITUAL FOUNDATION CHRISTIAN ACADEMY - BALTIMORE	
NORTH CARROLL COMMUNITY SCHOOL - WESTMINSTER	
NOTRE DAME PREPARATORY SCHOOL - TOWSON	
OHR CHADASH ACADEMY - BALTIMORE	
OLNEY ADVENTIST PREPARATORY SCHOOL - OLNEY	
OUR LADY OF GOOD COUNSEL HIGH SCHOOL - OLNEY	
OUR LADY OF HOPE ST LUKE SCHOOL - BALTIMORE	
OUR LADY OF LOURDES SCHOOL - BETHESDA	
OUR LADY OF MERCY SCHOOL - POTOMAC	
OUR LADY OF MT. CARMEL SCHOOL - BALTIMORE	
OUR LADY OF PERPETUAL HELP SCHOOL - ELLICOTT CITY	
OUR LADY OF VICTORY SCHOOL - BALTIMORE	
OUR LADY STAR OF THE SEA SCHOOL - SOLOMONS	
PERRY HALL CHRISTIAN SCHOOL - PERRY HALL	
PILGRIM CHRISTIAN DAY SCHOOL - BALTIMORE	
PROGRESSIVE EDUCATION CENTER DAY SCHOOL - BALTIMORE	
REID TEMPLE CHRISTIAN ACADEMY - GLENN DALE	
RESURRECTION ST PAUL SCHOOL - ELLICOTT CITY	
SACRED HEART SCHOOL - GLYNDON	
SAINT MARY'S RYKEN - LEONARDTOWN	
SAINTS PETER AND PAUL HIGH SCHOOL - EASTON	
SALISBURY CHRISTIAN SCHOOL - SALISBURY	
SCHOOL OF THE CATHEDRAL OF MARY OUR QUEEN - BALTIMORE	
SCHOOL OF THE INCARNATION - GAMBRILLS	

SENECA ACADEMY - DARNESTOWN	
SHABACH CHRISTIAN ACADEMY - LANDOVER	
SISTERS ACADEMY OF BALTIMORE - BALTIMORE	
SLIGO ADVENTIST SCHOOL - TAKOMA PARK	
SOUTHERN MARYLAND CHRISTIAN ACADEMY - WHITE PLAINS	
SPENCERVILLE ADVENTIST ACADEMY - SPENCERVILLE	
ST PETER AND PAUL ELEMENTARY SCHOOL - EASTON	
ST. AGNES SCHOOL - BALTIMORE	
ST. AMBROSE SCHOOL - CHEVERLY	
ST. ANDREW APOSTLE SCHOOL - SILVER SPRING	
ST. ANDREWS UNITED METHODIST DAY SCHOOL - EDGEWATER	
ST. AUGUSTINE SCHOOL - ELKRIDGE	
ST. BARTHOLOMEW SCHOOL - BETHESDA	
ST. BERNADETTE SCHOOL - SILVER SPRING	
ST. CASIMIR CATHOLIC SCHOOL - BALTIMORE	
ST. COLUMBA SCHOOL - OXON HILL	
ST. ELIZABETHS SCHOOL - ROCKVILLE	
ST. FRANCES ACADEMY - BALTIMORE	
ST. FRANCIS DE SALES SCHOOL - SALISBURY	
ST. FRANCIS INTERNATIONAL SCHOOL - SILVER SPRING	
ST. FRANCIS OF ASSISI SCHOOL - BALTIMORE	
ST. IGNATIUS LOYOLA ACADEMY - BALTIMORE	
ST. JAMES AND ST JOHN CAMPUS OF QUEEN OF PEACE SCHOOL - BALTIMORE	
ST. JANE DE CHANTAL SCHOOL - BETHESDA	
ST. JANE FRANCES SCHOOL - PASADENA	
ST. JEROMES ACADEMY - HYATTSVILLE	

ST. JOAN OF ARC SCHOOL - ABERDEEN	
ST. JOHN CATHOLIC SCHOOL - WESTMINSTER	
ST. JOHN REGIONAL CATHOLIC SCHOOL - FREDERICK	
ST. JOHN THE BAPTIST SCHOOL - SILVER SPRING	
ST. JOHN THE EVANGELIST CATHOLIC SCHOOL - HYDES	
ST. JOHN THE EVANGELIST SCHOOL - SILVER SPRING	
ST. JOHN THE EVANGELIST SCHOOL - SEVERNA PARK	
ST. JOHN THE EVANGELIST SCHOOL - CLINTON	
ST. JOHN'S CATHOLIC PREP - BUCKEYSTOWN	
ST. JOHNS SCHOOL - HOLLYWOOD	
ST. JOSEPH SCHOOL - BALTIMORE	
ST. JOSEPHS SCHOOL - COCKEYSVILLE	
ST. JOSEPHS SCHOOL - BELTSVILLE	
ST. JUDE CATHOLIC SCHOOL - ROCKVILLE	
ST. LOUIS SCHOOL - CLARKSVILLE	
ST. MARGARET SCHOOL - BEL AIR	
ST. MARIA GORETTI HIGH SCHOOL - HAGERSTOWN	
ST. MARK SCHOOL - BALTIMORE	
ST. MARTINS IN THE FIELD EPISCOPAL SCHOOL - SEVERNA PARK	
ST. MARTINS LUTHERAN CHURCH SCHOOL - ANNAPOLIS	
ST. MARTINS OF TOURS SCHOOL - GAITHERSBURG	
ST. MARY OF THE ASSUMPTION SCHOOL - UPPER MARLBORO	
ST. MARY OF THE MILLS SCHOOL - LAUREL	
ST. MARY SCHOOL - HAGERSTOWN	
ST. MARYS CATHOLIC SCHOOL - LANDOVER HILLS	
ST. MARYS ELEMENTARY SCHOOL - ANNAPOLIS	

ST. MARYS HIGH SCHOOL - ANNAPOLIS	
ST. MARYS SCHOOL - BRYANTOWN	
ST. MARYS SCHOOL - ROCKVILLE	
ST. MARYS SCHOOL OF PISCATAWAY - CLINTON	
ST. MATTHIAS APOSTLE SCHOOL - LANHAM	
ST. MICHAEL THE ARCHANGEL SCHOOL - BALTIMORE	
ST. MICHAEL'S SCHOOL - RIDGE	
ST. PATRICKS SCHOOL - ROCKVILLE	
ST. PAUL LUTHERAN CHURCH AND SCHOOL - CATONSVILLE	
ST. PAULS LUTHERAN SCHOOL - GLEN BURNIE	
ST. PAULS LUTHERAN SCHOOL - KINGSVILLE	
ST. PETERS CHRISTIAN DAY SCHOOL - BALTIMORE	
ST. PETERS PAROCHIAL SCHOOL - OLNEY	
ST. PETERS SCHOOL - WALDORF	
ST. PHILIP NERI SCHOOL - LINTHICUM	
ST. PHILIP THE APOSTLE SCHOOL - CAMP SPRINGS	
ST. PIUS X REGIONAL SCHOOL - BOWIE	
ST. PIUS X SCHOOL - BALTIMORE	
ST. RAPHAELS SCHOOL - ROCKVILLE	
ST. STEPHEN SCHOOL - BRADSHAW	
ST. THOMAS MORE ACADEMY - MIDDLETOWN	
ST. URSULA SCHOOL - BALTIMORE	
ST. VINCENT PALLOTTI HIGH SCHOOL - LAUREL	
STEPPING STONES LEARNING ACADEMY - FRUITLAND	
TAKOMA ACADEMY - TAKOMA PARK	
TALMUDICAL ACADEMY OF BALTIMORE - BALTIMORE	

THE AVALON SCHOOL - GAITHERSBURG	
THE SALISBURY SCHOOL - SALISBURY	
THE WATSON HALL MONTESSORI SCHOOL - BALTIMORE	
TIDEWATER SCHOOL - HUNTINGTOWN	
TOME SCHOOL - NORTH EAST	
TORAH INSTITUTE OF BALTIMORE - OWINGS MILLS	
TORAH SCHOOL OF GREATER WASHINGTON - SILVER SPRING	
TRINITY LUTHERAN SCHOOL - JOPPA	
TRINITY SCHOOL - ELLICOTT CITY	
TRUTH CHRISTIAN ACADEMY - HAGERSTOWN	
UNSELDS SCHOOL - BALTIMORE	
VICTORY DAY SCHOOL - REISTERSTOWN	
WASHINGTON CHRISTIAN ACADEMY - OLNEY	
WASHINGTON UNITED CHRISTIAN ACADEMY - HYATTSVILLE	
WICOMICO DAY SCHOOL - SALISBURY	
WOODSTREAM CHRISTIAN ACADEMY - MITCHELLVILLE	
YESHIVA OF GREATER WASHINGTON - SILVER SPRING	
YESIVAS TORAS SIMCHA	

Attachment B



5 Central Avenue
Glen Burnie, MD 21061
Phone: (410) 760-6221
(800) 707-7972
Fax: (410) 760-6344
www.mdpta.org

October 11, 2017

Advisory Board Meeting, BOOST Program
Maryland State Department of Education
200 West Baltimore Street
Baltimore, MD 21201

Dear Advisory Board,

Thank you for allowing the Maryland PTA provide public comments before the Board that oversees the Program on Broadening Options and Options for Students Today; in other words, BOOST. While many of you are familiar with the Parent Teacher Association (PTA), we want reiterate that we are the largest child advocacy organization in the United States. The Maryland Congress of PTAs promote the PTA's mission to make every child's potential a reality by engaging and empowering families and communities to advocate for all children.

We are pleased to see that the Biblical Lifestyle Requirement of the 2017-18 school year Parent Handbook of Trinity Lutheran Christian School (TLCS) is on the agenda for discussion on acceptance of either of the school's proposal to modify such language to comport with the eligibility requirements of the BOOST Program. Maryland PTA appreciates your being proactive to diligently approach the school for them to amend their handbook and hopefully, practice.

The Maryland PTA has had a long-standing position of endorsing the use of public funds exclusively for public schools. Any consideration for funding the student tuition of private schools with tax payer dollars via legislative appropriations must be met with the strongest application to hold schools accountable to the laws, policies and regulations pertaining to such administration of funds.

It is important to hold schools not only accountable to eligibility requirements but also making schools transparent. Hence, given TLCS's previous two years of being an awardee of BOOST funds while maintaining an open discrimination policy disguised as a Biblical Lifestyle Requirement to refuse admission of an applicant or to discontinue enrollment of a student based on the sexual orientation of a child's parents, it is warranted to say that a stronger partnership is needed between education advocacy organizations such as the Maryland PTA and MSDE to assist in holding schools accountable. It is doubtful that MSDE would have known of such policy if it weren't for any outside organization.

Thus, the Maryland PTA recommends that for all schools that have accepted BOOST funding since inception of the program during the 2016-17 school year as well as for those seeking eligibility henceforth, that following be required of all participating schools:

- All school related parent or student handbooks or annual correspondence to parents that reflect the policies, guidelines and expectations of the students be provided online for public accountability and access.
- All schools establish a clear anti-discrimination policy consistent with the eligibility requirements of BOOST as well as the Nonpublic Schools Textbook Program.
- Appropriation of any BOOST funding should be contingent upon the establishment of the above aforementioned recommendations:
 - to make parent/student handbook communications available online and
 - to establish and publish publicly an online anti-discrimination policy in its admissions and enrollment process

With specific regard to Trinity Lutheran Christian School their initial proposal to modify their Oct. 4 re-write of their policy to *“Reserve the right within the school’s sole discretion to refuse admission of an applicant or to discontinue enrollment of a student, when on those occasions, in which the atmosphere or conduct inside or outside the school is counter to or in opposition to the biblical standards the school teaches.”* is completely unacceptable as it does nothing to ameliorate not penalizing children based on their parents’ or family’s actions, behaviors or lifestyles.

Furthermore, the school’s Oct. 6 concession to completely withdraw the “Present Lifestyle Document” doesn’t mean that there is no adherence to silently implement a policy that has been established for years. Withdrawing the text from the Parent Handbook doesn’t mean that it still won’t be in practice. Hence, the omission of the text along with an established public anti-discrimination policy is better suited to make the school accountable to the eligibility requirements of the BOOST Program.

In terms of administration of the program by MSDE, Maryland PTA respectfully requests that an annual public calendar be established as soon as possible along with the minutes of meetings published within a designated time. Moreover, the agenda should be made public at least a week or more prior to the scheduled board meeting so that interested parties can provide feedback in a timely fashion. Maryland PTA also requests that the MSDE website be updated to reflect a specific person to contact in name, number and email regarding the oversight or administration of the BOOST Program.

During the 102nd Maryland PTA Convention July 28-29, our Congress was informed that the next public meeting was on Aug. 7 and when a call was made to confirm a few days before the meeting it was stated that the meeting was cancelled and when inquired about when the next meeting would occur the lady who answered the phone could not find out when. Maryland PTA has since learned that there was a meeting Aug. 11 and then on Sept. 1. There is a concerned that the public notice was insufficient for interested stakeholders to provide comment or witness the meeting. Lastly, please add Maryland PTA as a partner with which to communicate and send materials such as the agenda or other pertinent meeting information that will be provided at the Advisory Board meetings. Materials may be submitted to the current Maryland PTA President, Latisha Corey at president@mdpta.org. Thank you so much for your time.

Follow-up Comments that were requested after public statement.

As an addendum to the public comments, the Maryland PTA would like to provide additional remarks as a follow-up to the question asked of Maryland PTA’s opinion about the Advisory Board’s decision to disqualify Trinity Lutheran Christian School from participating in the BOOST Program. Part of the disqualification from not adhering to the assurances required by the BOOST Program and guaranteed by a school official, the Advisory Board is considering whether the school ought to pay back the funds granted last school year which is supported

via regulatory language along with not forcing the parents to pay the differential of the tuition promised to them by the state and foregone by the school.

Because Maryland PTA supports the well-being of all students and teachers as well as understands the budgetary nature of private schools and how potential teacher layoffs or increase in tuition could result from any implementation of a claw back clause that requires repayment of the tuition funds from a disqualified institution, the Maryland PTA would rather have a disqualified school penalized in a non-retroactive method. Preference would be to implement a future-oriented penalty and a continued ineligibility status for the same number of years the school was non-compliant. We also believe that, in this instance, allowing parents to have their children matriculate without the economic hardship of having responsibility to pay the gap in tuition expenses are fair as authorized via the budget bill of the 2016 legislative session.

Sincerely,

Maryland PTA

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

BETHEL MINISTRIES, INC.

*

Plaintiffs,

*

v.

*

No. 1:19-cv-01853-ELH

DR. KAREN B. SALMON, *et al.*

*

Defendants.

*

* * * * *

ORDER

Upon consideration of the Defendants’ motion to substitute exhibit, it is, this _____ day of _____ 2020, by the United States District Court for the District of Maryland,

ORDERED that the motion is GRANTED; and

ORDERED that the proposed Exhibit 1 is substituted for ECF 22-1.

Judge Stephanie A. Gallagher
United States District Judge