

SB659 Education, Energy and the Environment SUPPOR

Uploaded by: Abbie Ellicott

Position: FAV

SUPPORT [SB659](#) Prekindergarten Programs and Primary and Secondary Schools - Student Privacy Policy Requirements and Discrimination Reporting

Hearing date: 3/4/26 at 1pm in Senate Education, Energy, and the Environment

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

We urge you to give a FAVORABLE REPORT to SB659.

We represent the Coalition for LGBTQ+ Students and we strongly SUPPORT SB659, which would standardize student privacy protections and increase transparency regarding discrimination incidents across all schools. Our Coalition's mission is to support LGBTQIA students through education, advocacy, and policy. We work to ensure that schools are safe and affirming environments for LGBTQIA youth, who often have difficult and sometimes traumatic experiences in school because of their identity. This bill would provide important protections for these children who are already marginalized and vulnerable.

We support SB659 because it requires all schools to implement written policies to protect student data in terms of their records, which makes it less likely that sensitive information about a child will be disclosed in ways that are risky. It is essential that personal identifying information about a child be kept private, so that schools cannot "out" a student to the public or to parents. Sadly, it is not always safe for LGBTQIA children to disclose their sexual orientation or gender identity to their families. Some families become punitive and rejecting and their children are then at risk for many terrible outcomes, including alienation from family relationships, homelessness, and negative physical and mental health outcomes. Research from Cornell University indicates that transgender youth experience much higher rates of depression, anxiety, suicidality, substance abuse and other mental health problems when they encounter family rejection (<https://whatwewknow.inequality.cornell.edu › lgbt-equality>). No child should have to go through this, especially because a school has disclosed information that led to this outcome. SB659 is critical because it aims to close reporting loopholes and strengthen privacy in ways that improve the safety, identity and autonomy of LGBTQIA youth.

We need SB659 so that discrimination incidents in both private and public schools are reported to MSDE, thus improving accountability and ensuring that effective interventions to prevent discrimination are implemented. SB659 would enhance safety for students in both public and nonpublic schools by requiring a uniform way of reporting discrimination, including discrimination based on gender identity. We know many LGBTQIA youth have undergone heartbreaking situations in school due to hate, bias and discrimination. ALL students have the right to be safe in school, but sadly, this is not the reality for some children. Please do what you can to help these youth.

For all these reasons we urge you to give a FAVORABLE report for SB659.

Sincerely,

The Coalition for LGBTQ+ Students (www.coalition4lgbtqstudents.org)



SB0659_pdf.pdf

Uploaded by: Allan Hakky

Position: FAV

Written Testimony in Support of SB0659

TO: Dear Members of the Education, Energy, and the Environment Committee

FROM: Parents of J**

POSITION: Favorable

BILL: SB0659 – Maryland Fair Schools Act

A Calculated Pattern of Institutional Profiling. Our daughter, J**, was a model student and a star athlete. By the 8th grade, she was a straight-A student, a member of the Junior Honor Society, and a school Ambassador for four consecutive years. She excelled on both the basketball and lacrosse "A" teams. This exemplary record was systematically dismantled by her school in a campaign that began in October 2023. It started with a relentless period of verbal abuse and harassment that the school ignored despite our repeated pleas for help. This negligence created the environment where students felt empowered to assault J** in a bathroom.

Rather than protecting the victim, the school followed a documented pattern of forcing out minority students. They "flipped the script" to protect their image, labeling J** as the aggressor and fabricating a narrative that she had "choked" another student. This is not an isolated mistake; it is a predatory strategy used against Muslim and African American students to brand them as "troublemakers" and justify their removal.

Intentional Academic Disruption and Doxing. The school counselor, Ms. S**, began pulling J** out of core classes multiple times a week. This was not for support; it was a tactical disruption of her education. When J** begged to stay in class to keep up with her work, Ms. S** twisted that plea into a confession of academic failure, recording in her file that the workload was "beyond J**'s abilities". Furthermore, Ms. S** breached confidentiality when she shared the false "choking" narrative and other intrusive, private details about J** with students, instructing them to stay away from J** for their "safety" and to report to her any and all interactions with J**. This institutional doxing turned J**'s peers into a surveillance network, leaving a 13-year-old girl to ask, "Is it my fault?" while she was being systematically isolated.

The Double Standard and Profiling. This profiling extended to the classroom. While white and Asian students were seen as "harmlessly playing" with their assigned Exacto knives, J** was singled out. The administration rebranded her tool as a "box cutter" on her permanent record—a term chosen specifically to criminalize a Muslim girl for behavior that went unpunished in her peers.

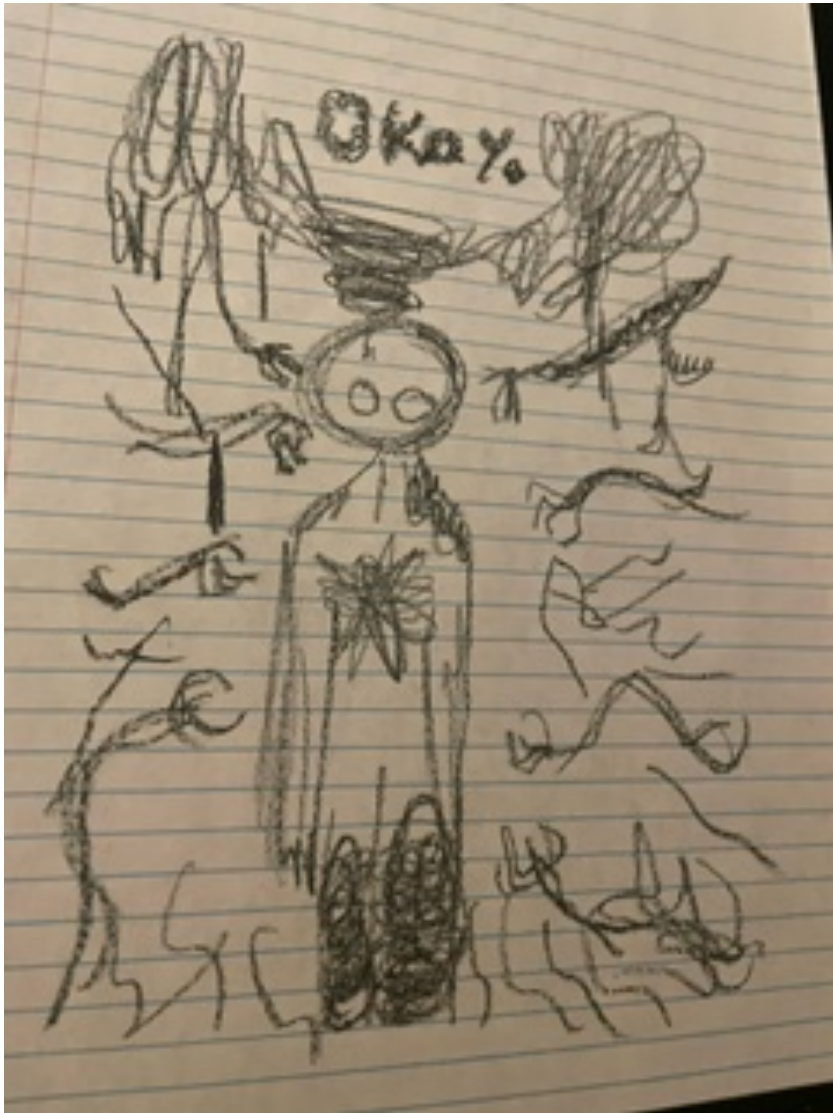
The "Withdrawal" Ultimatum and Systemic Fear. In February 2024, the school gave us a two-week ultimatum: "voluntarily" withdraw J**, or she would be expelled. This is a predatory tactic used regularly to force families out quietly to avoid accountability. However, the nightmare did not end with her withdrawal. The institutional doxing was so thorough that students continued to harass J** via phone or online even after she left the school. Because the school failed to protect Muslim students or enforce its own code of

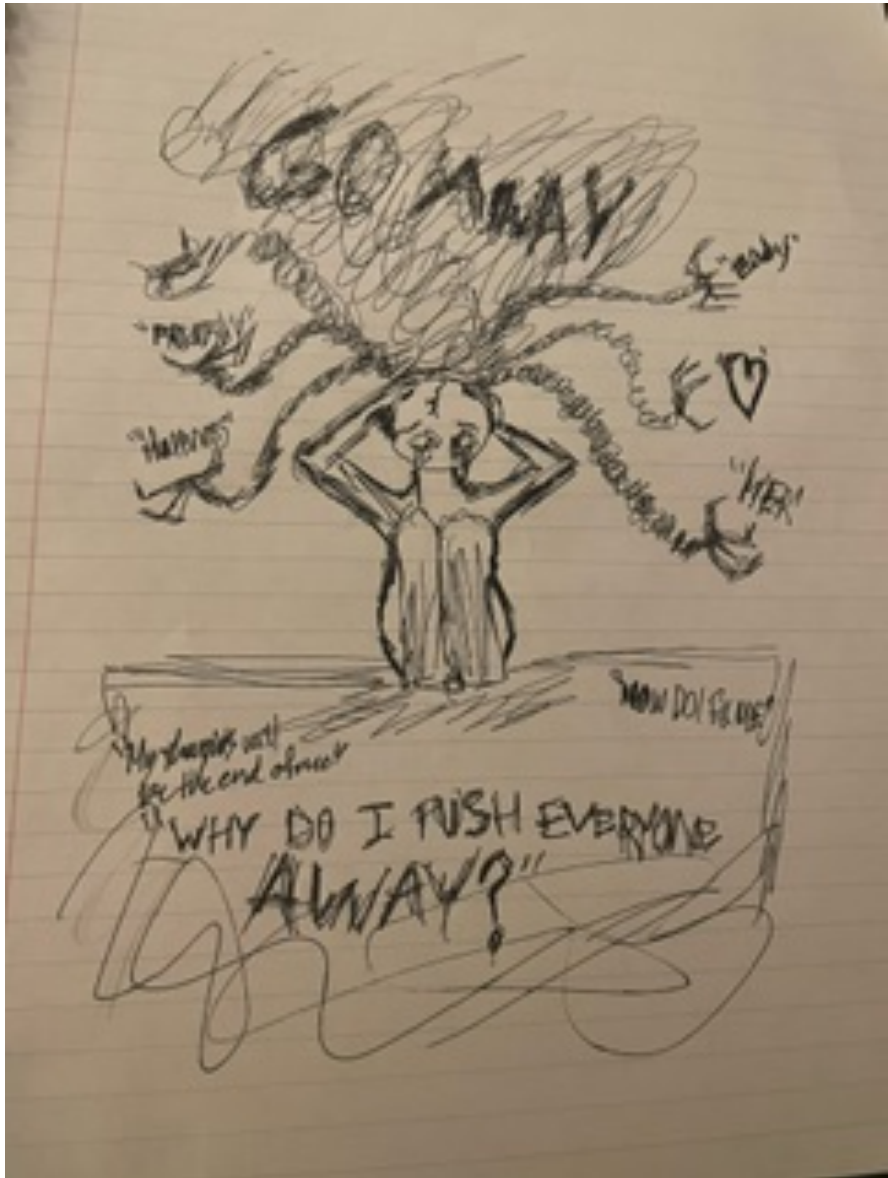
conduct against those targeting her while at school, these students felt empowered to continue their abuse beyond the school gates.

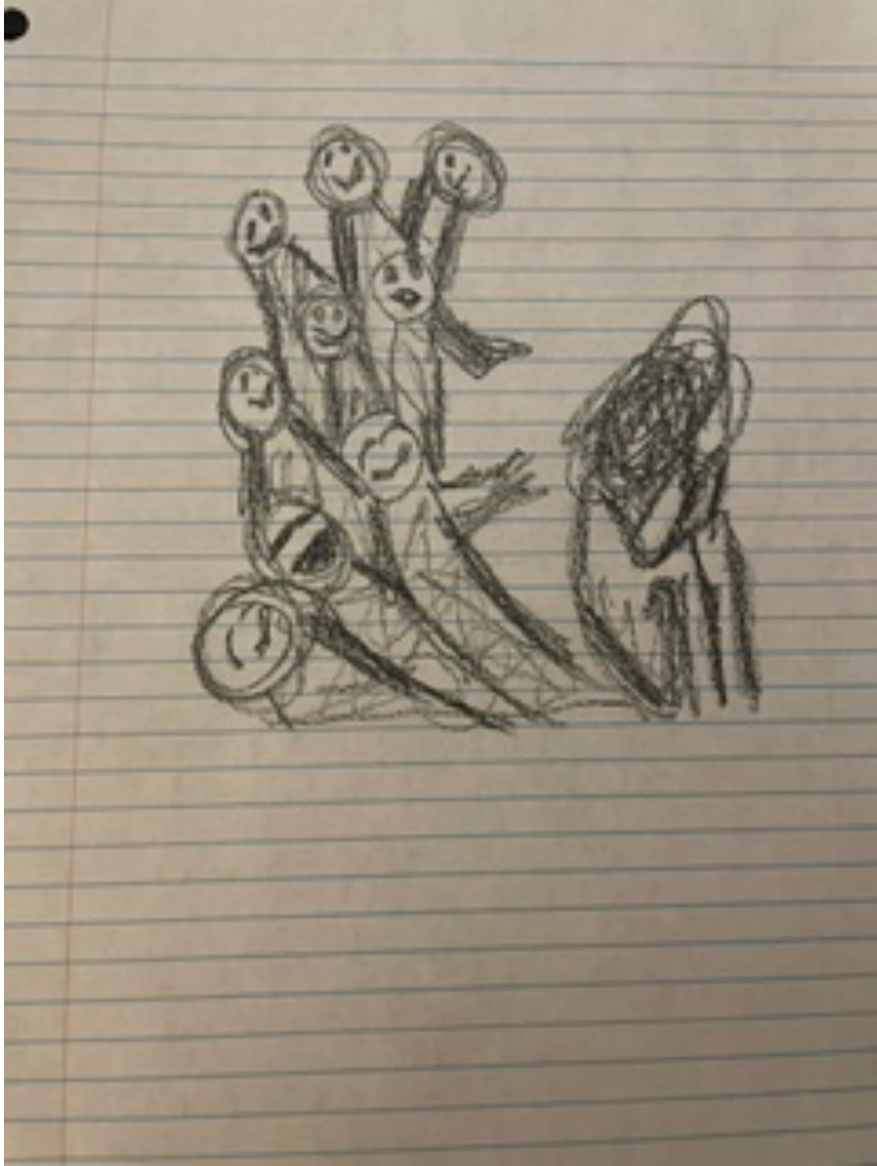
The Jurisdictional Gap. When we sought help, we hit a wall. Both the **Maryland State Department of Education (MSDE)** and the federal **Office for Civil Rights (OCR)** informed us they lacked the authority to act. Because this private school takes no public funding, they are "outside the jurisdiction" of the very agencies meant to protect children from discrimination. J** is now in 10th grade, but she still carries the lasting pain of this trauma.

Conclusion: The attached drawings (see Appendix) reveal the depth of J**'s suffering: a child surrounded by shadows and a shattered heart. Please vote **Favorable on SB0659**. Do not let a school's bank account be a license to destroy a child's life and silence the families who are too terrified to speak out.

Appendix: Images my daughter was drawing due to the school's doxing and trauma











SB0659_Student_Privacy_Policy_Requirements_and_Dis

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR SB0659

Prekindergarten Programs and Primary and Secondary Schools - Student Privacy Policy Requirements and Discrimination Reporting

Bill Sponsor: Senator Love

Committee: Education, Energy, and the Environment

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of SB0659 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of individuals and grassroots groups with members in every district in the state. We have over 30,000 members across the state.

It is becoming more and more difficult to manage what is happening to our children in our schools, both public and private. Families are more diverse than ever – parents who have separated or divorced, children who live with grandparents, etc. Who is in charge of seeing or handling their records? What happens with discrimination complaints?

These are issues that not every school is prepared to deal with in a consistent manner. This bill, if enacted, would require all schools in the state to create procedures for dealing with the release of student records. It would include -

- a policy statement assuring that all records pertaining to a student are available to the student's parent or guardian for inspection or review
- procedures to be followed by a parent or guardian who requests the records of their child
- a policy statement assuring that the school may not disclose personal identifying information from a student's record without prior written consent of the student's parent or guardian
- procedures by which the school shall maintain a written record of requests for personal identifying information from a student's record

Additionally, this bill will require each school to report to the Department of Education each September, starting in 2027, the number of incidents of discrimination alleged on the grounds of race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability against a student or, a prospective student or a parent or guardian of a student or a prospective student. This will allow the Department of Education to monitor what is happening in each school and create a more proactive approach to problems.

We support the bill and we recommend a **FAVORABLE** report in Committee.

C. Speach SB659-HB1032 .pdf

Uploaded by: Cooper Speach

Position: FAV

To: Members of the Senate and House

Date: 3/2/2026

Subject: Support to Maryland Senate Bill 659 & House Bill 1032: "Prekindergarten Programs and Primary and Secondary Schools - Student Privacy Policy Requirements and Discrimination Reporting"

Hi, my name is Cooper Speach, I am 15 years old and I am a 9th grader at Wye River Upper School in Centerville, but I live in Annapolis, I also identify as a gay teen. I am writing in support of Maryland Senate Bill 650 and House Bill 1032 to require policies to protect student privacy regarding their records and requiring nonpublic schools to report discrimination against students.

I feel that these bills would benefit students of all kinds, allowing more privacy and safety to children. Even as a child still today and a part of the LGBTQIA+ community as well I feel that I would appreciate seeing this be put into motion for our younger generation and their futures. I know that this will probably never affect me, but I feel that it will positively affect others to come. Even though the children that this will help will probably not understand or realize the benefit of this bill, it will surely help them in the long run.

Going back on how it will require schools to report discrimination. I feel that this will also save lives, I know of many instances of queer children taking their lives due to discrimination and harassment about their identity and this still happens today. It needs to stop. I feel this bill will at least help these children lead better lives where they are free to be who they want to be without having to worry about what others think of them. Even though it is somewhat rare for children to take their lives, discrimination still negatively impacts children all over the world. It makes them feel small and unwanted. It makes them feel like they are not valid and their thoughts don't matter. It makes other children think that it is okay to bully and harass people that are different and it is just a bad thing.

In conclusion, I feel this bill will do lots of good for the wellbeing and growth of children and help them discover who they truly are. So I ask you to think of these children as if they were your own, think of how you would feel if your child came home with bruises and cuts on their body because a group of other kids put their hands on them because they were different, because they believe in something that others don't. Imagine you come home one day to find your child has taken their own life because of the constant torment and anguish they are put through because of what they believe in, because of what they like. I ask you to pass this bill to take a stand even if it is just a small step towards a brighter future for our generation and the generations to come.

Yours truly,

Cooper Speach

SB659 Favorable 2026.pdf

Uploaded by: Debi Jasen

Position: FAV

Education, Energy, and the Environment
Senate Bill 659
Favorable

Honorable Chair, Vice Chair, and Members of the Education, Energy, and the
Environment Committee;

Information about discrimination is needed if it is to be appropriately addressed. It
really is that simple. Please give Senate Bill 659 a favorable report. Thank you.

Sincerely,
Debi Jasen
Pasadena, MD

HB 1032 : SB 659 2026 Glisten(formerly GLSEN) Mar

Uploaded by: Jaden Farris

Position: FAV



BILL: HB 1032(SB 659) - Prekindergarten Programs and Primary and Secondary Schools - Student Privacy Policy Requirements and Discrimination Reporting

DATE: March 4, 2026

POSITION: Favorable

COMMITTEE: House Ways and Means & Senate Education, Energy, and the Environment

Glisten(formerly GLSEN) Maryland, the state chapter of the nation's largest advocate for LGBTQ+ issues in K-12 education, supports HB 1032(SB 659). For more than 34 years, our organization has worked to ensure that every student can learn in safe, inclusive, and affirming school environments.

As written, this bill would require public and nonpublic K-12 schools in Maryland to develop written privacy policies to protect student records, and would require nonpublic preK - 12 schools to report information pertaining to instances of discrimination, including discrimination on the basis of gender identity and sexual orientation.

All students attending schools in Maryland—whether those schools are public or nonpublic—deserve access to educational spaces that are safe and protect the student and their family. Requiring privacy policies for sharing student and family records, coupled with requirements to report instances of discrimination, serves several purposes. It builds trust and safety between families and their child's school, guards against commercial exploitation (for instance, targeted advertising based on student data), and helps mitigate security risks.

While these safeguards benefit all students, LGBTQIA+ students and their families are particularly poised to benefit as they additionally help protect students and their families from being "outed," which can make them a target for discrimination, harassment, and bullying. Further, by tracking instances of discrimination in nonpublic schools, stakeholders can get a better picture of student experiences, and the state can identify legal gaps. LGBTQIA+ students are significantly more likely to experience instances of discrimination, harassment, and bullying in nonpublic schools, so requiring these schools to track and report instances of discrimination has the potential to improve school climates. Tracking discrimination and identifying any potential trends or gaps is an important part of establishing physically and emotionally safe educational environments.

Accordingly, Glisten Maryland respectfully requests a FAVORABLE committee report on HB 1032.

For further information, please contact Jaden Farris, jaden@md.glsen.org

ABOUT GLISTEN:

Glisten (previously GLSEN), the nation's largest advocate for LGBTQ+ issues in K-12 education, has been dedicated to establishing inclusive schools and learning environments for over 34 years. Amidst increasing threats against LGBTQ+ youth nationwide, Glisten actively addresses harassment and discrimination by empowering educators, advocating for policy changes, and combating book bans.

Maryland has 36,000 LGBTQI+ youth aged 13-17, including 2,300 transgender youth. ¹ Most LGBTQI+ students in Maryland experienced anti-LGBTQI+ bullying, including 53% who were verbally harassed because of their sexual orientation and 28% who were physically harassed or assaulted because of their gender identity.² 64% of victimized LGBTQI+ youth never reported harassment to school authorities. In addition, 46% experienced at least one form of anti-LGBTQI+ discrimination in schools, which disproportionately impacts transgender and nonbinary students.

GLSEN recommends **Four Supports** to foster safer schools where all students can thrive: comprehensive policies to address harassment and discrimination, inclusive learning, supportive school staff, and GSAs and LGBTQI+ Youth Leadership. This resource assesses how state policies impact access to the Four Supports.

Last Updated: 01/10/2025

Overall Grade for Inclusive K-12 Education Policies:

A

Meets Expectations

GLSEN recommends: Comprehensive Policies	Restrictive Policies (If Any)
<ul style="list-style-type: none"> ✓ Law prohibits sexual orientation and gender identity discrimination in schools: MD HB850 (2022). ✓ Law prohibits bullying based on sexual orientation and gender identity: MD HB199 (2008). ■ Law or regulation affirms equal opportunity and access for trans students <ul style="list-style-type: none"> * Maryland has trans inclusive guidance: MSDE Guidance (2024); MSDE Guidance (2015). * Maryland encourages trans affirming local policies: COMAR 13A.01.06 (2019). ✓ Interscholastic athletics policy affirms equal opportunity for trans students: MPSSAA Policy (2016). <p><i>Federal laws prohibit anti-LGBTQI+ discrimination and bullying in schools.</i></p>	<p>Maryland does not restrict school boards from adopting recommended policies.</p>
GLSEN recommends: Inclusive Learning	Restrictive Policies (If Any)
<ul style="list-style-type: none"> ■ LGBTQI+ inclusive core curricular standard <ul style="list-style-type: none"> * Maryland encourages LGBTQI+ inclusive learning: MSDE H.S. U.S. History Framework (2020); MSDE Guidance (2024). ✓ LGBTQI+ inclusive sex education standard: COMAR 13A.04.18.01 (2019). ■ LGBTQI+ inclusive instructional materials standard ✓ Proactively protect against discriminatory book bans/removals: MD HB785 (2024). 	<p>Maryland does not restrict school boards from adopting recommended policies.</p>
GLSEN recommends: Supportive School Staff	Restrictive Policies (If Any)
<ul style="list-style-type: none"> ■ Educator prep standards address LGBTQI+ inclusion ✓ School staff training requirements address LGBTQI+ inclusion: MD HB1386 (2024). 	<p>Maryland does not restrict school or professional standards boards from adopting recommended policies.</p>
GLSEN recommends: GSAs and LGBTQI+ Youth Leadership	Restrictive Policies (If Any)
<ul style="list-style-type: none"> ■ Proactively support GSAs and other LGBTQI+ inclusive student-led clubs ■ LGBTQI+ youth inform education policies and programs <ul style="list-style-type: none"> * Maryland has a Commission on LGBTQ Affairs: MD HB130 (2021). <p><i>The federal Equal Access Act protects LGBTQI+ affirming secondary student clubs.</i></p>	<p>Maryland does not restrict school boards from adopting recommended policies.</p>

How To Read This Table:

- ✓ An adopted LGBTQI+ supportive state policy that GLSEN recommends
- A LGBTQI+ supportive policy the state can adopt that GLSEN recommends
- * An adopted, partially supportive state policy (e.g., policy encourages, but does not set a standard for LGBTQI+ supportive local policies or practices)
- ! An adopted state policy that partially restricts local LGBTQI+ supportive policies or practices
- ✗ An adopted state policy that fully restricts local LGBTQI+ supportive policies or practices



About this State Report Card

GLSEN analyzes state policies,³ including laws and regulations that impact LGBTQI+ youth in K-12 schools based on available research, including the National School Climate Survey (NSCS) of LGBTQI+ students.⁴ GLSEN recommends state policies that set a standard for LGBTQI+ supportive local policies or practices. LGBTQI+ youths' experiences in schools ultimately reflect local practices, but state policies shape what is possible, encouraged, and prioritized locally. School boards adopt curriculum and policies that implement local priorities and applicable state policies. Teachers, administrators, and other school staff implement curriculum and state and local policies in classrooms, hallways, playing fields, and beyond. In every state, [federal laws](#), including Title IX and the U.S. Constitution's Equal Protection Clause, protect LGBTQI+ students.

See [GLSEN State Report Card Appendix](#) for full methodology and related resources, including model policies. For questions or to report a missing policy, email GLSENresearch@glsen.org.

Rubric	
<h1 style="color: green;">A</h1> <p>Meets Expectations</p>	<p>A state meets GLSEN's expectations when the state has:</p> <ul style="list-style-type: none"> Adopted recommended policies (✓) in at least 3 of GLSEN's Four Supports; AND No policies that restrict LGBTQI+ inclusive and supportive K-12 schools (✗ or !). <p>Meeting expectations indicates that state policies set a standard for schools that are both affirming as well as safe and nondiscriminatory for LGBTQI+ youth. This is an accomplishment, but ongoing work is needed to ensure supportive policies are implemented and improve conditions for LGBTQI+ youth.</p> <p><i>+/- Considerations: States will be evaluated annually for their ongoing efforts to implement supportive policies and/or to advance new, affirming policies.</i></p>
<h1 style="color: green;">B</h1> <p>Arriving at Expectations</p>	<p>A state is arriving at GLSEN's expectations when the state has:</p> <ul style="list-style-type: none"> Adopted recommended policies (✓) in only 1 or 2 of GLSEN's Four Supports and/or the state has any partially restrictive policies (!); AND No policies that fully restrict access to LGBTQI+ inclusive and supportive K-12 schools (✗). <p>Arriving at expectations indicates that state policies set a standard of safe, nondiscriminatory schools for LGBTQI+ youth, but additional steps are needed for schools to be proactively affirming.</p> <p><i>+/- Considerations: States are evaluated for the spread of supportive policies across GLSEN's Four Supports. States with supportive policies in 3+ of the Four Supports receive a B+. States with supportive policies in 2 of the Four Supports receive a B. States with supportive policies in 1 of the Four Supports receive a B-.</i></p>
<h1 style="color: red;">C</h1> <p>Does Not Meet Expectations</p>	<p>A state does not meet GLSEN's expectations when the state has either:</p> <ul style="list-style-type: none"> Both recommended policies (✓) and fully restrictive policies (✗) and the number of recommended supportive policies (✓) is greater than or equal to the number of fully restrictive policies (✗); OR Neither recommended supportive policies (✓) nor fully restrictive policies (✗). <p>Not meeting expectations indicates state policies fail to set a standard for safe, nondiscriminatory schools for LGBTQI+ youth and thus provide no or minimal guidance to individual school districts, educators, and families in supporting their LGBTQI+ students.</p> <p><i>+/- Considerations: States are evaluated for all steps taken towards more-or less-safe, inclusive schools. Policies are assigned points as follows: +2 for each recommended policy, +1 for each partially supportive policy, -1 for each partially restrictive policy, and -2 for each fully restrictive policy. A positive point total earns a C+, 0 earns a C, and a negative point total earns a C-.</i></p>
<h1 style="color: red;">D</h1> <p>Departing From Expectations</p>	<p>A state is departing from GLSEN's expectations when it has fully restrictive policies (✗) and either:</p> <ul style="list-style-type: none"> Has some supportive policies (✓ or ✱), but the number of fully restrictive policies (✗) is greater than the number of recommended supportive policies (✓); OR No more than 2 policies that fully restrict access to LGBTQI+ inclusive and supportive K-12 schools (✗). <p>Departing from expectations indicates that a state's policies discourage safe, nondiscriminatory K-12 schools for LGBTQI+ youth, creating substantial challenges for individual school districts, educators, and families in supporting LGBTQI+ students.</p>
<h1 style="color: red;">F</h1> <p>Opposing Expectations</p>	<p>A state is opposing GLSEN's expectations when:</p> <ul style="list-style-type: none"> It has no supportive policies for LGBTQI+ youth (✓ or ✱) AND It has more than 2 policies that fully restrict equal educational opportunity for LGBTQI+ youth (✗). <p>Opposing expectations indicates that state policies are actively hostile towards the goal of safe, nondiscriminatory schools for LGBTQI+ youth, greatly burdening individual school districts, educators, and families working towards this goal.</p>

¹ Estimate from a [2020 Williams Institute](#) LGBTQ youth population study, which also shows that a majority of transgender youth identify as LGB. These numbers likely underestimate the LGBTQ youth population in Maryland today. A [2022 Williams Institute](#) study of the transgender population in the U.S. resulted in higher estimates for trans youth nationally and in almost every state.

² GLSEN. (2023). School Climate for LGBTQ+ Students in Maryland. Available at: <https://maps.glsen.org/state-research-snapshots>. % physically harassed or assaulted includes% pushed, shoved, kicked, punched, or threatened with a weapon. % who did not report harassment includes all forms of harassment, including anti-LGBTQ+ harassment. Findings refer to students' experiences during the 2020-21 school year.

³State policy data collected by [GLSEN, Movement Advancement Project, SIECUS: Sex Ed for Social Change, TransAthlete.com](#).

⁴ GLSEN. National School Climate Survey Report Archive. <https://www.glsen.org/learn/research/nscs-archive>.

Senate Bill 659 Favorable One Pasadena 2026.pdf

Uploaded by: John Jasen

Position: FAV

Education, Energy, and the Environment
Senate Bill 659
Favorable

Honorable Chair Feldman, Vice Chair Kagan, and Members of the Education, Energy, and the Environment Committee;

We, the Steering Committee of anti-bigotry group One Pasadena, urge a favorable report for Senate Bill 659.

One Pasadena has worked with many other organizations in Anne Arundel County on issues related to prejudice in the schools. Gathering accurate information about discriminatory incidents has been a significant challenge. We strongly believe that it's imperative that such occurrences be recorded so they can be addressed. Please vote in favor of Senate Bill 659. Thank you.

Sincerely,
The One Pasadena Steering Committee
Pasadena, Maryland

SB659_FAV_Dangel.pdf

Uploaded by: Katherine Dangel

Position: FAV

**SB659- Prekindergarten Programs and Primary and Secondary Schools - Student
Privacy Policy Requirements and Discrimination Reporting**

Favorable

Education, Energy, and the Environment

March 4, 2026

Dear Honorable Chair Feldman and members of the committee,

My name is Katherine Dangel, and I am testifying in support of SB659, due to how it protects students. I am a sophomore at Glenelg High School, which is a public school. I am here in support of this bill, so that students in private schools can receive the same protections I did.

This bill requires that information shared with school staff, such as mental health issues or records of assault and harassment are kept confidential. This bill is important to me because of my own struggles with my mental health. I was able to share it with my school counselor, something that I wouldn't have done if I'd known that the conversation wouldn't be private. The support that she and my teachers gave me was invaluable, and I want other students to have the same support and leniency when going through their own mental health struggles. Similarly, privacy is important for students who are questioning their gender or sexual identity. If students are afraid that these conversations will be shared, then they may abstain from sharing important information, and miss out on the help that the school can provide, and that I received.

The second way that this bill protects students is keeping a record of when discrimination plays a role in harassment. I have had personal experience in how important tracking discrimination is, due to how it influences the motives and responses to widespread harassment.

Understanding what causes harassment and bullying leads to targeted and effective intervention. It also makes victims feel heard, which can help them feel more protected.

Since Trump's presidency, I have personally witnessed an increase in harassment and hostility towards many of my transgender classmates as a result of the decisions made by the Trump administration. Being afraid of being a victim of hate has interfered with their education, their hobbies, and their daily life. This constant anxiety has contributed to worsening mental health, including anxiety and depressive conditions. This isn't fair for kids who are already experiencing things like body dysmorphia or the mental health struggles that come with the isolating feelings that many transgender kids struggle with. Passing this bill can help protect students, whether they have mental health issues, or are being bullied. Because of this, please pass SB659.

SB 659 Written Testimony.pdf

Uploaded by: Levi Bradford

Position: FAV



Levi Bradford, Staff Attorney
Public Justice Center
201 North Charles Street, Suite 1200
Baltimore, Maryland 21201
410-625-9409, ext. 272
bradfordl@publicjustice.org

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

Hearing before the Senate Committee on Energy, Education, and the Environment

March 4, 2026

Position: FAVORABLE

The Public Justice Center (PJC) is a nonprofit legal services organization which advocates for social justice, and economic and racial equity in Maryland, including by upholding the rights of historically excluded and underserved students through individual representation, community outreach, and systemic advocacy. The PJC's Education Stability Project is committed to making discipline responsive to students' behavioral needs, fair, and designed to keep youth on track to graduate.

PJC supports SB 659 and its effort to shine a light on incidents of discrimination at private schools. Currently, it appears that private schools are under no obligation to divulge to the state when students in their care are subject to discrimination. Identifying discrimination and its characteristics—where, when, how often, what kind, etc.—is necessary to ever begin addressing it. Private schools in the United States have a long and sordid history of discrimination against students across a number of demographics, including among others race, sexuality, disability-status, and national origin. Historically and presently, private schools have exacerbated segregation, and it is in Maryland's interest to monitor how they treat our children. Exposing incidents of discrimination is an important step in exorcising it from education all together.

For these reasons, PJC asks the committee to issue a favorable report on SB 659.

For more information, please contact:

Levi Bradford, Staff Attorney
Education Stability Project
Public Justice Center
410-625-9409, ext. 272
bradfordl@publicjustice.org

Bullis school complaint.pdf

Uploaded by: Rashida Cohen

Position: FAV

I am writing regarding the treatment of my son during his time at Bullis School. What he experienced raises serious concerns about racial harassment, discriminatory discipline practices, and a failure to protect African American students from racial hostility.

During his enrollment, my son was called a “monkey” by his English teacher. This language is racially dehumanizing and deeply offensive. No student should ever be subjected to such treatment by an educator.

In addition, there were multiple instances in which racial slurs, including the word “nigger,” were used in the school environment. Despite the severity of this language, no meaningful action was taken to address or stop it. The lack of response communicated tolerance of racist behavior and created a hostile learning environment.

We also observed a pattern of unequal discipline. When other students talked in class or engaged in similar conduct, they were not punished. However, when my son engaged in the same behavior, he was removed from class or issued a disciplinary slip. This pattern was not isolated to my son alone — multiple African American students appeared to receive harsher discipline compared to their peers for similar conduct.

Taken together, these incidents reflect differential treatment based on race and raise serious concerns about bias, equity, and institutional accountability.

SB0659-Student Privacy & Discrimination Reporting

Uploaded by: S. Spencer Dove

Position: FAV



State of Maryland Commission on Civil Rights

Respect...Integrity...Effective Communication

Governor
Wes Moore

Lt. Governor
Aruna Miller

Commission Chair
Stephanie Suerth, DBA,
MPA, CCEP

Commission Vice Chair
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MSc
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**Education and
Outreach Director**
Candice Crenshaw

March 4, 2026

**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 2024¹. 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.

“Our vision is to have a State that is free from any trace of unlawful discrimination.”

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 history², 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.

SB 659 attachment Love.pdf

Uploaded by: Sara Love

Position: FAV

CAROLYN A. QUATTROCKI
Chief Deputy Attorney General

LEONARD J. HOWIE III
Deputy Attorney General

CARRIE J. WILLIAMS
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SHARON S. MERRIWEATHER
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NATALIE R. BILBROUGH
Assistant Attorney General

September 24, 2025

The Honorable Sara Love
Maryland Senate
222 James Senate Office Building
Annapolis, Maryland 21401
Via email

RE: *Discrimination Complaints to Private Schools*

Dear Senator Love:

You have asked whether the General Assembly has jurisdiction to:

1. Require private schools to report to the State how many discrimination complaints they receive;
2. Require private schools to not share a student's personal information; and
3. Create a commission to look into discrimination complaints against private schools in Maryland.

In short, I think the answer is "yes" to all three questions. It is well established that the General Assembly has plenary power to enact any law for any purpose of civil government subject only to the limitations of the State and federal constitutions. *Richards Furniture Corp. v. Board of Cty. Commissioners*, 233 Md. 249, 257 (1963); *Maryland Committee v. Tawes*, 228 Md. 412, 439 (1962). The United States Supreme Court has repeatedly acknowledged "the power of the state reasonably to regulate *all* schools, to inspect, supervise and examine them, their teachers and pupils; ... and that nothing be taught which is manifestly inimical to the public welfare." *Pierce v. Soc'y of the Sisters of the Holy Names of Jesus & Mary*, 268 U.S. 510, 534 (1925) (emphasis added). Although the reporting requirement might implicate constitutional free speech concerns, I think such a requirement could be constitutional. I provide more detail on my conclusions below. Before providing a more definitive or detailed constitutional analysis, however, I would need to see the language of a legislative proposal.

Private Schools Background

In Maryland, private schools¹ fall into three categories: (1) nonpublic schools approved under COMAR 13A.09.09 (private pay); (2) nonpublic schools approved under COMAR 13A.09.10 (publicly funded);² and (3) registered church-exempt schools.³ The first two types of schools must hold a Certificate of Approval issued by the Maryland State Board of Education (“State Board”), and must continuously comply with State standards and regulations to maintain their certification. Md. Code Ann., Educ. Art. (“ED”), § 2-206(e)(1).

The third category, church-exempt private schools, are those that are governed and operated by a “*bona fide* church organization.” They do not need a Certificate of Approval, and they are not required to meet the educational standards that have been established by the State Board for nonpublic schools. ED § 2-206(e)(4). Church-exempt schools must register their operation with the Nonpublic School Approval Branch of the Maryland State Department of Education.⁴ Church-exempt schools that do not have a Certificate of Approval from the State Board may not receive State funds, other than for eligible students in the food service program. ED § 2-206(e)(4). However, church-exempt private schools, as well as the other nonpublic schools, are *not* exempt from other applicable local, State, and/or Federal approval or licensure requirements such as zoning ordinances, health department regulations, fire safety regulations, asbestos regulations, criminal background checks, child abuse and neglect reporting law, and childcare licensing requirements.

Unlike public schools, private schools (especially church-exempt private schools) that do not receive government funding are allowed, in certain instances, to discriminate in admissions or employment on certain bases, including religion, sex, disability, and sexual orientation. Private schools that do not receive federal funding are not subject to federal non-discrimination requirements for education, *e.g.*, Title VI (race, color, national origin), Title IX (sex), and § 504 of the Rehabilitation Act of 1973 (disability).⁵ And the First Amendment’s Religion Clauses prevent the government from interfering with the operation and employment decisions of faith

¹ As used in this letter, “private schools” or “nonpublic schools” refers to nonpublic elementary and secondary schools.

² These are entities operating certain defined “educational programs” in a “facility licensed by a unit of State government to provide treatment or care” and to “educational programs that provide special education to children placed in a nonpublic school in accordance with Education Article, § 8-406.” COMAR 13A.09.10.01.

³ <https://marylandpublicschools.org/about/Pages/DEE/NPSA/index.aspx>.

⁴ https://marylandpublicschools.org/about/Pages/DEE/NPSA/Church_Exempt_Schools_Information.aspx.

⁵ Private schools that are not owned or run by religious institutions are subject to the Americans with Disabilities Act.

institutions.⁶ However, federal law, 42 U.S.C. § 1981,⁷ prohibits private schools from discriminating on the basis of race. *See, e.g., Runyon v. McCrary*, 427 U.S. 160, 172 (1976) (holding that private secular schools that excluded students based on race violated § 1981). In addition, the IRS requires private schools to adopt racially nondiscriminatory policies to receive and maintain 501(c)(3) nonprofit status.

Moreover, since 2022, State law provides that nonpublic schools *that receive State funds* may not, on the basis of race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability:

- (1) “Discriminate against a current student, a prospective student, or the parent or guardian of a current or prospective student”; or
- (2) “Refuse enrollment of a prospective student, expel a current student, or withhold privileges from a current student, a prospective student, or the parent or guardian of a current or prospective student.”

ED § 26-704. Nor may such a school discipline or retaliate against a student or parent or guardian who files a discrimination complaint. *Id.* Notably, these State nondiscrimination provisions expressly do not apply in certain scenarios; for example, they would not prevent a single-sex school from discriminating on the basis of sex, or religiously-affiliated schools from discriminating on the basis of religion. *See* ED § 26-702 (defining scope of subtitle 7); *see also* ED § 26-703 (clarifying that subtitle 7 does not require religiously affiliated private schools to do certain things that conflict with the school’s religious or moral teachings as long as the action or policy is not based on prohibited discrimination). State law also prevents private schools from receiving the necessary State Board approval if they discriminate based on race, color, or national origin. ED § 2-206(e)(3)(i).

Discrimination Complaint Reporting

First, you asked whether the General Assembly can require private schools, even those that do not receive State funding, to report to the State the number of discrimination complaints they receive.

Private schools that are not church-exempt must already provide some discrimination-related reporting. State law already requires public and nonpublic schools (“noncollegiate educational institutions”) to “[f]urnish the reports and information required by the State

⁶ For example, in the employment context, the U.S. Supreme Court has held that the First Amendment allows religious schools to discriminate in hiring and firing at least certain employees on religious grounds. *Hosanna-Tabor Evangelical Lutheran Church and School v. Equal Employment Opportunity Commission*, 565 U.S. 171 (2012) (holding that a “minister’s” employment discrimination claims under federal civil rights laws, such as Title VII of the Civil Rights Act of 1964 and the Americans with Disabilities Act, are barred by the “ministerial exception”); *Our Lady of Guadalupe School v. Morrissey-Berru*, 140 S. Ct. 2049 (2020) (ministerial exception applies to any employee that advances a religious institution’s mission).

⁷ 42 U.S.C. § 1981 prohibits racial discrimination in the making and enforcement of private contracts.

Superintendent on the forms provided by the State Superintendent.” ED § 2-206(j). State regulation provides that a chief officer of the legal authority of a nonpublic school must “certify on the form provided by the Department that it does not practice discrimination based upon race, color, or national origin as specified in Education Article, § 2-206(e)(3).” COMAR 13A.09.09.04H. *See also* ED § 2-206(e)(3)(i) (prohibiting State Board from approving “an institution that [p]ractices discrimination based on race, color, or national origin”). The State Superintendent also receives discrimination complaints pursuant to ED § 26-705.

In my view, the General Assembly could expand what information needs to be reported by regulated private schools by requiring the schools to report to the State how many discrimination complaints they receive. This requirement might implicate the First Amendment’s Free Speech Clause because the First Amendment protects the right to *not* speak. Courts have not yet settled on which level of scrutiny (strict, intermediate, or lower “rational basis-like” scrutiny) applies to such requirements. Government reporting requirements are common at the federal and state levels, and in some cases, courts have rejected that such reporting requirements are compelled speech at all.⁸ In other cases involving disclosure requirements in commercial speech or government reporting mandates where the compelled disclosure is “purely factual and uncontroversial” rather than ideological or political, courts generally apply a lower level of scrutiny, asking only whether the requirement is “unjustified or unduly burdensome” and “reasonably related” to the government’s interests.⁹ *Zauderer v. Off. of Disciplinary Couns. of Supreme Ct. of Ohio*, 471 U.S. 626, 651 (1985) (upholding disclosure requirements for attorney solicitations).

A mandate that a private school must report factual data — the mere number of complaints — rather than a particular message or view, would likely not violate the First Amendment’s free speech protections against compelled speech. The law will be more defensible if the legislative record shows that the reporting requirement is at least reasonably related to ensuring that the school does not impermissibly engage in prohibited discrimination. *See, e.g., Bob Jones Univ. v. United States*, 639 F.2d 147, 153 (4th Cir. 1980), *aff’d*, 461 U.S. 574 (1983) (“The government interest in eliminating all forms of racial discrimination in education is compelling.”)¹⁰ Any such legal

⁸ *See, e.g., Riley v. Nat’l Fed’n of the Blind of N. Carolina, Inc.*, 487 U.S. 781, 795 (1988) (implying that a state requirement that fundraisers to disclose certain financial information to the state is not compelled speech and is constitutional); *United States v. Sindel*, 53 F.3d 874, 875 (8th Cir. 1995) (holding that IRS Form 8300, which requires taxpayers to report information related to cash transactions, including “the name, address, tax identification number, and other information about each payor and each person on whose behalf payment is made,” is not compelled speech); *Pharm. Care Mgmt. Ass’n v. Rowe*, 429 F.3d 294, 316 (1st Cir. 2005) (“The idea that these thousands of routine regulations require an extensive First Amendment analysis is mistaken.”); *Full Value Advisors, LLC v. SEC*, 633 F.3d 1101, 1108-09 (D.C. Cir. 2011) (rejecting argument that an SEC regulation requiring institutional investment managers to report quarterly to the SEC “the names, shares, and fair market value of the securities” over which the managers exercise control was compelled speech).

⁹ *See, e.g., Pharm. Rsch. & Manufacturers of Am. v. Stolfl*, No. 24-1570, 2025 WL 2448851, at *7-*13 (9th Cir. Aug. 26, 2025) (discussing the merits of various approaches and the need for a standard for evaluating government reporting requirements).

¹⁰ A requirement to provide a different type of information, such as an analysis of a discriminatory complaint or other potentially controversial information, could perhaps raise more serious First Amendment concerns.

requirement would also be more defensible if it specifies what type of discrimination complaints must be reported — e.g., by whom, on what basis, only those submitted via the ED § 26-705 process, etc. — to avoid having schools have to make subjective or ideologically-laden decisions on what to report.

Note, the school nondiscrimination provisions in State law do not apply to private schools that do *not* receive State funds (which could be religious or secular), and the State Board certification requirement does “not apply to an institution operated by a *bona fide* church organization.” ED § 2-206(e)(4). Thus, church-exempt private schools are not currently required to certify that they do not discriminate based on race, color, or national origin. The General Assembly could, however, in my view, still require church-exempt private schools and secular private schools that do not receive State funds (and thus are not subject to the school antidiscrimination provisions in State law) to report the number of discrimination complaints they receive. Because these two sub-categories of private schools are not subject to some anti-discrimination laws, a potential reporting requirement would have to make it clear what types of discrimination the schools should be reporting on and for what purpose, since they are not subject to many antidiscrimination requirements.

Student Information Privacy

Second, you asked whether the General Assembly can require private schools to not share a student’s personal information. As stated above, the General Assembly has broad authority to enact laws for the general welfare, and in general, private schools must comply with State law requirements related to health and safety, and other requirements described in the Maryland State Board of Education’s regulations. The General Assembly’s authority extends to the power to enact a law to protect student privacy by requiring private schools to not share a student’s personal information with third parties, as long as that requirement does not conflict with federal law. Other states have enacted laws restricting private schools’ ability to share student’s personal information. *E.g.*, The Student Online Personal Protection Act, § 26, 105 Ill. Comp. Stat. Ann. 85/26. Without seeing the language of a legislative proposal, however, I cannot evaluate further whether there would be any constitutional issues.

What the law already covers: The Family Educational Rights and Privacy Act (“FERPA”), 20 U.S.C. § 1232g, 34 CFR Part 99, requires student information to be shared only with parental consent, subject to certain exceptions; however, FERPA does not apply to most private elementary and secondary schools because they typically do not receive federal funding. *See* 34 CFR § 99.1. Similarly, the privacy protections applicable to student personal information provided under the Maryland Public Information Act apply only to “public records,” which do not cover records created by private schools. Md. Code Ann., Gen. Prov. Art. § 4-101(k)(1); *id.* § 4-304. In addition, State regulations already require *publicly funded* nonpublic schools to develop written policies and procedures to protect student privacy, including “[a] policy statement assuring that the school may not disclose personally identifiable information from a student’s record without prior written consent of the student’s parent unless otherwise allowed by law.” COMAR 13A.09.10.12B(2)(c).

Commission Creation

Last, you asked whether the General Assembly can create a commission to investigate discrimination complaints against private schools. The answer is yes. The General Assembly can and has created State entities to investigate civil violations of law, for example, the Maryland Commission on Civil Rights. Note that the commission’s use of its authority would be subject to constitutional limitations. For example, it could not interfere with the operation of, or the religious teachings provided by, a church-exempt school.

Current authority: The State Superintendent of Schools is already authorized to receive complaints of discrimination in nonpublic schools that receive State funds, and to facilitate mediations and issue decisions related to such complaints. ED § 26-705.

The Maryland Office of the Inspector General for Education is also “responsible for examining and investigating . . . complaints or information concerning . . . [v]iolations of civil rights, as defined in federal or State laws, of students or employees of [nonpublic schools that receive State funds]”, as well as “compliance with other applicable federal and State laws.” ED § 9.10-104(a-b). Where the Inspector General identifies an issue of concern that would not constitute a criminal violation of State law, the Inspector General may report the issue to the State Superintendent, the State Board of Education, the Interagency Commission on School Construction, the Governor, and, in accordance with State Government Article § 2-1257, the General Assembly.

In addition, the Office of the Attorney General’s Civil Rights Division has the authority to investigate any civil rights violations by non-government organizations — this includes violations of both State and federal civil rights laws in education by private schools — to the extent those laws apply. The Civil Rights Division focuses on broad patterns of discrimination, not just single cases. For private schools receiving federal funding, the Office of Civil Rights in the U.S. Department of Education, can investigate discrimination complaints to ensure schools comply with Title VI and other federal non-discrimination law.

Still, the General Assembly could, if it wished, provide for a separate commission to investigate discrimination complaints against private schools. I cannot provide further analysis of the legality without a specific proposal and language.

I hope this information is helpful. Please let me know if you have any other questions.

Sincerely,



Natalie R. Bilbrough
Assistant Attorney General

SB 659 Student Privacy Policy Requirements & Discr

Uploaded by: Sara Love

Position: FAV



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

SB 659 – Student Privacy Policy Requirements and Discrimination Reporting

Chair Feldman, Vice Chair Kagan, colleagues on EEE.

SB 659 seeks to strengthen student privacy protections and anti-discrimination policies for students in Maryland's nonpublic schools. Currently, student privacy policy and discrimination reporting requirements differ between Maryland's public and nonpublic (private pay, publicly funded, and church-exempt¹) schools. By aligning certain privacy and discrimination policies between public and nonpublic schools, the state can better protect students from victimization and inequity in these areas.

The request for this legislation came from a constituent, a parent of children attending a private pay school in Montgomery County. When this constituent pursued various avenues (stopping short of litigation) to address his privacy violation and discrimination allegations at this school, he found that certain protections available to public school students were unavailable to private school students.

This bill:

- Requires private-pay primary and secondary schools to protect the privacy of students' personal information by developing written policies and procedures, including a formal policy statement, in line with those already required for public and publicly funded private schools.²
- Expands the current anti-discrimination certification reporting requirement (with certain exceptions for church-exempt schools) to mandate nonpublic pre-kindergarten, primary, and secondary schools to report to the Maryland State Department of Education (MSDE) annually the number of discrimination complaints on the grounds of race, ethnicity, color, religion, sex, age, national, origin, marital status, sexual orientation, gender identity, or disability along with other factual data. Obligates MSDE to submit a report on this information to the Governor and the Maryland General Assembly each year.

These requirements will help protect Maryland families and their students in nonpublic schools from privacy violations and acts of discrimination. For these reasons, I ask for a favorable report on SB 659.

¹ <https://marylandpublicschools.org/about/Pages/DEE/NPSA/index.aspx>

² Note: This bill codifies what is already in administrative law for public and publicly funded private schools in terms of student privacy requirements, but makes no changes.

MD Catholic Conference_SB 659_UNF.pdf

Uploaded by: Garrett O'Day

Position: UNF



MARYLAND
CATHOLIC
CONFERENCE

March 4, 2026

SB 659

**Prekindergarten Programs and Primary and Secondary Schools - Student Privacy
Policy Requirements and Discrimination Reporting**

Senate Education, Energy & the Environment Committee

Position: UNFAVORABLE

The Maryland Catholic Conference offers this testimony in opposition to Senate Bill 659. The Catholic Conference is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals and numerous charities combine to form our state's second largest social service provider network, behind only our state government. The Maryland Catholic Conference also offers this testimony on behalf of the families of approximately 50,000 students served by more than 150 PreK-12 Catholic schools in Maryland.

In 2022, our nonpublic school communities came to the table in good faith to pass the sweeping education nondiscrimination legislation (HB 850 of 2022). Procedures and policies are currently in place for compliance with that law through MSDE, and those apply to both public and nonpublic schools. However, Senate Bill 659 unilaterally imposes upon nonpublic faith-based schools the requirement to report to MSDE on many vaguely defined "incidents" of discrimination applicable to a host of persons and scenarios, including students, "prospective students", parents, guardians, employees, volunteers. This would be for incidents occurring during school, while on transportation or at extracurricular events.

In addition to the massively broad reporting terminology and categories, the incidents cover a host of classifications including religion, disability or sex, wherein current law contains exemptions for faith-based schools or single sex schools, just to note three examples. Those exemptions codify practical, legal (per federal law) and/or constitutional protections afforded to schools. This bill contradicts those provisions in Maryland law.

Additionally, we are concerned that this legislation will open the door to disaffected parents or students to pursue complaints against schools out of malice. Even if and when such actions are determined to be baseless, the cost in time, stress, reputation and resources to our schools may be significant and damaging. For the aforementioned reasons, we request this committee to report unfavorably on Senate Bill 659.

SB 659_HB 1032_ Prekindergarten Programs and Prim

Uploaded by: Trudy Tibbals

Position: UNF

SB 659/HB 1032: Prekindergarten Programs and Primary and Secondary Schools - Student Privacy Policy Requirements and Discrimination Reporting: Please vote to **OPPOSE** this bill.

Dear Education, Energy & the Environment Committee and Ways & Means Committee:

I am writing to strongly urge you to **OPPOSE SB 659/HB 1032**.

While student privacy protections are important (and already governed by federal laws like FERPA), the new mandatory annual reporting requirement on *alleged* discrimination incidents in nonpublic schools *imposes excessive government oversight* on private educational institutions. These bills **will prohibit free speech, religious expression, and parental choice in nonpublic settings** by forcing schools to document and report subjective "allegations" (not proven incidents) that may stem from disagreements over curriculum, policies, or values—**leading to politicized scrutiny, harassment claims, or pressure on faith-based or independent schools.**

Requiring nonpublic schools to report such details annually creates unnecessary administrative burdens, **risks privacy violations for students/families involved**, and sets a precedent for state interference in private education without clear evidence of widespread issues. **Public schools already have mechanisms for handling discrimination** complaints. **Extending this reporting mandate to nonpublic entities oversteps into areas better left to local governance, parental oversight, or existing civil rights laws.**

Maryland should prioritize reducing bureaucracy in education, respecting parental rights, and protecting the independence of nonpublic schools—not adding layers of state-mandated reporting that could be weaponized or deter diverse educational options.

For these reasons, I respectfully ask you to **vote against SB 659/HB 1032**.

Thank you for your time and thoughtful consideration of my concerns regarding this important education privacy and governance matter.

Sincerely,

Trudy Tibbals

SB 659 -LOI -Student Privacy Policy Requirements a

Uploaded by: Jessica Goff

Position: INFO



621 Ridgely Avenue, Suite 300, Annapolis, Maryland 21401
410-841-5414 · 800-841-8197 · Fax: 410-841-6580 · MABE.org

BILL: Senate Bill 659
TITLE: Prekindergarten Programs and Primary and Secondary Schools - Student Privacy Policy Requirements and Discrimination Reporting
HEARING DATE: March 4, 2026
POSITION: Letter of Information
COMMITTEE: Education, Energy and the Environment
CONTACT: Jessica Goff, Governmental Affairs Associate (jgoff@mabe.org)

The Maryland Association of Boards of Education (MABE), representing all 24 local boards of education in Maryland, respectfully **submits this letter of information on Prekindergarten Programs and Primary and Secondary Schools - Student Privacy Policy Requirements and Discrimination Reporting.**

Senate Bill 659 requires public and nonpublic schools to adopt written policies and procedures on protecting the right of privacy of a student and a student's parent or guardian regarding access to and the release of the student's records. Senate Bill 659 states that the policies must include procedures that parents and guardians must follow to inspect or review the records of their child, and procedures by which the school must maintain a written record of all requests for, and disclosure of, personal identifying information, that includes the student's name, the name of the reviewer, the date of the review, and the purpose of the review. Senate Bill 659 also addresses nonpublic school discrimination reporting requirements. MABE's testimony only addresses the former privacy provisions, not the latter reporting requirements for nonpublic schools.

It is our understanding that Senate Bill 659's sponsor intends to only affect nonpublic schools through this legislation, and does not intend, in any way, to change the applicable law for public schools. To the extent this bill would in any way alter the robust privacy and records processes of our local school systems in place that align to FERPA, we oppose on that basis only. All public schools in Maryland must adhere to the requirements in the Federal Family Educational Rights and Privacy Act (FERPA), which can be found in section 444 of the General Education Provisions Act (GEPA) and its implementing regulations in 34 CFR Part 99.

For these reasons, **MABE submits this letter of information for SB 659.**