

TO: Senate Education, Energy, and the Environment Committee
FROM: Theresa Smith, Special Education Advocate
DATE: March 30, 2026
BILL NO: HB0649 (Advancing Equal Educational Opportunities for All Students in Maryland)



POSITION: Support with Amendments

Statement of Intent: As a special education advocate my intent is to ensure that Maryland students and their families have access to the broadest possible spectrum of civil rights protections. I am testifying to support the creation of robust state-level enforcement mechanisms for educational discrimination, while ensuring these new pathways serve as a safety net rather than a substitute. My goal is to protect the procedural rights of students with disabilities under IDEA and Section 504 of the Rehabilitation Act of 1973, ensuring that as we build stronger state systems, we do not inadvertently limit a family's ability to seek federal oversight and remedies.

This legislation represents a critical step forward in protecting Maryland students by authorizing the Commission on Civil Rights to enforce prohibitions against discrimination in educational institutions. By establishing a private right of action and expanding the forums where families can seek relief, Maryland is demonstrating a commitment to equity and accessibility.

It is vital that state-level enhancements do not create a "ceiling" on protections or a justification for diminished federal responsibility.

1. Proposed Amendment: Affirmation of Supplemental Protection

HB 649 establishes comprehensive state enforcement, but it does not currently contain "non-preemption" language that explicitly links these protections to existing federal frameworks.

- **The Amendment:** Add language clearly stating that the protections and remedies provided under this Act are **supplemental to, and not a substitute for**, federal civil rights enforcement and oversight.
- **The Goal:** Families must retain full, unencumbered access to federal remedies through the U.S. Department of Education's Office for Civil Rights (OCR) or federal courts. We must ensure that the existence of a strong Maryland system cannot be used to justify a decrease in federal accountability for Maryland's children.

2. Proposed Amendment: Preservation of Federal Procedural Safeguards

The bill correctly identifies that "disability" includes any condition requiring an Individualized Education Program (IEP) or a 504 Plan. To ensure this remains a powerful tool for the disability community, the state process must not interfere with existing federal legal timelines.

- **The Amendment:** Ensure that the regulations adopted by the Commission explicitly include a provision that filing a state-level complaint does not toll, waive, or otherwise exhaust any timelines or rights associated with Due Process or State Complaints under the IDEA.
- **The Goal:** To prevent families from being forced into an "election of remedies" where choosing a state civil rights investigation might inadvertently jeopardize their established federal procedural safeguards

I support the effort to ensure that Marylanders have clear, accessible, and effective avenues to seek relief when discrimination occurs. By adopting these amendments, we can ensure that HB649 provides an *additional* layer of security for our most vulnerable students without compromising their standing in the federal system. I urge the committee to give HB649 a favorable report with these strengthening amendments.

Thank you,
Theresa Smith