

SB666_FAV_AlyssaDangel.pdf

Uploaded by: Alyssa Dangel

Position: FAV

March 10, 2022

SB 666

Schools, Prekindergarten Programs, and County Boards of Education – Discrimination

FAVORABLE

Testimony by Alyssa Dangel

Good afternoon, Mr. Chairman and members of the Judicial Proceedings Committee. My name is Alyssa Dangel and I am a 6th Grader in Western Howard County. I am here in support of SB666, which bans discriminatory behavior towards students in schools.

This issue matters to me because I have a friend who is LGBTQIAP+, and many people intentionally use the wrong pronouns, and use slurs to be cruel, and demeaning. When people were like this, we needed help, but there was no easy or reliable way to get the help we needed. The few teachers we were able to ask undermined the situation, they said that people were just getting used to it, and if we gave them some time, they would get the pronouns right. But it had been two years, and nothing had improved. If there was this law in place, we would have gotten the support we needed and we would have been able to know what the best next steps were. With this bill many people could get adequate and reliable help. I am testifying for this bill to help people, if they are discriminated against for their race, ethnicity, religion, for being disabled, or if they are discriminated against for being LGBTQIAP+.

These actions are caused by some gaps in the Maryland education law system because of patchwork laws that don't protect all students from harassment. There just aren't strong enough Maryland laws to cover this use of cruel language. Even staff members can be discriminatory. There are neither state wide protections, nor a good help system and the effect is lower academic performance, lower GPA, increased absences, increased likelihood of school dropout, more psychological distrust, and a decreased likelihood of attending higher education.

This bill is needed now. Third time has to be the charm because some students need help immediately. Ninety-eight percent of LGBTQIAP+ students hear gay or other homophobic-based slur words used in a negative manner, fifty percent have heard these remarks from teachers and other staff members, ninety-six percent have received harassment or assault based on gender expression, sex orientation, race or ethnicity, and fifty-nine percent feel unsafe at school, yet this bill has not been passed. We need to pass this bill now to help students who need it, and to stop the discriminatory comments before they hurt more students. I am here speaking for students who need this bill, because if all students who would benefit from this bill were here, there wouldn't be enough seats. Please pass Senate Bill 666.

SB 0666 Metro DC PFLAG Written Testimony PDF 22030

Uploaded by: David Fishback

Position: FAV



March 9, 2022

SB0666: Written Testimony - SUPPORT

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

We are writing on behalf of Metro D.C. Chapter of PFLAG in Support of SB0666, 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” in K-12 public schools and in other schools that receive public funding, and require such schools to publicly post that policy in their Student Handbooks.

The protections for LGBTQ+ students are crucial because these students often are very vulnerable to discrimination based on their orientation or identity. These protections are needed to ensure that LGBTQ+ students are treated fairly and equally. Under this proposal, the State Superintendent of Education, may, upon adjudication of an administrative complaint, require the State Comptroller to withhold funding from schools that are found to violate these requirements. Public funds should not be blanketly available to schools which refuse to afford such protections. The State should not be a party to discrimination against LGBTQ+ people and their families, or other discrimination listed in the proposed legislation.

Everyone deserves a safe and equal learning environment, and this bill will go a long way toward assuring that Maryland’s public schools and other schools receiving public funding will not discriminate.

We urge a Favorable Report on SB0666.

Thank you,

Mark Eckstein (he/him), Rockville MD
David S. Fishback (he/him), Olney MD
Co-Chairs for Maryland Advocacy, Metro DC Chapter of PFLAG

www.pflagdc.org

Keeping Families Together!

Metro DC PFLAG is a nonprofit, nonpartisan, volunteer organization founded in 1983 and operating fifteen (15)) 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.

SB666 - ACLU Testimony - Senate JPR - March 10, 20

Uploaded by: Frank Patinella

Position: FAV



Testimony for the Senate Judicial Proceedings Committee

JUSTIN NALLEY
PUBLIC POLICY ANALYST

March 10, 2022

SB 666 - Schools, Prekindergarten Programs, and County Boards of Education - Discrimination

FAVORABLE

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The ACLU of Maryland urges the committee to support SB 666, which will codify anti-discrimination protections for a person's race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability in Pre-K-12 who are enrolled in our public schools and in private 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 and families 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. SB 666 would also require schools to have clear policies on the process for addressing complaints of discrimination, as they do for various behavioral infractions in student codes of conduct. It is critical that this gap in policy be rectified so that students and families can hold schools accountable for discriminatory practices.

For the foregoing reasons, we urge a favorable report on SB 666.

SB0666_Fav_FreeState Justice.pdf

Uploaded by: Jeremy LaMaster

Position: FAV



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Bill: SB0666
Title: Inclusive Schools Act: Schools, Prekindergarten Programs, and County Boards of Education – Discrimination
Date: March 10, 2022
Committee: Judicial Proceedings Committee
Position: Favorable

To the 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 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 in the classroom. The majority of LGBTQ students reported feeling unsafe in their schools (64% of LGB students and 44% of transgender students, respectively).¹ The majority of Maryland LGBTQ students regularly hear anti-LGBTQ comments in their schools, 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 resulted in staff intervention.²

These experiences have severe impacts on student learning and school climate and 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 calls from Maryland LGBTQ youth in crisis each year**, many of whom consider 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. Research has demonstrated that students in schools with published 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.

Establishing a clearly written and easily accessible anti-discrimination policy can reduce or eliminate discrimination and bullying amongst students. For example, in an examination of 25 states, researchers found that bullying occurred significantly less in states where students were provided with anti-bullying guidelines³. Other benefits of a published non-discrimination policy include:

- For schools that have policies that specifically protect students against sexual and gender discrimination, LGBTQ+ students reported more feelings of safety, less victimization, and less social aggression from their peers⁴
- Feeling safe in school leads to higher levels of academic achievement in Black and Latinx youth⁵
- Anti-discrimination policies decrease truancy among first- and second-generation immigrant children⁶

Without clear policies that provide students with procedures they can take following an experience with discrimination, it is challenging for families to protect their children. Lack of action creates a hostile school climate by allowing and empowering students to continue engaging in discriminatory behavior⁷

For students facing discrimination based on sexual orientation or gender identity, it can be even more challenging to navigate the varying administrative processes 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.

³ Hatzenbuehler, Mark L., Laura Schwab-Reese, Shabbar I. Ranapurwala, Marci F. Hertz, and Marizen R. Ramirez. "Associations between antibullying policies and bullying in 25 states." *JAMA Pediatrics* 169, no. 10 (2015): 1-8.

⁴ Ryan, R. M., Greytak, E. A., Kosciw, J. G., & Villenas, C. "Effectiveness of school district antibullying policies in improving LGBT youths' school climate." *Psychology of Sexual Orientation and Gender Diversity*, no. 4 (2016): 407-415

⁵ Ruiz, L. D., McMahon, S. D., & Jason, L. A. "The role of neighborhood context and school climate in school-level academic achievement." *American Journal of Community Psychology*, no. 61 (2018): 296-309

⁶ Yang, K. & Ham, S., "Truancy as systemic discrimination: Anti-discrimination legislation and its effect on school attendance among immigrant children." *The Social Science Journal*, no. 2 (2017): 216-226

⁷ Yang, Jenny R. and Liu, Jane. "Strengthening accountability for discrimination: Confronting fundamental power imbalances in the employment relationship." (2021). *Economic Policy Institute*.

LGBTQ students deserve to have safe and affirming school spaces. If their wellbeing 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 their family can work with MSDE to resolve the discriminatory action. FreeState Justice wholeheartedly supports SB0666, 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 SB0666.

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

Sincerely,



Jeremy LaMaster (he/they)
Executive Director



MARYLAND'S LGBTQ ADVOCATES
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EACtestimony2022.SB666.pdf

Uploaded by: Leslie Margolis

Position: FAV

Education Advocacy Coalition For Students with Disabilities

JUDICIAL PROCEEDINGS COMMITTEE

SENATE BILL 666: SCHOOLS, PREKINDERGARTEN PROGRAMS, AND COUNTY BOARDS OF EDUCATION—DISCRIMINATION

MARCH 10, 2022

POSITION: SUPPORT

The Education Advocacy Coalition for Students with Disabilities (EAC), a coalition of approximately 40 organizations and individuals concerned with education policy for students with disabilities in Maryland supports Senate Bill 666, which would prevent discrimination against students and employees in schools receiving state funds.

Pursuant to Senate Bill 666, an 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 otherwise required to comply with Section 504 of the Rehabilitation Act, 20 U.S.C. §794, because it does not receive federal funds, or with the Americans with Disabilities Act, 42 U.S.C. §12101 *et. seq.* because it is run by a religious organization, their children will be protected against disability-based discrimination. **Senate Bill 666 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 the student's parents seek enrollment. Nor does Senate Bill 666 mandate that schools receiving state funds in accord with this bill provide all of the services to a student with a disability that the student would receive from the public school system in accord with the Individuals with Disabilities Act, 20 U.S.C. §1400, *et. seq.*** In fact, Senate Bill 666 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 666 simply requires that in making such decisions, private schools that receive state funds not engage in discrimination, and that those schools provide reasonable accommodation.

For these reasons, the EAC supports Senate Bill 666. For additional information, please contact Leslie Seid Margolis, Chairperson, at lesliem@disabilityrightsmd.org or 410-370-5730.

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.
Rich Ceruolo, Parent Advocacy Consortium
Michelle Davis, ABCs for Life Success
Jennifer Engel Fisher, Weinfeld Education Group, LLC
Shamoyia Gardiner, Strong Schools Maryland

Ann Geddes, Maryland Coalition of Families
Kalman Hettleman, Independent Advocate
Morgan Durand Horvath, M.Ed., Abilities Network
Rachel London, Maryland Developmental Disabilities Council
Leslie Seid Margolis, Disability Rights Maryland
Ellen O'Neill, Atlantic Seaboard Dyslexia Education Center
Ronza Othman, National Federation of the Blind of Maryland
Maria Ott, Attorney
Rebecca Rienzi, Pathfinders for Autism
Jaime Seaton, BGS Law
Ronnetta Stanley, Loud Voices Together
Wayne Steedman, Steedman Law Group, LLC
Guy Stephens, Alliance Against Seclusion and Restraint
Maureen van Stone, Mallory Finn Legg and Alyssa Thorn, Project HEAL at Kennedy Krieger Institute
Daya Chaney Webb, IMPACT Advocacy
Liz Zogby, Maryland Down Syndrome Advocacy Coalition

Schools - elem second - Non discrim - testimony -

Uploaded by: Lisae C Jordan

Position: FAV



Working to end sexual violence in Maryland

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For more information contact:
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Testimony Supporting Senate Bill 666
Lisae C. Jordan, Executive Director & Counsel
March 10, 2022

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI) which provides direct legal services for survivors across Maryland. We urge the Judicial Proceedings Committee to report favorably on Senate Bill 666.

Senate Bill 666 – Anti-Discrimination Protections for All Students

This bill codifies anti-discrimination protections for all students, Pre-K-12 who are enrolled in Maryland's public schools and in schools receiving public funding. It also prohibits retaliation against a student, parent, or guardian who files a complaint of discrimination.

Sexual assault and sexual harassment are a type of discrimination based on sex. All too often, these issues are not viewed as discrimination when they occur in high schools or involve even younger students. As of August 30, 2019, 56.4% of schools (elementary-secondary and post-secondary) under investigation by the Office for Civil Rights for Title IX Sexual Harassment violations are K-12 schools. Additionally, 32.5% of schools (elementary-secondary and post-secondary) under investigation by the Officer for Civil Rights for Title IX Sexual Violence violations are K-12 schools.

Sexual harassment and sexual violence violations persist in the K-12 context because the procedures and policies currently implemented in schools are failing students. Senate Bill 666 would help give the State of Maryland the tools it needs to respond to sexual assault and sexual harassment in our schools.

**The Maryland Coalition Against Sexual Assault urges the
Judicial Proceedings Committee to
report favorably on Senate Bill 666**

MAYSB - SB 666 FAV - School Antidiscrimination.pdf

Uploaded by: Liz Park

Position: FAV



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

**Judicial Proceedings Committee
Senate Bill 666 – School Anti- Discrimination
March 10, 2022
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 666 – 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-12th 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.

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

Respectfully Submitted:

Liz Park, PhD
MAYSB Chair
lpark@greenbeltmd.gov

3-10 Crossfile SB 666 Schools, Prekindergarten Pro

Uploaded by: Lois Hybl

Position: FAV



TESTIMONY TO THE SENATE JUDICIAL PROCEEDINGS COMMITTEE

SB 666 Schools, Prekindergarten Programs, and County Boards of Education - Discrimination

POSITION: Support

BY: Nancy Soreng – President

Date: March 10, 2022

The League of Women Voters (LWVMD) is a nonpartisan organization that works to increase understanding of major public policy issues and influence public policy through education and advocacy. The League supports social policies that secure equal rights and equal opportunity for all, and that promote social and economic justice and the health and safety of all Americans. While LWVMD opposes public funding for vouchers or other aid for private and parochial schools, we support measures to forbid discrimination by schools that do receive such aid.

Therefore, LWVMD supports SB 666 which would codify anti-discrimination protections for all students, Pre-K-12 who are enrolled in public schools and in schools receiving public funding. This bill prohibits schools that receive State funds, from refusing enrollment of a prospective student, expelling a current student, or withholding privileges from or otherwise discriminating against a current or prospective student, or the parent or guardian of a current or prospective student, on the basis of an individual's race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability. There would be a complaint, mediation, and appeal process for violations. All or part of State funding may be withheld from a board, program, or school that violates the nondiscrimination requirements.

The League of Women Voters of Maryland with 1500+ members urges the committee to give a favorable report to SB 666.

SB0666 Schools PreK and County Boards Education_Di

Uploaded by: Margo Quinlan

Position: FAV

**Senate Bill 666 Schools, Prekindergarten Programs, and County Boards of Education –
Discrimination**

Senate Judicial Proceedings Committee

March 10, 2022

Position: SUPPORT

The Mental Health Association of Maryland is a nonprofit education and advocacy organization that brings together consumers, families, clinicians, advocates and concerned citizens for unified action in all aspects of mental health, mental illness and substance use. MHAMD appreciates this opportunity to present testimony in support of Senate Bill 666.

SB 666 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 anti-discrimination policy as well as requiring nonpublic prekindergarten, primary, and secondary schools that receive state funding to develop and maintain a written anti-discrimination policy that prohibits discrimination.

A majority of LGBTQ students have reported feeling unsafe in their schools (64% of lesbian, gay or bisexual students and 44% of transgender students) with over 90% of Maryland students reporting hearing their classmates use anti-LGBTQ language on a regular basis. Staff and administration may contribute to this discrimination as well, with 21% of Maryland students reporting staff using homophobic language and 26% observing school staff making negative remarks about someone's gender expression.¹ Harassment for LGBTQ students doesn't end in the classroom, with cyberbullying leading to increased discrimination and harassment. Nearly 50% of LGBTQ students have experienced electronic harassment.²

Ultimately, the vast majority of LGBTQ students (86.3%) report experiencing harassment or assault based on personal characteristics including sexual orientation and gender expression. LGBTQ students who reported more severe victimization regarding their sexual orientation or gender expression report lower levels of self-esteem and higher levels of depression. For

¹ Youth Equality Alliance. (2014). *Living in the Margins, A Report on the Challenges of LGBTQ Youth in Maryland Education, Foster Care, and Juvenile Justice Systems*. <https://freestate-justice.org/wp-content/uploads/2013/11/YEA-Report-2014.pdf>

² Kosciw, J., Clark, C., Truong, N., & Zongrone, A., *The 2019 National School Climate Survey The Experiences of Lesbian, Gay, Bisexual, Transgender, and Queer Youth in Our Nation's Schools*. GLSEN, 2019. <https://www.glsen.org/sites/default/files/2020-11/NSCS19-111820.pdf>

For more information contact:

Margo Quinlan, Director of Youth & Older Adult Policy: 410-236-5488 / mquinlan@mhamd.org

transgender youth in particular, over 50% of all transgender and nonbinary youth in the US report seriously considering suicide at some point in their lives.³

Numerous studies indicate that LGBTQ populations are at particular risk of psychological distress and associated impairment, primarily from elevated exposure to stigma-related minority stress.^{4,5} Minority stress is unique, socially based, and chronic, and may make LGBTQ youth more vulnerable to development of behavioral health concerns such as anxiety, depression, or substance use.⁶

There is an on-going crisis of abuse and discrimination being perpetuated against LGBTQ youth in Maryland schools that is contributing to alarmingly high rates of mental health concerns and suicidality. SB 666 would expand non-discrimination policies to better protect these youth and support mental wellness in our schools. For these reasons, MHAMD urges a favorable report on SB 666.

³ GLSEN (2019). *The 2019 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual, Transgender, and Queer Youth in Our Nation's Schools*. <http://glsen.org/research/2019-national-school-climate-survey>

⁴ Reisner SL, Poteat T, Keatley J, et al. (2016). *Global health burden and needs of transgender populations: a review*. *Lancet* 2016; 388:412–43. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7035595/>

⁵ Dhejne C, Van Vlerken R, Heylens G, et al. (2016). *Mental health and gender dysphoria: a review of the literature*. *International Review of Psychiatry* 2016; 28:44–57. <https://pubmed.ncbi.nlm.nih.gov/26835611/>

⁶ Institute of Medicine. (2011). *The health of lesbian, gay, bisexual, and transgender people: Building a foundation for better understanding*. Washington, DC: The National Academies Press. <https://www.ncbi.nlm.nih.gov/books/NBK64806/>

SB 666 Ed Action.pdf

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Position: FAV



TESTIMONY TO THE SENATE JUDICIAL PROCEEDINGS COMMITTEE

HB0666 - Schools, Prekindergarten Programs, and County Boards of Education - Discrimination

Bill Sponsor: Senator McCray

POSITION: FAVORABLE

By: Marijane Monck, Education Action Team Member, Indivisible Howard County

Date: March 10, 2022

Indivisible Howard County supports SB 666 and is looking for a favorable report on this bill.

No child should be subjected to discrimination when it comes to their education and parents and guardians should be made aware of this policy so that they can make the best decisions for their children.

SB 666_mgoldstein_fav 2022.pdf

Uploaded by: Mathew Goldstein

Position: FAV



Secular Maryland

secularmaryland@tutanota.com

March 10, 2022

SB 666 - SUPPORT

Schools, Prekindergarten Programs, and County Boards of Education – Discrimination

Dear Chair Smith, Vice-Chair Waldstreicher, and Members of the Judicial Proceeding 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. Secular 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.

Respectfully,
Mathew Goldstein
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Bowie, MD

SB666.Anti School Discrimination.DD Council.Suppor

Uploaded by: Rachel London

Position: FAV



Maryland Developmental Disabilities Council

CREATING CHANGE • IMPROVING LIVES

Senate Judicial Proceedings Committee

SB 666: Schools, Prekindergarten Programs, and County Boards of Education - Discrimination

March 10, 2022

Position: **Support**

The Maryland Developmental Disabilities Council's (DD Council) vision is that people with and without disabilities live, learn, work, and play together. **SB 666 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

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Kalani Brown, *Chairperson* • Rachel London, Esq., *Executive Director*

SB666_MSEA_Zwerling_FAV.pdf

Uploaded by: Samantha Zwerling

Position: FAV

**Testimony in SUPPORT of Senate Bill 666
Schools, Prekindergarten Programs, and County Boards of Education -
Discrimination**

**Senate Judicial Proceedings Committee
March 10, 2022**

**Samantha Zwerling
Government Relations**

The Maryland State Education Association strongly supports Senate Bill 666, 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 taking discriminatory actions 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 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.

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 through a mediation process.

MSEA fundamentally believes that schools should be welcoming and nurturing learning environments for students of all backgrounds and beliefs. The General Assembly must prioritize passing this bill this year. Our kids can’t wait.

MSEA also supports the sponsor’s amendment that specifies the two specific federal laws that apply with regard to reasonable accommodations for children with disabilities.

MSEA strongly urges a Favorable Report on Senate Bill 666.

Senate Bill666_Favorable.docx.pdf

Uploaded by: Shamoyia Gardiner

Position: FAV

TESTIMONY IN SUPPORT

Testimony to the Judicial Proceedings

In support of

Senate Bill 666: Schools, Prekindergarten Programs, and County Boards of Education –Discrimination
March 10, 2022

Strong Schools Maryland urges a favorable vote on Senate Bill 666: Schools, Prekindergarten Programs, and County Boards of Education –Discrimination.

The Blueprint for Maryland’s Future envisions a world-class system of public schools for our state’s students. This vision harkens to an ideal of equitable access to opportunities for all students, a critical precursor to actually realizing world-class schools. The Blueprint’s investment in early childhood education is grounded in a “mixed-delivery” (public and private) strategy to expand prekindergarten offerings equitably to all four year olds and qualifying three year olds in the state. Senate Bill 666 will bolster the positive academic outcomes from the Blueprint’s investment by requiring program providers to refrain from mistreating and discriminating against those they serve.

Public dollars should be put to use for the public good. Senate Bill 666 does many things, though its most vital provision is that it would prohibit nonpublic education institutions that receive public funds from discriminating against students and families on the basis of their race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability. The very institution of public education is wavering in real time; if public dollars are to be diverted to nonpublic use, the very least the state should do is condition the funds with the fair treatment of Marylanders.

When young children experience discrimination in their earliest interactions with formalized education settings, they internalize messages about themselves, how welcome they are, and their capacity to learn. Strong Schools Maryland urges a favorable report on Senate Bill 666 because we believe this bill would expand the capacity of Maryland to offer a truly world-class education to *all* students.

If you have questions or requests for additional information, you can email:

Shamoyia Gardiner
Executive Director

shamoyia@strongschoolsmaryland.org

SB666 - MAREE Testimony - FAV - March 10, 2022.pdf

Uploaded by: sharlimar douglass

Position: FAV



Maryland Alliance for Racial Equity in Education

Testimony for the Senate Judicial Proceedings Committee

March 8, 2022

SB 666 - Schools, Prekindergarten Programs, and County Boards of Education - Discrimination

Prepared by: sharlimar douglass, Chair of Maryland Alliance for Racial Equity in Education and Frank Patinella, Senior Education Advocates for the ACLU of Maryland.

FAVORABLE

The **Maryland Alliance for Race Equity in Education (MAREE)** is a coalition of education advocacy, civil rights, and community-based organizations that are committed to eliminating racial disparities in Maryland's education system. We also work to eliminate policies and practices that are rooted in structural and systemic oppression. To that end, we strongly support the passage of SB 666 to ensure that any school receiving public dollars — public, private, or religious — cannot discriminate against or penalize students and families on the basis of their race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability. The bill would also establish a process for schools to address allegations of discrimination by students and families, without the fear of retribution.

Advocates, legislators, and public officials have made significant progress over the past decade to ensure that public school students in Maryland can attend school without being bullied, shamed, or oppressed because of their race, gender identity, or sexual orientation. However, these protections are not codified for students attending private or religious schools — including the ones receiving public dollars. People who identify as gay, bisexual, or transgender experience significant discrimination and harassment in public life, including in public school settings¹. Students who are gay or bisexual are more than twice as likely to report experiencing persistent feelings of sadness or hopelessness than their heterosexual peers. The impact is worse for transgender students as they are twice as likely to experience depressive symptoms and seriously consider or attempt to commit suicide. These mental health stressors have been correlated with a negative student outcomes².

The *Blueprint for Maryland's Future* plan deepens the state's commitment to education for all public school students and families in the state. As we all work to transform Maryland's education system into a "world class" model, let's make sure that equity, inclusion, cultural competency, and accountability — core tenets of the *Blueprint* — are applied to all schools that receive public funding.

For these reasons, we ask for a favorable vote on SB 666. Thank you.

1. Medley, G., Lipari, R. N., Bose, J., Cribb, D. S., Kroutil, L. A., & McHenry, G. (2016, October). *Sexual orientation and estimates of adult substance use and mental health: Results from the 2015 National Survey on Drug Use and Health. NSDUH Data Review.* Retrieved from <https://www.samhsa.gov/data/>

Health. 2020. <https://www.nami.org/Your-Journey/Identity-and-Cultural-Dimensions/LGBTQ/>

2. National Association of School Psychologists. (2021). *Comprehensive School-Based Mental and Behavioral Health Services and School Psychologists [handout]*. Author. <https://www.nasponline.org/resources-and-publications/resources-and-podcasts/mental-health/school-psychology-and-mental-health/comprehensive-school-based-mental-and-behavioral-health-services-and-school-psychologists>

AIMD Testimony - Inclusive Schools Act - Senate 20

Uploaded by: Ariel Sadwin

Position: UNF



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Rabbi Ariel Sadwin
Executive Director

SENATE JUDICIAL PROCEEDINGS COMMITTEE

MARCH 10, 2022

SENATE BILL 666

SCHOOLS, PREKINDERGARTEN PROGRAMS, AND COUNTY BOARDS OF EDUCATION – DISCRIMINATION OPPOSE

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 666 seeks to impose unprecedented restrictions upon the operations of these schools. By making any available state funding hinge upon admission and retention policies covering such a far-reaching range of categories puts the foundation of parochial education 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 666 go far beyond those requirements and present insurmountable challenges that are not culturally or fiscally sustainable for nearly any of the participating nonpublic schools.

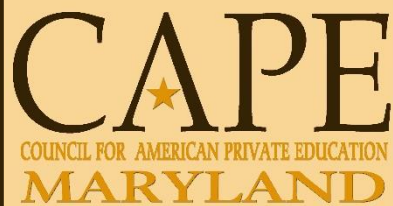
We ask you to please consider the nonpublic school community and the 120,000 students that are educated within it, to maintain the previously accepted anti-discrimination language in the state budget that does not allow discrimination on the aforementioned grounds. We urge you to report unfavorably on Senate Bill 666. Thank you.

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

MDCAPE Testimony 2022 SB 666 Discrim.pdf

Uploaded by: Ariel Sadwin

Position: UNF



***Maryland's Voice for
Nonpublic Education***

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MARYLAND SENATE JUDICIAL PROCEEDINGS COMMITTEE

MARCH 10, 2022

SENATE BILL 666

SCHOOLS, PREKINDERGARTEN PROGRAMS, AND COUNTY BOARDS

OF EDUCATION – DISCRIMINATION

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 666 were to pass, creating a whole new slate of requirements for schools – public and nonpublic – the above programs that assist nonpublic schools will be put in peril. Moreover, the entire platform of nonpublic education will be put into an unprecedented position facing challenges never considered anywhere in the country. The nonpublic school community is mostly made up of faith-based schools which are guided by policies and provisions that are 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 666.

MD Catholic Conference_UNFAV_SB 666.pdf

Uploaded by: Garrett O'Day

Position: UNF



ARCHDIOCESE OF BALTIMORE † ARCHDIOCESE OF WASHINGTON † DIOCESE OF WILMINGTON

March 10, 2022

**SB 666
Schools, Prekindergarten Programs, and County Boards of Education -
Discrimination**

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 666. 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.

Senate Bill 666 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.

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 up them through state-funded programs.

Moreover, this bill does not provide First Amendment Free Exercise Clause protections for nonpublic schools, of which the majority are faith-based. This bill could unconstitutionally 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. The exception for religion in the bill is merely curriculum-related and wholly insufficient.

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 666. 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 666.

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 (approximately 400 schools), and nearly 200 schools that participate in the DeGrange 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 request this committee to report unfavorably on Senate Bill 666.

UNFAVORABLE SB0666 Jessica Helms.pdf

Uploaded by: Jessica Helms

Position: UNF

UNFAVORABLE SB0666

Jessica Helms

Capitol Heights, MD

I am concerned that this bill will prevent faith based organizations, institutions, and schools from operating according to their faith.