
TO: House Appropriations Committee

BILL: House Bill (HB) 109 - Institutions of Higher Education and Elementary and Secondary Schools - Title VI Coordinators

DATE: February 10, 2026

POSITION: Letter of Information

The Maryland State Department of Education (MSDE) submits this letter of information on HB0109 - Institutions of Higher Education and Elementary and Secondary Schools - Title VI Coordinators. This bill requires each local education agency to designate a Title VI Coordinator, directs coordinators to forward complaints to the State Superintendent, and allows individuals to file Title VI discrimination complaints with the LEA, the State Superintendent, or both, effective July 1, 2026.

Current Practice

Local education agencies (LEAs) that receive federal financial assistance are required to comply with Title VI of the federal Civil Rights Act of 1964, which prohibits discrimination based on race, color, and national origin, including discrimination against individuals who are limited English proficient (LEP). 34 C.F.R. 100.

As required by federal law, all twenty-four (24) LEAs currently have non-discrimination policies that prohibit discrimination based on race, color, and national origin, among other protected classes, and currently have staff designated to address complaints and ensure compliance with these regulations, although such staff may not be formally classified as Title VI Coordinators. In addition to these local supports, Md. Code Ann., Educ. 26-705 currently permits individuals to file a complaint with the State Superintendent alleging discrimination on said protected classes against a county board, public prekindergarten program, public primary or secondary school, or any nonpublic prekindergarten program, primary, or secondary school that receives State funds.

To support LEAs, MSDE publishes the Department's Nondiscrimination in Education Procedure on its website. This process includes receiving discrimination complaints, requesting responses from LEAs regarding allegations, considering mediation, reviewing claims, issuing written decisions, reopening complaints when appropriate, and notifying parties of their appeal rights. Mediation and adjudication services for these complaints are provided by the Office of Administrative Hearings, with associated fees billed to MSDE.

HB0109

HB0109 does not indicate the purpose of LEA Title VI Coordinators forwarding internal discrimination complaints they 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, keep records of complaints received at the local level, or whether the purpose is to have MSDE take some other specific action upon receipt of a forwarded complaint. HB0109 also cites that individuals may file Title VI complaints with the Title VI Coordinator, State

Superintendent, or both. As currently drafted, HB0109 appears to require simultaneous review of Title VI allegations by both the LEA and the State Superintendent in cases when an individual files locally *and* at the State level, which could result in duplicative administrative tasks, investigations, and use of governmental resources for a single complaint during the same period. The legislature may want to consider adding additional verbiage to the bill to clarify its intent, avoid redundancy, inefficient allocation of government resources, and ambiguity about the Legislature’s intention for this legislation

Notably, MSDE lacks the staffing capacity to assume additional investigative responsibilities beyond those currently required under § 26-705. The Office of the Ombudsman, which consists of a single staff member, currently serves as a liaison among the State Superintendent, the Office of the Attorney General, the Office of Administrative Hearings, and LEAs in addressing § 26-704 complaints; referring every LEA complaint to this office would exceed its capacity. This unit is fully engaged in these statutory duties, and assigning additional investigative responsibilities under HB0109 would exceed available resources.

Moreover, if every LEA Title VI complaint were referred to the State Superintendent and processed through the Office of Administrative Hearings for mediation or adjudication—services billed to MSDE—the resulting fiscal impact would be significant.

MSDE remains committed to ensuring equal access to education and safe, nondiscriminatory environments for all students and staff. Clarifying the purpose of these proposed changes to existing law would help the agency assess their overall operational and fiscal impact.

The State Board and MSDE respectfully request that you consider this information as you deliberate HB0109. Please contact Laurel Cratsley, Interim Executive Director of Government Affairs, at laurel.cratsley@maryland.gov or at 443-571-5461, for additional information.