



## Maryland Developmental Disabilities Council

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### Judicial Proceedings Committee

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

**February 26, 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 HB 1204 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.

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