



**Testimony for the House Ways and Means Committee
March 1, 2018**

**HB 1565 - Nonpublic Elementary and Secondary Schools - Discrimination –
Prohibition**

SUPPORT

The ACLU of Maryland urges the committee to support House Bill 1565, which will strengthen the anti-discrimination code for those private schools receiving public funds.

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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 to face discrimination, without redress. Consider, for example the \$5.5 million BOOST funding, allocated in last year's budget—private schools receiving that funding are prohibited from discriminating in student admissions alone, not retention. Therefore, students who are expelled from the school are without protections. This is especially concerning in light of school discipline trends showing that students of color face disparate expulsion rates.

In addition, now that it has come to light that there are serious questions about private and religious school policies related to discrimination against children of gay and lesbian parents and other problematic religious views impacting science and health curriculums, these additional protections against discrimination are crucial.

In short, private schools receiving public funds are not required by law to adhere to the same anti-discrimination policies in student retention followed by public schools. Private schools benefiting from taxpayer dollars should be held to the same equity standards as public schools. More importantly, students attending private schools, using public monies, deserve the same protections against discrimination given to public school students.

Current law fails to protect staff from discrimination

Current Maryland law also leaves faculty and staff of these private schools without adequate protections. For those seeking employment in public schools, State Gov. §20-602 provides employment protection to all those seeking employment by assuring all persons 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, or disability.

However, State Gov. §20-604 explicitly exempts religious educational institutions from complying with State Gov. §20-602. That is, these schools receiving public funds are allowed for example – under law – to fire or refuse to hire lesbian and gay teachers.

The ACLU has received calls from potential legal clients who report children or teachers being asked to leave/fired from private religious schools based on their sexual orientation. The ACLU has not been able to help these students and teachers because these private, religious schools are not required by law to serve everyone - they can discriminate without fear of legal repercussions. That is an important reason why Maryland should not provide taxpayer subsidies to private and religious schools.

For the foregoing reasons, we urge a favorable report on HB 1565.

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