

Testimony in Support of Senate Bill 768
Nondiscrimination and LGBTQ+ Individuals

Judicial Proceeding Committee

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Government Relations

The Maryland State Education Association supports Senate Bill 768, legislation that would clearly state that it is the policy of Maryland to provide equal access to courts, agencies, programs, departments, and services for members of the LGBTQ+ community and would ensure that members of this community are protected from discrimination on the basis of their sexual orientation, gender identity, or gender expression.

MSEA represents 75,000 educators and school employees who work in Maryland's public schools, teaching and preparing our 896,837 students for careers and jobs of the future. MSEA also represents 39 local affiliates in every county across the state of Maryland, and our parent affiliate is the 3 million-member National Education Association (NEA).

The "equal protection clause" found in the 14th Amendment to the U.S. Constitution delineates legal rights for protected classes of people, including (but not limited to) those whose class is based on their race, religion, national origin and gender. Article 36 of the Maryland Constitution protects against the requirement of believing in, relying upon or invoking the aid of God or a Supreme Being in any governmental or public document, proceeding, activity, ceremony, school, institution, or place. Article 46 of the Maryland constitution assures equality of rights under the law and that said rights cannot be "abridged or denied because of sex". According to the Maryland Commission on Civil Rights, "Pursuant to State Government Article, §20-602, Annotated Code of Maryland, every Marylander is guaranteed equal opportunity in receiving employment and in all labor management-union relations regardless of **race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, gender identity, disability, or genetic information.**" Between the U.S. Constitution, the state constitution and provisions of state employment law, there is established law prohibiting discrimination by government entities and agents.



MSEA believes wholeheartedly that every state agency funding by Maryland taxpayers' dollars should be expected to affirm and protect the constitutional, civil, and human rights of all Marylanders, including those who are members of the LGBTQ+ community. We believe there should be no room for discriminatory practices at institutions who are the recipients of any public funding. This bill makes clear that our state stands in unequivocal support of all Marylanders and that our state agencies charged with serving the people of our stand will do so in a way that does not infringe upon the rights of any member of a Constitutionally protected class.

Every Marylander must be protected from all forms of discrimination and stereotyping based on race, religion, ethnicity, immigration status, age, occupation, disabilities, gender, gender identification, and sexual orientation. MSEA members have long fought to recognize, protect, and defend the rights of all citizens. We have advocated for the dignity and inclusion of all members of our human family and have sought to ensure that everyone has a voice to both tell their stories and to advocate for their needs and those of their respective communities. The educators who make up MSEA and the children and communities we serve reflect the wide diversity of our state. This diversity makes our union stronger. By codifying into law an explicit state policy providing members of the LGBTQ+ community equal access to services, agencies, programs, and courts and prohibiting discriminatory treatment, policies, or practices aimed specifically at the LGBTQ+ community, our state takes a significant step toward ensuring that Maryland reflects and realizes the value inherent in us all. And as we have seen in our union, doing so makes our great state stronger.

MSEA enthusiastically urges a favorable report on Senate Bill 768.