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SCCAN is an advisory body required by Maryland Family Law Article (Section 5-7A) “to make recommendations annually to the Governor and General Assembly on matters relating to the prevention, detection, prosecution, and treatment of child abuse and neglect, including policy and training needs.”

TESTIMONY IN OPPOSITION TO HB 1256

Education – Discriminatory Concepts in Instruction – Prohibition
(Ending Discrimination in Public Education Act of 2022)

TO: The Honorable Vanessa E. Atterbeary, Chair, and members of the Ways and Means Committee

FROM: Wendy Lane, MD, MPH, Chair, State Council on Child Abuse & Neglect (SCCAN)
Claudia Remington, JD, Executive Director, State Council on Child Abuse & Neglect (SCCAN)

DATE: March 8, 2022

The State Council on Child Abuse and Neglect (SCCAN) resolutely opposes HB 1256.

HB 1256 will perpetuate miseducation that facilitates racism and discrimination under a veiled attempt to remove critical education from primary and secondary students. One of the most disturbing and quietly dangerous aspects of this bill, a wolf in sheep’s clothing, is its conflation of *teaching about* discrimination with discrimination. Perversely, the bill does not define discrimination and specific prohibited acts of discrimination. Rather, it lists eight specific “discriminatory concepts” that shall not be included in a unit of instruction in primary and secondary schools. In purporting to address discrimination, this bill actually prohibits educators from *teaching about* discrimination. A muzzle on teaching about discrimination will not reduce discrimination. *Discussions* of racism and other forms of discrimination are essential to combatting oppression and moving all of us forward to a more just and equitable society.

SCCAN recently released an antiracist statement (copy attached). This statement was developed over the course of 2020-2021 amid the senseless and much publicized deaths of people of color across the country. In our role as oversight to the child welfare system and an advisory body by Maryland law to the Governor and General Assembly, *SCCAN* is particularly allied with black children and families who are disproportionately represented in and impacted by the child welfare system. Many are ignorant of the racist history of the child welfare system (see the attached Antiracist Statement and citations for a brief history) and the other systems that support it, including the public education system addressed in HB 1256. Our public education systems are foundational to educating and training the multi-disciplinary workforce of the child welfare system. In order to effectively improve systems for all people, one must be versed in the truths of our history. History is not always comfortable. People commit bad acts. Governments commit atrocities - ethnic cleansing and genocide for example. Wars have been waged in the name of religion. The American system of Slavery was an atrocity built for economic gain. The

Holocaust was despicable. The displacement of Native Americans i.e., "the Trail of Tears" was horrific. The Tuskegee experiment on Black men was medical abuse. The internment of Asian Americans was mass incarceration. The forced sterilization of women was demonic. Watching the movies Roots, Amistad, Schindler's List, even the Autobiography Miss Jane Pittman are uncomfortable. Teaching this and other history is important for our children to help them understand their present and speak the truth of their experiences. Experiencing racism is an adverse childhood experience (ACE) that causes toxic stress and trauma. ACEs, including racism, impacts the physical, behavioral, mental, and relational health, education, and economic well-being of our children across their life-span. We have a responsibility to our children to address and confront racism in every system in order to improve those systems and prevent and buffer our children from experiencing racism and its ensuing toxic stress and poor outcomes.

In the current age of "mis" and dis-information that is emanating from politics, it is imperative that we not allow negationism or a falsification and distortion of the historical record to seep into public education. Despite the fact that some seem to be intent on blurring the lines between fact and fiction, policy makers must ensure that our educational systems hold fast to the existence and importance of facts. Our country is facing several pandemics, one of which is an effort to whitewash history for the expressed purpose of "protecting white people's comfort," however, the racist playbook has not changed very much over time. Historically, those who have used their power to inflict harm on others have also attempted to use that same power to hide the hand that threw the rock. This effort to intentionally hide or alter factual information for political, ideological or social reasons is nothing new, but it remains all the more insidious and harmful. Some examples include the negation of the California genocide in public education in the state and Holocaust denial nationally and internationally.

HB 1256 is but one of the nation's numerous attempts to utilize the law to harken upon America's racist leanings which, in many ways, preserves the current hierarchical structure and further disenfranchises non-whites. Here are several ways that the proposed legislation is harmful to students, and others:

1. The purpose of liberatory education is to present facts and allow students to make meaning of those facts in the way that he/she/they chooses. Eliminating information that is factual because of how the student may respond to it suppresses students' imagination, critical thinking skills and rationalization, as well as undermines teachers' ability to determine what is appropriate for the particular students who are in their classroom. Additionally, to prioritize the comfort of white students at the expense of harm that has been proven to be inflicted upon non-white students, is in and of itself discriminatory and racist.
2. The discriminatory concepts that this legislation purports to prohibit would in fact be exacerbated if the bill were enacted. Discrimination will not end because we've made a decision to not talk about it. If students are not properly instructed on what it is, they are likely to embody the very traits we claim should be eliminated.
3. Though Critical Race Theory (CRT) is not mentioned in the bill, it is alluded to. CRT is taught in law schools and some universities, not in K-12 schools.
4. Concepts like CRT do not vilify white people; however, ignorance and racist ideologies do oppress and marginalize non-whites.
5. Many of the same legislators who are introducing similar bills nationwide to protect student's feelings, seem to be less concerned about their feelings given their lackluster response to gun violence in schools, for example.

6. Research (i.e., *Race Awareness in Young Children*, Mary Ellen Goodman) states that children express deep racially motivated values as early as age 4. So, the notion that schools are teaching children to hate others is false – many of them enter schools with these ideologies already in practice.

Our children should not be used as political pawns. It is unfortunate that in the midst of a global pandemic that has had an adverse effect on student learning, in addition to historical underfunding throughout the State and other issues that plague public education, that educators and education advocates have to dedicate time and resources to attempt to thwart baseless and harmful pieces of legislation such as HB 1256. It is an insult to the field of education and the expertise that education professionals possess.

It is every individual's responsibility to learn the meaning and impact of how race influences and impacts everyone's interactions. Each of us must embrace the duty to understand our history, biases, prejudice, bigotry, and societal assumptions. We highlight a few concepts from SCCAN's Antiracist Statement that are particularly relevant to our opposition to HB 1256:

1. Racism exists. Racism is prevalent in all institutions. Historic and systemic racism permeates the child welfare system and other child and family serving systems, including health, education, economic and justice systems. SCCAN unequivocally supports and stands in solidarity with all racially oppressed individuals and communities as an ally in the fight against racism, racial inequity, and racial discrimination.
2. Racism is both conscious and unconscious ... We acknowledge that racism can be unconscious or unintentional and that identifying racism as an issue does not automatically mean that those involved in the act are racist or intend a negative outcome.
3. We adopted specific definitions of racism, racial equity, racist policy, and racist ideas.
4. While recommendations and advocacy efforts have been well-intended, we have not viewed our systems recommendations through an actively antiracist lens and towards antiracist solutions. We challenge and encourage our members and partners in child welfare and other child and family serving systems to address racist ideas and policies that perpetuate inequities

For these reasons and others, the Council adamantly opposes HB 1256 and asks the Committee for an unfavorable report.

APPENDIX J



State Council on Child Abuse and Neglect (SCCAN) ANTIRACIST STATEMENT

Preamble

Evidently, the disparity in service offered and treatment of African American children has existed since the beginning of the child welfare system. In fact, prior to 1865, slavery was the primary welfare institution for African American s.¹ African Americans were not alone in tracing the history of the U.S child welfare system and the racist, discriminatory and disparate practices that have been used with children of color from the beginning of the system, to current times. Native American and Indigenous people have also been victims of biased practices and discriminatory procedures within the child welfare system.²

After slavery was abolished many White children were sent to orphanages, almshouses or sent west on “Orphan Trains” to live with foster families through indentured servitude. African Americans were largely excluded from that type of assistance with the exception being the Society of Friends. (an abolishment group in Philadelphia, PA).³ The under-funded and short-lived Freedman Bureau provided direct relief for many African American children and their respective families. More often than not, most of the support services provided (i.e. day care, orphanages) to African American children were through self-help efforts offered through schools, churches, and other social organizations.⁴ It was not until the National Urban League founded in 1910 began to advocate for equitable distribution of child welfare services.

By 1935, mothers’ pension laws had been adopted in 46 states. Similarly, the Social Security Act established Title IV-A, known as Aid to Dependent Children (ADC). However, many states instituted “home suitability clauses”⁵, “illegitimate child clauses” and “substitute father in the house clauses”. These clauses were established to weed out “immoral homes” and often

¹ Dettlaff, A. J., Weber, K., Pendleton, M., Boyd, R., Bettencourt, B., & Burton, L. (2020). It is not a broken system, it is a system that needs to be broken: The upEND movement to abolish the child welfare system. *Journal of Public Child Welfare*, 14(5), 500-517. Barth, R. P., Jonson-Reid, M., Greeson, J. K., Drake, B., Berrick, J. D., Garcia, A. R., ... & Gyourko, J. R. (2020). Outcomes following child welfare services: what are they and do they differ for black children?. *Journal of Public Child Welfare*, 14(5), 477-499.

² Bird, S. E. (2018). Introduction: Constructing the Indian, 1830s–1990s. In *Dressing in feathers* (pp. 1-12). Routledge.
Berkhofer, R. F. (1979). *The white man's Indian: Images of the American Indian, from Columbus to the present* (Vol. 794). Vintage.

³ Dettlaff, A. J., & Boyd, R. (2020). Racial disproportionality and disparities in the child welfare system: Why do they exist, and what can be done to address them?. *The ANNALS of the American Academy of Political and Social Science*, 692(1), 253-274.
Cénat, J. M., Noorishad, P. G., Czechowski, K., Mukunzi, J. N., Hajizadeh, S., McIntee, S. E., & Dalexis, R. D. (2021). The Seven Reasons Why Black Children Are Overrepresented in the Child Welfare System in Ontario (Canada): A Qualitative Study from the Perspectives of Caseworkers and Community Facilitators. *Child and Adolescent Social Work Journal*, 1-16.

⁴ Burslem, R. R. (2021). TRANSFORMING OUTCOMES TO INCREASE PARTICIPATION IN THE INDEPENDENT LIVING PROGRAM SPONSORED BY SUNRISE CHILDREN’S SERVICES. Bremner, R. H. (1983). Other people's children. *Journal of Social History*, 16(3), 83-103.

⁵ Fong, K. (2020). Getting eyes in the home: Child protective services investigations and state surveillance of family life. *American Sociological Review*, 85(4), 610-638. Piven, F. F., & Cloward, R. (2012). *Regulating the poor: The functions of public welfare*. Vintage.

excluded African Americans from receiving any public welfare benefits. Consequently, states like Mississippi, Florida and Louisiana were notorious for removing African American children from their families because their families were, in their opinion, too poor to take care of children.⁶

During the 1960's there was a major shift in America's conceptualization of the poor. The growing use of contraception and liberalized abortion laws increased social acceptability of many unwed, single parent households. The reduction of White children eligible for adoption led many private agencies to focus on African American children. African American children began to be over-represented in the child welfare system and experience disparate outcomes.⁷ White culture maintaining the privilege of being the standard against which everyone else is compared perpetuates racial disparities.

Historically, Black children have experienced overrepresentation within the child welfare system throughout the U.S.. Maryland only began disaggregating child welfare data by race beginning in 2015. The data shows Black children and families continue to be disproportionately overrepresented year after year in Maryland.

In addition to overrepresentation, Black children also experience disparate outcomes. Black Youth are overrepresented in out-of-home foster care placements and are more likely to exit care without achieving permanency compared to their White counterparts. Of all youth emancipated (not being adopted, reunified, or placed in guardianship) Black youth comprise the overwhelming majority of cases.

As a society, it is our duty to ensure that every child has a bright future. Child welfare interventions require active and ongoing responsibility and accountability to minimize the potentially harmful effects of these interventions.

Achieving permanency prior to aging out of care is correlated to better outcomes in housing, education, employment, economic stability, physical and mental health, healthy relationships and connections to community. Providing research-informed guidance and support around housing, finances, relational stability, nutrition and the development of lifelong connections, builds resiliency and leads to personal well-being and healthy community members.

Additionally, experiencing racism is an Adverse Childhood Experience (ACE) that causes toxic stress and trauma.⁸ We are actively building our knowledge, skills, and resources to increase equitable outcomes for all children and families. We are committed to being antiracist, to using an equity lens in our policy work, and to being intentional about addressing and eliminating racial inequities.

⁶ Lawrence-Webb, C. (2018). African American children in the modern child welfare system: A legacy of the Flemming Rule. *Serving African American Children*, 9-30. Simon, R. J. (1984). Adoption of black children by white parents in the USA. *Adoption: Essays in Social Policy, Law, and Sociology*. New York/London, Tavistock Publications.

⁷ Hamilton, E., Samek, D. R., Keyes, M., McGue, M. K., & Iacono, W. G. (2015). Identity development in a transracial environment: Racial/ethnic minority adoptees in Minnesota. *Adoption quarterly*, 18(3), 217-233.

⁸ Research, Publications and Applications of the Expanded ACE Survey, The Philadelphia ACE Project; [Philadelphia ACE Study: Racism and Discrimination as Risk Factors for Toxic Stress – Transcript](#), April 28, 2021.

SCCAN ANTIRACIST STATEMENT

1. Racism exists.

Racism is prevalent in all institutions. Historic and systemic racism permeates the child welfare system and other child and family serving systems, including health, education, economic and justice systems. The State Council on Child Abuse and Neglect (SCCAN) unequivocally supports and stands in solidarity with all racially oppressed individuals and communities (African American, Black, Indigenous, and People of Color⁹) as an ally in the fight against racism, racial inequity, and racial discrimination.

In our role as a citizen review panel mandated by CAPTA, SCCAN “*evaluate[s] the extent to which State and local agencies are effectively discharging their child protection responsibilities.*”¹⁰ As an advisory body by Maryland law, we “*make recommendations annually to the Governor and the General Assembly on matters relating to the prevention, detection, prosecution, and treatment of child abuse and neglect, including policy and training needs.*”¹¹ In these roles SCCAN is particularly allied with black children and families who are disproportionately represented in and impacted by the child welfare system.

2. Racism is both conscious and unconscious.

It is every individual’s responsibility to learn the meaning and impact of how race influences and impacts everyone's interactions. Each of us must embrace the duty to understand our history, biases, prejudice, bigotry, and societal assumptions.

We acknowledge that racism can be unconscious or unintentional, and that identifying racism as an issue does not automatically mean that those involved in the act are racist or intend a negative outcome.

3. Systematic racism exists, and we must distinguish intent from impact.

We are committed to being actively antiracist. and we adopt Ibram X. Kendi’s definition of racism, racial equity, racist policy, and racist ideas:

“**Racism** is a powerful collection of racist policies that [produce and normalize racial inequities] and are substantiated by racist ideas. **Antiracism** is a powerful collection of antiracist policies that lead to racial equity and are substantiated by antiracist ideas.”¹² An antiracist idea is any idea that suggests the racial groups are equals in all their apparent differences—that there is nothing right or wrong with any racial group. Antiracist ideas argue that racist policies are the cause of racial inequities. Policies are any written and unwritten laws, practices, rules, procedures, processes, regulations, and guidelines that govern people.

⁹ We use the phrase “People of Color” to intentionally include individuals who may identify as Black, African-American, Asian, South Asian, Middle Eastern, Pacific Islander, Latinx, Chicax, Native American, and multiracial. People of color are not a monolithic group. We specifically differentiate Black, African-American, and Indigenous people, as they have historically experienced overrepresentation in the child welfare system.

¹⁰ [42 USC Ch. 67: CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION REFORM](#)

¹¹ [Family – General Article, Annotated Code of Maryland, § 5-7A-09, State Council on Child Abuse and Neglect \(SCCAN\)](#)

¹² Kendi, Ibram X., *How to Be an Antiracist*. New York: One World, 2019.

SCCAN is committed to evaluating and reevaluating all Council recommendations regarding policies, procedures, services, and trainings to ensure that they are inclusive, equitable, accessible and antiracist.

4. It is not the job of the oppressed to teach the oppressors about their mistakes.

We understand it is not the job of the historically oppressed to educate the oppressors about oppression. We must teach ourselves to recognize the inappropriate assumptions that deny the humanity of the oppressed, based on our biases and accept responsibility for our role in perpetuating unfair advantages, disadvantages and racism. We pledge to be informed and promise not to be complicit or silent against racism. We are committed to identify and unlearn dominant narratives in the child welfare and other child and family serving systems.

5. We need to validate and affirm members of our communities.

We must do our absolute best to validate and affirm members of our community by ensuring that their voices are heard and valued. As a Council, it is our responsibility to actively elevate the voices of those unheard and marginalized by systems and structures. Silence normalizes oppression, bias, and other systemic issues, and as an entity committed to creating change in our society, we will not be silent. Until African American, Black, Indigenous, and People of Color communities are seen, heard, and valued, our work is not done.

6. White Supremacy Exists

White supremacy, white supremacy culture, and white privilege are prevalent today despite some advancements towards racial equity. The United States remains deeply embedded with the historical legacy of visible and invisible racist structures, policies and ideas. White people enjoy unfair advantages but are not a superior race and should not dominate society or serve as the standard of acceptability. We believe that equity is paramount.

7. Acknowledgment

SCCAN admits that while recommendations and advocacy efforts have been well-intended, we have not viewed our systems recommendations through an actively antiracist lens and towards antiracist solutions. We challenge and encourage our members and partners in child welfare and other child and family serving systems to address racist ideas and policies that perpetuate inequities.

8. Reconciliation and Forward Progress

SCCAN will hold itself accountable for promoting antiracist policies and ideas in child welfare and other child and family serving systems and commits to:

1. Recruit, interview and recommend to the Governor for appointment only individuals who have read, understood, and are committed to our antiracist statement. The interview process will consist of questions related to an understanding of the statement.
2. Ensure broader and consistent outreach to increase engagement in SCCAN's education and advocacy efforts and in order to recruit a more diverse membership.

3. Deliberately establish meaningful relationships and dialogue with impacted communities in order to inform our recommendations and advocacy efforts.
4. Actively build the knowledge, skills, and resources of Council members and partner organizations to increase equitable outcomes for all children and families.
5. Draft and review all recommendations to the Governor and General Assembly to ensure the recommended policy improvements address racial inequities.
6. All legislative proposals submitted for consideration of support by the Council must include information about racial impact and be reviewed by the Council using a racial equity lens.
7. Engage with our members and partners to exercise our collective influence with decision makers to promote antiracist ideas and policies, racial equity and develop antiracist solutions.

SCCAN's Antiracist Statement is a living document. We are committed to regular reviews and consistent accountability.