

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

BETHEL MINISTRIES, INC.,)

)

)

Plaintiff,)

)

Case No. 1:19-cv-01853-SAG

v.)

)

MOHAMMED CHOUDURY, et al.)

)

)

Defendants.

**PLAINTIFF'S REPLY IN SUPPORT OF ITS
CROSS-MOTION FOR SUMMARY JUDGMENT**

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INTRODUCTION

Bethel Christian Academy has an all-comers admissions policy. They accept all academically qualified students, regardless of their religion, sexual orientation, or gender identity. As an elementary school, Bethel does not ask prospective students about their sexual orientation and gender identity because it is not relevant: they are children. Bethel never violated the BOOST law's nondiscrimination requirement, and no student has ever alleged discrimination at Bethel or any BOOST school.

Defendants nonetheless expelled Bethel from the programs. Bethel's parent-student handbook contains numerous citations to and explanations of the school's religious beliefs, including its religious beliefs about marriage and human sexuality. According to the Supreme Court, these are "decent and honorable" religious beliefs. *Obergefell v. Hodges*, 576 U.S. 644, 672 (2015). But according to Defendants, saying that faculty, staff, and student conduct is expected to align with those religious beliefs is a "discriminatory policy" against children who are prospective students.

Defendants made this conclusion after launching an inquisition that treated Christian schools that expressed their religious beliefs about marriage and human sexuality worse than other private schools. "After receiving a complaint about a different [school]," Maryland officials "launched an inquiry." *Fulton v. City of Phila., Pa.*, 141 S. Ct. 1868, 1875 (2021). Untrained state officials searched schools' handbooks for disfavored beliefs about marriage and human sexuality. Their scrutiny proceeded in three phases.

First, two MSDE staff reviewed school handbooks, looking for certain "trigger" terms, like "Biblical values," "Christian principles," "Christ-centered approach," and "traditional family marriage." When they found "triggers," they "flagged" the handbook for further scrutiny. Defendants specifically flagged Bethel's handbook because it "is talking about a covenant between one man and one woman."

The consequence of searching for “triggers” that related to Christian teachings on marriage and human sexuality was that they only flagged Christian schools. Defendants never flagged a single Jewish, Muslim, or secular private school even though some had similar language. Unflagged schools were allowed to continue participating in the program.

Second, MSDE staff sent flagged handbooks to the Maryland Attorney General’s office for further review. If they approved the handbook language the school could participate. If not, Defendants required more information from schools. They explicitly highlighted religious beliefs and schools had to attempt to justify their handbooks’ religious and moral beliefs.

Third, if state lawyers were unsatisfied, they referred handbooks to the BOOST Advisory Board for further scrutiny, which made final determinations for the schools that made it this far in the process. Of the approximately 180 BOOST participating schools, the government only subjected 22 (all Christian) to the second step of scrutiny and only a handful made it to the final step.

This process targeted Christian schools, persecuted expressions of religious beliefs about marriage and human sexuality, and forced schools to choose between public benefits or their religious expression. Bethel declined to hide its beliefs and Defendants punished them. They violated Bethel’s constitutional rights.

ARGUMENT

I. Defendants Target Bethel’s Beliefs, Not Its Admissions Policy.

To justify their religious targeting, Defendants misconstrue Bethel’s handbook. Defendants kicked Bethel out of the programs because of its biblical

marriage statement and accompanying conduct language.¹ But those provisions are separate from its admissions policy. ECF 80-37 at 7; ECF 80-4 at 68:5–22.

Defendants argue that Bethel’s handbook language “can only be read as one that allows denial of admission and/or continued enrollment on the basis of sexual orientation.” ECF 83 at 15. But Defendants classified Bethel as a “Category 3” school. *See* ECF 80-27 (Bethel listed as Category 3 in April 2018); ECF 80-34 (same in March 2018). And according to their own legal interpretation of the BOOST law, “if [a Category 3 school] wishes to participate in BOOST, [it] must sign the assurance that it does not discriminate in admissions.” ECF 80-32 at 2. Bethel did so. Even Defendants did not believe Bethel’s handbook language was in clear violation of the BOOST law: it took them half a year and multiple meetings to determine Bethel’s fate. ECF 75-14 (requesting handbooks in 2017); ECF 80-45 (expelling Bethel at the end of June 2018). *See also* ECF 80-53, Gunning Depo. at 32:11–17 (government official in charge of programs does not see anything “overtly discriminatory” in Bethel’s current admissions policy.).

Bethel—like any school—has conduct expectations for its students. Bethel applies the same standards to every student, regardless of their sexual orientation or gender identity or expression. Bethel has a dress code, school uniforms,² and facilities particular to a student’s biological sex. ECF 80-2 ¶¶ 35–38. Regardless of a student’s sexual orientation, gender identity, or expression, Bethel expects all students to meet

¹ Bethel’s conduct expectation applies to faculty, staff, and enrolled students—all current members of the Bethel community. It does not address applicants or potential applicants. ECF 80-37 at 7. And despite their insistence to the contrary, Defendants relied on schools’ conduct policies before the BOOST law was expanded to cover conduct: if they had not, their “sham admission” theory (that schools could discriminate in admissions by later dismissing students because of their behavior) would not make any sense. *See* ECF 80-47 (expulsion letter from Gallagher to Dant). *See also* ECF 80-8, Kearns Depo at 50:19–21 (MSDE looked at conduct).

² One of Bethel’s uniform options can be worn by either boys or girls.

the standards appropriate to their biological sex. *Id.* at ¶ 31. But Defendants falsely claim that Bethel discriminates against transgender students. ECF 83 at 15.

As Bethel’s principal explained, if a prospective student indicated they wanted to dress as the opposite sex, “[w]e would make our expectations clear and we would accept a student who is qualified and desires to come to our school. They would be welcome.” ECF 80-4 at 121:15, 122:22–123:3. If a prospective student voluntarily told Bethel that he or she did not identify with his or her biological sex, “[i]t would not matter to us. If they meet our requirements they are welcome to come.” In other words, everyone is welcome, but once admitted, the same rules apply to all. *See id.* at 120:2–12. ECF 80-2 at ¶ 31.

II. Defendants Violated Bethel’s Free Exercise Rights

Defendants violated Bethel’s Free Exercise rights because the BOOST law is not generally applicable, because they failed to apply the BOOST law in a neutral way, and because Defendant’s enforcement interferes with Bethel’s internal affairs.

A. The BOOST law is not generally applicable by its plain language, in practice, and because of its system of individualized assessments.

Defendants claim that the BOOST law is generally applicable because it requires all schools not to discriminate in admissions. ECF 83 at 8. But Defendants went beyond the law’s plain-language requirement and made schools conform their handbooks or policies to the State’s approval. ECF 75-14. And they did so even though there is no evidence that Bethel (or any school) discriminated in admissions. ECF 80-14, Defs’ Admis. Nos. 10, 17, 18, 19, 20, 21. What’s more, the law exempts religious schools from “adopt[ing] any rule, regulation, or policy that conflicts with its religious or moral teachings.” *See* 2021 Md. Laws ch. 357 at 160, 162³; *see also* ECF 80-7 & 80-10. That’s a “formal system of entirely discretionary exceptions” that “renders the [handbook requirement] not generally applicable.” *Fulton*, 141 S. Ct. at 1878. But

³ http://mgaleg.maryland.gov/2021RS/chapters_noln/Ch_357_hb0588E.pdf.

Defendants nevertheless required some schools to change their handbooks and written policies. *See* ECF 80-28 (examples of state-approved handbook revisions). And since Bethel’s expulsion, the Maryland legislature codified the handbook submission, review, and approval as a participation requirement for the programs. ECF 80-53, Gunning Depo. at 111:16–112:9; 2021 Md. Laws ch. 357 at 158 (requiring schools to “[s]ubmit its student handbook or other written policy related to student admissions to the Maryland State Department of Education for review to ensure compliance with program eligibility requirements.”).

In *Fulton*, the City of Philadelphia terminated a contract with Catholic Social Services (CSS) because CSS would not certify same-sex couples for foster placements or place foster children with same-sex couples. The Court observed that it was “plain that the city’s actions have burdened CSS’s religious exercise.” 141 S. Ct. at 1876. Like Defendants, Philadelphia argued that the contract’s nondiscrimination agreement was neutral and generally applicable under *Employment Division v. Smith*, 494 U.S. 872 (1981). But the Supreme Court disagreed, holding that the contract was “not generally applicable as required by *Smith*” because it allowed the City’s program director to grant an “exception.” *Fulton*, 141 S. Ct. at 1878. That one clause, said the Court, was a “system of individual exemptions” or assessments. *Id.* Where such a system of individual exemptions exists, Maryland “may not refuse to extend that exemption system to cases of religious hardship without a compelling reason.” *Id.* (cleaned up). The same is true for the religious freedom exception in the BOOST law. ECF 80-7 & 80-10; 2021 Md. Laws ch. 357 at 160, 162.

And Defendants’ administration of the BOOST law reflects a system of individualized assessments. In *Smith*, the Supreme Court explained that the *Sherbert v. Verner* compelling interest test “was developed in a context that lent itself to individualized governmental assessment of the reasons for the relevant conduct.” 494 U.S. at 884. And in *Sherbert*, a “good cause” exemption in an unemployment

benefits program allowed government officials to determine the reasons why applicants sought exemptions from work requirements. This invited government officials to investigate the reasons behind an exemption-seeker's conduct. *Id.*

The same thing happened here. To determine compliance with Defendants' handbook requirement, untrained MSDE officials, government lawyers, and Board members scrutinized religious schools' handbooks to identify the schools' religious language and the religious reasons justifying their policies. ECF 80-26 (letters identifying problematic language); ECF 80-53, Gunning Depo. 35:6–12, 71:4–14 (MSDE officials still make ad hoc compliance determinations). Defendants did not require all schools to submit handbooks; some could just write up an admissions policy. ECF 80-12, Eberhart Depo. 44:13–17, 66:4-8; ECF 75-14 (Gallagher's December 2017 letter to BOOST schools). And schools only had to amend or change their handbooks if the State did not like their language. ECF 80-28. But even then, Defendants granted reconsideration to some schools after finding their religious belief language discriminatory. ECF 80-45 (June 21, 2018, meeting summary detailing grant of reconsideration).

Here, Defendants do not object to Bethel's admissions policy—it's an all-comers policy. ECF 80-2 ¶¶ 7, 29, 30; ECF 80-4 at 120:2–12. And in a vacuum, Defendants would not object to Bethel's conduct policies: that all children at an elementary school may not date, engage in public displays of affection, and are expected to keep their hands to themselves. ECF 80-4, Dant Depo. 73:21–74:5, 76:10–18; ECF 80-5, Wecker Depo. 98:4–5; ECF 80-37 at 34. Nor do they have a problem with Bethel's sex-specific dress, uniform, and facility-use policies—plenty of BOOST schools (including single-sex schools) have those. Ex. 67 at 5, 7–5 (separate boys and girls dress and uniform standards, public displays of affection banned); ECF 80-64 (separate boys and girls divisions with sex-specific dress and uniform policies); ECF 80-68 (including sex-specific dress codes and prohibiting public displays of affection and “Sexual

interactions of any kind”). Instead, they object to Bethel’s written expectation that faculty, staff, and student behavior should align with Bethel’s biblical beliefs that marriage is a covenant between one man and one woman and that all people are created in the image and likeness of God as male or female. ECF 80-26 at 4–5 (MSDE’s letter highlighting these beliefs as problematic). If Bethel’s marriage beliefs were not in its handbook, Bethel would be in the programs.

B. Defendants failed to neutrally enforce the BOOST law.

Defendants violated the Free Exercise clause when they failed to meet “the minimum requirement of neutrality to religion.” *Roman Cath. Diocese of Brooklyn v. Cuomo*, 141 S. Ct. 63, 66 (2020) (quotation and citation omitted). They targeted Bethel and other Christian schools’ religious beliefs, showed hostility toward those beliefs, and discriminated against its religious character. *See Church of Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 533 (1993); *Masterpiece Cakeshop, Ltd. v. Colo. Civil Rights Comm’n*, 138 S. Ct. 1719 (2018); *Espinoza v. Mont. Dep’t of Revenue*, 140 S. Ct. 2246 (2020).

1. Defendants targeted Christian schools and their beliefs.

“The Court must survey meticulously the circumstances of governmental categories to eliminate. . . religious gerrymanders.” *Lukumi*, 508 U.S. at 534. And in this case, the Court does not have to look very hard. Defendants searched schools’ handbooks for “triggers”—terms that subjected some schools to heightened scrutiny. Those “triggers” only included terms that implicated Christian schools⁴—“Christian principles,” “biblical values,” “Christ-centered environment,” and “Christ-centered approach.” ECF 80-26; ECF 80-22, Wise Depo. at 38:17, 39:2–10, 98:17–20; ECF 80-9, Klarman Depo. 56:17–19, 57:7–9, 59:7, 85:20–21. Searching for these “triggers”

⁴ The fact that Defendants searched every handbook does not demonstrate that the acted neutrally—they scrutinized handbooks in a non-neutral way.

exposes their “distrust” of Christian schools’ “religion [and] its practices.” *Lukumi*, 508 U.S. at 547.

Defendants have no explanation for this behavior. They say that there was no targeting because Christian schools participate in BOOST. ECF 83 at 2–3.⁵ But Defendants targeted Christian schools who expressed their religious beliefs about marriage and sexuality. ECF 80-28; ECF 80-22, Wise Depo. at 38:17, 39:2–10, 98:20; ECF 80-9, Klarman Depo. 56:17–19, 57:7–9, 59:7, 85:20–21.

Defendants then say their “methods” of targeting religious schools are excusable because they “were reasonable in light of the presenting problem.” ECF 83 at 4. Yet, they admit there’s no evidence that any BOOST school discriminated against a student. ECF 80-14, Defs.’ Admis. Nos. 10, 17, 18, 19, 20, 21. In reality, they were not reacting to discrimination, but to a politically motivated complaint by a BOOST program opponent who did not like a different school’s policies. *See* ECF 80-17, 80-18 (Maryland PTA opposes scholarship programs used at religious schools).

2. Defendants showed impermissible hostility to Christian beliefs.

“The Free Exercise Clause bars even ‘subtle departures from neutrality’ on matters of religion.” *Masterpiece*, 138 S. Ct. at 1731 (quoting *Lukumi*, 508 U.S. at 534). Government officials offend the Free Exercise clause’s neutrality requirement when they show hostility toward religious beliefs. *Masterpiece*, 138 S. Ct. at 1729–31. If there’s even a “*slight suspicion*” that enforcement and intervention “stem[s] from animosity of religion or distrust of its practices,” government officials must conform to the Constitution. *Masterpiece*, 138 S. Ct. at 1731 (quoting *Lukumi*, 508 U.S. at 547)

⁵ Defendants try to claim that only religious schools participated in BOOST during the 2017–18 school year, but that is false. *See* ECF 80-61 (listing schools receiving 2017–18 BOOST awards). A cursory review shows that at least several non-religious schools received BOOST money in 2017–18, including Unselds School - Baltimore (*id.* at 25), Baltimore School of Independent Learners (*id.*), Montessori School of Westminster (*id.* at 26), Tome School (*id.*), and Lucy School (*id.*).

(emphasis added). Government officials can show hostility both through a “disparity in treatment” or through their comments. *Id.* at 1730–31. Both are present here.

a. Defendants’ hostility is shown by disparate treatment.

MSDE staff only flagged Christian schools’ handbooks for further scrutiny. ECF 80-14, Defs.’ Admis. No. 2. No Jewish, Muslim, or secular private schools faced that examination. *Id.*, Defs.’ Admis. Nos. 5, 6, 7. Instead, Defendants relied on those schools’ assurances (but not Bethel’s) and allowed them to participate in BOOST. *Id.* Despite the fact that “religious and philosophical objections to gay marriage are protected views,” Defendants treated Christian schools that mentioned religious beliefs about marriage and human sexuality worse than other schools. *Masterpiece*, 138 S. Ct. at 1727. Government officials flagged “Christian Principles” as a proxy for discrimination even though “[t]he First Amendment ensures that religious organizations and persons are given proper protection as they seek to teach the principles that are so fulfilling and so central to their lives and faiths.” *Obergefell*, 576 U.S. at 679–80. Simply put, Christian schools were forced to hide their beliefs to participate. ECF 80-28.

Defendants try to dodge the comparisons Bethel made to the Jewish day schools by saying they didn’t participate in the program. But Krieger Schechter’s students received BOOST awards in 2018–19 and 2019–20 (the same school year Defendants rejected Bethel’s reapplication). ECF 80-62 at 28.⁶ Defendants then suggest their handbook would not have been reviewed, but Defendants produced this example in response to Bethel’s discovery request for the school handbooks reviewed by Defendants. ECF 83 at 5, ECF 80-68. Similarly, Talmudical Academy’s handbook prohibits students from engaging in “sodomy, unnatural or perverted practices,” which it labels as “abuse.” ECF 80-60 at 2 (§ II(A)(1), (vi)). Just as Bethel expects its

⁶ Page 19 of the 2019–20 BOOST legislative report shows Krieger Schechter’s awards for that year. <https://bit.ly/3j8Jso8>.

faculty, staff, and students to conform their conduct with Bethel's beliefs about human sexuality, Talmudical Academy expects its faculty and students not to engage in abusive sexual behavior. *Id.*

Defendants also suggest that the Jewish day schools' handbooks were reviewed in later years (2018–19 and 2019–20), under a different process than Bethel in 2018. ECF 83 5, 6. But they have admitted that the same MSDE staff use the same January 2018 legal guidance even today, and that they only rely on their “professional judgment” for gender identity and expression compliance. ECF 80-53, Gunning Depo. at 35:5–12. Those same staff rejected Bethel's 2019–20 school year reapplication. ECF 80-59, 80-58 (review flagged Bethel's religious beliefs).

b. Defendants made statements hostile to Bethel's beliefs.

In *Masterpiece*, the Supreme Court explained that government officials can violate the Constitution's neutrality requirement by showing hostility toward religious believers and their beliefs. 138 S. Ct. at 1729. Defendants continue to make disparaging comments about Bethel's beliefs and practices, both in briefing and in evidence. *See* Defs.' Response, ECF 83 at 12–13 (comparing Bethel's position that elementary school children should not be sexually active to Bob Jones University's racist anti-miscegenation policies).

First, Defendants' reliance on *Bob Jones University* is not only insulting, it's wrong.⁷ “[L]umping those who hold traditional beliefs about marriage together with racial bigots is insulting to those who retain such beliefs.” *Fulton*, 141 S. Ct. at 1925

⁷ *Bob Jones* involved racism, the “familiar and recurring evil” that “implicates unique historical, constitutional, and institutional concerns.” *Pena-Rodriguez v. Colo.*, 137 S. Ct. 855, 868 (2017). The comparison is not fair or relevant because Bethel's students are children. No student may engage in any kind of dating or public displays of affection—and Bethel enforces this policy evenly, regardless of sexual orientation. ECF 80-43; ECF 80-6, Pl.'s Interrog. Ans. 7.

(Alito, J., concurring). And this is particularly true when your students are overwhelmingly racial and ethnic minorities. ECF 80-2 ¶ 13.

Second, the record shows Defendants do not like Bethel's religious views. *See* ECF 80-1 at 22–25. Defendants identified Bethel's biblical marriage statement as the problematic language that led to its expulsion from BOOST. *See* ECF 80-25, Gallagher Depo. 98:3–12 (“The biblical view of marriage is defined as a covenant between one man and one woman”); ECF 80-52, Grasmick Depo. 40:19–41:6 (Bethel's marriage statement of concern); ECF 80-42, Camp Depo. 80:11–13 (problem language “marital or non-marital something”); ECF 80-31, Sanders Depo. 50:6–51:2 (identifying marriage provision as problem); ECF 80-13, Harbinson Depo. 60:7–13, 64:16–65:3 (marriage statement was the reason for expulsion); ECF 80-12, Eberhart Depo. 62:2–63:2 (same); ECF 80-8, Kearns Depo. at 67:5–6 (Bethel's handbook “is talking about a covenant between one man and one woman.”).

The BOOST chair also showed his disdain for these commonly held views and he openly criticized the Catholic Church for declining to bless same-sex unions. ECF 80-41, May 3, 2018 Transcript at 57:12–14, 16:4–5; ECF 80-63; *Fulton*, 141 S. Ct. at 1920 (Alito, J., concurring) (“commissioner of the Department of Human Services . . . disparaged CSS's policy as out of date and out of touch with Pope Francis's teachings.”). What's more, other Board members refused to believe that Christian schools would enforce their policies evenly for both opposite-sex and same-sex conduct. ECF 80-41 at 51:5–12, 53:5–16. In fact, one member testified that although Bethel shares the same beliefs as the Catholic Church, he doesn't think Catholic schools discriminate because Catholic teaching “does” and “can change . . . particularly through Pope Francis.” ECF 80-31 at 84:9–17, 83:15–19. Such evidence is more than a “slight suspicion.” *Masterpiece*, 138 S. Ct. at 1731.

3. Defendants kicked Bethel out in violation of the law.

The Maryland legislature made clear that schools need not adopt policies contrary to their religious beliefs to participate in BOOST. ECF 80-7; ECF 80-10. But Defendants ignored this provision. ECF 80-11 (Gallagher email noting conflict). Instead, they forced religious schools to change their internal policies to become state-approved. ECF 80-28 (examples of state-approved handbook changes). Additionally, at the time Defendants expelled Bethel from BOOST, the law only addressed discrimination in student admissions. ECF 80-7. Yet Defendants looked beyond schools' admissions policies and applied the law as if it covered student conduct. ECF 80-47.

What's more, Defendants' decided Bethel's fate in an unprecedented, closed session, contrary to Maryland's open meetings law. MD GEN PROVIS § 3-301 (all non-excepted actions of a public body must occur in open meeting). A Board member admits they determined Bethel's fate in a closed session on June 21, 2018. ECF 80-13, Harbinson Depo. at 111:14–16.

This further demonstrates the targeting and hostility in violation of Bethel's free exercise rights.

4. Defendants excluded Bethel because of its religious character.

“Disqualifying otherwise eligible recipients from a public benefit solely because of their religious character imposes a penalty on the free exercise of religion that triggers the most exacting scrutiny.” *Espinoza*, 140 S. Ct. at 2255 (cleaned up).

Defendants only scrutinized Bethel's handbook because of its religious character as a Christian school. Defendants did not scrutinize Jewish, Muslim, or secular private schools. ECF 80-14, Defs.' Admis. Nos. 5, 6, 7. MSDE officials scrutinized school handbooks in search for phrases that implicated religious schools, and in particular Christian schools. *See supra* at 7–9. Bethel's Christian status and character drew the government's scrutiny. But the Free Exercise clause “protects

religious observers against unequal treatment’ and against ‘laws that impose special disabilities on the basis of religious status.’” *Espinoza*, 140 S. Ct. at 2254 (quoting *Trinity Lutheran*, 137 S. Ct. at 2021).

C. Defendants interfere with Bethel’s internal affairs and autonomy.

Defendants’ targeting, hostility, and religious character discrimination faces strict scrutiny. But *Employment Division v. Smith* does not apply here for another reason: Defendants’ scouring religious schools’ religious beliefs and meddling with their handbooks “interfere[s] with an internal church decision that affects the faith and mission of the church itself.” *Hosanna–Tabor Evangelical Lutheran Church and Sch. v. E.E.O.C.*, 565 U.S. 171, 190 (2012). The First Amendment limits civil authority to “ensure[] that no branch of secular government trespasses on the most spiritually intimate grounds of a religious community’s existence.” *E.E.O.C. v. Roman Cath. Diocese of Raleigh, N.C.*, 213 F.3d 795, 800 (4th Cir. 2000) (declining to apply *Smith*). Like Bethel, most religious schools exist for the “religious education and formation of students.” *Our Lady of Guadalupe Sch. v. Morrissey-Berru*, 140 S. Ct. 2049, 2055 (2020).

Defendants argue that these principles do not apply because Bethel does not bring ministerial exception claims. ECF 83 at 12. But the Fourth Circuit has explained that “religious freedom” protects “the power of religious bodies to decide for themselves, free from state interference, matters . . . of faith and doctrine.” *Diocese of Raleigh*, 213 F.3d at 800 (cleaned up). Defendants deprived Bethel and other schools of that by interfering with internal documents explaining their religious beliefs.

III. Defendants violated Bethel’s Free Speech Rights.

Defendants violated Bethel’s First Amendment free speech rights by engaging in content and viewpoint-based discrimination in their BOOST enforcement and by imposing an unconstitutional condition on Bethel’s receipt of a public benefit. *Reed v. Town of Gilbert*, 576 U.S. 155, 163 (2015) (content-based restrictions on speech are

“presumptively unconstitutional”); *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 828 (1995) (same for viewpoint-based restrictions); *Agency for Int’l Dev. v. All. for Open Soc’y Int’l, Inc.*, 570 U.S. 205, 213 (2013) (“AOSI”) (denying benefit on a basis violating free speech prohibited, even if not entitled to benefit).

Defendants justify punishing Bethel’s religious speech by claiming that they were regulating conduct. ECF 83 at 13–14. But there’s no evidence of discriminatory conduct by any school. Ex. 80-14, Defs’ Admis. Nos. 10, 17, 18, 19, 20, 21. *Cf. Brown v. Ent. Merchs. Ass’n*, 564 U.S. 786, 799 (2011) (government restrictions on speech must be “actually necessary” to solve an “actual problem”). And further, the cases they rely on are inapplicable. ECF 80-1 at 32–34.

AOSI is instructive to this analysis. In that case, Congress passed a law seeking, among other things, to stop the spread of HIV/AIDS. 570 U.S. at 208. Because prostitution severely undermined the government’s interest, the Act required recipient organizations to adopt a policy expressly opposing prostitution. *Id.* at 209. When an organization challenged this provision of the law on free speech grounds, the Court distinguished “between conditions that define the limits of the Government spending program—those that specify the activities [Maryland] wants to subsidize—and conditions that seek to leverage funding to regulate speech outside the contours of the [State] program itself.” *Id.* at 214–15. The Court explained that the policy requirement was “not about the Government’s ability to enlist the assistance of those with whom it already agrees” but “about compelling a grant recipient to adopt a particular belief as a condition of funding.” *Id.* at 218.

Here, the BOOST program is not an anti-discrimination statute. It does not define discrimination or any protected classes. ECF 80-1 at 4, 15–16. Instead, the BOOST program provides scholarships for parents to use at a school of their choice. *Espinoza*, 140 S. Ct. at 2254. The government is not funding schools—it’s funding students and their families, who choose where to spend their benefit. *See Zelman v.*

Simmons-Harris, 536 U.S. 639, 649–53 (2002) (families’ choice breaks funding link, even if government directly pays the school). By conditioning schools’ eligibility on adopting approved handbook language, Defendants do not pursue their interest in providing low-income students with tuition to attend private schools of their choice.

Legal Services Corporation v. Velazquez is also illustrative. 531 U.S. 533, 547 (2001). In that case, the government funded Legal Services Corporation, whose grants funded legal services for indigent individuals. *Id.* at 536. Congress tried to restrict the funding’s use, prohibiting recipient organizations from seeking to amend or challenge existing welfare law. *Id.* at 536–37. The Court explained that because “Congress funded LSC grantees to provide attorneys to represent the interests of indigent clients,” the “program was designed to facilitate private speech, not to promote a governmental message.” *Id.* at 542. Likewise, BOOST exists to give low-income families private educational choices. Families choose which educational messages to expose their children to. Defendants’ handbook language regulation promotes State views and messages but does not further the interest in school choice.

To be clear, Defendants went after Bethel’s religious speech. It was Bethel’s statement about biblical marriage that drew the BOOST Board’s ire in 2018. *See supra* at 11. And Defendants specifically flagged the scripture references and the Assemblies of God Statement of Faith’s beliefs about marriage as “Statements of Concern” to reject Bethel’s 2020 reapplication.⁸ ECF 80-58. Punishing Bethel’s religious speech violates its free speech rights.⁹

⁸ Bethel Ministries is an Assemblies of God church and the school’s handbook includes an Assemblies of God Statement of Faith. *See* ECF 80-5 at 61:7–18.

⁹ Defendants try to shrug off Bethel’s argument that they violated its hybrid rights under the First Amendment by calling it “creative.” But any credit for creativity goes to the Supreme Court, which recognized hybrid rights as triggering strict scrutiny in *Smith*, 494 U.S. at 881–884. *See also Archdiocese of Wash. v. W.M.A.T.A.*, 897 F.3d 314, 331 (D.C. Cir. 2018); *Gary S. v. Manchester Sch. Dist.*,

IV. The BOOST Law Is Unconstitutionally Vague.

Laws must be clear about what conduct is allowed and prohibited. *Grayned v. City of Rockford*, 408 U.S. 104, 108–09 (1972); ECF 80-1 at 34–36.

Defendants argue that there is no Fourteenth Amendment Due Process issue because the BOOST law does not “render Bethel’s speech or conduct unlawful.” ECF 83 at 15. They cite no case to support their contention that vagueness doctrine only applies if there are criminal penalties. And that’s not surprising. Their position is legally incorrect. The Supreme Court has explained that ordinances which “impose[] only civil penalties” that have a “prohibitory and stigmatizing effect” may warrant a strict test. *Vill. of Hoffman Ests. v. Flipside, Hoffman Ests., Inc.*, 455 U.S. 489, 499 (1982) (applying *Grayned*).

The BOOST law imposes (and Defendants pursue) a civil penalty and financial harm through the \$102,600 clawback and exclusion from public benefits. ECF 80-48. And Defendants expelling Bethel from BOOST and branding the school as discriminatory caused stigmatic harm to Bethel’s reputation. ECF 80-2 ¶ 26.

V. Defendants Harm Parents’ Due Process Rights.

The Constitution protects parents’ right to “direct ‘the religious upbringing’ of their children,” and they may “exercise that right by sending their children to religious schools.” *Espinoza*, 140 S. Ct. at 2255, 2261 (citation omitted).

Defendants deprived low-income parents of the right to use their public benefit to send their children to a school that shares and expresses their religious beliefs. These families may have no right to a scholarship, but that is beside the point. The scholarship program in *Espinoza* was not an entitlement program either. *Id.* at 2251–

374 F.3d 15, 19 (1st Cir. 2004); *Cornerstone Christian Schs. v. Univ. Interscholastic League*, 563 F.3d 127, 136, n. 8 (5th Cir. 2009); *San Jose Christian Coll. v. Morgan Hill*, 360 F.3d 1024, 1032–1033 (9th Cir. 2004); *Axson-Flynn v. Johnson*, 356 F.3d 1277, 1295–97 (10th Cir. 2004); *Hicks ex rel. Hicks v. Halifax Cty. Bd. of Educ.*, 93 F. Supp. 2d 649, 663 (E.D.N.C. 1999) (recognizing free exercise and parental rights hybrid rights claim).

52. Like BOOST, it also involved student applications to determine awards and favored some students over others. *Id.* And like Bethel parents, the plaintiff parents in *Espinoza* “chose the school in large part because it ‘teaches the same Christian values that [they] teach at home,’” but Montana blocked them from using their scholarships at their chosen school. *Id.* at 2252 (citation omitted); ECF 80-2, Dant Decl. at ¶ 6.

The fact that *Espinoza*’s scholarship award was not an entitlement did not stop the Court from concluding that “the prohibition . . . burdens not only religious schools but also the families whose children attend or hope to attend them.” 140 S. Ct. at 2261. Defendants burden BOOST parents who want to send their children to Bethel. Their enforcement “bars parents who wish to send their children to a religious school from those same benefits, again solely because of the religious character of the school.” *Id.* at 2255. “[D]isqualifying otherwise eligible recipients from a public benefit solely because of their religious character imposes a penalty on the free exercise of religion that triggers the most exacting scrutiny.” *Id.* at 2255 (quotation omitted).

VI. Defendants Violated Bethel’s Equal Protection Rights.

The Fourteenth Amendment’s Equal Protection Clause commands states to give all persons the equal protection of laws, treating all similarly situated persons alike. *City of Cleburne, Tex. v. Cleburne Living Ctr.*, 473 U.S. 432, 439 (1985). Laws are not presumed to be valid when they classify by suspect classes, including religion. *Id.* at 440; *Roller v. Gunn*, 107 F.3d 227, 233 (4th Cir.1997).

Defendants claim they satisfied the Equal Protection Clause because they also kicked out another school that expressed similar religious beliefs. ECF 83-19 & 83-20. But Defendants make Bethel’s point: they treated schools that expressed their religious beliefs about marriage and human sexuality worse than other schools. Their enforcement treated one type of religious school—Christian academies—worse than other religious schools. A Board member even recognized this during a meeting: “is

the intent to—at what point are we excluding a certain category of religious institution, period, no matter what, no matter how they try to abide by the rules because we’re projecting certain things?” ECF 80-41 at 56:13–16.

And the record shows Defendants treated Bethel worse. For example, they freely shared the legal memorandum that guided determinations for most flagged BOOST schools. According to that memo, Bethel’s handbook complied with the BOOST law—Category 3 schools only had to sign the assurances to participate in BOOST. *See* ECF 80-32 (legal memo); ECF 80-27 (identifying Bethel as a Category 3 school); ECF 80-34 (same). Yet, Defendants specifically instructed MSDE staff not to share the updated memo used to determine the fate of Bethel and other Category 3 schools. *See* ECF 80-40 (Kearns instructing staff not to share May 1, 2018 legal memo)¹⁰; ECF 80-22, Wise Depo. 110:5–111:21. Bethel asked for an explanation of why their handbook language did not satisfy Defendants. Ex. 66 at 2–5. (Dant emails asking why Bethel’s assurance was insufficient given legal memo). But Defendants expelled Bethel anyway. ECF 80-47.

Defendants also deprived Bethel of the equal protection of the laws by creating a system of ad hoc enforcements that gave government officials unbridled discretion. *Vill. of Willowbrook v. Olech*, 528 U.S. 562 (2000) (plaintiff alleging it was treated differently from others has equal protection claim). When the government “gives a public official unbounded discretion to decide which speakers may access a traditional public forum,” it violates the First Amendment. *Child Evangelism Fellowship of Md., Inc. v. Montgomery Cty. Pub. Sch.*, 457 F.3d 376, 386 (4th Cir. 2006). This applies even in limited public and nonpublic forums. *Id.* “The dangers posed by unbridled

¹⁰ In their July 23 brief, Defendants provide a February 2018 email from Jamie Klarman to Claire Dant transmitting the January 2018 memo. Initially withheld as privileged, this contentless email was overlooked in the 50,000+ pages in Defendants’ production. On July 26, Defendants made a post-discovery production of documents related to Defendants’ review of Bethel’s handbook. *See* Ex. 66.

discretion—particularly the ability to hide unconstitutional viewpoint discrimination—are just as present” in limited public and nonpublic forums. *Id.*

Defendants suggest that *Child Evangelism Fellowship* does not apply here because “that case dealt with free speech, not free exercise.” ECF 83 at 22. But Defendants violated Bethel’s free exercise *and* free speech rights. *See supra* at 4–15. And like in *Child Evangelism Fellowship*, Defendants had unbridled discretion to engage in viewpoint discrimination against schools that expressed disfavored religious beliefs about marriage and human sexuality.

Reviewing handbooks, MSDE officials made ad hoc decisions granting eligibility for most schools, while singling out schools like Bethel for scrutiny. ECF 80-53, Gunning Depo. 35:6–12. Those problems continue today because MSDE officials who make the vast majority of eligibility determinations are not trained for this task and they rely on their “professional judgment.” *See also id.* at 71:4–14 (explaining that citations to Bible verses in Bethel’s handbook were flagged because, “whoever reviewed this felt that that was questionable.”).

VII. Defendants’ religious favoritism violates the Establishment Clause.

The Establishment Clause of the First Amendment “forbids an official purpose to disapprove of a particular religion or of religion in general” or favoring particular denominations. *Lukumi*, 508 U.S. at 532; *Larson v. Valente*, 456 U.S. 228 (1982). Defendants treated Christian schools less favorably than Jewish, Muslim, or secular schools, giving their beliefs unique scrutiny. ECF 80-14, Defs.’ Admis. Nos. 2, 5, 6, 7.

And Defendants played favorites between Christian schools, punishing those who did not keep their religious beliefs about marriage and sexuality to themselves. ECF 80-28 (examples of government-approved revisions to religious school handbooks). When asked what differentiated Bethel’s biblical marriage beliefs from the Catholic Church’s, Board member Sanders explained that Catholic schools (which share Bethel’s religious beliefs on marriage and sexuality) “do not ask questions”

about prospective students’ sexual orientation, and that Catholic teaching “does” and “can change . . . particularly through Pope Francis.” ECF 80-31 at 84:9–17, 83:15–19.

VIII. Defendants’ Enforcement Fails Strict Scrutiny.

Defendants’ unconstitutional behavior “must satisfy strict scrutiny, and this means that [their actions] must be narrowly tailored to serve a compelling state interest.” *Roman Cath. Diocese of Brooklyn*, 141 S. Ct. at 67 (quotation omitted)¹¹; *Reed*, 576 U.S. 155. Defendants cannot shoulder this burden.

A. Defendants have no compelling interest in excluding Bethel.

Defendants must proffer a compelling interest in putting Bethel to a choice between expressing its religious beliefs about marriage and receiving public benefits. When strict scrutiny applies, “courts should strike sensible balances, pursuant to a compelling interest test that requires the Government to address the particular practice at issue.” *Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal*, 546 U.S. 418, 439 (2006). This Court must “scrutinize[] the asserted harm of granting specific exemptions to particular religious claimants,” not “rely on ‘broadly formulated’ governmental interests.” *Fulton*, 141 S. Ct. at 1881 (quoting *O Centro*, 546 U.S. at 431). Additionally, when they seek to restrict speech, Defendants “must specifically identify an ‘actual problem’ in need of solving.” *Ent. Merchs. Ass’n*, 564 U.S. at 799 (quoting *United States v. Playboy Ent. Grp., Inc.*, 529 U.S. 803, 822–23 (2000)). “[A]nd the curtailment of free speech must be actually necessary to the solution.” *Id.* (citing *R.A.V. v. City of St. Paul*, 505 U.S. 377, 395 (1992)). The Supreme Court has explained that this “is a demanding standard” because “[i]t is rare that a

¹¹ Defendants argue that they do not necessarily face strict scrutiny. ECF 83 at 23. That’s wrong because they engaged in religious targeting, demonstrated religious hostility, discriminated on status, and because the law is not generally applicable. “The compelling interest standard that we apply once a law fails to meet the *Smith* requirements is not “watered down but really means what it says.” *Lukumi*, 508 U.S. at 546 (cleaned up).

regulation restricting speech because of its content will ever be permissible.” *Id.* at 799 (quoting *Playboy*, 529 U.S. at 818).

Defendants fail to explain why they have a compelling interest in refusing to allow Bethel to participate in the programs. ECF 83 at 23–24. Instead, they assert a generalized interest in not funding discrimination, which is insufficient to exclude Bethel. *Fulton*, 141 S. Ct. at 1881 (interest must be particular to excluding Bethel). But discrimination has never occurred at any BOOST school, and certainly not at Bethel. ECF 80-14, Defs.’ Admis. Nos. 10, 17, 18, 19, 20, 21. Bethel welcomes all academically qualified students and it has never denied a student admission based on sexual orientation, gender identity, or gender expression. ECF 80-2 ¶¶ 7, 30. And further, LGBTQ individuals have been part of the Bethel community. ECF 80-5, Wecker Depo. at 93:2–9; 93:14–20; 96:20–97:2.

BOOST’s religious exemption language undermines Defendants’ claim that they have a compelling interest. “The creation of a system of exceptions under the [handbook review] undermines [Maryland’s] contention that its non-discrimination policies can brook no departures.” *Fulton*, 141 S. Ct. at 1882. Defendants put Bethel to a choice between participating and expressing their religious beliefs in their handbook—all while allowing schools without handbooks or who have similar policies to Bethel in the program. Defendants “offer[] no compelling reason why it has a particular interest in denying an exception to [Bethel] while making them available to others.” *Id.*

Additionally, Defendants’ uneven and underinclusive enforcement undermines their alleged interest. “[A] law cannot be regarded as protecting an interest of the highest order when it leaves appreciable damage to that supposedly vital interest unprohibited.” *Lukumi*, 508 U.S. at 547 (cleaned up). Defendants did nothing besides handbook reviews. ECF 80-8, Kearns Depo. 112:20–24.; ECF 80-53, Gunning Depo at 52:14–18. But not every school had a handbook. ECF 80-12, Eberhart Depo. 66:7–8.

And Defendants allowed schools without them to write up admissions policy statements. *Id.* at 44:13–17. Some handbooks do not include conduct expectations, so those schools’ policies do not face scrutiny. ECF 83 at 5 (Claiming Krieger Schechter’s conduct policy was not likely reviewed).

B. Expelling Bethel was not Defendants’ least restrictive means.

If “the government can achieve its interests in a manner that does not burden religion, it must do so.” *Fulton*, 141 S. Ct. at 1881. Defendants have not pursued their stated interest in the least restrictive means or a means narrowly tailored to fit their purpose. There’s no evidence any BOOST school discriminated against a student. *see* Ex. 80-14, Defs’ Admis. Nos. 10, 17, 18, 19, 20, 21. Defendants took the vast majority of BOOST schools—those without flagged handbooks—at their word, relying on signed assurances. ECF 80-8, Kearns Depo. 64:2–4; ECF 80-12, Eberhart Depo. 45:10–17; ECF 80-9, Klarman Depo. 65:18–66:1. Defendants could similarly rely on Bethel’s assurance. Rejecting schools whose religious beliefs they found suspect was not the least restrictive means.

CONCLUSION

Bethel is entitled to judgment as a matter of law. Bethel respectfully requests that the Court grant this motion, deny Defendants’ motion, and provide Bethel with its requested relief and any other remedies the Court deems fit.¹²

¹² *See In re A.H.*, 999 F.3d 98, 107 (2d Cir. 2021) (“Having concluded that the petitioners suffered status-based discrimination when the school districts denied their TTP funding requests, the district court was required to provide a remedy that would restore the victims of discriminatory conduct to the position they would have occupied in the absence of such conduct.”) (cleaned up).

Respectfully submitted this 6th day of August, 2021.

By: */s/ John R. Garza*

John R. Garza (No. 01921)
Garza Law Firm, P.A.
17 W. Jefferson Street
Rockville, Maryland 20850
Telephone: (301) 340-8200
Fax: (301) 761-4309
Email: JGarza@garzanet.com

Paul Daniel Schmitt*
Alliance Defending Freedom
440 First Street NW, Suite 600
Washington, D.C. 20001
Telephone: (480) 444-0020
Fax: (480) 444-0028
Email: PSchmitt@ADFlegal.org

David A. Cortman*
Alliance Defending Freedom
1000 Hurricane Shoals Road
Suite D-1100
Lawrenceville, Georgia 30043
Telephone: (770) 339-0774
Fax: (770) 339-6744
Email: DCortman@ADFlegal.org

Ryan J. Tucker*
Alliance Defending Freedom
15100 N 90th Street
Scottsdale, AZ 85260
Telephone: (480) 444-0020
Fax: (480) 444-0028
Email: RTucker@ADFlegal.org

Attorneys for Plaintiff
**Admitted Pro Hac Vice*

CERTIFICATE OF SERVICE

I certify that on this 6th day of August, 2021, the foregoing was served in compliance with the Federal Rules of Civil Procedure to the following:

Robert A. Scott
Ann Sheridan
Justin E. Fine
Assistant Attorneys General
200 Saint Paul Place, 20th Floor
Baltimore, MD 21202
rscott@aog.state.md.us
asheridan@oag.state.md.us
jfine@oag.state.md.us

/s/ John R. Garza

John R. Garza

Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

BETHEL MINISTRIES, INC.,)
)
)
Plaintiff,)
v.) Case No. 1:19-cv-01853-SAG
)
MOHAMMED CHOUDURY, et al.)
)
)
Defendants.)

PLAINTIFF’S UPDATED EXHIBIT LIST

EXHIBIT NO.

1. Transcript of Deposition of Claire Dant
2. Transcript of Deposition of Patricia Wecker
3. Plaintiff’s First Amended Answers to Defendants’ First Set of Interrogatories
4. 2018 Budget Bill, Chapter 150
5. Transcript of Deposition of Monica Kearns
6. Transcript of Deposition of James Klarman
7. Fiscal Years 2017–2020 Budget Bill Nondiscrimination Requirements
8. Gallagher statement on conflicting religious freedom and nondiscrimination requirements
9. Transcript of Deposition of Linda Eberhart
10. Transcript of Deposition of Beth Harbinson
11. Defendants’ Responses to Plaintiff’s First Set of Requests for Admission
12. Gunning email confirming no evidence of discriminatory behavior

EXHIBIT NO.

13. Emails between Posey-Moss and Kearns regarding Trinity Lutheran Christian School
14. Maryland PTA Statement to BOOST Advisory Board
15. Maryland PTA 2016 Legislative Agenda
16. Trinity Lutheran Christian School Handbook Excerpt
17. October 11, 2017 BOOST Advisory Board Meeting Minutes
18. Letters to Trinity Lutheran Christian School and Parents regarding expulsion from BOOST program
19. Transcript of Deposition of Felicia Wise
20. November 2017 Email from Kearns to Gallagher regarding start of handbook review
21. Emails between Dant and Gunning regarding sample revised handbook language
22. Transcript of Deposition of Matthew Gallagher
23. MSDE Letters to schools regarding handbook language
24. List of Category 3 schools under review as of April 2018
25. Examples of revised handbook language
26. April 2018 emails between Kearns and Gallagher regarding Category 3 schools
27. Transcript of Deposition of Elizabeth Green
28. Transcript of Deposition of A. Skipp Sanders
29. January 2018 Office of the Attorney General Memo
30. Kearns email regarding Category 3 schools and the addition of Broadfording Christian Academy
31. List of Category 3 schools as of March 2018
32. Klarman email to school forwarding January 2018 OAG Memo

EXHIBIT NO.

33. Kearns email to school forwarding January 2018 OAG Memo
34. Bethel Christian Academy 2017–18 Handbook
35. March 13, 2018 Letter from Dant to Kearns
36. Carpenter email summarizing Bethel and Woodstream decision timeline
37. Kearns email directing staff to keep May 1, 2018 OAG Memo confidential
38. Transcript of May 3, 2018 BOOST Advisory Board Meeting
39. Transcript of Deposition of Marva Jo Camp
40. May 25, 2018 Letter from Kearns to Dant
41. May 29, 2018 Letter from Dant to Kearns
42. June 21, 2018 BOOST Advisory Board Meeting Summary of Decisions
43. Transcript of June 21, 2018 BOOST Advisory Meeting
44. Letter to Bethel regarding expulsion from BOOST program
45. Letter to Bethel regarding clawback of BOOST scholarships
46. Letter to Bethel regarding handbook revisions and repayment options
47. Gallagher email discussing conversations with Baltimore Sun reporter
48. Eberhart email to Gallagher regarding editorial
49. Transcript of Deposition of Nancy Grasmick
50. Transcript of Deposition of Donna Gunning
51. Plaintiff's Amended Notice of Rule 30(b)(6) Deposition
52. Email inquiry regarding meaning of nondiscrimination language

EXHIBIT NO.

53. Bnos Yisroel email advising signing assurances with reservations
54. Klarman email stating Bethel's handbook was the only questionable one received
55. Flagged statements in Bethel's handbook
56. April 24, 2020 Letter from Gunning to Dant denying Bethel's application to the Aid for Nonpublic Schools program
57. Talmudical Academy of Baltimore School Conduct Policy and Behavioral Standards
58. 2017–2018 BOOST Scholarship Award Summary
59. 2018–2019 BOOST Scholarship Award Summary
60. Gallagher Tweet
61. Student Handbook of Yeshiva of Greater Washington
62. Bais HeMedrash & Mesivta of Baltimore Academic Catalog
63. Klarman email to Dant regarding BOOST review of handbook
64. Email to parent regarding ineligibility of chosen school to participate in BOOST
65. Krieger Schechter Day School Handbook
66. Supplemental Production Letter and Documents
67. School Handbook Excerpts

EXHIBIT

BRIAN E. FROSH
Attorney General



ELIZABETH F. HARRIS
Chief Deputy Attorney General

CAROLYN QUATTROCKI
Deputy Attorney General

STATE OF MARYLAND
OFFICE OF THE ATTORNEY GENERAL

FACSIMILE NO.
410-576-6955

WRITER'S DIRECT DIAL NO.
(410) 576-7043
jfine@oag.state.md.us

July 26, 2021

Sent via email

Paul D. Schmitt, Esquire
Alliance Defending Freedom
440 First Street NW, Suite 600
Washington, D.C. 20001
PSchmitt@ADFLegal.org

Re: *Bethel Ministries, Inc. v. Choudhury*, 1:19-cv-1853-SAG (D. Md.);
Supplemental Document Production

Mr. Schmitt:

While preparing the defendants' opposition and reply memorandum for the parties' cross-motions for summary judgment, we discovered that a small number of emails responsive to the plaintiff's requests for production of documents were inadvertently left out of the defendants' production. We are providing those emails to you now. The documents are bates stamped BETHEL DEFENDANTS 4841 to 4850.

These emails were accidentally omitted from the defendants' production. We apologize for the oversight.

Very truly yours,

/s/ Justin E. Fine

cc: All counsel of record

From: Claire Dant <claire.dant@teambethel.org>

To: Jamie Klarman <james.klarman@maryland.gov>

Subject: Re: Handbook review information

Date: Thu, 22 Feb 2018 13:54:08 -0500

Importance: Normal

Inline-Images: changingMD.png

Mr. Klarman,

Thanks for forwarding me the guidelines being used to evaluate the handbook language of schools who have applied for non-public textbook funding. I was still hoping to hear from you regarding what the issue was regarding OUR language. In looking at the categories listed, we clearly don't fall into either category 1 or 2 because we don't "reserve the right to refuse admissions..." based on anything related to a person's sexual orientation or sexual conduct.

That would put us in category 3 as we don't mention sexual orientation at all in our admission requirements. We use a general nondiscrimination statement that is what is required by the IRS for our tax-exempt status, and we mention conduct/behaviors that a student must adhere to (implying that he/she CAN be admitted). In addition, we HAVE signed the assurance that we do not discriminate in admissions.

Please clarify what it is, then, that resulted in our receiving a letter of non-approval.

Thanks for your understanding and assistance,

Claire Dant
Principal, Bethel Christian Academy

On Wed, Feb 21, 2018 at 1:33 PM, Jamie Klarman <james.klarman@maryland.gov> wrote:

--



Jamie Klarman

Nonpublic Schools Program
Coordinator

Maryland State Dept. of Education

Division of Business Services

200 W. Baltimore Street

Baltimore, Maryland 21201

james.klarman@maryland.gov
[410-767-0141](tel:410-767-0141) (office)

[Click here](#) to complete a three
question customer experience
survey

--

Claire M. Dant
Principal, Bethel Christian Academy

"The only thing that counts is faith expressing itself through love." Galatians 5:6

From: Claire Dant <claire.dant@teambethel.org>

To: Jamie Klarman <james.klarman@maryland.gov>

Subject: Re: Notice concerning application status for Nonpublic Textbook and Technology program

Date: Thu, 1 Mar 2018 10:43:00 -0500

Importance: Normal

Inline-Images: changingMD.png

Mr. Klarman,

You may recall that we spoke on February 21 about this notification that Bethel Christian Academy was not approved for Non-Public Textbook funding due to our policies.

At that time, you stated that our handbook had been looked at again that morning and that the people looking at it felt that a second opinion was required. You subsequently emailed me a copy of the guidelines that MSDE was given for the process of reviewing school policy documents.

I have heard back from you regarding the MSDE decision nor my request for the specific reason for our not being approved for this funding. Would you please email me both the final decision *and* the rationale for the denial?

Thank you in advance for your help with this matter. I look forward to hearing from you soon.

Sincerely,

Claire M. Dant
Principal, Bethel Christian Academy

On Wed, Feb 14, 2018 at 2:39 PM, Jamie Klarman <james.klarman@maryland.gov> wrote:

Please see attached letter.

--



Jamie Klarman

Nonpublic Schools Program
Coordinator

Maryland State Dept. of Education

Division of Business Services

200 W. Baltimore Street

Baltimore, Maryland 21201

james.klarman@maryland.gov
[410-767-0141](tel:410-767-0141) (office)

[Click here](#) to complete a three
question customer experience
survey

--

Claire M. Dant
Principal, Bethel Christian Academy

"The only thing that counts is faith expressing itself through love." Galatians 5:6

EXHIBIT

INTRODUCTION TO THE TOME SCHOOL

The Tome School is an independent, coeducational college preparatory school founded in 1889 by Port Deposit philanthropist Jacob Tome. The school's curriculum provides a broad liberal arts education for students from kindergarten through twelfth grade in an environment emphasizing academic success, high standards of personal behavior, and full participation in school life. For a student to be successful at Tome, parents must hold similar expectations and standards.

Tuition is significantly lower at Tome than at other independent schools, partly because of substantial funding from The Jacob Tome Institute and partly because of parental assistance. Efforts by Tome families have held tuition increases to a minimum.

This guidebook, which is updated and published each year, provides an overview of the school's expectations in academics and personal conduct for both new and returning parents and students and includes a copy of **The Student Handbook**. Also included is information regarding the various activities and annual events held at Tome. Please review the guidelines carefully with your children and keep them handy as a reference.

INFORMATION FOR PARENTS

The school address is 581 S. Maryland Avenue, North East, Maryland 21901.

The telephone number is (410) 287-2050. Our fax number is (410) 287-8999.

Tome's College Board school code: **210835**.

Our website is www.tomeschool.org. The Friday Flyer is posted here weekly as well as other news items pertaining to the school. Some school forms are available at our website for download.

E-mail may be sent to the school at info@tomeschool.org. E-mail may be sent to Mrs. Szymanski at c.szymanski@tomeschool.org. Email may be sent to Mr. Rand in the Business Office at rich.rand@tomeschool.org. All faculty members also have email accounts that can be accessed through our webpage.

Our school management software system is PCR Educator. Parents have access to student grades and reports.

ADMISSION AND RETENTION

The school ordinarily enrolls new students only at the beginning of the academic year in August. After re-enrollment of current Tome students in March and April, successful applicants receive an offer of admission to classes where vacancies exist. Because class size is limited, application should be made a year in advance of desired entry.

The curriculum at The Tome School is tailored for students of above average ability. Faculty members at Tome endeavor to ensure that students realize their potential; however, Tome does not have the resources to help children whose scores indicate low aptitude or poor skills, who are disinterested in school success, or who have behavioral problems. The school requires that both students and parents put effort into school work. The school will place students in the grade level or subjects judged to be most appropriate.

The first step in the admissions procedure at Tome is completing and submitting the application and application fee. Families are encouraged to meet with the Head of School or other designated faculty member to learn more about the school and its expectations. Port Deposit residents, Cecil County residents, children of alumni, and siblings of continuing students receive priority consideration, though all applicants must meet admission requirements and be well prepared for the grade they seek to enter. A student who does not accept a place when offered or who leaves the school forfeits any priority in admission. Students are admitted for one year at a time.

Students applying for kindergarten must be evaluated during the spring preceding the start of kindergarten. For grades one through four, classroom teachers interview and test prospective students.

Students seeking admission to grades five through twelve must sit for tests in reading comprehension, mathematics and language mechanics. The median Tome scores for ability and achievement are in approximately the eightieth percentile; the prospective student must achieve results compatible with those of his peers at Tome.

who cheat in their school work may receive a zero for that test or assignment and the teacher should inform parents. In some cases, more serious measures will be taken. **All work should be the student's and not that of a classmate, parent, tutor, or any other person.** Refer to the Plagiarism Policy in Appendix A. of the Student Section. Any form of dishonorable behavior, academic or social, is contrary to Tome School policy and expectations. Upper School students who violate the Honor Code will be referred to the Upper School Honor Council (see: Honor Council, above)

LUNCH

Students eat lunch in the school lunchroom. Microwave ovens are available for use by students in Grades 5 through 12.

Students are not permitted to carry open containers of soda, juice or milk, coffee, etc. into the classroom area. Students who need to carry water bottles during the school day may do so only with a doctor's note. Students are not allowed to drink soda or other beverages while waiting in carline.

Students may purchase a milk card from the office. For \$7.00 the student gets milk or juice twenty times. There is a snack machine and sports/water drink machine available for use by students in Grades 5 – 12 during lunch periods. Students are not allowed to purchase sodas (only no-calorie soda is available) until after 3:15 pm.

Lunch Ladies – This program began in 2014-2015 and was a resounding success. Parents may purchase wholesome and affordable lunches online. Portal is accessible through the Tome School website. Lunches are available Mondays through Thursdays and must be ordered by Thursday of the prior week.

NOTICE OF NONDISCRIMINATION

The Tome School admits students of any race, color, religion, and national and ethnic origin, and does not discriminate against students of any race, color, religion and national and ethnic origin in its educational policies or financial aid administration.

OFFICE

The school office opens at 7:30 a.m. and closes at 4:00 p.m. during the school year and is closed during holiday vacation periods. During summer vacation, the school office generally is open from 8:00 a.m. until 1:00 p.m. Monday through Thursday. Because we have a very small staff, please return all forms and requested information on time.

PARENT ORGANIZATIONS

Tome School Parent Organization (TSPO)

All parents of Tome students are members of TSPO, organized to coordinate fund-raisers as well as student and family social events. Examples of these are cultural events and performances including Spirit Week, school theater productions, the Variety Show, Family Bingo, Tome Open House, Grandparents' Day, Santa's Secret Shop, book fairs, the charity auction, Race for Education and other family events. All parents are encouraged to become a part of the school's life. (See "Events & Activities" and "Fund-raisers.")

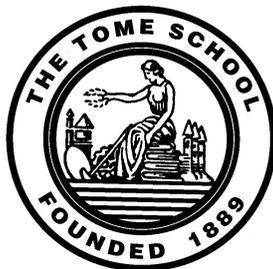
The TSPO meets in the Multi-Purpose room each month at 7:00 p.m. or at 1:45 PM on a day to be determined. All meetings are open to all parents. TSPO alternates meetings between evening and afternoons with the first meeting held in the evening in September of the new school year. Participation counts as volunteer service.

Tome Sports Boosters

Working with the Athletic Director, the Boosters support Tome's teams through fundraising efforts such as fundraising dinners (Crab Fest), donation solicitations, an annual golf tournament, and refreshment sales. They help with the yearly Sports Awards Ceremonies, the Tome Invitationals and new uniform acquisition. Participation counts as volunteer service.

PARENT PORTAL/PCR EDUCATOR

Tome School uses PCR Educator for our online grading system. Starting with the 2014-2015 school year, parents are now able to access the system through the tomeschool.org website.



The Tome School “will embrace every grade from kindergarten to and through high school studies” where “young people may obtain proper preparation for the varied and important work of life.”

Jacob Tome, Founder
May, 1889

MISSION

The Tome School invests in the intellectual and personal promise of each student through its challenging, traditional college preparatory curriculum and its commitment to the development of core values of respect, responsibility and honesty.

PHILOSOPHY

Tome School is a community of students, parents, faculty, and staff who support each other in a commitment to intellectual exploration and lifelong learning. The dedicated faculty and staff challenge students to strive for both personal and academic excellence by teaching them to think independently, to work collaboratively, and to lead confidently. In addition, we provide them with the skills of critical thinking and effective communication essential to success in college and beyond. Through the school’s honor code, we foster in every student the courage and accountability that are the foundation of character, conduct, and citizenship. It is our expectation that the education here will inspire our young people to embrace their responsibilities to themselves, Tome School, and the world.

The Tome School

581 S. Maryland Avenue, North East, MD 21901
Phone: 410-287-2050; Fax: 410-287-8999
www.tomeschool.org

A MESSAGE FROM THE HEAD OF SCHOOL

Dear Parents and Students:

This Student Handbook and Planner is provided to assist you in having a successful year at Tome School. It is a single book in which to keep track of your school assignments and to use as a source of information regarding school policies and regulations.

Tome School, founded in 1889 through the generosity of Jacob Tome, a wealthy industrialist from Port Deposit, first opened its doors in 1894 and has graduated students every year since 1898. The Class of 2014 will be our 117th graduating class.

Tome is a K – 12 school with a long tradition of excellence. The faculty, staff, administration and Board of Trustees are dedicated to providing a quality college preparatory program to our students. We have made a commitment to teach our students not only the academic skills they will need to be successful in college and beyond, but also to help them develop into responsible adults. To do this successfully requires close cooperation between school and home.

This Student Handbook and Planner contains a summary of the Policies and Regulations of the school. It is divided into sections detailing Student Responsibilities, Academics, Student Activities, Student Recognition, and Rules and Regulations as well as a section for your daily planner. There are also sections at the end of the school pages that contain the honor code, the dress code, the plagiarism policy, the academic courses of study and the calendar for the school year. This book outlines our expectations of you and it offers you answers to the common questions about Tome policies. Please read these sections carefully. It is very important that you have a good understanding of the policies, regulations and procedures of the school. When you choose to attend Tome, you accept, and agree to abide by, the rules, regulations and code of conduct established by the school.

On behalf of the entire staff of Tome, I welcome you to the 2017-2018 school year and wish you every success. We are looking forward to a year filled with learning and excitement!

Mrs. Christine Szymanski

I. Student Responsibilities

A. Attendance

Students are expected to be in school and in homeroom by 8:00. Students arriving to homeroom after 8:00 a.m. are considered tardy and are to sign in at the office. Students are to wait in the lunchroom until 7:45 a.m. Parents should not leave a child unattended in the rear parking lot at any time.

Students should be in school except for approved absences such as student illness, death in the immediate family, doctor/dentist appointment, religious holiday, court summons, permission from Head of School granted before absence, or a situation considered an emergency by the Head of School. **If you are absent from school, you may not attend after-school activities.** If you are absent on Friday, you may not participate in a Saturday activity without special permission from the Head of School. **Athletes** must be in school by 10:00 in order to participate in a scheduled practice, and be in school by 8:10 to play in a game that day.

B. Dress Code

Uniforms: Students are expected to arrive at school in uniform and remain in uniform until they leave school. (See appendix for details). Shoes must be regular school shoes and properly maintained. They should be one color and not include other designs.

Boys' hair is to be **one natural color**, and neatly and conservatively cut above the eyebrows, collar, and the bottom of the ears. Boys are to be clean shaven and are not permitted to wear earrings or have visible body piercings. **Girls' hair** is to be neatly styled and **no unnaturally-colored** hair. Eyes must be visible. Girls'

makeup is to be conservative and age-appropriate (No makeup in Lower School). Girls are not permitted to have visible body piercings other than ears, with no more than two earrings per ear during school. No gauges permitted. Students are not allowed to have visible tattoos. **Modest jewelry is permitted.**

All clothing is to fit properly, be clean and ironed. Students are to be well-groomed at all times. Any questionable attire or appearance will be dealt with by the Divisional Coordinator.

Non-uniform: Halter, tank tops, tube tops, or clothing that reveals the abdomen or cleavage are not permitted in school. Sports uniforms may be sleeveless. Shirts advertising alcoholic beverages, tobacco products, or those with obscene, suggestive, or questionable printing on them are not permitted. Pants and shorts with any words written across the seat of the pants/shorts are not permitted. Shorts and skirts must be no shorter than mid-thigh in length. Clothing must be neat, clean, and without holes. Students need athletic shoes with clean, non-marking soles for gym classes and sports practice. Leggings or yoga pants are not permitted in Middle or Upper School.

Students must follow these same guidelines for non-uniform days, after-school events, sports practices or at any other time the student may be at school and out of uniform. Violations will be handled in each school by demerits, loss of casual dress privilege or calling home to have proper attire brought to school by the parents, according to divisional policy. Appropriate length shorts are allowed during summer dress code.

Senior Dress Days: On Fridays, Seniors may wear **business casual** clothes to school instead of the regular uniform. This is NOT a “dress-down” day. Seniors may wear the regular school uniform or follow the dress code for professionals in the business world. No t-shirts, jeans, sports attire, shorts, beachwear or other inappropriate attire. **Button-down shirts should be tucked in.** “Dress-down day cards” may be used for casual dress on Fridays.

C. Respect for people

- Students are to **stand** when an adult enters the room.
- Students will not use **unacceptable language**.
- Students will not **hit, shove, punch, poke**, or act in any other way which could result in injury and which shows a lack of respect for the other student.
- Students are to be **polite, courteous** and to say “Please,” “Thank you,” “Excuse me,” “I’m sorry,” etc.
- Students are to **respond** to requests and instructions from adults the first time they are given. Failure to comply is considered insubordination.
- Students will not engage in verbal/written **name-calling, slurs, threats, cursing, teasing**, and any other behavior, which is disrespectful or harassing in nature. Sexual harassment will **not** be tolerated in any form.
- Students will not remove anything from another student’s cubby, desk or backpack without express permission.

The consequences of **disrespectful behavior** may be any of the following: apology, reprimand, detention, suspension, or any other punishment deemed appropriate depending on the age of the child, history of past problems, and severity of the incident, as determined by the Head of School. The school does not endorse corporal punishment.

Students will not engage in inappropriate **public displays of affection**. Tome serves students from age five to nineteen, and it is important that older students conduct themselves appropriately at all times. Actions which might be acceptable in a purely middle or high school atmosphere may not be acceptable at Tome.

D. Respect for school property: Students are required to keep hard-bound **books covered**. Student **cubbies** should be neat and organized. Coats, jackets, lunches, gym bags, book bags, backpacks, etc., should be kept in the appropriate place assigned for such items. Students should help keep the halls, classrooms, bathrooms and lunchroom clean by picking up litter and by refraining from marking in any way on desks, walls, tables, etc. **Students are not permitted to chew gum in the school.**

E. School/Classroom responsibilities

Students should come to class with necessary materials: books, pens, pencils, paper, planner, homework, etc. All books including planners are to be kept intact unless directed by a teacher to remove pages. For safety reasons, bookbags/backpacks are not to be taken to class. Bookbags with wheels are permitted in MS & US.

Students should come to class ready to actively participate each day in the following ways:

- ✓ **Ask** questions regarding the material being presented.
- ✓ **Respond** to questions asked by the teacher.

UPPER SCHOOL

Gum is prohibited. The first offense is a lunch detention, the second offense is cleaning desks after school.

In the Upper School, students who violate the uniform dress code or the “casual” or “business-casual” dress code will be expected to correct the problem immediately. Parents may be called to bring appropriate attire to school for the student if necessary. Students may be assigned an in-school suspension if the violation is flagrant. Students may be issued Lunch Detentions for uniform or dress code violations. Three lunch detentions in the Upper school will result in an after-school detention. Three after-school detentions result in a Saturday detention and any lunch detentions after a Saturday detention result in loss of seventh period electives.

Appendix A: Tome Plagiarism Policy

This applies to all written work, including homework and lab work.

Policy for Definition of Plagiarism: The Middle and Upper School Faculty has adopted the definition of Plagiarism as found on page 680 of *The Little, Brown Handbook*, 9th Edition (the text for Composition 12) which reads as follows: “Plagiarism is the presentation of someone else’s ideas or words as your own. Whether deliberate or accidental, plagiarism is a serious offense.

Intentional Plagiarism: Copying or downloading a phrase, a sentence, or a longer passage from a source and passing it off as your own by omitting quotation marks and a source citation (Additional Clarifying note: Even if a source citation is present, lack of quotation indication, quotation marks, etc., for repeating exact words is still plagiarism).

Summarizing or paraphrasing someone else’s ideas without acknowledging your debt in a source citation.

Handing in as your own work a paper you have bought, copied off the Web, had a friend write or accepted/taken from another student.

Handing in as your own work a math problem someone else solved.

Unintentional Plagiarism: Forgetting to place quotation marks around another writer’s words.

Carelessly omitting a source citation for a phrase.

Omitting a source citation for another’s idea because you are unaware of the need to acknowledge the idea.

Academic Dishonesty: Submitting a paper previously submitted in another class, even if in a previous year. A student may submit a paper only once, unless two teachers have agreed to accept the same paper. Consequence would be a zero (0) on the assignment.

Policy for Consequences of Plagiarism:

For the first offense in an academic year:

- A zero for the assignment. Other grade penalty for younger students or unintentional plagiarism may be more appropriate.
- Notification of the National and Junior Honor Societies if applicable.
- Written parental notification with parent conference recommendation and filing of report with Honor Council
- A first offense and any additional offenses may result in additional action by the Honor Council or the Head of School.

Appendix B: Honor Code

The Tome School’s tradition of academic excellence began with its inception in 1889. Personal integrity is the foundation upon which Tome students learn and grow. This honor code will serve as a reminder to the Tome community and will encourage members to consider these tenets when making choices. Students are expected to follow the honor code both in and out of school. At the beginning of each school year, middle and upper school students will gather to sign a pledge reflecting their promise to uphold these standards. The pledges will be displayed for the year. Members of the National Honor Society will explain the three principles of the honor code: respect, responsibility, and honesty. Respect: Tome students will

show consideration and thoughtfulness when interacting with teachers, staff members, and fellow students. Deference will be shown towards adults, and respect will be given to other students. The school building as well as its contents (desks, hallways, bulletin boards, etc.) will be treated with care. Students will respect another's privacy and will respect the rules and code. Responsibility: Some students will be held accountable for their actions. They will follow through with academic responsibilities as well as volunteer commitments. Students in the middle and upper schools are expected to be role models of appropriate behavior for the lower school students. *Reporting abuses of the Honor Code, in spite of peer pressure, is expected.* Honesty: The success of Tome School depends on academic honesty. Cheating, in any form, will not be tolerated. Those students who cheat are being unfair to the teacher, classmates, and themselves. Cheating can take the form of sharing homework, copying from another student's test, sharing information about a test, and plagiarism (using someone else's work without the proper citation). Violations of the honor code will not be tolerated. Disciplinary actions will vary and will be determined by the Head of School with the advice of the Honor Council. Expulsion may be the result.

Tome School Honor Code Pledge: We, the members of the Tome School community, pledge to act with respect, responsibility, and honesty in everything we do. We promise to uphold the tradition of integrity and honor that is the core value of Tome School.

Appendix C: Tome Dress Code for 2017-2018

BOYS:

LOWER SCHOOL (K-4):

- Gray **slacks** (Twill);
- light blue oxford cloth **shirt** (button down collar, l/s or s/s);
- solid navy blue **tie** (no tie required for kindergarten);
- navy blue or black **socks**;
- navy blue **blazer** with Tome emblem (required for Gr 2 – 4) (emblem is available for purchase in the school office); navy blue, v-neck, long sleeve **sweater**, with "Tome" stitched on left side (required for K); Grade 1 boys have choice of sweater or blazer;
- navy blue, black or brown **belt**;
- regular school **shoes**, black, brown or navy in color (no sneakers, boots or sandals)

MIDDLE SCHOOL (Gr 5 – 8)

Same as Lower School, however boys in Grades 5 – 8 may wear white, black or navy socks and slacks may be twill or flannel but must be gray in color

UPPER SCHOOL (Gr 9 –12)

- khaki-colored dress **slacks**
- white, light or dark blue dress **Shirts** (l/s or s/s); Senior option: yellow dress shirt
- traditional, conservative tie (no inappropriate novelty ties)
- white, khaki, navy or black **socks**
- navy blue **blazer** with Tome emblem (emblem is available for purchase in the school office);
- navy blue, black or brown **belt**;
- regular school **shoes**, black, brown or navy in color (no sneakers, boots or sandals)

Boys' Shoes are to be regular school shoes – no sneakers, boots, athletic shoes, indoor/outdoor slippers, moccasins or sandals for any student.

Socks must be visible above the shoe. **No "lo-cut" socks.** Quarter, ankle and knee socks are allowed.

Summer uniform changes: August/September and after Spring Break

Boys No Blazers
K - 6 Gray uniform shorts, knee length, with navy blue socks

Hair should be conservatively cut (no shaved heads), should not hang below collar, ears, or eyebrows, and should be **one natural color**.

GIRLS:

LOWER SCHOOL AND MIDDLE SCHOOL THROUGH GRADE 7

- Navy/green plaid Tome uniform **Jumpers**
- light blue, rounded collar, l/s or s/s cotton or poly-blend (not knit) **blouse** in **Grades K – 4**; light blue Oxford cloth, button down collar **shirt**, l/s or s/s in **Grades 5 – 7**
- navy blue cardigan **sweater** with "Tome" stitched on left side (optional for all) **OR** navy blue **blazer** (optional for Grades 5 – 7) with Tome emblem
- white or navy **socks** or opaque **tights** (Black, navy blue, hunter Green or white)
- regular school **shoes**, black, brown or navy in color (no sneakers, boots or sandals), no bright multi-colored shoes.

GRADE 8 MIDDLE SCHOOL

- Navy/green plaid Tome uniform **Skirt is an option for Grade 8 girls**; the rest of the uniform is the same as above with option of V-neck or cardigan **sweater**

UPPER SCHOOL (Gr 9-12)

- Navy/green plaid Tome Uniform **Skirt**
- light blue **OR** white Oxford cloth, button down-collar **Shirt**, l/s or s/s; Senior option: yellow oxford cloth, button down collar shirt;
- navy blue V-neck (with "Tome" stitched on left side) **sweater** (optional) **OR** navy blue **Blazer** (optional) with Tome emblem
- white or navy **socks** (quarter, ankle or knee), or opaque **tights** (Navy Blue, Hunter Green, Black, or White *only for tights*)
- regular school **shoes**, black, brown or navy in color (no sneakers, boots, sandals, moccasins)

Girls' Shoes are to be regular school shoes – no sneakers, boots, athletic shoes, indoor/outdoor slippers, moccasins or sandals for any student. No clogs or shoes with heels over 1 inch in Lower School. No platform shoes. No multicolored shoes. **Socks** must be visible above the shoe. **No "lo-cut" socks**. Quarter, ankle and knee socks are allowed.

Summer uniform changes: no change for girls

Hair should be conservatively cut and **one natural color**. **Jewelry** and **makeup** should be age-appropriate and conservative. No make-up in the lower grades. No more than 2 earrings per ear.

Appendix D: Academic Courses of Study by Grade (2017-2018)

Kindergarten:	formal reading attack skills using the phonics method
Grades 1 – 4:	reading, spelling, math, writing, science, social studies, physical education, art, computers, library, French and Spanish, music
Grade 5:	grammar, composition, literature, Latin, math, science, American History I, physical education, art, music, computers
Grade 6:	grammar, composition, literature, Latin, math, general science, geography, physical education, art, computers, study skills
Grade 7:	grammar/Latin, composition, literature, pre-algebra or intro to algebra, life science, world history, physical education, art, computers, study skills
Grade 8:	grammar/Latin, composition, literature, intro to algebra or Algebra I, Introductory Physical Science, American History II, physical education, art, computers, study skills
Grade 9:	Composition 9, Ancient Literature, Algebra 1 or Geometry, French 1, Spanish 1 or Latin 1, Ancient History, Biology, physical education
Grade 10:	Composition 10, American Literature, Geometry or Algebra 2, French 2 or Spanish 2, Latin 2, Environmental Science or Chemistry, World History
Grade 11:	Composition 11, British Literature, Algebra 2 or Pre-calculus, French 3, Latin 3 or Spanish 3, Chemistry or Physics, US History
Grade 12:	Composition 12, World Literature, Precalculus or Calculus, Statistics, French 4, Spanish 4, French 1, Spanish 1 or Latin 1, Physics, Government/Economics, Adv. Biology, Environmental Science.

(Note: This is the general program of instruction. Scheduling, student performance and late admission to Tome may dictate exceptions.)

BROADFORDING CHRISTIAN ACADEMY



STUDENT-FAMILY HANDBOOK

2017-2018

BCA PARENT/STUDENT HANDBOOK

Broadfording Christian Academy wants to serve the Lord and its school community. Please contact our offices for information if you need help in any way.

CONTACT INFORMATION

School Address: 13535 Broadfording Church Rd. Hagerstown, MD 21740
Phone Number: 301-797-8886
Fax Number: 301-797-3155

Web Address: <http://www.broadfording.com>

Mr. R. William Wyand	Superintendent/Administrator
Mrs. Christy Spicer	HOPE Program Director
Mrs. Sal Dobbs	Honors Program Coordinator
Mrs. Celia Torres	Home School Coordinator
Miss Jessica Fields	International Program Coordinator
Mr. Scott Cox	Director of Advancement
Mrs. Elizabeth Luhn	College and Career Guidance
Mr. Seth Crider	Information Technology/Media/Facilities
Mrs. Denise Burkett	School Administrative Assistant
Mrs. Lisa Haldeman	School Secretary
Mrs. Patty Crutchfield	Registrar, Finance

MISSION AND VISION

The **mission** of Broadfording Christian Academy: Developing Global Leaders; Engaging the Culture; Touching the World.

The **vision** of Broadfording Christian Academy is to provide an educational environment which enables students from around the world to strive for excellence in academics and in their personal relationship with Jesus Christ as they discover God's unique purpose and plan for their lives. Our purpose is to develop students who are **real**; that is, cultivating a **relationship** with Christ, becoming **equipped** for service to others, becoming **active** in using their gifts and talents for Him, and seeking a lifetime of **learning**.

NON-DISCRIMINATION POLICY

Broadfording Christian Academy admits students of any race, color, national and ethnic origin to all the rights, privileges, programs and activities generally accorded or made available to students of the school. It does not discriminate on the basis of race, color, national and ethnic origin in administration of its educational policies, admission policies, tuition assistance programs, athletic and other school administered programs, nor in the hiring of faculty or administrative staff.

HISTORY

Broadfording Christian Academy, a ministry of the Broadfording Bible Brethren Church, was organized in 1973 as a Christian school that offers high academic and spiritual standards to families in the Tri-state area.

BCA utilizes the modern facilities of the David R. Petre Educational Building and the Broadfording Bible Brethren Church. These facilities are well equipped to meet the needs of your children. The rooms are spacious, well lighted, and comfortable. The campus facilities include a modern gymnasium, locker rooms, science lab, computer lab, art room and music room. The playing fields provide adequate space for all students as we develop a well-balanced program for physical education.

Throughout the curriculum at BCA, Christ is central. All subjects are taught from the point of view of Colossians 2:3, "In whom are hidden all the treasures of wisdom and knowledge."

ACCREDITATION

Broadfording Christian Academy is accredited by the following organizations:

- Association of Christian Schools International
- Middle States Association of Colleges and Schools

STATEMENT OF FAITH

We believe that the Bible, both the Old and New Testaments, was verbally inspired of God, and is inerrant and is our only rule in matters of faith and practice. We believe in creation, not evolution; that man was created by the direct act of God and in the image of God. We believe that Adam and Eve, in yielding to the temptation of Satan, became fallen creatures. We believe that all men are born in sin. We believe in the Incarnation, the Virgin Birth, and the Deity of our Lord and Savior, Jesus Christ.

We believe in the vicarious and substitutional Atonement for the sins of mankind by the shedding of His blood on the cross. We believe in the resurrection of His body from the tomb, His ascension to Heaven, and that He is now our Advocate. We believe that He is personally coming again. We believe in His power to save men from sin. We believe in the necessity of the New Birth, and that this New Birth is through the regeneration of the Holy Spirit. We believe that salvation is by grace through faith, plus nothing, minus nothing, in the atoning blood of our Lord and Savior Jesus Christ.

We believe that this Statement of Faith is basic for Christian fellowship and that all born-again people who sincerely accept it and are separated from the world of apostasy and sin can, and should, live together in peace, and that it is their Christian duty to promote harmony among the Believers.

By sending your children to Broadfording Christian Academy, you are agreeing to have your children taught in a manner that reflects this Statement of Faith.

CORE VALUES FOR THE BCA FAMILY

A Heart To...

1. Value the Soul
2. Affirm God's Word
3. Embrace a Biblical Worldview
4. Invest in One Another
5. Pursue Excellence
6. Impact the World
7. Abide in Christ

TRADITIONS

School Colors and Mascot - The BCA school colors are royal blue and gold. The school mascot is the lion.

School Verse – Proverbs 28:1 – *“The wicked man flees though no one pursues, but the righteous are as bold as a lion.”*

WHAT IS A CHRISTIAN EDUCATION?

A Christian education is much more than just a high quality academic program taught by Christian teachers. True Christian education attempts to show God's place in every subject. For example, in history man is viewed as God's creation whose past actions can only be interpreted as being right or wrong in light of man's greatest history book - the Bible.

BCA is an interdenominational Christian school with a conservative Bible orientation. Teachers pledge to uphold the deity of Christ and the inspiration of the Old and New Testaments; they do not promote minor issues which tend to divide the body of believers.

FAMILY COMMITMENT

Broadfording Christian Academy's role is to provide an educational environment that is helpful in molding students to be Christ-like. Periodically, the atmosphere or conduct within a particular home may run counter to the Biblical lifestyle that the school teaches. BCA reserves the right, in such cases to refuse admission of an applicant or to discontinue enrollment of a student.

For children in grades K4-12, whose families are committed to personal faith in the Lord Jesus Christ and to a Christian world and life view, Broadfording Christian Academy is designed to provide a Christian education based on the authoritative and inerrant Word of God. Therefore, families joining our school fellowship agree to the following:

If my child is permitted to attend Broadfording Christian Academy, I will acknowledge, support and agree to the following:

1. To have my child trained according to the Statement of Faith and Mission of Broadfording Christian Academy.
2. To abide by the policy and rules stated in the Student-Family Handbook.
3. The school's right to place my child in the appropriate grade/classes.
4. The school's right to dismiss students who do not respect the school's spiritual and moral standards and who do not cooperate in the education process.
5. The school's right to require non-supportive and uncooperative parents to withdraw their children from BCA.
6. The school's right and responsibility to discipline according to school policy.
7. My responsibility as a parent for my child's education by supervising homework and keeping in regular contact with my child's teachers.

In addition, I agree to the following:

1. To support the school's activities through attendance and participation.
2. To support the school through prayer, volunteering and financial gifts.
3. The financial policy and all of the obligations stated therein.

I give permission:

- For my child to participate in scheduled field trips and school activities.
- For photographs of my child(ren) to be posted on the BCA website, Facebook page, or to be used in other BCA advertising. I understand that if I, for any reason, change my mind, I can inform the BCA Administrator, preferably in writing, to ask that the photos be removed from the website or Facebook page.
- To the school authorities to take the following steps in the event that my child becomes ill or is injured while under school supervision:
 - Contact a parent of the student and follow the parent's instruction.
 - If the student's parent cannot be reached the student's physician will be contacted and his/her instructions will be followed!
 - If the student's physician cannot be reached, school personnel (with discretion) will contact a licensed and practicing physician and follow his/her instructions.

If, in the opinion of a licensed and practicing physician, my child needs medical or surgical services, which require my consent before being supplied, and I cannot be reached, I authorize, appoint, and empower the School Administrator or his designee, to furnish on my behalf, such written or oral authorization as may be required. Further, I release the Administrator, or his designees, the School Board, and Broadfording Christian Academy, from any liability that might arise from the giving of such authorization. It is my desire that my child be furnished with medical and/or surgical services as soon as reasonably possible after the need arises.

PARENT- TEACHER FELLOWSHIP

Parents, teachers and staff are members of the Parent Teacher Fellowship (PTF). This organization is responsible for promoting good communication between the home and school and for encouraging support for the fulfilling of the school's mission. A significant strength of our school is that parent volunteers perform many services. We rely on parents to assist our teachers in the classrooms, to assist in the library, offices, health room and maintenance department. We are grateful for all that is accomplished through volunteering parents.

FACULTY

Faculty are screened and interviewed by the BCA Administration. Each one is hired on his/her testimony of salvation in Christ, his/her love for children, his/her academic preparation including a minimum of a bachelor's degree for core subjects in grades K5 - 12, his/her personal references, professional certification and his/her commitment to the goals, purposes, philosophy, standards and mission of BCA.

CLASS SIZE

There are general capacity limits for class sizes in all grade levels, which include the following:

<u>Grade Level</u>	<u>Class Size</u>
K3	9-10
K4	13-15
K5	16-18
1st	21-23
2nd to 6th	22-24
7th to 12th	24-32

ADMISSIONS

Students will be admitted to Broadfording Christian Academy based on the following criteria:

- Desire to attend Broadfording Christian Academy
- Past school record
- Academic & Citizenship Record
- Personal References
- Desire to Excel in Academics and Self-Discipline
- Moral Character
- Interest in Christian Standards and the Gospel of Jesus Christ
- Respect for Authority

Registration Procedure

Parents wishing to enroll their children in Broadfording Christian Academy should follow the procedure listed below.

1. Request and receive an information packet.
2. Set interview date: Interview will be set up at the convenience of both the home and the school. Parents and student(s) should be present at this interview. Following this interview, an acceptance decision will be made. (Note: Students in grades 8-12 must complete a pre-interview packet, available online or in the office).
3. Complete the application form and schedule a registration appointment. For this appointment you will need the student's birth certificate, social security number along with registration fees.
4. Set summer testing date (if needed) or provide requested transcripts, report cards, and testing records.
5. Fill out and return all other needed forms to the school office.
6. There will be a 2-3 day waiting period before a student can be enrolled during the school year. This will allow testing and evaluation to take place prior to admission.

Immunization

The Maryland Immunization laws require that specific immunizations have been received by each student attending school in the State of Maryland. By law those students who have not met all of the precautionary immunizations must be excluded from attending school until such precautions are fulfilled. Those students not having immunization records on file in the BCA office within 20 days of the start of the school year will not be able to attend school or participate in any school activities until the immunization record is on file.

*****Home school students attending classes at BCA must sign in and out of the office. Failure to sign in will result in the student being charged with an absence regardless of his or her actual attendance. Students waiting for a class to begin should wait in the office, not out in the building, until the bell rings for class. Part time students failing to sign in or sign out may be assessed a \$10 fine for each infraction.**

*****Students not on athletic rosters will not be permitted to leave school early to attend athletic contests unless signed out and driven specifically by their parent(s).**

WORK RELEASE: SENIOR EARLY DISMISSAL

Those seniors whose schedules meet graduation requirements but do not require attendance for a full day may receive permission to be dismissed from school early. Leaving school early is a privilege tied to both academic and behavioral performance. Seniors who do not maintain a 2.0 GPA average or who are in danger of failing a class may not be permitted to leave school early until their academic performance improves as determined by the administration.

EVENING DISMISSAL

- Any student that wishes to walk, ride a bicycle (a privilege for students), or go home with someone not designated on your school authorization pick-up form must bring a note to the office during morning arrival for approval.
- Students remaining after school in extended care must be signed out by a parent (or other person as designated on the authorization pick-up form).

PRE-APPROVED ABSENCES

Upon receipt of a written request for a pre-approved absence from the parents of a student involved in an educational tour or trip, the student may be excused from school attendance to participate, provided the dean of students approves such absences and further provided that the student will be under the direction and supervision of an adult acceptable to both the Dean of Students and the student, parent or guardian. Parents desiring to have a child excused under these provisions should submit a written request on the Broadfording Christian Academy Pre-Approved Absences Form through the School's Office, asking that the child be excused for the period under consideration. The submission should be timed so that at least ten (10) days will be allowed for an evaluation of the request. In the event of an emergency or unexpected situation, a request for waiver of the time limit would be considered. Students are permitted five (5) educational or family trip days per year.

MAKE UP WORK DURING ABSENCES

When a student is absent or expects to be absent three (3) or more days, a parent should request the homework assignments by calling the school office at 301-797-8886. However, it is the responsibility of the student to see his/her teacher to obtain the work and help, if needed, to make up the class work. Make-up time for homework and or/test(s) will be equal to the number of days of excused absence. In the case of a family trip, class work may be made up either before the trip or after school hours upon the student's return. This includes tests, quizzes, homework, or projects, etc. Classroom work for all pre-arranged absences must be requested at least one week in advance. **The teacher is under no obligation to provide make up work, tests, or quizzes for unexcused absences. Make-up work for absences is the responsibility of the student and his/her parents.**

APPEAL

Any student and his parents have the right to appeal under any section of this regulation. This first step of appeal is to the dean of students. The second step of appeal is to the superintendent whose decision shall be final. All appeals will be settled in a timely manner.

STUDENT CONDUCT

STANDARD OF CONDUCT

BCA seeks to create and maintain a tone of the highest personal and group conduct, which expresses basic principles of life as found in the Bible. Students are expected to show traits of Christian character such as courtesy, honesty, respect, integrity, service, and truth. Each student is responsible for his/her own behavior. In acting responsibly, the student will observe all of the school's rules and respect the rights of others.

GUIDELINES

As a matter of conviction and policy, BCA disapproves of habits that debilitate the mind, spirit, and body, or are contrary to federal and state law. These include the use of illegal habit-forming drugs, alcoholic beverages, smoking and sexual immorality. The following habits and actions, which are contrary to Biblical growth and development and impair the group spirit, are not considered acceptable for BCA students:

ACADEMIC INTEGRITY

BCA's value of seeking "excellence" encompasses all aspects of growing and learning, including academic integrity. The desire of BCA is to graduate students who are life-long learners with all the academic skills necessary to pursue higher education or enter the workforce. We want our students to be critical and original thinkers who are positive contributors to society. BCA's faculty and administration believe in academic honesty and the principle of an honor code. Students are expected to do their own homework, submit their own thoughts for writing assignments, and take tests without external aids. Students are also expected to deny requests from other students to copy from their work. Violation of this policy may subject a student to appropriate consequences as determined by the school administration in conjunction with the guidelines outlined in this handbook. Such consequences may include detention, academic integrity training, suspension, expulsion, and/or other appropriate consequences.

LEVELS OF STUDENT MISCONDUCT/VIOLATIONS

Unacceptable behavior differs in its severity and should receive different disciplinary responses. The examples listed in each level are representative and are not meant to be all-inclusive. Offenses that are not listed will be dealt with at the discretion of Administration consistent with these examples. Please note: Under serious offenses, students may be suspended or expelled, especially in cases of severe rebellion, mistreating or placing others in danger, criminal activity or sexual immorality.

Level 1: Minor behavior by a student who disrupts classroom procedures and interferes with the educational process. This level of misconduct can and should be handled by the classroom teacher, but may sometimes require additional action by guidance and/or administrative personnel.

1. Disrespect, defiance, willful disobedience of authority.
2. Acts of rebellion against school norms.
3. Minor disturbances in classrooms/halls.
4. Three (3) unexcused tardies to school and/or class.
5. Failure to satisfy academic requirements.
6. Behavior disruptive to the educational process and/or assemblies, chapel.
7. Cutting class or leaving campus without permission. ***See CLASS CUTS
8. Abusive language. Critical or derogatory remarks. Swearing or sexual talk.
9. Failure to obey school rules.
10. Abuse or willful destruction of school property.
11. Possession of undesirable and/or inappropriate items.
12. Public Display of Affection (PDA)
13. Cheating, lying, or stealing.
 - Cheating is an attempt to improve one's score or to help improve someone else's score through dishonest means.
 - Cheating includes but is not limited to the use of another person's test/quiz/answers either before or during an exam; the use or possession of notes, answers, cheat sheets, electronic devices or other sources not approved by the teacher during the exam; the stealing or receiving of tests/quizzes prior to the exam; the giving or receiving of specific test information to members of another class period or to a student who was absent for the exam; communicating with or requesting information from another student during an exam; looking onto another student's exam for answers, or allowing a student to look at any student's exam for answers; working with another student(s) on assignments when individual work is required; fabricating information to try to earn more time, more credit, or grading leniency on an assignment, project, or exam; missing class in order to avoid turning in an assignment or taking a test; texting, copying or photographing student work or assessments/projects assigned in class and distributing to other students.
 - Lying is bearing false witness in any way, which includes portraying to others that something is their work when it is not.
 - Plagiarism is the offering the words or ideas of another person as one's own writing or work.
 - Plagiarism includes but is not limited to failing to cite quotations and borrowed ideas, failing to enclose borrowed language in quotation marks, failing to put summaries and paraphrases in your own words, copying another person's work in part or full and calling it your own, copying and pasting from the internet without citation, having a parent or another person write an essay or do a project that is then submitted as one's own work.
14. Failure to complete detention time.
15. Mistreatment of others, which includes, but is not limited to sexual harassment, tormenting, being habitually cruel, persistent teasing, making fun of or spreading rumors, mocking, belittling or encouraging exclusion

General Rules

- 1) Students may not purchase items from the cafeteria outside of those times specifically designated by the school administration.
- 2) Students are expected to stay seated and talk quietly while eating.
- 3) Students may get up to buy food, throw out trash, sign out, etc.
- 4) Trash shall be disposed of in trash receptacles.
- 5) Students should not sit on tables, throw trash across the rooms, or leave during the last five minutes of lunch.
- 6) Students may not purchase lunch from outside restaurants and have it delivered to school.

Clean-Up Procedures

- 1) The teachers on duty will check the tables and floor during the last five minutes. Students will pick up and throw away any remaining trash at this time.
- 2) When all tables are clean, the teacher on duty will dismiss students by classes no more than one minute before the bell rings.
- 3) If students don't clean their tables, they will be kept in the lunchroom after the dismissal time from lunch and required to stay until their area is clean.

Follow-up Procedures

- 1) After warning students about inappropriate behavior, the teacher in charge may issue after school detentions or lunch isolation to students who violate the rules.
- 2) Problem students will be reported to administration or his/her designee for discipline.

BCA DRESS CODE (Pre-School – 12th Grade)

Dress Code Philosophy

Broadfording Christian Academy bases its dress code upon two criteria: Biblical standards of modesty (I Timothy 2:9, Romans 12:1) and the desire for a neat, clean and attractive appearance. Students should dress in such a way that would not detract from the success of BCA's mission statement and Core Values.

Self-discipline results in self-respect, which is characterized by modesty and good taste in personal grooming. Students' dress will affect the atmosphere of the school: academic achievement, student attitude, and student and staff behavior. We do not suggest that our specific code of dress is mandated by the Bible. But the Bible does say to students of every generation that their appearance must be modest. Boys should dress in masculine fashion. Girls should dress in feminine fashion. The following standards are intended to promote maximum academic achievement within an optimum learning environment.

At Broadfording Christian Academy, we believe in an environment that promotes the development of character qualities necessary for successful involvement in a non-Christian society. As such, our dress code reflects genuine concern for the following:

1. Modesty

Individual dress should be appropriate for school, avoiding excesses and the inappropriate display of one's body. Our desire is to minimize the distractions that certain styles create.

Example: Form fitting clothes, revealing necklines, short skirts, tops that expose the midriff area, see-through materials, and the like are not permitted.

2. Safety

We have found certain clothes or accessories can cause injury. Also, clothes or accessories worn improperly can cause harm.

Example: Flip-flops or shower shoes can be hazardous while climbing the school's stairway. Shoes must be tied or fastened.

3. Hygiene

A part of a student's education is the science of health and its maintenance. There are basic principles that promote health, sanitation and the prevention of disease that should be regarded. Cleanliness is also an important part of the BCA Dress Code. A student is expected to come to school clean and without body odor that would distract from the learning environment.

Example: Students should wear shoes and undergarments and not wear gym clothes, sweat pants and the like in class.

4. Appropriateness

Clothes that are suitable for one purpose may not be suitable for another. Students are expected to dress neatly. Our behavior is usually commensurate with our dress.

Example: A distinction between the sexes should be discernable. Also, outer winter clothing is inappropriate in the classroom.

5. Moderation and Balance

Moderation is the avoidance of excesses and extremes in dress. It is dress within reasonable limits. Our goal is learning. Learning takes place best in an environment free from distractions. If one's hair style or dress style is a distraction, the student will be asked to moderate it.

Example: Certain hair styles may be a distraction in the classroom; also no oversize slacks or pants.

6. Biblical Morality

We want our students to live by the standards we teach in class.

Example: No immoral themes, no satanic symbols, no rock music groups or bands and the like are to be promoted on clothing worn by our students (even on casual dress days).

7. Christian Unity

We want to encourage a Christian love/bond between our students.

Example: No symbols, phrases, portraits, etc. which could imply racial division should be worn or attached to notebooks, jackets, etc.

Note: We cannot anticipate changes in styles that occur during the school year, nor can we list every clothing item that is unacceptable. BCA reserves the right to make clarifications and changes in dress code policy during the school year that are in accordance with the above philosophy. The school administration will make the final decision in all matters of dress and personal appearance. However, the information provided in this section will provide the basic guidelines for the BCA dress code policy.

Dress Code Policy

Distinctions: Three specific distinctions are made by the dress code: *standard dress, casual dress, and semi-formal dress.*

Standard dress is a minimal expectation of dress during the academic day (8:15 a.m. to 3:30 p.m.) and in before/after care in all buildings. It is the "normal" dress expectation for all age groups at BCA.

- *Standard dress:* Refer to appropriate code by age level.

Casual dress is acceptable on designated school days when announced. **If a student qualifies for the "dress down" or "casual dress" day, the following standards apply:**