Written Testimony Submitted for the Record to the
Maryland House of Delegates
Ways and Means Committee
For the Hearing on
Nonpublic Elementary and Secondary Schools –
Discrimination - Prohibition
(HB 295)
February 14, 2019

SUPPORT

Maryland PTA is the state’s oldest and largest child advocacy organization that serves as a powerful voice for all children, a relevant resource for families, schools and communities and a strong advocate for public education. We represent thousands of volunteer members in 900 public schools and we are comprised of families, students, teachers, administrators, and business as well as community leaders devoted to the educational success of children and family engagement in Maryland. For nearly 104 years, our mission has been to make every child’s potential a reality by engaging and empowering families and communities to advocate for all children.

Maryland PTA submits this testimony in support of House Bill 295, Nonpublic Elementary and Secondary Schools – Discrimination – Prohibition. This bill prohibits a nonpublic elementary or secondary school that receives State funds from refusing enrollment of, expelling, withholding privileges from, or otherwise discriminating against any student or prospective student because of the individual’s race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability. Any such discrimination is to be considered “unlawful education practices” and thus, this bill establishes remedies for such violations. Furthermore, the bill also establishes that if a nonpublic elementary or secondary school receives State funds, State law provisions regarding employment discrimination apply with respect to the employment of individuals who are not ministerial employees.

A nonpublic school may not operate in Maryland until a Certificate of Approval has been issued by the Maryland State Board of Education (State Board) or the school has been registered as a church-exempt school. Granting of a Certificate of Approval means that the nonpublic school has demonstrated compliance with standards established by the State Board of Education. Additionally, nonpublic schools may fall under one of the following types of schools or school programs: Montessori School, Church-Exempt School, Private School (which are mainly parochial in nature), home instruction (i.e. homeschooled), and certain special education programs. In acknowledgment of the validity of a variety of types of schools, Maryland PTA believes that no one educational program is best for all children.

Because Maryland PTA advocates for all students, we support this bill because it seeks to protect all students and broaden their opportunities to receive an education at any institution of their choice, especially if the institution receives State funds. Currently, no State law directly applies to private schools that receive State funds to prohibit them from discrimination. Maryland PTA opposes the use of public funds to support institutions that may deny service to applicants, particularly where that denial of service may be based on discriminatory factors. Furthermore, Maryland PTA further believes that all recipients of public funds should be held to identical standards of accountability.
Within the Code of Maryland Regulations (COMAR), title 13A subtitle 09.09.04 regarding compliance of education programs in nonpublic schools, the State Board’s issuance of a certificate of approval for a legal authority (nonpublic school) may be maintained if it’s compliant in nondiscrimination. The chief officer of the legal authority shall certify on the form provided by the Department that it does not practice discrimination based upon race, color, or national origin as specified in Education Article, §2-206(e)(3), Annotated Code of Maryland. However, this bill expands such compliance to include additional discriminatory factors such as individual’s religion, sex, age, marital status, sexual orientation, gender identity, or disability. Furthermore, since MSDE has no jurisdiction in the resolution of a complaint regarding the educational program of church-exempt schools, given that they are not subject to the educational requirements of the State Board of Education, any funding via public tax dollars should carry the weight of allowing students and employees due process rights.

Maryland law, Education Article, §2-206, Annotated Code of Maryland, exempts nonpublic schools that are governed and operated by a bona fide church organization from holding a Certificate of Approval from the State Board of Education. This means that a church-operated school is not required to meet the educational standards that have been established by the Maryland State Board of Education for nonpublic schools under COMAR 13A.09.09. A church-exempt school operates its educational program in accordance with standards that are established by the governing church. Thus, a church-exempt school is exempt only from education regulations and are not subject to the educational requirements of the State Board of Education.

Maryland PTA opposes government funding of pervasively sectarian organizations and other organizations and programs that discriminate based on religion in employment or delivery of services (including by making religious instruction, worship, or proselytization part of their services or programs). Appropriating State budgetary funds to nonpublic schools not only undermines the potential of public education but also promotes and fosters providing public tax dollars to schools that do not uphold many fundamental tenants of the law respected by Maryland citizens. Any provision to allow publicly-funded nonpublic schools must respect anti-discrimination laws.

Maryland PTA’s principle mission is to make every child’s possibility a reality by engaging and empowering families and communities to advocate for all children. Thus, in the fulfilling this mission, Maryland PTA has long championed a free and public education that supports parents, teachers and students alike. To that end, the strength of our tax dollars is reflected via policies that efficiently and effectively educate all children regardless of race, sex, color, age, national origin, gender identity, religion, marital status, sexual orientation, as well as ability or disability. Anything short of such a policy is unfit for all Maryland school children and public tax dollars needed for education.

It is for these reasons that Maryland PTA strongly urges a favorable vote to SUPPORT House Bill 295.

Testimony is presented on the behalf of

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