

SENATE BILL 666

D5, F5, F1
SB 98/21 – JPR

2lr1395
CF 2lr0941

By: **Senators McCray and Waldstreicher**

Introduced and read first time: February 4, 2022

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Schools, Prekindergarten Programs, and County Boards of Education –**
3 **Discrimination**

4 FOR the purpose of prohibiting county boards of education and certain schools and
5 prekindergarten programs from taking certain discriminatory actions because of a
6 person's race, ethnicity, color, religion, sex, age, national origin, marital status,
7 sexual orientation, gender identity, or disability; authorizing a person alleging
8 discrimination under this Act to file a complaint with the State Superintendent of
9 Schools; requiring the State Superintendent, on receipt of a complaint, to take
10 certain actions including providing notice of the complaint to certain parties,
11 attempting to mediate an agreement, and issuing a decision if a mediation
12 agreement is not reached; providing for the reopening of a complaint and for an
13 appeal to the Office of Administrative Hearings; authorizing the State
14 Superintendent to require the Comptroller to withhold funding from a program or
15 school in certain circumstances; requiring certain schools and programs to publish a
16 certain statement as the policy of the State in student handbooks; and generally
17 relating to discrimination by schools, prekindergarten programs, and county boards
18 of education.

19 BY repealing and reenacting, with amendments,
20 Article – Education
21 Section 2–303(b) and 4–108
22 Annotated Code of Maryland
23 (2018 Replacement Volume and 2021 Supplement)

24 BY adding to
25 Article – Education
26 Section 26–701 through 26–705 to be under the new subtitle “Subtitle 7.
27 Discrimination in Education”
28 Annotated Code of Maryland
29 (2018 Replacement Volume and 2021 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 That the Laws of Maryland read as follows:

3 **Article – Education**

4 2–303.

5 (b) (1) The State Superintendent shall enforce the provisions of:

6 (i) This article that are within his jurisdiction; and

7 (ii) The bylaws, rules, and regulations of the State Board.

8 (2) If an educational institution **[or]**, A county board, **OR A NONPUBLIC**
9 **PREKINDERGARTEN PROGRAM, OR NONPUBLIC SCHOOL SUBJECT TO THE**
10 **REQUIREMENTS OF § 26–704 OF THIS ARTICLE** violates any of these provisions, the
11 State Superintendent, by written notice, may require the State Comptroller to withhold
12 from that institution **[or]**, board, **PROGRAM, OR SCHOOL**:

13 (i) All or any part of an appropriation made by the General
14 Assembly; and

15 (ii) All or any part of any other payment from funds budgeted by the
16 State.

17 4–108.

18 Each county board shall:

19 (1) To the best of its ability carry out the applicable provisions of this article
20 and the bylaws, rules, regulations, and policies of the State Board;

21 (2) Maintain throughout its county a reasonably uniform system of public
22 schools that is designed to provide quality education and equal educational opportunity for
23 all children;

24 (3) Subject to this article and to the applicable bylaws, rules, and
25 regulations of the State Board, determine, with the advice of the county superintendent,
26 the educational policies of the county school system; **[and]**

27 (4) Adopt, codify, and make available to the public bylaws, rules, and
28 regulations not inconsistent with State law, for the conduct and management of the county
29 public schools; **AND**

SUBTITLE 7. DISCRIMINATION IN EDUCATION.

18 26-701.

19 IN THIS SUBTITLE, "RACE" HAS THE MEANING STATED IN § 20-101 OF THE
20 STATE GOVERNMENT ARTICLE.

21 26-702.

22 THIS SUBTITLE DOES NOT APPLY TO:

1 THAT PROVIDES A STUDENT WITH A REASONABLE ACCOMMODATION UNDER
2 FEDERAL LAW.

3 **26-703.**

4 **THIS SUBTITLE DOES NOT REQUIRE A NONPUBLIC PREKINDERGARTEN**
5 **PROGRAM OR NONPUBLIC SCHOOL TO ENROLL, RETAIN, OR EXTEND PRIVILEGES TO**
6 **A STUDENT OR PROSPECTIVE STUDENT WHO DOES NOT MEET THE USUAL AND**
7 **REGULAR QUALIFICATIONS, REQUIREMENTS, AND STANDARDS OF THE PROGRAM OR**
8 **SCHOOL, PROVIDED THAT THE DENIAL IS NOT BASED ON DISCRIMINATION ON THE**
9 **GROUND OF RACE, ETHNICITY, COLOR, RELIGION, SEX, AGE, NATIONAL ORIGIN,**
10 **MARITAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY.**

11 **26-704.**

12 **(A) THIS SECTION APPLIES TO:**

13 **(1) A COUNTY BOARD;**

14 **(2) A PUBLIC PREKINDERGARTEN PROGRAM;**

15 **(3) A PUBLIC PRIMARY OR SECONDARY SCHOOL;**

16 **(4) A NONPUBLIC PREKINDERGARTEN PROGRAM THAT RECEIVES**
17 **STATE FUNDS; AND**

18 **(5) A NONPUBLIC PRIMARY OR SECONDARY SCHOOL THAT RECEIVES**
19 **STATE FUNDS.**

20 **(B) AN ENTITY LISTED UNDER SUBSECTION (A) OF THIS SECTION MAY NOT:**

21 **(1) DISCRIMINATE AGAINST A CURRENT STUDENT, A PROSPECTIVE**
22 **STUDENT, OR THE PARENT OR GUARDIAN OF A CURRENT OR PROSPECTIVE STUDENT**
23 **ON THE BASIS OF RACE, ETHNICITY, COLOR, RELIGION, SEX, AGE, NATIONAL ORIGIN,**
24 **MARITAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY, OR DISABILITY;**

25 **(2) REFUSE ENROLLMENT OF A PROSPECTIVE STUDENT, EXPEL A**
26 **CURRENT STUDENT, OR WITHHOLD PRIVILEGES FROM A CURRENT STUDENT, A**
27 **PROSPECTIVE STUDENT, OR THE PARENT OR GUARDIAN OF A CURRENT OR**
28 **PROSPECTIVE STUDENT BECAUSE OF AN INDIVIDUAL'S RACE, ETHNICITY, COLOR,**
29 **RELIGION, SEX, AGE, NATIONAL ORIGIN, MARITAL STATUS, SEXUAL ORIENTATION,**
30 **GENDER IDENTITY, OR DISABILITY; OR**

6 (C) AN ENTITY LISTED UNDER SUBSECTION (A) OF THIS SECTION SHALL
7 PRINT IN ITS STUDENT HANDBOOK THE FOLLOWING STATEMENT:

8 **“IT IS THE POLICY OF THE STATE OF MARYLAND THAT ALL PUBLIC AND**
9 **PUBLICLY FUNDED SCHOOLS AND SCHOOL PROGRAMS OPERATE IN COMPLIANCE**
10 **WITH:**

11 (1) **TITLE VI OF THE FEDERAL CIVIL RIGHTS ACT OF 1964; AND**

15 (I) DISCRIMINATE AGAINST A CURRENT STUDENT, A
16 PROSPECTIVE STUDENT, OR THE PARENT OR GUARDIAN OF A CURRENT OR
17 PROSPECTIVE STUDENT ON THE BASIS OF RACE, ETHNICITY, COLOR, RELIGION, SEX,
18 AGE, NATIONAL ORIGIN, MARITAL STATUS, SEXUAL ORIENTATION, GENDER
19 IDENTITY, OR DISABILITY;

31 26-705.

32 (A) (1) A PERSON ALLEGING DISCRIMINATION IN VIOLATION OF § 26-704
33 OF THIS SUBTITLE MAY FILE A COMPLAINT WITH THE STATE SUPERINTENDENT.

(2) A COMPLAINT FILED UNDER PARAGRAPH (1) OF THIS
SUBSECTION SHALL SPECIFY THE RELIEF OR REMEDY REQUESTED.

5 (B) ON RECEIPT OF A COMPLAINT UNDER SUBSECTION (A) OF THIS
6 SECTION, THE STATE SUPERINTENDENT SHALL PROVIDE NOTICE OF THE
7 COMPLAINT TO:

8 (1) THE PROGRAM OR SCHOOL THAT IS THE SUBJECT OF THE
9 COMPLAINT; AND

13 (c) WITHIN 30 DAYS OF RECEIVING A NOTICE UNDER SUBSECTION (B) OF
14 THIS SECTION, THE PROGRAM OR SCHOOL AND, IF APPROPRIATE, COUNTY BOARD
15 SHALL SUBMIT A RESPONSE TO THE STATE SUPERINTENDENT.

16 (D) (1) (I) THE STATE SUPERINTENDENT SHALL ATTEMPT TO
17 MEDIATE AN AGREEMENT BETWEEN THE COMPLAINANT AND RESPONDENT TO
18 REMEDY AND ELIMINATE THE DISCRIMINATION.

19 (II) IF MEDIATION UNDER SUBPARAGRAPH (I) OF THIS
20 PARAGRAPH RESULTS IN AN AGREEMENT BETWEEN THE PARTIES, THE STATE
21 SUPERINTENDENT SHALL ISSUE TO BOTH PARTIES A WRITTEN STATEMENT OF THE
22 MEDIATION FINDINGS AND AGREEMENT, INCLUDING THE TIMELINE WITHIN WHICH
23 ANY AGREED ACTIONS MUST BE TAKEN.

28 (II) A DECISION ISSUED UNDER SUBPARAGRAPH (I) OF THIS
29 PARAGRAPH SHALL:

30 1. BE IN WRITING;

10 (E) (1) A COMPLAINANT ALLEGING THAT A COUNTY BOARD, PROGRAM,
11 OR SCHOOL DID NOT REMEDY OR ELIMINATE THE DISCRIMINATION AS AGREED OR
12 REQUIRED UNDER SUBSECTION (D) OF THIS SECTION MAY REOPEN A COMPLAINT
13 MADE UNDER THIS SECTION WITHOUT:

14 (I) FILING A NEW COMPLAINT UNDER SUBSECTION (A) OF THIS
15 SECTION; OR

16 (II) ENGAGING IN MEDIATION UNDER SUBSECTION (D)(1) OF
17 THIS SECTION.

25 (F) A COMPLAINANT OR RESPONDENT MAY APPEAL TO THE OFFICE OF
26 ADMINISTRATIVE HEARINGS:

32 (G) (1) AN APPEAL HEARING SHALL BE HELD IN THE COUNTY WHERE THE
33 ALLEGED DISCRIMINATORY ACT OCCURRED.

4 (I) ISSUE A DECISION AND ORDER STATING THE JUDGE'S
5 FINDINGS OF FACT AND CONCLUSIONS OF LAW; AND

6 (II) ISSUE AND CAUSE TO BE SERVED ON THE RESPONDENT AND
7 ORDER REQUIRING THE RESPONDENT TO:

12 (H) THE STATE BOARD, IN CONSULTATION WITH THE STATE
13 SUPERINTENDENT, SHALL ADOPT REGULATIONS TO ESTABLISH PROCEDURES FOR
14 COMPLAINT PROCESSING, MEDIATION, AND ENFORCEMENT AND OTHERWISE CARRY
15 OUT THE REQUIREMENTS OF THIS SECTION.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
17 1, 2022.