



COMPLAINT BEFORE THE U.S. DEPARTMENT OF JUSTICE, CIVIL RIGHTS DIVISION, AND THE DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS AGAINST SCHOOL SUPERINTENDENT JOSHUA STARR AND THE MONTGOMERY COUNTY, MARYLAND BOARD OF EDUCATION

Complainant *Parents and Friends of Ex-Gays & Gays (PFOX)* files this complaint against the *Montgomery County, Maryland Board of Education (Board)*, 850 Hungerford Drive, Rockville, Maryland 20850 and its *Superintendent Joshua Starr* on the grounds of sexual orientation discrimination.

I. THE PARTIES

PFOX is a non-profit organization that supports families and educates the public on sexual orientation & the ex-gay community. PFOX also supports an inclusive environment for the ex-gay community, and works to eliminate negative perceptions and discrimination against former homosexuals. PFOX conducts public education and outreach to further individual self-determination and respect for all Americans, regardless of their sexual orientation. PFOX representatives have served on the Montgomery County Board of Education's Family Life and Human Development Committee for eight years.

A growing number of governmental authorities and other organizations recognize the existence of ex-gays; that is, that there are individuals who have successfully changed their sexual orientation and are now living as heterosexuals even though they once lived as homosexuals. Significantly, in the case of *PFOX v. Government of the District of Columbia Office of Human Rights*, No. 08--003662, slip. op. at *5-6 (D.C. Super. Ct. June 26, 2009), the Superior Court of the District of Columbia ordered the D.C. Office of Human Rights to recognize former homosexuals as a protected class for sexual orientation nondiscrimination

purposes. See <http://pfox.org/Court-Rules-Sexual-Orientation-Laws-Include-Former-Homosexuals.html> PFOX had brought this lawsuit to ensure equality for the ex-gay community.

PFOX has met with Joseph Wheeler, Attorney for the U.S. Department of Education's Office of Civil Rights, who agreed with the D.C. Superior Court ruling that ex-gays are a legally protected class. Kevin Jennings, the gay former Assistant Deputy Secretary for Safe and Drug Free Schools of the U.S. Department of Education, also agreed that former homosexuals should not be discriminated against during outreach efforts for students with unwanted same-sex attractions. See <http://www.prnewswire.com/news-releases/departing-safe-schools-czar-met-with-pfox-to-discuss-ex-gays-123447044.html> Further, the National Education Association (NEA) has an official Ex-Gay Educators Caucus. See <http://nea-exgay.org/about/>

The Montgomery County, Maryland public school system is the largest public school system in Maryland, and the 17th largest in the United States. Joshua Starr is the superintendent of the Montgomery County Public Schools (MCPS). Superintendent Starr issued an MCPS letter of commendation to a PFOX director for having served six years on the MCPS Board of Education's Family Life and Human Development Committee as a representative of PFOX. The MCPS Board of Education consists of: Shirley Brandman, Philip Kaufman, Christopher Barkley, Michael Durso, Judith Docca, Patricia O'Neill, John Maness, and Laura Berthiaume.

II. FACTUAL BACKGROUND

In accordance with MCPS's flyer distribution policy for non-profit organizations, PFOX has distributed flyers to MCPS high school students for approximately five years. On February 1, 2012, PFOX distributed its flyers to several of the high school's student body. PFOX's flyers provided information concerning unwanted same-sex attractions, discouraged name calling and labeling, and urged tolerance for former homosexuals. At a student town hall meeting held at an

MCPS high school, Superintendent Starr publicly denigrated PFOX and ex-gays by calling the actions of PFOX “reprehensible and deplorable” and labeling the flyer’s sexual orientation ex-gay content as “a really disgusting message.” Radio and newspaper media contacted PFOX for a response to Starr’s statements, and PFOX received phone calls from parents concerned about Starr’s biased statements.

At the next MCPS Board of Education (Board) public meeting, representatives of PFOX, ex-gays, and a concerned parent spoke before the Board to complain about Starr’s discriminatory behavior and request remedial action. When none was forthcoming, PFOX filed a discrimination complaint against superintendent Starr, citing sexual orientation discrimination, a disregard for diversity, verbal abuse creating a hostile environment for former homosexuals, and disrespectful behavior and prejudicial action against a disfavored minority group.

On November 13, 2012, the Board denied PFOX’s complaint. PFOX appealed the Board’s decision to the Maryland State Board of Education. On July 23, 2103, the State Board denied PFOX’s sexual orientation discrimination complaint by characterizing Starr’s hateful remarks as mere personal comment. The Maryland State Board further stated that it did not consider the remarks as disrespectful or prejudicial against ex-gays or PFOX. We thus seek federal remedial action to protect a minority group from a hostile and prejudicial state/local entity.

III. DISCRIMINATION BY JOSHUA STARR

Starr's prejudice against the ex-gay community impacts students negatively. When a school superintendent makes biased and prejudicial statements against a minority group to impressionable youth in a school setting, it is likely that students will be influenced and also discriminate against that minority group. The superintendent should be a role model

encouraging diversity and tolerance to students instead of uttering ignorant and uninformed statements about the ex-gay community.

Starr's bigoted statements against a sexual minority group like the ex-gay community and PFOX were made in his role as a public employee pursuant to his official duties of addressing students at town hall meetings. The Board provided him with the environment and resources to make those statements.

In internal MCPS correspondence obtained by PFOX pursuant to a FOIA request, Starr himself acknowledges that statements he made against PFOX and ex-gays were made as part of his official duties as superintendent. In one MCPS e-mail dated February 3, 2012, Starr writes to Brian Edwards, the superintendent's Chief of Staff and Dana Tofig, director of MCPS Public Information and Web Services, asking them if there is anything else "we" (meaning MCPS and the Office of the Superintendent of Schools) "can do to **express my profound disgust at the PFOX agenda.**" (Emphasis added.)

This is not the first time Starr has acted pursuant to his official duties to denigrate PFOX and the ex-gay community. Starr has a history of using his superintendent's office to malign those with whose sexual orientation he disagrees with. In an MCPS e-mail dated October 20, 2011, Starr's office informed PFOX that "Dr. Starr does not endorse nor agree with the views represented by PFOX." Apparently, Starr was incensed that PFOX had placed on its website a letter from Starr thanking a director of PFOX for his longtime service on an MCPS educational committee. Starr unfairly accused us of portraying the letter as an endorsement of PFOX and demanded that we "should cease" any such portrayal. Starr's accusations were unfounded, and this ugly incident demonstrates how readily Starr uses the office of Superintendent with its

MCPS staff and e-mail resources to attack ex-gays in a discriminatory manner in what he considers to be part of his official duties.

IV. DISCRIMINATION BY MCPS BOARD OF EDUCATION

In addition to refusing to discipline Starr for his discriminatory conduct, the MCPS Board of Education freely admits to its own discriminatory motives for eliminating its flyer distribution program. Although PFOX has participated in the MCPS flyer distribution program for five years, the Board admits that they shut down the entire program in order to prevent ex-gays from participating, despite testimony from other non-profit organizations urging the Board to refrain from eliminating the program. This discriminatory action by the MCPS Board of Education is reminiscent of the 1950's Jim Crow South when public pools and other public areas were closed rather than allow the participation of African-Americans, a disfavored minority group. Today it is the ex-gay community that is the unpopular minority group.

V. REMEDIES REQUESTED

PFOX requests this agency to initiate an investigation into the discriminatory practices of Superintendent Joshua Starr and the Montgomery County, Maryland Board of Education and oversee a remedial program to ensure diversity and non-discrimination against ex-gays. As it stands now, the Montgomery County Board of Education has essentially authorized Starr to misuse his official position as school superintendent to gain access to students and indoctrinate them with his prejudicial bias against the ex-gay community and our sexual orientation.

Submitted,

Regina Griggs

Regina Griggs

Executive Director

Parents and Friends of Ex-Gays & Gays (PFOX)