

# SENATE BILL 659

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CF 6lr2181

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By: **Senator Love**

Introduced and read first time: February 6, 2026

Assigned to: Education, Energy, and the Environment

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## A BILL ENTITLED

1 AN ACT concerning

2 **Prekindergarten Programs and Primary and Secondary Schools – Student**  
3 **Privacy Policy Requirements and Discrimination Reporting**

4 FOR the purpose of requiring public and nonpublic primary or secondary schools to adopt  
5 certain policies and procedures for protecting the privacy of student records;  
6 requiring nonpublic prekindergarten programs and nonpublic primary and  
7 secondary schools to report certain information about certain incidents of alleged  
8 discrimination to the State Department of Education annually; and generally  
9 relating to student privacy and discrimination in education.

10 BY adding to

11 Article – Education  
12 Section 7–137  
13 Annotated Code of Maryland  
14 (2025 Replacement Volume and 2025 Supplement)

15 BY repealing and reenacting, without amendments,

16 Article – Education  
17 Section 26–702 and 26–703  
18 Annotated Code of Maryland  
19 (2022 Replacement Volume and 2025 Supplement)

20 BY adding to

21 Article – Education  
22 Section 26–706  
23 Annotated Code of Maryland  
24 (2022 Replacement Volume and 2025 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



## Article – Education

7-137.

(A) IN THIS SECTION, “SCHOOL” MEANS:

(1) A PUBLIC PRIMARY OR SECONDARY SCHOOL; OR

(2) A NONPUBLIC PRIMARY OR SECONDARY SCHOOL.

(B) A SCHOOL SHALL ADOPT WRITTEN POLICIES AND PROCEDURES ON PROTECTING THE RIGHT OF PRIVACY OF A STUDENT AND A STUDENT’S PARENT OR GUARDIAN REGARDING ACCESS TO AND THE RELEASE OF THE STUDENT’S RECORDS.

(C) THE WRITTEN POLICIES AND PROCEDURES UNDER SUBSECTION (B) OF THIS SECTION SHALL INCLUDE THE FOLLOWING:

(1) A POLICY STATEMENT ASSURING THAT ALL RECORDS PERTAINING TO A STUDENT ARE AVAILABLE TO THE STUDENT’S PARENT OR GUARDIAN FOR INSPECTION OR REVIEW;

(2) PROCEDURES TO BE FOLLOWED BY A PARENT OR GUARDIAN WHO REQUESTS TO INSPECT OR REVIEW THE RECORDS OF THE PARENT OR GUARDIAN’S CHILD;

(3) A POLICY STATEMENT ASSURING THAT THE SCHOOL MAY NOT DISCLOSE PERSONAL IDENTIFYING INFORMATION FROM A STUDENT’S RECORD WITHOUT PRIOR WRITTEN CONSENT OF THE STUDENT’S PARENT OR GUARDIAN UNLESS OTHERWISE ALLOWED BY LAW;

(4) PROCEDURES BY WHICH THE SCHOOL SHALL MAINTAIN A WRITTEN RECORD OF REQUESTS FOR, AND DISCLOSURE OF, PERSONAL IDENTIFYING INFORMATION FROM A STUDENT’S RECORD THAT INCLUDES:

1. THE FIRST, MIDDLE, AND LAST NAME OF THE STUDENT;

2. THE NAME OF THE REVIEWER;

3. THE MONTH, DAY, AND YEAR OF THE REVIEW; AND

4. THE PURPOSE OF THE REVIEW; AND

1           **(5) PROCEDURES FOR INFORMING A PARENT OR GUARDIAN OF THESE**  
2 **POLICIES AND PROCEDURES.**

3           **(D) THE WRITTEN POLICIES AND PROCEDURES UNDER SUBSECTION (B) OF**  
4 **THIS SECTION MAY NOT ABROGATE THE PRIVACY RIGHTS OF A STUDENT OR A**  
5 **STUDENT’S PARENT OR GUARDIAN UNDER APPLICABLE FEDERAL AND STATE LAW.**

6           **(E) CONSISTENT WITH § 8–412.1 OF THIS ARTICLE, FOR A STUDENT WHO IS**  
7 **AT LEAST 18 YEARS OLD, THE RIGHTS ACCORDED TO AND CONSENT REQUIRED OF**  
8 **THE PARENT OR GUARDIAN OF THE STUDENT SHALL BE ACCORDED TO AND**  
9 **REQUIRED ONLY OF THE STUDENT.**

10 26–702.

11           This subtitle does not apply to:

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

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

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

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

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

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

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

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

1 26–703.

2 This subtitle does not require a nonpublic prekindergarten program or nonpublic  
3 school that is religiously affiliated to enroll, retain, or extend privileges to a student or  
4 prospective student who does not meet the usual and regular qualifications, requirements,  
5 and standards of the program or school or to adopt any rule, regulation, or policy that  
6 conflicts with the program or school’s religious or moral teachings, provided that the denial,  
7 rule, regulation, or policy is not based on discrimination on the grounds of race, ethnicity,  
8 color, religion, sex, age, national origin, marital status, sexual orientation, gender identity,  
9 or disability.

10 **26–706.**

11 **(A) THIS SECTION APPLIES TO:**

12 **(1) A NONPUBLIC PREKINDERGARTEN PROGRAM; AND**

13 **(2) A NONPUBLIC PRIMARY OR SECONDARY SCHOOL.**

14 **(B) ON OR BEFORE SEPTEMBER 1, 2027, AND EACH SEPTEMBER 1**  
15 **THEREAFTER, AN ENTITY LISTED UNDER SUBSECTION (A) OF THIS SECTION SHALL**  
16 **REPORT THE FOLLOWING INFORMATION TO THE DEPARTMENT:**

17 **(1) THE NUMBER OF INCIDENTS OF ALLEGED DISCRIMINATION ON**  
18 **THE GROUNDS OF RACE, ETHNICITY, COLOR, RELIGION, SEX, AGE, NATIONAL**  
19 **ORIGIN, MARITAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY, OR**  
20 **DISABILITY:**

21 **(i) 1. AGAINST A STUDENT; OR**

22 **2. IF THE ALLEGED DISCRIMINATION OCCURS ON**  
23 **SCHOOL PREMISES, ON SCHOOL TRANSPORTATION, OR AT A SCHOOL–SPONSORED**  
24 **EVENT, A PROSPECTIVE STUDENT OR A PARENT OR GUARDIAN OF A STUDENT OR A**  
25 **PROSPECTIVE STUDENT; AND**

26 **(ii) REPORTED TO THE NONPUBLIC PREKINDERGARTEN**  
27 **PROGRAM OR THE NONPUBLIC PRIMARY OR SECONDARY SCHOOL DURING THE**  
28 **IMMEDIATELY PRECEDING 12 MONTHS; AND**

29 **(2) FOR EACH INCIDENT:**

30 **(i) THE TYPE OF DISCRIMINATION ALLEGED;**

1                   **(II) WHETHER THE COMPLAINANT WAS A STUDENT, A**  
2 **PROSPECTIVE STUDENT, OR A PARENT OR GUARDIAN OF A STUDENT OR A**  
3 **PROSPECTIVE STUDENT; AND**

4                   **(III) WHETHER THE ALLEGED OFFENDER WAS A STUDENT, A**  
5 **PROSPECTIVE STUDENT, A PARENT OR GUARDIAN OF A STUDENT OR A PROSPECTIVE**  
6 **STUDENT, A SCHOOL EMPLOYEE, A SCHOOL VOLUNTEER, OR ANOTHER INDIVIDUAL.**

7           **(C) ON OR BEFORE DECEMBER 31, 2027, AND EACH DECEMBER 31**  
8 **THEREAFTER, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE GOVERNOR**  
9 **AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE**  
10 **GENERAL ASSEMBLY THAT:**

11                   **(1) COMPILES ALL OF THE INFORMATION FROM THE REPORTS**  
12 **RECEIVED UNDER THIS SECTION FOR THE IMMEDIATELY PRECEDING REPORTING**  
13 **PERIOD;**

14                   **(2) DISCUSSES RELEVANT FINDINGS OR TRENDS; AND**

15                   **(3) PROVIDES ANY OTHER RELEVANT INFORMATION.**

16           **(D) A REPORT REQUIRED UNDER THIS SECTION MAY NOT INCLUDE**  
17 **PERSONAL IDENTIFYING INFORMATION.**

18           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
19 1, 2026.