

Testimony in Support of Senate Bill 98  
County Boards and Public and Nonpublic Prekindergarten  
Programs and Schools—Discrimination—Prohibition

Senate Judicial Proceedings Committee

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Government Relations

The Maryland State Education Association supports Senate Bill 98, which would prohibit a local board of education; a public or nonpublic elementary or secondary school; or a public or nonpublic prekindergarten program that receives state funds from refusing enrollment of, expelling, withholding privileges from, or otherwise discriminating against any student or prospective student due to their race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability. It also requires local boards of education to adopt and maintain a written antidiscrimination policy as well as requiring nonpublic prekindergarten, primary, and secondary schools that receive state funding to develop and maintain a written antidiscrimination policy that prohibits discrimination.

MSEA represents 75,000 educators and school employees who work in Maryland’s public schools, teaching and preparing our 896,837 students for careers and jobs of the future. MSEA also represents 39 local affiliates in every county across the state of Maryland, and our parent affiliate is the 3 million-member National Education Association (NEA).

The “equal protection clause” found in the 14<sup>th</sup> Amendment to the U.S. Constitution delineates legal rights for protected classes of people, including (but not limited to) those whose class is based on their race, religion, national origin and gender. Article 36 of the Maryland Constitution protects against the requirement of believing in, relying upon or invoking the aid of God or a Supreme Being in any governmental or public document, proceeding, activity, ceremony, school, institution, or place. Article 46 of the Maryland constitution assures equality of rights under the law and that said rights cannot be “abridged or denied because of sex”. According to the Maryland Commission on Civil Rights, “Pursuant



to State Government Article, §20-602, Annotated Code of Maryland, every Marylander is guaranteed equal opportunity in receiving employment and in all labor management-union relations regardless of **race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, gender identity, disability, or genetic information.**” Between the U.S. Constitution, the state constitution and provisions of state employment law, there is established law prohibiting discrimination by government entities and agents.

As such, MSEA believes wholeheartedly that any entity within the state of Maryland that receives state tax dollars should be made to adhere to prohibiting discrimination. Furthermore, any school—public or nonpublic—that is the recipient of state tax dollars should be held to an equal standard as it relates to the students it enrolls (notable exceptions notwithstanding). We believe there should be no room for discriminatory practices at institutions who are the recipients of any public funding. This bill makes clear that all entities that choose to accept public education funding should be made to adhere to the laws governing public institutions. Additionally, this legislation requires that written antidiscrimination policies be developed, adopted, and maintained by all local public school districts and nonpublic schools who receive public funding, which provides all students with clear guideline detailing the behavioral expectations of their schools and districts as well as the protections they can expect from their schools and districts. Finally, this bill provides a path by which those who allege a discriminatory action has been taken against them may seek remedy.

MSEA fundamentally believes that schools should be welcoming and nurturing learning environments for students of all backgrounds and beliefs. Therefore, **we urge the committee to issue a Favorable Report on Senate Bill 98.**