

HB 649: Advancing Equal Educational Opportunities for All Students in Maryland:
Please vote to **OPPOSE** this bill.

Dear Education, Energy & the Environment Committee:

I am writing to respectfully **oppose HB 649**, concerning *Advancing Equal Educational Opportunities for All Students in Maryland*.

HB 649 will strip private schools of their rights to educate their students according to their beliefs, requiring all decisions regarding admission and the curriculum to be enforced by the Maryland "COMMISSION ON CIVIL RIGHTS" and the Maryland State Superintendent of Education.

Several parts of this bill are particularly concerning. "...THIS SUBTITLE: (1) IS AN EXERCISE OF THE POLICE POWER OF THE STATE FOR THE PROTECTION OF THE PEOPLE OF THE STATE; (2) MAKES THE COMMISSION A STATE EDUCATIONAL AUTHORITY UNDER THE FEDERAL FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT..." I disagree with making this Commission a "State Educational Authority under the Federal Family Educational Rights and Privacy Act". Maryland already has several Educational Authorities, including the MSEA (Maryland State Educational Association), the Maryland State Board of Education, the Accountability and Implementation Board, the Maryland Higher Education Commission and the Division of Early Childhood. All of these entities *govern everything having to do with education, including having policies regarding discrimination of all types*. Therefore, activities and actions under this Commission would be duplicitous and unnecessary and a waste of State funds at a time when Maryland is operating under a financial deficit. Maryland doesn't have funds available for this Commission to operate.

Particularly troubling is the language that gives this Commission the right to file a civil action. "... THE COMMISSION MAY ELECT TO BRING A CIVIL ACTION ON THE COMMISSION'S OWN BEHALF...IF THE COMMISSION ELECTS TO BRING A CIVIL ACTION ON THE COMMISSION'S OWN BEHALF, THE COMMISSION SHALL GIVE NOTICE OF THE ELECTION TO ALL COMPLAINANTS AND RESPONDENTS...THE FILING OF A CIVIL ACTION UNDER THIS SECTION AUTOMATICALLY TERMINATES ANY PROCEEDING BEFORE THE COMMISSION BASED ON THE UNDERLYING COMPLAINT...IF THE COURT FINDS THAT A DISCRIMINATORY EDUCATIONAL PRACTICE OCCURRED, THE COURT MAY PROVIDE THE FOLLOWING REMEDIES: (1) ENJOINING THE DEFENDANT FROM ENGAGING IN THE DISCRIMINATORY EDUCATIONAL PRACTICE; (2) ORDERING APPROPRIATE AFFIRMATIVE RELIEF; (3) AWARDED COMPENSATORY DAMAGES; (4) ORDERING PUNITIVE DAMAGES, IF: (I) THE DEFENDANT IS NOT A GOVERNMENTAL UNIT OR

POLITICAL SUBDIVISION...ORDERING ANY OTHER EQUITABLE RELIEF THAT THE COURT CONSIDERS APPROPRIATE. ” Maryland already has other Educational Authorities that can and do bring legal action. This is redundant and unnecessary. Also, if a civil action is filed, then no investigation would be done under this Commission, because the civil action “automatically terminates any proceeding before the Commission”. The Commission becomes irrelevant after any legal action is filed. Also, this bill effectively orders a court to “provide affirmative relief, award compensatory damages, (and) order punitive damages...if the defendant is not a governmental unit or political subdivision...” So, only if the defendant is an individual or non-governmental business. Why would we not punish governmental units equally under the law? Regardless of that, this Commission does not have the power to order a court to provide any remedies whatsoever. The Commission does not have the legal right to dictate to the court how a defendant should be punished.

For these reasons, I respectfully urge you to **oppose HB 649** and promote educational excellence and opportunity while preserving local decision-making, fiscal responsibility, and instructional flexibility.

Thank you for your time and thoughtful consideration.

Respectfully,

Trudy Tibbals