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Commission on Civil Rights

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Senate Bill 659 – Prekindergarten Programs and Primary and Secondary Schools – Student Privacy Policy Requirements and Discrimination Reporting
Position: Support

Dear Chairperson Feldman, Vice Chairperson Kagan, and Members of the Senate Education, Energy, and the Environment Committee:

The Maryland Commission on Civil Rights ("MCCR"; "The Commission") is the State agency responsible for enforcing Maryland's laws prohibiting discrimination in employment, housing, public accommodations, state contracts, commercial leasing, and health services based on race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, gender identity, genetic information, physical and mental disability, source of income, and military status.

Senate Bill 659 requires all public and nonpublic schools to adopt written policies and procedures regarding (1) student privacy rights under federal and State laws; and (2) how a student's records may be accessed by or released to a student's parent or guardian. SB659 also requires all public and nonpublic schools to report to the Maryland State Department of Education ("MSDE"), on or before September 1 annually, specific information related to alleged discriminatory incidents based on race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability. MSDE must then use that information to submit an annual report to the Governor and General Assembly by December 31 of each year. The reporting deadlines begin in calendar year 2027.

Since calendar year 2022, the Maryland State Police ("MSP") reports that hate bias incidents in Maryland schools have increased at extraordinary rates – from 90 reports in 2022 to 326 reports in both 2023 and 2024[1]. These official reports mirror allegations of discrimination, hate, and bias occurring in Maryland's schools that can be found across social media and in the news.

MCCR supports SB659 because the reporting of accurate and complete data by Maryland schools will enable education and policy leaders to formulate sound public policy – based on facts – that will directly address the underlying reasons behind the increase in reports to law enforcement. SB659's requirement of *nonpublic* schools to

[1] Of these submitted reports, verified reports totaled 10 in 2022, 24 in 2023, and 39 in 2024. Additionally, all of this data can be found in both MSP's annual Hate Bias Report and MCCR's Annual Report.

William Donald Schaefer Tower, 6 Saint Paul Street, Suite 900, Baltimore, Maryland 21202-1631
Phone: 410-767-8600 · Toll Free: 1-800-637-6247 · Maryland Relay: 711 · Fax: 410-333-1841
Website: mccr.maryland.gov · E-Mail: mccr@maryland.gov

also report this data will compel information to come to light that may have been hidden from public view to the detriment of student populations. MSP and MCCR both rely on reports from individuals and institutions directly to law enforcement. As MCCR knows all too well, while reports to law enforcement have improved in recent history[2], many may not or won't report an incident to law enforcement for fear of retaliation or mistrust in law enforcement. SB659 will help to fill in those reporting gaps.

For these reasons, the Maryland Commission on Civil Rights urges a favorable vote on SB659. Thank you for your time and consideration of the information contained in this letter. MCCR looks forward to the continued opportunity to work with you to promote and improve civil rights in Maryland.

[2] Despite improved reporting, MSP's annual Hate Bias Report identifies which jurisdictions submit zero reports during the reporting period, as well as which jurisdictions that have submitted zero reports for a longer period of time. MCCR and MSP both believe that the absence of reported incidents does not mean that no incidents have occurred.