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**Bill:** HB850  
**Title:** County Boards and Public and Nonpublic Prekindergarten Programs and Schools – Discrimination – Prohibition  
**Date:** March 3, 2022  
**Committee:** Ways and Means Committee  
**Position:** Favorable

To the Esteemed Members of the Committee:

FreeState Justice is a statewide legal advocacy organization that seeks to improve the lives of lesbian, gay, bisexual, transgender, and queer (“LGBTQ”) Marylanders. We work across Maryland to provide free civil legal aid to LGBTQ Marylanders with low incomes facing discrimination. Those clients include students in Maryland schools facing individual bullying and systemic discrimination.

Studies conducted both statewide and nationally have shown that LGBTQ students experience various challenges in the classroom. The majority of LGBTQ students reported feeling unsafe in their schools (64% of LGB students and 44% of transgender students, respectively).<sup>1</sup> The majority of Maryland LGBTQ students regularly hear anti-LGBTQ comments in their schools, and 65% report experiencing harassment or assault based on their identity. Equally distressing, most students (54%) never reported the incident to school staff, and only 29% of students who reported incidents said it resulted in staff intervention.<sup>2</sup>

These experiences have severe impacts on student learning and school climate and the safety, health, and wellbeing of Maryland students. The Trevor Project, a national LGBTQ crisis intervention and suicide prevention service for youth, received nearly **1,500 calls from Maryland LGBTQ youth in crisis each year**, many of whom consider self-harm or suicide.

<sup>1</sup> Youth Equality Alliance, Living in the Margins, A Report on the Challenges of LGBTQ Youth in Maryland Education, Foster Care, and Juvenile Justice Systems (2014).

<sup>2</sup> Kosciw, J. G., Greytak, E. A., Zongrone, A. D., Clark, C. M., & Truong, N. L. (2018). The 2017 National School Climate Survey: The experiences of lesbian, gay, bisexual, transgender, and queer youth in our nation’s schools. New York: GLSEN.

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The same survey mentioned previously found that only 12.6% of their students reported that their schools had comprehensive non-discrimination and anti-bullying policies. Research has demonstrated that students in schools with published comprehensive non-discrimination policies were less likely to hear negative LGBTQ remarks and were more likely to report that staff intervened when hearing discriminatory remarks. Though the Maryland State Department of Education has issued guidelines on serving LGBTQ students, it has not translated to practice. Across Maryland's counties and even within school districts, students and families are navigating a patchwork of rules and policies or lack thereof. Experiences vary wildly from district to district, school to school, and even classroom to classroom.

**Establishing a clearly written and easily accessible anti-discrimination policy can reduce or eliminate discrimination and bullying amongst students.** For example, in an examination of 25 states, researchers found that bullying occurred significantly less in states where students were provided with anti-bullying guidelines<sup>3</sup>. Other benefits of a published non-discrimination policy include:

- For schools that have policies that specifically protect students against sexual and gender discrimination, LGBTQ+ students reported more feelings of safety, less victimization, and less social aggression from their peers<sup>4</sup>
- Feeling safe in school leads to higher levels of academic achievement in Black and Latinx youth<sup>5</sup>
- Anti-discrimination policies decrease truancy among first- and second-generation immigrant children<sup>6</sup>

Without clear policies that provide students with procedures they can take following an experience with discrimination, it is challenging for families to protect their children. Lack of action creates a hostile school climate by allowing and empowering students to continue engaging in discriminatory behavior<sup>7</sup>

For students facing discrimination based on sexual orientation or gender identity, it can be even more challenging to navigate the varying administrative processes to address discriminatory behavior in a school or district. This bill would give families clarity in how to notify and address discriminatory behavior impacting their students.

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<sup>3</sup> Hatzenbuehler, Mark L., Laura Schwab-Reese, Shabbar I. Ranapurwala, Marci F. Hertz, and Marizen R. Ramirez. "Associations between antibullying policies and bullying in 25 states." *JAMA Pediatrics* 169, no. 10 (2015): 1-8.

<sup>4</sup> Ryan, R. M., Greytak, E. A., Kosciw, J. G., & Villenas, C. "Effectiveness of school district antibullying policies in improving LGBT youths' school climate." *Psychology of Sexual Orientation and Gender Diversity*, no. 4 (2016): 407-415

<sup>5</sup> Ruiz, L. D., McMahon, S. D., & Jason, L. A. "The role of neighborhood context and school climate in school-level academic achievement." *American Journal of Community Psychology*, no. 61 (2018): 296-309

<sup>6</sup> Yang, K. & Ham, S., "Truancy as systemic discrimination: Anti-discrimination legislation and its effect on school attendance among immigrant children." *The Social Science Journal*, no. 2 (2017): 216-226

<sup>7</sup> Yang, Jenny R. and Liu, Jane. "Strengthening accountability for discrimination: Confronting fundamental power imbalances in the employment relationship." (2021). *Economic Policy Institute*.

LGBTQ students deserve to have safe and affirming school spaces. If their wellbeing or safety is being threatened at school, policies should be in place to support them. This legislation will best support LGBTQ students by establishing a complaint and remedy process by which a student and their family can work with MSDE to resolve the discriminatory action. FreeState Justice wholeheartedly supports HB1204, which will codify anti-discrimination protections for all students. This bill aims to prohibit discrimination based on race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability.

**FreeState Justice strongly urges the Committee to issue a favorable report on SB0098.**

Thank you for the opportunity to comment on this critical legislation, and please do not hesitate to contact us if we can be of further assistance.

Sincerely,



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Executive Director



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