

# **MD Youth Advisory Council\_FAV\_SB993**

Uploaded by: advisory council, md youth

Position: FAV



Maryland Youth Advisory Council  
c/o Governor's Office for Children  
100 Community Place,  
Crownsville, MD 21032

Noureen Badwi, *Chair*  
Carmelli Leal, *Vice-Chair*  
Aidan Douglas, *Secretary*  
Christina Drushel Williams, *Advisor*

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February 19, 2020

The Honorable Williams C. Smith, Jr.  
Judicial Proceedings Committee  
2 East, Miller Senate Office Building  
Annapolis, MD 21401

**Re: SB 993**  
**Position: Support**

Dear Chairman Smith,

On behalf of the Maryland Youth Advisory Council, I am pleased to have the opportunity to offer support for SB 993, the Student Equal Rights Protection Act.

The Maryland Youth Advisory Council (the Council), established through State Legislature (Chapter 559, Acts of 2008, Chapter 69, Acts of 2009, and Chapter 620, Acts of 2016), prides itself on being a coalition of diverse young advocates and leaders from across the State, working to serve as a voice for youth in the State of Maryland. As leaders in our communities, and as appointees of the Governor, President of the Senate, Speaker of the House, Maryland Association of Student Councils, Maryland Higher Education Commission, and the University System of Maryland, we take every opportunity to address relevant issues by influencing legislation, spreading public awareness, and serving as a liaison between youth and policymakers regarding issues impacting youth.

This bill codifies current Maryland State Department of Education guidance and prohibits discrimination based on race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability for all students, Pre-K-12 who are enrolled in our public schools and in schools receiving public funding. Additionally, the bill establishes a complaint and remedy process and prohibits retaliation against the individual filing a complaint. Finally, the bill requires school boards and schools to develop written policies regarding these protections.

While federal law protects some students from discrimination, it only prohibits discrimination based on race, color, national origin, language, sex, religion, and disability. Marital status, sexual orientation and gender identity are not explicitly covered and the Council is pleased to see these additions for protection. According to GLSEN, since 2001, at least 20 percent of LGBTQ youth reported being verbally harassed in school due to their sexual orientation and/or gender expression, and at one point, reports of verbal harassment due to sexual orientation climbed to nearly 50 percent. Reports of verbal harassment steadily declined until 2017, where reports either plateaued or increased slightly.

Sixty-six percent of Maryland's LGBTQ youth report being victimized at school because of their sexual orientation, and 56 percent were victimized because of their gender expression. However, these youth also report being victimized based on religion (23%), disability (25%), and race/ethnicity (25%). Most of these youth never reported the incident to school staff (54%), and only 29% of students who reported incidents said it resulted in effective staff intervention.

The time is and always has been right to take urgent action to ensure all students are safe in school. For these reasons, the Council supports **SB 993** and respectfully requests a favorable report from the committee.

Sincerely,

A handwritten signature in cursive script that reads "Noureen Badwi".

Noureen Badwi, Chair  
Maryland Youth Advisory Council

# **BaltimoreCounty\_FAV\_SB0993**

Uploaded by: Byrne, Julia

Position: FAV



JOHN A. OLSZEWSKI, JR.  
*County Executive*

CHARLES R. CONNER III, ESQ.  
*Chief Legislative Officer*

KIMBERLY S. ROUTSON  
*Deputy Legislative Officer*

JOEL N. BELLER  
*Assistant Legislative Officer*

**BILL NO.:**            **SB 993**

**TITLE:**                **County Boards and Public and Nonpublic Prekindergarten Programs and Schools – Discrimination – Prohibition**

**SPONSOR:**           **Senator McCray**

**COMMITTEE:**        **Judicial Proceedings**

**POSITION:**          **SUPPORT**

**DATE:**                **February 20, 2020**

Baltimore County **SUPPORTS** Senate Bill 993 – County Boards and Public and Nonpublic Prekindergarten Programs and Schools – Discrimination – Prohibition, which mandates that each local county board maintain an antidiscrimination policy and prohibits public and nonpublic prekindergarten programs that receive State funding from discriminating against an individual.

Every student has the right to get an education in an environment that does not make them feel ashamed to be who they are. Children in prekindergarten are particularly vulnerable to discrimination because they are at a critical stage in their mental development. Studies have shown that the racial disparities in American education begin earlier than expected – black and Latino children can face stigmatization before they are even fully toilet-trained.

The proposed antidiscrimination policy would ban discriminating against any individual based on their race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identify or disability. It also prohibits retaliatory action. This proposed legislation aligns with Baltimore County Public Schools’ commitment to closing achievement gaps and eliminating disparities for all students.

Accordingly, Baltimore County requests a **FAVORABLE** report on SB 993. For more information, please contact Chuck Conner, Chief Legislative Officer, at 443-900-6582.

# **LGBTQ Dems of MoCo\_FAV\_SB993**

Uploaded by: dems of montgomery county, lgbtq

Position: FAV

**Senate Judiciary Proceedings Committee:**  
**Testimony Favorable to SB0933: County Boards and Public and Nonpublic**  
**Prekindergarten Programs and Schools – Discrimination – Prohibition (The Inclusive**  
**Schools Act)**

Mr. Chair, Mr. Vice Chair, and esteemed members of the Judicial Proceedings Committee: my name is Shannon Quinn and I am the Advocacy Committee Chair of the LGBTQ Democrats of Montgomery County. My pronouns are she/her/hers. On behalf of our club, I am submitting this testimony **in full support of Senate Bill 0933: County Boards and Public and Nonpublic Prekindergarten Programs and Schools – Discrimination – Prohibition (The Inclusive Schools Act)**.

This bill is about ensuring that Maryland students are protected to the fullest extent possible against discrimination based on race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability. LGBTQ+ students deserve to receive an education in an environment free from discrimination, and to have access to tools that will allow them bring their full selves to school without fear.

While federal anti-discrimination law covers a certain segment of students, sexual orientation, gender identity, and marital status are *not explicitly covered*. This leaves a significant gap in protection for potentially vulnerable youth who may be grappling with issues of sexual orientation and gender identity for the first time in their lives.

It is well-documented that discrimination in school can have a devastating impact on students. In 2018, a nationwide Human Rights Campaign report demonstrated in stark detail the challenges that LGBTQ+ students in schools face, with a mere **26 percent** of participants reporting that they always feel safe in their school classrooms and only **five percent** of teens indicating a belief that their teachers and school staff are supportive of LGBTQ+ people<sup>1</sup>. The National Transgender Discrimination Survey found that **81 percent** of transgender and gender expansive students in Maryland experienced harassment in school<sup>2</sup>.

In a survey conducted by the Welcoming Schools Project, students indicated that fear and doubt that staff would effectively address the situation as two obstacles stopping them from reporting discrimination or harassment<sup>3</sup>. Students who have faced discrimination are significantly more likely to grapple with depression, anxiety, and difficulty in achieving academic success. Those students who have intersecting identities may face these challenges several times over.

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<sup>1</sup> Human Rights Campaign, *2018 LGBTQ Youth Report*:

<https://www.hrc.org/blog/hrc-uconn-survey-finds-anti-lgbtq-bias-overwhelmingly-affects-lgbtq-teens>

<sup>2</sup> FreeState Justice, *Resource Guide for LGBTQ Youth Maryland*:

<http://freestatelegal.org/wp-content/uploads/2014/12/Resource-Guide1.pdf>

<sup>3</sup> The Welcoming Schools Project, *School Climate for Transgender Students*:

[https://assets2.hrc.org/welcoming-schools/documents/WS\\_School\\_Climate\\_for\\_Transgender\\_Students\\_Data.pdf](https://assets2.hrc.org/welcoming-schools/documents/WS_School_Climate_for_Transgender_Students_Data.pdf)

This bill would send a message to our students that discrimination will not be tolerated and will provide a path forward when students encounter these challenges. Critically, this legislation codifies the existing MSDE guidance in place, empowering LGBTQ+ students to take action against discrimination by providing a clear, tangible process and potential remedy. It will also guarantee that students attending private schools that receive state funding will have access to these necessary protections.

Our students have a right to robust protection against discrimination at school. Given this critical goal, the LGBTQ Democrats of Montgomery County strongly urges a favorable report on SB0933 - the Inclusive Schools Act.

Thank you for your time and consideration of this critical piece of legislation.

Shannon Quinn  
Chair, Advocacy Committee  
LGBTQ Democrats of Montgomery County



**Tina Dove\_MSEA\_FAV\_SB993**

Uploaded by: dove, tina

Position: FAV

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**Testimony in Support of Senate Bill 993  
County Boards and Public and Nonpublic Prekindergarten  
Programs and Schools—Discrimination—Prohibition**

**Senate Judicial Proceedings Committee  
February 20, 2020  
12:00 P.M.**

**Tina N. Dove, M.Ed.  
MSEA, Government Relations**

The Maryland State Education Association supports Senate Bill 993, which would prohibit a local board of education; a public or nonpublic elementary or secondary school; or a public or nonpublic prekindergarten program that receives state funds from refusing enrollment of, expelling, withholding privileges from, or otherwise discriminating against any student or prospective student due to their race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability. It also requires local boards of education to adopt and maintain a written antidiscrimination policy as well as requiring nonpublic prekindergarten, primary, and secondary schools that receive state funding to develop and maintain a written antidiscrimination policy that prohibits discrimination.

MSEA represents 75,000 educators and school employees who work in Maryland’s public schools, teaching and preparing our 896,837 students for career and jobs of the future. MSEA also represents 39 local affiliates in every county across the state of Maryland, and our parent affiliate is the 3 million-member National Education Association (NEA).

The “equal protection clause” found in the 14<sup>th</sup> Amendment to the U.S. Constitution delineates legal rights for protected classes of people, including (but not limited to) those whose class is based on their race, religion, national origin and gender. Article 36 of the Maryland Constitution protects against the requirement of believing in, relying upon or invoking the aid of God or a Supreme Being in any governmental or public document, proceeding, activity, ceremony, school, institution, or place. Article 46 of the Maryland constitution assures equality of rights under the law and that said rights cannot be “abridged or denied because of sex”. According to the Maryland Commission on Civil Rights, “Pursuant to State Government Article, §20-602, Annotated Code of Maryland, every Marylander is guaranteed equal opportunity in receiving employment and in all labor management-union relations regardless of **race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, gender identity, disability, or genetic information.**” Between the U.S. Constitution, the state constitution and provisions of state employment law, there is established law prohibiting discrimination by government entities and agents.

As such, MSEA believes wholeheartedly that any entity within the state of Maryland that receives state tax dollars should be made to adhere to prohibiting discrimination. Furthermore, any school—public or nonpublic—that is the recipient of state tax dollars should be held to an equal standard as it relates to the students it enrolls (notable exceptions notwithstanding). We



believe there should be no room for discriminatory practices at institutions who are the recipients of any public funding. This bill makes clear that all entities that choose to accept public education funding should be made to adhere to the laws governing public institutions. Additionally, this legislation requires that written antidiscrimination policies be developed, adopted, and maintained by all local public school districts and nonpublic schools who receive public funding, which provides all students with clear guideline detailing the behavioral expectations of their schools and districts as well as the protections they can expect from their schools and districts. Finally, this bill provides a path by which those who allege a discriminatory action has been taken against them may seek remedy.

MSEA fundamentally believes that schools should be welcoming and nurturing learning environments for students of all backgrounds and beliefs. Therefore, **we urge the committee to issue a Favorable Report on Senate Bill 993.**

# **Christina Drostin\_FAV\_SB993**

Uploaded by: drostin, christina

Position: FAV

SB0933  
The Inclusive Schools Act  
02/20/2020  
Judicial Proceedings Committee  
Support

To the Honorable William C. Smith, Jr., and esteemed members of the committee:

I write in support of the Inclusive Schools Act, SB0933/HB1204. This important bill introduced by Senator Cory McCray and Delegate Jheanelle Wilkins would codify anti-discrimination protection for all students, pre-k through 12 who are enrolled in our public schools of Maryland.

Although the Maryland State Department of Education has provided clear language for how to include all students and staff regardless of sexual orientation or gender identity, these protections are considered guidelines and have not been adopted as policy by many local school boards.

Our children seek a safe and nurturing environment in which to learn. I've met numerous teachers working to create that safe environment for all children. These students and teachers need our support with passing the Inclusive Schools Act.

I am proud to live in a state that is a leader for creating protective policies. I hope we can continue to give this important support by extending much-needed protection to all children living in Maryland.

Respectfully,

Dr. Christina Drostin  
Family Physician  
Cambridge, Maryland

**ACY\_FAV\_SB993**

Uploaded by: Gardiner, Shamoyia

Position: FAV



To: Chair Smith and members of the Judicial Proceedings Committee  
From: Shamoyia Gardiner, Education Policy Director  
Re: Senate Bill: 993: County Boards and Public and Nonpublic  
Prekindergarten Programs and Schools – Discrimination – Prohibition  
Date: February 20, 2020  
Position: Support

The Second Lady of the United States set off a resurgence in the national conversation about discrimination in nonpublic schools when she began working at a private school in Virginia with a policy that effectively bans the enrollment of LGBTQ-identified students. Prior to that, 6th grader Faith Fennidy, a young Black girl in Louisiana, was turned away from her private school for her hairstyle--braided hair extensions. Here in Maryland, Maddi Runkles was prohibited from participating in her private high school's graduation ceremony because she was pregnant.

All students, regardless of their race, religion, gender identity, parenting status, nationality, sexual orientation, disability status, English proficiency, or any of many other demographic categories, deserve access to high-quality education. **All schools, public and nonpublic alike, must provide that access, particularly nonpublic schools which receive public funds and are responsible for ushering our youngest learners into their educational careers.**

Senate Bill 993 will provide legal recourse for children and their families who experience discrimination from their nonpublic educational providers and could be strengthened by amending the bill to include the following language:

- On the basis of discrimination (page 3, line 16): Include "or native language"
- Description of discriminatory activity (page 3, lines 17-21): Include "suspending" between "refusing enrollment" and "expelling", then include "or parent/guardian's" after "because of the individual's" and before "race..."
  - Duplicate this change in language in lines 24 to 30 on page 4 of the bill.

SB 993 simply serves to expand the protections currently offered to students in public and nonpublic prekindergarten programs. This bill does not prevent single-gender or religiously-identified nonpublic schools from carrying out their specific, stated missions for the demographic populations they intend to reach. With that clarity in mind, **ACY urges a favorable report on this bill.**

# **ACLUMD\_Nalley\_FAV\_SB993**

Uploaded by: holness, toni

Position: FAV





**Testimony for the Senate Judicial Proceedings Committee  
February 20, 2020**

**SB 993 – County Boards Public and Nonpublic Prekindergarten  
Programs and Schools - Discrimination – Prohibition**

**FAVORABLE**

JUSTIN NALLEY  
POLICY ANALYST,  
EDUCATION

AMERICAN CIVIL  
LIBERTIES UNION  
OF MARYLAND

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WWW.ACLU-MD.ORG

OFFICERS AND DIRECTORS  
JOHN HENDERSON  
PRESIDENT

DANA VICKERS SHELLEY  
EXECUTIVE DIRECTOR

ANDREW FREEMAN  
GENERAL COUNSEL

The ACLU of Maryland urges the committee to support SB 993, which will codify anti-discrimination protections for all students, Pre-K-12 who are enrolled in our public schools and in schools receiving public funding.

**Current law fails to protect students from discrimination**

The patchwork of provisions governing the public funding of private schools leaves several gaps that allow for students to face discrimination, without redress. Unlike other parts of Maryland law such as public accommodations, employment and fair housing, Maryland's education laws do not have codified anti-discrimination protections. MSDE does have a stated guidance, but guidance does not provide the legal protections of a codified anti-discrimination policy. This legislation simply codifies the MSDE guidance. Consider, for example the millions of taxpayer dollars the state spends on BOOST funding — private schools receiving that funding are prohibited from discriminating in student admissions alone, not retention; are free to discriminate against teachers; and worst of all face no legal recourse for violating the rules of the program. Therefore, students and teachers who face discrimination in BOOST schools are without protections. This is especially concerning in light of school discipline trends showing that students of color face disparate expulsion rates.

In addition to ensuring that private schools do not discriminate, Maryland law also needs to ensure that public schools do not discriminate on the basis of sexual orientation and gender identity.

**Current law fails to provide a remedy from discrimination**

Students who experience discrimination in private schools that receive BOOST funding do not currently have a clear process by which they can file a complaint or seek a remedy. By requiring schools to have clear policies on discrimination, as they do for student codes of conduct, students will know how to file a complaint and resolve the discriminatory action.

For the foregoing reasons, we urge a favorable report on SB 993.



**DD Council\_FAV\_SB0993**

Uploaded by: LONDON, RACHEL

Position: FAV



## Maryland Developmental Disabilities Council

EMPOWERMENT • OPPORTUNITY • INCLUSION

### Judicial Proceedings Committee

**SB 993: County Boards and Public and Nonpublic Prekindergarten Programs and Schools – Discrimination – Prohibition**

**February 20, 2020**

**Position: Support**

The Maryland Developmental Disabilities Council (DD Council) is an independent, public policy organization that works to improve policies, programs and services that support people with developmental disabilities and their families in our communities. The DD Council is led by people with developmental disabilities and their families. From that perspective, the **DD Council supports SB 993 which requires County School boards to create and adopt anti-discrimination policies that specifically prohibit discrimination on the basis of disability amongst other characteristics.**

#### **WHY is this legislation important?**

- Private schools that do not receive federal funds are not required to comply with Section 504 of the Rehabilitation Act. Section 504 prohibits discrimination on the basis of disability in programs or activities that receive Federal financial assistance from the U.S. Department of Education.
- Private schools run by religious organizations are not required to comply with the Americans with Disabilities Act (ADA). The ADA ensures that students with disabilities have equal access and opportunity for participation in the programs, services and activities offered by the school.
- Subtle forms of discrimination can be present in every aspect of the educational process - from admissions to classroom instruction to physical accessibility. For example, telling a family their child might feel more comfortable or be better served elsewhere or refusing to make requested accommodations. Reasonable accommodations allow a student to access a school's programs and services.

#### **WHAT does this legislation do?**

- Alongside public schools, private schools must maintain a written antidiscrimination policy that prohibits a school from:
  - Discriminating against any person because of the individual's race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability.
  - Refusing enrollment of, expelling, or withholding privileges from any student or prospective student because of the individual's race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability.
  - Disciplining, invoking a penalty against, or taking any other retaliatory action against a student or parent or guardian of a student who files a complaint alleging that the school discriminated against the student, regardless of the outcome of the complaint.
- Provides a system for resolving complaints.
- Holds harmless religious schools and single-sex schools where appropriate.

The protections afforded by this bill make schools safer and more welcoming for all students. A positive, enriching environment is vital for all, including students with disabilities, to succeed.

Contact: Keith Walmsley, Director of Public Policy Initiatives; [kwalmsley@md-council.org](mailto:kwalmsley@md-council.org)

217 E. Redwood Street, Suite 1300 • Baltimore, MD 21202 • 410.767.3670 • [md-council.org](http://md-council.org)

Kalani Brown, *Chairperson* • Rachel London, Esq., *Executive Director*

# **GLSEN MD\_FAV\_SB993**

Uploaded by: ms, glsn

Position: FAV



Senate Bill 993  
An Act Concerning  
County Boards and Nonpublic Prekindergarten Programs and Schools -  
Discrimination - Prohibition  
SUPPORT

Kimberly Mooney  
GLSEN Maryland  
4227 Fallstaff Road  
Baltimore, MD 21215

February 17, 2020

Senate Judicial Proceedings Committee  
Maryland General Assembly  
2 East Miller Senate Building  
Annapolis, Maryland 21401

Dear Senators,

On behalf of GLSEN MD, I write to you today in support of Senate Bill 993; An Act Concerning County Boards and Nonpublic Prekindergarten Programs and Schools - Discrimination - Prohibition. This legislation would codify anti-discrimination protections for all students in grades pre-K to 12 attending public schools or schools that receive public funds.

We support this legislation because, currently, there is only “guidance” to suggest that schools not discriminate against our children. Without the weight of law behind it, this guidance can be and is ignored by many. Maryland is not providing a free, appropriate education to all if it is not accessible to some based on their marital status, sexual orientation, or gender identities. By requiring schools to spell out non-discrimination policies that honor all children, students and their parents/guardians will have firm legal grounds to stand up against inequitable treatment in schools. This is what all of our children deserve.

According to GLSEN's 2017 National School Climate Survey, many LGBTQ students in Maryland reported discriminatory policies or practices at their school. **Nearly 3 in 5 (57%) experienced at least one form of anti-LGBTQ discrimination at school** during the past year. Furthermore, **fewer than 1 in 5 (18%) attended a school with a comprehensive anti-bullying/harassment policy** that included specific protections based on sexual orientation and gender identity/expression. Fewer than 1 in 5 (17%) had a policy or official guidelines to support transgender or gender nonconforming (trans/ GNC) students.



Senate Bill 993  
An Act Concerning  
County Boards and Nonpublic Prekindergarten Programs and Schools -  
Discrimination - Prohibition  
SUPPORT

In the interest of equity and the wellbeing of the children of Maryland, we urge you to pass Senate Bill 993.

A handwritten signature in blue ink that reads "Kimberly Mooney!".

Sincerely,  
Kimberly Mooney Board Chair, GLSEN MD  
Contact: [chair@md.glsen.org](mailto:chair@md.glsen.org)  
443.509.1108

# Salisbury PFLAG\_FAV\_SB993

Uploaded by: pflag, michelle

Position: FAV





**Media Contact:** Mark DeLancey  
**Phone:** 603-662-7591  
[SalisburyPFLAG@outlook.com](mailto:SalisburyPFLAG@outlook.com)

## NEWS RELEASE

FOR IMMEDIATE RELEASE: 2/17/2020

### **SALISBURY PFLAG SUPPORTS THE INCLUSIVE SCHOOLS ACT**

PFLAG Salisbury, the Salisbury, Maryland Chapter of PFLAG National, supports SB0933/HB1204 The Inclusive Schools Act.

Salisbury is located in the Wicomico County Public Schools (WCPS) district. The WCPS contains 24 schools and serves approximately 14,953 students during the 2018-2019 school year. Applying representative statistical assumptions on the demographic that 8% of youth are LGBTQ+, this equates to over 1,000 LGBTQ+ youth in the WCPS district.

WCPS has zero policies, guidelines, or procedures established for the protection of LGBTQ+ youth. The Inclusive Schools Act would ensure that MDSE guidelines are followed in the WCPS school district.

Over the past 5 years of PFLAG Salisbury's operation, we have witnessed a revolving door of LGBTQ+ youth and their families reach out to us with complaints about the treatment of LGBTQ+ youth in WCPS. These complaints include, but are not limited to:

- Harassment and bullying of LGBTQ+ youth by other students, as well as by teachers and school staff.
- Disregarding or downplaying complaints of anti-LGBTQ+ harassment.
- School administrations which actively work to discourage the formation of high school level GSAs (Gender and Sexuality Awareness or Gay-Straight Alliance clubs), discourage the activities of already-formed GSAs, and/or discourage GSAs from advertising their existence in the school.
- A lack of GSAs at the middle school level, despite the fact that this age group is most likely to be in the process of "coming out" as LGBTQ+, and despite the fact that bullying peaks in middle school.
- Transgender students are "deadnamed" (referred to by their former name) both verbally and on school systems (e.g., attendance rosters and computer log-ins), a practice which contributes to poorer mental health.
- Guidance counselors, teachers, and other school staff who "out" LGBTQ+ youth to their parents, a practice which can place LGBTQ+ youth at risk.

- School teachers, staff, and administrators who recommend that LGBTQ+ youth receive counseling, solely as they are LGBTQ+.
- School administrators who suggest to parents of LGBTQ+ youth that they move to urban areas or homeschool their children, in response to parent requests for a supportive school climate.
- A general lack of education that is inclusive of LGBTQ+ people, their contributions, and their perspectives.

These instances pervade schools in the district, across all levels of the WCPS (high school, middle school, and elementary school). Together, these types of instances contribute to an overall school climate that is at best unsupportive and at worst openly hostile. This school climate is devastating for LGBTQ+ youth, with data suggesting such environments contribute to lower academic performance, lower GPA, increased absences, increased likelihood of school dropout, and less likelihood of attending an institution of higher education for LGBTQ+ youth.

The Inclusive Schools Act is a much-needed piece of legislation which will greatly improve the school experiences of WCPS students. We encourage you to support and pass this legislation.

# **Raboin-Gettleman, Elizabeth\_FAV\_SB993**

Uploaded by: raboin-gettleman, elizabeth

Position: FAV

SB0933  
The Inclusive Schools Act  
02/20/2020  
Judicial Proceedings Committee  
Support

To the Honorable William C. Smith, Jr., and esteemed members of the committee:

I am a long-time resident of Maryland and the mother of three children currently enrolled in MD public schools. I am here today to urge you to support SB 933.

Many years ago, when my husband and I were deciding where we wanted to raise our family, we chose Maryland, in part, because of the strong public schools. Whenever parents ask me how my kids are doing and how school is going, I am proud to say that our local school system has been able to meet the unique needs of each of our children, including our transgender child.

Last year, when my child's gender transition was imminent, I sat down to review the guidelines of our local system regarding gender identity non-discrimination. These guidelines were developed using MSDE guidance on the same subject as a source. I wasn't sure whether I would find something that barely scratched the surface of addressing her safety or if it would be something more. To my great comfort, I found guidelines that were welcoming and affirmative of a transgender student's experience. Because our school system and our state had those guidelines, my child's life at school has been changed for the better. She continues to thrive, make friends, and most importantly learn every day that she walks through the school doors!

However, what keeps me up at night, is that what exists currently in Maryland is simply a set of guidelines. Unlike other parts of Maryland law such as public accommodations, employment and fair housing, Maryland's education laws do not have codified anti-discrimination protections. Yes, MSDE does provide stated guidance, but guidance does not provide the legal protections of a codified anti-discrimination policy. And a lack of clear policy means that a trans student's experience could be different from district to district, school to school, and even classroom to classroom. My heart aches for parents of LGBTQ+ kids who have not had the same experience as our daughter. Legislation is needed to codify the MSDE guidance, and that is why I am here urging you to pass SB 933.

Thank you.

Elizabeth Raboin-Get

# **Women's Law Center of MD\_FAV\_SB 993**

Uploaded by: Ruth, Laure

Position: FAV

BILL NO: Senate Bill 993  
TITLE: County Boards Public and Nonpublic Prekindergarten Programs and Schools –  
Discrimination – Prohibition  
COMMITTEE: Judicial Proceedings  
HEARING DATE: February 20, 2020  
POSITION: **SUPPORT**

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Senate Bill 993, also known as the Inclusive Schools Act, would do three main things. First, SB993 would establish prohibitions in all public and nonpublic schools that receive state funding that protect against discriminatory actions toward “any person because of the individual’s race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender, identity, or disability.” Second, the Act requires these schools to have written policies that prohibit discrimination. Finally, the Inclusive Schools Act creates an administrative complaint and remedy process within the Maryland Department of Education (MSDE) by which a student or family member may file a complaint of discrimination and request that MSDE provide a remedy to alleviate the discrimination.

Though this discussion started regarding nonpublic schools, there are no clear antidiscrimination protections covering sexual orientation or gender identity in Maryland’s public schools, sparking concern for discrimination in these schools as well. This is because we rely on federal antidiscrimination laws, which do not currently include protections for sexual orientation or gender identity. Fortunately, MSDE has issued guidance for public schools to follow, and written extensive guidance for schools and school boards to follow for transgender and gender nonconforming students. However, guidelines do not offer the same level of protection that codified antidiscrimination policies would. **This legislation would simply codify the MSDE’s guidance and extend the prohibitions on discrimination to non-public schools receiving state funds.**

The goal of this legislation is to ensure equal protection and fair treatment for all students and provide guidance and support for our public schools and qualifying nonpublic schools. Education is a fundamental right that the WLC supports for all students, regardless of their gender, race, sexual orientation, or any other protected status. Therefore, the Women’s Law Center of Maryland, Inc. urges a favorable report on Senate Bill 993.

*The Women’s Law Center of Maryland is a private, non-profit, membership organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change. The Women’s Law Center operates two hotlines, Protection Order Advocacy and Representation Projects in Baltimore City, Baltimore County and Carroll County and the statewide Collateral Legal Assistance for Survivors and Multi-Ethnic Domestic Violence Projects.*

**EAC\_FAV\_SB0993**

Uploaded by: SEID MARGOLIS, LESLIE

Position: FAV

# Education Advocacy Coalition

for Students with Disabilities

## **SENATE JUDICIAL PROCEEDINGS COMMITTEE**

### **SENATE BILL 993: COUNTY BOARDS AND PUBLIC AND NONPUBLIC PREKINGERGARTEN PROGRAMS AND SCHOOLS—DISCRIMINATION--PROHIBITION**

**FEBRUARY 20, 2020**

**POSITION: SUPPORT**

The Education Advocacy Coalition for Students with Disabilities (EAC), a coalition of more than 25 organizations and individuals concerned with education policy for students with disabilities in Maryland supports Senate Bill 993, which would prevent discrimination against students and employees in nonpublic schools receiving state funds.

Senate Bill 993 would, in part, prohibit a nonpublic elementary or secondary school that receives state funds to refuse enrollment, expel, withhold privileges from or discriminate against any student or prospective student because of the individual's race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability. For students with disabilities, this provision ensures that if families choose to enroll their child with a disability in a private school that is not required to comply with Section 504 of the Rehabilitation Act because it does not receive federal funds, or with the Americans with Disabilities Act because it is run by a religious organization, their children will be protected against disability-based discrimination. Senate Bill 993 does not mandate that every student with a disability, no matter how severe must be admitted to and served by a private school from which his or her parents seek enrollment. Senate Bill 993 does, however, require that in making such decisions, private schools that receive state funds not engage in discrimination.

For these reasons, the EAC supports Senate Bill 993. For additional information, please contact Leslie Seid Margolis, Chairperson, at [lesliem@disabilityrightsmd.org](mailto:lesliem@disabilityrightsmd.org) or 410-727-6352, ext. 2505.

Respectfully submitted,

Selene Almazan, Selene Almazan Law, LLC

Rene Averitt-Sanzone, Parents' Place of Maryland

Linda Barton, Ms.Ed., Education Advocate

Elizabeth Benevides, Howard County Autism Society

Ellen A. Callegary, Law Offices of Ellen A. Callegary, P.A.

Michelle Davis, ABCs for Life Success

Jennifer Engel Fisher, Weinfeld Education Group

Lisa Frank, Special Kids Company

Ann Geddes, Maryland Coalition of Families

Martha Goodman, Special Needs Advocacy Project, Center for Jewish Education



Morgan Durand Horvath, Abilities Network

Rachel London, Maryland Developmental Disabilities Council

Leslie Seid Margolis, Disability Rights Maryland

Ellen O'Neill, Atlantic Seaboard Dyslexia Education Center

Melissa Riccobono, Maryland Parents of Blind Children/National Federation of the Blind of Maryland

Rebecca Rienzi, Pathfinders for Autism

Sarah Ruth, Parent Advocacy Consortium

Lori Scott, The Arc Maryland

Monica Simpkins, Learning Disabilities Association of Maryland

Karleen Spitulnik, Decoding Dyslexia Maryland

Ronnetta Stanley, Loud Voices Together

Maureen van Stone, Project HEAL at Kennedy Krieger Institute

**MGA\_FAV\_SB993**

Uploaded by: Senator McCray, Senator McCray

Position: FAV

## **Vote Yes on Senate Bill SB: 993**

**Bill Title: County Boards and Public and Nonpublic Prekindergarten Programs and Schools – Discrimination – Prohibition**

**Hearing Date: February 20, 2020 at 12:00 p.m.**

**Chair: William C. Smith Jr., Vice Chair: Jeff Waldstreicher**

I come before you today to ask for a favorable report on SB993/HB1204, the Inclusive Schools Act. This is the third year that I have introduced legislation seeking to protect all students from discriminatory practices. The bill before you today is different from the bills you have heard in prior years. It takes into account the concerns that have been raised by the Commission on Civil Rights, representatives of our nonpublic schools, advocates from Free State Justice, and the case currently making its way through Federal court involving Bethel Ministries and Maryland’s Department of Education and BOOST Board.

The Inclusive Schools Act does three main things:

1) It establishes prohibitions in all public and nonpublic schools that receive state funding that protect against discriminatory actions toward “any person because of the individual’s race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability.”

2) It requires these schools to have written policies that prohibit discrimination;  
and

3) It creates an administrative complaint and remedy process within the Maryland Department of Education (MSDE) by which a student or family member may file a complaint of discrimination and request that MSDE provide a remedy to alleviate the discrimination.

Previous iterations of this legislation have attempted to address concerns about discriminatory practices in nonpublic schools who were receiving state funding, such as

the schools who participate in the BOOST voucher program. This committee is familiar with the student handbook controversy that was discovered a couple of years ago, prompting MSDE to evaluate all of the handbooks from schools participating in the BOOST program. This ultimately led to the BOOST Board ruling that eleven schools had discriminatory provisions in their handbooks, which were in direct violation of the assurances with which they were required to agree to as a condition of their participation in the program. This ruling led to a number of schools being deemed ineligible to continue participating in the program. The Inclusive Schools Act prohibits all schools from discriminating against students and families. But instead of a complaint process that is driven through the Commission on Civil Rights and the courts, the remedy in this bill is administrative, going through MSDE; the entity that oversees the BOOST and Textbook and Technology programs, and will oversee the universal pre-K program under the Blueprint legislation.

While this discussion about discrimination began with a conversation about nonpublic schools, we have also heard concerns expressed every year about discrimination in our public schools. As the Maryland Commission on Civil Rights noted, there are no clear antidiscrimination protections covering sexual orientation or gender identity in Maryland's public schools. This is because we rely on federal antidiscrimination laws, which do not currently include protections for sexual orientation or gender identity. This is not to say that MSDE does not recognize the importance of these protections. In fact, MSDE has issued guidance for all public schools to follow, clearly stating:

*“The Maryland State Department of Education does not discriminate on the basis of age, ancestry/national origin, color, disability, gender identity/expression, marital status, race, religion, sex, or sexual orientation in matters affecting employment or in providing access to programs and activities and provides equal access to the Boy Scouts and other designated youth groups.”*

In addition, MSDE has written extensive guidance for schools and school boards to follow for transgender and gender nonconforming students. However, as you will hear from members of our panels, guidance does not offer the same level of protection that codified antidiscrimination policy does.

There are numerous stories from parents and students both in public schools and non-public schools who have experienced discrimination. Under current law, many of those students are left with no recourse to remedy the discrimination. In cases where they are covered by federal law, their only recourse is to find an attorney and file a lawsuit

claiming a violation of their Civil and Constitutional rights. The Inclusive Schools Act creates an accessible process by which students and/or their parents can file a complaint with MSDE; MSDE will determine if a discriminatory act has actually occurred; and then MSDE can work with the student and the school/school board to mediate and find a mutually agreeable remedy. If the parties can't agree, MSDE has the authority to issue a "finding of fact" and order relief from the discriminatory act. If there is still disagreement with MSDE's findings, both parties have the option to file an appeal with the Office of Administrative Hearings. Because the legislation also requires schools/school boards to have written antidiscrimination policies, it is our hope that very few complaints ever reach the point where MSDE is required to intervene. Written policies provide clear guidelines for administrators, educators and support staff and can create school level and county level complaint and remedy processes for students and families to access prior to filing a complaint with MSDE.

The goal of this legislation is to ensure equal protection and fair treatment for all students, and to provide guidance and support for our public schools and qualifying nonpublic schools. Thank you for your consideration.

Respectfully,

A handwritten signature in blue ink, appearing to read "Cory V. McCray". The signature is fluid and cursive, with a large initial "C" and a long horizontal stroke.

Cory V. McCray  
State Senator

**PFLAG\_FAV\_SB0993**

Uploaded by: Senator McCray, Senator McCray

Position: FAV



## **SB-993: Written Testimony - SUPPORT**

February 20, 2020

Dear Chair Smith, Vice-Chair Waldstreicher, and Members of the Judicial Proceedings Committee:

We are writing on behalf of PFLAG-MetroDC in **support of SB0993** (*County Boards and Public and Nonpublic Prekindergarten Programs and Schools - Discrimination - Prohibition*); this bill would prohibit discrimination — on the basis of sexual orientation and gender identity — in K-12 public schools, and in schools that receive public funding.

These specific protections extended to students in the LGBTQ+ community are crucial; students often are very vulnerable and can face discrimination based on their identity. Enumerated protections are needed to ensure LGBTQ+ students receive the same equal treatment as their peers.

Everyone deserves a safe and equal learning environment; we urge you to support this bill so that Maryland's school can have written anti-discrimination policies to protect students. It is important to set a standard of equality and acceptance for our students.

We ask for a **Favorable Report on SB0993**.

Thank you,

Nicolle Campa She | Her | Hers  
Metro DC PFLAG  
Board President

Mark Eckstein He | Him | His  
Metro DC PFLAG  
MD Advocacy Chair

[www.pflagdc.org](http://www.pflagdc.org) - Keeping Families Together!

## **Individuals\_FAV\_993**

Uploaded by: wilkerson, alice

Position: FAV



## Senate Bill 993

### An Act Concerning County Boards and Nonpublic Prekindergarten Programs and Schools - Discrimination - Prohibition SUPPORT

2/19/2020

Senate Judicial Proceedings Committee  
Maryland General Assembly  
2 East Miller Senate Building  
Annapolis, Maryland 21401

Dear Senators,

I am writing in support of Senate Bill 993; An Act Concerning County Boards and Nonpublic Prekindergarten Programs and Schools - Discrimination - Prohibition. This is an imperative bill; as a school system we need to pass this for the safety and support of ALL our students. I am the GSA advisor at my school and the stories I have heard from the experiences of my LGBTQ students are heartbreaking. I recall a student who was kicked out of her home because a teacher outed her to her grandparents. The teacher told the Grandmother that she had seen her granddaughter kissing another girl. The teacher had no right to do this, because of her actions this student had to find somewhere else to live at the age of 15, because Grandma did not believe in homosexuality. Another student confided in me that they often do not come to school because they feared of being bullied and taunted every day for their gender expression. They could not take the daily verbal beating. Children of all ages need their parents support and acceptance. I have heard from many of my LGBTQ students who mention that they cannot openly communicate about their identity because their parents are homophobic or transphobic. Daily, 46% of LGBTQ students hear some negative remarks about gender expression and 24.1% mostly hear these negative comments based on the National Climate Survey of 2017.

Another finding of the National Climate Survey in 2017, 46% of LGBTQ students experienced discrimination for their gender expression. Without the support of teachers and administrators to step in when discrimination occurs, encourages students to seek refuge on their own, hence the lack of attendance in school. Why would any student want to go to school if they are being victimized for who they are and are not supported or protected by their teachers and administration who they should be able to trust? According to the National Climate report, in 2017 63% of LGBTQ students missed school due to bullying because of their sexual orientation and 61% for their gender expression. This is unacceptable.

As a school system and for the safety of our children, Senate Bill 993 must be put in place to address these vital issues within the schoolhouse. Race, color, age, religion, sex, disability, marital status and national origin are all a part of who a person is, as well as gender identity and sexual orientation. It is our duty as educators to protect ALL our students. In addition, the schoolhouse is where we teach the necessity for civility, we should not be hypocritical. In doing so, protecting our LGBTQ students and taking a stand against prejudices towards gender expression and sexual orientation will help to establish a more civil and positive school environment. Not doing so will result in detrimental harm to those targeted

individuals, that may lead to more severe and fatal circumstances. Suicide amongst LGBTQ youth is 3 times higher than heterosexual students based on GLSEN reports.

When a student's safety is on the line because they have no support or protection from the school system, this encourages antagonists and victimizers to feel that they can say and do what they want based on their prejudiced opinions. Discrimination then is prevalent, and harm continues to be done to those left unprotected. The Senate Bill 993; An Act Concerning County Boards and Nonpublic Prekindergarten Programs and Schools - Discrimination - Prohibition is meant to keep our LGBTQ students and all students safe to promote civility in our schools and society. It is imperative that this is passed, for the sake of our LGBTQ student population.

Thank you for your time and for reading my testimony.

Respectfully,

Angela Bennett

Teacher

Franklin High School

[adunn@bcps.org](mailto:adunn@bcps.org)

# Ezra MacLeod Towne

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Silver Spring, MD 20902

(e) ezra.towne@gmail.com  
(p) 703.609.1092

## Testimony Favorable to SB0993: County Boards and Public and Nonpublic Prekindergarten Programs and Schools – Discrimination – Prohibition (The Inclusive Schools Act)

February 19, 2020

Senator Smith, Chair; Senator Waldstreicher, Vice Chair; and esteemed members of the Judicial Proceedings Committee:

My name is Ezra Towne, and my pronouns are they/them/theirs. I am a parent of two children (ages 7 and 12) who attend Montgomery County Public Schools. I am also a nonbinary transmasculine person. **I submit this testimony today in favor of SB0993: County Boards and Public and Nonpublic Prekindergarten Programs and Schools – Discrimination – Prohibition (The Inclusive Schools Act).**

I am pleased to have the opportunity to review this critical piece of legislation and to submit written testimony in support of it – though shocked to learn that Maryland does not currently have legally codified protection against discrimination on the basis of in our schools. This is simply unacceptable.

Maryland needs this bill – current federal legislation does not specifically extend legal protections for discrimination to sexual orientation and gender identity. SB0993 would set Maryland above the bar and give anti-discrimination protections to another segment of our most vulnerable students, whose safety and educational enrichment are all of our responsibility.

At present, the Maryland State Department of Education has “guidelines” for protecting LGBTQ students from discrimination. Guidelines are not enough - they are left to the individual schools and their districts to enforce. Sadly, not all of the schools do. Montgomery County Public Schools [MCPS] has even stronger guidelines that protect LGBTQ students - but even here they are not fully enforced.

Here is just one example of the limitations of school guidelines at MCPS.

A neighbor of mine, whose son has long hair, was bullied and accused of being effeminate, gay, and/or trans. His bullies were not making comments in passing, but intentionally and repeatedly shaming and dehumanizing my neighbor’s son. His mother even took off from work and kept him home from school periodically because of the bullying. When I learned this was happening, I guided her through filing a complaint with his elementary school. She filed one

bullying form after another, and eventually gave up. The school administration claimed not to find any evidence of bullying. The principal said “boys will be boys” more than once in response to her complaints. This parent followed all of the appropriate channels for MCPS, and the problem was left unresolved.

If the protections that are codified in SB0993 were already in place, my neighbor would have had a clear process to file a complaint beyond MCPS. Instead, she enrolled him in Catholic School, where the same thing occurred. Both her son’s public elementary school, and the Catholic school she moved him to, could have been held accountable in this case and required to address problems like this one.

Discrimination against LGBTQ students in schools is well documented. For example, a 2017 Schools Climate Survey of from GLSEN shows the following about LGBTQ students experiences in Maryland:<sup>(1)</sup>

- The vast majority of LGBTQ students in Maryland regularly heard anti-LGBTQ remarks. Many also regularly heard school staff make homophobic remarks (14%) and negative remarks about someone’s gender expression (31%).
- Only 29% of students who reported incidents said it resulted in effective staff intervention.
- 66% of students experienced verbal harassment due to perceive sexual orientation, 24% experienced physical harassment, 10% experienced physical assault
- 56% experienced verbal harassment due to gender expression, 23% experienced physical harassment, and 8% experienced physical assault
- Fewer than 1 in 5 (18%) attended a school with a comprehensive anti-bullying/harassment policy that included specific protections based on sexual orientation and gender identity/expression.
- Fewer than 1 in 5 (17%) had a policy or official guidelines to support transgender or gender nonconforming (trans/GNC) students.

This bill will make it clear that discrimination against LGBTQ students will not slide idly by - and provides a clear path of reconciliation and enforcement for students, staff, and administration when needed. The bill simply codifies existing MSDE guidelines, and gives students and parents the ability to seek a resolution via the legal process when schools fail to support their LGBTQ kids.

I urge the Judicial Proceedings committee to file a favorable report for **SB0993: County Boards and Public and Nonpublic Prekindergarten Programs and Schools – Discrimination – Prohibition (The Inclusive Schools Act)**.

Sincerely,



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(1) GLSEN, “2017 National School Climate Survey: Maryland Snapshot,”  
[https://www.glsen.org/sites/default/files/2019-11/Maryland\\_Snapshot\\_2017\\_1.pdf](https://www.glsen.org/sites/default/files/2019-11/Maryland_Snapshot_2017_1.pdf)

Ezra Towne

SB0993

The Inclusive Schools Act

02/20/2020

Judicial Proceedings Committee

Support

To the Honorable William C. Smith, Jr., and esteemed members of the committee:

I write in support of the Inclusive Schools Act, SB0993/HB1204. This important bill introduced by Senator Cory McCray and Delegate Jeanelle Wilkins would codify anti-discrimination protection for all students, pre-k through 12 who are enrolled in our public schools of Maryland.

Although the Maryland State Department of Education has provided clear language for how to include all students and staff regardless of sexual orientation or gender identity, these protections are considered guidelines and have not been adopted as policy by many local school boards. I have been trying to work with the Talbot County School Board for over a year to adopt the MSDE recommendations but they have refused because it is not Maryland law.

Our children seek a safe and nurturing environment in which to learn. I've met numerous teachers working to create that safe environment for all children. These students and teachers need our support with passing the Inclusive Schools Act so that the law supports their good work.

I am proud to live in a state that is a leader for creating protective policies. I hope we can continue to give this important support by extending much-needed protection to all children living in Maryland. Respectfully,

Lauren Harton

51 Londonderry Dr

Easton, MD 21601

Bill Numbers: SB 993  
Lead Sponsor: Senator McCray  
Committee: Judicial Proceedings

Written Testimony By: Kate MacShane, LCSW-C  
Psychotherapist and Clinical Director  
Maryland Center for Gender & Intimacy  
Frederick, Maryland

Position: Support

Esteemed Members of the Judicial Proceedings Committee,

My name is Kate MacShane, and I am a licensed clinical social worker based in Frederick, Maryland. I am the founder and clinical director of the Maryland Center for Gender and Intimacy, a practice that specializes in the provision of affirming mental health services for people who identify as LGBTQ+. I am a member of the World Professional Association of Transgender Health; the American Association of Sexuality Educators, Counselors, and Therapists; and the National Association of Social Workers. I am a constituent and neighbor of State Senator Ron Young.

Many of the clients I serve are children and adolescents who attend Maryland public schools. Over the past five years, I have observed that the level of protection from discrimination that my clients face varies widely depending on the county in which they live and the school they attend. For example, students in Frederick County, which has an exemplary policy (Policy 443) that codifies anti-discrimination protections for LGBTQ+ students, experience a much more consistently safe school environment than their peers just across the county line in Washington County, where there is not a policy that explicitly prohibits gender- and sexuality-based discrimination in schools. My clients in Washington County are far less likely to be out to their peers and teachers as gay or transgender, in large part due to their awareness that their school's policies are not set up to protect them from discrimination from their peers or even from school staff. The implementation of MSDE's recommendations on anti-discrimination are just that: recommendations. Ultimately, absent sweeping state-wide anti-discrimination legislation, the protection of students' civil rights (and mental health) is left up to the discretion of individual administrators and teachers. We can, and must, do better on behalf of our most vulnerable students.

I urge you to vote in support of SB993, the Inclusive Schools Act, so that all Maryland students can experience the same level of safety and civil rights protections.

Sincerely,

Kate MacShane, LCSW-C

Bill: SB0993 Position: Support Committee name: Judicial Proceeding

Dear Committee,

My name is Beck Liberatore, and I have lived in Howard County, Maryland my whole life. In 2016, I came out in high school as a nonbinary person and struggled through learning how to exist in the environment. Though I have now graduated and left the Howard County public school system, I am still very invested in its progress regarding the LGBT+ community.

I am writing to urge you to support the minority students in our school system. Creating non-discrimination protections within our education system is the only way to ensure that these students have a safe and effective education. I have seen firsthand the kind of backlash that can result when LGBT+ students come out at school, and I believe that this issue must be addressed if we are to uphold our mission of helping children grow in a safe environment, especially at a time like this, when the current presidential administration is working to remove the rights of our minority community members. Supporting this bill is a necessary step to preserve the rights of not only LGBT+ students but those of any minority, be it race, religion, disability, etc.

Your support gives me and other minority community members hope. Knowing that someone will protect my community and fight for their rights as humans is immensely important. An ideal Howard County includes the protection and preservation of minority lives. Not only are you easing the strain on minority students, but their families as well. Parents of these students benefit greatly from knowing that their children are safe at school as well as at home.

Thank you for your time, and please continue to support minority rights in Maryland. I am counting on you to continue supporting our students.

Thank you for your support,  
Beck Liberatore (they/them)



SB0993

The Inclusive Schools Act

02/20/2020

Judicial Proceedings Committee

Support

To the Honorable William C. Smith, Jr., and esteemed members of the committee:

I am writing to you to express my support of the Inclusive Schools Act. This bill will protect our children who are enrolled in public schools in Maryland. I understand that the Maryland Department of Education has recommended how to include LGBT students and staff but these policies haven't been adopted by many school boards because they are only guidelines.

As a former school nurse, I have seen first hand the effects of discrimination against this vulnerable population. Our students and staff who are LGBT need protection against discrimination.

Maryland is a great state for me to live in, I'd like everyone who lives here have the same protections that I take for granted.

Please consider supporting the Inclusive Schools Act.

Carol Meredith  
[29194 Buck Rub Road](#)  
[Trappe, MD 21673](#)  
[410-253-6770](#)

*Marla M. Sanzone, Ph.D., M.P.*

*104 Annapolis Street  
Annapolis, MD 21401  
410.626.1040*

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## **SUPPORT**

**Senate Bill #: 0993 Inclusive Schools Act**

**Lead Sponsors:** Senator McCray and Delegate Wilkins

**Senate committee:** Judicial Proceeding

**As a psychologist in independent practice for nearly 30 years in Anne Arundel County I work with adolescents whose emotional, social, academic and physical health has deteriorated following discrimination because of their sexual orientation or gender in MD public schools.**

**In order for children to learn effectively and develop into emotionally stable young adults, they must feel not only physically safe, but also emotionally and socially protected in their school environments. Because there is no current anti-discrimination law that protects these students, they are at an increased risk of discrimination, not only by other students but also by school personnel who have not been provided the needed clear mandates to know how to recognize, intervene and support non-discrimination for sexual orientation and gender.**

**The existing anti-discrimination policies are not legally binding. They are merely guidelines that do not provide uniform formal definitions about what this type of discrimination looks like, nor directives regarding how discriminatory behavior will be addressed by school authorities. As a result children are vulnerable to discrimination without reliable recourse or protection.**

**SB 0993** requires MD schools to have a formal policy to protect all students from discrimination *based on factors including sexual orientation and gender identity.*

It specifically prohibits discrimination based on race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability.

Currently no formal enforceable policy like this exists for the schools in most Maryland counties.

**• The Inclusive Schools Act will:**

- Codify anti-discrimination protections for all students, Pre- K-12 who are enrolled in our public schools and in schools receiving public funding.
- Prohibits retaliation against a student, parent, or guardian who files a complaint of discrimination.

- Establish a complaint and remedy process by which a student and/or their family can work with MSDE to resolve the discriminatory action.
- Require school boards and schools to develop written policies for schools, employees and students regarding civil rights protections.

**This legislation necessary because:**

• Unlike other parts of Maryland law such as public accommodations, employment and fair housing, **Maryland’s current education laws do not have codified anti-discrimination protections!**

- MSDE does have stated “guidance”, *but guidance does not provide the legal protections. Codified anti-discrimination policy does.* This legislation codifies the MSDE guidance.

• While federal law protects some students from discrimination, it only prohibits discrimination based on race, color, national origin, language, sex, religion, and disability.

**Marital status, sexual orientation and gender identity are not currently explicitly covered which allows room for specific discriminatory behavior in these areas to be overlooked.**

• In addition to ensuring that public schools do not discriminate, Maryland law also needs to ensure that private schools that receive state funding such as BOOST vouchers are not allowed to discriminate.

- **Students currently attending these schools on publicly-funded vouchers are only protected by Title VI of the Civil Rights Act, which is limited to prohibiting discrimination based on race, color, and national origin.**

• Lastly, **students who experience discrimination do not currently have a clear process by which they can file a complaint or seek a remedy.**

- By requiring schools to have clear policies on discrimination, as they do for student codes of conduct, students will know how to file a complaint and resolve the discriminatory action.

The bill has exceptions:

- For institutions that have served one gender since the school’s establishment.
- For religious education.

Thank you for your attention to this important matter. The protection of our children’s mental health depends on your support.

*Dr. M.M. Sanzone*

**Marla M. Sanzone, PhD.**

**Clinical Psychologist**

104 Annapolis St.

Annapolis, MD 21401

SB0993  
The Inclusive Schools Act  
02/20/2020  
Judicial Proceedings Committee  
Support

To the Honorable William C. Smith, Jr., and esteemed members of the committee:

Please accept this letter as an expression of my support for HB1204 / SB0993, the Inclusive Schools Act. As a transgender woman and a college administrator, I understand how important it is that our educational institutions be places where we all feel safe and free of discrimination. We as a society will never be free of the fear, hurt and discrimination that is borne out of ignorance if the very place charged with educating our children is not empowered to address that ignorance head on. I encourage our elected officials to help eliminate discrimination against all of our children and enact the Inclusive Schools Act.

Thank You,

Tina Grace Jones  
29424 Whitetail Drive  
Cordova, MD 21625

## **SB0993 The Inclusive Schools Act**

### **SUPPORT**

Attention:

The Honorable William Smith, Jr and members of the Senate Judicial Proceedings Committee:

My name is CJ Ward and I am currently enrolled as a graduate student in organizational psychology. I am submitting this written testimony in support of HB1204 and SB0993 as a bullying prevention and LGBTQ+ educator and advocate

The reason I support these bills is that they will improve the lives and save the lives of LGBTQ+ students. Multiple peer reviewed psychological research studies have examined the negative impact discriminatory practices have on students who identify as lesbian, gay, bisexual, transgender, queer, non-binary, agender, gender-fluid, asexual, or any other identity other than heterosexual (Zewditu et al., 2018). Additionally, the Human Rights Campaign Youth Report shows that only 26% of LGBTQ+ youth report always feeling safe at school (HRC, 2018). Something must be done to ensure students can feel safe 100% of the time so they can focus on learning and not their safety.

Students spend eight hours or more under the supervision of school staff, starting with their morning bus ride. There must be protective measure in place to provide not only a physically safe environment, but a psychological and emotionally safe one as well. Parents need to be able to bring forth issues of discrimination or bullying based on a personal demographic identifier without worrying if their child or family will suffer retaliation from school administrators or staff. Schools must be held accountable for acts of discrimination so improvements to policies and processes can be fairly assessed and improved. If schools are unwilling to hear and address complaints of discrimination it puts all students at a higher risk for emotional and psychological stress.

No-one should ever be afraid to report an incident of bias, discrimination or retaliation. As a parent, I have taught my child there is no greater gift than a strong voice in an adverse situation, and to always take a stand when he sees bias or discrimination in play. Schools must be willing to hear those voices when they speak and actively seek a solution, otherwise students stop speaking and suffer in silence, which creates a false narrative that there isn't actually a problem. Having a clear written policy provides guidance and uniformity for students to engage in the process.

The state of MD has the opportunity and obligation to lead on this issue and set a standard for public schools and private schools that receive public funding in order to protect every child and family, regardless of personal identifiers subjected to bias and discrimination. I urge you to stand proudly in bipartisan support for the children in the state of MD and unanimously pass HB1204 and SB0993. It is the right thing to do and will ultimately not only improve the lives of children but improve the public-school systems as discriminatory practices will be reduced.

Thank you for your time.

CJ Ward

“She/Her”

102 Old House Court

Pikesville, MD 21208

References:

HRC Youth Report (2018). Retrieved from <https://www.hrc.org/resources/2018-lgbtq-youth-report>

HRC Gender-Expansive Youth Report Retrieved from <https://www.hrc.org/resources/2018-gender-expansive-youth-report>

Zewditu, D., Rasberry, C., Steiner, R., Brener, N., & McManus, T. (2018). Trends in Secondary School's Practices to Support Lesbian, Gay, Bisexual, Transgender, and Questioning Students, 2008-2014). American Journal of Public Health, 108 (4), 557-564.

SB0993

The Inclusive Schools Act

02/20/2020

Judicial Proceedings Committee

Support

Dear Legislators,

I write in support of the Inclusive Schools Act, SB0993/HB1204. This important bill introduced by Senator Cory McCray and Delegate Jheanelle Wilkins would codify anti-discrimination protection for all students, pre-k through 12 who are enrolled in our public schools of Maryland.

Although the Maryland State Department of Education has provided clear language for how to include all students and staff regardless of sexual orientation or gender identity, these protections are considered guidelines and have not been adopted as policy by many local school boards.

Our children seek a safe and nurturing environment in which to learn. I've met numerous teachers working to create that safe environment for all children. These students and teachers need our support with passing the Inclusive Schools Act.

I am proud to live in a state that is a leader for creating protective policies. I hope we can continue to give this important support by extending much-needed protection to all children living in Maryland.

Respectfully,

Gail Woodall  
700 Port St. #113  
Easton, MD 21601

# **MD NARAL\_FAV\_SB993**

Uploaded by: philip, diana

Position: FWA



**SB0993 - County Boards and Public and Nonpublic Prekindergarten Programs  
and Schools - Discrimination - Prohibition**

Presented to the Hon. Will Smith and Members of the Judicial Proceedings Committee  
February 20, 2020 12:00 p.m.

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**POSITION: FAVORABLE WITH AMENDMENTS**

NARAL Pro-Choice Maryland **urges Judicial Proceedings Committee a favorable report on SB0993 - County Boards and Public and Nonpublic Prekindergarten Programs and Schools - Discrimination-Prohibition**, sponsored by Senator Cory McCray.

Our organization is an advocate for reproductive health, rights, and justice for all Marylanders. We seek to protect the rights of youth to feel safe and occupy public spaces free of gender-based harassment and harmful bias. We recognize that youth are better able to make informed and independent decisions about their own sexual and reproductive lives when free of gender discrimination and stereotypes. When families are unsupportive, youth often turn to the networks they build in their schools to find affirmation and community. Positive school climates should be a priority in all schools. Any school receiving public funding should be prohibited from engaging in discriminatory enrollment practices as well as discipline, expulsion, suspension, or exclusion of students based upon certain diversity factors or particular identities. In addition, we believe that students, as well as parents or legal guardians, should be able to file complaints related to school discrimination without retaliation.

SB0993 seeks to establish protections for Maryland students that are not already covered by federal law, including prohibitions of discriminatory education practices on the basis of sexual orientation, gender identity, and marital status. However, the bill does not explicitly include protections for pregnant and parenting students. In publicly-funded schools, Title IX protections based on sex now include the pregnant and parenting status of students based upon federal caselaw and guidance documents released by the U.S. Departments of Justice and Education. By clarifying the bill language that gender discrimination protections include pregnant and parenting individuals, more of these students will be able to complete their education, should they be enrolled in nonpublic institutions that receive any type of public funding.

As our organization is an advocate for reproductive freedom, we work to ensure every child-bearing individual has the right to decide if, when, and how to form their families and to parent in good health, in safety, and with dignity. Youth have the same rights as adults in choosing when to form their families. Among our campaigns to ensure reproductive freedom for all Marylanders, we seek to help identify and create effective supports to help pregnant and parenting students stay in school, on track to graduate, and headed towards economic security. Each year, approximately 800 youth from ages 15 to 17 give birth in Maryland, and roughly another 2,200 among those 18 or 19 years-old.

Pregnant and parenting students may experience unwelcoming, inequitable, or stigmatizing school environments or practices by school personnel. Under Title IX, "school pushout" practices are prohibited, such as lack of accommodations for childcare and lactation, stigmatization and harassment from peers and



staff, and involuntary leave from school. <sup>1</sup> Title IX ensures that students who are pregnant or parenting are protected by allowing continued participation in classes and extracurricular activities, provide reasonable adjustments in the learning environment, authorize excused absences due to pregnancy or childbirth, and allow time to make up missed work. However, while some schools seek to support these students, other choose to make the school climate dynamics so toxic that pregnant students may choose to drop out of school during pregnancy or decide to not return. In other instances, students have been blocked from enrolling in school or banned from returning to school once it is believed that a student is pregnant. Pregnant or parenting girls experience discrimination from principals, teachers, mentors, counselors, school volunteers, and other youth. According to the National Women’s Law Center report, “Stopping School Pushout for: Girls Who Are Pregnant or Parenting,” more than 26% of female pregnant or parenting students stated that they received little or no counseling or support.<sup>2</sup> Additionally, these students are subject to a higher risk of sexual violence, bullying, and harassment than their non-pregnant or parenting peers. This ultimately harms new parenting students in preventing them from completing their education, making these students and their children more likely to struggle with housing and/or economic security, and rely on public assistance programs.<sup>3</sup> Sex discrimination interfering with a pregnant or parenting student’s authentic participation in school can lead to real threats of educational attainment and financial stability for generations<sup>4</sup>.

Our organization also supports inclusion of discrimination protections based on sexual orientation, gender identity, and gender expression. According to the 2018 LGBTQ Youth Report conducted by the *Human Rights Campaign*, 60% of LGBTQ students felt unsafe at their school due to discrimination based upon their sexual orientation, 45% due to their gender expression, and 35% because of their gender. Approximately 87% of LGBTQ students reported experiencing harassment or assault based on their sexual orientation, gender identity, and/or gender expression. LGBTQ+ youth stated that they were likely to skip school because they felt unsafe or uncomfortable (approximately one-fifth), with some reporting having switched schools completely due to safety concerns.<sup>5</sup> Approximately 60% of LGBTQ students who did report incidents of harassment to school officials shared that the staff either did nothing to intervene or told the student to ignore the harassment. The absence of written antidiscrimination policies makes it much more difficult for LGBTQ students to self-advocate when faced with discrimination, for school employees and administrators to effectively intervene, and for bad actors to be held accountable.

SB0993 seeks to establish written protections against discrimination in public schools and expand these protections into private schools that receive any public funding. As such, it will allow more students across our state to thrive and realize their educational goals. For these reasons, **NARAL Pro-Choice Maryland urges a favorable committee report on SB0993, with an amendment to prohibit discriminatory practices based upon a student’s pregnancy or parenting status.** Thank you for your time and consideration.

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<sup>1</sup> U.S. Department of Education *Know Your Rights: Pregnant or Parenting? Title IX Protects You from Discrimination at School*.

<sup>2</sup> Garcia, Kelli and Chaudhry, Neena. (2017). *Stopping School Pushout for: Girls Who Are Pregnant or Parenting*. National Women’s Law Center.

<sup>3</sup> Hoffman, S. D., & Maynard, R. A. (Eds.). (2008). *Kids having kids: economic costs and social consequences of teen pregnancy* (2nd ed.). Washington, DC: Urban Institute Press

<sup>4</sup> National Conference of State Legislatures, *Postcard: Teen Pregnancy Affects Graduation Rates*, 2013 <http://www.ncsl.org/research/health/teen-pregnancy-affects-graduation-rates-postcard.aspx>

<sup>5</sup> Kosciw, J. G., Greytak, E. A., Zongrone, A. D., Clark, C. M., & Truong, N. L. (2018). *The 2017 National School Climate Survey: The experiences of lesbian, gay, bisexual, transgender, and queer youth in our nation’s schools*. New York: GLSEN.

**MD Catholic Conference\_UNF\_SB 993**

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Position: UNF



ARCHDIOCESE OF BALTIMORE † ARCHDIOCESE OF WASHINGTON † DIOCESE OF WILMINGTON

**February 20, 2020**

**SB 993**

**County Boards and Public and Nonpublic Prekindergarten Programs and Schools –  
Discrimination – Prohibition**

**Senate Judicial Proceedings Committee**

**Position: OPPOSE**

The Maryland Catholic Conference offers this testimony on behalf of the families of approximately 50,000 students served by more than 150 PreK-12 Catholic schools in Maryland in OPPOSITION to Senate Bill 993. The Conference represents the public policy interests of the three (arch)dioceses serving Maryland, the Archdioceses of Baltimore and Washington and the Diocese of Wilmington, which together encompass over one million Marylanders.

This bill seeks to enshrine in law stringent restrictions on hiring and employment, student accommodations and written policies. It places requirements on public and nonpublic schools that are not currently in law and frustrate day-to-day operational practicalities in both educational forums. It does not define “discrimination”, making for an overbroad and vague concept within the bill. Additionally, creating “disability” as a protected class against “discrimination” does not account for the fact that not all schools, whether public or nonpublic, can accommodate each student, as to do so would be to the student’s detriment if a school was not equipped to accommodate them. In fact, public schools that cannot accommodate students with particular disabilities often have to place those students with nonpublic providers.

Moreover, this bill does not provide First Amendment Free Exercise Clause protections. Thus, the inclusion of nonpublic schools, of which the majority are faith-based, in the requirements proposed by this bill could very well be rendered unconstitutional. This bill would force many faith-based schools to abandon exceptions for religious entities already placed in law by forcing them to choose between participating in an otherwise available state benefit or remaining a religious institution that is free to exercise its First Amendment rights.

This bill is also necessary with regard to nonpublic schools, as stringent and effective nondiscrimination protections already placed in state programs for those schools and they are working. This bill is a clear attempt to challenge conscience protections for faith-based schools participating in state programs. Catholic schools have complied with all state and federal nondiscrimination provisions and comply with every requirement already placed upon them through state-funded programs.

The majority of states in the U.S. provide assistance for nonpublic school students and families. However, other state programs do not subject schools to requirements such as those put

forth by Senate Bill 993. Moreover, since 1965, the federal Elementary and Secondary School Act (n/k/a the Every Student Succeeds Act or ESSA) has provided for the equitable inclusion of nonpublic school students in federal education programs without imposing government regulations like those promulgated by Senate Bill 993.

This legislation will deprive children, many of them from very low-income families, of the benefits of state programs that make their school day better and more productive. This bill is detrimental to more than 80,000 of the 120,000 preK-12 nonpublic school students in the state whose schools are eligible for the longstanding Nonpublic Student Textbook Program, and more than 180 schools that participate in the Nonpublic Aging Schools Program. To even greater detriment, the bill would effectively take away scholarships from thousands of FARMs-eligible, low-income, state scholarship recipients, the majority of who are minorities and/or English language learners.

For each of the aforementioned reasons, we urge you to report unfavorably on Senate Bill 993.