



3/24/2026

Dear Senator,

HB 649 is a bad bill, and its path toward passage is almost certain unless the Senate stops it in the next few days. Marylanders already gave government bureaucracy a clear mandate on this issue in 2022, and nothing in the record shows that mandate has failed.

In 2022, the General Assembly hammered out a detailed nondiscrimination framework for Maryland schools. It was fully debated, negotiated, and implemented, and it now provides families with real protections through a user-friendly process at the MSDE.

HB 649, however, needlessly duplicates that 2022 system, shifts power to the MCCR, and layers on a brand-new private right of action with the prospect of exorbitant money damages. That is bad governance and bad stewardship of public resources because it invites a wave of lawsuits, forum shopping, and conflicting rulings that turn education disputes into knock-down-drag-out litigation—this time with your constituents' schools caught in the crosshairs.

For faith-based schools, the danger is obvious. HB 649 drastically expands enforcement and litigation risk without expanding religious-liberty protections to match, arming an unelected commission and disgruntled plaintiffs with new tools to punish schools for living out their religious convictions on marriage, sexuality, and school conduct, while leaving constitutional protections for faith almost entirely out of the balance.

The Supreme Court has spoken clearly: government cannot dangle generally available public benefit of education in front of religious schools and then yank them back because the school is too religious for the state's taste. In cases such as *Trinity Lutheran Church v. Comer*, *Espinoza v. Montana Department of Revenue*, and *Carson v. Makin*, the Court held that states may not force religious schools to choose between educating citizens and their religious character. Maryland has already run afoul of this principle in *Bethel Ministries, Inc. v. Salmon*, where officials tried to use a benefit program as leverage to punish a Christian school for its beliefs until the federal courts and the U.S. Department of Justice intervened. HB 649 pushes us back in that unconstitutional direction by extending its nondiscrimination regime to every public and nonpublic prekindergarten, elementary, secondary, and postsecondary institution that is in operation in the state!

And make no mistake: once every in-school dispute becomes fodder for circuit-court litigation, the first casualties will be low-income and minority students. Their schools will be shuttered and will lose any opportunity to operate in the state. HB 649 demands a sweeping overhaul—without any showing that the existing system is broken.

*Over, please*

We oppose HB 649 because the Constitution requires even-handed treatment—where every student and institution is protected from genuine discrimination without weaponizing civil-rights law to force religious schools to mute their beliefs or exit the public square altogether. Maryland can and should protect both equal educational opportunity and robust religious liberty; HB 649 does neither.

For these reasons, we respectfully urge you to vote NO on HB 649.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Alexandre".

Jonathan M. Alexandre, Esq.  
Legislative Counsel

A handwritten signature in blue ink, appearing to read "Jeffrey S. Trimbath".

Jeffrey S. Trimbath  
President