

Senate Education, Energy, and the Environment Committee
House Bill 649 – Advancing Equal Educational Opportunities for All Students in Maryland

April 1, 2026

POSITION: Favorable with Amendments

Disability Rights Maryland (DRM), a non-profit legal advocacy organization, is the federally-mandated Protection and Advocacy agency for the State of Maryland, charged with defending and advancing the rights of persons with disabilities. We have been serving children, youth, and adults with disabilities in our state for over 40 years. DRM is a leader in Maryland’s educational advocacy community, working on issues such as school discipline, special education, restraint and seclusion, and disability discrimination.

DRM supports HB 649 with favorable amendments. HB 649 strengthens civil rights protections for Maryland’s students and fills a critical gap in civil rights enforcement at a crucial time. By authorizing the Maryland Commission on Civil Rights, an independent agency, to investigate and resolve discrimination complaints against both K-12 and higher education institutions, the bill brings higher education students under the protections of state law and creates an accessible and independent avenue for all of Maryland’s students to demand equal access to education regardless of race, color, ethnicity, disability, national origin, ancestry, religion, sex, sexual orientation, gender identity, pregnancy, age, or marital status.

Building a strong and resilient civil rights infrastructure in Maryland that mirrors federal anti-discrimination protections is vital now more than ever, as the shifting legal landscape around civil rights, re-interpretation of some federal civil rights statutes and regulations, and decline in federal enforcement mechanisms pose serious barriers for students. Students are hampered in their ability to file successful discrimination complaints with the U.S. Department of Education (ED)’s Office for Civil Rights given severe budget and staffing cuts, and frozen resources and data collection. With the dismantling of the ED’s Office for Civil Rights and reduced civil rights enforcement, students and families need to look to their own states for protection. DRM particularly appreciates HB649 because it will allow students with disabilities who are subjected to discrimination by a school or education agency to file a complaint with MCCR or in state court; by allowing this recourse, HB649 fills the gap left by the decimated federal anti-discrimination framework that had been in place for so many years.

DRM does suggest two amendments for the purpose of clarity:

1. Delete/Strike 20-7A-03(A)(3) on p. 5 of the bill:

(A) This subtitle does not apply to:

~~(3) WITH RESPECT TO DISCRIMINATION ON THE BASIS OF A DISABILITY, A NONPUBLIC EDUCATIONAL INSTITUTION THAT IS IN COMPLIANCE WITH § 504 OF THE FEDERAL REHABILITATION ACT OF 1973 OR THE FEDERAL AMERICANS WITH DISABILITIES ACT, AS APPLICABLE.~~

Rationale: This exclusionary language exempting nonpublic institutions in compliance with Section 504 and the Americans with Disabilities Act does not make sense because a determination of compliance could not occur until after a complaint is filed and investigated by MCCR. Nonpublic educational institutions should not be exempt from civil rights enforcement of disability laws. Many students with disabilities in Maryland attend nonpublic institutions, and these students deserve to be protected from discrimination no less than students in other Maryland schools.

2. Delete/Strike 26-702(3) on p. 10 of the bill:

This subtitle does not apply to:

~~(3) With respect to discrimination on the basis of disability, a nonpublic prekindergarten program or nonpublic school that is in compliance with § 504 of the federal Rehabilitation Act of 1973 or the federal Americans with Disabilities Act, as applicable.~~

Rationale: Same as above.

DRM believes these amendments will make this strong bill even stronger. Maryland has a unique opportunity to be a leader in building its state civil rights infrastructure for students, and we urge a favorable report with the suggested amendments.

For more information, please contact Megan Berger at Disability Rights Maryland:
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