



**Maryland Commission
on LGBTQIA+ Affairs**

Bill Title: State Board of Education and State Superintendent of Schools - Enforcement Procedures - Alterations

Bill Number(s): HB0459

Position: UNFAVORABLE

Date: February 9, 2026

Submitted by: Jeremy Browning, Director of the Maryland Commission on LGBTQIA+ Affairs

To:

House Ways and Means Committee

The Hon. Jheanelle K. Wilkins, Chair
The Hon. Jessica Feldmark, Vice Chair

Testimony on behalf of the Maryland Commission on LGBTQIA+ Affairs:

The Maryland Commission on LGBTQIA+ Affairs was established by the General Assembly to assess challenges facing LGBTQIA+ Marylanders, study and identify best practices for inclusion, and advise State government on policies that promote equity and safety. The Commission envisions a Maryland where all LGBTQIA+ people can live full and authentic lives.

The Commission respectfully submits unfavorable testimony on HB0459.

Schools play a critical role in the safety, well-being, and academic success of LGBTQIA+ students. Research demonstrates the importance of inclusive and supportive school environments. The 2021 GLSEN National School Climate Survey found that LGBTQIA+ students in schools with LGBTQIA+-inclusive policies and practices experience higher GPAs, lower levels of depression, greater interest in post-secondary education, and decreased exposure to biased language and victimization. Despite these benefits, only 26.7% of LGBTQIA+ youth in Maryland report learning about positive representations of LGBTQIA+ people or contributions in school.

These findings show that supportive policies and practices are not consistently available and that state leadership and oversight play an important role in ensuring that students across jurisdictions have access to safe and affirming learning environments.

HB0459 would raise the standard of review the State Board of Education must apply when considering appeals of local school board decisions to an “abuse of discretion or illegality” standard. This change would significantly limit the State’s ability to provide meaningful oversight when local policies negatively impact vulnerable student populations. Even when a local

decision undermines student safety, privacy, or access to supportive learning environments, the State Board may be unable to intervene unless the decision meets a very high legal threshold.

The bill also limits the duration of a stay issued by the State Superintendent to 90 days. Disputes involving student rights and school policies often require more time to resolve. Allowing potentially harmful policies to take effect while appeals remain pending creates instability and risk for students and families.

When statewide oversight is constrained, the availability of affirming and supportive school policies may vary widely by county. Maryland has an important interest in ensuring that all students, regardless of where they live, have access to safe, supportive, and nondiscriminatory learning environments. HB0459 would weaken this safeguard and limit the State's ability to respond when student well-being is at risk.

For these reasons, the Maryland Commission on LGBTQIA+ Affairs respectfully urges an unfavorable report on HB0459.

Reference:

GLSEN. (2022). *The 2021 National School Climate Survey: The experiences of LGBTQ+ youth in our nation's schools*. Retrieved from:
<https://www.glsen.org/research/2021-national-school-climate-survey>