



August 11, 2025

Matthew Lankford, Board Chair  
Victoria Green, MPIA Representative  
Board of Education of Somerset County  
7982A Tawes Campus Drive  
Westover, MD 21871

***VIA ELECTRONIC MAIL, RETURN RECEIPT REQUESTED***

**Re: Maryland Public Information Act request**

Dear Chairman Lankford and Ms. Green:<sup>1</sup>

I hope this request finds you well. This is a request under the Maryland Public Information Act (MPIA), Md. Code Ann., Gen. Prov. Art. §§ 4-101 *et seq.*, seeking information related to several complaints we've received from the Somerset community regarding recent decisions made by the Board of Education of Somerset County ("The Board").

We greatly appreciate your cooperation and speed in addressing this request.

**Documents Requested**

The American Civil Liberties Union of Maryland wishes to inspect all documents and information regarding the following topics: the refusal to adopt the recently-proposed curriculum for the coming school year; the updated media acquisition policy, Board Policy 500-19; the firing of CarneyKelehan LLP and the retention of Schifanelli Law LLP; the attempted termination of the Superintendent, Dr. Ava Tasker-Mitchell; the vacancy on the Board following the apparent departure of Allen C. Ford; and compliance with the Open Meetings Act, Md. Code. Ann., Gen. Prov. Art. § 3-305. This request includes both physical documents and electronic information, including emails.

***Curriculum***

The ACLU of Maryland wishes to inspect all documents and communications related to the rejection of the draft curriculum created by Somerset County Public Schools

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<sup>1</sup> We address this request to you because you are Board Chair, and the Board has identified no specific public information officer. If you contend that you are not the proper custodian for the records sought, we ask that you promptly transmit this request to the official custodian of the requested records, as the Maryland Public Information Act requires. *See Ireland v. Shearin*, 417 Md. 401, 410-11 (Md. 2010).

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(“SCPS”) and Maryland State Department of Education (“MSDE”) to ensure Somerset schools meet federal and state standards. This includes, but is not exclusive to:

- The draft curriculum created by Somerset staff in collaboration and with approval of MSDE and not approved by the Board;
- The process for creating and approving the draft curriculum that was approved by MSDE, including but not exclusive to:
  - The implementation timeline shared with the board in a closed session on March 19, 2024;
  - The pilot curriculum used during SY 2024-2025;
  - Agenda and minutes for the County Parent Advisory Committee Meeting on April 10, 2024;
  - Agenda and minutes for the pilot curriculum discussion at the SCPS-BOE on October 21, 2024;
  - The formal request from SCPS staff to SCPS-BOE to adopt the proposed curriculum submitted on May 20, 2025;
  - Any feedback submitted by board members to SCPS or MSDE on the draft curriculum before July 15, 2025;
  - Any communications to or from members of the Board related to the content of the new curriculum, including communications with Superintendent Dr. Tasker-Mitchell; and
- The curriculum that is currently set to be used for the 2025-2026 school year;
- The list of 18 “Notable Nobel Prize Winners and their Famous Works” provided by the Board to SCPS staff, and any standards for vetting or guidelines used for including those books in the curriculum;
- Any documents or communications to or from the Board related to specific books recommended for or discouraged from use in classrooms, libraries, or otherwise in schools;
- Any documents or communications assessing potential liabilities related to the failure to adopt a new curriculum, including but not exclusive to:
  - Impacts to state and federal funding, in addition to Somerset County’s eligibility for Read and Learn Grant funding;
  - Impacts to child development, learning outcomes, and achievement gaps; or
  - Potential civil or criminal liability; and
- Dates for all public meetings in which revisions to the curriculum were discussed;
- Mr. Gleasons’s pre-submitted email regarding the curriculum from June 25, referred to in the meeting held on July 15, 2025;
- Complaint filed with the Office of the Inspector General regarding the refusal to adopt the proposed curriculum;
- Correspondence between the Office of the Inspector General and the Board or between members of the Board regarding the report issued on July 24, 2025; and
- Any other responsive documents or communications.

Parents and community members deserve transparent information regarding how school curricula are developed, changed, and evaluated. Moreover, Somerset students deserve a curriculum that not only meets state and federal standards but also prepares them for a life imbued with the rich tapestry of diverse experiences. Accessing this information will empower students and parents to advocate for a curriculum that suits their educational needs, not the political preferences of the Board.

*Book Bans and Funding for Librarians*

The ACLU of Maryland wishes to inspect all documents and communications related to changes to the library media policy, Board Policy 500-19, and changes to school media centers. This includes, but is not exclusive to:

- Guidelines or instructions defining, implementing, or informing standards expressed in Board Policy 500-19(A)(c-i) (2025);
- Proposed guidelines or instructions defining, implementing, or informing standards expressed in Board Policy 500-19(A)(c-i) (2025);
- Draft processes or protocols for reviewing books pursuant to Board Policy 500-19;
- Testimony and public comment on the proposed changes to Board Policy 500-19, received from March 27, 2025, to April 14, 2025;
- Board responses to the testimony and public comment on the proposed changes to Board Policy 500-19;
- All books reviewed under Board Policy 500-19 and an explanation of the reason for their inclusion in or exclusion from student media centers;
- All books suggested by board members for review under Board Policy 500-19;
- All books suggested by parents for review under Board Policy 500-19;
- All books removed from shelves pending review under Board Policy 500-19;
- Dates for all public meetings in which Board Policy 500-19 was discussed;
- Proposed budget cuts for school libraries, including staffing and media acquisition;
- Complaint filed with the Office of the Inspector General challenging the Board's revision of Board Policy 500-19;
- Correspondence between the Office of the Inspector General and the Board regarding the report issued on July 25, 2025;
- Complaint, briefing, and ultimate disposition of the complaint filed by Matthew L. regarding the inclusion of certain course material, discussed in MSDE Op. No. 21-33, issued on May 25, 2021;
- Trainings or other instructional materials received or distributed by board members on the legal requirements of the federal Constitution, of the Freedom to Read Act, Md. Ann Code., Educ. Art § 4-142, or related implementing regulations; and
- Any other responsive documents or communications.

As attacks on free speech and equal access to information skyrocket, Maryland has taken strong steps to ensure that students retain access to a wide variety of information and viewpoints. The Board has an obligation to confirm that their policies comply with

the Constitution and with state laws like the Freedom to Read Act. Producing this information will help community members determine whether the Board has met those obligations.

*Retention of Schifanelli Law LLP*

The ACLU of Maryland wishes to inspect all documents and communications related to the termination of CarneyKelehan LLP and the retention of Schifanelli Law LLP. This includes, but is not exclusive to:

- Board policies that govern or have governed processes for selecting, hiring, firing, or otherwise employing counsel for the Board of Education, including but not exclusive to Board Policy 100-18;
- Documents and communications related to the rescission of Board Policy 100-18;
- Date of rescission of Board Policy 100-18;
- Documents and information related to the termination of the Board's relationship with Darren Burns and with CarneyKelehan LLP, including:
  - The terms of his contract;
  - Date of termination of his contract;
  - The time remaining on his contract; and
  - Reasons for his termination;
- Documents and information related to the selection of and retention of Schifanelli Law LLP;
- Date of hiring of Schifanelli Law LLP;
- Existing contract with Schifanelli Law LLP;
- Invoices submitted by Schifanelli Law LLP to the Board, including hours billed, travel expenses, and other reimbursement requests; and
- Any other responsive documents or communications.

Somerset residents have the right to know whether their interests are being represented by counsel with relevant experience in educational matters. They also have the right to know how their tax dollars are being spent, and whether the Board is conducting itself in accordance with policies intended to protect taxpayers against fraud. Accordingly, we request that any responsive documents in the custody of the Board of Education be produced as required by the MPIA.

*Superintendent Ava Tasker-Mitchell*

The ACLU of Maryland wishes to inspect all documents and communications related to the Board's interference with Superintendent Ava Tasker-Mitchell and her responsibilities. This includes, but is not exclusive to:

- Dates on which Board Policy 100-6 was publicly discussed, and any notes from meetings regarding that discussion;
- Communications between state officials and the Board or between members of the Board regarding Board Policy 100-6;

- Complaint filed by Superintendent Tasker-Mitchell regarding her treatment;
- Communications between the Board and the State Board or between members of the Board regarding Superintendent Tasker-Mitchell;
- Letter from the Somerset County Commissioners in support of Dr. Tasker-Mitchell;
- Documents and communications related to the proposal to hire David Bromwell as interim superintendent, including:
  - Mr. Bromwell's resume, CV, or relevant credentials;
  - Information regarding Mr. Bromwell's departure from his position as the superintendent of Dorchester County;
  - Process for selecting a proposed replacement;
  - Communications with the State Superintendent seeking approval of Mr. Bromwell; and
- Any other responsive documents or communications.

Given Somerset County's history of terminating the contracts of Black superintendents before their terms expire, the Board owes residents an explanation as to why they sought to oust Dr. Tasker-Mitchell, destabilizing the schools in the weeks before students return and creating potential for legal liability.

#### *School Board Vacancy*

The ACLU of Maryland wishes to inspect all documents and communications related to the vacancy left by Board Member Allen C. Ford. This includes, but is not exclusive to:

- Date upon which Mr. Ford resigned;
- Reasons for Mr. Ford's resignation;
- Date upon which the Governor was notified of the vacancy;
- Communications between the Board and the Governor or between members of the Board suggesting particular candidates for the vacancy; and
- Any other responsive documents or communications.

A prolonged vacancy on the Board determines whether residents of District 5 have adequate representation on the board. Moreover, any prolonged vacancy impacts the ability of the Board to conduct business in a timely, fair fashion that complies with policies regarding voting procedures and with the Open Meetings Act.

#### *Complaint against Matthew Lankford*

The ACLU of Maryland wishes to inspect all documents and communications related to Dr. Tasker-Mitchell's complaint filed against Mr. Lankford. This includes, but is not exclusive to:

- Complaint against Matthew Lankford filed by Superintendent Tasker-Mitchell, seeking removal by the MSDE;
- All briefing filed by Mr. Lankford; and

- Any other responsive documents or communications.

Given the concurrent grassroots-led petition to remove Mr. Lankford from the Board, community residents deserve to know about other parallel processes and allegations of improper behavior.

#### *Compliance with the Open Meetings Act*

The ACLU of Maryland wishes to inspect all documents and communications related to possible violations of Maryland's Open Meetings Act, under which "public business [must] be conducted openly and publicly." This includes, but is not exclusive to:

- Any and all incidents in which board meetings have been "cleared" of the public or in which parents, teachers, advocates, or others have been removed from hearings or board meetings since January 1, 2025;
- The reasons promulgated for the closure of any meetings held since January 1, 2025, including any "closing statements" provided pursuant to General Provisions Article § 3-305, and timing of the publication of those statements;
- Documents regarding notice provided in advance of any closed meetings held since January 1, 2025, including:
  - How notice was provided;
  - When notice was provided; and
  - Copies of the notice provided;
- The names of all board members who have received training in the Open Meetings Act and the date on which they last received training; and
- Any other responsive documents or communications.

Maryland law emphasizes the need for government transparency to help residents know why and how important decisions are made. This transparency is all the more critical in matters as fundamental as what lessons our children are taught and who gets to decide how to teach them. Information ensuring that the Board complied with their obligations under the Open Meetings Act is crucial to ensuring open debate and community trust in our schools.

#### Fees

Pursuant to General Provisions Article § 4-206(e), we ask that all fees related to this request be waived. The American Civil Liberties Union Foundation of Maryland is a non-profit 501(c)(3) and 501(c)(4) organization, receives most of its funding from charitable donations, and generally does not charge for its legal services. The ACLU of Maryland is dedicated to protecting the civil liberties of all Marylanders and visitors to Maryland, and to promoting government transparency. This request meets the criteria for a fee waiver under FOIA and the MPIA, and fees associated with requests under these laws are regularly waived for ACLU affiliates. In addition, please note that the ACLU of Maryland has a limited ability to pay for the copying and other charges associated with MPIA requests. *See generally* Office of the Attorney General, Maryland Public Information Act Manual 7-3-7-4 (13th ed. 2014) (discussing criteria for waiver of fees under the MPIA). If the request for a waiver of fees is denied, please

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advise us in writing of the reason(s) for the denial and of the cost, if any, for obtaining a copy of the requested documents.

If you determine that any portion of the requested records are exempt from disclosure, we ask that, as the Act requires in § 4-203(c)(1)(i), that within ten days of your receipt of the request, you provide a written statement that gives an explanation of why denial is necessary, the legal authority for the denial, a brief description of the undisclosed record that will enable us to assess the applicability of the legal authority for the denial, and notice of the remedies under the MPIA for review of the denial. The Act also requires in § 4-203(c)(1)(ii) that you may not decline to redact a record on the grounds that the exempt material is not “reasonably severable;” you must allow inspection of any part of the record that is subject to inspection.

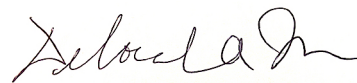
We ask that you please respond to this request as soon as possible given the urgency of the matters involved, and within no more than 30 days, as required by § 4-203(a).

Thank you for your time and attention to this matter. We look forward to receiving your response. Please feel free to contact us with any questions or concerns.

Sincerely,



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