

Oppose HB1385

Children – Parental Rights – Educational Rights

Monday, March 3, 2025

Chair Atterbeary, Vice-Chair Wilkins and Members of the Committee:

The Sayra and Neil Meyerhoff Center for Families, Children, and the Courts (CFCC) at the University of Baltimore School of Law promotes child and family well-being while inspiring the next generation of attorneys to prioritize the power, voice, and needs of families. We engage communities as we work tirelessly to transform systems that create barriers to family well-being. CFCC values the dignity of families and the voices and wisdom of communities. In all that we do, we exercise compassion, integrity, and transparency, and we are guided by the principles of social justice, anti-racism, and inclusion. CFCC has run a program that works in partnership with Baltimore City Public Schools, students and their families to reduce chronic absenteeism for almost 20 years. As such, we are very familiar with the complicated dynamics that sometimes exist in the relationships between parents and schools and empathize with the desire to have more control over children's education. However, **HB 1385 would make it harder for our most vulnerable families to have their voices heard, would harm already marginalized children and would create hardships for our schools and we therefore urge an unfavorable report.**

HB 1385 attempts to fabricate legal authority for parents to weaken one of Maryland's greatest assets – our diversity. As the testimony of our family law colleagues demonstrates, HB 1385 aims to create new parental rights that do not currently exist. These rights such as reviewing school curriculum and instructional materials not only create extreme hardships for school administrations and teachers, but they are meant to allow parents to object to material that does not align with their personal world view. Such a right has never existed. This bill is a thinly veiled attempt to ensure that the voices of certain parents are elevated over the voices of parents who are marginalized and may lack political capital. Groups of parents who object to the accurate teaching of history including that of Indigenous, Black and LGBTQ people seek ammunition to attack such curriculum even though such history is crucial to understanding our lives and society today. This bill would prioritize the learning that aligns only certain religious and moral beliefs, despite the fact that we live in a state that embraces diversity of religion, culture, ethnicity, socio-economic status, values, and sexual orientation and identity. It could lead to the erasure of important learning on our differences that are crucial for ensuring a tolerant, accepting and empathetic society – the kind of society that have made us choose Maryland as our home.

Further, HB 1385 would burden the creation of life-affirming student-teacher relationship for children with non-affirming parents. This bill would require schools to have to get consent from parents before using a child's pronouns that align with their gender identity. In many cases, this would require educators to act against their students' best interest despite their expertise in child development and behavioral and mental health.

Transgender children of non-affirming parents experience higher rates of mental health consequences including depression, self-harm and even suicide than their peers. A supportive school environment that allows transgender children to be themselves can mitigate these very serious effects. Many parents may take time to accept their children's gender identify and a safe school can allow children to gradually transition without fear.

Transgender children may also experience bullying and misgendering by their peers that can make school difficult. But knowing that their educators and school administrators support them can make a world of difference to a young person.

This bill would also be an administrative nightmare for our already overburdened school personnel. Every time a child opts-out of a class, the school must find a safe, supervised setting for that child. Many teachers may be working on improving their materials until right before their classes but under this bill, would have to share in advance. One could imagine that if a student asked a question that changed the direction of the class from exactly what was provided in the materials as likely happens every day, parents could be upset.

Finally, the language of the bill is overbroad, vague and confusing. For example, under this bill, school would have to share all information related to a student's "physical, emotional or mental health." In addition to the fact that this undervalues students' rights to privacy and will undermine trust between students and educators, reasonable minds could differ on what information relates to a student's "emotional or mental health." We hope that all students have relationships with their parents that are open and honest, but even in those situations, students often turn to their educators for second opinions on topics that are important to them. And when they do *not* have transparent relationships with their parents, the ability to have candid conversations with their educators are even more crucial

Contrary to the asserted goals, this bill would not "improv[e] parent and teacher cooperation in areas relating to homework, attendance and discipline." It would create distrust and hostility between parents and teachers because parents would constantly dispute the educational and pedagogical choices of our valued instructors. Even without this bill, parents have many opportunities to participate in their child's education and school life. If parents want to know what is going on in their child's school, they could review their homework, attend parent-teacher conferences, attend school events and ask their child. If they object to any topic, they can complain to the teacher, to the principal, the PTA, the school board or the superintendent. Parents and schools both have important roles in ensuring the well-being and positive development of our youth. This bill would merge those roles and put parents in the roles of our trusted educators to the detriment of our children. **For these reasons, we urge you to issue an unfavorable report on HB 1385.**