

To Judiciary Committee Members,

I am writing to urge you to give a favorable report on SB566, the Fundamental Parental Rights Bill. Over the past few years, we have seen parental rights infringed upon in areas of education and medical decision making. This bill would help to protect parental rights, which is essential to guarding a prosperous future for the state of Maryland.

Over the past few years, I have seen my parental rights infringed upon by state and local governmental authorities. For a full year, I did not have the right to send my child to school to receive a face-to-face education. The results of this decision to close schools were devastating as demonstrated by this [report](#) from Harvard University, which I have attached with my written testimony. An [interview](#) with an author of the study is included at the end of this testimony.

Additionally, once parents were allowed to send students back to in-person school, we had no choice but to submit our children to masking policies that were not scientifically proven to provide any benefit in reducing the spread of COVID and were shown to have negative impacts on child development. A recent [Cochrane Review](#) of studies on the effectiveness of physical interventions to reduce the spread of respiratory viruses concluded that ***“The pooled results of RCTs did not show a clear reduction in respiratory viral infection with the use of medical/surgical masks.*** There were no clear differences between the use of medical/surgical masks compared with N95/P2 respirators in healthcare workers when used in routine care to reduce respiratory viral infection. Hand hygiene is likely to modestly reduce the burden of respiratory illness, and although this effect was also present when ILI and laboratory-confirmed influenza were analyzed separately, it was not found to be a significant difference for the latter two outcomes.” A summary of this report is attached with my written testimony.

An example of the negative consequences of prolonged masking are demonstrated in this study, which concluded that masking impeded students’ ability to recognize and process emotions in peers’ and teachers’ faces. The authors wrote, “The current [study](#) provides evidence for quantitative and qualitative changes in the processing of masked faces in children. Changes in face recognition performance and alteration in the processing of partially occluded faces could have significant effects on children’s social interactions with their peers and their ability to form relationships with educators.” This study is also attached with my written testimony.

These studies demonstrate that the closing of schools and mask mandates were an infringement of parental rights and that this bill is needed to protect parental rights should a similar pandemic or situation occur in the future.

However, we are also seeing parental rights being infringed upon by groups that would like to push ideological ideas into school curriculums. There are two bills (HB119 and SB199) that have been introduced this legislative session that would mandate that local school boards adopt curriculums that teach ideological concepts regarding sexuality and gender. The bill would require counties to adopt a curriculum aligned to a state mandated curriculum framework similar to the [one](#) updated in July 2022. Although HB 119 has been completely rewritten through amendments to propose stiff penalties for school districts that do not fully implement any state curriculum framework, it is clear that the goal of the bill is to coerce districts to implement all elements of the health curriculum framework including standards for human sexuality and gender identify, which start in pre-kindergarten.

I have attached this curriculum framework to my written testimony. The current framework mandates that kindergarteners and first graders “recognize” and “identify” the “range of ways that people identify and express gender” (pg. 8). If that sounds innocent to you, I would like to direct your attention to a lesson developed by Advocates for Youth, an organization that was a contributor to the framework as you can see on page 4 of the framework. The [first-grade lesson](#) titled “Pink Blue Purple” aligns with the health curriculum framework and directly instructs teachers to tell students, *“Gender identity is that feeling of knowing your gender...You might feel like you’re a boy even if you have body parts that some people might tell you are ‘girl’ parts. You might feel like you’re a girl even if you have body parts that some people might tell you are ‘boy’ parts. And you might not feel like you’re a boy or a girl, but you’re a little bit of both. No matter how you feel, you’re perfectly normal!”* This is an ideological message that is not supported by biological science or physical reality that infringes upon parent’s rights to raise their own children according to their values and/or beliefs. Even if an opt-out option is provided, it is not enough to guarantee that schools or activist teachers will not find loop holes to indoctrinate children into their own ideologies against parental wishes. The lesson referenced above is also linked in my written testimony.

It is also must be noted that during the committee hearings for both HB119 and SB199, there were multiple groups that shared favorable testimony for the bill and advocated that an amendment be adopted that remove the parental opt-out option for human sexuality and gender identity topics. None of these groups represented parents or families. It is clear that there are political forces at play that wish to strip parents of all educational rights and to deliver this authority to the state. Many of these forces seek to push an ideological agenda onto our children. I would encourage you to reference the publicly available testimony from the HB119 and SB199 committee hearings to verify this claim.

Finally, parental rights to make medical decisions for their children must also be protected. Although the hearing was cancelled, Senator Kagan put forth a bill that would allow all children over 14 to give consent to receive a vaccine without parental approval. The bill would also allow children under 14, including children with developmental disabilities, to consent to receive a vaccine without parental approval if a health care provider deems the child possesses the intelligence needed to understand the risks and potential consequences of the decision. Although it appears this legislation will not move forward, it demonstrates the need for a parental rights bill to protect parent’s rights to make medical decisions for their children.

For all these reasons, a bill protecting parental rights is vital for the future of Maryland. There are parents on both sides of the political aisle that feel their parental rights have been infringed upon and parental rights should be an issue on which we can find common ground. A liberal parent should have the right to raise and educate their child in the way that fits their values and a conservative parent should have the same right. Imagine the uproar among Democrats if schools were teaching students specific religious beliefs or doctrines in schools. That is how conservative parents feel about the sexuality, gender, and racial ideologies being inserted into school curriculums.

Protecting parental rights is essential for Maryland’s future because this is an issue that will cause people to leave Maryland’s public schools or to leave the state entirely. In the past few years, we have seen a migration from blue states to red states by families that wish to have stronger parental rights. In 2022, Maryland experienced a 0.16% decrease in population. That may seem insignificant, but I believe

the trend will grow if measures are not put in place to protect the freedom of Marylanders who find themselves as political minorities.

For all these reasons, I urge you to give a favorable report on SB566. Thank you for your consideration.

Sincerely,

Justin Kuk

Baltimore City

Consequences of School Closures Interview

GAZETTE: What is the magnitude of students' learning loss due to the pandemic? Which school districts have been the most affected?

KANE: We found that districts that spent more weeks in remote instruction lost more ground than districts that returned to in-person instruction sooner. Anyone who has been teaching by Zoom would not be surprised by that. The striking and important finding was that remote instruction had much more negative impacts in high-poverty schools. High-poverty schools were more likely to go remote and their students lost more when they did so. Both mattered, but the latter effect mattered more. To give you a sense of the magnitude: In high-poverty schools that were remote for more than half of 2021, the loss was about half of a school year's worth of typical achievement growth.

GAZETTE: What is the percentage of students who have experienced learning loss in the U.S.?

KANE: There are 50 million students in the U.S. About 40 percent, or 20 million students, nationally were in schools that conducted classes remotely for less than four weeks, and 30 percent, or 15 million students, remained in remote instruction for more than 16 weeks. In other words, about 40 percent spent less than a month in remote instruction, but about 30 percent spent more than four months in remote instruction. It is the dramatic growth in educational inequity in those districts that remained remote that should worry us.

GAZETTE: Are we at risk of losing the educational gains of the last three decades? How could this impact the racial achievement gap?

KANE: Over the last 30 years, there has been like a gradual closing in both the Black-white and Hispanic-white achievement gaps. The federal government has been administering an assessment to a nationally representative sample every couple of years, the National Assessment of Educational Progress. Gaps have been narrowing for the last 30 years.

The latest assessment was conducted between January and March of 2022. Our results imply that when those results come out later this year (likely in October, before the midterm election) there will be a decline nationally, especially in states where schools remained remote, and gaps will widen sharply for the first time in a generation. What we should be focused on now is ensuring that the widening gaps do not become permanent. By helping students catch up over the next few years, I hope we can reduce the gaps again when the next NAEP assessment is collected in 2024.

Interestingly, gaps in math achievement by race and school poverty did not widen in school districts in states such as Texas and Florida and elsewhere that remained largely in-person. Where schools remained in-person, gaps did not widen. Where schools shifted to remote learning, gaps widened sharply. Shifting to remote instruction was like turning a switch on a critical piece of our social infrastructure that we had taken for granted. Our findings imply that public schools truly are the “balance wheel of the social machinery,” as Horace Mann would say.

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GAZETTE: In which ways can learning loss affect high school graduation and college application rates and students’ life opportunities?

KANE: Some observers are going to say that we are too focused on the decline in test scores. However, given past relationships between test scores and other life outcomes, we would expect the achievement declines to translate into lower high school graduation rates (since students may not have the math or reading skills required for upper-level courses), lower college-going rates, and lower earnings. Recall that not every group of students saw the same decline — high-poverty schools were more likely to go remote and suffered larger losses when they did so. To be more concrete, students in high-poverty schools that were remote for more than half of 2020-21 would be expected to see a 5 percent decline in average earnings over their career, given past relationships between test scores and earnings. That may not sound like much, but when calculating losses for all 50 million students in K-12 education in the U.S., it would amount to a \$2 trillion decline in lifetime earnings. It’s in that context that the \$190 billion that the federal government has provided in supplemental aid for schools since the pandemic began sounds like a good investment, if it could be used to reduce the losses.

GAZETTE: What should school districts and states do to help students recover from their learning losses?

KANE: School districts need to start by assessing the magnitude of their losses and then assembling a package of interventions that is commensurate with their losses. Districts that remained remote during 2020-21 — especially the higher-poverty schools in those districts — lost the most ground and will need to spend more of their federal aid on academic recovery. It’s all about magnitudes. From prior to the pandemic, we have estimates of the impact of interventions such as high-dosage tutoring or summer school or double periods of math instruction. Each district should start this summer by taking the estimates of the impact of each of those interventions, multiply each by the share of students they plan to serve under each and make sure the sum of expected effects adds up to the size of the loss their students have suffered. That’s going to be an eye-opening calculation for most districts, since most districts I see are planning intensive interventions for 10 or 15 percent of their students, some voluntary summer school — and that’s about it. A barely-more-than-normal recovery effort such as that is going to be nowhere near enough in many districts.

Here’s an example. The students in high-poverty schools that were remote for most of 2020-21 lost about 0.45 standard deviations in math. There are very few educational interventions that have ever been shown to have an impact that large. One example is high-dosage tutoring — which involves tutoring sessions two to three times per week in groups of one to four students with a trained tutor all year. Pre-pandemic research implied that such a program would generate about 0.38 standard deviations. In other words, a district could provide a high-quality tutor to every single one of the students in a high-poverty school and still not expect to make up the decline. Of course, given the

inevitable problems of maintaining quality while scaling up such interventions, the expected impacts from pre-pandemic research are likely to be over-optimistic. But districts need to start with a plan, which is commensurate with their losses and then scale up or scale down as necessary over the next couple of years.

GAZETTE: The federal government gave \$190 billion to schools across the country for academic recovery. Is that enough?

KANE: Based on our estimates, those dollars would be enough if school districts, especially the high-poverty school districts that were remote for much of 2021, were to spend nearly all of it on academic recovery. Unfortunately, a lot of those funds have been going to things that weren't necessarily related to academic recovery. That's why we're trying to sound the alarm now before those dollars are committed to other things.

School districts have never been through a disruption of this magnitude before. School districts have until the end of 2024 to spend the federal aid for academic recovery. Most of the district plans I have seen are undersized. Of course, districts will eventually learn that their efforts are not sufficient. However, the great danger is that they will realize that too late — after they have committed the federal aid.

You wouldn't try to patch a hole without making sure that the patch was as big as the hole. Very few school districts have done the math to figure out if the effect sizes of the interventions that they're planning and the share of students to be served by each match the loss their students have endured. Troublingly, there's nothing about the federal process that requires that district plans are commensurate with their losses, even on paper.

It's worse than that. The [American Rescue Plan](#) — passed in March 2021, before the magnitude of the losses were clear — only requires districts to spend 20 percent of the federal aid on academic recovery. Most districts seem to be following the federal guidance, and spending between 20 and 30 percent on academic recovery. That's not going to be nearly enough in the lower-income districts that spent much of 2020-21 in remote instruction. Local business leaders, parents, and school boards need to engage with their school districts and make sure that the district recovery plans are commensurate with the losses. If not, these achievement losses will become permanent.