



**April 1, 2026**

**HB 649**

**Advancing Equal Educational Opportunities for All Students in Maryland**

**Senate Education, Energy & the Environment Committee**

**Position: UNFAVORABLE**

The Maryland Catholic Conference offers this testimony in opposition to House Bill 649. The Catholic Conference is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals and numerous charities combine to form our state's second largest social service provider network, behind only our state government. The Maryland Catholic Conference also offers this testimony on behalf of the families of approximately 50,000 students served by more than 150 PreK-12 Catholic schools in Maryland.

In 2022, our nonpublic school communities came to the table in good faith to pass sweeping education nondiscrimination legislation (HB 850 of 2022) after years of opposing unconstitutional bills akin to the one presently before this committee today. Retreading this legislation is in bad faith and revisits patently unconstitutional provisions, including lawsuits with money damages.

House Bill 649 imposes on *public* schools the last thing that they need right now: more potential financial liability. With local education agencies already strapped for funding to comply with the well-intentioned plans of the Blueprint for Maryland's Future, the legislature should not be passing unnecessary bills opening up the public school systems to lawsuits and money damages. Moreover, the state is already facing billions in liability stemming from abuse lawsuits through legislation passed three years ago.

House Bill 649 imposes on *nonpublic faith-based* schools exactly what it seeks to prevent: discrimination. The vast majority of the 138,000+ Maryland nonpublic school students attend faith-based schools. This bill places unconstitutional burdens on faith-based schools, gives them *very narrow and limited* exemptions and allows for lawsuits to be brought against private schools with *unlimited punitive damages*, all while exempting public schools from the

punitive damage provisions. Regardless, public schools are open to compensatory damage lawsuits which will still burden them immensely.

Moreover, those faith-based nonpublic schools are constitutionally protected, both in state and federal constitutions, from being forced to abandon their sincerely held religious beliefs as required by this bill. Courts have ruled specifically that faith-based schools may not be forced to choose between the tenets of their faith and state benefits, including funding. (See *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 582 U.S. 449 (2017), *Espinoza v. Montana Department of Revenue*, 591 U.S. 464 (2020), *Carson v. Makin*, 596 U.S. 767 (2022), and *Bethel Ministries v. Salmon*, 531 F. Supp. 3d 1016 (2021)). Passing this legislation opens Maryland up to controversial lawsuits against our state were it to pass this draconian legislation.

*We are deeply concerned that HB 649 proposes that religious and faith-based schools would have their decisions judged by a State commission that will not respect or consider the sincerely held religious beliefs of the school or, accordingly, their constitutional rights. **Allowing a commission that is unrelated to educational practices and procedures to literally police faith-based schools regarding broad terms of discrimination, potentially resulting in a cause of action which could result in compensatory or punitive monetary damages, is clearly unconstitutional and an overreach.***

We are further concerned that this legislation will open the door to disaffected parents or students to pursue lengthy legal action against a school or institution out of malice. Even if and when such actions are determined to be baseless, the cost in time, stress, reputation and resources to our schools may be significant and damaging.

This bill is also duplicative, as stringent and effective nondiscrimination protections already placed in state programs for those schools and they are working. Catholic schools have complied with all state and federal nondiscrimination provisions and comply with every requirement already placed upon them through state-funded programs.

Lastly, this bill places requirements on both public and nonpublic schools that force schools into things they cannot possibly comply with. For example, the definition of “disability” is immensely broad, even going so far as including “being regarded” as having a disability without any direction as to who is authorized to “regard”. This class of broad “discrimination” ignores the fact that not all schools, whether public or nonpublic, can accommodate each student. Forcing them to do so *is actually to the student’s detriment if a school was not equipped to accommodate them*. In fact, public schools that cannot accommodate students with particular disabilities often have to place those students with nonpublic providers, something the state spends hundreds of millions of dollars on annually.

For each of the aforementioned reasons, we request this committee to report unfavorably on House Bill 649.