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Bill: HB0764
Title: Broadening Options and Opportunities for Students Today Program - Established and Mandated Funding
Date: February 12, 2021
Committee: Ways and Means
Position: Strongly Oppose

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To the Esteemed Members of the Committee:

LGBTQ youth are an extraordinarily vulnerable population. Based on national studies, 5% to 10% of youth identify as LGBTQ.¹ School environments can be extremely hostile to LGBTQ students. Approximately 64% of LGBT students feel unsafe in their schools because of their sexual orientation, and 44% because of their gender expression.² One-third of LGBTQ students will not finish high school.³

FreeState Justice is concerned that the BOOST Program is not protecting LGBTQ students. The assurance language is not strong enough to protect our youth nor is there sufficient oversight of these private schools to ensure they are operating in a non-discriminatory manner. Moreover, gender identity is not included as a protected class in the current law.

Still further, the BOOST program has apparently provided funding for schools that discriminate against LGBTQ students and families. Although any school receiving BOOST funding must agree to not discriminate on the basis of sexual orientation, in recent months it has come to light that there are BOOST schools which ignore this requirement. For instance, we were very troubled to hear that Trinity Lutheran School, a BOOST-funded school, was discovered in October 2017 to actually have a formal policy that permits it not only refuse or discontinue the enrollment of any student “practicing homosexual lifestyle or alternative gender identity” but also to refuse admission of an applicant or discontinue enrollment of a

¹ Youth Equality Alliance, *Living in the Margins, A Report on the Challenges of LGBTQ Youth in Maryland Education, Foster Care, and Juvenile Justice Systems* (2014).

² *Id.* at * 6.

³ *Id.*

student “of a same sex marriage or relationship.”⁴ Apparently Trinity Lutheran is not alone. It is our understanding that in November of 2017 and even as recently as summer of 2019, other BOOST schools have been found to have discriminatory language in its student handbook that conflicted with the BOOST law.

FreeState Justice strongly opposes HB0764 and urges the Committee to issue an unfavorable report on HB0764.

Thank you for the opportunity to comment on this critical legislation, and please do not hesitate to contact us if we can be of further assistance.

Sincerely,



Jeremy LaMaster (he/they)
Executive Director

⁴ <http://www.baltimoresun.com/news/maryland/education/bs-md-school-voucher-discrimination-20171012-story.html>