

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.



1 Annotated Code of Maryland
2 (2021 Replacement Volume and 2025 Supplement)

3 BY repealing and reenacting, without amendments,
4 Article – State Government
5 Section 20–1004
6 Annotated Code of Maryland
7 (2021 Replacement Volume and 2025 Supplement)

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

13 BY repealing and reenacting, without amendments,
14 Article – Education
15 Section 26–702 and 26–704
16 Annotated Code of Maryland
17 (2022 Replacement Volume and 2025 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Education
20 Section 26–705
21 Annotated Code of Maryland
22 (2022 Replacement Volume and 2025 Supplement)

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

25 **Article – State Government**

26 20–101.

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

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

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

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

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

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

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

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

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

8 OR

9 [(6)] (7) Subtitle 8 of this title (Aiding, Abetting, or Attempting
10 Discriminatory Act; Obstructing Compliance).

11 (e) "Gender identity" means the gender-related identity, appearance, expression,
12 or behavior of a person, regardless of the person's assigned sex at birth, which may be
13 demonstrated by:

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

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

17 (f) "Military status" means the status of being:

18 (1) a member of the uniformed services;

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

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

21 (g) "Protective hairstyle" includes braids, twists, and locks.

22 (h) "Race" includes traits associated with race, including hair texture, afro
23 hairstyles, and protective hairstyles.

24 (i) (1) "Respondent" means a person accused in a complaint of a
25 discriminatory act.

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

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

SUBTITLE 7A. DISCRIMINATION IN EDUCATION.

2 20-7A-01.

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

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

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

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

19 (C) (1) "EDUCATIONAL INSTITUTION" MEANS A PUBLIC OR NONPUBLIC;

20 (I) PREKINDERGARTEN PROGRAM:

21 (II) ELEMENTARY SCHOOL:

22 (III) SECONDARY SCHOOL:

25 (v) INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN §
26 10, 101 OF THE EDUCATION ARTICLE; OR

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

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

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

8 20-7A-02.

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

11 20-7A-03.

12 (A) THIS SUBTITLE DOES NOT APPLY TO:

24 (B) THIS SUBTITLE:

25 (1) IS AN EXERCISE OF THE POLICE POWER OF THE STATE FOR THE
26 PROTECTION OF THE PEOPLE OF THE STATE:

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.

6 (b) The complaint shall:

7 (1) be in writing;

8 (2) state:

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.

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.

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

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

9 20-1013.1.

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

12 (B) IN ADDITION TO A COMPLAINT MADE WITH THE COMMISSION UNDER §
13 20-1004 OF THIS SUBTITLE, BEGINNING 30 DAYS AFTER THE COMMISSION ADOPTS
14 INITIAL REGULATIONS UNDER § 20-7A-05 OF THIS TITLE, AN INDIVIDUAL ALLEGING
15 A DISCRIMINATORY EDUCATIONAL PRACTICE MAY BRING A CIVIL ACTION.

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

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

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

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;

0 (4) ORDERING PUNITIVE DAMAGES, IF:

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

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

23 (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:

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

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

7 26-705.

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

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

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

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

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

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

7 (III) THE COMMISSION ON CIVIL RIGHTS.

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

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

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

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

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

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

29 2. MAKING RECOMMENDATIONS FOR REMEDYING AND
30 ELIMINATING DISCRIMINATORY PRACTICES.

31 [(ii)] (III) If mediation under subparagraph (i) of this paragraph
32 results in an agreement between the parties, the State Superintendent shall issue to both
33 parties a written statement of the mediation findings and agreement, including the
34 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.

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

5 1. Be in writing;

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

22 (i) Filing a new complaint under subsection (a) of this section; or

23 (ii) Engaging in mediation under subsection (d)(1) of this section.

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

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

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

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

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

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

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

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

32 26-706.

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

15 (I) A MINOR; OR

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;

(III) THE STATE SUPERINTENDENT.

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

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

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

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

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

31 1. BE IN WRITING;

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:

1. NOTIFY THE STATE SUPERINTENDENT; AND

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

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

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

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

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

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

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

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

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

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

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

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

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

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