

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**

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.