

IN THE CIRCUIT COURT FOR
BALTIMORE CITY, MARYLAND

**American Civil Liberties Union Foundation
of Maryland**

3600 Clipper Mill Road
Suite 200
Baltimore, MD 21211

Plaintiff,

v.

Somerset County Board of Education

7982A Tawes Campus Drive
Westover, MD 21871

**Matthew Lankford, Chairman of the
Somerset County Board of Education**

7982A Tawes Campus Dr.
Westover, MD 21871

**Victoria Green, MPIA Representative of
Somerset County Public Schools**

7982A Tawes Campus Dr.
Westover, MD 21871

Defendants.

Case No. _____

COMPLAINT

Plaintiff American Civil Liberties Union Foundation of Maryland (“ACLU of Maryland” or “Plaintiff”), by and through its counsel of record, files this Complaint for relief under the Maryland Public Information Act, Maryland Code, General Provisions § 4-101 *et seq.* (“MPIA”), to compel Defendants Somerset County Board of Education (“the Board” or “Somerset Board”); Matthew Lankford, Chairman of the Somerset County Board of Education (“Mr. Lankford”); and Victoria Green (“Ms. Green”), MPIA Representative of Somerset County Public Schools

(collectively, “Defendants”), to disclose the public records described in Plaintiff’s MPIA requests as set forth below. In support of this Complaint, Plaintiff alleges as follows:

NATURE OF THE CASE

1. This is an action challenging as unlawful under the MPIA the Defendants’ refusal to disclose public records regarding school board policies, library and curriculum decisions, financial matters, legal engagements, and governance practices affecting the rights of students, parents, educators, and the public in Somerset County, Maryland.

2. Enforcing the public interest in transparency is especially critical here: Over the last 15 months, Defendants have engaged in extraordinarily irregular and arguably unlawful conduct that has significantly disrupted the administration of Somerset County public schools, imperiling the education of Somerset County public school children and threatening the rights of these students to learn freely. These actions have led to litigation and resulted in significant financial expenditures in an already cash-strapped school system. Indeed, on at least six separate occasions state officials have formally concluded that Defendants violated state law or counseled Defendants that they were at serious risk of doing so, citing concerns under the First Amendment, the Maryland Freedom to Read Act, and open government laws, among others.

3. Many Somerset County parents, students, and educators are understandably alarmed about Board-created controversies engulfing local schools and have sought to shine light upon the situation. To support the community’s requests for answers and greater transparency, Plaintiff ACLU of Maryland, a statewide civil rights organization based in Baltimore City, formally requested from Defendants information and documents relevant to the controversies under the MPIA.

4. Plaintiff's MPIA requests seek records relating to five primary areas of concern: (1) the enactment of vague and unlawful book removal policies and procedures over the objections of school administration and staff; (2) the failure to timely approve a school curriculum, as recommended by school administrators and staff, for reasons seemingly grounded in censorship; (3) a lack of transparency, disrespect for school staff, and threats of removal and arrest of parents and community members during Board operations; (4) the Board's improper retention of its current counsel; and (5) the Board's sudden and unwarranted termination of Dr. Ava Tasker-Mitchell, a Black woman and the former superintendent of Somerset County Public Schools.

5. In an apparent effort to evade public scrutiny, Defendants have circumvented or outright denied many of Plaintiff's requests, baselessly contending that a broad sweep of the requested information is protected by attorney-client privilege, disclaiming custody or even the existence of documents known to exist, and failing to provide any response or explanation for other denials.

6. Likewise, Defendants have repeatedly denied similar MPIA requests from concerned Somerset community members and other organizations, including the Caucus of African American Leaders and Somerset County NAACP, as well as from the media.

7. Defendants' evasions violate the robust rights of access encompassed in the MPIA, which the Maryland legislature intended to be "construed in favor of allowing inspection of a public record." G.P. § 4-103(b). Maryland law provides exceptionally strong and well-established presumptions in favor of disclosure of government records. *Maryland Dep't of State Police v. Maryland State Conf. of NAACP Branches*, 430 Md. 179, 190, 59 A.3d 1037 (2013).

8. There is an especially strong public interest in access to the records sought here. Indeed, the Board's efforts to censor materials available to public school students and to silence critics have generated enormous public interest and media attention throughout the State.¹

9. Maryland law emphasizes the need for government transparency, under the MPIA and open meeting laws, to educate residents about 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, what books they can read, and who gets to decide how to teach them. Parents and community members deserve transparency regarding how school library collections and curricula are developed, changed, and evaluated, so they can advocate for educational opportunities that suit their needs.

10. Here, the need to bring Defendants into compliance with the MPIA is essential to making these aspirations a reality for Somerset County families.

PARTIES

11. The ACLU of Maryland is the Maryland affiliate of a national civil rights organization, American Civil Liberties Union, which has local affiliates across the country. The ACLU of Maryland's mission is to protect the civil rights and liberties of all Marylanders and visitors to Maryland. The ACLU of Maryland is composed of a non-profit 501(c)(3) foundation and a non-profit 501(c)(4) organization, which receive their funding mainly through charitable

¹ E.g., Liz Bowie, *How a Maga School Board Takeover Roiled an Eastern Shore County*, The Baltimore Banner (July 30, 2025), <https://www.thebanner.com/education/k-12-schools/somerset-school-superintendent-maga-RULXSB6A7RF2HB63ZSII624HLM/>; Grace Harman, *SCPS New Media Selection Policy Sparks Censorship Concerns*, WBOC (Apr. 16, 2025), https://www.wbc.com/news/scps-new-media-selection-policy-sparks-censorship-concerns/article_18e4c0cf-38ab-4080-9ad5-6ae0ealcd73.html.

donations. The ACLU of Maryland has its main office at 3600 Clipper Mill Road, Suite 200, Baltimore, MD 21211.

12. The ACLU of Maryland is a person and an applicant within the meaning of the MPIA. G.P. § 4-101(b).

13. Defendant Somerset County Board of Education (“the Board”) is a public-school board created pursuant to Title 3 of the Education Article of the Maryland Code and effectively controls the Somerset County Public School (“SCPS”) system. Mr. Lankford and the SCPS are the recipients of the MPIA request at issue in this suit, and upon information and belief are the official custodian of the records and information requested. The Board and SCPS constitute political subdivisions subject to the MPIA. G.P. § 4-101(j)(4).

14. Defendant Lankford is the Chairperson of the Board. Upon information and belief, Defendant Lankford is a “custodian” of the records and information sought as defined by G.P. § 4-101(d) and is sued in his official capacity.

15. Defendant Green is the MPIA Representative of SCPS. Upon information and belief, Defendant Green is a “custodian” of the records and information sought as defined by G.P. § 4-101(d) and is sued in her official capacity.

JURISDICTION AND VENUE

16. This Court has subject matter jurisdiction over this action pursuant to Md. Code, Ann., Cts. & Jud. Proc. § 1-501, because Plaintiff has been denied inspection of certain public records by Defendants, an instrumentality of the State of Maryland and its responsible officers. G.P. § 4-362(a)(1).

17. Venue in this Court is proper under G.P. §4-362(a)(3)(ii) because Plaintiff has its principal place of business in Baltimore City.

FACTS AND SURROUNDING CONTEXT

18. As noted above, this is a lawsuit challenging Defendants' refusal to provide public information about operation of SCPS as violative of the MPIA. And while the MPIA does not require applicants to explain why they seek particular public records, here, Plaintiff chooses to do so. By placing the MPIA requests into the context of Defendants' extensive record of aberrational conduct and the enormous public concern it has generated, Plaintiff alleges upon information and belief that Defendants' improper denials are part and parcel of a broader pattern of using secrecy as a tool to avoid accountability, advance certain Board members' ideological agenda, and unlawfully expand Board power—all to the detriment of educational opportunities for Somerset County school children. The full picture of Defendants' conduct highlights the critical role the MPIA serves for the public to gain access to information and understanding and shows why this law must be vigorously enforced here.

19. In January of 2025, two newly elected members of the Board, Defendant Lankford and Mary Beth Bozman, took office alongside three existing members of the five-member Board. For the first time in recent memory, the Board seats were all filled by white members, notwithstanding the fact that students of color represent approximately 65% of the SCPS student population. Defendant Lankford was named Chair of the Board.

20. Controversy erupted from the outset of the new Board's tenure, and has continued unabated to the present, generating an unprecedented community outcry, with community members filing numerous requests for information, complaints to state education officials, and even petitions for removal of Board members. Board actions and inactions raising community concern have included: the Board's mistreatment and attempted firing of its highly-regarded Black Superintendent; enactment of a legally problematic book banning policy that shifts power over

decision making from professional educators to board members; failure to act in a timely way on curriculum decisions, placing state funding at risk; threats to eliminate the positions of school librarians; abrupt rescission of the policy governing counsel hiring; and secretive firing of incumbent board counsel and hiring of new counsel without vetting. As State education officials were forced to intervene to rein in some of Defendants' unlawful actions, community alarm over the Board's secrecy and failure to provide meaningful notice or coherent explanations for its actions has only increased.

21. In an effort to assist community members in addressing this growing controversy, on August 11, 2025, Plaintiff ACLU of Maryland contacted Defendants about community concerns in a detailed letter, accompanied by an MPIA request. The MPIA request sought records about the following topics:

- a. The Board's rejection of the draft curriculum created by SCPS and Maryland State Department of Education to ensure Somerset schools meet federal and state standards;
- b. The Board's changes to its library media policy, Board Policy 500-19, and changes to its school media centers;
- c. The Board's termination of Carney Kelehan LLP and the retention of Schifanelli Law LLP as counsel for the Board;
- d. The Board's attempted termination and interference with the responsibilities of the SCPS Superintendent, Dr. Ava Tasker-Mitchell;
- e. The unexplained vacancy left by prior Board Member Allen C. Ford;
- f. Dr. Ava Tasker-Mitchell's complaint filed against Board Chair Matthew Lankford; and
- g. The Board's compliance with Maryland's Open Meetings Act, G.P. § 3-305, under which "public business [must] be conducted openly and publicly."

A copy of the ACLU of Maryland's original MPIA request is attached as **Exhibit 1**.

22. Continuing controversies generated by the Somerset Board since the August 11 request and Defendants' failure to adequately reply to the initial request led Plaintiff to file a supplemental MPIA request on February 5, 2026. This supplemental request sought to inspect records about the following topics:

- a. The Board's rejection of the draft curriculum created by SCPS and Maryland State Department of Education to ensure Somerset schools meet federal and state standards;
- b. Any changes to Board's library media policy, Board Policy 500-19, and changes to its school media centers;
- c. All signed agreements between the School Board and Dr. Ava Tasker Mitchell related to the October 2025 termination of her contract as Superintendent; and
- d. All other documents that contain the fiscal amount of severance, salary, buyout, insurance benefits, or other monetary compensation the School Board agreed to provide Dr. Tasker Mitchell related to termination of her contract; and
- e. All documents that contain non-monetary compensation the School Board has agreed to provide to Dr. Tasker Mitchell related to termination of her contract; and
- f. All proposed guidelines or instructions defining, implementing, or informing standards expressed in Board Policy 500-19; and
- g. All draft procedures for reviewing books pursuant to Board Policy 500-19.

A copy of the ACLU of Maryland's supplemental MPIA request is attached as **Exhibit 2**.

A. Controversies Giving Rise to Plaintiff's Requests

23. Plaintiff's information requests specifically sought to elucidate some of the Board actions that community members were most concerned about.

1. Firing and Retention of Counsel in Violation of School Board Policy

24. As one of its first actions upon taking office in January 2025, the new Board questioned the continued retention of its existing legal counsel and recommended a full process to vet the possibility of new counsel.

25. At a meeting on January 21, 2025, the Board touted the importance of adherence to Somerset Board of Education Policy 100-18 (Nov. 18, 2008), which governs the procurement process for engaging Board counsel and requires transparency, vetting of attorney qualifications in the specialized field of education law, and a structured interview process involving a Board quorum.

26. Then, on February 7, 2025, in direct violation of Policy 100-18 and contrary to their January 21 statements about this policy's importance, the Board secretly and seemingly without any procedural vetting fired the incumbent Board counsel, Carney Kelehan LLP, and entered into a contract for legal services with Gordana Schifanelli and her husband Mark Schifanelli, both anti-diversity activists.²

27. On February 13, 2025, after retaining Schifanelli Law LLP, at an Open Budget Work Session and Special Emergency Meeting attended by Mr. and Mrs. Schifanelli, the Board rescinded Policy 100-18. No announcement, prior notice, or formal process appears to have been undertaken surrounding the hiring of Schifanelli Law LLP, the firing of the Board's incumbent counsel, or the rescission of Policy 100-18.

² See Gordana Schifanelli, *DEI is the Most Deviant, Dangerous and Radical Twist of the Civil Rights Act of 1964 and Equal Protection Clause*, The Delmarva Times (Feb. 22, 2025), <https://delmarvatimes.com/dei-is-the-most-deviant-dangerous-and-radical-twist-of-the-civil-rights-act-of-1964-and-equal-protection-clause/>.

28. Community members submitted numerous complaints to the Maryland Office of the Inspector General for Education (the “OIGE”) regarding the Board’s counsel procurement process. On November 13, 2025, the OIGE sustained these complaints, finding that the Board had violated Maryland state law and SCPS Board Policies in its hiring of Schifanelli Law LLP.³

29. Specifically, the OIGE found that the Somerset Board violated section 3-1204 of the Maryland Code by terminating its prior counsel’s contract in a closed session, and separately, by hiring Schifanelli Law LLP in the closed session. Additionally, the OIGE found that the Board violated numerous SCPS Board policies by rescinding Policy 100-18 without public input and without waiting until the next open meeting for a second reading and final vote. The OIGE also found that the Board failed to comply with state procurement laws and SCPS Board policies when hiring Schifanelli Law LLP because it did not review offers from at least two vendors and entered into an open-ended contract.⁴

30. Plaintiff’s MPIA request seeks records about these events to expose and hold the Board accountable for any legal violations related to its firing of experienced counsel, retention of new counsel, and the financial costs to Somerset taxpayers these violations might unlawfully impose.

2. Enactment of Unlawful Book Selection and Removal Policies

31. Next, the Board, in consultation with its new counsel, proposed and introduced amendments to the SCPS’s policy governing the selection and removal of books in school libraries,

³ See Maryland Office of the Inspector General for Education, Investigative Synopsis, OIGE Case 25-0005-I at 6-7 (Nov. 13, 2025), <https://oige.maryland.gov/wp-content/uploads/sites/18/2025/11/OIGE-Case-25-0005-I-SCPS-Report-11142025-FINAL-COMPRESSED-1.pdf>. The OIGE noted that refusals by the Board and Schifanelli Law to cooperate in its investigation had made the process of responding to these complaints more difficult. *See id.* at 10. The OIGE nevertheless was able to complete its investigation and issue recommendations.

⁴ *See id.* at 7.

Somerset Board of Education Policy 500-19 (04/15/2025). The proposed amendments sought to consolidate the Board’s control over library collections, limit the role of educators, and restrict books and other materials that are properly included and retained in library collections.⁵

32. Mr. Lankford spearheaded this new policy, continuing a campaign he began as a private citizen seeking to censor school library content he opposed on ideological grounds.⁶ Many of the books Mr. Lankford targeted before his Board tenure were written by Black and/or LGBTQ+ authors and address themes of racism and discrimination. For example, in 2020, Mr. Lankford challenged under the existing Policy 500-19 curriculum materials he described as:

“anything that even hints on social injustice, identity, activism, sexual orientation, sexuality, BLM (Black Liberation Movement), Antifa, anti-Semitism, categorization of people, discrimination, shaming, racism, anti-racism, quality, equity, socialism, Marxism, communism, anti-capitalism, fascism, collective responsibility, wealth distribution, reparations, the 1619 Project, victimhood, or anything of the sort.”⁷

33. Given Mr. Lankford’s history of seeking to censor instructional materials that affirm Black and LGBTQ+ experiences, many members of the Somerset community were concerned by his effort to revise Policy 500-19 as Board Chair to assume complete control over school library content. Parents and educators actively opposed the changes, including the

⁵ See Somerset County Board of Education, Policy No. 500-19 Selection of Media Center Materials (Apr. 15, 2025) (emphasis added), https://files-backend.assets.thrillshare.com/documents/asset/uploaded_file/3497/Scps/dca6c318-5682-40f7-a49d-21cca99fa1b4/500-19_Selection_of_Media_Center_Materials.pdf?disposition=inline.

⁶ Mr. Lankford appeared at least 15 times before the Board between 2020 and 2025 to discuss the suitability of books in school libraries. See Haley Parsley, *School Board Chair Fights ‘Vulgarness,’ Profanity and Many Local Parents*, Capital News Service (Oct. 9, 2025), <https://cnsmaryland.org/2025/10/09/school-board-chair-fights-vulgarness-profanity-and-many-local-parents/#>. In one of these instances, Mr. Lankford presented videos to other school boards on the Lower Shore of Maryland calling for the removal of certain award-winning books and promoted discrimination through stigmatizing language about LGBTQ+ individuals. Mr. Lankford described one of his targeted books, “All Boys Aren’t Blue” by George M. Johnson, as including “homosexual obscenities,” despite the book being widely recognized as a groundbreaking work in LGBTQ+ young adult literature.

⁷ The State Board ultimately rejected Mr. Lankford’s complaint on the merits. See *Matthew L. v. Somerset Cnty. Bd. of Educ.*, No. 21-33, ¶ 4 (emphasis added) (Md. State Bd. of Educ. May 25, 2021), <https://marylandpublicschools.org/stateboard/Documents/legalopinions/2021/0525/MatthewL.Op.No.21-33.pdf>.

Maryland Association of School Librarians, which submitted testimony raising concerns about the illegal censorship the changes endorse.⁸ The Board dismissed these concerns with little discussion and adopted the new policy on April 15, 2025.⁹

34. Following complaints about the new policy to the OIGE, the OIGE reviewed Policy 500-19 and issued a Management Alert Report on July 25, 2025.¹⁰ The report found that Policy 500-19 “may conflict with the standards established in Education Article § 4-142 governing school library media programs, Education Article § 17-9A-01 governing MDK-12 Digital Library, COMAR 13A.05.04.01 governing Public School Library Programs, and the Maryland School Library Media Standards for Learners, Librarians, and Libraries.”¹¹

35. The OIGE further warned that, if not corrected, Policy 500-19 could jeopardize SCPS’s educational funding, curriculum quality, and the civil rights of students and staff. The report ended by recommending that the Board review Policy 500-19 “to ensure that the decision by the board to change the previous policy is not in violation of COMAR 13A.01.05.06.”¹² Despite these warnings, the Board retained policy 500-19 and it remains in place now.

36. The Freedom to Read Act and its implementing regulations mandate that all school systems are to develop procedures for challenge and removal of books from school libraries in

⁸ See Grace Harman, *SCPS New Media Selection Policy Sparks Censorship Concerns*, *supra* at n. 1.

⁹ SOMERSET COUNTY BOARD OF EDUCATION, *SCPS April Open Session 4/15/25 600PM*, at 1:10:07 - 1:30:28 (Town Hall Streams), https://townhallstreams.com/stream.php?location_id=136&id=66766 (last visited Apr. 13, 2026); see also Somerset County Board of Education, *Minutes of Open Regular Sessions Somerset County Board of Education April 15, 2025* (Apr. 15, 2025), https://files-backend.assets.thrillshare.com/documents/asset/uploaded_file/3497/Scps/28ca9ba1-2f67-4d21-8e31-ac4111617af4/April_15_2025_Open_Meeting_Minutes.pdf?disposition=inline.

¹⁰ Maryland Office of the Inspector General for Education, *Mgmt. Alert Report: Somerset Cnty. Pub. Schs - Sch. Libr. Media Pol’y* (July 25, 2025), https://oige.maryland.gov/wp-content/uploads/sites/18/2025/07/MAR_Somerset_Co_25_0167_C_07252025.pdf.

¹¹ *Id.* at ¶ 13.

¹² *Id.* at ¶ 15.

accordance with specific statutory requirements. The Freedom to Read Act was adopted by the Maryland General Assembly to ensure that school children across the state are not improperly denied access to a rich and broad array of literature. Somerset school administrators and educators have recognized the Freedom to Read Act's applicable requirements, and sought to comply with the Act. For example, following passage of Policy 500-19 on April 15, 2025, the Superintendent reported at Board Meetings on July 15¹³ and October 21¹⁴ that draft procedures for selection, weeding, and reconsideration of books in the library had been sent to the Board for review and approval, in accordance with the Freedom to Read Act. Procedures were again publicly presented to the Board by Somerset's Supervisor of Secondary Social Studies (who is also the outgoing Library Media Supervisor) and two Library Media Specialists on March 17, 2026.¹⁵ To no avail, to date, no such procedures have been adopted by Defendants in Somerset County.

37. Rather, in complete disregard of the Freedom to Read Act, Mr. Lankford and fellow Board Member Andrew Gleason have asserted through the current school year that Policy 500-19 requires every single book purchased by the school system to be *individually* approved by the Board. According to testimony from educators at a March 17, 2026, school board meeting, as a result of the Board's actions, educators have been unable to purchase *any books* for schools since enactment of the policy.¹⁶ When confronted with this reality, Mr. Lankford responded

¹³ SOMERSET COUNTY BOARD OF EDUCATION, *SCPS July Open Session 7/15/25 600PM*, at 33:18 - 33:29 (Town Hall Streams), https://townhallstreams.com/stream.php?location_id=136&id=68255 (last visited Apr. 13, 2026).

¹⁴ SOMERSET COUNTY BOARD OF EDUCATION, *SCPS Board Part 2 Open Session 10/21/26 330PM*, at 2:57 - 3:48 (Town Hall Streams), https://townhallstreams.com/stream.php?location_id=136&id=70112 (last visited Apr. 13, 2026).

¹⁵ SOMERSET COUNTY BOARD OF EDUCATION, *SCPS March Open Session Part 2 3/17/26 600PM*, at 1:59:40 - 2:37:39 (Town Hall Streams), https://townhallstreams.com/stream.php?location_id=136&id=66766 (last visited Apr. 13, 2026).

¹⁶ *Id.* at 2:22:16 - 2:22:26.

“GOOD!” The School Superintendent inquired “Why is that good?” and Mr. Lankford said it is good because the Board has not approved new purchases as it is empowered to do by Policy 500-19.¹⁷ That the Chair of Somerset Schools is celebrating the school system’s failure to purchase books is a matter of grave public concern.

38. Defendant Lankford has consistently refused to respect the expertise of librarians and the English Language Arts (“ELA”) supervisors, causing fellow board members and both the previous and current superintendents to stress the importance of letting educational professionals do their jobs. For example, at an April 15, 2025, Board meeting, Mr. Lankford showed a video he appeared to have created demeaning media specialists’ professional judgment for including inclusive titles to which he was ideologically opposed.¹⁸

39. The ACLU MPIA requests seek information about the school system’s enactment and implementation of Policy 500-19—including Defendant Lankford’s April 15, 2025, presentation—to ensure the Board’s compliance with the First Amendment, the Maryland Freedom to Read Act, and its implementing regulations.

¹⁷ See Josh Davis, *Somerset School Board Pushes to Pre-Approve Library Books*, Baltimore Sun, (March 20, 2026) <https://www.baltimoresun.com/2026/03/20/somerset-library-books-approval/>, included herein at **Exhibit 7**.

¹⁸ Somerset County Board of Education, *SCPS April Open Session 4/15/25 600PM*, *supra* at n. 9.

3. Community Opposition to Board Mistreatment of Superintendent Dr. Tasker-Mitchell

40. In the months immediately following the Board's adoption of the 500-19 policy, a long series of related disputes arose between the Board, school administrators and staff, and the Somerset County community. These included efforts to dismiss school librarians,¹⁹ to shift responsibility for school administration from the Superintendent to the Board, and other grievances between the Board and the Superintendent. These events provoked enormous concern among Somerset parents and students. This culminated when the public learned from media reports in early June 2025 that the Board had convened in a closed session and fired Superintendent Tasker-Mitchell.

41. Dr. Tasker-Mitchell immediately appealed her termination, and on June 6, 2025, the State Superintendent of Schools stayed the Somerset Board's firing until the formal hearing process had been completed.²⁰ Somerset residents then learned from media reports that Superintendent Tasker-Mitchell had been reinstated by the State Superintendent.

42. The Somerset Board attempted to defy the State Superintendent's reinstatement order in early July, but the State Superintendent overrode the local board.²¹ Shortly thereafter, on July 15, at Dr. Tasker-Mitchell's termination hearing, the Somerset Board clarified that its decision as to her termination remained unchanged and sought to execute its decision; however, on July 25,

¹⁹ See Somerset County Board of Education, *Minutes of Open Budget Work Session Somerset County Board of Education April 29, 2025* (Apr. 29, 2025), https://files-backend.assets.thrillshare.com/documents/asset/uploaded_file/3497/Scps/ebbf847c-1812-4972-b876-2b7ef3aa2549/April_29_2025_-_Open_Budget_Work_Session_Minu.pdf?disposition=inline.

²⁰ See *In the Matter of Ava Tasker-Mitchell, Sup't. of Schs.*, Sup't. Order No. 25-01 (June 6, 2025), <https://marylandpublicschools.org/stateboard/documents/orders/2025superintendent/order-tasker-mitchell-25-01-a.pdf>.

²¹ See *In the Matter of Ava Tasker-Mitchell, Sup't. of Schs.*, Sup't. Order No. 25-02 (July 9, 2025), <https://marylandpublicschools.org/stateboard/documents/orders/2025superintendent/order-tasker-mitchell-25-02-a.pdf>.

the State Superintendent held that the stay of the Somerset Board’s termination remained in effect until the Maryland State Board of Education (“State Board”) decided on Dr. Tasker-Mitchell’s appeal.²²

43. In the midst of these controversies, Dr. Tasker-Mitchell and a resident of Somerset County filed charges with the State Board seeking removal of Mr. Lankford from the Somerset Board alleging misconduct in office, willful neglect of duty, and incompetency.²³ A parallel petition to remove Mr. Lankford, led by the Somerset Education Association and the Caucus of African American Leaders on the Eastern Shore of Maryland, garnered over 460 signatures from community members, while a second community petition garnered over 1,000 signatures.²⁴ The allegations against Mr. Lankford included: repeatedly disregarding established board processes and policies; marginalizing the role of the superintendent; issuing threats and displaying uncivil behavior towards colleagues, parents, and members of the public; spreading false and misleading information to the public; introducing and advancing policy changes without appropriate legal or administrative input, which exposed the school system to legal, operational, and financial risks; and failing to adequately consult or consider the implications of board decisions.

²² See *In the Matter of Ava Tasker-Mitchell, Sup’t. of Schs.*, Sup’t. Order No. 25-03 (July 25, 2025), <https://marylandpublicschools.org/stateboard/Documents/orders/2025Superintendent/Order-Tasker-Mitchell-25-03-Amending-A.pdf>.

²³ See *In the Matter of Request for Removal of Loc. Brd. Member Matthew Lankford*, MSBE Op. No. 25-40, ¶ 74 (Oct. 6, 2025), <https://marylandpublicschools.org/stateboard/documents/legalopinions/2025/09/itmo-request-for-removal-of-local-board-member-matthew-lankford.op.no.25-40-a.pdf>.

²⁴ See Brendan Nordstrom, *Somerset Cnty. Sch. Brd. Chair Faces Removal Petition Amid Book Bans, Funding Risk*, The Baltimore Sun (Aug. 5, 2025, 6:51 pm), <https://www.baltimoresun.com/2025/08/05/somerset-county-petition-board-of-education/>, included herein at **Exhibit 8**; see also *Demand the Removal of Matthew Lankford, Andrew Gleason, and Mary Beth Bozeman*, Change.org, <https://www.change.org/p/demand-the-removal-of-matthew-lankford-andrew-gleason-and-mary-beth-bozeman-from-somerset> (last visited Apr. 13, 2026).

44. The State Board reprimanded Mr. Lankford’s conduct as “troubling and inconsistent with the expectation of a board member”²⁵ and issued a warning that formal action may be considered in the future if necessary. The State Board cautioned Mr. Lankford that “his ongoing pattern of behavior is deeply problematic” and encouraged him to “reflect carefully on his role and responsibilities as the Chair of the local board.”²⁶ The Board shared concerns that this behavior could significantly compromise both effective governance and statutory compliance within the school system.²⁷

45. On October 6, 2025, the State Board ruled that the Somerset Board had violated Dr. Tasker-Mitchell’s procedural due process rights and the Maryland Education code by failing to adequately justify her removal.²⁸

46. After prevailing in her appeal, Dr. Tasker-Mitchell nevertheless resigned from her position at SCPS. Dr. Tasker-Mitchell’s last day as Superintendent of SCPS was on October 31, 2025. It remains unclear from the public record what ultimately led to her resignation, or the terms of her departure, including whether the Board was forced to buy out the remainder of her contract at taxpayer expense. Numerous public information act requests, including that of Plaintiff ACLU, seeking information about financial agreements surrounding Dr. Tasker-Mitchell’s departure have been denied by Defendants, either expressly or by refusal to respond at all.

²⁵ See *In the Matter of Request for Removal of Loc. Brd. Member Matthew Lankford*, MSBE Op. No. 25-40, ¶ 74 (Oct. 6, 2025), <https://marylandpublicschools.org/stateboard/documents/legalopinions/2025/09/itmo-request-for-removal-of-local-board-member-matthew-lankford.op.no.25-40-a.pdf>.

²⁶ *Id.* at ¶ 75.

²⁷ See *id.*

²⁸ See *Ava Tasker-Mitchell v. Somerset Cnty. Bd. of Educ.*, MSBE Op. No. 25-39 (Oct. 6, 2025), <https://marylandpublicschools.org/stateboard/documents/legalopinions/2025/09/tasker-mitchell-ava.op.no.25-39-a.pdf>.

47. The ACLU’s MPIA requests seek records concerning the circumstances and financial terms of Dr. Tasker-Mitchell’s departure to determine how Somerset educational resources are being expended.

4. Rejection of School Curriculum

48. On July 15, 2025, the Superintendent and staff presented to the Board for final approval the state-endorsed ELA curriculum—which Somerset educators had been working on for a year-and-a-half with state education officials. Two of the then-four Board members,²⁹ including Mr. Lankford, voted against approval, effectively vetoing the proposed curriculum, just a month before the start of school.

49. This action prompted the OIGE to issue a Management Alert Report on July 24, 2025, which indicated that, despite repeated efforts by SCPS staff to develop and recommend a curriculum using high-quality, state-approved instructional materials, the Board had blocked its adoption.³⁰ The report warned that if the Board were to actively block adoption or implementation of approved curricular materials, “such actions would be in direct violation of Education Article §7-203.5.”³¹

50. The report further questioned the Board’s recent attempt to address curriculum deficiencies by suggesting that a list of “Notable Nobel Prize Winners and Their Famous Works” serve as the foundation for a new school curriculum.³² According to the OIGE, the Board had not

²⁹ At some point in 2025, the Somerset County Board member for District 5, Allen Ford, resigned, though this was not well publicized. Throughout much of 2025, the Board operated with only four members, with no representation for District 5.

³⁰ Maryland Office of the Inspector General for Education, *Mgmt. Alert Report: Somerset Cnty. Pub. Sch.s - Sch Curriculum and Bd. Conduct*, ¶ 10 (July 24, 2025), https://oige.maryland.gov/wp-content/uploads/sites/18/2025/07/MAR-Somerset-Co-25_0263_C-07242025.pdf.

³¹ *Id.* at ¶ 18.

³² *Id.* at ¶ 24.

demonstrated how these materials were vetted for instructional use, nor had it articulated any standards for their implementation. The OIGE urged the Board to consult directly with Maryland state education officials regarding state requirements governing curriculum standards. OIGE cautioned that “[f]ailure to take immediate action could result in the loss of critical educational funds, unnecessary legal actions, and undue hardships for the citizens of Somerset County.”³³

51. Finally, more than a month after the Board refused to approve any school curriculum, and only days before school was to start, on August 19, 2025, the Board approved the staff and administration’s second choice curriculum on a limited one-year contract, forfeiting potential multi-year cost savings.³⁴ In Board meetings, Mr. Lankford and Mr. Gleason have made clear their intention for the Board to review all materials associated with any future curriculum.³⁵

52. Plaintiff’s MPIA request seeks records concerning the Board’s curriculum decisions, and these records are plainly public documents of the utmost public interest, particularly here. Access to this information is essential to ensuring that parents and other concerned parties can take action to protect Somerset school children from being denied their rights under the Constitution and Maryland law.

5. Restrictions on Public Access to Meetings

53. Due to the repeated complaints received by the OIGE regarding the Board’s unprofessionalism and obfuscation of matters important to the community, the OIGE’s July 2025

³³ *Id.* at ¶ 25.

³⁴ See Somerset County Board of Education, *Minutes of Open Regular Sessions Somerset County Board of Education August 19, 2025* (Aug. 19, 2025), https://files-backend.assets.thrillshare.com/documents/asset/uploaded_file/3497/Scps/b9e73cdd-5c5c-4f61-80f4-dad45fcd6d87/August-19%2C-2025-Open-Meeting-Minutes.pdf?disposition=inline.

³⁵ SOMERSET COUNTY BOARD OF EDUCATION, *SCPS August Open Session 8/19/25 600PM*, at 1:23:32 - 1:25:53, (Town Hall Streams), https://townhallstreams.com/stream.php?location_id=136&id=68828 (last visited Apr. 13, 2026).

report also included findings regarding its investigation of the Board's broader misconduct. The report found that the Board had requested that community members be removed from public hearings on multiple occasions, precluding transparency of SCPS's decision-making.³⁶

54. Despite these warnings, the Board continued to block public participation at its meetings. In August 2025, a parent was forcibly escorted out of a public meeting after he questioned the Board about the cost of paying for Schifanelli Law LLP.³⁷ Rather than permit dissent, the Board began to hold meetings online without a public comments period despite concerns that certain community members may not have access to a computer.³⁸

55. The Board's unilateral and unreasoned actions have caused significant public concern. Parents, staff, community leaders, and even students have given public testimony and comment, written letters, sent MPIA requests, circulated petitions, filed complaints with the Open Meetings Compliance Board, and recorded Board members during and immediately after Board meetings. Through these protests, the public has raised repeated concerns about the Board's revised book policy, firing of Dr. Tasker-Mitchell, targeting of librarians, and improper hiring of legal counsel for political reasons.

56. The ACLU's MPIA requests seek records concerning Defendants' compliance with the Open Meetings Act. The public's access to documents concerning government transparency is a matter of critical importance, and the documents sought are directly relevant to whether the Board

³⁶ Maryland Office of the Inspector General for Education, *Mgmt. Alert Report: Somerset Cnty. Pub. Sch.s – Sch Curriculum and Bd. Conduct*, *supra* at n. 30 at ¶¶ 22-23.

³⁷ Liz Bowie, *How a Maga School Board Takeover Roiled an Eastern Shore County*, The Baltimore Banner (July 30, 2025), <https://www.thebanner.com/education/k-12-schools/somerset-school-superintendent-maga-RULXSB6A7RF2HB63ZSII624HLM/>.

³⁸ See Liz Bowie, *Somerset Cnty. Sch. Bld. Retreats Online After Heated Meetings*, The Baltimore Banner (Sept. 30, 2025), <https://www.thebanner.com/baltimore/somerset-maga-school-board-meetings-VCJCGLY4C5CKBDHCZ7FNIJXKZU/>.

is denying the public its right to observe and participate in crucial decision making in violation of the Open Meetings Act.

B. Defendants' Inadequate Response to ACLU Information Requests

57. The ACLU's initial August 11, 2025 MPIA request was submitted in the midst of the controversies detailed above, seeking information pertaining to each of these matters. *See Exhibit 1.*

58. On September 10, 2025, Defendant Green responded to the request on behalf of Defendants, stating that she had "conferred with the appropriate Somerset County Public Schools (SCPS) department(s)[.]" A copy of this correspondence is attached as **Exhibit 3**. Defendants provided documents and information related to some of Plaintiff's requests, but denied several others on the following bases: (a) contending that the documents do not exist, (b) invoking unsupported privilege claims, (c) stating that the documents are personnel or administrative/investigatory records, or (d) refusing to provide any explanation for their denial.

59. Specifically, Defendants stated that the following categories of records, among others, "do not exist or SCPS is not the custodian of record," without further explanation or citation to legal authority:

- a. The list of 18 "Notable Nobel Prize Winners and Their Famous Works" provided by the Board to SCPS staff as the basis for their school curriculum subject matter, and any standards for vetting or guidelines used for including those books in the school curriculum;
- b. Any documents or communications to or from the Board or Board members related to specific books recommended for inclusion or discouraged from use in classrooms, libraries, or otherwise in schools;
- c. Documents concerning any/all books suggested by Board members for review or removal from school libraries;

- d. Documents concerning any/all books suggested by parents for review or removal from school libraries; and
- e. Documents reflecting when notice was provided for any closed Board meetings held since January 1, 2025.

60. Defendants denied the following categories of records with an unfounded attorney-client privilege claim under G.P. § 4-301(a):

- a. Documents and information related to the termination of the Board's relationship with Carney Kelehan LLP;
- b. Documents and information related to the selection of and retention of Schifanelli Law LLP;
- c. Existing contract with Schifanelli Law LLP, including partially executed versions of the contract; and
- d. Invoices submitted by Schifanelli Law LLP to the Board, including hours billed, travel expenses, and other reimbursement requests.

61. Defendants also refused to provide the following categories of records, among others, while offering no stated reason or justification:

- a. Agenda and minutes for the County Parent Advisory Committee Meeting on April 10, 2024;
- b. Board responses to the testimony and public comment on proposed changes to Board Policy 500-19;
- c. Dates for all meetings in which Board Policy 500-19 was discussed;
- d. Documents and communications related to the rescission of Board Policy 100-18;
- e. The date of rescission of Board Policy 100-18; and
- f. Board policies that govern or have governed processes for selecting, hiring, firing, or otherwise employing counsel for the Board, including but not exclusive to Board Policy 100-18.

62. On September 18, 2025, Plaintiff followed up with Defendant Green via email to request several points of clarification, and asked: (1) that Defendants specify which documents do not exist and which documents do exist but are not within the custody of SCPS, as well as the names of the officials to whom requests for existing documents were forwarded; (2) that Defendants more specifically state the basis for claiming attorney-client privilege over certain documents; and (3) to provide a reason for non-production of requests that were not responded to without explanation. A copy of this email correspondence is attached as **Exhibit 4**.

63. Defendant Green initially indicated that Defendants were working on responses to Plaintiff's follow up questions, but on October 2, 2025, stated via email that she had "been advised by Board Counsel that the response we provided was adequate and that additional follow up is not necessary." See **Exhibit 4**.

64. On October 24, 2025, Plaintiff sent an additional formal letter following up on the deficiencies in Defendants' responses and narrowing Plaintiff's request to certain specific and targeted requests in an effort to facilitate Defendants' compliance. Through this correspondence, which is attached as **Exhibit 5**, the ACLU explained legal shortcomings in the Board's response and sought to give Defendants additional opportunity to reconsider their denials without facing legal action.

65. For example, Plaintiff pointed out that many of the requested documents that Defendants suggest might not exist concern communications or policies that Plaintiff *knows* exist and that involve the Board directly. Such documents include, for example, Board Vice Chair Andrew Gleason's statement about the curriculum sent by email on June 25, 2025; the Board's now-rescinded Policy 100-18 (which was provided to another requestor); the list of 18 "Notable Nobel Prize Winners and their Famous Works" provided by the Board to SCPS staff according to

the July 24, 2025 Management Alert Report sent to Mr. Lankford by the OIGE; the “specific process and policy” and “vetting protocols” shared with the Board by the Superintendent (or staff) referenced repeatedly in the July 15, 2025 Board meeting; and Mr. Lankford’s video presentation about specific books at the April 15, 2025 Board meeting.

66. As to the suggestion that even if these documents exist, they might not be in Defendants’ custody, Plaintiff noted that Defendants could not properly evade their public records obligations by simply failing to take physical custody of records, nor by handing them off to counsel then claiming they are privileged. This is prohibited by law, as the MPIA provides for disclosure where government officials *are either* responsible for a record *or* have physical custody of the record. G.P. § 4-101(f). If Defendants are truly not the custodian of the documents requested, they must provide information, if known, about the custodian. *Ireland v. Shearin*, 417 Md. 401, 410-11, 10 A.3d 754 (Md. 2010).

67. Plaintiff also noted legal flaws in Defendants’ assertion of attorney-client privilege, as to requested Board policies, contracts, and invoices, citing Maryland law establishing that legal fees are *not* privileged. *Moberly v. Herboldsheimer*, 276 Md. 211, 226-27 (Md. 1975). Plaintiff further explained that Defendants’ privilege assertions also fail because any claim to privilege that might have existed has been waived through the Board’s production of the documents to other requesters, as is the case with documents relating to Defendants’ illegal contracting with Schifanelli Law LLP, and their rescission of Board Policy 100-18. *United States v. Jones*, 696 F.2d 1069, 1072 (4th Cir. 1982).

68. Notwithstanding Plaintiff’s well-supported legal arguments addressing these deficiencies, Defendants never responded to Plaintiff’s October 24 correspondence.

69. Rather than filing suit immediately, however, Plaintiff made a final attempt to access the requested information through their supplemental MPIA request submitted on February 5, 2026.

70. Defendants acknowledged receipt on February 10, 2026. But beyond acknowledgement of receipt, no response was timely received.

71. On March 11, 2026, after lapse of the 30-day statutory response period for the February 5, 2026 MPIA request, Plaintiff sent a follow-up email to Defendant Green to inquire about the status of Defendants' response. Ms. Green responded saying that due to staff transitions, "there has been a brief delay in processing several requests. Your request is currently under review, and we are working to ensure that the response is accurate and compliant with the Maryland Public Information Act."

72. Following two more weeks of silence, on March 24, Plaintiff again emailed Ms. Green to remind her that it had been nearly seven weeks since the request was submitted and asked when Plaintiff could expect a response. Again, silence. A copy of the ACLU's correspondence with Ms. Green related to this follow-up request is attached as **Exhibit 6**.

73. As of the date of this Complaint, Defendants have provided no further response to the February 5 supplemental request, nor otherwise offered any additional information regarding the basis of the Defendants' denials of the ACLU's original request.

CAUSE OF ACTION

Improper Denial of Access to Public Record; Failure to Disclose Public Records In Accordance with the Maryland Public Information Act, G.P. §§ 4-101, *et seq.*

74. Plaintiff ACLU of Maryland incorporates by reference the allegations set forth in the foregoing paragraphs as if fully set forth herein.

75. The MPIA states, “[a]ll persons are entitled to have access to information about the affairs of government and the official acts of public officials and employees.” G.P. § 4-103(a).

76. G.P. § 4-201(a)(1) requires that, “[e]xcept as otherwise provided by law, a custodian *shall* allow a person or governmental unit to inspect any public record at any reasonable time.” G.P. § 4-201(a)(1) (emphasis added). Under G.P. § 4-201(a)(2), “[i]nspection or copying of a public record may be denied only to the extent provided under this title.”

77. For all denials of Plaintiff’s MPIA requests, Defendants were required to provide Plaintiff with a written statement that gave “the reasons for the denial,” “the legal authority for the denial,” and “without disclosing the protected information, a brief description of the undisclosed record that will enable the applicant to assess the applicability of the legal authority for the denial.” G.P. § 4-203(c)(1).

78. If, in the course of searching for “potentially responsive public records,” Defendants determined that records did not exist, Plaintiff was entitled to notification by Defendants of that fact. G.P. § 4-202(d).

79. The documents and information sought by Plaintiff in its August 11, 2025 and February 5, 2026, MPIA requests constitute public records within the meaning of the MPIA. G.P. §§ 4-101–4-601.

80. Defendants have denied Plaintiff inspection of public records within the meaning of G.P. § 4-362(a)(1).

81. Specifically, Defendants have failed to justify the withholding of certain records responsive to Plaintiff's MPIA requests.

82. There is no statutory exemption under the MPIA that applies to the documents and information withheld by the Defendants.

83. Upon information and belief, Defendants have no legal basis under G.P. § 4-301 to claim the attorney-client privilege to withhold access to certain documents requested by Plaintiff.

84. Upon information and belief, Defendants have wrongfully withheld the requested records from Plaintiff that should be in Defendants' custody.

85. Upon information and belief, Defendants have failed to provide all information required when denying inspection of public records, including whether Defendants determined that the records did not exist, the reasons for their denials, and the legal authority supporting its denials.

86. Accordingly, Defendants have violated the MPIA for failing to allow inspection of the public records requested by Plaintiff without justification.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff ACLU of Maryland respectfully requests that this Court:

- (1) Enter declaratory judgment in favor of Plaintiff, and issue an order declaring that Defendants have violated the MPIA by failing to produce the public records requested by Plaintiff in a timely manner;
- (2) Enter an injunction preventing Defendants from withholding the public records sought by Plaintiff and ordering Defendants to produce to Plaintiff, or otherwise permit Plaintiff to inspect and copy, any and all public records within Defendants' possession, custody, or control that fall within the scope of Plaintiff's August 11, 2025 and February 5, 2026 MPIA applications;

- (3) Award Plaintiff actual and statutory damages, as authorized by the MPIA, G.P. § 4-362(d);
- (4) Award Plaintiff the costs they have incurred, including counsel fees and litigation costs, in maintaining this action, as authorized under the MPIA, G.P. § 4-362(f); and
- (5) Grant Plaintiff such other relief as the Court deems just and proper.

Dated: April 13, 2026

Respectfully submitted,

/s/ Tyler O'Connor

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