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The Honorable Jheanelle K. Wilkins  
House Ways and Means Committee  
130 Taylor House Office Building  
Annapolis, Maryland 21401

Testimony of Trans Maryland

**IN OPPOSITION TO**

**House Bill #459:** State Board of Education and State Superintendent of Schools -  
Enforcement Procedures - Alterations

To the Chair, Vice Chair, and esteemed members of the House Ways and Means Committee:

Trans Maryland is a multi-racial, multi-gender community power building organization for Maryland's trans community. In that capacity we work with transgender young people all across the state, as well as their families, friends, and classmates. Since 2021, we have seen unprecedented attacks on LGBTQIA+ youth across the country, at both the state and federal level. Among the most frequent legislative attacks on LGBTQIA+ youth are book bans, with school libraries particularly in the crosshairs.

In 2024, the Maryland General Assembly sought to proactively avoid this problem by enacting [House Bill 785, also known as the Freedom to Read Act](#), which passed this committee by a 15 to 6 margin. Unfortunately, as we have seen over the past year, the Freedom to Read Act has not stopped county boards of education from attempting to ban books anyway.

This past summer, for instance, the Harford County Board of Education voted 5 to 3 to remove Mike Curato's Lambda Literary Award-winning graphic novel *Flamer* from the district's shelves. The decision was made in contravention of the findings of the county's Reconsideration Committee, which consisted of a librarian, an administrator, two parents, two students and a community member, which found the book appropriate for middle school and high school students. This decision was later upheld by the Harford County Superintendent of Schools, but was overturned by the county Board of Education in a partisan vote—and in direct contravention of the Freedom to Read Act.

Fortunately, the Maryland State Board of Education stood up to defend the rights of Harford County's students, and on November 6, 2025, ordered the Harford County Board of Education to return *Flamer* to library shelves. While the matter is not yet fully resolved—the Harford County Board of Education has filed a suit in Circuit Court to challenge the State Board of Education's decision—LGBTQIA+ students remain able to access books like *Flamer* in the meantime.



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Rather than give all parties their day in court, however, House Bill 459 seeks to circumvent the entire process by stripping the State Board of Education of its ability to enforce laws like the Freedom to Read Act. The bill would not only dramatically change the standard of review for County Board of Education decisions, it would also make State Board of Education review effectively meaningless by limiting stays to a mere 90 days—far too short a time for cases to make their way through the courts.

Even without the circumstances leading to its introduction, House Bill 459 would be terrible policy for Maryland's schools. Given that context—with the bill clearly having been introduced in response to the State Board of Education's decision in the *Flamer* case—the bill is even worse. The bill condones not only censorship and book banning, but also harmful stereotypes about LGBTQIA+ students. This committee—and Maryland more broadly—cannot stand up for this sort of hate.

For these reasons **we urge an unfavorable report on House Bill 63.**