

## Senate Bill 993

### An Act Concerning County Boards and Nonpublic Prekindergarten Programs and Schools - Discrimination - Prohibition SUPPORT

2/19/2020

Senate Judicial Proceedings Committee  
Maryland General Assembly  
2 East Miller Senate Building  
Annapolis, Maryland 21401

Dear Senators,

I am writing in support of Senate Bill 993; An Act Concerning County Boards and Nonpublic Prekindergarten Programs and Schools - Discrimination - Prohibition. This is an imperative bill; as a school system we need to pass this for the safety and support of ALL our students. I am the GSA advisor at my school and the stories I have heard from the experiences of my LGBTQ students are heartbreaking. I recall a student who was kicked out of her home because a teacher outed her to her grandparents. The teacher told the Grandmother that she had seen her granddaughter kissing another girl. The teacher had no right to do this, because of her actions this student had to find somewhere else to live at the age of 15, because Grandma did not believe in homosexuality. Another student confided in me that they often do not come to school because they feared of being bullied and taunted every day for their gender expression. They could not take the daily verbal beating. Children of all ages need their parents support and acceptance. I have heard from many of my LGBTQ students who mention that they cannot openly communicate about their identity because their parents are homophobic or transphobic. Daily, 46% of LGBTQ students hear some negative remarks about gender expression and 24.1% mostly hear these negative comments based on the National Climate Survey of 2017.

Another finding of the National Climate Survey in 2017, 46% of LGBTQ students experienced discrimination for their gender expression. Without the support of teachers and administrators to step in when discrimination occurs, encourages students to seek refuge on their own, hence the lack of attendance in school. Why would any student want to go to school if they are being victimized for who they are and are not supported or protected by their teachers and administration who they should be able to trust? According to the National Climate report, in 2017 63% of LGBTQ students missed school due to bullying because of their sexual orientation and 61% for their gender expression. This is unacceptable.

As a school system and for the safety of our children, Senate Bill 993 must be put in place to address these vital issues within the schoolhouse. Race, color, age, religion, sex, disability, marital status and national origin are all a part of who a person is, as well as gender identity and sexual orientation. It is our duty as educators to protect ALL our students. In addition, the schoolhouse is where we teach the necessity for civility, we should not be hypocritical. In doing so, protecting our LGBTQ students and taking a stand against prejudices towards gender expression and sexual orientation will help to establish a more civil and positive school environment. Not doing so will result in detrimental harm to those targeted

individuals, that may lead to more severe and fatal circumstances. Suicide amongst LGBTQ youth is 3 times higher than heterosexual students based on GLSEN reports.

When a student's safety is on the line because they have no support or protection from the school system, this encourages antagonists and victimizers to feel that they can say and do what they want based on their prejudiced opinions. Discrimination then is prevalent, and harm continues to be done to those left unprotected. The Senate Bill 993; An Act Concerning County Boards and Nonpublic Prekindergarten Programs and Schools - Discrimination - Prohibition is meant to keep our LGBTQ students and all students safe to promote civility in our schools and society. It is imperative that this is passed, for the sake of our LGBTQ student population.

Thank you for your time and for reading my testimony.

Respectfully,

Angela Bennett

Teacher

Franklin High School

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# Ezra MacLeod Towne

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## Testimony Favorable to SB0993: County Boards and Public and Nonpublic Prekindergarten Programs and Schools – Discrimination – Prohibition (The Inclusive Schools Act)

February 19, 2020

Senator Smith, Chair; Senator Waldstreicher, Vice Chair; and esteemed members of the Judicial Proceedings Committee:

My name is Ezra Towne, and my pronouns are they/them/theirs. I am a parent of two children (ages 7 and 12) who attend Montgomery County Public Schools. I am also a nonbinary transmasculine person. **I submit this testimony today in favor of SB0993: County Boards and Public and Nonpublic Prekindergarten Programs and Schools – Discrimination – Prohibition (The Inclusive Schools Act).**

I am pleased to have the opportunity to review this critical piece of legislation and to submit written testimony in support of it – though shocked to learn that Maryland does not currently have legally codified protection against discrimination on the basis of in our schools. This is simply unacceptable.

Maryland needs this bill – current federal legislation does not specifically extend legal protections for discrimination to sexual orientation and gender identity. SB0993 would set Maryland above the bar and give anti-discrimination protections to another segment of our most vulnerable students, whose safety and educational enrichment are all of our responsibility.

At present, the Maryland State Department of Education has “guidelines” for protecting LGBTQ students from discrimination. Guidelines are not enough - they are left to the individual schools and their districts to enforce. Sadly, not all of the schools do. Montgomery County Public Schools [MCPS] has even stronger guidelines that protect LGBTQ students - but even here they are not fully enforced.

Here is just one example of the limitations of school guidelines at MCPS.

A neighbor of mine, whose son has long hair, was bullied and accused of being effeminate, gay, and/or trans. His bullies were not making comments in passing, but intentionally and repeatedly shaming and dehumanizing my neighbor’s son. His mother even took off from work and kept him home from school periodically because of the bullying. When I learned this was happening, I guided her through filing a complaint with his elementary school. She filed one

bullying form after another, and eventually gave up. The school administration claimed not to find any evidence of bullying. The principal said “boys will be boys” more than once in response to her complaints. This parent followed all of the appropriate channels for MCPS, and the problem was left unresolved.

If the protections that are codified in SB0993 were already in place, my neighbor would have had a clear process to file a complaint beyond MCPS. Instead, she enrolled him in Catholic School, where the same thing occurred. Both her son’s public elementary school, and the Catholic school she moved him to, could have been held accountable in this case and required to address problems like this one.

Discrimination against LGBTQ students in schools is well documented. For example, a 2017 Schools Climate Survey of from GLSEN shows the following about LGBTQ students experiences in Maryland:<sup>(1)</sup>

- The vast majority of LGBTQ students in Maryland regularly heard anti-LGBTQ remarks. Many also regularly heard school staff make homophobic remarks (14%) and negative remarks about someone’s gender expression (31%).
- Only 29% of students who reported incidents said it resulted in effective staff intervention.
- 66% of students experienced verbal harassment due to perceive sexual orientation, 24% experienced physical harassment, 10% experienced physical assault
- 56% experienced verbal harassment due to gender expression, 23% experienced physical harassment, and 8% experienced physical assault
- Fewer than 1 in 5 (18%) attended a school with a comprehensive anti-bullying/harassment policy that included specific protections based on sexual orientation and gender identity/expression.
- Fewer than 1 in 5 (17%) had a policy or official guidelines to support transgender or gender nonconforming (trans/GNC) students.

This bill will make it clear that discrimination against LGBTQ students will not slide idly by - and provides a clear path of reconciliation and enforcement for students, staff, and administration when needed. The bill simply codifies existing MSDE guidelines, and gives students and parents the ability to seek a resolution via the legal process when schools fail to support their LGBTQ kids.

I urge the Judicial Proceedings committee to file a favorable report for **SB0993: County Boards and Public and Nonpublic Prekindergarten Programs and Schools – Discrimination – Prohibition (The Inclusive Schools Act)**.

Sincerely,



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(1) GLSEN, “2017 National School Climate Survey: Maryland Snapshot,”  
[https://www.glsen.org/sites/default/files/2019-11/Maryland\\_Snapshot\\_2017\\_1.pdf](https://www.glsen.org/sites/default/files/2019-11/Maryland_Snapshot_2017_1.pdf)

Ezra Towne

SB0993

The Inclusive Schools Act

02/20/2020

Judicial Proceedings Committee

Support

To the Honorable William C. Smith, Jr., and esteemed members of the committee:

I write in support of the Inclusive Schools Act, SB0993/HB1204. This important bill introduced by Senator Cory McCray and Delegate Jeanelle Wilkins would codify anti-discrimination protection for all students, pre-k through 12 who are enrolled in our public schools of Maryland.

Although the Maryland State Department of Education has provided clear language for how to include all students and staff regardless of sexual orientation or gender identity, these protections are considered guidelines and have not been adopted as policy by many local school boards. I have been trying to work with the Talbot County School Board for over a year to adopt the MSDE recommendations but they have refused because it is not Maryland law.

Our children seek a safe and nurturing environment in which to learn. I've met numerous teachers working to create that safe environment for all children. These students and teachers need our support with passing the Inclusive Schools Act so that the law supports their good work.

I am proud to live in a state that is a leader for creating protective policies. I hope we can continue to give this important support by extending much-needed protection to all children living in Maryland. Respectfully,

Lauren Harton

51 Londonderry Dr

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Bill Numbers: SB 993  
Lead Sponsor: Senator McCray  
Committee: Judicial Proceedings

Written Testimony By: Kate MacShane, LCSW-C  
Psychotherapist and Clinical Director  
Maryland Center for Gender & Intimacy  
Frederick, Maryland

Position: Support

Esteemed Members of the Judicial Proceedings Committee,

My name is Kate MacShane, and I am a licensed clinical social worker based in Frederick, Maryland. I am the founder and clinical director of the Maryland Center for Gender and Intimacy, a practice that specializes in the provision of affirming mental health services for people who identify as LGBTQ+. I am a member of the World Professional Association of Transgender Health; the American Association of Sexuality Educators, Counselors, and Therapists; and the National Association of Social Workers. I am a constituent and neighbor of State Senator Ron Young.

Many of the clients I serve are children and adolescents who attend Maryland public schools. Over the past five years, I have observed that the level of protection from discrimination that my clients face varies widely depending on the county in which they live and the school they attend. For example, students in Frederick County, which has an exemplary policy (Policy 443) that codifies anti-discrimination protections for LGBTQ+ students, experience a much more consistently safe school environment than their peers just across the county line in Washington County, where there is not a policy that explicitly prohibits gender- and sexuality-based discrimination in schools. My clients in Washington County are far less likely to be out to their peers and teachers as gay or transgender, in large part due to their awareness that their school's policies are not set up to protect them from discrimination from their peers or even from school staff. The implementation of MSDE's recommendations on anti-discrimination are just that: recommendations. Ultimately, absent sweeping state-wide anti-discrimination legislation, the protection of students' civil rights (and mental health) is left up to the discretion of individual administrators and teachers. We can, and must, do better on behalf of our most vulnerable students.

I urge you to vote in support of SB993, the Inclusive Schools Act, so that all Maryland students can experience the same level of safety and civil rights protections.

Sincerely,

Kate MacShane, LCSW-C

Bill: SB0993 Position: Support Committee name: Judicial Proceeding

Dear Committee,

My name is Beck Liberatore, and I have lived in Howard County, Maryland my whole life. In 2016, I came out in high school as a nonbinary person and struggled through learning how to exist in the environment. Though I have now graduated and left the Howard County public school system, I am still very invested in its progress regarding the LGBT+ community.

I am writing to urge you to support the minority students in our school system. Creating non-discrimination protections within our education system is the only way to ensure that these students have a safe and effective education. I have seen firsthand the kind of backlash that can result when LGBT+ students come out at school, and I believe that this issue must be addressed if we are to uphold our mission of helping children grow in a safe environment, especially at a time like this, when the current presidential administration is working to remove the rights of our minority community members. Supporting this bill is a necessary step to preserve the rights of not only LGBT+ students but those of any minority, be it race, religion, disability, etc.

Your support gives me and other minority community members hope. Knowing that someone will protect my community and fight for their rights as humans is immensely important. An ideal Howard County includes the protection and preservation of minority lives. Not only are you easing the strain on minority students, but their families as well. Parents of these students benefit greatly from knowing that their children are safe at school as well as at home.

Thank you for your time, and please continue to support minority rights in Maryland. I am counting on you to continue supporting our students.

Thank you for your support,  
Beck Liberatore (they/them)



SB0993

The Inclusive Schools Act

02/20/2020

Judicial Proceedings Committee

Support

To the Honorable William C. Smith, Jr., and esteemed members of the committee:

I am writing to you to express my support of the Inclusive Schools Act. This bill will protect our children who are enrolled in public schools in Maryland. I understand that the Maryland Department of Education has recommended how to include LGBT students and staff but these policies haven't been adopted by many school boards because they are only guidelines.

As a former school nurse, I have seen first hand the effects of discrimination against this vulnerable population. Our students and staff who are LGBT need protection against discrimination.

Maryland is a great state for me to live in, I'd like everyone who lives here have the same protections that I take for granted.

Please consider supporting the Inclusive Schools Act.

Carol Meredith  
[29194 Buck Rub Road](#)  
[Trappe, MD 21673](#)  
[410-253-6770](#)

*Marla M. Sanzone, Ph.D., M.P.*

*104 Annapolis Street  
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## **SUPPORT**

**Senate Bill #: 0993 Inclusive Schools Act**

**Lead Sponsors:** Senator McCray and Delegate Wilkins

**Senate committee:** Judicial Proceeding

**As a psychologist in independent practice for nearly 30 years in Anne Arundel County I work with adolescents whose emotional, social, academic and physical health has deteriorated following discrimination because of their sexual orientation or gender in MD public schools.**

**In order for children to learn effectively and develop into emotionally stable young adults, they must feel not only physically safe, but also emotionally and socially protected in their school environments. Because there is no current anti-discrimination law that protects these students, they are at an increased risk of discrimination, not only by other students but also by school personnel who have not been provided the needed clear mandates to know how to recognize, intervene and support non-discrimination for sexual orientation and gender.**

**The existing anti-discrimination policies are not legally binding. They are merely guidelines that do not provide uniform formal definitions about what this type of discrimination looks like, nor directives regarding how discriminatory behavior will be addressed by school authorities. As a result children are vulnerable to discrimination without reliable recourse or protection.**

**SB 0993** requires MD schools to have a formal policy to protect all students from discrimination *based on factors including sexual orientation and gender identity.*

It specifically prohibits discrimination based on race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability.

Currently no formal enforceable policy like this exists for the schools in most Maryland counties.

**• The Inclusive Schools Act will:**

- Codify anti-discrimination protections for all students, Pre- K-12 who are enrolled in our public schools and in schools receiving public funding.
- Prohibits retaliation against a student, parent, or guardian who files a complaint of discrimination.

- Establish a complaint and remedy process by which a student and/or their family can work with MSDE to resolve the discriminatory action.
- Require school boards and schools to develop written policies for schools, employees and students regarding civil rights protections.

**This legislation necessary because:**

• Unlike other parts of Maryland law such as public accommodations, employment and fair housing, **Maryland’s current education laws do not have codified anti-discrimination protections!**

- MSDE does have stated “guidance”, *but guidance does not provide the legal protections. Codified anti-discrimination policy does.* This legislation codifies the MSDE guidance.

• While federal law protects some students from discrimination, it only prohibits discrimination based on race, color, national origin, language, sex, religion, and disability.

**Marital status, sexual orientation and gender identity are not currently explicitly covered which allows room for specific discriminatory behavior in these areas to be overlooked.**

• In addition to ensuring that public schools do not discriminate, Maryland law also needs to ensure that private schools that receive state funding such as BOOST vouchers are not allowed to discriminate.

- **Students currently attending these schools on publicly-funded vouchers are only protected by Title VI of the Civil Rights Act, which is limited to prohibiting discrimination based on race, color, and national origin.**

• Lastly, **students who experience discrimination do not currently have a clear process by which they can file a complaint or seek a remedy.**

- By requiring schools to have clear policies on discrimination, as they do for student codes of conduct, students will know how to file a complaint and resolve the discriminatory action.

The bill has exceptions:

- For institutions that have served one gender since the school’s establishment.
- For religious education.

Thank you for your attention to this important matter. The protection of our children’s mental health depends on your support.

*Dr. M.M. Sanzone*

**Marla M. Sanzone, PhD.**

**Clinical Psychologist**

104 Annapolis St.

Annapolis, MD 21401

SB0993  
The Inclusive Schools Act  
02/20/2020  
Judicial Proceedings Committee  
Support

To the Honorable William C. Smith, Jr., and esteemed members of the committee:

Please accept this letter as an expression of my support for HB1204 / SB0993, the Inclusive Schools Act. As a transgender woman and a college administrator, I understand how important it is that our educational institutions be places where we all feel safe and free of discrimination. We as a society will never be free of the fear, hurt and discrimination that is borne out of ignorance if the very place charged with educating our children is not empowered to address that ignorance head on. I encourage our elected officials to help eliminate discrimination against all of our children and enact the Inclusive Schools Act.

Thank You,

Tina Grace Jones  
29424 Whitetail Drive  
Cordova, MD 21625

## **SB0993 The Inclusive Schools Act**

### **SUPPORT**

Attention:

The Honorable William Smith, Jr and members of the Senate Judicial Proceedings Committee:

My name is CJ Ward and I am currently enrolled as a graduate student in organizational psychology. I am submitting this written testimony in support of HB1204 and SB0993 as a bullying prevention and LGBTQ+ educator and advocate

The reason I support these bills is that they will improve the lives and save the lives of LGBTQ+ students. Multiple peer reviewed psychological research studies have examined the negative impact discriminatory practices have on students who identify as lesbian, gay, bisexual, transgender, queer, non-binary, agender, gender-fluid, asexual, or any other identity other than heterosexual (Zewditu et al., 2018). Additionally, the Human Rights Campaign Youth Report shows that only 26% of LGBTQ+ youth report always feeling safe at school (HRC, 2018). Something must be done to ensure students can feel safe 100% of the time so they can focus on learning and not their safety.

Students spend eight hours or more under the supervision of school staff, starting with their morning bus ride. There must be protective measure in place to provide not only a physically safe environment, but a psychological and emotionally safe one as well. Parents need to be able to bring forth issues of discrimination or bullying based on a personal demographic identifier without worrying if their child or family will suffer retaliation from school administrators or staff. Schools must be held accountable for acts of discrimination so improvements to policies and processes can be fairly assessed and improved. If schools are unwilling to hear and address complaints of discrimination it puts all students at a higher risk for emotional and psychological stress.

No-one should ever be afraid to report an incident of bias, discrimination or retaliation. As a parent, I have taught my child there is no greater gift than a strong voice in an adverse situation, and to always take a stand when he sees bias or discrimination in play. Schools must be willing to hear those voices when they speak and actively seek a solution, otherwise students stop speaking and suffer in silence, which creates a false narrative that there isn't actually a problem. Having a clear written policy provides guidance and uniformity for students to engage in the process.

The state of MD has the opportunity and obligation to lead on this issue and set a standard for public schools and private schools that receive public funding in order to protect every child and family, regardless of personal identifiers subjected to bias and discrimination. I urge you to stand proudly in bipartisan support for the children in the state of MD and unanimously pass HB1204 and SB0993. It is the right thing to do and will ultimately not only improve the lives of children but improve the public-school systems as discriminatory practices will be reduced.

Thank you for your time.

CJ Ward

“She/Her”

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References:

HRC Youth Report (2018). Retrieved from <https://www.hrc.org/resources/2018-lgbtq-youth-report>

HRC Gender-Expansive Youth Report Retrieved from <https://www.hrc.org/resources/2018-gender-expansive-youth-report>

Zewditu, D., Rasberry, C., Steiner, R., Brener, N., & McManus, T. (2018). Trends in Secondary School's Practices to Support Lesbian, Gay, Bisexual, Transgender, and Questioning Students, 2008-2014). American Journal of Public Health, 108 (4), 557-564.

SB0993

The Inclusive Schools Act

02/20/2020

Judicial Proceedings Committee

Support

Dear Legislators,

I write in support of the Inclusive Schools Act, SB0993/HB1204. This important bill introduced by Senator Cory McCray and Delegate Jheanelle Wilkins would codify anti-discrimination protection for all students, pre-k through 12 who are enrolled in our public schools of Maryland.

Although the Maryland State Department of Education has provided clear language for how to include all students and staff regardless of sexual orientation or gender identity, these protections are considered guidelines and have not been adopted as policy by many local school boards.

Our children seek a safe and nurturing environment in which to learn. I've met numerous teachers working to create that safe environment for all children. These students and teachers need our support with passing the Inclusive Schools Act.

I am proud to live in a state that is a leader for creating protective policies. I hope we can continue to give this important support by extending much-needed protection to all children living in Maryland.

Respectfully,

Gail Woodall  
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