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The Honorable Vanessa Atterbeary
House of Delegates Ways and Means Committee
Room 131
House Office Building
Annapolis, Maryland 21401

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**Testimony of FreeState Justice
IN SUPPORT OF HB 576 - Primary and Secondary Education - Policies on Bullying,
Harassment, or Intimidation - Revisions**

To the Honorable Chair Vanessa Atterbeary and esteemed members of the Ways and Means Committee:

FreeState Justice is Maryland's lesbian, gay, bisexual, transgender, and queer (LGBTQ) civil rights advocacy organization. Each year, we provide free legal services to dozens, if not hundreds, of LGBTQ+ Marylanders who could not otherwise be able to afford an attorney, as well as advocate more broadly on behalf of the LGBTQ+ community.

We write today in strong support of House Bill 576, which would drastically improve the present policies on bullying, harassment, or intimidation for LGBTQ+ students in Maryland schools. As the current policy stands now, even the most well-meaning teachers, staff, and administrators may place an already vulnerable child in avoidable harm by reporting an instance of anti-LGBTQ+ bullying without their consent.

At its core, **the present model policy on bullying infringes upon LGBTQ+ students' privacy and autonomy**. Adolescence is a time filled with formative experiences and identity exploration. Before coming out, young people may struggle to understand or come to terms with their own identity. Youth consistently cite coming out (i.e., disclosing one's sexual or gender identity) to their parents as one of the most fear inducing steps in the coming out process, as many LGBTQ+ youth dread parental rejection or disapproval (Willoughby et al., 2006). The decision to come out is a deeply personal one, and it is **violating** to have that decision made for a child, **especially after being bullied**.

Anti-LGBTQ+ bullying is a public health crisis in America. In Maryland public schools, **more than half** of LGBTQ+ students report experiencing harassment or assault based on their identity (GLSEN, 2019). The consequences of anti-LGBTQ+ bullying are alarming: LGBTQ+ students

are more likely to skip school to avoid victimization, have lower GPAs, and experience poorer physical and mental health outcomes compared to their non-LGBTQ+ peers (CDC, 2019).

One recent report by the Trevor Project (2022), a national LGBTQ crisis intervention and suicide prevention service for youth, **found that 68% of Maryland's LGBTQ youth reported experiencing symptoms of anxiety and 53% had symptoms of depression.** Even more disturbing, **43% of LGBTQ+ youth seriously considered suicide in the past year.** Taken together, these statistics demonstrate the urgent need for policy interventions that help LGBTQ+ youth feel safe and supported should they be victims of harassment, bullying, or intimidation on the basis of their identities.

On top of the psychological and social consequences of anti-LGBTQ+ bullying, LGBTQ+ youth who are victims of bullying may be placed in an even more dangerous situation by school personnel: being unintentionally “outed” to their parents. When schools report incidents of anti-LGBTQ+ bullying to parents, it is critical to consider how this may affect the student’s safety at home. **Only 1 in 3 LGBTQ+ youth found their home to be LGBTQ+-affirming** in recent years (The Trevor Project, 202) and **are significantly more vulnerable to childhood mistreatment** as a result (Robers et al., 2012).

Hostile home environments and family rejection also place LGBTQ+ youth at an increased risk of being placed in the child welfare system. Not only are LGBTQ+ youth overrepresented in the foster care system (Wilson & Kastanis, 2015), but they also represent 40% of the homeless population (Durso & Gates, 2012)). Without the passing of HB 576, **teachers who are simply following a well-intended model policy are placing LGBTQ+ students in avoidable harm.**

Many other states already have distinct protections for LGBTQ+ youth should they experience bullying. The benefits of LGBTQ+-specific policies are clear: LGBTQ+ youth feel safer in school, more connected to their peers, and experience better psychosocial outcomes. These policies can also help youth connect with resources that negate the harm that they experience following peer victimization and bullying. Through this, students gain the skills necessary to cope with identity based discrimination, both inside and outside of schools.

The benefits of LGBTQ+-specific policies are not only experienced by LGBTQ+ youth themselves. **Non-LGBTQ+ students also report feeling more included and having better peer relationships if their school has LGBTQ+-specific bullying protections in place.** Teachers feel better equipped to intervene in instances of anti-LGBTQ+ bullying or harassment. Most importantly, HB 576 would help school personnel avoid being placed in the uncomfortable position of unintentionally outing a child to their parents.

Simply put: providing LGBTQ+ youth with the opportunity to decide how they would like their parents involved after they experience anti-LGBTQ bullying or harassment is **lifesaving**. When a student experiences bullying, they should not further fear how their school will *help* them. As adults, we should be doing everything in our power to ensure all students attend schools where they feel safe to learn and thrive.

For these reasons, FreeState Justice urges a favorable report on HB 576.