

# HOUSE BILL 649

D5, F5

6lr0092  
CF 6lr0091

---

By: **Chair, Government, Labor, and Elections Committee (By Request –  
Departmental – Civil Rights Commission)**

Introduced and read first time: January 30, 2026

Assigned to: Government, Labor, and Elections

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Advancing Equal Educational Opportunities for All Students in Maryland**

3 FOR the purpose of authorizing the Commission on Civil Rights to enforce a prohibition  
4 against discrimination and retaliation in educational institutions based on race,  
5 color, national origin, ethnicity, ancestry, religion, sex, pregnancy, sexual  
6 orientation, gender identity, disability, age, or marital status; establishing the  
7 powers, duties, and limitations of the authority of the Commission on Civil Rights to  
8 enforce the prohibition against educational discrimination; establishing a private  
9 right of action to enforce the prohibition against educational discrimination;  
10 requiring the Maryland Higher Education Commission and the Board of Regents of  
11 the University System of Maryland to refer complaints about alleged educational  
12 discrimination to the Commission on Civil Rights for investigation; requiring and  
13 authorizing the Commission on Civil Rights to enforce a certain prohibition against  
14 discrimination in education; altering the duties of the State Superintendent to  
15 enforce a certain prohibition against discrimination in education to accommodate the  
16 role of the Commission; providing for the powers, duties, and limitations of the  
17 Commission and the State Superintendent in the concurrent enforcement of the  
18 prohibition against discrimination; and generally relating to the Commission on  
19 Civil Rights and the prohibition against discrimination in the educational context.

20 BY repealing and reenacting, with amendments,  
21 Article – State Government  
22 Section 20–101  
23 Annotated Code of Maryland  
24 (2021 Replacement Volume and 2025 Supplement)

25 BY adding to  
26 Article – State Government  
27 Section 20–7A–01 through 20–7A–05 to be under the new subtitle “Subtitle 7A.  
28 Discrimination in Education”; and 20–1013.1

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Annotated Code of Maryland  
(2021 Replacement Volume and 2025 Supplement)

BY repealing and reenacting, without amendments,  
Article – State Government  
Section 20–1004  
Annotated Code of Maryland  
(2021 Replacement Volume and 2025 Supplement)

BY adding to  
Article – Education  
Section 11–409, 12–124, and 26–706  
Annotated Code of Maryland  
(2022 Replacement Volume and 2025 Supplement)

BY repealing and reenacting, without amendments,  
Article – Education  
Section 26–702 and 26–704  
Annotated Code of Maryland  
(2022 Replacement Volume and 2025 Supplement)

BY repealing and reenacting, with amendments,  
Article – Education  
Section 26–705  
Annotated Code of Maryland  
(2022 Replacement Volume and 2025 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

### **Article – State Government**

20–101.

(a) In Subtitles 1 through 11 of this title the following words have the meanings indicated.

(b) “Commission” means the Commission on Civil Rights.

(c) “Complainant” means a person that files a complaint alleging a discriminatory act under this title.

(d) “Discriminatory act” means an act prohibited under:

(1) Subtitle 3 of this title (Discrimination in Places of Public Accommodation);

(2) Subtitle 4 of this title (Discrimination by Persons Licensed or Regulated by Maryland Department of Labor);

(3) Subtitle 5 of this title (Discrimination in Leasing of Commercial Property);

(4) Subtitle 6 of this title (Discrimination in Employment);

(5) Subtitle 7 of this title (Discrimination in Housing); [or]

**(6) SUBTITLE 7A OF THIS TITLE (DISCRIMINATION IN EDUCATION);**  
**OR**

**[(6)] (7)** Subtitle 8 of this title (Aiding, Abetting, or Attempting Discriminatory Act; Obstructing Compliance).

(e) “Gender identity” means the gender–related identity, appearance, expression, or behavior of a person, regardless of the person’s assigned sex at birth, which may be demonstrated by:

(1) consistent and uniform assertion of the person’s gender identity; or

(2) any other evidence that the gender identity is sincerely held as part of the person’s core identity.

(f) “Military status” means the status of being:

(1) a member of the uniformed services;

(2) a member of a reserve component of the uniformed services; or

(3) a dependent, as defined in 50 U.S.C. § 3911(4).

(g) “Protective hairstyle” includes braids, twists, and locks.

(h) “Race” includes traits associated with race, including hair texture, afro hairstyles, and protective hairstyles.

(i) (1) “Respondent” means a person accused in a complaint of a discriminatory act.

(2) “Respondent” includes a person identified during an investigation of a complaint and joined as an additional or substitute respondent.

(j) “Sexual orientation” means the identification of an individual as to male or female homosexuality, heterosexuality, or bisexuality.

**SUBTITLE 7A. DISCRIMINATION IN EDUCATION.**

**20-7A-01.**

**(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(B) (1) "DISABILITY" MEANS:**

**(I) A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL'S MAJOR LIFE ACTIVITIES;**

**(II) A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL'S MAJOR LIFE ACTIVITIES; OR**

**(III) BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF AN INDIVIDUAL'S MAJOR LIFE ACTIVITIES.**

**(2) "DISABILITY" INCLUDES ANY CONDITION THAT REQUIRES A STUDENT TO HAVE AN INDIVIDUALIZED EDUCATION PROGRAM UNDER THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION ACT, A § 504 PLAN UNDER THE FEDERAL REHABILITATION ACT OF 1973, OR ANY OTHER SPECIAL EDUCATION OR RELATED SERVICES.**

**(C) (1) "EDUCATIONAL INSTITUTION" MEANS A PUBLIC OR NONPUBLIC:**

**(I) PREKINDERGARTEN PROGRAM;**

**(II) ELEMENTARY SCHOOL;**

**(III) SECONDARY SCHOOL;**

**(IV) INSTITUTION OF POSTSECONDARY EDUCATION, AS DEFINED IN § 10-101 OF THE EDUCATION ARTICLE;**

**(V) INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN § 10-101 OF THE EDUCATION ARTICLE; OR**

**(VI) OTHER EDUCATIONAL PROGRAM WITH AN ORGANIZED COURSE OF STUDY THAT LEADS TO THE AWARD OF A CERTIFICATE, DIPLOMA, OR DEGREE.**

(2) "EDUCATIONAL INSTITUTION" INCLUDES THE GOVERNING BODY RESPONSIBLE FOR THE ADMINISTRATION OF ANY SCHOOL OR PROGRAM DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(D) "MARITAL STATUS" MEANS THE STATE OF BEING SINGLE, MARRIED, SEPARATED, DIVORCED, OR WIDOWED.

(E) "NATIONAL ORIGIN" INCLUDES ATTRIBUTES ASSOCIATED WITH NATIONAL ORIGIN, INCLUDING ENGLISH LEARNER STATUS.

**20-7A-02.**

IT IS THE POLICY OF THE STATE THAT ALL INDIVIDUALS SHALL HAVE EQUAL OPPORTUNITY FOR EDUCATION.

**20-7A-03.**

(A) THIS SUBTITLE DOES NOT APPLY TO:

(1) WITH RESPECT TO DISCRIMINATION ON THE BASIS OF SEX, AN EDUCATIONAL INSTITUTION THAT LIMITS ADMISSION TO STUDENTS OF ONLY ONE SEX;

(2) WITH RESPECT TO DISCRIMINATION ON THE BASIS OF RELIGION, A NONPUBLIC EDUCATIONAL INSTITUTION THAT IS AFFILIATED WITH A RELIGIOUS INSTITUTION THAT PERFORMS ANY ACTION LISTED UNDER § 26-702(2)(I) THROUGH (V) OF THE EDUCATION ARTICLE; OR

(3) WITH RESPECT TO DISCRIMINATION ON THE BASIS OF A DISABILITY, A NONPUBLIC EDUCATIONAL INSTITUTION THAT IS IN COMPLIANCE WITH § 504 OF THE FEDERAL REHABILITATION ACT OF 1973 OR THE FEDERAL AMERICANS WITH DISABILITIES ACT, AS APPLICABLE.

(B) THIS SUBTITLE:

(1) IS AN EXERCISE OF THE POLICE POWER OF THE STATE FOR THE PROTECTION OF THE PEOPLE OF THE STATE;

(2) MAKES THE COMMISSION A STATE EDUCATIONAL AUTHORITY UNDER THE FEDERAL FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT; AND

(3) SHALL, BEGINNING 30 DAYS AFTER THE COMMISSION ADOPTS INITIAL REGULATIONS UNDER § 20-7A-05 OF THIS SUBTITLE, BE ADMINISTERED

1 AND ENFORCED BY THE COMMISSION AND, AS PROVIDED IN THIS TITLE, ENFORCED  
2 BY THE APPROPRIATE STATE COURT.

3 **20-7A-04.**

4 (A) AN EDUCATIONAL INSTITUTION MAY NOT EXCLUDE AN INDIVIDUAL  
5 FROM PARTICIPATION IN, DENY A PERSON THE BENEFITS OF, OR SUBJECT AN  
6 INDIVIDUAL TO DISCRIMINATION WITHIN, ANY PROGRAM OR ACTIVITY OF THE  
7 EDUCATIONAL INSTITUTION ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN,  
8 ETHNICITY, ANCESTRY, RELIGION, SEX, PREGNANCY, SEXUAL ORIENTATION,  
9 GENDER IDENTITY, DISABILITY, AGE, OR MARITAL STATUS.

10 (B) THE PROHIBITION AGAINST DISCRIMINATION UNDER SUBSECTION (A)  
11 OF THIS SECTION INCLUDES ANY CONTRACTUAL OR OTHER ARRANGEMENT MADE BY  
12 AN EDUCATIONAL INSTITUTION THAT:

13 (1) USES CRITERIA OR METHODS OF ADMINISTRATION THAT HAVE  
14 THE EFFECT OF SUBJECTING AN INDIVIDUAL TO DISCRIMINATION BECAUSE OF THE  
15 INDIVIDUAL'S RACE, COLOR, NATIONAL ORIGIN, ETHNICITY, ANCESTRY, RELIGION,  
16 SEX, PREGNANCY, SEXUAL ORIENTATION, GENDER IDENTITY, DISABILITY, AGE, OR  
17 MARITAL STATUS; AND

18 (2) RESULTS IN DEFEATING OR SUBSTANTIALLY IMPAIRING  
19 ACCOMPLISHMENT OF THE OBJECTIVES OF A PROGRAM OR AN ACTIVITY OF THE  
20 EDUCATIONAL INSTITUTION WITH RESPECT TO INDIVIDUALS OF A PARTICULAR  
21 RACE, COLOR, NATIONAL ORIGIN, ETHNICITY, ANCESTRY, RELIGION, SEX,  
22 PREGNANCY STATUS, SEXUAL ORIENTATION, GENDER IDENTITY, DISABILITY, AGE,  
23 OR MARITAL STATUS.

24 (C) AN EDUCATIONAL INSTITUTION MAY NOT INTIMIDATE, THREATEN,  
25 COERCE, OR DISCRIMINATE AGAINST ANY INDIVIDUAL:

26 (1) FOR THE PURPOSE OF INTERFERING WITH ANY RIGHT OR  
27 PRIVILEGE SECURED BY THIS SUBTITLE; OR

28 (2) BECAUSE THE INDIVIDUAL HAS MADE A COMPLAINT OR  
29 TESTIFIED, ASSISTED, OR PARTICIPATED IN ANY MANNER IN AN INVESTIGATION, A  
30 PROCEEDING, OR A HEARING THAT ARISES FROM ALLEGED BEHAVIOR PROHIBITED  
31 UNDER THIS SUBTITLE.

32 **20-7A-05.**

1       **THE COMMISSION SHALL ADOPT REGULATIONS TO IMPLEMENT THIS**  
2       **SUBTITLE.**

3       20–1004.

4           (a)   Any person claiming to be aggrieved by an alleged discriminatory act may file  
5       a complaint with the Commission.

6           (b)   The complaint shall:

7                   (1)   be in writing;

8                   (2)   state:

9                           (i)   the name and address of the person or State or local unit alleged  
10       to have committed the discriminatory act; and

11                           (ii)   the particulars of the alleged discriminatory act;

12                   (3)   contain any other information required by the Commission; and

13                   (4)   be signed by the complainant under oath.

14           (c)   (1)   (i)   Except as provided in paragraphs (2) and (3) of this subsection, a  
15       complaint shall be filed within 6 months after the date on which the alleged discriminatory  
16       act occurred.

17                           (ii)   A complaint filed with a federal or local human relations  
18       commission within 6 months after the date on which the alleged discriminatory act occurred  
19       shall be deemed to have complied with subparagraph (i) of this paragraph.

20                   (2)   (i)   A complaint alleging an unlawful employment practice other  
21       than harassment shall be filed within 300 days after the date on which the alleged  
22       discriminatory act occurred.

23                           (ii)   A complaint filed with a federal human relations commission  
24       within 6 months or a local human relations commission within 300 days shall be deemed  
25       to have complied with subparagraph (i) of this paragraph.

26                   (3)   (i)   A complaint alleging harassment against an employer shall be  
27       filed within 2 years after the date on which the alleged harassment occurred.

28                           (ii)   A complaint filed with a federal human relations commission  
29       within 6 months or a local human relations commission within 2 years after the date on  
30       which the alleged harassment occurred shall be deemed to have complied with  
31       subparagraph (i) of this paragraph.

(d) The Commission, on its own motion, and by action of at least three commissioners, may issue a complaint in its name in the same manner as if the complaint had been filed by an individual, if:

(1) the Commission has received reliable information from an individual that a person has been or is engaged in a discriminatory act; and

(2) after a preliminary investigation by the Commission's staff authorized by the chair or vice-chair, the Commission is satisfied that the information warrants the filing of a complaint.

**20-1013.1.**

(A) IN THIS SECTION, "DISCRIMINATORY EDUCATIONAL PRACTICE" MEANS AN ACT THAT IS PROHIBITED UNDER § 20-7A-04 OF THIS TITLE.

(B) IN ADDITION TO A COMPLAINT MADE WITH THE COMMISSION UNDER § 20-1004 OF THIS SUBTITLE, BEGINNING 30 DAYS AFTER THE COMMISSION ADOPTS INITIAL REGULATIONS UNDER § 20-7A-05 OF THIS TITLE, AN INDIVIDUAL ALLEGING A DISCRIMINATORY EDUCATIONAL PRACTICE MAY BRING A CIVIL ACTION.

(C) (1) BEGINNING 30 DAYS AFTER THE COMMISSION ADOPTS INITIAL REGULATIONS UNDER § 20-7A-05 OF THIS TITLE, IF A COMPLAINT FOR A DISCRIMINATORY EDUCATIONAL PRACTICE HAS BEEN BROUGHT BEFORE THE COMMISSION UNDER § 20-1004 OF THIS SUBTITLE, THE COMMISSION MAY ELECT TO BRING A CIVIL ACTION ON THE COMMISSION'S OWN BEHALF, IF:

(I) THE COMMISSION HAS FOUND PROBABLE CAUSE TO BELIEVE THAT THE RESPONDENT HAS ENGAGED OR IS ENGAGING IN A DISCRIMINATORY EDUCATIONAL PRACTICE; AND

(II) THERE IS A FAILURE TO REACH AN AGREEMENT TO REMEDY AND ELIMINATE THE DISCRIMINATORY EDUCATIONAL PRACTICE.

(2) IF THE COMMISSION ELECTS TO BRING A CIVIL ACTION ON THE COMMISSION'S OWN BEHALF, THE COMMISSION SHALL GIVE NOTICE OF THE ELECTION TO ALL COMPLAINANTS AND RESPONDENTS.

(D) A CIVIL ACTION UNDER THIS SECTION SHALL BE FILED IN THE CIRCUIT COURT FOR THE COUNTY WHERE THE ALLEGED DISCRIMINATORY EDUCATIONAL PRACTICE OCCURRED.



1           **(E) THE FILING OF A CIVIL ACTION UNDER THIS SECTION AUTOMATICALLY**  
2 **TERMINATES ANY PROCEEDING BEFORE THE COMMISSION BASED ON THE**  
3 **UNDERLYING COMPLAINT.**

4           **(F) IF THE COURT FINDS THAT A DISCRIMINATORY EDUCATIONAL**  
5 **PRACTICE OCCURRED, THE COURT MAY PROVIDE THE FOLLOWING REMEDIES:**

6                   **(1) ENJOINING THE DEFENDANT FROM ENGAGING IN THE**  
7 **DISCRIMINATORY EDUCATIONAL PRACTICE;**

8                   **(2) ORDERING APPROPRIATE AFFIRMATIVE RELIEF;**

9                   **(3) AWARDING COMPENSATORY DAMAGES;**

10                  **(4) ORDERING PUNITIVE DAMAGES, IF:**

11                   **(I) THE DEFENDANT IS NOT A GOVERNMENTAL UNIT OR**  
12 **POLITICAL SUBDIVISION; AND**

13                   **(II) THE COURT FINDS THAT THE DEFENDANT HAS ENGAGED OR**  
14 **IS ENGAGING IN A DISCRIMINATORY EDUCATIONAL PRACTICE WITH ACTUAL**  
15 **MALICE; AND**

16                  **(5) ORDERING ANY OTHER EQUITABLE RELIEF THAT THE COURT**  
17 **CONSIDERS APPROPRIATE.**

18                                   **Article – Education**

19 **11–409.**

20           **IF THE COMMISSION RECEIVES A COMPLAINT THAT AN INDIVIDUAL WAS**  
21 **EXCLUDED FROM PARTICIPATION IN, DENIED THE BENEFITS OF, OR SUBJECTED TO**  
22 **DISCRIMINATION IN AN INSTITUTION OF POSTSECONDARY EDUCATION BECAUSE OF**  
23 **RACE, COLOR, NATIONAL ORIGIN, ETHNICITY, ANCESTRY, RELIGION, SEX,**  
24 **PREGNANCY, SEXUAL ORIENTATION, GENDER IDENTITY, DISABILITY, AGE, OR**  
25 **MARITAL STATUS, THE COMMISSION SHALL REFER ANY INFORMATION RECEIVED**  
26 **ABOUT THE ALLEGED DISCRIMINATION TO THE COMMISSION ON CIVIL RIGHTS FOR**  
27 **INVESTIGATION.**

28 **12–124.**

29           **IF THE BOARD OF REGENTS RECEIVES A COMPLAINT THAT AN INDIVIDUAL**  
30 **WAS EXCLUDED FROM PARTICIPATION IN, DENIED THE BENEFITS OF, OR**  
31 **SUBJECTED TO DISCRIMINATION IN A CONSTITUENT INSTITUTION BECAUSE OF**

1 RACE, COLOR, NATIONAL ORIGIN, ETHNICITY, ANCESTRY, RELIGION, SEX,  
2 PREGNANCY, SEXUAL ORIENTATION, GENDER IDENTITY, DISABILITY, AGE, OR  
3 MARITAL STATUS, THE BOARD SHALL REFER ANY INFORMATION RECEIVED ABOUT  
4 THE ALLEGED DISCRIMINATION TO THE COMMISSION ON CIVIL RIGHTS FOR  
5 INVESTIGATION.

6 26–702.

7 This subtitle does not apply to:

8 (1) With respect to discrimination on the basis of sex, a prekindergarten  
9 program or school that limits admission to students of only one sex;

10 (2) With respect to discrimination on the basis of religion, a nonpublic  
11 prekindergarten program or nonpublic school that is affiliated with a religious institution:

12 (i) Providing instruction on the religious beliefs of the religion with  
13 which the program or school is affiliated;

14 (ii) Declining to provide instruction in beliefs that are different from  
15 the religion with which the program or school is affiliated;

16 (iii) Requiring student attendance at religious events inherent to the  
17 religion with which the program or school is affiliated;

18 (iv) Limiting admissions to or having a preference in admissions for  
19 a student of certain religious beliefs or a student who is a member or is part of a family that  
20 is a member of the religious institution affiliated with the program or school, if the program  
21 or school has had the limitation or preference continually since the date on which the  
22 program or school was established; or

23 (v) Granting tuition discounts for a student of certain religious  
24 beliefs or who is a member or is part of a family that is a member of the religious institution  
25 affiliated with the program or school if the practice of granting the discounts was  
26 established the later of before July 1, 2022, or since the date on which the program or school  
27 was established; and

28 (3) With respect to discrimination on the basis of disability, a nonpublic  
29 prekindergarten program or nonpublic school that is in compliance with § 504 of the federal  
30 Rehabilitation Act of 1973 or the federal Americans with Disabilities Act, as applicable.

31 26–704.

32 (a) This section applies to:

33 (1) A county board;

(2) A public prekindergarten program;

(3) A public primary or secondary school;

(4) A nonpublic prekindergarten program that receives State funds; and

(5) A nonpublic primary or secondary school that receives State funds.

(b) An entity listed under subsection (a) of this section may not:

(1) Discriminate against a current student, a prospective student, or the parent or guardian of a current or prospective student on the basis of race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability;

(2) Refuse enrollment of a prospective student, expel a current student, or withhold privileges from a current student, a prospective student, or the parent or guardian of a current or prospective student because of an individual's race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability; or

(3) Discipline, invoke a penalty against, or take any other retaliatory action against a student or parent or guardian of a student who files a complaint alleging that the program or school discriminated against the student, regardless of the outcome of the complaint.

(c) An entity listed under subsection (a) of this section shall print in its student handbook the following statement:

"It is the policy of the State of Maryland that all public and publicly funded schools and school programs operate in compliance with:

(1) Title VI of the federal Civil Rights Act of 1964; and

(2) Title 26, Subtitle 7 of the Education Article of the Maryland Code, which states that public and publicly funded schools and programs may not:

(i) Discriminate against a current student, a prospective student, or the parent or guardian of a current or prospective student on the basis of race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability;

(ii) Refuse enrollment of a prospective student, expel a current student, or withhold privileges from a current student, a prospective student, or the parent or guardian of a current or prospective student because of an individual's race, ethnicity,

color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability; or

(iii) Discipline, invoke a penalty against, or take any other retaliatory action against a student or parent or guardian of a student who files a complaint alleging that the program or school discriminated against the student, regardless of the outcome of the complaint.”.

26–705.

(a) (1) A person alleging discrimination in violation of § 26–704 of this subtitle may file a complaint with [the]:

**(I) THE State Superintendent IN ACCORDANCE WITH THIS SECTION; OR**

**(II) THE COMMISSION ON CIVIL RIGHTS, BEGINNING 30 DAYS AFTER THE COMMISSION ON CIVIL RIGHTS ADOPTS INITIAL REGULATIONS, IN ACCORDANCE WITH § 26–706 OF THIS SUBTITLE.**

(2) A complaint filed **WITH THE STATE SUPERINTENDENT** under [paragraph (1) of] this subsection shall specify the relief or remedy requested.

(3) **(I) A parent or guardian MAY FILE A COMPLAINT WITH THE STATE SUPERINTENDENT UNDER THIS SUBSECTION ON BEHALF of [a]:**

**1. A minor [alleging discrimination may submit a complaint under this subsection on behalf of the minor]; OR**

**2. A STUDENT WITH A DISABILITY WHO HAS REACHED THE AGE OF 18 YEARS, WHO REMAINS ENROLLED IN A SECONDARY EDUCATION PROGRAM, AND WHOSE RIGHTS REMAIN WITH A PARENT OR GUARDIAN UNDER THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION ACT.**

**(II) THE COMMISSION ON CIVIL RIGHTS MAY FILE A COMPLAINT WITH THE STATE SUPERINTENDENT ALLEGING DISCRIMINATION IN VIOLATION OF § 26–704 OF THIS SUBTITLE.**

**(4) THE STATE SUPERINTENDENT SHALL TREAT A REFERRAL FROM THE COMMISSION ON CIVIL RIGHTS MADE IN ACCORDANCE WITH § 26–706 OF THIS SUBTITLE IN THE SAME MANNER AS A COMPLAINT RECEIVED UNDER THIS SUBSECTION.**

(b) (1) ~~[On]~~ **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ON** receipt of a complaint under subsection (a) of this section, the State Superintendent shall provide notice of the complaint to:

~~[(1)]~~ (I) The program or school that is the subject of the complaint; ~~[and]~~

~~[(2)]~~ (II) The county board for the county in which the public prekindergarten program or public primary or secondary school is located; **AND**

(III) **THE COMMISSION ON CIVIL RIGHTS.**

(2) **UNLESS A COMPLAINANT OBJECTS, THE STATE SUPERINTENDENT SHALL PROVIDE THE COMMISSION ON CIVIL RIGHTS WITH ALL INFORMATION REGARDING A COMPLAINT ALLEGING DISCRIMINATION IF THE COMMISSION REQUESTS THE INFORMATION.**

(3) **THE STATE SUPERINTENDENT MAY, AT THE DISCRETION OF THE STATE SUPERINTENDENT, REFER A COMPLAINT BROUGHT UNDER SUBSECTION (A) OF THIS SECTION TO THE COMMISSION ON CIVIL RIGHTS TO BE HEARD IN ACCORDANCE WITH § 26-706 OF THIS SUBTITLE.**

(c) Within 30 days ~~[of]~~ **AFTER** receiving a notice under subsection ~~[(b)]~~ **(B)(1)** of this section, the program or school and, if appropriate, county board shall submit a response to the State Superintendent.

(d) (1) (i) The State Superintendent shall attempt to mediate an agreement between the complainant and respondent to remedy and eliminate the discrimination.

(II) **THE COMMISSION ON CIVIL RIGHTS MAY ASSIST WITH MEDIATION REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, INCLUDING BY:**

1. **IF A COMPLAINT WAS SUBMITTED BY THE COMMISSION ON CIVIL RIGHTS, REPRESENTING THE POLICY OF THE STATE AGAINST DISCRIMINATION IN EDUCATION AS PART OF THE MEDIATION PROCESS BEFORE THE STATE SUPERINTENDENT; AND**

2. **MAKING RECOMMENDATIONS FOR REMEDYING AND ELIMINATING DISCRIMINATORY PRACTICES.**

~~[(ii)]~~ (III) If mediation under subparagraph (i) of this paragraph results in an agreement between the parties, the State Superintendent shall issue to both parties a written statement of the mediation findings and agreement, including the timeline within which any agreed actions must be taken.

(2) (i) If a mediation agreement is not reached under paragraph (1) of this subsection within 60 days after the complaint is filed, the State Superintendent shall issue a decision on the complaint to both parties.

(ii) A decision issued under subparagraph (i) of this paragraph shall:

1. Be in writing;
2. Contain any findings of fact determined by the State Superintendent; and
3. Specify any actions necessary to remedy or eliminate the discrimination, including the timeline within which the actions must be taken.

**(III) THE COMMISSION ON CIVIL RIGHTS MAY ASSIST WITH A DECISION ISSUED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH BY MAKING RECOMMENDATIONS ON REMEDYING AND ELIMINATING DISCRIMINATORY PRACTICES.**

**[(iii)] (IV)** If the State Superintendent finds that a county board, program, or school violated § 26–704 of this subtitle, a decision issued under subparagraph (i) of this paragraph may require the Comptroller to withhold funding from the program or school in an amount determined by the State Superintendent in accordance with § 2–303(b) of this article.

(e) (1) A complainant alleging that a county board, program, or school did not remedy or eliminate the discrimination as agreed or required under subsection (d) of this section may reopen a complaint made under this section without:

- (i) Filing a new complaint under subsection (a) of this section; or
- (ii) Engaging in mediation under subsection (d)(1) of this section.

(2) If the State Superintendent finds that a county board, program, or school did not remedy or eliminate the discrimination as agreed or required under subsection (d) of this section, the State Superintendent shall issue an updated written decision to both parties requiring the Comptroller to withhold funding from the program or school in an amount determined by the State Superintendent in accordance with § 2–303(b) of this article.

(f) A complainant [or], A respondent, **OR THE COMMISSION ON CIVIL RIGHTS, IF THE COMMISSION ON CIVIL RIGHTS SUBMITTED THE COMPLAINT**, may appeal to the Office of Administrative Hearings:

(1) Within 10 days after receiving a decision issued by the State Superintendent under subsection (d)(2) of this section; or

(2) If the State Superintendent does not issue a decision as required under subsection (d)(2) of this section, within 10 days after the date by which the decision should have been issued.

(g) (1) An appeal hearing shall be held in the county where the alleged discriminatory act occurred.

(2) If, after reviewing all of the evidence, the administrative law judge finds that the respondent has engaged in discrimination, the administrative law judge shall:

(i) Issue a decision and order stating the judge's findings of fact and conclusions of law; and

(ii) Issue and cause to be served on the respondent an order requiring the respondent to:

1. Cease and desist from engaging in the discrimination; and

2. Take affirmative action to effectuate the purposes of this subtitle.

(h) (1) [The] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE** State Board, in consultation with the State Superintendent, shall adopt regulations to establish procedures for complaint processing, mediation, and enforcement and otherwise carry out the requirements of this section.

**(2) THE STATE BOARD AND THE STATE SUPERINTENDENT SHALL DEFER TO THE COMMISSION ON CIVIL RIGHTS ON:**

**(I) INTERPRETATIONS OF WHETHER AN ACT CONSTITUTES DISCRIMINATION; AND**

**(II) THE AUTHORITY OF THE COMMISSION ON CIVIL RIGHTS UNDER § 26-706 OF THIS SUBTITLE.**

**(3) THE STATE BOARD, IN CONSULTATION WITH THE STATE SUPERINTENDENT, AND THE COMMISSION ON CIVIL RIGHTS SHALL JOINTLY SET GUIDELINES FOR DETERMINING WHEN ALLEGATIONS OF DISCRIMINATORY PRACTICES ARE SUFFICIENT TO WARRANT MEDIATION UNDER THIS SECTION.**

**26-706.**

1           **(A) THE COMMISSION ON CIVIL RIGHTS HAS CONCURRENT JURISDICTION**  
2 **WITH THE STATE SUPERINTENDENT OVER ENFORCEMENT OF THE PROHIBITIONS**  
3 **ON DISCRIMINATION UNDER § 26-704 OF THIS SUBTITLE.**

4           **(B) (1) A PERSON ALLEGING DISCRIMINATION IN VIOLATION OF § 26-704**  
5 **OF THIS SUBTITLE MAY FILE A COMPLAINT WITH:**

6                       **(I) THE COMMISSION ON CIVIL RIGHTS, BEGINNING 30 DAYS**  
7 **AFTER THE ADOPTION OF INITIAL REGULATIONS UNDER SUBSECTION (I) OF THIS**  
8 **SECTION, IN ACCORDANCE WITH THIS SECTION; OR**

9                       **(II) THE STATE SUPERINTENDENT IN ACCORDANCE WITH §**  
10 **26-705 OF THIS SUBTITLE.**

11           **(2) A COMPLAINT FILED WITH THE COMMISSION ON CIVIL RIGHTS**  
12 **UNDER THIS SUBSECTION SHALL SPECIFY THE RELIEF OR REMEDY REQUESTED.**

13           **(3) A PARENT OR GUARDIAN MAY FILE A COMPLAINT WITH THE**  
14 **COMMISSION ON CIVIL RIGHTS UNDER THIS SUBSECTION ON BEHALF OF:**

15                       **(I) A MINOR; OR**

16                       **(II) A STUDENT WITH A DISABILITY WHO HAS REACHED THE AGE**  
17 **OF 18 YEARS, WHO REMAINS ENROLLED IN A SECONDARY EDUCATION PROGRAM,**  
18 **AND WHOSE RIGHTS REMAIN WITH A PARENT OR GUARDIAN UNDER THE FEDERAL**  
19 **INDIVIDUALS WITH DISABILITIES EDUCATION ACT.**

20           **(4) THE COMMISSION SHALL TREAT A REFERRAL FROM THE STATE**  
21 **SUPERINTENDENT MADE IN ACCORDANCE WITH § 26-705 OF THIS SUBTITLE IN THE**  
22 **SAME MANNER AS A COMPLAINT RECEIVED UNDER THIS SUBSECTION.**

23           **(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**  
24 **ON RECEIPT OF A COMPLAINT UNDER SUBSECTION (B) OF THIS SECTION, THE**  
25 **COMMISSION ON CIVIL RIGHTS SHALL PROVIDE NOTICE OF THE COMPLAINT TO:**

26                       **(I) THE PROGRAM OR SCHOOL THAT IS THE SUBJECT OF THE**  
27 **COMPLAINT;**

28                       **(II) THE COUNTY BOARD FOR THE COUNTY IN WHICH THE**  
29 **PUBLIC PREKINDERGARTEN PROGRAM OR PUBLIC PRIMARY OR SECONDARY**  
30 **SCHOOL IS LOCATED; AND**



**(III) THE STATE SUPERINTENDENT.**

**(2) UNLESS A COMPLAINANT OBJECTS, THE COMMISSION ON CIVIL RIGHTS SHALL PROVIDE THE STATE SUPERINTENDENT WITH ALL INFORMATION REGARDING A COMPLAINT ALLEGING DISCRIMINATION IF THE STATE SUPERINTENDENT REQUESTS THE INFORMATION.**

**(3) THE COMMISSION ON CIVIL RIGHTS MAY, AT THE DISCRETION OF THE COMMISSION ON CIVIL RIGHTS, REFER A COMPLAINT BROUGHT UNDER SUBSECTION (B) OF THIS SECTION TO THE STATE SUPERINTENDENT TO BE HEARD IN ACCORDANCE WITH § 26-705 OF THIS SUBTITLE.**

**(D) WITHIN 30 DAYS AFTER RECEIVING A NOTICE UNDER SUBSECTION (C)(1) OF THIS SECTION, THE PROGRAM OR SCHOOL AND, IF APPROPRIATE, COUNTY BOARD SHALL SUBMIT A RESPONSE TO THE COMMISSION ON CIVIL RIGHTS.**

**(E) (1) (I) THE COMMISSION ON CIVIL RIGHTS SHALL ATTEMPT TO MEDIATE AN AGREEMENT BETWEEN THE COMPLAINANT AND THE RESPONDENT TO REMEDY AND ELIMINATE THE DISCRIMINATION.**

**(II) THE STATE SUPERINTENDENT MAY ASSIST WITH MEDIATION REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, INCLUDING BY MAKING RECOMMENDATIONS FOR REMEDYING AND ELIMINATING DISCRIMINATORY PRACTICES.**

**(III) IF MEDIATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH RESULTS IN AN AGREEMENT BETWEEN THE PARTIES, THE COMMISSION ON CIVIL RIGHTS SHALL ISSUE TO BOTH PARTIES A WRITTEN STATEMENT OF THE MEDIATION FINDINGS AND AGREEMENT, INCLUDING THE TIMELINE WITHIN WHICH ANY AGREED ACTIONS MUST BE TAKEN.**

**(2) (I) IF A MEDIATION AGREEMENT IS NOT REACHED UNDER PARAGRAPH (1) OF THIS SUBSECTION WITHIN 60 DAYS AFTER THE COMPLAINT IS FILED, THE COMMISSION ON CIVIL RIGHTS SHALL ISSUE A DECISION ON THE COMPLAINT TO BOTH PARTIES.**

**(II) A DECISION ISSUED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL:**

- 1. BE IN WRITING;**
- 2. CONTAIN ANY FINDINGS OF FACT DETERMINED BY THE STATE SUPERINTENDENT; AND**

1                   **3. SPECIFY ANY ACTIONS NECESSARY TO REMEDY OR**  
2 **ELIMINATE THE DISCRIMINATION, INCLUDING THE TIMELINE WITHIN WHICH THE**  
3 **ACTIONS MUST BE TAKEN.**

4                   **(III) THE STATE SUPERINTENDENT MAY ASSIST WITH A**  
5 **DECISION ISSUED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH BY MAKING**  
6 **RECOMMENDATIONS ON REMEDYING AND ELIMINATING DISCRIMINATORY**  
7 **PRACTICES.**

8                   **(IV) IF THE COMMISSION ON CIVIL RIGHTS FINDS THAT A**  
9 **COUNTY BOARD, PROGRAM, OR SCHOOL VIOLATED § 26-704 OF THIS SUBTITLE, A**  
10 **DECISION ISSUED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY REQUEST**  
11 **THE STATE SUPERINTENDENT TO REQUIRE THE COMPTROLLER TO WITHHOLD**  
12 **FUNDING FROM THE PROGRAM OR SCHOOL IN AN AMOUNT DETERMINED BY THE**  
13 **STATE SUPERINTENDENT IN ACCORDANCE WITH § 2-303(B) OF THIS ARTICLE.**

14           **(F) (1) A COMPLAINANT ALLEGING THAT A COUNTY BOARD, PROGRAM,**  
15 **OR SCHOOL DID NOT REMEDY OR ELIMINATE THE DISCRIMINATION AS AGREED OR**  
16 **REQUIRED UNDER SUBSECTION (E) OF THIS SECTION MAY REOPEN A COMPLAINT**  
17 **MADE UNDER THIS SECTION WITHOUT:**

18                   **(I) FILING A NEW COMPLAINT UNDER SUBSECTION (B) OF THIS**  
19 **SECTION; OR**

20                   **(II) ENGAGING IN MEDIATION UNDER SUBSECTION (E)(1) OF**  
21 **THIS SECTION.**

22                   **(2) (I) IF THE COMMISSION ON CIVIL RIGHTS FINDS THAT A**  
23 **COUNTY BOARD, PROGRAM, OR SCHOOL DID NOT REMEDY OR ELIMINATE THE**  
24 **DISCRIMINATION AS AGREED OR REQUIRED UNDER SUBSECTION (E) OF THIS**  
25 **SECTION, THE COMMISSION ON CIVIL RIGHTS SHALL:**

26                   **1. NOTIFY THE STATE SUPERINTENDENT; AND**

27                   **2. ISSUE AN UPDATED WRITTEN DECISION TO BOTH**  
28 **PARTIES REQUIRING THAT FUNDING BE WITHHELD FROM THE PROGRAM OR**  
29 **SCHOOL IN ACCORDANCE WITH SUBPARAGRAPH (II) OF THIS PARAGRAPH.**

30                   **(II) ON RECEIPT OF NOTICE FROM THE COMMISSION ON CIVIL**  
31 **RIGHTS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE STATE**  
32 **SUPERINTENDENT SHALL REQUIRE THE COMPTROLLER TO WITHHOLD FUNDING**

FROM THE PROGRAM OR SCHOOL IN AN AMOUNT DETERMINED BY THE STATE SUPERINTENDENT IN ACCORDANCE WITH § 2-303(B) OF THIS ARTICLE.

(G) A COMPLAINANT OR RESPONDENT MAY APPEAL TO THE OFFICE OF ADMINISTRATIVE HEARINGS:

(1) WITHIN 10 DAYS AFTER RECEIVING A DECISION ISSUED BY THE COMMISSION ON CIVIL RIGHTS UNDER SUBSECTION (E)(2) OF THIS SECTION; OR

(2) IF THE COMMISSION ON CIVIL RIGHTS DOES NOT ISSUE A DECISION AS REQUIRED UNDER SUBSECTION (E)(2) OF THIS SECTION, WITHIN 10 DAYS AFTER THE DATE BY WHICH THE DECISION SHOULD HAVE BEEN ISSUED.

(H) (1) AN APPEAL HEARING SHALL BE HELD IN THE COUNTY WHERE THE ALLEGED DISCRIMINATORY ACT OCCURRED.

(2) IF, AFTER REVIEWING ALL OF THE EVIDENCE, THE ADMINISTRATIVE LAW JUDGE FINDS THAT THE RESPONDENT HAS ENGAGED IN DISCRIMINATION, THE ADMINISTRATIVE LAW JUDGE SHALL:

(I) ISSUE A DECISION AND ORDER STATING THE JUDGE'S FINDINGS OF FACT AND CONCLUSIONS OF LAW; AND

(II) ISSUE AND CAUSE TO BE SERVED ON THE RESPONDENT AN ORDER REQUIRING THE RESPONDENT TO:

1. CEASE AND DESIST FROM ENGAGING IN THE DISCRIMINATION; AND

2. TAKE AFFIRMATIVE ACTION TO EFFECTUATE THE PURPOSES OF THIS SUBTITLE.

(I) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE COMMISSION ON CIVIL RIGHTS SHALL ADOPT REGULATIONS TO ESTABLISH PROCEDURES FOR COMPLAINT PROCESSING, MEDIATION, AND ENFORCEMENT AND OTHERWISE CARRY OUT THE REQUIREMENTS OF THIS SECTION.

(2) THE COMMISSION ON CIVIL RIGHTS SHALL DEFER TO THE STATE BOARD AND THE STATE SUPERINTENDENT ON:

(I) MATTERS RELATING TO THE EDUCATION OF STUDENTS;  
AND

1                               **(II) THE AUTHORITY OF THE STATE SUPERINTENDENT UNDER**  
2 **§ 26–705 OF THIS SUBTITLE.**

3                               **(3) THE COMMISSION ON CIVIL RIGHTS AND THE STATE BOARD**  
4 **SHALL JOINTLY SET GUIDELINES FOR DETERMINING WHEN ALLEGATIONS OF**  
5 **DISCRIMINATORY PRACTICES ARE SUFFICIENT TO WARRANT MEDIATION UNDER**  
6 **THIS SECTION.**

7               SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2026.