



**SB0993 - County Boards and Public and Nonpublic Prekindergarten Programs  
and Schools - Discrimination - Prohibition**

Presented to the Hon. Will Smith and Members of the Judicial Proceedings Committee

February 20, 2020 12:00 p.m.

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**POSITION: FAVORABLE WITH AMENDMENTS**

NARAL Pro-Choice Maryland **urges Judicial Proceedings Committee a favorable report on SB0993 - County Boards and Public and Nonpublic Prekindergarten Programs and Schools - Discrimination-Prohibition**, sponsored by Senator Cory McCray.

Our organization is an advocate for reproductive health, rights, and justice for all Marylanders. We seek to protect the rights of youth to feel safe and occupy public spaces free of gender-based harassment and harmful bias. We recognize that youth are better able to make informed and independent decisions about their own sexual and reproductive lives when free of gender discrimination and stereotypes. When families are unsupportive, youth often turn to the networks they build in their schools to find affirmation and community. Positive school climates should be a priority in all schools. Any school receiving public funding should be prohibited from engaging in discriminatory enrollment practices as well as discipline, expulsion, suspension, or exclusion of students based upon certain diversity factors or particular identities. In addition, we believe that students, as well as parents or legal guardians, should be able to file complaints related to school discrimination without retaliation.

SB0993 seeks to establish protections for Maryland students that are not already covered by federal law, including prohibitions of discriminatory education practices on the basis of sexual orientation, gender identity, and marital status. However, the bill does not explicitly include protections for pregnant and parenting students. In publicly-funded schools, Title IX protections based on sex now include the pregnant and parenting status of students based upon federal caselaw and guidance documents released by the U.S. Departments of Justice and Education. By clarifying the bill language that gender discrimination protections include pregnant and parenting individuals, more of these students will be able to complete their education, should they be enrolled in nonpublic institutions that receive any type of public funding.

As our organization is an advocate for reproductive freedom, we work to ensure every child-bearing individual has the right to decide if, when, and how to form their families and to parent in good health, in safety, and with dignity. Youth have the same rights as adults in choosing when to form their families. Among our campaigns to ensure reproductive freedom for all Marylanders, we seek to help identify and create effective supports to help pregnant and parenting students stay in school, on track to graduate, and headed towards economic security. Each year, approximately 800 youth from ages 15 to 17 give birth in Maryland, and roughly another 2,200 among those 18 or 19 years-old.

Pregnant and parenting students may experience unwelcoming, inequitable, or stigmatizing school environments or practices by school personnel. Under Title IX, "school pushout" practices are prohibited, such as lack of accommodations for childcare and lactation, stigmatization and harassment from peers and

staff, and involuntary leave from school. <sup>1</sup> Title IX ensures that students who are pregnant or parenting are protected by allowing continued participation in classes and extracurricular activities, provide reasonable adjustments in the learning environment, authorize excused absences due to pregnancy or childbirth, and allow time to make up missed work. However, while some schools seek to support these students, other choose to make the school climate dynamics so toxic that pregnant students may choose to drop out of school during pregnancy or decide to not return. In other instances, students have been blocked from enrolling in school or banned from returning to school once it is believed that a student is pregnant. Pregnant or parenting girls experience discrimination from principals, teachers, mentors, counselors, school volunteers, and other youth. According to the National Women’s Law Center report, “Stopping School Pushout for: Girls Who Are Pregnant or Parenting,” more than 26% of female pregnant or parenting students stated that they received little or no counseling or support.<sup>2</sup> Additionally, these students are subject to a higher risk of sexual violence, bullying, and harassment than their non-pregnant or parenting peers. This ultimately harms new parenting students in preventing them from completing their education, making these students and their children more likely to struggle with housing and/or economic security, and rely on public assistance programs.<sup>3</sup> Sex discrimination interfering with a pregnant or parenting student’s authentic participation in school can lead to real threats of educational attainment and financial stability for generations<sup>4</sup>.

Our organization also supports inclusion of discrimination protections based on sexual orientation, gender identity, and gender expression. According to the 2018 LGBTQ Youth Report conducted by the *Human Rights Campaign*, 60% of LGBTQ students felt unsafe at their school due to discrimination based upon their sexual orientation, 45% due to their gender expression, and 35% because of their gender. Approximately 87% of LGBTQ students reported experiencing harassment or assault based on their sexual orientation, gender identity, and/or gender expression. LGBTQ+ youth stated that they were likely to skip school because they felt unsafe or uncomfortable (approximately one-fifth), with some reporting having switched schools completely due to safety concerns.<sup>5</sup> Approximately 60% of LGBTQ students who did report incidents of harassment to school officials shared that the staff either did nothing to intervene or told the student to ignore the harassment. The absence of written antidiscrimination policies makes it much more difficult for LGBTQ students to self-advocate when faced with discrimination, for school employees and administrators to effectively intervene, and for bad actors to be held accountable.

SB0993 seeks to establish written protections against discrimination in public schools and expand these protections into private schools that receive any public funding. As such, it will allow more students across our state to thrive and realize their educational goals. For these reasons, **NARAL Pro-Choice Maryland urges a favorable committee report on SB0993, with an amendment to prohibit discriminatory practices based upon a student’s pregnancy or parenting status.** Thank you for your time and consideration.

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<sup>1</sup> U.S. Department of Education *Know Your Rights: Pregnant or Parenting? Title IX Protects You from Discrimination at School*.

<sup>2</sup> Garcia, Kelli and Chaudhry, Neena. (2017). *Stopping School Pushout for: Girls Who Are Pregnant or Parenting*. National Women’s Law Center.

<sup>3</sup> Hoffman, S. D., & Maynard, R. A. (Eds.). (2008). *Kids having kids: economic costs and social consequences of teen pregnancy* (2nd ed.). Washington, DC: Urban Institute Press

<sup>4</sup> National Conference of State Legislatures, *Postcard: Teen Pregnancy Affects Graduation Rates*, 2013 <http://www.ncsl.org/research/health/teen-pregnancy-affects-graduation-rates-postcard.aspx>

<sup>5</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.