

# **EDUCATION ADVOCACY COALITION FOR STUDENTS WITH DISABILITIES**

SENATE EDUCATION, ENERGY, AND THE ENVIRONMENT COMMITTEE

## **HOUSE BILL 649: Advancing Equal Educational Opportunities for All Students in Maryland**

April 1, 2026

### **Position: SUPPORT WITH AMENDMENT**

The Education Advocacy Coalition for Students with Disabilities (EAC) is a coalition of nearly 50 organizations and individuals committed to advancing education policies that protect and support Maryland students with disabilities. The EAC supports with amendment House Bill 649, which would strengthen protections against discrimination in education and improve how Maryland enforces civil rights laws in schools. It will ensure that all students in Maryland have equal access to education regardless of race, color, ethnicity, national origin, ancestry, religion, sex, sexual orientation, gender identity, pregnancy, age, marital status, or disability.

Current state laws do not fully protect Maryland students and families. Maryland's existing education anti-discrimination law (Md. Code, Educ. §§ 26-701 to 26-705) is enforced by the Maryland State Department of Education and applies only to preK-12 students. Maryland law does not explicitly cover students in higher education. These students must rely on federal anti-discrimination laws.

Federal laws have prohibited discrimination in education for decades, yet enforcement of these laws has become harder to access. Maryland families now have fewer practical options for filing complaints with the U.S. Department of Education's Office for Civil Rights because of staffing reductions, processing delays, and a high rate of complaint dismissals.

HB 649 creates a new state law to expand both protections and enforcement. The bill authorizes the Maryland Commission on Civil Rights, an independent state agency, to investigate and resolve complaints of discrimination against K-12 and higher education institutions. The law would protect students from intentional discrimination and from policies or practices that have an unjustified discriminatory impact. It would also allow students and families to bring education discrimination claims in state court.

**The EAC supports the following amendments suggested by Disability Rights Maryland, which make the bill clearer and more protective of students with disabilities:**

**1. Delete/Strike 20-7A-03(A)(3) on p. 5 of the bill, lines 20-23:**

(A) This subtitle does not apply to:

~~(3) WITH RESPECT TO DISCRIMINATION ON THE BASIS OF A 21 DISABILITY, A NONPUBLIC EDUCATIONAL INSTITUTION THAT IS IN COMPLIANCE 22 WITH § 504 OF THE FEDERAL REHABILITATION ACT OF 1973 OR THE FEDERAL 23 AMERICANS WITH DISABILITIES ACT, AS APPLICABLE.~~

Rationale: This exclusionary language exempting nonpublic institutions in compliance with Section 504 and the Americans with Disabilities Act does not make sense because a determination of compliance could not occur until after a complaint is filed and investigated by MCCR. Nonpublic educational institutions should not be exempt from civil rights enforcement of disability laws. Many students with disabilities in Maryland attend nonpublic institutions, and these students deserve to be protected from discrimination no less than students in other Maryland schools.

**2. Delete/Strike 26-702(3) on p. 10 of the bill:**

This subtitle does not apply to:

~~(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.~~

Rationale: Same as above.

With these amendments for clarity, the EAC strongly supports HB 649.

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Respectfully submitted,

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