



Testimony for the Education, Energy, and the Environment Committee

House Bill 649 – Advancing Equal Educational Opportunities for All Students in Maryland

FAVORABLE

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AMERICAN CIVIL
LIBERTIES UNION
OF MARYLAND

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The ACLU of Maryland supports HB 649, which seeks to ensure that Maryland students are provided equal access to education regardless of race, color, ethnicity, national origin, ancestry, religion, sex, sexual orientation, gender identity, pregnancy, age, marital status, or disability. HB 649 adds a necessary layer of protection and accountability at the state level through authorizing the Maryland Commission on Civil Rights (MCCR) to investigate cases of discrimination in education, PreK through high school, and within higher education.

Federal civil rights protections for students and families have diminished significantly.

The Office of Civil Rights (OCR) was established in 1967, housed within the US Department of Health, Education, and Welfare, to enforce newly enshrined federal civil rights laws in educational settings.¹ In 1979, OCR was moved to the US Department of Education (USDE), and throughout the 1980s, the office received roughly 2,500 complaints annually. The volume of complaints grew significantly in the 1990s and in the following decades, codifying the entity as the primary enforcer of federal civil rights laws in schools nationwide.

In 2024, OCR received a record 22,687 complaints –18% higher than the previous year, which was also a record year.² Civil rights cases in education have consistently trended upward, which is particularly alarming at a time when federal resources and protections are eroding rapidly. The previous administration reported a 70.6% case resolution rate – 36% higher than the

¹ Funding Federal Civil Right Enforcement: 2000 and Beyond. (Access 2026). U.S. Commission on Civil Rights.

<https://www.usccr.gov/files/pubs/archives/crfund01/ch1.htm#:~:text=Although%20staff%20levels%20have%20been,had%20already%20received%205,394%20complaints.%5B>

² <https://www.ed.gov/media/document/ocr-report-president-and-secretary-of-education-2024-109012.pdf>

previous year. When the new administration took over in January 2025, approximately 50% of USDE’s staff were laid off or voluntarily left, OCR was disproportionately affected³

Between March 11, 2025, and September 23, 2025, OCR received nearly 9,300 complaints. An astonishing 90% of these cases were resolved by dismissal within a very short period without any remedies such as corrective actions or resolution agreements.³ Most of these discrimination complaints were based on race, sex, and disability. The reasoning for these dismissals has not been reported in the data however, the president’s executive orders and USDE’s public statements are clear – OCR’s longstanding focus on historically marginalized populations has shifted towards targeting and initiating action against various state departments of education and higher education institutions in an effort to eliminate DEI policies, which the administration considers to be discriminatory.⁴ The administration has revoked guidance on discrimination for protected classes, indicating that OCR is systemically refusing to investigate civil rights cases.⁵

Current state laws and entities do not fully protect Maryland students and families.

Maryland’s existing education anti-discrimination law is enforced by the Maryland State Department of Education (MSDE) and applies only to PK-12 students.⁶ Maryland law does not explicitly cover students in higher education. These students must rely on federal anti-discrimination laws. And with the aforementioned changes at the federal level, Maryland families have fewer practical options for filing complaints with the OCR.

While MSDE’s Office of Equity Assurance and Compliance (OEAC) is responsible for addressing civil rights complaints from PK-12 students and families, civil rights investigations are not a primary focus. OEAC’s purview also includes providing technical assistance to MSDE employees and the Maryland 24 school districts regarding compliance with a wide range of federal and state education laws and regulations, beyond federal civil rights laws. Given the large task of implementing the \$4 billion *Blueprint for Maryland’s Future* and oversight of all Maryland school districts, MSDE’s capacity to address civil rights complaints is significantly limited. More importantly, the ACLU believes that an external and independent entity – in this case, MCCR – is critical to ensuring: (1) impartiality and fewer conflicts of interest; (2) specialized expertise, uniform enforcement, and thorough

³ <https://www.gao.gov/products/gao-26-108320>

⁴ What They Are Saying: U.S. Department of Education Dismantles DEI in Week One. (January 2025). US Department of Education. <https://www.ed.gov/about/news/press-release/what-they-are-saying-us-department-of-education-dismantles-dei-week-one>

⁵ Trump on DEI And Anti-Discrimination Law. (2026). American Civil Liberties Union. <https://www.aclu.org/trump-on-dei-and-anti-discrimination-law>

⁶ Md. Code, Educ. §§ 26-701 to 26-705

investigations; and (3) stronger accountability to enforce meaningful and collaborative remedies with involved schools and districts.

Passing HB 649 is urgent.

When the current president was inaugurated in January 2026, there were over 270 pending complaints from Maryland residents through OCR.⁷ It is likely that many or perhaps most of these cases have already been dismissed without an investigation. With the dismantling of USDE and OCR, it is critical that Maryland fill the gap to ensure that the civil rights of all Maryland students are protected and upheld.

For the foregoing reasons, the ACLU of Maryland respectfully urges the Committee to issue a favorable report on House Bill 649.

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⁷ Pending Cases Currently Under Investigation at Elementary-Secondary and Post-Secondary Schools. (Accessed February 19, 2026). United States Department of Education, Office of Civil Rights. https://ocras.ed.gov/open-investigations?field_ois_state=659&field_ois_discrimination_statute=700&field_ois_type_of_discrimination=All&items_per_page=20&field_ois_institution=&field_ois_institution_type=All&field_open_investigation_date_1=&field_open_investigation_date_2=2026-02-01&field_open_investigation_date=&field_open_investigation_date_3=