

**EACtestimony.SB910.pdf**

Uploaded by: Leslie Margolis

Position: FAV

# Education Advocacy Coalition

for Students with Disabilities

**SENATE FINANCE COMMITTEE**

**SENATE BILL 910**

**Governor's Workforce Development Board-  
Study on Diploma and Degree Employment Discrimination**

**March 13, 2024**

**POSITION: SUPPORT**

Disability Rights Maryland (DRM) is the protection and advocacy organization for the state of Maryland; the mission of the organization, part of a national network of similar agencies, is to advocate for the legal rights of people with disabilities throughout the state. Over the years, DRM has dedicated significant resources to representation of children and youth with disabilities in special education matters, both individual and systemic, and to educational policy work. In part, this work has focused on advocating for youth with disabilities who are transitioning out of the school system and moving on to higher education, employment, or community programs. DRM supports Senate Bill 910, which would require, generally, a study on diploma and degree employment discrimination.

According to the U.S. Bureau of Labor Statistics, in 2023, people with a disability were less likely to have completed a bachelor's degree or higher than those with no disability and, across all levels of education, people with a disability were much less likely to be employed than their counterparts with no disability.<sup>1</sup> The unemployment rate, defined as "those who did not have a job, were available for work, and were actively looking for a job in the 4 weeks preceding the survey" was twice as high for individuals with disabilities as those without, 7.2% compared to 3.5% respectively.

As the Supreme Court pointed out in 1971, "History is filled with examples of men and women who rendered highly effective performance without the conventional badges of accomplishment in terms of certificates, diplomas, or degrees. Diplomas and tests are useful servants, but Congress has mandated the commonsense proposition that they are not to become masters of reality." *Griggs v. Duke Power Company*, 401 U.S. 424 (1971).

With regards to individuals with disabilities, the Americans with Disabilities Act (ADA), passed in 1990, specifically states that discrimination includes "using qualification standards, employment tests or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities unless the standard, test or other selection criteria . . . is shown to be job-related for the position in question and is consistent with business necessity." 42 U.S.C. § 12112(b)(6).

---

<sup>1</sup> <https://www.bls.gov/news.release/pdf/disabl.pdf>

Since then, the U.S. Equal Employment Opportunity Commission (EEOC) has repeatedly asserted<sup>2</sup> that applying a high school diploma requirement is unlawful under Title VII of the Civil Rights Act of 1964 (Title VII) where it has a disparate impact on the basis of race, national origin, color, sex, or religion and under the Americans with Disabilities Act of 1990 (ADA) if it screens out or tends to screen out an individual with a disability or a class of individuals with disabilities, unless the employer can demonstrate that the requirement is job related for the position in question and consistent with business necessity. In the case of individuals with disabilities, the EEOC stated further that

*... even if an employer can demonstrate that a high school diploma requirement is job related and consistent with business necessity, some individuals who cannot meet the requirement because of a disability may be entitled to demonstrate their ability to perform the essential functions of the job by alternative means, as a reasonable accommodation*

See EEOC Informal Discussion Letter: ADA& Title VII: High School Diploma Requirement and Disparate Impact (June 11, 2012) <https://www.eeoc.gov/foia/eeoc-informal-discussion-letter-241>.

Job seekers, including job seekers with disabilities, should not face discrimination in hiring based upon their lack of a high school diploma or degree from an institution of higher education. For these reasons, DRM fully supports Senate Bill 910's purpose of undertaking a study on diploma and degree employment discrimination.

For more information or if questions, please contact Megan Jones at [meganc@disabilityrightsmd.org](mailto:meganc@disabilityrightsmd.org).

Respectfully submitted,

Rene Averitt-Sanzone, The Parents Place of Maryland  
Linda Barton, MSED, Education Advocate  
Beth Benevides, Autism Society of Maryland, Co-Chairperson  
Ellen A. Callegary, Attorney  
Melanie Carlos, xMinds (Partnership for Extraordinary Minds)  
Stephanie Carr, S.L.Carr Education Consultants, LLC  
Rich Ceruolo, Parent

---

<sup>2</sup> See Employment Rights of Immigrants Under Federal Anti-Discrimination Laws, [https://www.eeoc.gov/sites/default/files/migrated\\_files/eeoc/publications/immigrants-facts.pdf](https://www.eeoc.gov/sites/default/files/migrated_files/eeoc/publications/immigrants-facts.pdf); ADA: Qualification Standards; Disparate Impact (Nov. 17, 2011), [http://www.eeoc.gov/eeoc/foia/letters/2011/ada\\_qualification\\_standards.html](http://www.eeoc.gov/eeoc/foia/letters/2011/ada_qualification_standards.html); Questions and Answers about the EEOC and High School Diploma Requirements, [http://www.eeoc.gov/eeoc/newsroom/wysk\\_high\\_school\\_ada.cfm](http://www.eeoc.gov/eeoc/newsroom/wysk_high_school_ada.cfm)

Michelle Davis, M.Ed., ABCs for Life Success

Jennifer Engel Fisher, Weinfeld Education Group

Lisa Frank, Andrea Bennett, Jen Ritchotte, and Amy Tonti, Special Kids Company, LLC

Beth Ann Hancock, Charting the Course, LLC

Ande Kolp, The Arc Maryland

Mallory Legg, Tyler Cochran and Maureen van Stone, Project HEAL at Kennedy Krieger Institute

Rachel London, Maryland Developmental Disabilities Council

Leslie Seid Margolis, Disability Rights Maryland, Co-Chairperson

Ellen O'Neill, Atlantic Seaboard Dyslexia Education Center

Maria Ott, Attorney

Ronza Othman, National Federation of the Blind of Maryland

Rebecca Rienzi, Pathfinders for Autism

Jaime E. Seaton, BGS Law, LLC

Karleen Spitulnik and Winifred Winston, Decoding Dyslexia Maryland

Ronnetta Stanley, M.Ed., Loud Voices Together

Liz Zogby, Maryland Down Syndrome Advocacy Coalition

**9B0949F0-CB7D-4831-8325-283DC1BB3AFF.pdf**

Uploaded by: Jim Rosapepe

Position: FWA



**SB0910/353228/1**

AMENDMENTS  
PREPARED  
BY THE  
DEPT. OF LEGISLATIVE  
SERVICES

12 MAR 24  
15:15:13

BY: Senator Rosapepe  
(To be offered in the Finance Committee)

AMENDMENTS TO SENATE BILL 910  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike “**Diploma and Degree Employment Discrimination**” and substitute “**Advancing Skills-Based Hiring**”; in line 7, after “education” insert “and advancing skills-driven education and training, hiring, and internal advancement practices”; and in line 8, strike “diploma and degree employment discrimination” and substitute “the advancement of skills-based hiring”.

AMENDMENT NO. 2

On page 1, strike beginning with the colon in line 14 down through “(2)” in line 18; in line 23, strike “employers” and substitute “occupations”.

On page 2, in line 3, strike “employers” and substitute “industries and occupations”; in line 14, strike “and”; after line 16, insert:

“(vi) additional data found to be relevant by the Governor’s Workforce Development Board; and”;

in line 19, strike “January” and substitute “July”; in line 20, after the first “the” insert “Governor and, in accordance with § 2-1257 of the State Government Article, the”; and strike beginning with “, in” in line 21 down through “Article” in line 22.

**sb0910f-393325-01 (1).pdf**

Uploaded by: Jim Rosapepe

Position: FWA

**SB0910/393325/1**

BY: Senator Rosapepe

(To be offered in the Budget and Taxation Committee)

AMENDMENT TO SENATE BILL 910

(First Reading File Bill)

On page 2, after line 22, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That this Act is contingent on \$150,000 being provided in the fiscal year 2025 budget for program P00A01.09 Governor’s Workforce Development Board within the Maryland Department of Labor for the purpose of conducting the study required under Section 1 of this Act. If the appropriation is not provided in the fiscal year 2025 budget, this Act, with no further action required by the General Assembly, shall be null and void.”;

in line 23, strike “2.” and substitute “3.”; and in the same line, after “That” insert “, subject to Section 2 of this Act.”.



# **GWDB Favorable With Amendments - Skills-Based Hiri**

Uploaded by: Rachael Parker

Position: FWA

Date: March 6, 2024  
Committee: Senate Finance Committee  
Bill Title: Governor's Workforce Development Board - Study on Advancing Skills-Based Hiring (Amended Title)  
Re: Senate Bill 0910 - FAVORABLE WITH AMENDMENTS

**The Governor's Workforce Development Board (GWDB) of Maryland is pleased to support Senate Bill 0910 with amendments.** We believe this legislation, with the amendments submitted on March 12th, provides a necessary opportunity to better understand how far Maryland has come and where we need to break ground next in our goals to advance skills-based hiring in both the public and private sectors. Recommendations developed through this study have the potential to open doors to good, family-sustaining jobs for thousands of Marylanders, and to vastly expand the available talent pool for Maryland employers.

As a State, we have taken promising steps to advance skills-based hiring - which entails screening for specific competencies, rather than degrees - in both public and private sector employment. In 2022, Maryland was the first state in the nation to eliminate the four-year college degree requirement from many state jobs via Executive Order. Since then, the State of Maryland has hired thousands of skilled workers who do not hold college degrees. Similarly, private sector employers in Maryland and across the country have started removing unnecessary degree requirements for some jobs.

We applaud efforts made to date. We also recognize that, on a national scale, implementing a new focus on skills over degrees has been found challenging and complex for employers. True progress is slow to catch up to proclaimed intentions because of how embedded degree-focused practices are in many employers' recruitment and hiring processes.<sup>1</sup> There are also likely many more well-paying, in-demand jobs that could be opened to skilled candidates without degrees. There are estimated to be more than 70 million skilled individuals without degrees in the U.S.<sup>2</sup> We are committed to leaving none of those within our borders behind.

The Moore-Miller Administration has demonstrated its commitment to expanding non-degree pathways to good jobs, including with investments to rapidly expand Registered Apprenticeships, as well as its cutting-edge expansion of public service opportunities as career pathways. Having employers ready to embrace job seekers along these non-degree pathways is necessary for their success at opening doors - but shifting from engrained degree-focused practices to skills-based practices is a tall order for most employers.

Advancing skills-based practices among Maryland's employers will accelerate progress toward the State's goals to expand non-degree pathways such as apprenticeship, to fill thousands of open jobs, and to unlock employment opportunities for thousands of Maryland residents who currently find themselves sidelined without a diploma or degree. In order to chart a path forward as we advance our State's skills-focused strategies, we need to understand where we are right now - what's working, what is challenging, and how the State can help accelerate progress.

### **The GWDB requests a Favorable Report, with amendments, on Senate Bill 0910.**

<sup>1</sup> Sigelman, M., Fuller, J., Martin, A. (February 2024). Skills-Based Hiring: The Long Road from Pronouncements to Practice. Published by Burning Glass Institute: <https://bit.ly/3Pmff5R>

<sup>2</sup> Opportunity@Work. (Reach for the STARS: Realizing the Potential of America's Hidden Talent Pool: <https://bit.ly/43hg99I>)

**SB0910.pdf**

Uploaded by: Leslie Volkmar

Position: UNF

SB0910 – Need to define who those individuals are who are to be developed. Are the U.S. citizens without high school diplomas or degrees from institutions of higher education to be developed or are the non-citizens to be developed. The Bill needs to define that those who will be developed are U.S. citizens only.

**SB0910 .pdf**

Uploaded by: Suzanne Price

Position: UNF

SB0910: Who is this referred to “workforce”? Seems highly suspicious with all of these illegals flooding over our southern border as I type. “Conduct a study on discrimination in employment opportunities”-for persons who do not hold a high school diploma or degree... SERIOUSLY?

**STUDY COMPLETE and of NO CHARGE:**

**NO ONE needs a diploma or college education to succeed.**

HOW ABOUT creating a study for WHITE men over 50 who once held ‘white collar’ jobs and no one will hire them any more because Equity, Inclusion and Diversity **DEI has KILLED their/our** livelihoods and parents of this last generation’s investment in their children's education in higher learning. My own husband is working 3 jobs and still does not make what he once did as a young professional in the workforce of the 1980’s to 2000’s. Obama brought back racism and set us all back 75 years, whites and blacks both. Now we want to study why people without diplomas might be facing “discrimination”.... YOU have it all upside-down and the use of projection is off the charts. Why are professional men in their 60’s working 2-3 menial labor jobs to make ends meet?

This Governor and his minion legislators really know how to waste hard working taxpayer dollars. Please do not support this newest DUMB waste of money bill.

Suzanne Price  
AACo, MD

Requiring the Governor’s Workforce Development Board, in consultation with the Maryland Department of Labor, to conduct a study on discrimination in employment opportunities in the State against individuals who do not hold a high school diploma or a degree from an institution of higher education; and requiring the Board to report its findings and recommendations on or before January 1, 2025.