

**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.

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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.