

House Bill 649 – Advancing Equal Educational Opportunities for All Students in Maryland

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Position: Favorable with Amendments

House Bill 649 states a clear and necessary intent: to advance equal educational opportunities and strengthen enforcement against discrimination in Maryland’s educational systems. This is not only appropriate—it is overdue.

As a Maryland parent, advocate, and systems-level professional with over 15 years of experience in quality improvement and compliance, I support the expansion of protections and enforcement authority. However, in its current form, this bill expands process without correcting the underlying enforcement failures that continue to deny students meaningful access to education.

If the intent of this bill is to fix a broken system, then the legislation must move beyond creating additional pathways and instead ensure **accountability, alignment, and measurable outcomes**.

Key Concerns and Required Amendments

1. Parallel Enforcement Without System Alignment

HB649 introduces concurrent jurisdiction between the Maryland Commission on Civil Rights and the State Superintendent. While expanded enforcement is necessary, the bill does not clearly define roles, coordination protocols, or escalation pathways between agencies.

Without this structure, the bill risks creating fragmentation rather than accountability—resulting in duplicative processes, delayed resolution, and confusion for families already navigating complex systems.

If the intent of this legislation is to strengthen enforcement, then clarity in authority and process is essential to ensure it functions as designed.

Amendment Needed:

Establish a clear enforcement framework that includes:

- Defined roles and decision-making authority between agencies
- Required coordination and information-sharing protocols
- Timelines for referral, escalation, and resolution

This alignment is necessary to prevent procedural delays and ensure families experience a system that is responsive, not fragmented.

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2. Mediation-First Model Delays Relief

The bill requires mediation prior to formal findings, allowing up to 60 days before a decision is issued. Families currently experience harm in real time—particularly students with disabilities whose services are being denied.

Amendment Needed:

Require expedited review and immediate determination pathways where there is alleged denial of access to education, disability-related discrimination, or ongoing harm.

3. Lack of Alignment with IDEA and FAPE Enforcement

While the bill includes “disability” as a protected class, it does not align with federal requirements under the Individuals with Disabilities Education Act (IDEA), including the right to a Free Appropriate Public Education (FAPE).

Amendment Needed:

Require that any finding of discrimination involving a student with a disability must trigger:

- Review of FAPE delivery
- Corrective IEP action
- Compensatory education determinations
- Verification of service implementation

4. No Implementation or Outcome Accountability

The bill allows for findings and remedies but does not require verification that corrective actions are actually implemented or effective.

Amendment Needed:

Mandate:

- Implementation monitoring
- Outcome-based reporting
- Verification of corrective actions prior to case closure

Without this, Maryland will continue to produce findings without change.

5. Limited Deterrence Against Public School Systems

While the bill allows civil action, it restricts punitive damages against governmental entities. Additionally, funding withholding remains discretionary.

Amendment Needed:

Establish **mandatory enforcement triggers**, including:

- Required corrective action timelines

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- Public reporting of violations
- Escalation mechanisms for repeat noncompliance

6. Restrictive Filing Timeline

The 6-month complaint window is insufficient given the complexity of educational discrimination and delayed recognition of harm.

Amendment Needed:

Extend the filing timeline or allow for **continuing violation recognition**, particularly for students experiencing ongoing denial of services.

HB649 is a critical step toward strengthening civil rights protections in education. However, without these amendments, it risks reinforcing the very system it seeks to reform—one where compliance is documented, but outcomes do not improve.

Maryland families do not need additional pathways.

They need **enforcement that results in access, services, and educational benefit**.

I respectfully urge a favorable report with amendments to ensure this bill fulfills its stated intent and delivers meaningful, measurable change for students across the state.

Respectfully submitted,

Alicia Renee

Maryland Constituent & Special Education Advocate