

April 1, 2026

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

Re: In support of House Bill 649, Advancing Equal Educational Opportunities for All Students in Maryland, with amendments (Position: FWA)

Dear Chair Brian J. Feldman, Vice Chair Cheryl C. Kagan, and the esteemed members of the Committee,

The National Center for Youth Law (NCYL) and the undersigned members of the Education Civil Rights Alliance write to express the urgent need for the Education, Energy, and the Environment Committee (Committee) to issue a favorable report with amendments on the Advancing Equal Educational Opportunities for All Students in Maryland bill (HB 649). Just in this past year, the federal government has abdicated its duties to faithfully oversee and enforce students' civil rights in an effort to dismantle public education. It has pursued this goal aggressively by attempting to eliminate the U.S. Department of Education (ED) through interagency agreements, severe budget and staffing cuts, and frozen resources and data collection. With the abandonment of civil rights enforcement in ED and across different federal agencies, students and families are increasingly looking to state governments for protection from unlawful discrimination.

The Education Civil Rights Alliance (ECRA), convened by NCYL, is dedicated to protecting the civil rights of historically and presently marginalized students by providing resources to students, parents, educators, school districts, and advocates on creating safe, inclusive, and affirming schools. Central to the ECRA's mission is raising public awareness of inequities in the opportunity to learn, their root causes, and effective remedies to the unjust challenges students face. We, ECRA members, strongly urge the Maryland General Assembly to pass HB 649, as the rapid erosion of federal civil rights enforcement threatens to exacerbate already deeply rooted systemic discrimination in education and leave the most underserved children at highest risk.

The severe cuts to ED create a need for all states, including Maryland, to act now to protect their students. In March 2025, ED terminated its staff en masse, laying off 299 out of 575 staff members within its Office for Civil Rights (OCR) and closing seven of OCR's 12 regional

offices. This reduction-in-force (RIF) has major consequences for students in Maryland, as the Metro DC regional OCR office that once only investigated claims from D.C., Maryland, Virginia, and the Carolinas, now has a doubled caseload that includes claims from students also in the Northeast and New England regions.¹

Under this new configuration, OCR is unable to meaningfully enforce students' civil rights. OCR was largely under-resourced even before the second Trump administration. In its 2025 budget request, OCR noted that, without staffing *increases*, investigators would likely take on what it described even then as an “unmanageable” 71 cases each.² A current OCR attorney whom NCYL recently spoke to reported that investigators who remained on staff after the RIFs initially inherited about 1,000 cases from the closed regional offices, up from what she described as an already untenable 75 cases. This attorney shares that, today, most investigators are on track to inherit about 400 cases each.

As NCYL discovered from its federal lawsuit challenging the RIFs, families with pending complaints have been left in the dark as requests for information or status updates about their cases have not been answered.³ In many cases, OCR barred its employees from communicating with students, families, and schools, meaning that all scheduled meetings and mediations were canceled. Initial reporting on outcomes from 2025 and early 2026 also shows OCR's lack of capacity to effectively respond to complaints. From March through September 2025, OCR received 9,269 complaints and resolved over 7,000 of them, 90% of which through complaint dismissals rather than full and thorough investigation.⁴ Sources within ED report a backlog of over 25,000 pending complaints.⁵ Yet, OCR entered resolution agreements in only 177 cases in 2025, the lowest annual tally since 2013 and none of which included resolution agreements for sexual harassment and assault cases in K-12 programs.⁶ In the first six weeks of 2026, OCR secured only nine resolution agreements with schools and universities—a sharp contrast with the 54 resolution agreements that were signed in the first 20 days of 2025, prior to the presidential transition.⁷

Students looking for assistance and relief, particularly for race- and sex-based discrimination, are not likely to receive it from OCR at this time. Despite being charged with ensuring equal access

¹ See U.S. GOV'T ACCOUNTABILITY OFF., GAO-26-108320, DEPARTMENT OF EDUCATION: FULL COSTS AND SAVINGS ESTIMATE NEEDED FOR REDUCTION-IN-FORCE AND RESTRUCTURING OF THE OFFICE FOR CIVIL RIGHTS REPORT 4 (2026), <https://www.gao.gov/assets/gao-26-108320.pdf> [hereinafter GAO Report].

² U.S. Dep't of Educ., *Office for Civil Rights Fiscal Year 2025 Budget Request* 16 (2025), <https://www.ed.gov/sites/ed/files/about/overview/budget/budget25/justifications/dd-ocr.pdf>.

³ Complaint at 16-19, *Carter v. U.S. Dep't of Educ.*, No. 1:25-cv-744 (D.D.C. Mar. 14, 2025); see also Press Release, Lawsuit Challenges Department of Education's Abdication of Responsibility in Processing Civil Rights Investigations (Mar. 14, 2025), <https://youthlaw.org/press/2025/03/14/lawsuit-challenges-department-of-educations-abdication-of-responsibility-in-processing-civil-rights-investigations/>.

⁴ See GAO Report, *supra* note 1, at 8-9.

⁵ Cory Turner, *Education Department recalls fired attorneys amid civil rights complaint backlog*, NPR (Dec. 10, 2025), <https://www.npr.org/2025/12/10/nx-s1-5637464/education-department-layoffs-civil-rights>.

⁶ Naaz Modan, *Trump's OCR resolved no K-12 sexual harassment, assault complaints in 2025, data shows*, K-12 Dive (Feb. 10, 2026), <https://www.k12dive.com/news/trumps-ocr-resolved-no-k-12-sexual-harassment-assault-complaints-in-2025/811763/>.

⁷ Katy Joseph, LinkedIn, *Today we got a clearer picture of ED OCR under Trump. Here's what we know...* (Feb. 18, 2026), <https://www.linkedin.com/feed/update/urn:li:activity:7429646253497520128/>.

to education for all students, OCR currently flouts its mandate by cherry-picking cases that achieve political ends, such as investigating schools under Title IX for implementing trans-inclusive policies⁸ or investigating schools under Title VI for initiatives that promote racial equity⁹ or remove racist tropes in the form of school mascots.¹⁰ Litigation over the March 2025 RIF and a subsequent October 2025 RIF has led to a confusing line of court decisions pausing and unpausing the OCR staff terminations, allowing OCR to further obfuscate the true number of staff currently working.¹¹ As noted, even if some OCR staff have returned to work, they are carrying caseloads that appear to make it impossible to follow up with every complainant, much less conduct an investigation.

Even if a subsequent federal administration recommits to its obligation to protect students from discrimination, it will take years to begin restaffing, retraining, and generally restoring the ability to investigate and enforce students' basic civil rights protections at the federal level. Students cannot afford to wait years while OCR rebuilds or courts review each deliberate action taken by the Trump administration to dismantle civil rights enforcement. Black and brown students, students with disabilities, immigrant students and families, English learning students, and LGBTQIA+ students—including those in Maryland—are most likely to suffer the harms of this administration's actions. The implementation of state laws like HB 649 is critical right now to fill the gap left by the federal government and to avoid a return to the patchwork of unequal protections that federal law was meant to remedy.¹²

Maryland is now faced with a momentous opportunity to strengthen its state-level infrastructure for enforcing students' civil rights, and it is not alone in this moment. Several states have already or are now answering a similar call to step in to protect students now. Massachusetts enacted the Protect Education Equity law in August 2025, which codified immigration or citizenship status and disability as protected classes and affirmed these students' right to an education for the first

⁸ Collin Binkley, *The Education Department is opening fewer sexual violence investigations as Trump dismantles it*, AP News (Jan. 16, 2026), <https://apnews.com/article/trump-education-department-sex-assault-investigations-c01ffc379de6ca543043c1a17955bb47>.

⁹ See, e.g., Press Release, U.S. Department of Education's Office for Civil Rights Initiates Title VI Investigation into Portland Public Schools (Feb. 17, 2026), <https://www.ed.gov/about/news/press-release/us-department-of-educations-office-civil-rights-initiates-title-vi-investigation-portland-public-schools>; Press Release, U.S. Department of Education's Office for Civil Rights Launches Title VI Investigation into Chicago Public Schools (Apr. 29, 2025) <https://www.ed.gov/about/news/press-release/us-department-of-educations-office-civil-rights-launches-title-vi-investigation-chicago-public-schools>.

¹⁰ See Press Release, U.S. Department of Education Finds Connetquot Central School District Violated Title VI by Complying with Native American Mascot Ban (Jan. 22, 2026), <https://www.ed.gov/about/news/press-release/us-department-of-education-finds-connetquot-central-school-district-violated-title-vi-complying-native-american-mascot-ban>; Press Release, U.S. Department of Education Refers Massapequa Mascot Case to the U.S. Department of Justice (Jun. 17, 2025), <https://www.ed.gov/about/news/press-release/us-department-of-education-refers-massapequa-mascot-case-us-department-of-justice>.

¹¹ See GAO Report, *supra* note 1, at 4-6 (“Education rescinded the RIF actions for OCR staff in early January 2026, and reinstated staff to their positions of record. It did not provide information on the number of OCR staff who ultimately returned to work when the RIFs were rescinded.”).

¹² See Catherine E. Lhamon & Katy Joseph, *State-Based Civil Rights Enforcement to Fill the Federal Vacuum*, The States Forum, <https://www.statesforum.org/january-book/civil-rights/> (last visited Feb. 20, 2026).

time in the state.¹³ In Minnesota, the legislature is currently considering a bill that would codify protections for all students regardless of immigration status and create a civil cause of action for discrimination based on immigration status in education.¹⁴ In recent weeks, NCYL has connected with several state-based ECRA members who are working on bills similar to HB 649, which would create an updated and enhanced infrastructure for state enforcement of students' civil rights. Based on these conversations, we know these efforts are taking place in Colorado, Illinois, Pennsylvania, California, and Connecticut. The Georgia state legislature established a bipartisan Senate Civil Rights Protections Study Committee tasked with conducting a comprehensive review of the state's existing nondiscrimination laws and identifying gaps in protections.¹⁵

In its consideration of HB 649, we hope the Maryland Senate will allow the bill to retain the state's powers to enforce students' civil rights broadly. States wield critical powers that allow them to hold their constituents accountable without the same enforcement restrictions placed upon the federal government, and they should exercise these powers in this moment. The federal government may only investigate and enforce students' civil rights in education programs that receive federal funding, meaning many private educational institutions are not subject to federal anti-discrimination principles. This level of discretion afforded some private schools can lead to some of the worst examples of unchecked discrimination in education. For example, some private schools deny admission to students with disabilities who require individualized education programs or other accommodations for their learning¹⁶ or to LGBTQIA+ students based on their sexual orientation or gender identity, particularly at religious institutions.¹⁷

A student's right to attend school in a safe, affirming environment free from discrimination should not be predicated on whether their school receives state funds. Fortunately, states can and should do more to ensure their anti-discrimination laws cover all educational institutions. Across the country, we are seeing states finding new ways to protect their students, including states that already have protections for students at all schools, regardless of the source of funding, such as New Jersey, Minnesota, New York, Colorado, Illinois, and Connecticut.¹⁸ HB 649 also has the opportunity to protect all of Maryland's students, regardless of whether they attend public or

¹³ MASS. GEN. LAWS ch. 14 § 31 (2025), <https://malegislature.gov/Laws/SessionLaws/Acts/2025/Chapter14>; *see also Protect Education Equity Bill Officially the Law in Massachusetts*, MASSACHUSETTS ADVOCATES FOR CHILDREN (Aug. 6, 2025), <https://www.massadvocates.org/news/protect-education>.

¹⁴ HF 3409, 94th Leg., Reg. Sess. (Minn. 2026), available at: https://links-1.govdelivery.com/CL0/https://www.revisor.mn.gov/bills/2026/02F002FHF/2F3409/2F%3Fbody=House/1/0100019c58b786d4-9ecc7334-06f8-4b16-84c7-862985157938-000000/I5WsENNinX48AD31WKklh_BY-ZRk11B3ggXXa6QqnTw=444.

¹⁵ S.R. 444, 158th Gen. Assemb., Reg. Sess. (Ga. 2026) (enacted), available at: <https://www.legis.ga.gov/api/legislation/document/20252026/236883>.

¹⁶ *See* Neelam Bohra, *Inaccessible private schools or underfunded public schools: Texas' disabled students have few options with no change in sight*, The Texas Tribune (Oct. 23, 2023), <https://www.texastribune.org/2023/10/26/texas-school-vouchers-disabled-students/>.

¹⁷ *See* Ann Schimke, *Inside Colorado's high-stakes preschool lawsuit pitting religious liberty against LGBTQ rights*, Chalkbeat Colorado (Sept. 19, 2024), <https://www.chalkbeat.org/colorado/2024/09/19/catholic-preschool-lawsuit-appeal-lgbtq-non-discrimination-rules/>.

¹⁸ N.J. STAT. ANN. §§ 10:5-1–10:5-49 (West, Westlaw through L.2025, c. 176 and J.R. No. 12); MINN. STAT. ANN. § 363A.03, Subd. 14 (West, Westlaw through 2025 Reg. & 1st Special Sess.); N.Y. EXEC. LAW § 292 (40) (McKinney, Westlaw through L.2026, ch. 2); COLO. REV. STAT. ANN. § 24-34-301 et seq. (West, Westlaw through 2025 Sess.); 775 ILL. COMP. STAT. 5/5-101(11) (West, Westlaw through P.A. 104-459 of the 2025 Reg. Sess.); CONN. GEN. STAT. ANN. § 46a-63(1) (West, Westlaw through 2025 Reg. Sess. & 2025 Nov. Special Sess.).

private institutions, by not requiring institutions to receive state funds in order for its anti-discrimination provisions to apply.

Moreover, a student’s right to attend school free from discrimination should not be forfeited because they are in a postsecondary program. Maryland’s current education anti-discrimination law provides protection only for students in pre-K through grade 12 and is enforced by the Maryland State Department of Education.¹⁹ This gap in Maryland law forces students in institutions of higher education to seek recourse with a backlogged and effectively defunct OCR. HB 649 represents a meaningful step toward closing this gap and ensuring students of all levels can access timely remedies for discrimination in schools, regardless of whether they are in pre-K or a PhD program. States like California, New York, New Jersey, and Minnesota²⁰ already include all educational institutions, including K-12 programs and colleges and universities, in their education civil rights protections.

Finally, we urge the Committee to amend HB 649 to remove the restriction on bringing a civil action until 30 days after the Commission on Civil Rights adopts initial regulations. Some students and families are in urgent need of access to remedies for discrimination that only a court can offer. For example, a student with disabilities being denied assistive technology needed to communicate in class cannot wait for the unidentified amount of time it might take the Commission to issue regulations or for the next presidential administration to reshape OCR. Each day without the assistive technology constitutes a denial of that student’s right to equal educational opportunity. Moreover, although the private right of action against the state education agency is new under Maryland law, providing the right immediately should function no differently than students’ rights to sue the state education agency at any time for federal education civil rights claims. Other states, including Alaska, California, Maine, and Virginia,²¹ offer this private right of action for enforcement of education civil rights claims.

Across the country, states are stepping up to protect their students and the promise of equal educational opportunities that form the foundation of our democracy. We are excited to see Maryland recognize that strong civil rights infrastructure protects everyone. We commend the Education, Energy, and the Environment Committee for its consideration of HB 649 and respectfully urge the Committee to issue the bill a favorable report with amendments. With this legislation, Maryland can use its power to fill the gap left by the federal government and build the protections its students deserve.

¹⁹ MD. CODE ANN., EDUC. §§ 26-701–26-705 (West, Westlaw through 2025 Reg. Sess. & 2025 1st Special Sess.).

²⁰ See CAL. EDUC. CODE § 220 (West, Westlaw through Ch. 2 of 2026 Reg. Sess.); N.Y. EXEC. LAW § 296(4) (McKinney, Westlaw through L.2026, chapter 2); N.J. STAT. ANN. § 10:5-12(1); MINN. STAT. ANN. § 363A.13 (West, Westlaw through 2025 Reg. & 1st Special Sess.).

²¹ See ALASKA STAT. ANN. § 14.18.100 (West, Westlaw through 2025 First Reg. Sess., ch. 25 & 1st Special Sess., ch. 1); CAL. EDUC. CODE §§ 262.3 & 262.4 (West, Westlaw through Ch. 2 of 2026 Reg. Sess.); ME. STAT. ANN. tit. 5, § 4601 (Westlaw through 2025 2nd Reg. Sess., emergency Ch. 522); VA. CODE ANN. § 2.2-3907 (West, Westlaw through 2025 Reg. & Reconvened Sess.); see also *Donovan v. Poway Unified Sch. Dist.*, 84 Cal. Rptr. 3d 285, 303 (Cal. Ct. App. 2008) (holding that “money damages [are] available in a private enforcement action under [Cal. Educ. Code] section 262.3.).

Thank you,

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State Wide Education Organization Committee
Stop Sexual Assault in Schools
The Advocacy Institute
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