



Association of Independent  
Maryland & DC Schools

Hon. Brian Feldman  
Chair  
Senate, Education, Energy, and the Environment Committee

Bill: House Bill 649 - Advancing Equal Educational Opportunities for All Students in Maryland  
Position: Opposed

Chair Feldman, Vice-Chair Kagan, and Members of the Committee,

Thank you for the opportunity to testify on behalf of the Association of Independent Maryland and DC Schools (AIMS), which represents more than 120 independent schools educating over 53,000 students across Maryland and the District of Columbia. Our member schools take their legal and ethical obligations under Maryland's anti-discrimination laws with the utmost seriousness. Every AIMS school is committed to fostering inclusive learning communities that respect the dignity of every student.

That is precisely why we are concerned about **HB 649**. The bill would largely duplicate robust nondiscrimination protections already in place under Maryland law and regulation, while imposing significant new administrative, legal, and financial burdens that would otherwise go toward supporting students, teachers, and educational programs.

#### **Maryland's existing anti-discrimination framework is already comprehensive.**

Under **Education Article §26-701 et seq. and §26-704**, Maryland law already prohibits discrimination in county boards, public prekindergarten programs, public primary and secondary schools, and **nonpublic prekindergarten programs and nonpublic primary or secondary schools that receive State funds**, on the basis of race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability. Regulations implementing these sections include a full suite of enforcement procedures, such as complaint, mediation, appeal, and corrective action processes, administered by the State Superintendent of Schools.

Further, under **COMAR 13A.09.09.04**, all approved nonpublic schools, regardless of whether they receive State funds, must comply with all applicable statutory and regulatory requirements, including nondiscrimination requirements, as a condition of maintaining their certificate of approval. The legal authority must certify that the school does not practice discrimination as specified in State law, and schools found to be out of compliance are subject to corrective procedures and sanctions, which, if violations are not remedied, may ultimately include suspension or revocation of their certificate of approval (decertification). In short, Maryland already has a complete, enforceable system for addressing and preventing discrimination in education.

#### **The bill invites duplicative and costly compliance processes**

By extending **concurrent jurisdiction** to the Maryland Commission on Civil Rights (MCCR), **HB 649** would create overlapping enforcement between the Commission and the State Superintendent of Schools. This means that a single complaint could be processed by multiple state agencies, generating duplicative paperwork, timelines, and compliance obligations for both public and nonpublic schools.



The bill's allowance for cross-notification and referrals between the State Superintendent and MCCR increases the risk that schools would have to defend the same allegation in multiple forums. Moreover, the creation of a new **private civil cause of action** in circuit court for "discriminatory educational practices" adds yet another enforcement venue and invites litigation over disputes that are already subject to established administrative resolution processes.

This new private civil cause of action would turn every school discipline or accommodation dispute into potential full-blown litigation, even when existing administrative channels are already in place to resolve it. It effectively invites plaintiffs' lawyers to bypass those processes, dragging schools into expensive, time-consuming lawsuits over matters that could have been handled more efficiently and fairly through established procedures.

**The State, and taxpayers, will bear the overwhelming share of new costs**

Similar to legislation this body has passed in recent years, **the State itself will be most affected under HB 649** because public institutions serve the vast majority of Maryland students and will face exponentially greater exposure to complaints, defense costs, and settlements. While this is not our constituency, these issues affect every Maryland resident, and we would feel remiss not to mention how impactful they may be.

The numbers make this unmistakably clear:

Sector	Students Served	Share of Total
Maryland Public PreK-12	~858,000 (FY 2025)	94%
Maryland Public Colleges & Universities	~178,000 (Fall 2025)	—
All Maryland Nonpublic PreK-12	~137,000 (FY 2025)	6%
AIMS Independent Schools	~53,000	~5%

Public school systems serve **more than 16 times** the number of students than all nonpublic schools combined. When HB 649's new private right of action and concurrent MCCR jurisdiction generate increased complaint volume, legal exposure, and administrative burden, the State, and by extension, Maryland taxpayers, will absorb the overwhelming majority of those costs through increased defense expenditures, settlement payments, and staff time diverted from educational priorities.

**Fiscal and operational impacts will reach every corner of the education system**

The Department of Legislative Services' own fiscal and policy analysis acknowledges that **HB 649** will increase exposure to litigation risk and drive up pre-litigation demands, defense costs, and settlements without altering the underlying nondiscrimination standards. For independent schools operating under



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COMAR approval, this means higher costs of compliance and insurance. For public school systems, already under considerable fiscal pressure and serving the vast majority of Maryland's students, the bill could substantially increase complaint volume, legal exposure, and administrative burden.

Given the seriousness with which our schools already uphold the principles of equity and inclusion, **HB 649** represents a costly and unnecessary duplication of existing state protections. We respectfully urge careful reconsideration of this bill in light of its unintended fiscal and operational consequences for Maryland's entire education sector.

Thank you for your consideration and for your continuing support of Maryland's schools and students.

Peter Baily  
Executive Director  
AIMS MD&DC