



Maryland Developmental Disabilities Council

EMPOWERMENT • OPPORTUNITY • INCLUSION

Senate Judicial Proceedings Committee

SB 98: County Boards and Public and Nonpublic Prekindergarten Programs and Schools – Discrimination – Prohibition

January 28, 2021

Position: **Support**

The Maryland Developmental Disabilities Council's (DD Council) mission is to advance the inclusion of people with developmental disabilities in all facets of community life by eliminating barriers, creating opportunities, empowering people, and promoting innovation. **SB 98 does just that by prohibiting discrimination in public and nonpublic schools.** Parents who choose to send their children to private schools must be free to do so. However, **public funds should not be used to assist attendance of children at those schools that do not provide equitable opportunities for children with and without disabilities to learn with and from each other.** If Maryland is going to use state funds to provide scholarships for students to attend private schools, certain civil rights should be protected.

WHY is this legislation important?

- **Private schools that do not receive federal funds are not required to comply with Section 504 of the Rehabilitation Act.** Section 504 that prohibits discrimination on the basis of disability in programs or activities that receive Federal financial assistance from the U.S. Department of Education.
- **Private schools run by religious organizations are not required to comply with the Americans with Disabilities Act (ADA).** The ADA ensures that students with disabilities have equal access and opportunity for participation in the programs, services and activities offered by the school.
- **Subtle forms of discrimination can be present in every aspect of the educational process** - from admissions to classroom instruction to physical accessibility. For example, telling a family their child might feel more comfortable or be better served elsewhere or refusing to make requested accommodations. Reasonable accommodations allow a student to access a school's programs and services.

WHAT does this legislation do?

Requires school systems to develop antidiscrimination policies that prohibit public and private schools from:

- Discriminating against any person because of the individual's race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, **or disability.**
- Refusing enrollment of, expelling, or withholding privileges from any student or prospective student because of the individual's race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability.
- Disciplining, invoking a penalty against, or taking any other retaliatory action against a student or parent or guardian of a student who files a complaint alleging that the school discriminated against the student

The protections afforded by this bill make schools safer and more welcoming for all students. A positive, enriching environment is vital for every student's success, including students with disabilities.

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