



Testimony for the Senate Judicial Proceedings Committee

March 10, 2022

JUSTIN NALLEY
PUBLIC POLICY ANALYST

SB 666 - Schools, Prekindergarten Programs, and County Boards of Education - Discrimination

FAVORABLE

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The ACLU of Maryland urges the committee to support SB 666, which will codify anti-discrimination protections for a person's race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability in Pre-K-12 who are enrolled in our public schools and in private schools receiving public funding.

Current law fails to protect students from discrimination

The patchwork of provisions governing the public funding of private schools leaves several gaps that allow for students and families to face discrimination without redress. Unlike other parts of Maryland law, such as public accommodations, employment, and fair housing, Maryland's education laws do not have codified anti-discrimination protections. MSDE does have stated guidance, but the guidance does not provide the legal protections of a codified anti-discrimination policy. This legislation simply codifies the MSDE guidance.

Consider, for example, the millions of taxpayer dollars the state spends on BOOST funding — private schools receiving that funding are prohibited from discriminating in student admissions alone, not retention; are free to discriminate against teachers; and worst of all face no legal recourse for violating the rules of the program. Therefore, students and teachers who face discrimination in BOOST schools are without protection. This is especially concerning in light of school discipline trends showing that students of color face disparate expulsion rates.

In addition to ensuring that private schools do not discriminate, Maryland law also needs to ensure that public schools do not discriminate on the basis of sexual orientation and gender identity.

Current law fails to provide a remedy for discrimination

Students who experience discrimination in private schools that receive BOOST funding do not currently have a clear process by which they can file a

complaint or seek a remedy. SB 666 would also require schools to have clear policies on the process for addressing complaints of discrimination, as they do for various behavioral infractions in student codes of conduct. It is critical that this gap in policy be rectified so that students and families can hold schools accountable for discriminatory practices.

For the foregoing reasons, we urge a favorable report on SB 666.

