

Introduced by: Councilmember Cohen, Henry

Prepared by: Department of Legislative Reference

Date: March 25, 2019

Handwritten: York, SETH, DONSEY, PUMILLI, BUNT, SNEED, Bullock, edwin, Clarke, Reisinger, Middleton, Stokes

RESOLUTION

Referred to: _____ Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 19-0146R

A RESOLUTION ENTITLED

Handwritten signature: Bud Jones

A CITY COUNCIL RESOLUTION concerning

Defining Gender-Based Discrimination in City Schools

FOR the purpose of urging the Baltimore City Board of School Commissioners to pass Policy JBB, an updated district policy that expands protections for students beyond sexual harassment, clearly defines gender-based harassment, and enacts important protections and defines the rights of transgender and gender non-conforming students in City Schools.

Handwritten signatures: Bill W, Edward Jones, [unclear], [unclear], [unclear], [unclear], [unclear], [unclear], [unclear], [unclear], [unclear]

NO. _____

****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

Agencies

_____	Baltimore City Public School System
_____	Baltimore Development Corporation
_____	City Solicitor
_____	Comptroller's Office
_____	Department of Audits
_____	Department of Finance
_____	Department of General Services
_____	Department of Housing and Community Development
_____	Department of Human Resources
_____	Department of Planning
_____	Other: _____
_____	Other: _____
_____	Other: _____
_____	Department of Public Works
_____	Department of Real Estate
_____	Department of Recreation and Parks
_____	Department of Transportation
_____	Fire Department
_____	Health Department
_____	Mayor's Office of Employment Development
_____	Mayor's Office of Human Services
_____	Mayor's Office of Information Technology
_____	Office of the Mayor
_____	Police Department
_____	Other: _____
_____	Other: _____
_____	Other: _____
_____	Board of Estimates
_____	Board of Ethics
_____	Board of Municipal and Zoning Appeals
_____	Comm. for Historical and Architectural Preservation
_____	Commission on Sustainability
_____	Employees' Retirement System
_____	Other: _____
_____	Other: _____
_____	Other: _____
_____	Environmental Control Board
_____	Fire & Police Employees' Retirement System
_____	Labor Commissioner
_____	Parking Authority Board
_____	Planning Commission
_____	Wage Commission
_____	Other: _____
_____	Other: _____
_____	Other: _____

Boards and Commissions

**CITY OF BALTIMORE
COUNCIL BILL 19-0146R
(Resolution)**

Introduced by: Councilmember Cohen, President Young, Councilmembers Scott, Middleton,
Burnett, Clarke, Sneed, Henry, Dorsey, Reisinger, Bullock, Stokes, Pinkett
Introduced and adopted: March 25, 2019

A COUNCIL RESOLUTION CONCERNING

Defining Gender-Based Discrimination in City Schools

FOR the purpose of urging the Baltimore City Board of School Commissioners to pass Policy JBB, an updated district policy that expands protections for students beyond sexual harassment, clearly defines gender-based harassment, and enacts important protections and defines the rights of transgender and gender non-conforming students in City Schools.

Recitals

In 2016, the U.S. Department of Education and the U.S. Department of Justice, under the guidance of President Obama, released a joint “Dear Colleague” letter that contained significant guidance regarding the civil rights of transgender students under Title IX of the Education Amendments of 1972. The guidance interpreted Title IX, which prohibits sex-based discrimination in any education program receiving federal funding, to include gender-based discrimination, as well as discrimination on the basis of a student’s transgender status, as a form of sex discrimination. The letter instructed schools, in accordance with Title IX, to provide a safe and nondiscriminatory environment for all students, use pronouns and names consistent with a transgender student’s identity, allow transgender students to access facilities and participate in activities consistent with their gender identity, and to keep confidential records to protect a student’s privacy related to their transgender status.

In 2017, the U.S. Department of Education and the U.S. Department of Justice, under the Trump administration, withdrew the guidance set forth by the Obama administration, citing a need to “more completely consider legal issues involved” and suggesting that issues such as these be left up to states and localities.

According to a report by GLSEN, the nation’s leading education non-profit addressing LGBTQ issues in K-12 schools, the majority of LGBTQ students in Maryland have experienced anti-LGBTQ victimization in school. Over half of transgender students (54%) have been denied access to restrooms that are consistent with their gender, and nearly half of transgender students (48%) have been prevented from using their chosen name. Nearly 1 in 10 LGBTQ students have been physically assaulted due to their sexual orientation, gender identity, or gender expression. According to the 2014 Youth Risk Behavior Survey, Baltimore City contains nearly double (20.1%) the Maryland State average (11.2%) of students who identify as lesbian, gay, or bisexual.

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike out~~ indicates matter deleted by amendment.

Council Bill 19-0146R

1 Policy language, such as JBB, gives answers to teachers and administrators who may not
2 otherwise know or care about the damage being done to LGBTQ students daily in school. The
3 Baltimore City Board of School Commissioners should pass Policy JBB to ensure that the
4 protection of all students, including transgender students, is considered in City Schools.

5 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That the
6 Baltimore City Council urges the Baltimore City Board of School Commissioners to pass Policy
7 JBB, an updated district policy that expands protections for students beyond sexual harassment,
8 clearly defines gender-based harassment, and enacts important protections and defines the rights
9 of transgender and gender non-conforming students in City Schools.

10 **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the Mayor, the
11 CEO of the Baltimore City Public School System, the Director of the Office of Civil Rights and
12 Wage Enforcement, the Chair of the LGBTQ Commission, the Chair of the Youth Commission,
13 and the Mayor's Legislative Liaison to the City Council.

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____ R
(Resolution)

APPROVED FOR FORM STYLE AND TEXTUAL SUFFICIENCY 3/25/19 (ar) DEPT LEGISLATIVE REFERENCE
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Introduced by: Councilmember Cohen

A RESOLUTION ENTITLED

A COUNCIL RESOLUTION concerning

Defining Gender-Based Discrimination in City Schools

FOR the purpose of urging the Baltimore City Board of School Commissioners to pass Policy JBB, an updated district policy that expands protections for students beyond sexual harassment, clearly defines gender-based harassment, and enacts important protections and defines the rights of transgender and gender non-conforming students in City Schools.

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In 2017, the U.S. Department of Education and the U.S. Department of Justice, under the Trump administration, withdrew the guidance set forth by the Obama administration, citing a need to “more completely consider legal issues involved” and suggesting that issues such as these be left up to states and localities.

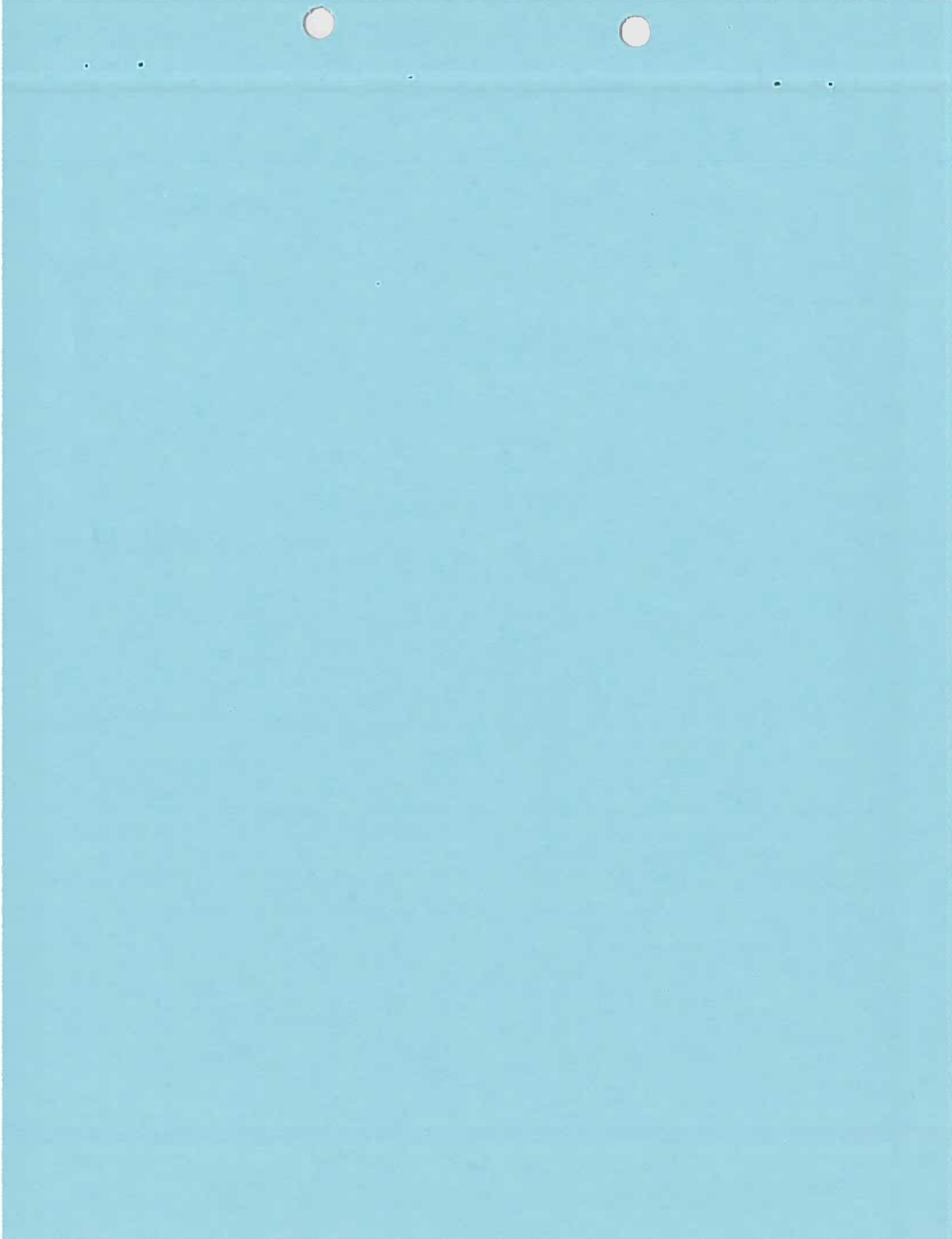
According to a report by GLSEN, the nation’s leading education non-profit addressing LGBTQ issues in K-12 schools, the majority of LGBTQ students in Maryland have experienced anti-LGBTQ victimization in school. Over half of transgender students (54%) have been denied access to restrooms that are consistent with their gender, and nearly half of transgender students (48%) have been prevented from using their chosen name. Nearly 1 in 10 LGBTQ students have been physically assaulted due to their sexual orientation, gender identity, or gender expression. According to the 2014 Youth Risk Behavior Survey, Baltimore City contains nearly double (20.1%) the Maryland State average (11.2%) of students who identify as lesbian, gay, or bisexual.

* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

Policy language, such as JBB, gives answers to teachers and administrators who may not otherwise know or care about the damage being done to LGBTQ students daily in school. The Baltimore City Board of School Commissioners should pass Policy JBB to ensure that the protection of all students, including transgender students, is considered in City Schools.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE, That the Baltimore City Council urges the Baltimore City Board of School Commissioners to pass Policy JBB, an updated district policy that expands protections for students beyond sexual harassment, clearly defines gender-based harassment, and enacts important protections and defines the rights of transgender and gender non-conforming students in City Schools.

AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Mayor, the CEO of the Baltimore City Public School System, the Director of the Office of Civil Rights and Wage Enforcement, the Chair of the LGBTQ Commission, the Chair of the Youth Commission, and the Mayor's Legislative Liaison to the City Council.



ACTION BY THE CITY COUNCIL

MAR 25 2019

FIRST READING (INTRODUCTION) _____ 20 _____

PUBLIC HEARING HELD ON _____ 20 _____

COMMITTEE REPORT AS OF _____ 20 _____

_____ FAVORABLE _____ UNFAVORABLE _____ FAVORABLE AS AMENDED _____ WITHOUT RECOMMENDATION

Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

_____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____ 20 _____

WITHDRAWAL _____ 20 _____

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

President

Chief Clerk