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The Honorable Brian J. Feldman, Chair
The Honorable Cheryl C. Kagan, Vice Chair
Education, Energy, and the Environment Committee
Maryland State Senate
West Miller Senate Building, Room 2
Annapolis, MD 21401

RE: Support HB 649: Advancing Equal Educational Opportunities for All Students in Maryland

Dear Chair Feldman, Vice Chair Kagan, and Members of the Committee:

Thank you for this opportunity to submit testimony in support of HB 649 on behalf of the National Women's Law Center Action Fund (NWLCAF). As the sister organization to the National Women's Law Center, NWLCAF advocates for policy changes that protect and advance the legal rights and opportunities for women, girls, and all who face sex discrimination, including ensuring that educational opportunities for all students are free from violence and sex-based discrimination. NWLCAF has a particular interest in ensuring that rights and opportunities are not unlawfully restricted based on sex and that discrimination against LGBTQIA+ individuals, including transgender women and girls, is not perpetuated in the name of women's rights.

NWLCAF writes to express our strong support for HB 649, which strengthens protections against discrimination in education and improves civil rights enforcement processes in Maryland schools. By ensuring Maryland education nondiscrimination law covers all students, with a scope which mirrors federal law and robust paths for full enforcement, HB 649 will strengthen accountability and provide more avenues to justice for Maryland's students, especially marginalized populations including women, people of color, and LGBTQIA+ students.

Currently, Maryland's education nondiscrimination statute (Md. Code, Educ. §§ 26-701 to 26-705) is not adequate to fully protect Maryland students' rights to an educational environment free from discrimination because the statute applies only to elementary and secondary school students. The statute does not explicitly protect any students attending college, vocational school, or other higher education programs. Therefore, Maryland students in higher education currently must rely on the

enforcement of federal nondiscrimination laws, either through a federal civil rights complaint process, which is increasingly withdrawing from robust enforcement, or through litigation.

Although the U.S. Department of Education’s Office for Civil Rights (“ED-OCR”) has been tasked with enforcing Title IX and other nondiscrimination laws for over 50 years, the current administration has abandoned the traditional focus on serving vulnerable student populations.¹ Over half of the regional ED-OCR offices have shut down, and the administration has fired all but a few of the civil service workers responsible for investigating discrimination complaints involving federally funded schools.² Throughout 2025, ED-OCR completed *zero* resolution agreements to protect K-12 women and girls from sex harassment and assault in school.³ Instead, ED-OCR has focused its investigatory efforts on ideological priorities, including punishing schools for transgender-inclusive policies. This has left LGBTQIA+ youth—a group that faces disproportionate school-based harassment—without recourse.⁴ In short, the nearly 300 Maryland students and families with pending discrimination complaints before ED-OCR⁵ are unlikely to receive timely and fair resolutions, and Maryland students who experience discrimination going forward may continue to have few realistic options to vindicate their rights if HB 649 is not enacted.

HB 649 creates important protections and enforcement mechanisms. It would authorize the Maryland Commission on Civil Rights, an independent state agency, to investigate and resolve complaints of discrimination relating to Maryland pre-K-12 schools and higher education institutions. Additionally, HB 649 would allow students and their families to seek remedies for education discrimination in Maryland state courts—a pathway that is critical for student survivors of sexual assault and LGBTQIA+ students who may face greater hurdles in obtaining justice on federal civil rights claims.

¹ See Jennifer Richards, “A Gutted Education Department’s New Agenda,” ProPublica, May 2, 2025, available at <https://www.propublica.org/article/education-department-civil-rights-donald-trump-discrimination>.

² *Id.*

³ Naaz Modan, “Trump’s OCR resolved no K-12 sexual harassment, assault complaints in 2025, data shows,” K-12 Dive, Feb. 10, 2026, available at <https://www.k12dive.com/news/trumps-ocr-resolved-nok-12-sexual-harassment-assault-complaints-in-2025/811763>.

⁴ Rachel Perera, *How the US Dept. of Education has turned civil rights enforcement into a discriminatory tool*, Brookings Inst., Feb. 20, 2026, available at <https://www.brookings.edu/articles/how-the-usdepartment-of-education-has-turned-civil-rights-enforcement-into-a-discriminatory-tool>; The Trevor Project, 2024 U.S. National Survey on the Mental Health of LGBTQ+ Young People, available at <https://www.thetrevorproject.org/survey-2024/> (finding 49% of LGBTQ+ young people ages 13-17 experienced bullying in the past year).

⁵ U.S. Dept. of Education, OCR Complaint Assessment System, Pending Cases Currently Under Investigation in Elementary-Secondary and Post-Secondary Schools, updated Jan. 14, 2025, available at <https://ocrcas.ed.gov/open-investigations>.

Every student deserves to learn in a school environment that is free from violence, harassment, and discrimination. As advocates for gender justice, NWLCAF believes Maryland can continue to lead the way in fostering safe and inclusive schools by expanding and enforcing protections for students facing sex-based discrimination—including survivors of sexual assault and LGBTQIA+ students. Not only is advancing HB 649 the right thing to do, but all students will learn better if Maryland ensures school environments are free from sex-based harassment and discrimination.

For these reasons, the National Women’s Law Center Action Fund respectfully urges the Committee to issue a favorable report and advance HB 649. Please contact Brian Dittmeier, NWLCAF’s Director for LGBTQI+ Equality at bdittmeier@nwlc.org with any questions.