



November 17, 2025

Christopher C. Cram  
Deputy Chief, Division of Communications  
Montgomery County Public Schools  
15 West Gude Drive  
Suite 400  
Rockville, Maryland 20850

Dear Mr. Cram:

America First Legal Foundation (“AFL”) is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans.

We write on behalf of Ms. Rosalind Hanson, a parent of a student in the Montgomery County Public Schools, who submitted a request to inspect curriculum materials at Montgomery County Public Schools (“MCPS”) pursuant to the Protection of Pupil Rights Amendment (“PPRA”).<sup>1</sup> In her request, Ms. Hanson explicitly invoked the PPRA and requested “copies of all teacher training materials, guides, lessons, and other related resources, as well as all student-facing curriculum, worksheets, and other materials, for the 7th and 8th-grade Family Life Human Sexuality lessons.”<sup>2</sup> Despite this, MCPS staff incorrectly processed the request under the Maryland Public Information Act<sup>3</sup> (“MPIA”), rather than following the PPRA’s federally mandated parental inspection procedures.

## **I. The PPRA Creates a Distinct Federal Right for Parents to Inspect Instructional Materials Used in the Educational Curriculum**

The PPRA establishes a federal right for parents to inspect instructional materials used as part of their child’s education. The PPRA provides that “[a]ll instructional materials ... shall be available for inspection by the parents or guardians of the children.”<sup>4</sup>

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<sup>1</sup> 20 U.S.C. § 1232h.

<sup>2</sup> E-mail from Rosalind Hanson, to Teresa Shatzer (Sept. 12, 2025, at 10:25 AM), <https://perma.cc/E8NA-P74K>.

<sup>3</sup> MD. CODE ANN., § 4-101–4-601 (West 2014).

<sup>4</sup> 20 U.S.C. § 1232h(a).

This right is broad. “Instructional materials” include printed, audio-visual, electronic, or digital content, excluding only academic tests or assessments.<sup>5</sup> The Family Life and Human Sexuality curriculum clearly falls within this definition, as it consists of lesson plans and resources used to instruct students as part of the educational program.

Because MCPS receives federal educational funds, compliance with the PPRA is mandatory. The statute imposes a direct obligation on Local Educational Agencies (“LEAs”) to establish procedures that allow parents to exercise these inspection rights meaningfully and without unnecessary burden.<sup>6</sup>

## **II. The PPRA, not the MPIA, Governs Parental Curriculum Requests**

Congress required school districts to adopt local PPRA policies to administer parental inspection requests.<sup>7</sup> These policies are federally required and distinct from state public records procedures. They are typically processed through schools themselves, not through the public records custodian.

By contrast, the MPIA governs general transparency for the public at large, ensuring access to records of government operations—not parental participation in education. The MPIA applies to “public records” and allows requests from *any person*, not just parents. It also permits agencies to charge fees for search and reproduction, none of which are consistent with the federal parental rights framework. It governs disclosure to the public, not parental inspection rights within the educational process.

Requiring parents to submit MPIA requests to inspect curriculum materials effectively converts a federally protected parental right into a discretionary public records request, undermining the intent of Congress and conflicting with federal law.

## **III. Applying the MPIA Conflicts with Federal Intent and Undermines Parental Rights**

The purpose of the PPRA is to guarantee that parents have a genuine opportunity to understand what their children are being taught — especially in sensitive subject areas such as human sexuality and family life education. The U.S. Department of Education’s Student Privacy Policy Office has repeatedly affirmed that schools must provide parents timely access to instructional materials and may not impose barriers inconsistent with PPRA rights.<sup>8</sup>

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<sup>5</sup> See *id.* §1232h(c)(6)(A).

<sup>6</sup> See *id.* § 1232h(c).

<sup>7</sup> *Id.*

<sup>8</sup> See Letter from Frank E. Miller Jr., Acting Director, Student Privacy Policy Office, to State School Officers and Superintendents (March 28, 2025), <https://perma.cc/QR56-X3GC>.

In contrast, the MPIA permits cost recovery, delay, and redaction procedures designed for managing general public access to government documents. Applying those to a PPRA request dilutes the immediacy and scope of the federal right. Federal law does not allow LEAs to charge fees, require formal FOIA-style processes, or treat such requests as optional disclosures.

By misclassifying Ms. Hanson's PPRA request as an MPIA request, MCPS failed to comply with its obligations under the PPRA and its implementing regulations. Consequently, MCPS has put itself at risk of federal enforcement actions and potential loss of future federal funding.

#### **IV. Requested Action**

We respectfully request that MCPS:

1. Reclassify Ms. Hanson's request as a PPRA inspection request rather than an MPIA request.
2. Provide access to all instructional materials responsive to her request without charge, consistent with federal law.
3. Clarify MCPS's procedures for handling future PPRA inspection requests, including identifying the office responsible for parental rights compliance under federal law.

#### **V. Conclusion**

The PPRA reflects a clear congressional intent: parents have a direct, federally guaranteed right to review what their children are taught in school. Processing PPRA inspection requests through a state public records framework undermines both the letter and spirit of that federal protection. MCPS must honor its federal obligations by ensuring that parents may exercise their rights freely, promptly, and without charge.

Thank you for your attention to this matter. We look forward to your confirmation of MCPS's prompt compliance with the PPRA.

Sincerely,

/s/ Alice Kass

America First Legal Foundation

Cc: The Hon. Kim Richey, Assistant Secretary, Office for Civil Rights, Department of Education