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House Bill 649 – Advancing Equal Educational Opportunities for All Students in Maryland **Position:** Favorable with Amendments

Dear Chairperson Feldman, Vice Chairperson Kagan, and Members of the Senate Education, Energy, and the Environment Committee:

The Maryland Commission on Civil Rights (“MCCR”; “The Commission”) is the State agency responsible for enforcing Maryland’s laws prohibiting discrimination in employment, housing, public accommodations, state contracts, commercial leasing, and health services based on race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, gender identity, genetic information, physical and mental disability, source of income, and military status.

Bill Summary

House Bill 649 adds education within the areas of Maryland law enforced by the Commission, prohibiting discrimination, harassment, and retaliation against an individual based on their race, color, national origin, ethnicity, ancestry, religion, sex, pregnancy, sexual orientation, gender identity, disability, age, or marital status. These prohibitions apply to all educational institutions within Maryland, including:

- prekindergarten programs;
- elementary schools;
- secondary schools;
- institutions of postsecondary and higher education¹;
- other educational programs that award a certificate, diploma, or degree; and
- the institution’s governing body, such as boards of education.

For prekindergarten programs, elementary schools, and secondary schools, HB649 establishes concurrent jurisdiction² between MCCR and the Maryland State Department of Education (“MSDE”)³. Under Md. Code Ann., Educ. Art. Title 26, Subtitle 7, a student or parent/guardian of a student who alleges discrimination may

¹ As defined in § 10-101 of the Education Article.

² MCCR currently has concurrent jurisdiction with the Maryland Insurance Administration and the Maryland Department of Health to investigate complaints alleging discrimination in insurance and health services, respectively.

³ <https://marylandpublicschools.org/about/pages/education-nondiscrimination.aspx>

“Our vision is to have a State that is free from any trace of unlawful discrimination.”

file a complaint with the State Superintendent⁴. Presently, if the student does not wish to pursue a complaint with the State Superintendent, then they may be able to seek redress either with their local school system or through the U.S. Department of Education’s Office for Civil Rights (“OCR”)⁵.

With respect to institutions of postsecondary and higher education, HB649 gives MCCR the authority to investigate complaints alleging unlawful discrimination against any school within Maryland. HB649 directs the Board of Regents for the University System of Maryland (“Board”) and the Maryland Higher Education Commission (“MHEC”) to forward any complaints received alleging unlawful discrimination to MCCR. Currently, if a student within an institution of postsecondary and higher education believes they are the victim of unlawful discrimination, then they may either file a complaint via the institution’s internal process, if available, or with OCR.

Finally, the bill’s provisions that MCCR will enforce stipulate a delayed effective date of “30 days after the adoption of initial regulations” but no sooner than October 1, 2026. These conditions were included by the Commission to afford ample time to consult with all key stakeholders, including MSDE, in order to promulgate comprehensive substantive and procedural regulations.

Dysfunction at OCR

MCCR requests passage of HB649 because it is evident now more than ever that Maryland students deserve a State-level solution akin to what is available through OCR. While MCCR is aware that MSDE’s programs enjoy widespread support, the programs’ scopes are limited to a less comprehensive list of protected classes and only encompass schools that receive State funds. Passage of HB649 would fill in these coverage gaps for Maryland’s students.

As previously stated, when it comes to institutions of postsecondary and higher education, a State-level solution to address allegations of unlawful discrimination appears non-existent. Per “Maryland Higher Education Commission (MHEC) Complaint Processes for Colleges, Universities, and Private Career Schools”⁶ available on MHEC’s website:

d. A complaint concerning discrimination is to be submitted to:
Office for Civil Rights, Philadelphia Office
U.S. Department of Education
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323
Telephone: 215-656-8541
More information is available at:
<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

⁴ The State Superintendent’s jurisdiction is limited to 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”.

⁵ <https://www.ed.gov/about/ed-offices/ocr/about-ocr>

⁶ <https://mhec.maryland.gov/Documents/MHEC%20Complaint%20Process%20for%20all%20institutions%205-12%20%281%29.pdf>. Last accessed February 19, 2026.

According to the OCR’s complaint database available on its website, the office received the following Maryland-based complaints for calendar years beginning in 2012:

Calendar Year	Number of Complaints
2012	1
2015	1
2016	2
2019	7
2020	15
2021	18
2022	41
2023	55
2024	130
2025	1

Source: [U.S. Dept. of Education OCR Complaint Database](#) (Last Accessed February 19, 2026)

In reviewing these numbers, MCCR notices two clear trends – (1) the number of complaints received annually by OCR began to climb steeply beginning in 2020, and (2) OCR stopped processing complaints beginning around January 2025⁷. In fact, the most recent complaint OCR reports in its database was open on January 8, 2025.

As part of the federal administration’s reductions in force (“RIF”) efforts, in March 2025 the U.S. Department of Education closed seven of its twelve regional OCR offices, specifically in Boston, Chicago, Cleveland, Dallas, New York, Philadelphia, and San Francisco. The five remaining OCR offices in Atlanta, Denver, Kansas City, Seattle, and Washington, D.C., continued to operate, absorbing complaints pending from the shuttered offices. Between March 2025 and January 2026, 299 of OCR’s 575 staff were prohibited from working because they received RIF notices⁸. These staff were reinstated following numerous court decisions forcing the U.S. Department of Education to halt the RIF.

According to a troubling February 2026 report issued by the Government Accountability Office, “From March to September 2025, OCR received over 9,000 complaints of alleged discrimination and resolved over 7,000. About 90 percent of these were resolved by Education dismissing the complaints.”⁹ In other words, OCR is shirking enforcement by arbitrarily closing complaints without investigating any of the merits within said complaints.

Why the Bill is Needed

Last year’s volatility contributed to significant ongoing consequences for OCR’s caseload, including delays in investigations, the dismissal of numerous complaints, and the development of a substantial backlog – all of which will have long-term effects for those in immediate need.

⁷ The database posts disclosures stating “Last Updated: January 14, 2025” and “Updated every Tuesday”.

⁸ <https://www.gao.gov/assets/gao-26-108320.pdf>

⁹ <https://www.gao.gov/assets/gao-26-108320.pdf>

MCCR believes that Maryland students deserve better – they deserve to be heard, to be respected, and to be protected. That is why the Commission is requesting your support for HB649. With nearly six decades of experience independently investigating complaints alleging unlawful discrimination and enforcing State law, the Maryland Commission on Civil Rights believes that the events we are living through as a nation are a call to action which MCCR can answer with our expertise, commitment, and passion. For nearly 100 years, MCCR has always answered that call.

HB649 is about providing an option to the People of Maryland that ensures all students are protected. It sets every student up for success by reinforcing the values enshrined in our laws, our public policy, and our culture.

Amendments

MCCR is seeking amendments to HB649, many of which were offered as friendly amendments by key stakeholders:

- Adding "military status" as a protected class to MCCR's jurisdiction within education, which was mistakenly omitted from the bill at introduction.
- Clarifying for both the Board and MHEC (pages 9 and 10) that complaints received by them under the bill satisfy MCCR's 6-month statute of limitations applicable to this bill, and that those complaints must be forwarded to MCCR within 10 business days of receipt.
- Removing the procedures outlined on pages 16 through 20 of the bill. In its place, MCCR will investigate complaints alleging unlawful education discrimination under current procedure in MCCR's enforcement statute, State Gov. Art. Title 20, Subtitle 10, Part I.
- Generally, making technical changes and/or clarifications in order for HB649 to function harmoniously with the State Superintendent's existing authority under Educ. Art. Title 26, Subtitle 7.

MCCR would like to thank the Gibson-Banks Center for Race and the Law at the University of Maryland Francis King Carey School of Law, MSDE, MHEC, the University System of Maryland, Disability Rights Maryland, the Public Justice Center, and the ACLU of Maryland who all provided input into this bill during drafting and/or since introduction. MCCR is also in communication with the Public School Superintendents' Association of Maryland and the Maryland Association of Boards of Education, and will continue outreach to key constituents.

Of particular note, MCCR would like to recognize MSDE's expertise and insight that resulted in the improvements to the provisions of the bill that alter the Education Article. It is MCCR's understanding that MSDE will be offering additional amendments further ensuring that the State Superintendent's authority is compatible with HB649. MCCR views MSDE's amendments as friendly and urges their adoption.

MCCR Capacity

While HB649 was being considered in the House of Delegates, some concerns were raised – and addressed – about MCCR's capacity to absorb complaints arising under this bill with existing resources. In response to information requested from the Chairpersons of the House and Senate budget committees regarding the impact of new positions in the FY2026 budget on case

assignment and backlog management, MCCR reported on December 15, 2025, that there were “498 finalized charges in the backlog awaiting assignment to an investigator”. Due to the hiring freeze announced in summer 2025, MCCR was not authorized to fill these positions until October 1, 2025.

The newly hired Civil Rights Officers have recently completed their onboarding process and began investigating complaints that were previously in MCCR’s backlog. As of April 15, 2026, MCCR will have no vacant positions whose core responsibility¹⁰ is to investigate complaints alleging unlawful discrimination. Furthermore, in this short period MCCR’s backlog has been reduced to approximately 385 complaints despite these new positions not yet operating at full capacity. MCCR expects the backlog to keep trending sharply downward for the remainder of the year. Due to all of these factors, MCCR anticipates being able to investigate the complaints arising from HB649 with existing resources¹¹.

Conclusion

For these reasons, the Maryland Commission on Civil Rights urges a favorable with amendments vote on HB649. Thank you for your time and consideration of the information contained in this letter. MCCR looks forward to the continued opportunity to work with you to promote and improve civil rights in Maryland.

¹⁰ 34 of MCCR’s 53 positions are dedicated to the investigation of complaints alleging unlawful discrimination.

¹¹ Department of Legislative Services Fiscal & Policy Note for HB649 at page 7: “It is assumed that MCCR, the Judiciary, and OAH can handle additional complaints/cases under the bill.”