

# **SB 98--Inclusive Schools Act--FAV.pdf**

Uploaded by: Dove, Tina

Position: FAV

Testimony in Support of Senate Bill 98  
County Boards and Public and Nonpublic Prekindergarten  
Programs and Schools—Discrimination—Prohibition

Senate Judicial Proceedings Committee

January 28, 2021

11:00 am

Tina N. Dove, M.Ed.  
Government Relations

The Maryland State Education Association supports Senate Bill 98, which would prohibit a local board of education; a public or nonpublic elementary or secondary school; or a public or nonpublic prekindergarten program that receives state funds from refusing enrollment of, expelling, withholding privileges from, or otherwise discriminating against any student or prospective student due to their race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability. It also requires local boards of education to adopt and maintain a written antidiscrimination policy as well as requiring nonpublic prekindergarten, primary, and secondary schools that receive state funding to develop and maintain a written antidiscrimination policy that prohibits discrimination.

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 14<sup>th</sup> 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.

As such, MSEA believes wholeheartedly that any entity within the state of Maryland that receives state tax dollars should be made to adhere to prohibiting discrimination. Furthermore, any school—public or nonpublic—that is the recipient of state tax dollars should be held to an equal standard as it relates to the students it enrolls (notable exceptions notwithstanding). 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 all entities that choose to accept public education funding should be made to adhere to the laws governing public institutions. Additionally, this legislation requires that written antidiscrimination policies be developed, adopted, and maintained by all local public school districts and nonpublic schools who receive public funding, which provides all students with clear guideline detailing the behavioral expectations of their schools and districts as well as the protections they can expect from their schools and districts. Finally, this bill provides a path by which those who allege a discriminatory action has been taken against them may seek remedy.

MSEA fundamentally believes that schools should be welcoming and nurturing learning environments for students of all backgrounds and beliefs. Therefore, **we urge the committee to issue a Favorable Report on Senate Bill 98.**

# **PFLAG Written Testimony-SB0098-Inclusive Schools-M**

Uploaded by: Eckstein, Mark

Position: FAV



January 28, 2021

**SB0098: Written Testimony - SUPPORT**

Dear Chair Smith, Vice-chair Waldstreicher, and Members of the Judicial Proceedings Committee:

We are writing on behalf of *MetroDC PFLAG* in **Support of SB0098 - Inclusive Schools Act**, which would prohibit discrimination on the basis of sexual orientation and gender identity in K-12 public schools, and schools that receive public funding.

The specific protections extended to students in the LGBTQ+ community are crucial as these students often are very vulnerable and can face discrimination based on their identity. These protections are needed to ensure LGBTQ+ students receive the same equal treatment as their peers.

Everyone deserves a safe and equal learning environment, and this bill will help make sure Maryland's school districts create written discrimination policies to protect these students.

We urge a **Favorable Report on SB0098**.

Thank you,

Nicolle Campa She|Her|Hers  
Board President

Mark Eckstein He|Him|His  
MD Advocacy Chair

[www.pflagdc.org](http://www.pflagdc.org)

Keeping Families Together!

Metro DC PFLAG is a nonprofit, nonpartisan, volunteer organization founded in 1983 and oversees sixteen (16) PFLAG Community Groups across Washington D.C., Maryland and Virginia.

As a chapter of PFLAG, we strive to promote the health and well-being of gay, lesbian, bisexual, and transgender persons and their families and friends through support, education, and advocacy to end discrimination and secure equal rights.

## **Legislative Testimony 98.pdf**

Uploaded by: Elliott, Richard DeShay

Position: FAV

Legislative Testimony:  
SB98

I support Senator McCray's Senate Bill 98 to ban discrimination in pre-k. Discrimination in Pre-K is heinous and only serves to worsen the very real school to prison pipeline and limit educational opportunities for Black and Latino children.



By Authority: Rich Elliott For Maryland Keanu Smith-Brown, Campaign Chair Christian Hillian, Treasurer

# **SB98 - PreK Anti-Discrimination.pdf**

Uploaded by: Faulkner, Rachael

Position: FAV





Senator William C. Smith, Jr., Chair  
Senator Jeff Waldstreicher, Vice Chair  
Judicial Proceedings Committee  
2 East, Miller Senate Office Building  
Annapolis, MD 21401

**Bill: Senate Bill 98 – County Boards and Public and Nonpublic Prekindergarten Programs and Schools – Discrimination - Prohibition**

**Position: Support**

Dear Chair Smith, Vice Chair Waldstreicher, and Members of the Committee:

I am writing on behalf of the Maryland School Psychologists' Association (MSPA), a professional organization representing about 500 school psychologists in Maryland. We advocate for the social-emotional, behavioral, and academic wellbeing of students and families across the state.

The purpose of this letter is to share our support for Senate Bill 98, which would prohibit discrimination against any person on the basis of race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability. This legislation would also protect individuals from being denied enrollment or from retaliation after filing a complaint alleging discrimination. Importantly, the language in the bill provides exceptions for religiously-affiliated institutions and schools with single-sex enrollment.

While the Maryland State Department of Education (MSDE) has published guidance on anti-discrimination protections, these protections are not currently guaranteed by law. We feel that it is important that such protections are codified into state law. For these reasons, we urge a favorable report on Senate Bill 98.

Respectfully submitted,

Kyle Potter, Ph.D., NCSP  
Chair, Legislative Committee  
Maryland School Psychologists' Association

# **LoS - School Anti-Discrimination Protections.pdf**

Uploaded by: Gillard, Alvin

Position: FAV

# State of Maryland

## Commission on Civil Rights

*"Our vision is to have a State that is free from any trace of unlawful discrimination."*



### *Officers*

Alvin O. Gillard, Executive Director  
Nicolette Young, Assistant Director  
Glendora C. Hughes, General Counsel

Governor  
Larry Hogan  
Lt. Governor  
Boyd K. Rutherford  
Commission Chairperson  
Gary C. Norman, Esq.  
Commission Vice Chairperson  
Roberto N. Allen, Esq.  
Commissioners  
Allison U. Dichoso, Esq.  
Hayden B. Duke  
Janssen E. Evelyn, Esq.  
Eileen M. Levitt, SPHR, SHRM-SCP  
Rabbi Binyamin Marwick  
Jeff Rosen  
Gina McKnight-Smith, PharmD, MBA

January 28, 2021

### **Senate Bill 98 – County Boards and Public and Nonpublic Prekindergarten Programs and Schools - Discrimination - Prohibition** **POSITION: Support**

Dear Chairperson Smith, Vice Chairperson Waldstreicher, and Members of the Senate Judicial Proceedings Committee:

The Maryland Commission on Civil Rights ("MCCR"; "The Commission") is the State agency responsible for the enforcement of laws prohibiting discrimination in employment, housing, public accommodations, and state contracts based upon race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, gender identity, genetic information, physical and mental disability, and source of income.

Senate Bill 98 prohibits public schools and private schools that receive state funding from discriminating against any student, prospective student, or guardian based on race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability with respect to admission, enrollment, disciplinary action, retaliation, and access to privileges. Under the bill, complaints can be filed with the State Superintendent, who will attempt to mediate a resolution within 60 days. If mediation is not successful within that time period, the State Superintendent shall issue a decision to the complaining party and the institution or local Board of Education. If the institution or Board is found in violation, the State Superintendent may direct the Comptroller to withhold funding for state funded programs. Decisions are appealable to the Office of Administrative Hearings.

The Maryland Commission on Civil Rights supports SB98 because students deserve to be free from unlawful discrimination in the classroom. Eradicating unlawful education discrimination will permit all students, including minority students, a fair and equitable chance at receiving the best education possible at a school of their choosing. Additionally, the State of Maryland has also declared through numerous laws that discrimination is not welcome here, so any institution receiving state funds should be held accountable to those standards.

For these reasons, the Maryland Commission on Civil Rights strongly urges a favorable vote on SB98. Thank you for your time and consideration of the information contained in this letter. The Maryland Commission on Civil Rights looks forward to the continued opportunity to work with you to improve and promote civil rights in Maryland.

# **2021 SB0098 (HB0155).pdf**

Uploaded by: Goldstein, Mathew

Position: FAV



Secular Maryland

<http://www.secularmaryland.us>

smd@secularmaryland.us

---

January 28, 2021

The Honorable William C. Smith, Jr.

Judicial Proceedings Committee

2 East, Miller Senate Office Building

Annapolis, MD 21401

Re: SUPPORT SB0098 (HB0155) County Boards and Public and Nonpublic  
Prekindergarten Programs and Schools – Discrimination – Prohibition

Chairman and Members of the Committee:

Invidious discrimination hurts us as a society, it divides people and impedes people from realizing their potential. The government sector in particular has a responsibility to not participate in, or otherwise facilitate, invidious discrimination. There should be no exception for government education policy. This bill requiring all elementary and secondary schools receiving government funding to uphold government non-discrimination standards, with strengthened enforcement procedures, is welcome. The Secular Coalition for Maryland recommends this bill for approval by the General Assembly.

Everyone wants their children to be safe. Too often people who are unlike ourselves are seen as threatening, triggering misdirected fear. Minorities can be vulnerable to negative stereotyping. Some theists deem non-theism to be peculiar, unreasonable, or threatening. They misunderstand non-theism and may associate non-theism with negative behavior. The metaphysical naturalism underlying non-theism is an intellectual conclusion that nontheists (deists, agnostics, atheists) sincerely consider to be more compelling than the competing conclusions.



Secular Maryland

<http://www.secularmaryland.us>

[smd@secularmaryland.us](mailto:smd@secularmaryland.us)

Government funding of nonpublic school education too often disregards invidious discrimination against religious belief dissenters such as nontheists. Without this proposed revision to the law it is more likely that some of the government subsidized nonpublic schools will discriminate against nontheists. Our laws should state firmly and clearly: Government's nondiscrimination obligations will not be circumvented by government funding of third parties who discriminate.

# **SB0098\_Fav\_FreeState Justice.pdf**

Uploaded by: LaMaster, Jeremy

Position: FAV



2526 SAINT PAUL STREET  
BALTIMORE, MD 21218  
TEL (410) 625-LGBT (5428)  
FAX (410) 625-7423  
[www.freestate-justice.org](http://www.freestate-justice.org)

Jeremy LaMaster  
Executive Director  
[jlamaster@freestate-justice.org](mailto:jlamaster@freestate-justice.org)

**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).<sup>1</sup> 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.<sup>2</sup>

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.

---

<sup>1</sup> 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).

<sup>2</sup> 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.

#### STAFF

Jeremy LaMaster  
**Executive Director**  
  
Ezra Halstead  
**Director of Education & Outreach**  
  
Eli Washington  
**Development Director**  
  
C.P. Hoffman  
**Legal Director**  
  
Lauren Pruitt  
**Staff Attorney**  
  
Mackenzie Dadswell  
**Staff Attorney**

#### BOARD

R. Eric Thomas  
**President**  
ELLE.com  
  
Lee Westgate, MBA, MSW, LCSW-C  
**Vice President**  
University of Maryland, School of Social Work  
  
John Conwell  
**Treasurer**  
Comcast  
  
Riley Grace Roshong  
**Secretary**  
University of Maryland Francis King School of Law  
  
Lee Carpenter, Esq.  
Niles, Barton, & Wilmer, LLC  
  
Stephanie Castro  
University of Baltimore School of Law  
  
Crystal Coache  
Urban Teacher Center  
  
Brenda Dorsch, LCPC  
Life Journey Counseling  
  
Ron C. Hokemeyer  
Baltimore Gas & Electric, retired  
  
Brianna January, MPP  
Media Matters for America  
  
Mala Malhotra-Ortiz, Esq.  
W.L. Gore  
  
Rianna Matthews-Brown  
Johns Hopkins University, Office of the President  
  
Diane Stollenwerk, MPP  
StollenWerks  
  
Ebony Thompson, Esq.  
Venable LLP  
  
Jessica P. Weber, Esq.  
Brown, Goldstein & Levy, LLP



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.<sup>3</sup> 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

## **SB 98 Anti School Discrimination DD Council Suppor**

Uploaded by: London, Rachel

Position: FAV



## 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.

Contact: Rachel London, Executive Director: [RLondon@md-council.org](mailto:RLondon@md-council.org)

# **EACtestimony.SB98.pdf**

Uploaded by: Margolis, Leslie

Position: FAV

# **Education Advocacy Coalition For Students with Disabilities**

## **SENATE JUDICIAL PROCEEDINGS COMMITTEE**

### **SENATE BILL 98: COUNTY BOARDS AND PUBLIC AND NONPUBLIC PREKINDERGARTEN PROGRAMS AND SCHOOLS—DISCRIMINATION—PROHIBITION**

**JANUARY 28, 2021**

#### **POSITION: SUPPORT**

The Education Advocacy Coalition for Students with Disabilities (EAC), a coalition of more than 30 organizations and individuals concerned with education policy for students with disabilities in Maryland supports Senate Bill 98, which would prevent discrimination against students and employees in nonpublic schools receiving state funds.

Pursuant to Senate Bill 98, a nonpublic elementary or secondary school that receives state funds would be unable to refuse enrollment, expel, withhold privileges from or discriminate against 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. For students with disabilities, this provision ensures that if families choose to enroll their child with a disability in a private school that is not required to comply with Section 504 of the Rehabilitation Act because it does not receive federal funds, or with the Americans with Disabilities Act because it is run by a religious organization, their children will be protected against disability-based discrimination. Senate Bill 98 does not mandate that every student with a disability, no matter how severe, must be admitted to and served by a private school from which his or her parents seek enrollment. In fact, Senate Bill 98 makes clear that students must meet the eligibility requirements of the school to be enrolled, so long as those eligibility requirements are not discriminatory. Senate Bill 98 simply requires that in making such decisions, private schools that receive state funds not engage in discrimination.

For these reasons, the EAC supports Senate Bill 98. For additional information, please contact Leslie Seid Margolis, Chairperson, at [lesliem@disabilityrightsmd.org](mailto:lesliem@disabilityrightsmd.org) or 410-727-6352, ext. 2505.

Respectfully submitted,

Selene Almazan, Selene Almazan Law, LLC  
Rene Averitt-Sanzone, The Parents' Place of Maryland  
Linda Barton, Ms.Ed., Education Advocate  
Elizabeth Benevides, Howard County Autism Society  
Ellen A. Callegary, Law Offices of Ellen A. Callegary, P.A.  
Michelle Davis, ABCs for Life Success  
SarahRuth Davis, Parent Advocacy Consortium  
Jennifer Engel Fisher, Weinfeld Education Group  
Lisa Frank, Andrea Bennett and Jen Ritchotte, Special Kids Company  
Shamoyia Gardiner, Strong Schools Maryland  
Ann Geddes, Maryland Coalition of Families  
Martha Goodman, Special Needs Advocacy Project, Center for Jewish Education

Kalman Hettleman, Independent Advocate  
Morgan Durand Horvath, Abilities Network  
Rosemary Kitzinger and Marjorie Guldán, Bright Futures, LLC  
Rachel London, Maryland Developmental Disabilities Council  
Leslie Seid Margolis, Disability Rights Maryland  
Ellen O'Neill, Atlantic Seaboard Dyslexia Education Center  
Melissa Riccobono, Maryland Parents of Blind Children/National Federation of the Blind of Maryland  
Rebecca Rienzi, Pathfinders for Autism  
Lori Scott, The Arc Maryland  
Monica Simpkins, Learning Disabilities Association of Maryland  
Karleen Spitulnik, Decoding Dyslexia Maryland  
Ronnetta Stanley, Loud Voices Together  
Guy Stephens, Alliance Against Seclusion and Restraint  
Maureen van Stone, Mallory Finn Legg and Alyssa Thorn, Project HEAL at Kennedy Krieger Institute

## **SB-98 Testimony-County Boards and Public and Non p**

Uploaded by: McCray, Cory

Position: FAV



THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

**Vote Yes on Senate Bill 98**

**Bill Title: County Boards and Public and Nonpublic Prekindergarten Programs and Schools-Discrimination-Prohibition**

**Hearing Date: January 28, 2021, Judicial Proceedings**

Good afternoon Mr. Chair and Members of the Committee:

I write to you today to urge a favorable report on Senate Bill 98: I come before you today to ask for a favorable report on SB 98, the Inclusive Schools Act. This is the fourth year that I have introduced legislation seeking to protect all students from discriminatory practices. The bill before you today is identical to how last year's bill passed the House. The Inclusive Schools Act does three main things:

1) It establishes prohibitions in all public and nonpublic schools that receive state funding that protect against discriminatory actions toward "any person because of the individual's race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability."

2) It requires these schools to have written policies that prohibit discrimination; and

3) It creates an administrative complaint and remedy process within the Maryland Department of Education (MSDE) by which a student or family member may file a complaint of discrimination and request that MSDE provide a remedy to alleviate the discrimination.

Previous iterations of this legislation had attempted to address concerns about discriminatory practices in nonpublic schools who were receiving state funding, such as the schools who participate in the BOOST voucher program. The Inclusive Schools Act now proposes to prohibit all public schools, as well as non-public schools that take public funds, from discriminating against students and families. Previous iterations also set up a complaint process involving the Commission on Civil Rights and the courts; but based on their feedback two years ago, the bill now creates an administrative remedy that goes through MSDE.

The Maryland Commission on Civil Rights has noted that there are no clear antidiscrimination protections covering sexual orientation or gender identity in



Maryland's public schools. This is because we rely on federal antidiscrimination laws, which do not currently include protections for sexual orientation or gender identity. This is not to say that MSDE does not recognize the importance of these protections as it has developed guidance that clearly states that schools will not discriminate in this manner. However, guidance does not offer the same level of protection that codified antidiscrimination policy does.

There are numerous stories from parents and students both in public schools and non-public schools who have experienced discrimination. Under current law, many of those students are left with no recourse to remedy the discrimination. In cases where they are covered by federal law, their only recourse is to find an attorney and file a lawsuit claiming a violation of their Civil and Constitutional rights. The Inclusive Schools Act creates an accessible process by which students and/or their parents can file a complaint with MSDE; MSDE will determine if a discriminatory act has actually occurred; and then MSDE can work with the student and the school/school board to mediate and find a mutually agreeable remedy. If the parties can't agree, MSDE has the authority to issue a "finding of fact" and order relief from the discriminatory act. If there is still disagreement with MSDE's findings, both parties have the option to file an appeal with the Office of Administrative Hearings. Because the legislation also requires schools/school boards to have written antidiscrimination policies, it is our hope that very few complaints ever reach the point where MSDE is required to intervene. Written policies provide clear guidelines for administrators, educators and support staff and can create school level and county level complaint and remedy processes for students and families to access prior to filing a complaint with MSDE.

The goal of this legislation is to ensure equal protection and fair treatment for all students, and to provide guidance and support for our public schools and qualifying nonpublic schools. Thank you for your consideration.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Cory V. McCray', with a stylized flourish at the end.

Cory V. McCray  
State Senator

# **SB 98\_FAV\_ACLUMD\_Nalley.pdf**

Uploaded by: Nalley, Justin

Position: FAV



**Testimony for the Senate Judicial Proceedings Committee  
January 28, 2021**

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

**FAVORABLE**

JUSTIN NALLEY  
POLICY ANALYST,  
EDUCATION

AMERICAN CIVIL  
LIBERTIES UNION  
OF MARYLAND

MAIN OFFICE  
& MAILING ADDRESS  
3600 CLIPPER MILL ROAD  
SUITE 350  
BALTIMORE, MD 21211  
T/410-889-8555  
or 240-274-5295  
F/410-366-7838

[WWW.ACLU-MD.ORG](http://WWW.ACLU-MD.ORG)

OFFICERS AND DIRECTORS  
JOHN HENDERSON  
PRESIDENT

DANA VICKERS SHELLEY  
EXECUTIVE DIRECTOR

ANDREW FREEMAN  
GENERAL COUNSEL

The ACLU of Maryland urges the committee to support SB 98, which will codify anti-discrimination protections for all students, Pre-K-12 who are enrolled in our public schools and in schools receiving public funding.

**Current law fails to protect students from discrimination**

The patchwork of provisions governing the public funding of private schools leaves several gaps that allow for students to face discrimination, without redress. Unlike other parts of Maryland law such as public accommodations, employment, and fair housing, Maryland's education laws do not have codified anti-discrimination protections. MSDE does have stated guidance, but the guidance does not provide the legal protections of a codified anti-discrimination policy. This legislation simply codifies the MSDE guidance. Consider, for example, the millions of taxpayer dollars the state spends on BOOST funding — private schools receiving that funding are prohibited from discriminating in student admissions alone, not retention; are free to discriminate against teachers; and worst of all face no legal recourse for violating the rules of the program. Therefore, students and teachers who face discrimination in BOOST schools are without protection. This is especially concerning in light of school discipline trends showing that students of color face disparate expulsion rates.

In addition to ensuring that private schools do not discriminate, Maryland law also needs to ensure that public schools do not discriminate on the basis of sexual orientation and gender identity.

**Current law fails to provide a remedy for discrimination**

Students who experience discrimination in private schools that receive BOOST funding 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.

For the foregoing reasons, we urge a favorable report on SB 98.



JUSTIN NALLEY  
POLICY ANALYST,  
EDUCATION

AMERICAN CIVIL  
LIBERTIES UNION  
OF MARYLAND

3600 CLIPPER MILL ROAD  
SUITE 350  
BALTIMORE, MD 21211  
T/410-889-8555  
or 240-274-5295  
F/410-366-7838

[WWW.ACLU-MD.ORG](http://WWW.ACLU-MD.ORG)

OFFICERS AND DIRECTORS  
JOHN HENDERSON  
PRESIDENT

DANA VICKERS SHELLEY  
EXECUTIVE DIRECTOR

ANDREW FREEMAN  
GENERAL COUNSEL



# **MAYSB - SB 98 FAV - Inclusive Schools Act.pdf**

Uploaded by: Park, Liz

Position: FAV



*"Being here for Maryland's Children, Youth, and Families"*

**Judicial Proceedings Committee  
Senate Bill 98 – Inclusive School Acts  
January 28, 2021  
Support**

The Maryland Association of Youth Service Bureaus (MAYSB) represents a network of bureaus throughout the State who provide mental health services and other supports for young people and their families. Youth Service Bureaus (YSBs) work with students experiencing school difficulties including discrimination and know the impact such discrimination can have on their mental health. MAYSB supports *Senate Bill 98 – County Boards and Public and Nonpublic Prekindergarten Programs and Schools - Discrimination – Prohibition*.

This bill is important legislation that will ensure anti-discrimination protections for all students, Pre-K-12<sup>th</sup> grade who are enrolled in Maryland public schools and in schools receiving public funding. Specifically, this bill prohibits discrimination based on one's race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability. Students who experience discrimination can experience depression, anxiety, and other mental health issues. Such issues can negatively impact the student's school attendance and performance and thus their school success.

Currently, students who experience discrimination do not have a clear process by which they can file a complaint or seek a remedy. This bill requires Maryland schools to have specific anti-discrimination policies and procedures. 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. This legislation also ensures nondiscrimination protections for students experiencing discrimination based on their sexual orientation, gender identity or disability. This legislation is important because it codifies the current MSDE guidance on anti-discrimination and extends these protections through law to all students.

The bill provides exceptions for historically, single gender institutions and exceptions for religious education.

Thank you for your consideration of our testimony. We urge a favorable vote.

Respectfully Submitted:

Liz Park, PhD  
MAYSB Chair  
[lpark@greenbeltmd.gov](mailto:lpark@greenbeltmd.gov)

# **SB0098 MD NARAL SUPPORT.pdf**

Uploaded by: Philip, Diana

Position: FAV





**SB0098 - County Boards and Public and Nonpublic Prekindergarten Programs  
and Schools - Discrimination - Prohibition**

Presented to the Hon. Paul Pinsky and Members of the Senate Education, Health, and Environmental Affairs  
January 28, 2021 1:00 p.m.

---

**POSITION: SUPPORT**

NARAL Pro-Choice Maryland **urges the House Ways & Means Committee a favorable report on SB0098 - County Boards and Public and Nonpublic Prekindergarten Programs and Schools - Discrimination-Prohibition**, sponsored by Senator Cory McCray.

Our organization is an advocate for reproductive health, rights, and justice for all Marylanders. We seek to protect the rights of youth to feel safe and occupy public spaces free of gender-based harassment and harmful bias. We recognize that youth are better able to make informed and independent decisions about their own sexual and reproductive lives when free of gender discrimination and stereotypes. When families are unsupportive, youth often turn to the networks they build in their schools to find affirmation and community. Positive school climates should be a priority in all schools. Any school receiving public funding should be prohibited from engaging in discriminatory enrollment practices as well as discipline, expulsion, suspension, or exclusion of students based upon certain diversity factors or particular identities. In addition, we believe that students, as well as parents or legal guardians, should be able to file complaints related to school discrimination without retaliation.

In publicly-funded schools, Title IX protections based on sex include the pregnant and parenting status of students based upon federal caselaw and guidance documents released by the U.S. Departments of Justice and Education. By clarifying that sex discrimination protections include sexual orientation, gender identity, and marital status, more of students will be able to complete their education, should they be enrolled in nonpublic institutions that receive any type of public funding.

As our organization is an advocate for reproductive freedom, we work to ensure every child-bearing individual has the right to decide if, when, and how to form their families and to parent in good health, in safety, and with dignity. Youth have the same rights as adults in choosing when to form their families. Among our campaigns to ensure reproductive freedom for all Marylanders, we seek to help identify and create effective supports to help pregnant and parenting students stay in school, on track to graduate, and headed towards economic security. Each year, approximately 800 youth from ages 15 to 17 give birth in Maryland, and roughly another 2,200 among those 18 or 19 years-old.

Pregnant and parenting students may experience unwelcoming, inequitable, or stigmatizing school environments or practices by school personnel. Under Title IX, "school pushout" practices are prohibited, such as lack of accommodations for childcare and lactation, stigmatization and harassment from peers and

staff, and involuntary leave from school.<sup>1</sup> Title IX ensures that students who are pregnant or parenting are protected by allowing continued participation in classes and extracurricular activities, provide reasonable adjustments in the learning environment, authorize excused absences due to pregnancy or childbirth, and allow time to make up missed work. However, while some schools seek to support these students, other choose to make the school climate dynamics so toxic that pregnant students may choose to drop out of school during pregnancy or decide to not return. In other instances, students have been blocked from enrolling in school or banned from returning to school once it is believed that a student is pregnant. Pregnant or parenting girls experience discrimination from principals, teachers, mentors, counselors, school volunteers, and other youth. According to the National Women's Law Center report, "Stopping School Pushout for: Girls Who Are Pregnant or Parenting," more than 26% of female pregnant or parenting students stated that they received little or no counseling or support.<sup>2</sup> Additionally, these students are subject to a higher risk of sexual violence, bullying, and harassment than their non-pregnant or parenting peers. This ultimately harms new parenting students in preventing them from completing their education, making these students and their children more likely to struggle with housing and/or economic security, and rely on public assistance programs.<sup>3</sup> Sex discrimination interfering with a pregnant or parenting student's authentic participation in school can lead to real threats of educational attainment and financial stability for generations<sup>4</sup>.

Our organization also supports inclusion of discrimination protections based on sexual orientation, gender identity, and gender expression. According to the 2018 LGBTQ Youth Report conducted by the *Human Rights Campaign*, 60% of LGBTQ students felt unsafe at their school due to discrimination based upon their sexual orientation, 45% due to their gender expression, and 35% because of their gender. Approximately 87% of LGBTQ students reported experiencing harassment or assault based on their sexual orientation, gender identity, and/or gender expression. LGBTQ+ youth stated that they were likely to skip school because they felt unsafe or uncomfortable (approximately one-fifth), with some reporting having switched schools completely due to safety concerns.<sup>5</sup> Approximately 60% of LGBTQ students who did report incidents of harassment to school officials shared that the staff either did nothing to intervene or told the student to ignore the harassment. The absence of written antidiscrimination policies makes it much more difficult for LGBTQ students to self-advocate when faced with discrimination, for school employees and administrators to effectively intervene, and for bad actors to be held accountable.

HB0155 seeks to establish written protections against discrimination in public schools and expand these protections into private schools that receive any public funding. As such, it will allow more students across our state to thrive and realize their educational goals. For these reasons, **NARAL Pro-Choice Maryland urges a favorable committee report on SB0098.** Thank you for your time and consideration.

---

<sup>1</sup> U.S. Department of Education *Know Your Rights: Pregnant or Parenting? Title IX Protects You from Discrimination at School*.

<sup>2</sup> Garcia, Kelli and Chaudhry, Neena. (2017). *Stopping School Pushout for: Girls Who Are Pregnant or Parenting*. National Women's Law Center.

<sup>3</sup> Hoffman, S. D., & Maynard, R. A. (Eds.). (2008). *Kids having kids: economic costs and social consequences of teen pregnancy* (2nd ed.). Washington, DC: Urban Institute Press

<sup>4</sup> National Conference of State Legislatures, *Postcard: Teen Pregnancy Affects Graduation Rates*, 2013

<http://www.ncsl.org/research/health/teen-pregnancy-affects-graduation-rates-postcard.aspx>

<sup>5</sup> 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.

# **TESTIMONY FOR SB0098 County Boards and Public and**

Uploaded by: Plante, Cecilia

Position: FAV



**TESTIMONY FOR SB0098  
COUNTY BOARDS AND PUBLIC AND NONPUBLIC PREKINDERGARTEN  
PROGRAMS AND SCHOOLS – DISCRIMINATION - PROHIBITION**

**Bill Sponsor:** Senator McCray

**Committee:** Judicial Proceedings

**Organization Submitting:** Maryland Legislative Coalition

**Person Submitting:** Cecilia Plante, co-chair

**Position:** FAVORABLE

I am submitting this testimony in favor of SB0098 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists and our Coalition supports well over 30,000 members.

Our members do not support discrimination in any shape or form. They are specifically concerned when that discrimination involves public funds that are being given to a private school.

This bill gets at the heart of that problem. There are exclusions for schools that have always enrolled a single gender or schools that are affiliated with a specific religion (although accommodation should be made for the student).

Public funds should be used to ensure that all of our children have a good education. Diverting funds from public schools, which accept all students, to private schools, which can discriminate is not only a poor use of funds, but the outcome for the students and all of us is very poor.

We support this bill and recommend a **FAVORABLE** report in committee.

# **SB98\_StrongFutureMaryland\_FAV.docx.pdf**

Uploaded by: Wilkerson, Alice

Position: FAV



**Testimony in Support of Senate Bill 98 (Senator McCray)  
County Boards and Public and Nonpublic Prekindergarten Programs  
and Schools - Discrimination – Prohibition  
(Inclusive Schools Act)**

January 28, 2021

Dear Chairman Smith and Members of the Judicial Proceedings Committee:

On behalf of Strong Future Maryland, we write in strong support of Senate Bill 98. Strong Future Maryland works to advance bold, progressive policy changes to address systemic inequality and promote a sustainable, just, and prosperous economic future for all Marylanders. We urge you to support this legislation to provide civil rights protections and an administrative relief process for students in our public schools and schools receiving public funding.

This legislation, which has passed the House twice, is necessary to provide support for all students regardless of race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability. SB98 provides a much needed mechanism for students to file an administrative complaint and seek relief if they believe they have been discriminated against in their publicly funded school. It is not enough for our laws to merely state that students are protected, we must establish an accessible process by which students can avail themselves of their rights and advocate for themselves. Under the current system, the only real mechanism for students to seek relief or file a complaint is to file a lawsuit. The administrative procedure established in SB98 would provide students with a process accessible to all students regardless of income, and allows for the State Board of Education to serve as a mediator rather than forcing students and school districts into court.

While this legislation establishes an administrative process for any member of a protected class to seek relief, it is of particular importance to LGBTQ students. Despite strong efforts on behalf of the State Board of Education to assist local school boards with establishing written policies to support LGBTQ students, only a few school districts have proactively taken steps to adopt such policies. LGBTQ students deserve safe and affirming learning environments, and it is the duty of the state and our schools to not only provide this safe environment, but to ensure that the established policy of the State Board of Education is being upheld.

In addition to supporting students, HB155 also provides much needed guidance to school districts, school administrators and educators. It establishes a mediation process that allows for administrative remedies and relief rather than legal proceedings. Lastly, it ensures that non-discrimination protections are equally enforced across the state. A student's civil rights should not be dependent on what school district or school they attend. All students deserve the same level of protection whether they attend school in Talbot County or Frederick County. Strong Future Maryland urges the committee to vote favorably on Senate Bill 98.

John B. King Jr.

Alice Wilkerson

Founder and Board Chair

Executive Director

# **SB0098 Testimony.pdf**

Uploaded by: Fothergill, Sue

Position: FWA





Maryland Alliance for  
Racial Equity in Education

To: Chair Smith and members of the Judicial Proceedings Committee  
From: Shamoyia Gardiner, Maryland Alliance for Race Equity in Education  
Re: Senate Bill 0098: County Boards and Public and Nonpublic Prekindergarten Programs and  
Schools - Discrimination - Prohibition  
Date: January 28, 2021

Position: Support with an Amendment

As Maryland expands early learning opportunities investing tens of millions of dollars into a public / private delivery system we must be reminded of and prevent harm due to discriminatory practices.

As [reported](#) by the Washington Post, recently released Office of Civil Rights data from the U.S. Department of Education on preschool suspension and expulsion revealed significant racial disparities in preschool discipline, with Black children being nearly three times as likely to be suspended from preschool than their White peers.

Black boys make up 18 percent of the male preschool enrollment, but 41 percent of male preschool suspensions, and Black girls make up 19 percent of female preschool enrollment, but account for an astounding 53 percent of female suspensions.

While Maryland has made strides in reducing exclusionary practices in the early grades by passing legislation in 2017, the disparities have not been eliminated. This bill would help to ensure that the protections afforded students in public education are also experienced by publicly funded students in private settings.

All students, regardless of their race, religion, gender identity, parenting status, nationality, sexual orientation, disability status, English proficiency, or any of many other demographic categories, deserve access to high-quality education. All schools, public and nonpublic alike, must provide that access, particularly nonpublic schools which receive public funds and are responsible for ushering our youngest learners into their educational careers.

SB0098 could be improved by inserting the word “suspending” in between the words “of” and “expelling” on line 19. We encourage consideration of this amendment and with this clarity included MAREE urges a favorable report on this bill.

**NAACP // ACLU Maryland // Greater Baltimore Urban League // CASA // Strong Schools MD //  
Black and Brown Coalition of Montgomery County // BEE // ACY // 1977-II Action Group //  
Attendance Works // Business Leaders for Education Maryland // Family League Baltimore // Urban  
Teachers // Caucus of African American Leaders // Baltimore Corps // Ed Trust // Identity**

# **HCPSS Board Memo Parochial Bus Service.pdf**

Uploaded by: Hurewitz, Joel

Position: FWA



February 27, 2020

MEMORANDUM

To: Members of the Board of Education

From: Michael J. Martirano, Ed.D.  
Superintendent

Re: Parochial School Bus Service

The purpose of this memorandum is provide background information as requested by the Board on the history and administration of “same service” school bus transportation for parochial school students by the Howard County Public School System.

Legal Framework

The Howard County Code of Ordinances, has two sections that address school bus transportation to parochial schools. The first ordinance, Title 9, Section 9.100 School buses; parochial schools, states:

All children who attend parochial schools in Howard County, which schools do not receive State aid, and who reside on or along or near to the public highways of Howard County, on which there is now or hereafter operated a public school bus or conveyance provided by the Board of Education of Howard County for transporting children to and from the public schools of Howard County, shall be entitled to transportation on the said buses or conveyances, subject to the conditions hereinafter set forth, from a point on the said public highways nearest or most accessible to their respective homes to a point on said public highways nearest or most accessible to their respective schools, without changing the routes of said buses or conveyances now or hereafter established by said Board of Education of Howard County for transporting children to and from the public schools. Such transportation may be provided by the Board of Education, as aforesaid, for all the children attending schools described herein, upon the same terms and conditions as now or as may be hereafter established by the Board of Education of Howard County for children attending public schools.

(1943, Ch. 648, § 291A)

The second ordinance, Sec. 9.101. Same conditions states:

The County Council of Howard County is hereby authorized to appropriate annually to the Board of Education of Howard County, from any funds received by said Howard County for any general County purpose and not derived from any tax levied on real property, such sum as the said Board of Education may request to enable it to defray any costs incurred by it in carrying into effect the provisions of [section 9.100](#) and to establish new bus routes, in the discretion of the Board of Education of Howard County, for the transportation to and from school of children attending schools not receiving State aid. The transportation of children to and from schools not receiving State aid shall be upon such reasonable terms and conditions as the Board of Education may from time to time determine, but in no event shall the amount charged children attending such schools for using buses or conveyances be greater or less than the amount charged children attending the public schools for the same kind of transportation.

(1943, Ch. 648, § 291B)

The primary distinction between the ordinances is that under 9.101, the Board of Education has the discretion to establish new bus routes for the transportation to and from school of children attending schools not receiving State aid.

#### Historical Overview of Services

The transition of services in which parochial schools accessed the same buses servicing public schools, section 9.100, to parochial schools receiving their own buses, section 9.101 took place in the mid 1970's. In the July 19, 1979 memorandum (attachment) from Charles Ecker to Grason Fowble, Mr. Ecker states, "When the separate system was established two years ago, it was agreed that we would provide the same service that we provide regular students." In the Board of Education minutes dated September 22, 1983 (attachment), Mr. Robert Lazarewicz, provided the following background in his report:

Transportation services for parochial students began in the early 1940's. There have been some significant changes in the type and level of services related to providing transportation for parochial school students. The program began as a "shuttle system" whereby parochial school students boarded the public school bus and rode to a public school. A "shuttle bus" then provided bus service to the respective parochial school. In 1976 a "separate fleet" system was established which provides separate buses for parochial school students. This system was established primarily because a state-imposed financial penalty made the "separate fleet" more cost effective. With some modifications the "separate fleet" is utilized currently in Howard County.

After the issuance of Mr. Ecker's memorandum and Mr. Lazarewicz's report, subsequent correspondences and Board minutes address attendance areas for the parochial schools, as well continued budget discussions. A letter from the Attorney General of Maryland, dated February 15, 1995 is also included as an attachment. Lastly, in 1984, the Atholton Adventist School requested transportation services and later in the year withdrew their request.

## Current Services and Statistics

Currently, school bus service is provided to the following five (5) parochial schools: Bethel Christian Academy, Our Lady of Perpetual Help (OLPH), Resurrection-St. Paul Catholic School, St. Augustine School, and St. Louis Catholic School. Each school receives service in accordance with section 9.101, namely, school buses are assigned to each school.

### Bus Assignments

Bethel Christian Academy - 2  
 Our Lady of Perpetual Help (OLPH) - 2  
 Resurrection-St. Paul Catholic School - 4  
 St. Augustine School - 2  
 St. Louis Catholic School - 9

Each school bus assigned to a parochial school is also assigned to provide service to public schools. For example, the buses assigned to OLPH, service a high and middle school prior to starting the OLPH trip. These scheduled trips are designed to maximize efficiencies and are consistent with the assignments of trips assigned to each school bus throughout the county. The complete schedule for all buses is provided below.

Bethel Christian Academy		
Bus 854 Hammond HS Bethel Christian Academy Clarksville ES	Bus 970 Patuxent Valley MS Bethel Christian Academy Forest Ridge ES	
OLPH		
Bus 159 Long Reach HS Bonnie Branch MS OLPH	Bus 861 Oakland Mills HS Mayfield Woods MS OLPH	
Resurrection-St. Paul		
Bus 468 Centennial HS Burleigh Manor MS Resurrection-St. Paul	Bus 771 Mt. Hebron HS Patapsco MS Resurrection-St. Paul	Bus 801 Mt. Hebron HS Patapsco MS Resurrection-St. Paul
Bus 821 Mt. Hebron HS Bonnie Branch MS Resurrection-St. Paul		
St. Augustine School		
Bus 156 Howard HS	Bus 988 Mayfield Woods MS	

Elkridge Landing MS St. Augustine School	St. Augustine School Bellows Spring ES	
St. Louis Catholic School		
Bus 300 Marriott's Ridge HS Burleigh Manor MS St. Louis Catholic School	Bus 74 River Hill HS Clarksville MS St. Louis Catholic School	Bus 75 River Hill HS St. Louis Catholic School
Bus 8 River Hill HS Clarksville MS St. Louis Catholic School	Bus 871 Patuxent Valley MS St. Louis Catholic School	Bus 88 Folly Quarter MS St. Louis Catholic School
Bus 89 River Hill HS Burleigh Manor MS St. Louis Catholic School	Bus 956 Wilde Lake HS Harpers Choice MS St. Louis Catholic School	Bus 959 River Hill HS Clarksville MS St. Louis Catholic School

The average trip length of parochial school trips is 13.5 miles as compared to 5.4 miles for public school trips. This difference can be attributed to the larger service areas (boundary) for the parochial schools. Additionally, since time has a direct correlation to mileage, the trip average for parochial schools is 45 minutes and the public school average of 24 minutes. Lastly, the ridership on parochial school buses is typically low (on average 20 students per bus). As a result, trips were consolidated which yielded a reduction of six (6) trips (Bethel Christian – 1, St. Louis -1, OLPH -2, and Resurrection 2). The transportation office continues working closely with the school administrators and will continue their efforts in reviewing the utilization of buses.

Schools	Data	Total
Bethel Christian Academy	Sum of Number Stops	80
	Average of Duration	52
	Count of Trips	4
	Average of Distance	13.64
OLPH	Sum of Number Stops	42
	Average of Duration	30
	Count of Trips	4
	Average of Distance	12.05
Resurrection-St. Paul	Sum of Number Stops	82
	Average of Duration	42.75
	Count of Trips	8
	Average of Distance	11.49
St. Augustine School	Sum of Number Stops	82
	Average of Duration	41.25
	Count of Trips	4
	Average of Distance	16.24
St. Louis Catholic School	Sum of Number Stops	181

	Average of Duration	50.5
	Count of Trips	18
	Average of Distance	14.18
Total Sum of Number Stops		467
Total Average of Duration		45.89
Total Count of Trips		38
Total Average of Distance		13.55

#### Cost of Services/Budget Impact

Since school bus service is competitively bid, with the term of a contract for six (6) years with six (6) additional renewal years, the contract assignments and associated rates may change. The rates are based on the following:

- Base Hourly Rate for 5 hours
- Base Mileage Rate for 55 miles
- Extended Hourly Rate for time over 5 hours
- Extended Mileage Rate for mileage over 55 miles

Because buses service parochial and public services, the work assigned to support these services must be assigned to the appropriate category. On average, parochial school costs represent approximately 48% of each contract and the requested amount for parochial services for FY21 is \$797,811.

Parochial school transportation is budgeted under State Category 14: Community Services. The County does not include Category 14 in the calculation of the required Maintenance of Effort (MOE) funding. Therefore, neither a decision to maintain this request nor to eliminate it will have an impact on MOE.

In response to a request for an analysis of the budget impact if some parents transfer their child from a parochial school to an HCPSS school, it is important to note that the school system both receives additional revenue per student as well as incurs an obligation to provide services. This analysis is not reducible to a single dollar impact. On the revenue side, HCPSS will receive approximately \$14,000 in FY 2021 formula-based funding from the State and County combined per student. Actual enrollment used in the formula lags by one (1) year; therefore receipt of new dollars for new students is delayed one (1) year. Each additional student creates a demand on services, however, and at some point depending on the number and nature of students that demand create operating and capital costs, some of which may be significant.

School	Bus #	Route #	Contractor	Daily Contract Cost	Parochial Trip Cost	Parochial % of Total
Bethel Christian Academy	970	R1323	Blue Horizons	402.35	148.79	36.98%
	854	R0994	Mellors	319.58	129.23	40.44%

OLPH	159	R1186	Tip Top	329.3	135.64	41.19%
	861	R0861	Tip Top	327.83	224.38	68.44%
Resurrection-St. Paul	771	R0877	BL Corn	313.38	137.77	43.96%
	468	R1327	MBG	387.71	161.51	41.66%
	821	R0808	MBG	348.9	145.6	41.73%
	801	R1332	Y&L Trans	400.85	156.1	38.94%
St. Augustine School	156	R0884	Tip Top	349.34	185.32	53.05%
	988	R0874	Tip Top	303.7	130.42	42.94%
St. Louis Catholic School	956	R1052	Blue Horizons	462.64	259.49	56.09%
	959	R1050	Blue Horizons	368.63	156.77	42.53%
	300	R0802	Bowens	359.92	222.46	61.81%
	74	R1157	Bowens	332.92	131.85	39.60%
	75	R0855	Bowens	337.1	306.77	91.00%
	88	R1339	Bowens	490.79	282.05	57.47%
	89	R1277	Bowens	515.8	260.65	50.53%
	8	R1120	HOB	317.95	125.04	39.33%
	871	R0993	JC Bus	342.88	283.93	82.81%
Average				369.03	188.62	48.53%

It should be noted that administrative human capital costs (design the bus routes, provide customer service to schools and parents, and contract oversight to the bus contractors assigned to each school) is not charged to State Category 14.

Lastly, should the Board consider providing service only under section 9.100, the school system would not yield a budget reduction savings from funds allocated to support parochial services. The buses assigned to the schools are still under contract with the Board and would be reallocated to support other needs of the school system.

If you have any questions, please contact Mark Blom, General Counsel, or David Ramsay, Director, Pupil Transportation Office.

Copy: Executive Staff  
Board of Education Office



## **Maryland wins first round in religious freedom law**

Uploaded by: Hurewitz, Joel

Position: FWA

## EDUCATION

# In first round of Maryland school voucher lawsuit, court denies Christian school's reinstatement

By LIZ BOWIE  
BALTIMORE SUN | FEB 07, 2020



Bethel Christian Academy in Jessup User Upload Caption: Bethel Christian Academy in Jessup. (Jerry Jackson / Baltimore Sun)

A U.S. District Court judge has ruled in favor of the state of Maryland in the first phase of a lawsuit that challenges the exclusion of a Christian school from a taxpayer funded voucher program.

Bethel Christian Academy in Savage [filed suit last year](#) against Maryland after a state advisory committee removed the school from its voucher program in 2018. Maryland officials said the school's doesn't accept same-sex marriage or support transgender people, and therefore should not be receiving state money. State law prohibits money from going to schools that don't have anti-discrimination policies.

Advertisement

ora

Bethel claimed the state is discriminating against its First Amendment right to free speech and religious freedom. Legal experts have said the lawsuit could have broad national implications for school voucher programs, anti-discrimination laws and the battle between those championing religious liberties and others hoping to strengthen the rights of lesbian, gay, bisexual and transgender students.

The school had accepted low-income students with vouchers for two years before the state reviewed its student handbook and withdrew the money following the 2017-2018 school year. The state advisory board also asked the school to repay the voucher money.

Bethel asked U.S. District Court Judge Stephanie Gallagher for a preliminary injunction to allow students to continue to attend Bethel with vouchers until the suit is settled and to put off the repayment of the voucher money to state coffers.

[\[Most read\] Baltimore to allow indoor and outdoor dining to resume Friday, with one hour time limit for patrons »](#)

Gallagher said the Christian school had failed to prove the basis of the case, and that it was not practical for Bethel students to be allowed back into the program and then possibly have their funding taken away if Bethel lost the suit. The judge also noted that the school had waited a year after it was kicked out of the program before it took legal action.



### The Evening Sun Newsletter

Daily

Get your evening news in your e-mail inbox. Get all the top news and sports from the baltimoresun.com.

ENTER YOUR EMAIL ADDRESS



Advertisement

ora

00:07

01:53

Gallagher said Bethel had not proved the state discriminated against it on the basis of its religious beliefs, noting that it had continued to offer voucher money for two years and had not immediately expelled the school from the voucher program but had considered the issue for some time. “Bethel has not proven, with the present record, that the decision was made 'solely' based on its religious identity,” she wrote.

Under Maryland’s BOOST program students can apply for money or vouchers from the state to attend a private school. Most of the taxpayer money used in the program in the past several years has gone to religious schools including Catholic, Jewish and Muslim. All of those schools pledge not to discriminate in their admission and other practices.

The **U.S. Department of Justice** later intervened to support Bethel in its fight, arguing that state is discriminating against Bethel Christian Academy’s First Amendment rights to free speech and religious freedom.

“Even though Bethel fully complied with the program’s requirements, Maryland let its hostility toward Bethel’s religious views, not the law, decide,” said Paul Schmitt, legal counsel for [Alliance Defending Freedom](#), the group representing Bethel. “Equal opportunity doesn’t hinge on whether the government agrees with your religious views. That’s what the First Amendment means, and it’s what we’ll be asking the court to confirm as the case continues.”

Alliance Defending Freedom has been at the forefront of legal disputes over LGBT rights and religious freedom. Its attorneys brought the case of a Colorado baker who refused to make a cake for a gay couple all the way to the U.S. Supreme Court, winning a narrow victory.

#### LATEST EDUCATION

---

City to open coronavirus vaccination site at Baltimore City Community College

16m

---

Anne Arundel County Public Schools extends survey on hybrid learning as educators target a March return

1h

---

Maryland speaker again seeks to force settlement of long-running HBCU lawsuit, after Gov. Hogan veto last year

JAN 19, 2021

Federal courts still have to decide on the legality of Maryland’s voucher program rules. In addition, the U.S. Supreme Court heard arguments last month [in a case that could have broad implications](#) for state programs to pay private school tuition.

---

Liz Bowie  
The Baltimore Sun

S

Liz Bowie has been an education reporter for The Baltimore Sun for more than 20 years, covering every aspect of education. Since joining The Sun in 1986, she has also covered environment, business and state government. A Baltimore native, she was a Spencer Fellow in Education Reporting at Columbia University.

---



# **SB98 School Discrimination Prohibition Hurewitz**

Uploaded by: Hurewitz, Joel

Position: FWA

**SB98**  
**County Boards and Public and Nonpublic Prekindergarten Programs and Schools -**  
**Discrimination - Prohibition**

**Favorable with Amendments**

**Judicial Proceedings**  
**Testimony of Joel Hurewitz**  
**Columbia, MD**  
**January 28, 2021**

Amendments are needed to SB98 to expand the scope of the discrimination prohibitions to include private or parochial busing provided by a local board of education.

As shown in the attached memorandum from the Howard County Public School System (HCPSS), Howard County has had a law providing for parochial busing since 1943.

In 2018, Bethel Christian Academy was removed from Maryland State Department of Education programs because of its alleged violation of the anti-discrimination provisions. See attached “In First Round of Maryland School Voucher Lawsuit, Court Denies Christian School’s Reinstatement,” *Baltimore Sun*, February 7, 2020. However, under SB98 Bethel Christian would remain eligible for the parochial busing provided by Howard County.

Furthermore, the Howard County law states three times that the parochial busing is provided to “schools not receiving State aid.” The legal significance of these provisions have apparently been missed by Howard County and HCPSS for at least the past two decades; a parochial school should not receive both parochial busing and State aid such as BOOST scholarships or Nonpublic Aging School Program monies. Thus, under a careful reading of the Howard County law, Bethel Christian has ironically actually become legally eligible for the Howard County parochial busing because it is no longer receiving State aid because of its alleged violation of the anti-discrimination provisions.

Therefore, the scope of the bill should be expanded to close this parochial busing loophole.

# **MD Catholic Conference\_SB 98\_UNFAV.pdf**

Uploaded by: O'Day, Garrett

Position: UNF





ARCHDIOCESE OF BALTIMORE † ARCHDIOCESE OF WASHINGTON † DIOCESE OF WILMINGTON

**January 28, 2021**

**SB 98**

**County Boards and Public and Nonpublic Prekindergarten Programs and Schools -  
Discrimination – Prohibition**

**Senate Judicial Proceedings Committee**

**Position: OPPOSE**

The Maryland Catholic Conference offers this testimony on behalf of the families of approximately 50,000 students served by more than 150 PreK-12 Catholic schools in Maryland in OPPOSITION to Senate Bill 98. The Conference represents the public policy interests of the three (arch)dioceses serving Maryland, the Archdioceses of Baltimore and Washington and the Diocese of Wilmington, which together encompass over one million Marylanders.

This bill seeks to enshrine in law stringent restrictions on hiring and employment, student accommodations and written policies. It places requirements on public and nonpublic schools that are not currently in law and frustrate day-to-day operational practicalities in both educational forums. It does not define “discrimination”, making for an overbroad and vague concept within the bill. Additionally, creating “disability” as a protected class against “discrimination” does not account for the fact that not all schools, whether public or nonpublic, can accommodate each student, as to do so would be to the student’s detriment if a school was not equipped to accommodate them. In fact, public schools that cannot accommodate students with particular disabilities often have to place those students with nonpublic providers.

Moreover, this bill does not provide First Amendment Free Exercise Clause protections. Thus, the inclusion of nonpublic schools, of which the majority are faith-based, in the requirements proposed by this bill could very well be rendered unconstitutional. This bill would force many faith-based schools to abandon exceptions for religious entities already placed in law by forcing them to choose between participating in an otherwise available state benefit for their students or remaining a religious institution that is free to exercise its First Amendment rights.

This bill is also unnecessary relative to nonpublic schools, as stringent and effective nondiscrimination protections already placed in state programs for those schools and they are working. This bill is a clear attempt to challenge conscience protections for faith-based schools participating in state programs. Catholic schools have complied with all state and federal nondiscrimination provisions and comply with every requirement already placed upon them through state-funded programs.

The majority of states in the U.S. provide assistance for nonpublic school students and families. However, other state programs do not subject schools to requirements such as those put

forth by Senate Bill 98. Moreover, since 1965, the federal Elementary and Secondary School Act (n/k/a the Every Student Succeeds Act or ESSA) has provided for the equitable inclusion of nonpublic school students in federal education programs without imposing government regulations like those promulgated by Senate Bill 98.

This legislation will deprive children, many of them from minority, low-income families, of the benefits of state programs that make their school day better and more productive. This bill is detrimental to more than 80,000 of the 120,000 preK-12 nonpublic school students in the state whose schools are eligible for the longstanding Nonpublic Student Textbook Program, and more than 180 schools that participate in the Nonpublic Aging Schools Program. To even greater detriment, the bill would effectively take away scholarships from thousands of FARMs-eligible, low-income, state scholarship recipients, the majority of who are minorities and/or English language learners.

For each of the aforementioned reasons, we urge you to report unfavorably on Senate Bill 98.

# **AIMD Testimony - SB 98 - 2021.pdf**

Uploaded by: Sadwin, Ariel

Position: UNF



**Agudath Israel of Maryland** אגודת ישראל במרילנד  
MID-ATLANTIC REGIONAL OFFICE

7 Church Lane ☎ Suite 14 ☎ Baltimore, MD 21208 ☎ 410-484-3632  
info@agudathisrael-md.org ☎ www.agudathisrael-md.org

**Rabbi Ariel Sadwin**  
Executive Director

STATEMENT TO THE  
SENATE JUDICIAL PROCEEDINGS COMMITTEE

**SENATE BILL 98**

**COUNTY BOARDS AND PUBLIC AND NONPUBLIC PREKINDERGARTEN PROGRAMS AND  
SCHOOLS – DISCRIMINATION – PROHIBITION**

**OPPOSE**

**JANUARY 28, 2021**

Agudath Israel of Maryland speaks on behalf of the Orthodox Jewish communities across Maryland and on behalf of the 10,000 students attending 30 Jewish day schools in our great state.

As it is the key to the future of society, the education of our children is the item held in the highest regard by our citizenry. Among certain groups, *where* one goes to acquire an education may be just as important as the education itself. Many communities whose members share a religious, cultural, or social bond, are compelled to educate their children within the atmosphere created to maintain the traditions of their beliefs. It is upon this foundation that Jewish day schools operate within our state, as well as the hundreds of other faith-based nonpublic schools.

The Jewish day school community, and the broader nonpublic school community, strongly supports the continuous record-setting funding of Maryland's public education system, and applaud its great success and historic accomplishments educating Maryland's youth. However, nonpublic schools serve as a vital option for those who choose an education provided within their religious or cultural community.

We are ever grateful for the funds allocated over the last many years by the Maryland General Assembly to provide a small measure of support to eligible and participating schools and to the families who choose them. The requisite tuition is a great burden to the majority of the families (a high percentage of whom are FARMS eligible), but they are willing to make sacrifices in order for their child to have an education that allows for them to maintain their cultural and religious identity.

Senate Bill 98 seeks to dissolve and undo the identity of these schools. By making any available state funding hinge upon the dismantling of admission, retention, and employment policies that have been in existence since time immemorial, the foundation of parochial education is under serious and unprovoked threat. In order to participate in any of Maryland's state funded programs, nonpublic schools already sign assurances put into place to ensure that discrimination on grounds of race, color, national origin, sexual orientation, and gender identity does not take place. The additional anti-discrimination policies presented in Senate Bill 98 go far beyond those requirements and present insurmountable challenges that are not culturally or fiscally sustainable for any participating nonpublic schools.

We ask you to please consider the nonpublic school community and the 120,000 students that are educated within it, to maintain the previously accepted anti-discrimination language in the state budget that does not allow discrimination on the aforementioned grounds of race, color, national origin, and sexual orientation, and report unfavorably on Senate Bill 98. Thank you

**PROTECTING**  **ADVOCATING**  **SERVING**

# **MDCAPE 2021 SB 98 Discrim.pdf**

Uploaded by: Sadwin, Chana

Position: UNF



**Maryland's Voice for  
Nonpublic Education**

**RABBI ARIEL SADWIN**  
*President*

**GARRETT J. O'DAY ESQ.**  
*Chair, Steering Committee*

**P. GEORGE TRYFIATES**  
*Director, Federal Programs*

7 CHURCH LANE  
SUITE 14  
BALTIMORE, MD 21208  
P: 410-484-3632  
F: 443-450-3748

EMAIL: [INFO@MDCAPE.ORG](mailto:INFO@MDCAPE.ORG)  
WEB: [WWW.MDCAPE.ORG](http://WWW.MDCAPE.ORG)  
TWITTER: [@MD\\_CAPE](https://twitter.com/MD_CAPE)  
FACEBOOK: [@MDCAPE](https://www.facebook.com/MDCAPE)

## SENATE JUDICIAL PROCEEDINGS COMMITTEE

**JANUARY 28, 2021**

### **SENATE BILL 98**

#### **COUNTY BOARDS AND PUBLIC AND NONPUBLIC PREKINDERGARTEN PROGRAMS AND SCHOOLS DISCRIMINATION – PROHIBITION**

#### **OPPOSE**

Maryland CAPE is our state's chapter and one of 40 state chapters of the Council for American Private Education. Our network includes the Catholic, Christian, Evangelical Lutheran, Friends, Independent, Jewish, Lutheran, Montessori, Muslim, and Seventh Day Adventist school communities. We speak on behalf of roughly 120,000 nonpublic school students attending over one thousand nonpublic schools across our great state of Maryland.

In representing the interests of the nonpublic schools, Maryland CAPE has endless appreciation for the state programs that have benefited our schools and the families who have chosen these schools for their children's education. The state funded programs that are accessed by the nonpublic school community range from the purchase of school textbooks and curriculum to the purchase and installation of vital security components that ensures the safety of our students in a very dangerous world. Other funds have gone to update and maintain the aging facilities of nonpublic schools. Over the last few years, thousands of low-income children from across the state – a majority of which are from minority communities – have been given the opportunity to choose a nonpublic school using the BOOST scholarship that they received.

If Senate Bill 98 were to pass, creating a whole new slate of requirements for schools – public and nonpublic – the above programs will be put in peril. Moreover, the entire platform of nonpublic education will become undone. The nonpublic school community is mostly made up of faith-based schools which are guided by policies and provisions that are hundreds and even thousands of years old. They are not items that are put into place by the administration of a specific school. The policies, beliefs, and philosophies that are taught and upheld in these schools have always been protected by the free-exercise clause of the First Amendment of the U.S. Constitution.

We ask you to ensure that these protections remain and to please report unfavorably on Senate Bill 98.