



**Testimony for the House Ways and Means Committee  
February 26, 2020**

**HB 1204 County Boards Public and Nonpublic Prekindergarten  
Programs and Schools - Discrimination – Prohibition**

**FAVORABLE**

JUSTIN NALLEY  
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The ACLU of Maryland urges the committee to support HB 1204, 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 HB 1204.

