
BILL NO: Senate Bill 495
TITLE: Education - Student-Organized Peaceful Demonstrations –
Student Discipline and Policy
COMMITTEE: Ways and Means
HEARING DATE: February 10, 2022
POSITION: **SUPPORT**

Senate Bill 495 clarifies the rights of students to demonstrate and express themselves within the public school system, without fear of bias-based retaliation or repercussion, while establishing guidance for schools, such as requiring schools to establish a demonstration policy for students, conditions students must adhere to in terms of notification and school disruption, protections against excessive or unnecessary punishment of students, and limitations on language that has the intent to harass, threaten or intimidate others. Because young women are often discouraged from, and even punished for, engaging in peaceful demonstrations and protests, the Women's Law Center of Maryland (WLC) believes it is important to support those students and their right to do.

Historically, gender-based censorship has been a pervasive issue, with the voices of women monitored, limited, and even criminalized, often under the guise of protecting public morals. In educational settings, this has led to disproportionate disciplinary action when it comes to acts of protest. In particular, girls of color are more likely to be disciplined for minor subjective offenses that are susceptible to biases, such as being “defiant,” “loud,” “disobedient,” or “disrespectful.”¹ Furthermore, schools across the country have punished or threatened to punish students for allegedly “disruptive” speech promoting the Black Lives Matter movement or expressing pro-LGBTQ messages for engaging in purportedly “sexual” and “disruptive” speech, while failing to act upon cases of sexual harassment or bullying against young women².

Recently, the WLC participated in an amicus brief before the United States Supreme Court in *Mahanoy Area School District v. B.L.*, 141 S. Ct. 2038 (2021), a case addressing the reach of schools to discipline students exercising in free speech³. The brief focused on the dichotomy of high levels of sexual harassment of young women in schools compared to disproportionate discipline of historically marginalized students. For the above reasons, the WLC urges a favorable report on Senate Bill 495.

The Women's Law Center of Maryland is a private, non-profit, legal services organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change, working to ensure physical safety, economic security, and bodily autonomy for women in Maryland.

¹ See Nat'l Women's L. Ctr. 9; Don Dailey, School Discipline and Race in Alabama, Pub. Affs. Rsch. Council of Ala. (July 1, 2020).

² See Catherine Hill & Holly Kearn, Am. Ass'n of Univ. Women, Crossing the Line: Sexual Harassment at School 2 (2011), <https://tinyurl.com/sx69zhwt>.

³ <https://nwlc.org/wp-content/uploads/2021/03/20-255-NWLC-et-al.-Amicus-Brief-1.pdf>