

To: House Committee on Ways and Means

Bill: HB0086 - Institutions of Higher Education and Elementary and Secondary Schools
- Title VI Coordinators

Date: January 31, 2025

Position: Information

The Maryland State Department of Education (MSDE) is sending this letter of information on **HB0086 - Institutions of Higher Education and Elementary and Secondary Schools - Title VI Coordinators**, which is cross-filed with SB0435. This bill specifies that local education agencies (LEAs) must designate a Title VI Coordinator to ensure compliance with Title VI of the federal Civil Rights Act of 1964 (Title VI); LEA Title VI Coordinators must forward complaints to the State Superintendent; and authorizes individuals alleging Title VI discrimination to file a complaint with a LEA Title VI Coordinator, the State Superintendent, or both, effective July 1, 2025.

Current Practice

Title VI prohibits discrimination based on race, color and national origin in programs or activities that receive federal financial assistance. Title VI also prohibits discrimination against individuals who are limited English proficient (LEP) and requires recipients of federal funding to provide meaningful language access to individuals who speak limited English. LEP refers to individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. These individuals may be entitled to language assistance with respect to a particular type or service, benefit, or encounter.

All twenty-four (24) local education agencies (LEAs) currently have non-discrimination policies that prohibit discrimination based on race, color, and national origin, among other protected categories, and currently have staff designated to ensure compliance with these regulations although they may not be classified as Title VI Coordinator. LEAs direct parties to contact designated offices to address complaints of this nature.

Additionally, Md. Code Ann., Educ. 26-705 currently permits individuals to file a complaint with the State Superintendent alleging discrimination on said protected categories against a county board, public prekindergarten program, public primary or secondary school, nonpublic prekindergarten program that receives State funds and nonpublic primary or secondary school that receives State funds.

MSDE posts the Nondiscrimination in Education Procedure on its website. This complaint procedure encompasses MSDE receiving complaints; requesting a response to the LEA about allegations; considering mediation options; reviewing allegations; issuing a written decision; reopening complaints, where applicable; and notifying parties of appeal rights.

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HB0086 does not indicate the purpose of LEA Title VI Coordinators forwarding internal discrimination complaints received to the State Superintendent nor does it indicate a period when Title VI Coordinators must complete this action. It is not clear whether the purpose of forwarding complaints to the State Superintendent is to monitor, provide oversight and/or recordkeeping of complaints received at the local level or whether the purpose is to have MSDE assume responsibility for addressing the complaint at the State level.

HB0086 also cites that individuals may file Title VI complaints with the Title VI Coordinator, State Superintendent, or both. HB0086 currently reads as if both the local LEA and MSDE must address Title VI allegations simultaneously, which could result in repeated administrative tasks, investigation, and use of governmental resources for a single complaint, from two separate agencies during the same period. Moreover, Md. Code Ann., Educ. 26-705 currently does not prohibit individuals from filing a complaint with the State Superintendent if a complaint is open with the LEA; therefore, the option to file complaints with appropriate LEA staff and the State Superintendent presently exists.

MSDE is committed to continuing to bolster equal access to education based on race, color, national origin, and if the agency received clarification on the purpose of these changes to existing law, it would assist in determining the overall operational and fiscal impact.

We respectfully request that you consider this information as you deliberate **HB0086**. Please contact Delinda Johnson Blake, delinda.blake1@maryland.gov for any additional information.