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Bill: SB0098
Title: County Boards and Public and Nonpublic Prekindergarten Programs and Schools – Discrimination – Prohibition
Date: January 25, 2021
Committee: Ways and Means Committee
Position: Support

To the Honorable Senator William C. Smith, Jr. and Esteemed Members of the Committee:

FreeState Justice is a statewide legal advocacy organization that seeks to improve the lives of lesbian, gay, bisexual, transgender, and queer (“LGBTQ”) Marylanders. We work across Maryland to provide free civil legal aid to LGBTQ Marylanders with low incomes who are facing discrimination. Those clients include students in Maryland schools facing individual bullying and systemic discrimination.

Studies conducted both statewide and nationally have shown that LGBTQ students experience various challenges when it comes to the classroom. The majority of LGBTQ students reported feeling unsafe in their schools (64% of LGB student and 44% of transgender students, respectively).¹ The majority of Maryland LGBTQ students regularly hear anti-LGBTQ comments in their school, and 65% report experiencing harassment or assault based on their identity. Equally distressing, most students (54%) never reported the incident to school staff, and only 29% of students who reported incidents said it results in staff intervention.²

These experiences have serious impacts on student learning and school climate as well as on the safety, health, and wellbeing of Maryland students. The Trevor Project, a national LGBTQ crisis intervention and suicide prevention service for youth, received nearly 1,500 call from Maryland LGBTQ youth in crisis each year, many of whom are considering self-harm or suicide.

¹ Youth Equality Alliance, Living in the Margins, A Report on the Challenges of LGBTQ Youth in Maryland Education, Foster Care, and Juvenile Justice Systems (2014).

² Kosciw, J. G., Greytak, E. A., Zongrone, A. D., Clark, C. M., & Truong, N. L. (2018). The 2017 National School Climate Survey: The experiences of lesbian, gay, bisexual, transgender, and queer youth in our nation’s schools. New York: GLSEN.

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The same survey mentioned previously found that only 12.6% of their students reported that their schools had comprehensive non-discrimination and anti-bullying policies.³ Research has demonstrated that students in schools with comprehensive non-discrimination policies were less likely to hear negative LGBTQ remarks and were more likely to report that staff intervened when hearing discriminatory remarks. Though the Maryland State Department of Education has issued guidelines on serving LGBTQ students, it has not translated to practice. Across Maryland's counties, and even within school districts, students and families are navigating a patchwork of rules and policies or lack thereof. Experiences vary wildly from district to district, school to school, and even classroom to classroom.

For students facing discrimination based on sexual orientation and/or gender identity, it can be even more difficult to navigate the varying administrative processes to attempt to address discriminatory behavior in a school or district. This bill would give families clarity in how to notify and address discriminatory behavior impacting their students.

LGBTQ students deserve to have safe and affirming school spaces. If their well-being or safety is being threatened at school, policies should be in place to support them. This legislation will best support LGBTQ students by establishing a complaint and remedy process by which a student and/or their family can work with MSDE to resolve the discriminatory action. FreeState Justice whole heartedly supports HB1204, which will codify anti-discrimination protections for all students. This bill aims to prohibit discrimination based on race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability.

FreeState Justice strongly urges the Committee to issue a favorable report on SB0098.

Thank you for the opportunity to comment on this important legislation, and please do not hesitate to contact us if we can be of further assistance.
Sincerely,



Jeremy LaMaster
Executive Director