


**TO:** Local Education Agency Superintendents

**FROM:** Carey M. Wright, Ed.D., State Superintendent of Schools 

**DATE:** February 27, 2025

**SUBJECT:** Guidance on Addressing LGBTQIA+ Policies in Response to Recent Federal Actions

As the federal government continues to issue executive orders and other communications, including Dear Colleague Letters, MSDE is reviewing each of these documents with counsel from the Office of the Attorney General to determine what, if any, impact they have on Maryland law and policies. We understand that the federal actions may continue to cause fear and confusion within our school communities, especially for historically marginalized populations. This memo addresses recent questions raised regarding local LGBTQIA+ policies and procedures.

We want to make it very clear that it is our expectation that every local education agency (LEA) remains in compliance with federal and Maryland statutes and regulations, including those protecting students based on their sexual orientation and gender identity.<sup>1</sup> Every LEA has an important responsibility and legal obligation to develop and maintain safe and inclusive learning environments for ALL students. Students who feel unwelcome or unsafe cannot be fully present for learning. We must remain committed to providing environments that allow our students to achieve their full academic and social potential.

#### **How do the recent executive orders and Dear Colleague Letter (DCL) on Title IX impact LEAs?**

Although DCLs provide guidance on the US Department of Education's current interpretation of federal laws, it is important to note that a DCL does not carry the weight of law and does not impose obligations on the public or establish new legal standards. Federal, State, and local actions are still governed by enacted law and regulations and judicial actions.

Please note that MSDE does not provide legal advice to LEAs, so it is important that local superintendents and local boards of education remain in communication with local legal counsel to discuss the full implications of federal actions and guidance. Local legal counsel can advise on the legality of any executive orders and DCLs, explaining the current federal case law interpreting the application of Title IX in K-12 schools in Maryland. For example, the Fourth Circuit Court of Appeals has held that discrimination against transgender students violates the United States Constitution.<sup>2</sup>

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<sup>1</sup> MSDE encourages LEAs to consult with their legal counsel to determine if compliance with recent federal actions conflicts with existing federal or Maryland law.

<sup>2</sup> See *Grimm v. Gloucester County School Board*, 972 F 3d 586 (4th Cir. 2020).

## What protections currently exist for LGBTQIA+ students under Maryland State law?

Maryland law remains in effect at this time. Discrimination on the basis of a number of protected classes, including sexual orientation and gender identity, is illegal.<sup>3</sup> Furthermore, LEAs must continue their own equity policy and regulations as required by the State Board's Educational Equity regulations.<sup>4</sup>

### Is MSDE changing any of its policies or guidance related to LGBTQIA+ students?

No, all guidance from MSDE remains in effect. In October 2024, MSDE updated and re-issued [Safe and Supportive Schools for All Students: Creating Inclusive Spaces for LGBTQIA+ Youth](#). This comprehensive guidance includes legal frameworks, professional development, inclusive curriculum, tiered supports, and best practices. We encourage you to review this guidance with your local boards and staff.

In addition, MSDE issued [Non-Discrimination Guidelines for Student Gender Transitions](#) in December 2024, which provides guidance to LEAs on creating safe and affirming environments, protecting student privacy, and working with parents of transgender-identifying youth.

### Can transgender students still use their chosen names and pronouns at school?

Yes, transgender students may continue to use their chosen names and pronouns at school. Maryland State law prohibits discrimination against LGBTQIA+ students, prospective students, and the families of current and prospective students in public PreK-12 education, as well as in private PreK-12 education in schools that receive state funding. This law also applies to local boards of education, as well as to public pre-kindergarten programs.<sup>5</sup>

A student is not required to legally change their name or gender to use a chosen name and/or pronouns that are in accordance with their gender identity. The student or their family can simply notify their school of the name and pronouns they would like to use. Please see the ["Name and Gender" section](#) of the October 2024 guidance.

### How can schools continue to create and maintain a safe learning environment for LGBTQIA+ students?

It is crucial for educators and school leaders to create and maintain a safe, respectful, and supportive environment that honors and values the diverse and intersecting identities of all students. In addition to reviewing and implementing MSDE's guidance, we highlight some potential steps to reinforce the LEA's commitment to LGBTQIA+ youth and families:

- Communicate with the school community, including school leaders, educators and staff, families, and students about the LEA's existing policies, procedures, and expectations related to gender identity and expression. Revisiting LEA policies and procedures with school-level staff can help to ensure consistent implementation.

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<sup>3</sup> MD Code, Education §26-704

<sup>4</sup> See [COMAR 13A.01.06.04](#).

<sup>5</sup> Please see the Maryland Office of the Attorney General's [Guidance to the LGBTQIA+ Community Concerning Protections under Maryland Law](#).

- Implement the LEA's anti-bullying, harassment, and intimidation policies. If school staff witness incidents that create a risk of harm to students or interfere with the educational environment, they should report these instances using the [LEA Bullying Reporting Form](#). Students and families should be reminded of their ability to also file a report.
- MSDE is launching the six-part *Bullying Prevention Webinar Series* (February through May 2025) to equip educators with data-driven strategies for preventing and addressing bullying, harassment, and intimidation in Maryland schools. The professional learning series will provide practical interventions, targeted support for vulnerable students, and leadership strategies to enhance the school climate.

The series is an opportunity to engage with state-specific data, strengthen prevention strategies, and ensure alignment with Maryland's Model Policy to Address Bullying, Harassment, or Intimidation. Participants may register for one or all six webinars by using the following link:

[https://maryland.zoom.us/meeting/register/Vc\\_V18erSp2BilQpmpxPrg](https://maryland.zoom.us/meeting/register/Vc_V18erSp2BilQpmpxPrg).

- Provide families with information on how to file Title IX and sex/gender-based discrimination complaints with the LEA, as well as information on filing complaints using the [State Nondiscrimination in Education Procedure](#).
- Review student privacy policies to ensure compliance with FERPA and to prevent inadvertent disclosure of sensitive student information.

## Resources

- [Safe and Supportive Schools for All Students: Creating Inclusive Spaces for LGBTQIA+ Youth](#) (MSDE, October 2024)
- [Non-Discrimination Guidelines for Student Gender Transitions](#) (MSDE, December 2024)
- [Guidance to the LGBTQIA+ Community Concerning Protections under Maryland Law](#) (MD Office of the Attorney General)

## Additional Information

In the coming weeks, MSDE will issue additional guidance on anti-bullying and harassment for both LGBTQIA+ and immigrant students.

If there are additional questions or topics that you would like MSDE to consider covering, please do not hesitate to reach out. Questions and concerns related to serving LGBTQIA+ students may be directed to Laurel Cratsley, Blueprint Implementation & Strategic Initiatives Coordinator, at [laurel.cratsley@maryland.gov](mailto:laurel.cratsley@maryland.gov) and Mary Gable, Assistant State Superintendent, Division of Student Support and Federal Programs, at [mary.gable@maryland.gov](mailto:mary.gable@maryland.gov).