
TESTIMONY IN OPPOSITION TO HOUSE BILL 1385

Children - Parental Rights - Educational Rights

Ways and Means Committee

March 3, 2025

Social Work Advocates for Social Change strongly opposes HB 1385, which requires each county board to develop a policy that includes procedures for allowing parents to review all school curricula; the nature and purpose of all school clubs; withdraw their child from any club, classroom, or assembly; and have control over what pronouns their child uses in school. **HB 1385 would negatively impact students in Maryland by compelling school staff to disclose private information shared by students, even if such disclosure would put the student at risk of abuse in their household.**

While this bill claims to be in the interest of parents' rights, **Maryland schools have already implemented strategies to promote parental and family engagement.** All 24 local education agencies in the state of Maryland receive Title I funds¹ and are therefore required to develop and adhere to strategies for parent and family engagement in schools.² These strategies must allow parents or families to request regular meetings to participate in decisions regarding the education of their students and provide parents and family access to a description of the curriculum used, forms of assessment used, and records of achievement.³

Transgender and gender-nonconforming students face a risk of rejection by their families, which could lead to serious consequences, including suicidality and substance abuse.⁴ Social workers know that, unfortunately, not every child has parents or guardians who are affirming and protective of their mental well-being. It is cruel to expose transgender and gender-nonconforming students to the risk of family rejection before they are ready and adequately supported by, for example, informing and allowing parents to override the pronoun choices their child uses in school.

Maryland law typically defers to the judgment of professionals about the balance between the confidentiality rights of minors and disclosures to parents.⁵ Maryland law states mental health care providers "may, but need not," share information about mental health treatment with parents and family, allowing the highly skilled professional to consider the individual factors at play and make a decision in the best

¹ "Title I, Part A." n.d. Maryland State Department of Education. Accessed February 24, 2025.

<https://marylandpublicschools.org/about/Pages/DSFSS/TitleI/index.aspx>.

² 20 U.S.C. § 6301 (2015)

³ Ibid.

⁴ Klein, Augustus, and Sarit A. Golub. 2016. "Family Rejection as a Predictor of Suicide Attempts and Substance Misuse Among Transgender and Gender Nonconforming Adults." *LGBT Health* 3 (3): 193-99.

<https://doi.org/10.1089/lgbt.2015.0111>.

⁵ Md. Code Ann., Health-Gen. II § 20-102(f)

interest of their client.⁶ The ethical line between a minor's right to confidentiality and a parent's right to information about their child is difficult for a layperson to discern. Teachers, counselors, social workers, and other professionals in school settings are highly educated and skilled with specialized knowledge of their school communities as well as individual students' socioemotional health and family dynamics. They should be afforded the same level of professional autonomy to make ethical decisions under the law as mental health providers.

For all of the reasons outlined above, **Social Work Advocates for Social Change urges an unfavorable report on HB 1385.**

Social Work Advocates for Social Change is a coalition of MSW students at the University of Maryland School of Social Work that seeks to promote equity and justice through public policy, and to engage the communities impacted by public policy in the policymaking process.

⁶ Ibid.