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House Bill 649:
Advancing Equal Educational Opportunities for All Students in Maryland
Hearing before the Senate Education, Energy, and the Environment Committee
April 1, 2026

Position: FAVORABLE WITH AMENDMENTS

The Public Justice Center (PJC) is a not-for-profit civil rights and anti-poverty law firm that advances social justice, economic and racial equity, and human rights in Maryland. The PJC provides free legal education and representation to clients with low-income, collaborates with community and advocacy organizations, and advocates before legislatures and government agencies. The PJC's Education Stability Project protects Maryland children's fundamental right to public education through legal representation and advocacy that challenges exclusionary discipline and other practices that disproportionately harm marginalized students.

The PJC strongly supports House Bill 649 with amendments because Maryland students urgently need effective anti-discrimination legal protections. Maryland's current education anti-discrimination law does not adequately protect Maryland students, and we can no longer rely on federal civil rights enforcement as a backstop. HB 649 strengthens state-level anti-discrimination protections and expands enforcement options to ensure that all Maryland students have equal education opportunities regardless of race, color, national origin, ethnicity, ancestry, religion, sex, pregnancy, sexual orientation, gender identity, disability, age, or marital status. This is critical at a time when federal civil rights enforcement has been decimated due to staffing cuts and policy changes at the U.S. Department of Education.

Longstanding federal civil rights protections are unavailable to Maryland students due to lack of enforcement. Federal civil rights laws that have protected Maryland students against discrimination for decades are unavailable to Maryland students as a practical matter because the U.S. Department of Education Office of Civil Rights (ED OCR) has effectively abdicated its obligation to enforce these laws. The majority of ED OCR staff have been terminated or placed on leave, and 7 of 12 field offices have been closed, with caseloads from the closed offices reassigned to the remaining five field offices.¹ In addition, OCR is dismissing or not processing most

¹ See U.S. Gov't Accountability Office, 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" (2026), <https://www.gao.gov/assets/gao-26-108320.pdf>.

complaints. As a result, numerous states without existing statutes comparable to federal law have put forward bills much like HB 649.²

Current state law does not adequately protect Maryland students from discrimination. Maryland's current law (Md. Code, Education §§ 26-701 to 26-705) is significantly limited in comparison to federal civil rights laws prohibiting discrimination in education. For instance, it covers only elementary and secondary students and does not protect post-secondary students. In addition, it prohibits only intentional discrimination and does not apply to policies or practices that have an unjustifiable discriminatory effect on protected students. It also affords students only 60 days to file a complaint and can only be enforced by the Maryland State Department of Education.

HB 649 strengthens Maryland's education anti-discrimination law and expands enforcement options. HB 649 creates a new state education anti-discrimination law to ensure that all Maryland students have meaningful protection. HB 649 authorizes the Maryland Commission on Civil Rights, an independent agency, to investigate and resolve complaints alleging discrimination by public and private elementary, secondary, and post-secondary schools. HB 649 mirrors federal civil rights law by extending protection to higher education students and by prohibiting practices that have a discriminatory effect on protected student groups. Under this legislation, MSDE and MCCR share concurrent jurisdiction over preK-12 complaints, while MCCR would have jurisdiction over higher education complaints. Students would have six months to submit a complaint, rather than 60 days. HB 649 also establishes a private right of action enabling students and families to bring a civil action in court to address discrimination, which is a critical element of the legislation's enforcement framework. The private right of action will deter discrimination and provide recourse for students who are unable to resolve their complaint through the administrative process. It is vital that individuals are empowered to enforce their own rights.

Maryland must be the first line of defense for our students regardless of the federal landscape. Federal civil rights enforcement has been significantly weakened and should be restored but rebuilding that infrastructure will take years—time that Maryland students do not have. Regardless, federal rights should never be the only option or the ceiling for Maryland students. HB 649 is a critical state-level solution to protect students from discrimination and provides the immediate legal recourse that the federal government is currently unable to offer. HB 649 ensures that Maryland students will have effective avenues to address discrimination in school regardless of who is in the White House. This will give much needed consistency in civil rights enforcement so that political fluctuations over the coming decades do not leave students unprotected.

The Maryland Commission on Civil Rights is well-positioned to protect Maryland students. We commend the Maryland Commission on Civil Rights (MCCR) for taking the initiative to strengthen state-level legal protections and enforcement infrastructure, in collaboration with the Maryland State Department of Education. MCCR has a 99-year history of addressing discrimination and today handles discrimination complaints regarding housing, employment, health care, public accommodations, state contracts, and commercial leasing. HB 649 would add education discrimination at a time when students and families can no longer rely on the federal government to investigate education discrimination complaints. In the FY2026 budget, MCCR was allocated 12 additional staff – eight of which have been assigned to address case backlog and handle projected

² New Jersey Law Against Discrimination, Stat. Ann. §§ 10:5-1 to 10:5-49; Minnesota Human Rights Act, Minn. Stat. § 363A.03, Subd. 14; New York State Human Rights Law, NY Exec L§ 292 (40) (2025); Colorado Anti-Discrimination Act (CADA), C.R.S. § 24-34-301 et seq; Illinois Human Rights Act, 775 ILCS 5/5-101(11); Connecticut Human Rights and Opportunities Act, C.G.S. § 46a-63(1).

increases in caseloads. MCCR plans to fill all staff positions with the core responsibility of investigating complaints alleging unlawful discrimination by mid-April, 2026. Thirty-four of MCCR's 53 positions are dedicated to the investigation of complaints alleging unlawful discrimination. The Maryland State Department of Education, Maryland State Board of Education, and Maryland Higher Education Commission support this bill and will be crucial partners in its implementation. It is time for Maryland policymakers to lead by ensuring that all students in Maryland have equal access to educational opportunities free from discrimination.

The PJC urges the adoption of amendments that would further strengthen HB 649. First, we urge the Committee to amend HB 649 to remove the restriction on bringing a civil action until 30 days after MCCR adopts initial regulations. Some students and families urgently need court-ordered relief for discrimination because other options are insufficient, and there is no reason to delay this option beyond the effective date of the legislation. In addition, we strongly support proposed amendments set forth in detail in Disability Rights Maryland's written testimony on HB 649, which are critical to ensure that the legislation protects the rights of students with disabilities as intended. We also support the sponsor amendments put forward by the Maryland Commission on Civil Rights.

For these reasons, the PJC respectfully urges the Committee to issue a favorable with amendments report on House Bill 649.