

Letter of Support HB0649 2026 3_30_2026.pdf

Uploaded by: Alita-Geri Carter

Position: FAV



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March 30, 2026

Bill Title: Advancing Equal Educational Opportunities for All Students in Maryland

Committee: House Government, Labor, and Elections Committee

Position: FAVORABLE

RE: Statement of Support

Dear Honorable Members House Government, Labor, and Elections Committee, and Members of the Senate Education, Energy, and Environment,

I am Alita-Geri Carter, the owner of Qualequity Access, LLC., a consultancy grounded in data-driven transformation that advocates for quality, equity, access, and accessibility in healthcare and education. I am the mother of two children with disabilities, a former practicing nursing practitioner, special education parent advocate, and public health servant.

I am writing from a public health and educational equity perspective to urge a **favorable report on House Bill 649**. Education is a fundamental **social determinant of health (SDOH)**; the quality of a student's learning environment directly dictates their lifelong economic stability and physical well-being, many call it the "great equalizer".

My family has had complaints without review for two years with the US Department of Education. One whereby a special education supervisor in Prince George's County Public School called disabled children "demonic curses" and another whereby my daughter was denied access to school lunch a minimum of four times due to her disability while attending Whitehall Elementary in Prince George's County Public Schools. Families cannot receive justice that is legally required due to failures with governance and oversight. Currently Maryland lacks the legal infrastructure and capacity to close this gap. After years of failed investigations by MSDE, blatant disregard for IDEA, Section 504, and title II of ADA by PGCPs, we fled the school system out of desperation, sacrificing our support system, forever home, life savings in hopes of obtaining our legally guaranteed free appropriate public education.

HB 649 is essential for the following reasons:

- **Addressing the Federal Enforcement Crisis:** A recent GAO (2026) report highlights that civil rights enforcement at the [U.S. Department of Education is collapsing](#), leaving thousands of disability complaints unreviewed for years. Maryland can no longer rely on a backlogged federal system to protect our students.



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“GAO reports the Office of Civil Rights received 9,269 complaints from March through September 2025 and resolved 7,072. Of those resolved, 6,353 were dismissed, roughly 90%.”

- **Urgent Protections for Disabled Students:** This legislation is a lifeline for students with disabilities, specifically incorporating those with **Individualized Education Programs (IEPs)** or **§ 504 plans** into state-level protections. As federal oversight wanes, disabled students face increased risks of exclusion that derail their developmental trajectories.
- **Ending the "Retaliation Trap" for Families:** For families and disability rights advocates, fear of retaliation is a common and silencing experience. HB 649 explicitly prohibits educational institutions from **intimidating, threatening, coercing, or discriminating** against any individual because they made a complaint or participated in an investigation. This ensures that parents can advocate for their child's legal rights without fear of administrative blowback or loss of services. After my family filed state complaints and discrimination complaints the teachers and special education teams refused to respond to our email, would only call us to communicate to avoid providing documentation to us, refused us the right to review our students' records, and attempted to charge us \$101.50 to obtain our daughter's records which the central office also found to be astounding and overrode. The [American Bar Association \(2019\)](#) reports that retaliation is a common experience by families.
- **Strengthening Social Determinants of Health:** By prohibiting discrimination based on race, disability, and gender identity, this bill removes systemic barriers that lead to long-term health inequities such as low health literacy.
- **Accountability in Higher Education:** Extending these protections to postsecondary institutions ensures that the transition to adulthood is not derailed by unchecked discriminatory practices.
- **Restoring Power to Families:** The establishment of a **private right of action** allows families to bypass bureaucratic delays and seek immediate judicial relief in circuit court.

We cannot achieve true equity in Maryland while our educational institutions remain under-regulated in matters of civil rights. HB 649 provides the state-level "backstop" necessary to ensure every student has a safe, equal opportunity to thrive.

I respectfully request a **favorable committee report** on HB 649

In support of my children and all children's civil rights,



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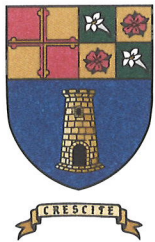
Alita-Geri Carter, MSN, DNP-C, RN, CPNP-PC, BCPA, PMP
Resident, Howard County, MD former resident of Prince George's County

Forced to flee for FAPE

Heights School Testimony

Uploaded by: Alvaro J. de Vicente

Position: FAV



THE HEIGHTS SCHOOL

10400 SEVEN LOCKS ROAD ■ POTOMAC, MARYLAND 20854 ■ 301.365.4300 ■ F: 301.365.4303 ■ HEIGHTS.EDU

March 31, 2026

Education, Energy, and the Environment Committee

Maryland Senate
2 West Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

RE: HB0649

Dear Members of the Committee:

I am writing as the Headmaster of The Heights School, a private school in Potomac, Maryland serving families with students in grades 3rd – 12th. We moved to our current location in 1978 and have enjoyed serving students and families from Maryland ever since.

It has recently come to my attention that the Senate Committee on Education, Energy, and the Environment (“the Committee”) is considering Maryland House Bill 649 (H.B. 649). While, as a life-long educator, I share the H.B. 649 authors’ desire to advance educational opportunities among Maryland students, I believe the current drafting of H.B. 649 creates a number of unintended outcomes which the Committee should take into consideration as it reviews the proposal.

These outcomes include the potential violation of U.S. Constitutional Rights afforded to private educational institutions, particularly educational institutions with religious commitments. Our school, along with many other schools in Maryland, provide parents with an educational environment for their children centered on deeply held religious tenets, including beliefs on marriage and human sexuality. Educational institutions have long been afforded the rights to educate in such a manner by the U.S. Constitution. H.B. 649 would directly interfere with our ability to operate in a manner consistent with these tenets, and would thereby violate our U.S. Constitutional rights by forcing schools, such as ours, to decide between abandoning deeply held religious beliefs or facing potential crippling and unsustainable liabilities. In essence, we could no longer operate as we would either be a school that abandons our religious tenets and is no longer attractive to our community, or one that could not afford the imposed penalties for teaching according to our religious tenets. I understand there are many schools in Maryland that share these same concerns.

For the above reasons, I respectfully ask the Committee to take the necessary time to consider all the potential unintended consequences of H.B. 649, and ultimately reject passage of H.B. 649 out of the Committee. Thank you for your time and attention to this matter.

Sincerely,

Alvaro J. de Vicente
Headmaster

CC: The Honorable Brian J. Feldman

HB0649_EEE_FAV_MDOD_2026.03.30.docx.pdf

Uploaded by: Anne Blackfield

Position: FAV

BILL: HB 649

POSITION: FAV – Favorable

COMMITTEE: Education, Energy, and the Environment

HEARING DATE: April 1, 2026

SUBMITTED BY: Maryland Department of Disabilities
217 East Redwood Street, Suite 1300, Baltimore, MD 21202

Dear Chair Feldman, Vice Chair Kagan, and Committee Members:

The Maryland Department of Disabilities (MDOD) is pleased to submit this letter of support for **HB 649, Advancing Equal Educational Opportunities for All Students in Maryland Act**.

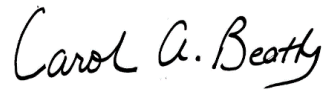
This legislation authorizes the Maryland Commission on Civil Rights (MCCR) to investigate and resolve complaints of discrimination in educational settings, as well as granting students and families the ability to file civil actions in state court. This important bill would provide stronger legal protections and increased opportunities for recourse when students with disabilities as well as students in other protected classes feel they have been discriminated against in educational settings.

Expanding Maryland's anti-discrimination law for students in higher education and increasing options for enforcement in Maryland is critical, particularly as changes at the Federal level are leaving students unprotected. Increasing the state's oversight is not intended to replace Federal responsibilities or complaints processes; Maryland students can still file claims with the U.S. Department of Education if such mechanisms are available. Rather, this legislation mirrors decades-old Federal protections in Maryland law, thus ensuring those protections and processes remain available to students and families at the state level regardless of Federal actions and capacity.

This legislation is particularly helpful for students receiving, or eligible to receive, accommodations in educational settings under Section 504 of the Rehabilitation Act ("Section 504"). Maryland families and students with disabilities have long needed a state-level option for pursuing complaints about violations of Section 504. In recent years, they were only able to access local or Federal processes.

HB 649 addresses long standing gaps in disability anti-discrimination in Maryland's schools. This legislation is critical to ensuring that rights of students with disabilities are protected. For these reasons, MDOD respectfully requests a **favorable report on HB 649**.

Sincerely,

A handwritten signature in black ink that reads "Carol A. Beatty". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Carol A. Beatty

Secretary, Department of Disabilities

2026 03 30 HB 649 - Advancing Equal Educational Op

Uploaded by: Ashley Harrington

Position: FAV

March 30, 2026

Chair Brian J. Feldman
Vice Chair Cheryl C. Kagan
Maryland Education, Energy, and the Environment Committee
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: Favorable)

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

The Legal Defense Fund (LDF) strongly urges the Maryland Senate Education, Energy, and the Environment Committee (Committee) to issue a favorable report on House Bill 649 – Advancing Equal Educational Opportunities for All Students in Maryland. All students in Maryland deserve access to equal educational opportunities regardless of their race, color, national origin, ethnicity, ancestry, sex, pregnancy status, gender identity, sexual orientation, marital status, religion, age, or disability status. Discrimination in schools harms students and exacerbates inequalities that have deep roots in Maryland and nationwide. For decades, the U.S. Department of Education’s Office for Civil Rights (ED OCR) has played a role in enforcing federal civil rights laws in schools, offering students an opportunity to seek redress for discrimination that they face in both PK-12 and higher education institutions. However, since last year, ED OCR has abandoned its role in advancing educational opportunities for all, and thousands of students in Maryland over the next several years may have their claims of discrimination left uninvestigated, unaddressed, and unresolved.¹ States across the country have an obligation to step into this breach and protect their students. Adopting HB 649 would represent a bold step towards securing equal educational opportunities for Maryland’s students.

Founded in 1940, LDF is the nation’s oldest civil rights law organization. Thurgood Marshall, a Maryland native, launched LDF at a time when America’s aspirations for equality and due process of law were stifled by widespread state-sponsored racial inequality. LDF has long played an instrumental role in passing legislation, encouraging agency actions, and litigating to protect Black people from discriminatory policies and practices. For over 85 years, LDF has worked to dismantle racial segregation and ensure equal educational opportunity for all students, most prominently through the groundbreaking case, *Brown v. Board of Education*.² LDF also has represented Black students and applicants, as parties and *amici curiae*, in numerous cases regarding educational access and opportunity in education.

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>.

² 347 U.S. 483 (1954).

[HB 649](#) proposes to substantially strengthen state civil rights enforcement in schools by: (1) empowering the Maryland Commission on Civil Rights, an independent agency with a 99 year history, to investigate and resolve complaints of discrimination by educational institutions; (2) extending state civil rights protections to students in institutions of higher education; (3) ensuring all students are protected against both intentional discrimination as well as policies and practices that have an unjustified discriminatory effect on students based on protected characteristics; and (4) granting students and families a private right of action to allow civil actions in state courts to enforce these protections. These much-needed additions to state civil rights laws will meaningfully advance equal educational opportunities for all students in Maryland at this critical time. Black students in Maryland continue to face discrimination in schools ranging from unaddressed racial harassment³ to discriminatory school policies.⁴ For example, in 2018, LDF’s Thurgood Marshall Institute issued a report showing how limited investment in educational opportunity and support services in the Baltimore City Public School System and overreliance on exclusionary discipline disproportionately pushed Black girls out of the classroom and into the juvenile justice system.⁵

The federal government has fecklessly abdicated its role in enforcing civil rights laws that protect students in schools. The current administration has recklessly and unlawfully taken actions to dismantle the U.S. Department of Education, including making devastating cuts to the Department of Education’s Office of Civil Rights. Prior to March 2025, the agency managed 12 regional enforcement offices around the country, employing nearly 600 employees that processed over 22,000 complaints annually.⁶ In March 2025, the current administration attempted to fire nearly half of the attorneys at ED OCR by issuing reduction in force (RIF) notices and closing 7 of the 12 regional enforcement offices. In the shuffle of these office closures and staffing shortages, real harm is being experienced by students. The agency has failed to update numerous students and families about the cases related to their complaints— including their case status, what office is handling the case, and who they should contact. Others have found that their complaints have been summarily dismissed without investigation. Recently, the Government Accountability Office (GAO) released a report highlighting the failures of the attempted dismantling of ED OCR.⁷ From March 2025 to September 2025, ED OCR received more than

³ See e.g., Adam Thompson, Janay Rece, and Andrew Adeolu, “Racist text messages sent to Black students in Maryland, other states condemned by AG as ‘horrific, unacceptable,’” CBS NEWS, (Nov. 8, 2024), <https://www.cbsnews.com/baltimore/news/maryland-ag-condemns-unacceptable-racist-text-messages-sent-to-black-residents/>.

⁴ See MD. ADVISORY COMM. TO THE U.S. COMM’N ON CIV. RTS., *Disparities in School Discipline in Maryland* 17 (2019), <https://www.usccr.gov/files/pubs/2020/01-14-MD-SAC-School-Discipline-Report.pdf>.

⁵ LEGAL DEFENSE FUND, THURGOOD MARSHALL INSTIT., *Our Girls, Our Future: Investing in Opportunity and Reducing Reliance on the Criminal Justice System in Baltimore* (June 2018), https://www.naacpldf.org/wp-content/uploads/Baltimore_Girls_Report_FINAL_6_26_18.pdf.

⁶ Catherine E. Lhamon, *2024 Fiscal Year Annual Report*, U.S. DEP’T OF EDUC., <https://www.ed.gov/media/document/ocr-report-president-and-secretary-of-education-2024-109012.pdf> (last visited June 26, 2025).

⁷ 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* (2026), <https://www.gao.gov/assets/gao-26-108320.pdf>.

9,000 complaints of alleged discrimination.⁸ ED OCR resolved 7,072 of these cases, but of those resolutions, 90% were resolved through dismissals prior to investigation.⁹ That means 6,353 complaints went uninvestigated by ED OCR with no hope of administrative relief.¹⁰

As of January 14, 2025, when ED OCR stopped updating its public list of pending cases, there were 271 ongoing investigations of discrimination in Maryland PK-12 schools and institutions of higher education.¹¹ Of those 271 pending investigations, 74 raised allegations of discrimination on the basis of race, color, or national origin.¹² Since the beginning of this current administration, ED OCR has only entered into resolution agreements for 2 cases of discrimination in Maryland schools.¹³ This lack of action from ED OCR sharply contrasts with even the previous Trump Administration which entered into 18 resolution agreements with schools in Maryland in its first year.¹⁴ As ED OCR continues to abandon students, states must fill that gap.

Passage of HB 649 would provide a clear path for Maryland to meet its obligations to its students. While all of the provisions of HB 649 provide meaningful protections for students, the Committee should consider the particular importance of two specific provisions:

1. HB 649 provides students and families in Maryland with a crucial additional avenue to address claims of discrimination by creating a right to bring civil suits in state court.

Proposed Section 20-1013.1(B) conforms these civil rights protections with federal law and other state statutes¹⁵ by providing individuals with the right to bring civil action in court. Federal anti-discrimination laws and the U.S. Constitution have long included private rights of action that allow individuals or groups to sue schools to vindicate their civil rights in court.¹⁶ For example, in 1935, LDF's founder, Thurgood Marshall, litigated a civil action in state court on behalf of Donald Gaines Murray, a student who was denied admission to the University of Maryland School of Law because he was Black. In 1936, the Maryland Court of Appeals issued its opinion which found that the University of Maryland violated the Fourteenth Amendment of the U.S.

⁸ See *id.*

⁹ See *id.*

¹⁰ See *id.*

¹¹ See U.S. DEP'T OF EDUC., *Pending Cases currently Under Investigation at Elementary-Secondary and Post-Secondary Schools*, https://ocrcas.ed.gov/open-investigations?field_ois_state=659&field_ois_discrimination_statute=All&field_ois_type_of_discrimination=All&items_per_page=1000&field_ois_institution=&field_ois_institution_type=All&field_open_investigation_date_1=&field_open_investigation_date_2=&field_open_investigation_date=&field_open_investigation_date_3=&order=field_ois_type_of_discrimination&sort=asc (Last updated Jan. 14, 2025).

¹² See *id.*

¹³ See U.S. DEP'T OF EDUC., *Office for Civil Rights Recent Resolution Search*, https://ocrcas.ed.gov/ocr-search?keywords=&recipient_name=&f%5B0%5D=state_fullname%3A659 (Last visited Mar. 29, 2026).

¹⁴ See *id.*

¹⁵ See e.g., VA Code § 2.2-3908.

¹⁶ See, e.g., *Barnes v. Gorman*, 536 U.S. 181, 185 (2002) (noting that private individuals may sue to enforce Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, and Title VI of the Civil Rights Act of 1964.).

Constitution, leading to the historic integration of that law school.¹⁷ Civil actions are necessary in these precedent setting cases where the legal status quo that binds administrative agencies inadequately recognizes the scope of a right.

Section 20-1012.1(B)'s adoption of a private right of action in state court to enforce civil rights in education will provide students and families greater opportunities to ensure that they receive equal access to education in Maryland. This provision creates an additional pathway for students and families to seek relief but would not create undue burden upon schools in the state. Schools already face the threat of civil actions under federal civil rights laws, and HB 649's congruous treatment of that right to sue would not open the floodgates as litigation remains too costly and time intensive for many plaintiffs.

2. HB 649 provides broad protection against all forms of discrimination, including disparate impact discrimination.

Proposed Section 20-7A-04(B)(1) recognizes that unlawful discrimination takes many forms and may occur under the guise of facially-neutral policies that obscure discriminatory intent but have discriminatory effects on the basis of a protected characteristic. This disparate impact theory of discrimination has been an important facet of federal civil rights laws for decades. In 1971, LDF argued the seminal U.S. Supreme Court case *Griggs v. Duke Power Company*, which recognized that Title VII of the Civil Rights Act of 1964 prohibited disparate impact discrimination.¹⁸ While the Supreme Court and subsequent civil rights statutes have explicitly recognized both the validity and importance of disparate impact theories for the full enforcement of anti-discrimination promises, the current administration has unlawfully abandoned this doctrine.¹⁹ If the federal government refuses to bring disparate impact cases, some discrimination in schools will go completely unaddressed.²⁰ For example, school discipline policies can create discriminatory effects even when they are facially race-neutral when policies disproportionately harm Black students without justification.²¹ States must take a role in addressing these important discrimination cases, especially when the federal government refuses to act. Section 20-7A-04(B)(1) mirrors existing federal law and provides Maryland with the opportunity to enforce similar laws in situations where the federal government has abandoned its duty to protect students from discrimination.

¹⁷ See *Pearson et al v. Murray*, 169 Md. 478 (1936).

¹⁸ 401 U.S. 424 (1971).

¹⁹ See, e.g., *Elimination of Disparate Impact Theory Under Title VI of the 1964 Civil Rights Act*, Unified Agenda of Regulatory and Deregulatory Actions, U.S. Dep't of Educ., RIN 1870-AA20 (2025), <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202504&RIN=1870-AA20> (last visited Mar. 29, 2026).

²⁰ In *Alexander v. Sandoval*, the U.S. Supreme Court declined to extend a private right of action for disparate impact under Title VI but left agencies' discriminatory effects regulations untouched. 532 U.S. 275, 281 (2001).

²¹ See, e.g. LEADERSHIP CONFERENCE ON CIVIL AND HUMAN RIGHTS, *Discrimination in All Its Forms: Different Treatment and Disparate Impact*, <https://civilrights.org/edfund/wp-content/uploads/sites/2/2025/05/Disparate-Impact-Fact-Sheet.pdf>.

Students in Maryland need a dedicated and well-resourced civil rights infrastructure in the state to ensure educational opportunities are available to all. At this moment, the federal government has neglected the rights of too many students and families. Maryland must correct these and other historic wrongs by investing in the full-scale enforcement of anti-discrimination laws in Maryland schools. LDF urges the Committee to issue a favorable report on HB 649 to take this important step in meeting the state's responsibilities to all students in Maryland.

Please contact Ray Li, Policy Counsel (rli@naacpldf.org) with any questions or for further discussion.

Respectfully Submitted,

/s/ Hamida Labi
Hamida Labi, Senior Policy Counsel
Legal Defense Fund
260 Peachtree Street NW
Atlanta, GA 30303

Ray Li, Policy Counsel
Legal Defense Fund
700 14th St. N.W. Ste. 600
Washington, D.C. 20005

FAV Testimony

Uploaded by: Brandi Onuwu Slaughter

Position: FAV



House Bill 649:
Advancing Equal Educational Opportunities for All Students in Maryland
Hearing before the Senate Committee on Education, Energy, and the Environment
April 2, 2026
Position: FAVORABLE

My name is Francesca Onianwah, and I am a current fellow representing The Karabelle Pizzigati Initiative in Advocacy for Children, Youth and Families. The Karabelle Pizzigati Initiative is a child advocacy initiative that is dedicated to developing true champions for children who advocate for the voices of children in the legislature, where they often go unheard. With the understanding that every issue is a child's issue, the Karabelle Pizzigati Initiative believes that educational equity is of utmost importance in strengthening Maryland's education outcomes. Access to a safe and supportive educational environment where students are fully guided in their academic journey is necessary for the future success of a student, making it an undeniable right that all students, whether in preK-12 or higher education, deserve.

HB 649 strengthens protections against discrimination in education and improves how Maryland enforces civil rights laws in schools. It helps ensure that all students in Maryland have equal access to education regardless of race, color, ethnicity, national origin, ancestry, religion, sex, sexual orientation, gender identity, pregnancy, age, marital status, or disability. The Karabelle Pizzigati Initiative in Advocacy for Children, Youth and Families strongly supports HB 649.

Current state laws do not fully protect Maryland students and families. Maryland's existing education anti-discrimination law (Md. Code, Educ. §§ 26-701 to 26-705) is enforced by the Maryland State Department of Education and applies only to preK-12 students. Maryland law does not explicitly cover students in higher education. These students must rely on federal anti-discrimination laws. While federal laws have prohibited discrimination in education for decades, enforcement of these laws has become harder to access. Maryland families now have fewer practical options for filing complaints with the U.S. Department of Education's Office for Civil Rights because of staffing reductions, processing delays, and a high rate of complaint dismissals.

HB 649 creates a new state law to expand both protections and enforcement. The bill authorizes the Maryland Commission on Civil Rights, an independent state agency, to investigate and resolve complaints of discrimination involving public and private preK-12 schools and higher education institutions. The law would protect students from intentional discrimination and from

policies or practices that have an unjustified discriminatory impact. It would also allow students and families to bring education discrimination claims in state court.

As of 2025, the Office for Civil Rights holds nearly 300 open cases of discrimination in elementary-secondary and post-secondary schools in Maryland. This number highlights a clear lack of an adequate anti-discrimination response from the Maryland State Department of Education. As the Karabelle Pizzigati Initiative strives towards its mission of advocating for different youth populations, we recognize how this bill is essential in addressing the thousands of Maryland students in higher education who are left unprotected from discrimination under current law. HB 649 meets the moment by ensuring students and families in higher education have the tools to properly advocate for themselves and fight discrimination in schools.

For these reasons, The Karabelle Pizzigati Initiative in Advocacy for Children, Youth and Families respectfully urges the Committee to issue a favorable report on House Bill 649. For more information, please contact:

Brandi Onuwu Slaughter
Program Director, The Karabelle Pizzigati Initiative in Advocacy for Children, Youth and Families
bslaught@umd.edu

NWLCAF Testimony_MD HB 649_03.30.2026.pdf

Uploaded by: Brian Dittmeier

Position: FAV



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March 30, 2026

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

RE: Support HB 649: Advancing Equal Educational Opportunities for All Students in Maryland

Dear Chair Feldman, Vice Chair Kagan, and Members of the Committee:

Thank you for this opportunity to submit testimony in support of HB 649 on behalf of the National Women's Law Center Action Fund (NWLCAF). As the sister organization to the National Women's Law Center, NWLCAF advocates for policy changes that protect and advance the legal rights and opportunities for women, girls, and all who face sex discrimination, including ensuring that educational opportunities for all students are free from violence and sex-based discrimination. NWLCAF has a particular interest in ensuring that rights and opportunities are not unlawfully restricted based on sex and that discrimination against LGBTQIA+ individuals, including transgender women and girls, is not perpetuated in the name of women's rights.

NWLCAF writes to express our strong support for HB 649, which strengthens protections against discrimination in education and improves civil rights enforcement processes in Maryland schools. By ensuring Maryland education nondiscrimination law covers all students, with a scope which mirrors federal law and robust paths for full enforcement, HB 649 will strengthen accountability and provide more avenues to justice for Maryland's students, especially marginalized populations including women, people of color, and LGBTQIA+ students.

Currently, Maryland's education nondiscrimination statute (Md. Code, Educ. §§ 26-701 to 26-705) is not adequate to fully protect Maryland students' rights to an educational environment free from discrimination because the statute applies only to elementary and secondary school students. The statute does not explicitly protect any students attending college, vocational school, or other higher education programs. Therefore, Maryland students in higher education currently must rely on the

enforcement of federal nondiscrimination laws, either through a federal civil rights complaint process, which is increasingly withdrawing from robust enforcement, or through litigation.

Although the U.S. Department of Education’s Office for Civil Rights (“ED-OCR”) has been tasked with enforcing Title IX and other nondiscrimination laws for over 50 years, the current administration has abandoned the traditional focus on serving vulnerable student populations.¹ Over half of the regional ED-OCR offices have shut down, and the administration has fired all but a few of the civil service workers responsible for investigating discrimination complaints involving federally funded schools.² Throughout 2025, ED-OCR completed *zero* resolution agreements to protect K-12 women and girls from sex harassment and assault in school.³ Instead, ED-OCR has focused its investigatory efforts on ideological priorities, including punishing schools for transgender-inclusive policies. This has left LGBTQIA+ youth—a group that faces disproportionate school-based harassment—without recourse.⁴ In short, the nearly 300 Maryland students and families with pending discrimination complaints before ED-OCR⁵ are unlikely to receive timely and fair resolutions, and Maryland students who experience discrimination going forward may continue to have few realistic options to vindicate their rights if HB 649 is not enacted.

HB 649 creates important protections and enforcement mechanisms. It would authorize the Maryland Commission on Civil Rights, an independent state agency, to investigate and resolve complaints of discrimination relating to Maryland pre-K-12 schools and higher education institutions. Additionally, HB 649 would allow students and their families to seek remedies for education discrimination in Maryland state courts—a pathway that is critical for student survivors of sexual assault and LGBTQIA+ students who may face greater hurdles in obtaining justice on federal civil rights claims.

¹ See Jennifer Richards, “A Gutted Education Department’s New Agenda,” ProPublica, May 2, 2025, available at <https://www.propublica.org/article/education-department-civil-rights-donald-trump-discrimination>.

² *Id.*

³ Naaz Modan, “Trump’s OCR resolved no K-12 sexual harassment, assault complaints in 2025, data shows,” K-12 Dive, Feb. 10, 2026, available at <https://www.k12dive.com/news/trumps-ocr-resolved-nok-12-sexual-harassment-assault-complaints-in-2025/811763>.

⁴ Rachel Perera, *How the US Dept. of Education has turned civil rights enforcement into a discriminatory tool*, Brookings Inst., Feb. 20, 2026, available at <https://www.brookings.edu/articles/how-the-usdepartment-of-education-has-turned-civil-rights-enforcement-into-a-discriminatory-tool>; The Trevor Project, 2024 U.S. National Survey on the Mental Health of LGBTQ+ Young People, available at <https://www.thetrevorproject.org/survey-2024/> (finding 49% of LGBTQ+ young people ages 13-17 experienced bullying in the past year).

⁵ U.S. Dept. of Education, OCR Complaint Assessment System, Pending Cases Currently Under Investigation in Elementary-Secondary and Post-Secondary Schools, updated Jan. 14, 2025, available at <https://ocrcas.ed.gov/open-investigations>.

Every student deserves to learn in a school environment that is free from violence, harassment, and discrimination. As advocates for gender justice, NWLCAF believes Maryland can continue to lead the way in fostering safe and inclusive schools by expanding and enforcing protections for students facing sex-based discrimination—including survivors of sexual assault and LGBTQIA+ students. Not only is advancing HB 649 the right thing to do, but all students will learn better if Maryland ensures school environments are free from sex-based harassment and discrimination.

For these reasons, the National Women's Law Center Action Fund respectfully urges the Committee to issue a favorable report and advance HB 649. Please contact Brian Dittmeier, NWLCAF's Director for LGBTQI+ Equality at bdittmeier@nwlc.org with any questions.

HB0649 – Advancing Equal Educational Opportunities

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY

HB0649 – Advancing Equal Educational Opportunities for All Students in Maryland

Bill Sponsor: Chair, Government, Labor, and Elections Committee

Committee: Education, Energy, and the Environment

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Aileen Alex, Co-Chair

Position: FAVORABLE

Chair, Vice Chair, and Members of the Committee,

I am submitting this testimony in support of **HB0649** on behalf of the Maryland Legislative Coalition. We are an association of unpaid citizen advocates—individuals and grassroots groups in every district across the state—representing and supporting more than 30,000 Marylanders.

HB0649 strengthens Maryland’s commitment to equal access in education by authorizing the Maryland Commission on Civil Rights to enforce prohibitions against discrimination and retaliation in educational institutions. It sets standards, outlines the Commission’s authority. More importantly, this bill gives individuals a private right of action when discrimination occurs.

Maryland must hold firm against efforts at the federal level to roll back diversity, equity, and inclusion initiatives. Education is the foundation of good governance, and protecting equitable access to it is essential to a healthy democracy.

HB0649 aligns directly with the mission of the Maryland Legislative Coalition. Our work centers on transparency, equity, and civic empowerment. Ensuring that every student has a fair chance to learn supports the informed, engaged communities we strive to build.

For these reasons, we respectfully urge a **FAVORABLE** report on **HB0649**.

SEIU Local 500 - Testimony in Support of HB 649 Se

Uploaded by: Christopher Cano

Position: FAV



Testimony - HB 649, Advancing Equal Educational Opportunities for All Students in
Maryland
Favorable
Senate Education, Energy, and the Environment Committee
April 1, 2026
Christopher C. Cano, MPA
Director of Political & Legislative Affairs on Behalf of SEIU Local 500

Honorable Chairman Feldman & Members of the Senate Education, Energy, and the Environment Committee:

SEIU Local 500 represents over ten thousand education support professionals in Montgomery County — paraeducators, food service workers, bus drivers, custodians, clerical staff, and other frontline employees who make our schools run every single day. They are the adults who open buildings before sunrise, who ensure classrooms are clean and safe, who help students with disabilities succeed, who feed children nutritious meals, and who keep schools functioning smoothly. They dedicate their lives to ensuring every child has an equal opportunity for a quality education.

Opportunities that are often fraught with systemic barriers and discrimination that Maryland law already says clearly, discrimination in education is illegal.

The problem is—it is far too often unenforced, delayed, or inaccessible for the very students who need protection most. HB 649 fixes that.

This bill does something fundamental, it gives civil rights in education real enforcement power.

Right now, when a student is discriminated against—whether based on race, disability, gender identity, or national origin—families are forced to navigate a confusing, slow, and often ineffective complaint process. In many cases, nothing happens in time to actually protect the student.

HB 649 changes the equation by providing real accountability. For SEIU Local 500 members in Montgomery County, this is not theoretical.

Our members work every day with:

- English learner and immigrant students who face discrimination tied to language status and national origin;
- Students with disabilities whose IEPs and 504 plans are not fully honored, effectively denying them equal access to education;
- LGBTQ+ students, including transgender students, who still face hostile environments despite existing protections;
- And Black and Latino students who continue to experience disproportionate discipline and exclusion.

We also represent the workers—paraeducators, family engagement specialists, and support staff—who are often the first to see these inequities and try to intervene, only to run into bureaucratic barriers that prevent timely action. HB 649 breaks down those barriers.

For the families our members serve in Montgomery County, delays in addressing discrimination are not minor inconveniences—they have lifelong consequences. Lost instructional time, unsafe environments, and unequal access to resources all compound over time.

You cannot have educational equity without enforcement, you cannot have enforcement without authority, And, you cannot have authority without consequences. HB 649 delivers all three.

SEIU Local 500 urges a favorable report.

Thank you for your time and consideration.

Support for HB 0649.pdf

Uploaded by: Eboni Burch

Position: FAV

March 30, 2026

BILL: HB 0649 – Advancing Equal Educational Opportunities for All Students in Maryland

RE: Written Testimony in Support of HB 0649

Dear Chair and Members of the Government, Labor and Elections Committee:

I am writing to express my **strong support for HB 0649**. I write from two perspectives: as a mental health professional with extensive experience working with children and adolescents, and as a parent who has directly experienced disability-related discrimination within Prince George’s County Public Schools (PGCPS).

All students, regardless of race, color, ethnicity, national origin, ancestry, religion, sex, sexual orientation, gender identity, pregnancy, age, marital status, or disability, deserve equal access to educational opportunities, enrichment activities, and full participation in the school community. Equity in education must mean more than physical presence in a building — it must include meaningful inclusion, access to opportunities, and the ability to participate in the same academic and extracurricular experiences as peers.

From a professional standpoint, behavioral dysregulation is often a manifestation of an underlying disability, not a willful choice or character issue. Best practices in education, mental health, and disability law are clear: students should not be excluded from educational opportunities, enrichment activities, field trips, extracurricular programs, school-based experiences, or academic instruction commensurate with their abilities due to characteristics that fall within statutorily protected classes under federal and state civil rights law, including disability. A student should not be prohibited from receiving academic instruction that is commensurate with their abilities due to emotional or behavioral dysregulation that may be a function of their disability. Exclusion in these circumstances is not only harmful to the child’s emotional and social development, but it also raises serious concerns regarding equity and discrimination. It is the duty of the school system to ensure that appropriate accommodations and supports are provided to promote optimal academic performance and student success. This is not optional; it is a legal and ethical obligation.

From a personal standpoint, I am the parent of a high performing student with a disability, yet my child has remained placed in a classroom with significantly lower academic-performing peers primarily due to behavioral dysregulation that is a manifestation of his disability. In addition, my child and other students within his program have been excluded from field trips, school programs, extracurricular activities, and even opportunities such as participation in both the school-level and district-level science fair. These are not minor events in a child's life — these are formative experiences that shape social development, school connectedness, and self-esteem. When students are systematically excluded due to characteristics that fall within statutorily protected classes under federal and state civil rights law, the message they receive is that they are not full members of the school community.

I am also concerned that appropriate alternatives, such as twice-exceptional programming and other enrichment-based supports, were overlooked and only considered after significant parent urging and advocacy. Students who are twice exceptional should not be academically limited due to a disability when they are capable of high performance with appropriate supports.

Due to repeated concerns regarding exclusion and inequitable access to opportunities, I have had to elevate these matters beyond the school level and engage administrative staff at the District level. No parent should have to fight this hard for their child to be included in the same educational experiences as their nondisabled peers.

These are issues that historically would have been addressed through the U.S. Department of Education's Office for Civil Rights (OCR) complaint process. However, considering the current dismantling and downsizing of the Civil Rights Office within the Department of Education, many families are now left without a clear or timely process for resolution when discrimination occurs. When federal oversight mechanisms are weakened, it becomes even more important for states to ensure that strong protections, clear accountability, and accessible remedies exist at the state level.

HB 0649 represents an important step toward ensuring that students, including those with disabilities and all individuals who fall within statutorily protected classes under federal and state civil rights law, are not excluded, either directly or indirectly, from the full educational experience. This law would provide an

additional safeguard against educational discrimination and reinforce the principle that protected characteristics should never be a reason for segregation, exclusion, or limited opportunity, particularly when a student can meet academic expectations and participating with appropriate supports.

I respectfully **urge you to support HB 0649** and help ensure that students across Maryland are treated with fairness, dignity, and equity, and are provided access to the same opportunities as their peers.

Thank you for your time, your service, and your consideration of this important legislation.

Respectfully,

Eboni Burch, Psy.D.
PG County Resident

HB649_FAV_MOST.docx.pdf

Uploaded by: Ellie Mitchell

Position: FAV



HB649: Advancing Equal Educational Opportunities for All Students in Maryland
Senate Education, Energy, and the Environment Committee

April 1, 2026

Position: Favorable

The Maryland Out of School Time Network (MOST) is a statewide organization dedicated to closing opportunity gaps by expanding access to high-quality afterschool and summer learning for school-aged young people across Maryland. MOST also serves as the backbone organization for the Maryland Coalition for Community Schools and MENTOR Maryland | DC.

HB 649 expands and strengthens civil rights protections in education and enhances Maryland's ability to enforce those protections in schools. This legislation would affirm that every student in Maryland deserves equal access to education — without discrimination based on race, color, ethnicity, national origin, ancestry, religion, sex, sexual orientation, gender identity, pregnancy, age, marital status, or disability.

MOST strongly supports HB 649.

Existing state law leaves too many Maryland students and families without adequate protection. Maryland's current education anti-discrimination statute (Md. Code, Educ. §§ 26-701 to 26-705) is administered by the Maryland State Department of Education and covers only preK-12 students. Students in higher education are not explicitly protected under Maryland law and must instead depend entirely on federal anti-discrimination protections.

Although federal law has long prohibited discrimination in education, access to federal enforcement has significantly eroded. Maryland families face growing barriers to filing complaints with the U.S. Department of Education's Office for Civil Rights due to reduced staffing, lengthening case-processing delays, and an increasing rate of complaint dismissals.

HB 649 establishes a new state law that broadens both protections and avenues for enforcement. It empowers the Maryland Commission on Civil Rights, an independent state agency, to receive, investigate, and resolve discrimination complaints involving public and private preK-12 schools as well as higher education institutions. The bill would shield students from intentional discrimination and from facially neutral policies or practices with an unjustified disparate impact. It would further provide students and families a pathway to pursue education discrimination claims directly in state courts.

Now more than ever, we need to reinforce hard-fought protections for students and families. We urge the committee to provide a favorable report for HB649.

Ellie Mitchell, Director
MOST / MD4CS / MENTOR MD|DC
emitchell@mostnetwork.org

Maryland Out of School Time Network / Maryland Coalition for Community Schools/ MENTOR Maryland|DC

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EdTrust Written Testimony HB0649 (1).pdf

Uploaded by: Emily Young

Position: FAV

**Testimony on House Bill 649– Favorable
HB 649 – Advancing Equal Educational Opportunities for All Students in Maryland Act
Senate Education, Energy, and the Environment Committee**

April 1, 2026

Dear Honorable Chair Feldman, Vice Chair Kagan, and Members of the Committee,

EdTrust, a nonprofit, nonpartisan policy & advocacy organization working to dismantle the racial and economic barriers embedded in the American education system **offers favorable testimony in support of HB 649 – Advancing Equal Educational Opportunities for All Students in Maryland Act.**

At its core, HB 649 is about ensuring that every student in Maryland is protected, valued, and given a fair opportunity to learn. This bill would strengthen and expand Maryland’s existing anti-discrimination protections, providing a critical pathway to redress for students who can no longer rely on the federal system to support them and, as a result, are left to learn in unsafe or discriminatory environments. By extending anti-discrimination protections to students in higher education, the bill ensures Maryland’s most vulnerable students are protected when they choose to pursue an advanced degree. Furthermore, the bill provides new avenues of redress for families who have faced discrimination at the K-12 level by creating an option to file a civil action, and allowing the Maryland Commission on Civil Rights (MCCR), a trusted independent agency with a long history of fighting discrimination across the state, to support students in need.

Civil rights protections are not peripheral to student success. They are central to it. When students experience discrimination or are subjected to inequitable policies, it directly undermines their ability to access rigorous coursework, feel safe in their learning environments, and fully engage in their education. This has a proven negative impact on students’ [attendance](#), [educational outcomes](#), and graduation rates. Strong, enforceable civil rights protections are essential to creating conditions where all students can thrive.

Currently, Maryland’s state-level protections fall short. Existing law applies only to Pre-K to 12 students and does not extend to higher education, leaving many students to rely solely on federal enforcement mechanisms. Unfortunately, those federal protections, long a critical backstop, are no longer reliably accessible. Over the past year, we have witnessed a significant erosion of federal civil rights enforcement capacity. The U.S. Department of Education’s Office for Civil Rights (OCR), which for decades has been a primary avenue for students and families seeking redress, has experienced [major staffing reductions](#), office closures, and mounting delays. In [March of 2025](#), the Trump Administration placed more than half of OCR’s staff on administrative leave and closed seven of its twelve offices. This drastic reduction in force has increased the workload of Maryland’s closest federal OCR office by nearly 1,000 cases – all while terminating many of the staff members tasked with addressing them. As a result, hundreds

of open investigations, including over [300](#) involving Maryland students, have stalled, and families face increasing barriers when attempting to file or resolve complaints.

Unfortunately, students, families, and advocates across the country are [struggling](#) to navigate this weakened system. Complaints go [unanswered](#) and investigations take far too long. In some cases, families simply give up because the process feels inaccessible or ineffective. When enforcement breaks down, rights on paper do not translate into protections in practice.

HB 649 responds to this urgent crisis. By establishing clear, comprehensive state-level protections and empowering the Maryland Commission on Civil Rights to investigate and resolve complaints, the bill ensures that students are not left without recourse when discrimination occurs. Furthermore, the bill also appropriately extends protections to higher education students and allows families to seek justice through state courts, which are critical tools at a time when federal pathways to redress are increasingly uncertain.

Importantly, HB 649 does not create new rights so much as it safeguards and reinforces long-standing civil rights principles that are currently at risk due to federal inaction. It ensures that Maryland can uphold these protections independently, rather than relying on a federal system that is, at present, unable to meet the needs of students.

For EdTrust, this is about more than compliance. It is about opportunity. When students are protected from discrimination, both intentional and systemic, they are more likely to attend school regularly, access advanced learning opportunities, graduate, and pursue postsecondary success. Conversely, when discrimination is left unaddressed, it compounds inequities and limits life outcomes.

Maryland has an opportunity to lead by guaranteeing that every student, regardless of race, gender identity, disability, or background, has meaningful, enforceable anti-discrimination protections throughout their educational journey. HB 649 is a critical step toward this goal.

For these reasons, EdTrust urges the Senate Education, Energy, and the Environment Committee to **issue a favorable report on House Bill 649.**

Sincerely,

Ciara Hart

Assistant Director, Advocacy and Engagement, EdTrust

HB 649 - MCCR Education - ACLU Testimony for EEE (

Uploaded by: Frank Patinella

Position: FAV



Testimony for the Education, Energy, and the Environment Committee

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

FAVORABLE

April 1, 2026

AMERICAN CIVIL
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The ACLU of Maryland supports HB 649, which seeks to ensure that Maryland students are provided equal access to education regardless of race, color, ethnicity, national origin, ancestry, religion, sex, sexual orientation, gender identity, pregnancy, age, marital status, or disability. HB 649 adds a necessary layer of protection and accountability at the state level through authorizing the Maryland Commission on Civil Rights (MCCR) to investigate cases of discrimination in education, PreK through high school, and within higher education.

Federal civil rights protections for students and families have diminished significantly.

The Office of Civil Rights (OCR) was established in 1967, housed within the US Department of Health, Education, and Welfare, to enforce newly enshrined federal civil rights laws in educational settings.¹ In 1979, OCR was moved to the US Department of Education (USDE), and throughout the 1980s, the office received roughly 2,500 complaints annually. The volume of complaints grew significantly in the 1990s and in the following decades, codifying the entity as the primary enforcer of federal civil rights laws in schools nationwide.

In 2024, OCR received a record 22,687 complaints –18% higher than the previous year, which was also a record year.² Civil rights cases in education have consistently trended upward, which is particularly alarming at a time when federal resources and protections are eroding rapidly. The previous administration reported a 70.6% case resolution rate – 36% higher than the

¹ Funding Federal Civil Right Enforcement: 2000 and Beyond. (Access 2026). U.S. Commission on Civil Rights.

<https://www.usccr.gov/files/pubs/archives/crfund01/ch1.htm#:~:text=Although%20staff%20levels%20have%20been,had%20already%20received%205,394%20complaints.%5B>

² <https://www.ed.gov/media/document/ocr-report-president-and-secretary-of-education-2024-109012.pdf>

previous year. When the new administration took over in January 2025, approximately 50% of USDE's staff were laid off or voluntarily left, OCR was disproportionately affected³

Between March 11, 2025, and September 23, 2025, OCR received nearly 9,300 complaints. An astonishing 90% of these cases were resolved by dismissal within a very short period without any remedies such as corrective actions or resolution agreements.³ Most of these discrimination complaints were based on race, sex, and disability. The reasoning for these dismissals has not been reported in the data however, the president's executive orders and USDE's public statements are clear – OCR's longstanding focus on historically marginalized populations has shifted towards targeting and initiating action against various state departments of education and higher education institutions in an effort to eliminate DEI policies, which the administration considers to be discriminatory.⁴ The administration has revoked guidance on discrimination for protected classes, indicating that OCR is systemically refusing to investigate civil rights cases.⁵

Current state laws and entities do not fully protect Maryland students and families.

Maryland's existing education anti-discrimination law is enforced by the Maryland State Department of Education (MSDE) and applies only to PK-12 students.⁶ Maryland law does not explicitly cover students in higher education. These students must rely on federal anti-discrimination laws. And with the aforementioned changes at the federal level, Maryland families have fewer practical options for filing complaints with the OCR.

While MSDE's Office of Equity Assurance and Compliance (OEAC) is responsible for addressing civil rights complaints from PK-12 students and families, civil rights investigations are not a primary focus. OEAC's purview also includes providing technical assistance to MSDE employees and the Maryland 24 school districts regarding compliance with a wide range of federal and state education laws and regulations, beyond federal civil rights laws. Given the large task of implementing the \$4 billion *Blueprint for Maryland's Future* and oversight of all Maryland school districts, MSDE's capacity to address civil rights complaints is significantly limited. More importantly, the ACLU believes that an external and independent entity – in this case, MCCR – is critical to ensuring: (1) impartiality and fewer conflicts of interest; (2) specialized expertise, uniform enforcement, and thorough

³ <https://www.gao.gov/products/gao-26-108320>

⁴ What They Are Saying: U.S. Department of Education Dismantles DEI in Week One. (January 2025). US Department of Education. <https://www.ed.gov/about/news/press-release/what-they-are-saying-us-department-of-education-dismantles-dei-week-one>

⁵ Trump on DEI And Anti-Discrimination Law. (2026). American Civil Liberties Union. <https://www.aclu.org/trump-on-dei-and-anti-discrimination-law>

⁶ Md. Code, Educ. §§ 26-701 to 26-705

investigations; and (3) stronger accountability to enforce meaningful and collaborative remedies with involved schools and districts.

Passing HB 649 is urgent.

When the current president was inaugurated in January 2026, there were over 270 pending complaints from Maryland residents through OCR.⁷ It is likely that many or perhaps most of these cases have already been dismissed without an investigation. With the dismantling of USDE and OCR, it is critical that Maryland fill the gap to ensure that the civil rights of all Maryland students are protected and upheld.

For the foregoing reasons, the ACLU of Maryland respectfully urges the Committee to issue a favorable report on House Bill 649.

AMERICAN CIVIL
LIBERTIES UNION
FOUNDATION OF
MARYLAND

⁷ Pending Cases Currently Under Investigation at Elementary-Secondary and Post-Secondary Schools. (Accessed February 19, 2026). United States Department of Education, Office of Civil Rights. https://ocras.ed.gov/open-investigations?field_ois_state=659&field_ois_discrimination_statute=700&field_ois_type_of_discrimination=All&items_per_page=20&field_ois_institution=&field_ois_institution_type=All&field_open_investigation_date_1=&field_open_investigation_date_2=2026-02-01&field_open_investigation_date=&field_open_investigation_date_3=

3-1 - EEE - HB 649 -Advancing Equal Educational Op

Uploaded by: Gail Sunderman

Position: FAV



TESTIMONY TO THE SENATE EDUCATION, ENERGY & THE ENVIRONMENT COMMITTEE

HB 649 – Advancing Equal Educational Opportunities for All Students in Maryland

Position: Favorable

By: Linda T. Kohn, President

Date: April 1, 2026

The League of Women Voters of Maryland is a nonpartisan organization that believes that it is the responsibility of the government to provide equality of opportunity for education and protect against discrimination in education. Accordingly, the League **strongly supports House Bill 649—*Advancing Equal Opportunity for All Students in Maryland.***

HB649 aims to ensure equal opportunity for Maryland's students from pre-K through postsecondary education. The bill authorizes the Maryland Commission on Civil Rights (MCCR) to investigate and resolve complaints alleging discrimination and retaliation in pre-kindergarten through postsecondary educational institutions, based on protected characteristics including race, color, national origin, ethnicity, ancestry, religion, sex, pregnancy, sexual orientation, gender identity, disability, age or marital status.

HB649 expands Maryland's anti-discrimination law and the agencies that can enforce the law. It establishes the power of the MCCR in enforcing the anti-discrimination provisions, including the adoption of regulations and the process for handling complaints. Importantly, the bill also creates a private right of action, allowing individuals who believe they have experienced discrimination in education to file civil actions in court, in addition to, or instead of, pursuing a complaint through the MCCR.

Notably, the bill extends protection to students in higher education institutions, clarifying that the prohibition applies to public or nonpublic educational settings from prekindergarten through postsecondary education. Maryland's current anti-discrimination law protects elementary and secondary students through enforcement by the Maryland State Department of Education. However, students in postsecondary institutions are not protected under state law, and must rely on federal education and anti-discrimination laws.

HB649 strengthens legal protections against discrimination in education by expanding Marylanders' ability to enforce provisions at the state level. The bill creates a new state anti-discriminatory education law at a time when limited enforcement at the federal level leaves Maryland students and their families without protection.

For these reasons, the League of Women Voters of Maryland strongly urges a **favorable report** on HB649.

CASA_FAV_HB0649 4.1.26.pdf

Uploaded by: Helen Rodriguez Letana

Position: FAV



**Testimony in SUPPORT of HB 649
Advancing Equal Educational Opportunities for All Students in Maryland**

Education, Energy, and the Environment Committee
April 1, 2026

Dear Honorable Chair Feldman and Members of the Committee,

We Are CASA is a national powerhouse organization building power and improving the quality of life in working-class: Black, Latino/a/e, Afro-descendent, Indigenous, and Immigrant communities. With a membership of over 190,000 members, We Are CASA creates change with its power-building model blending human services, community organizing, and advocacy to serve the full spectrum of the needs, dreams, and aspirations of members. We provide multiple education services to youth and adult immigrants in Maryland including college and career readiness, workforce and life skills ESOL, and vocational training.

We Are CASA is pleased to offer favorable testimony in strong support of HB 649, Advancing Equal Educational Opportunities for All Students in Maryland. House Bill 649 strengthens protections against discrimination in education and improves how Maryland enforces civil rights laws in schools. It helps ensure that all students in Maryland have equal access to education regardless of race, color, ethnicity, national origin, ancestry, religion, sex, sexual orientation, gender identity, pregnancy, age, marital status, or disability.

Current state laws do not fully protect Maryland students and families. Maryland's existing education anti-discrimination law (Md. Code, Educ. §§ 26-701 to 26-705) is enforced by the Maryland State Department of Education (MSDE) and applies only to preK-12 students. Maryland law does not explicitly cover students in higher education. These students must rely on federal anti-discrimination laws.

While federal laws have prohibited discrimination in education for decades, enforcement of these laws has become harder to access. Maryland families now have fewer practical options for filing complaints with the U.S. Department of Education's Office for Civil Rights because of staffing reductions, processing delays, and a high rate of complaint dismissals. The U.S. Department of Education has further demonstrated a disregard for its role in upholding anti-discrimination laws by its aggressive push to dismantle Diversity Equity and Inclusion (DEI) initiatives at the state, local and institutional level. Additionally, the racially motivated and unlawfully executed detention of Black and brown community members across the state serves to exacerbate concerns that individual cases of discriminatory behavior within higher education will go unchecked by the U.S. Department of Education.

HB 649 creates a new state law to expand both protections and enforcement. The bill authorizes the Maryland Commission on Civil Rights, an independent state agency, to investigate and resolve complaints of discrimination involving public and private preK-12 schools and higher education institutions. The law would protect students from intentional discrimination and from policies or practices that have an unjustified discriminatory impact. It would also allow students and families to bring education discrimination claims in state court. At a time when the federal government has stepped away from its watchdog role, it is critically important that the State steps in to ensure all Marylanders can continue to access higher education with confidence that their civil rights will be upheld and that there will continue to be appropriate consequences when a violation of those rights occurs.

For these reasons, We Are CASA respectfully urges the Committee to issue a favorable report on House Bill 649.

JenaiJHB649.pdf.pdf

Uploaded by: Jenai Johnson

Position: FAV

House Bill 649:

Advancing Equal Educational Opportunities for All Students in Maryland

Hearing before the Senate Committee on Education, Energy, and the Environment

April 2, 2026

Position: FAVORABLE

My name is Jenai Johnson. I am a PhD student in Higher Education, a former K–12 educator, and an adjunct instructor. Through my work in education and community spaces, I have worked with students and communities from a range of backgrounds and have witnessed firsthand the inequities and discriminatory practices that impact students and families. Ensuring equal educational opportunity is essential, particularly as many continue to face barriers that limit access to the resources and support needed to succeed.

HB 649 strengthens protections against discrimination in education and improves how Maryland enforces civil rights laws in schools. It helps ensure that all students in Maryland have equal access to education regardless of race, color, ethnicity, national origin, ancestry, religion, sex, sexual orientation, gender identity, pregnancy, age, marital status, or disability. Jenai strongly supports HB 649.

Current state laws do not fully protect Maryland students and families. Maryland's existing education anti-discrimination law (Md. Code, Educ. §§ 26-701 to 26-705) is enforced by the Maryland State Department of Education and applies only to preK-12 students. Maryland law does not explicitly cover students in higher education. These students must rely on federal anti-discrimination laws. While federal laws have prohibited discrimination in education for decades, enforcement of these laws has become harder to access. Maryland families now have fewer practical options for filing complaints with the U.S. Department of Education's Office for Civil Rights because of staffing reductions, processing delays, and a high rate of complaint dismissals.

HB 649 creates a new state law to expand both protections and enforcement. The bill authorizes the Maryland Commission on Civil Rights, an independent state agency, to investigate and resolve complaints of discrimination involving public and private preK-12 schools and higher

education institutions. The law would protect students from intentional discrimination and from policies or practices that have an unjustified discriminatory impact. It would also allow students and families to bring education discrimination claims in state court.

It is important to remember that efforts to ensure equal opportunity exist because of longstanding inequities that continue to shape educational access and outcomes. HB 649 is an important step toward strengthening protections and ensuring that students and families have meaningful avenues for accountability and support.

For these reasons, Jenai respectfully urges the Committee to issue a favorable report on House Bill 649. For more information, please contact:

Jenai Johnson

JenaiJohnsonAD@gmail.com

HB 649_MD Center on Economic Policy_FAV.pdf

Uploaded by: Kali Schumitz

Position: FAV



APRIL 1, 2026

Maryland Should Guarantee All Students Protection Against Discrimination

Position Statement in Support of House Bill 649

Given before the Senate Committee on Education, Energy, and the Environment

Educating Maryland's children, from early childhood on to college and beyond, is one of the most important responsibilities of our state government, as well as one of the strongest tools available to support long-term economic growth. And like all public services, choices about how we used our shared investments in education can either advance broadly shared opportunity or further entrench existing inequities.ⁱ Robust anti-discrimination protections, along with effective enforcement, are essential to guarantee all Marylanders the education they deserve – especially at a time when the federal government cannot be relied on to protect students. House Bill 649 would strengthen state protections against discrimination for all students and extend those protections to include higher education. **For these reasons, the Maryland Center on Economic Policy supports House Bill 649.**

House Bill 649 would remedy two major shortcomings in Maryland's system of legal protections against discrimination in education:

- The Maryland State Department of Education is responsible for enforcing protections for pre-K–12 students. As the executive branch agency tasked with implementing the state's education policies – and itself capable of engaging in discrimination – MSDE does not have the necessary independence to bear sole enforcement authority for these laws effectively. House Bill 649 would expand enforcement authority to include the Maryland Commission on Civil Rights, the independent agency that enforces other anti-discrimination protections such as employment equal opportunity law. The law also enables courts to enforce anti-discrimination protections in education.
- The state does not independently protect higher education students from discrimination, instead forcing them to rely on federal law. At the best of times, this gap narrows students' recourse options when institutions violate their rights. Today, the Trump administration's demonstrated hostility to civil rights law seriously undermines the effectiveness of federal protections.ⁱⁱ House Bill 649 would codify protections for higher education students and bring them into a single enforcement framework under the Maryland Commission on Civil Rights.

For these reasons, the Maryland Center on Economic Policy respectfully requests that the Senate Committee on Education, Energy, and the Environment make a favorable report on House Bill 649.

Equity Impact Analysis: House Bill 649

Bill summary

House Bill 649 would establish comprehensive protections against discrimination in all levels of education, create a unified enforcement framework under the Maryland Commission on Civil Rights, and enables state courts to enforce anti-discrimination protections in education.

Background

The Maryland State Department of Education is responsible for enforcing protections against discrimination in pre-K–12 education. Federal law prohibits discrimination in higher education, but no corresponding state laws exist.

Equity Implications

Robust and effectively enforced protections against discrimination are core to advancing equity through public policy. Codifying these protections in state law is especially important at a time when the federal government cannot be relied on to enforce its own anti-discrimination protections. Since January 2025, the Trump administration has drastically cut funding and staffing at civil rights enforcement bodies, routinely dismissed legitimate discrimination complaints, and in some cases actively advocated for discrimination, such as against transgender students.

Impact

House Bill 649 would likely **improve equity along lines of race and ethnicity, gender including gender identity, sexual orientation, and disability** in Maryland.

ⁱ See the Maryland Center on Economic Policy's *Budgeting for Opportunity* series, <https://mdeconomy.org/category/budgeting-for-opportunity/>

ⁱⁱ See for example:

Collin Binkley, "Families Turn to States for Civil Rights Support as Trump Dismantles the Education Department," *Associated Press*, 2026, <https://apnews.com/article/education-department-discrimination-civil-rights-745ab6d2fc6d4763c5c23670761de490>

Jennifer Smith Richards, Megan O'Matz, and Jodi Cohen, "Monkey Sounds, 'White Power' and the N-Word: Racial Harassment Against Black Students Ignored Under Trump," *ProPublica*, 2025, <https://www.propublica.org/article/trump-education-department-civil-rights-racial-harassment>

Sarah Lynch, "Ex-Employees of US Justice Department Blast 'Destruction' of Civil Rights Unit," *Reuters*, 2025,

<https://www.reuters.com/legal/government/ex-employees-us-justice-department-blast-destruction-civil-rights-unit-2025-12-09/>

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<https://www.aclu.org/news/racial-justice/educators-speak-out-on-harms-of-unlawful-education-department-directive>

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CRSD HB 649 FAV 26.pdf

Uploaded by: Kelly Quinn

Position: FAV

MARYLAND COALITION TO REFORM SCHOOL DISCIPLINE

Senate Education, Energy, and the Environment Committee

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

April 1, 2026

Position: Favorable

The Maryland Coalition to Reform School Discipline (CRSD) brings together advocates, service providers, and community members dedicated to transforming school discipline practices within Maryland's public school systems. For more than a decade, CRSD has worked to ensure that school discipline is responsive to students' behavioral needs, fair, appropriate to the infraction, and designed to keep young people engaged in school and on track to graduate.

HB 649 strengthens protections against discrimination in education and improves how Maryland enforces civil rights laws in schools. It helps ensure that all students in Maryland have equal access to education regardless of race, color, ethnicity, national origin, ancestry, religion, sex, sexual orientation, gender identity, pregnancy, age, marital status, or disability. The Maryland Coalition to Reform School Discipline strongly supports HB 649.

Current state laws do not fully protect Maryland students and families. Maryland's existing education anti-discrimination law (Md. Code, Educ. §§ 26-701 to 26-705) is enforced by the Maryland State Department of Education and applies only to preK-12 students. Maryland law does not explicitly cover students in higher education. These students must rely on federal anti-discrimination laws. While federal laws have long prohibited discrimination in education, enforcement has become increasingly difficult to access. Families face significant barriers when seeking relief through the U.S. Department of Education's Office for Civil Rights, including staffing shortages, delays, and high dismissal rates.

HB 649 addresses these gaps by creating a robust, state-level enforcement mechanism. By authorizing the Maryland Commission on Civil Rights to investigate and resolve complaints across both K-12 and higher education, the bill provides an accessible and independent avenue for accountability. Importantly, the bill recognizes not only intentional discrimination, but also policies and practices that have a discriminatory impact.

CRSD views this as an essential protection given the well-documented discipline disparities in Maryland's schools. Black students, students with disabilities, and other historically marginalized groups are disproportionately impacted by exclusionary discipline and unequal treatment in schools. Too often, families lack meaningful recourse when discrimination occurs. HB 649 would provide a critical tool to address these inequities, promote transparency, and ensure that all students are afforded the protections they deserve.

For these reasons, the Maryland Coalition to Reform School Discipline respectfully urges the Committee to issue a favorable report on House Bill 649.

For more information contact: CRSDMaryland@gmail.com

- ACLU of Maryland
- Citizens Policing Project
- League of Women Voters of Maryland
- Making Changes
- Maryland Office of the Public Defender
- Progressive Maryland
- Project HEAL at Kennedy Krieger
- Public Justice Center
- The Choice Program at UMBC
- The Sayra and Neil Meyerhoff Center for Families, Children and the Courts at the University of Baltimore School of Law
- Strong Schools Maryland
- University of Baltimore School of Law Center for Criminal Justice Reform

X HB649 Support (Written).pdf

Uploaded by: Kenzie Funk

Position: FAV



**Testimony in SUPPORT of
House Bill 649: Advancing Equal Educational Opportunities for All Students**

Senate Education, Energy, and the Environment Committee

Position: Favorable

April 1, 2026

At Strong Schools Maryland, we work to support the faithful implementation and full funding of the promises legislated through the landmark Blueprint for Maryland's Future. The Blueprint envisions a public education system where all students can feel safe and supported to learn and thrive in their school community. It was designed to specifically address systemic inequities that disproportionately impact historically marginalized communities. As a result, **Strong Schools Maryland offers favorable testimony in support of HB649 – Advancing Equal Educational Opportunities for All Students** which strengthens protections against discrimination in education and improves how Maryland enforces civil rights laws in schools. It helps ensure that all students in Maryland have equal access to education regardless of race, color, ethnicity, national origin, ancestry, religion, sex, sexual orientation, gender identity, pregnancy, age, marital status, or disability.

Current state laws do not fully protect Maryland students and families. Maryland's existing education anti-discrimination law (Md. Code, Educ. §§ 26-701 to 26-705) is enforced by the Maryland State Department of Education and applies only to preK-12 students. Maryland law does not explicitly cover students in higher education. These students must rely on federal anti-discrimination laws. While federal laws have prohibited discrimination in education for decades, enforcement of these laws has become harder to access. Maryland families now have fewer practical options for filing complaints with the U.S. Department of Education's Office for Civil Rights because of staffing reductions, processing delays, and a high rate of complaint dismissals.

HB 649 creates a new state law to expand both protections and enforcement. The bill authorizes the Maryland Commission on Civil Rights, an independent state agency, to investigate and resolve complaints of discrimination involving public and private preK-12 schools and higher education institutions. The law would protect students from intentional discrimination and from policies or practices that have an unjustified discriminatory impact. It would also allow students and families to bring education discrimination claims in state court.

By strengthening protections against discrimination and ensuring meaningful enforcement at the state level, HB649 advances the core promise of the Blueprint: building an education system where every student has access to opportunity, support, and success. Ensuring safe, inclusive, and just learning environments is essential to delivering on the Blueprint's commitment to Maryland's students. **For these reasons, Strong Schools Maryland respectfully urges the Committee to issue a favorable report on House Bill 649.**

For more information, please contact Kenzie Funk at kenzie@strongschoolsmaryland.org for additional questions.

HB649 MALMB Testimony.docx.pdf

Uploaded by: Lisa Kovacs

Position: FAV



**Local power, collective voice
for Maryland's children, youth and families**

April 1, 2026

SUPPORT – HB649 - Advancing Equal Educational Opportunities for All Students in Maryland

Dear Delegates:

On behalf of the Maryland Association of Local Management Boards, I am writing in support of **HB649 - Advancing Equal Educational Opportunities for All Students in Maryland** to authorize the Commission on Civil Rights to enforce a prohibition against discrimination and retaliation in educational institutions based on race, color, national origin, ethnicity, ancestry, religion, sex, pregnancy, sexual orientation, gender identity, disability, age, or marital status. All of our students are entitled to safe learning environments.

Local Management Boards in each county and jurisdiction in the State of Maryland conduct community needs assessments and address the needs of children and families in their respective jurisdiction. We work closely alongside our local education agencies to identify the needs and gaps of students in our schools. Discrimination in educational institutions has no place in Maryland.

We urge you to support HB649 - Advancing Equal Educational Opportunities for All Students in Maryland to ensure students have discrimination free learning environments.

Sincerely,

Pamela M. Brown, PhD
Chair

MGA2026 -HB649-FAV-MDAC.pdf

Uploaded by: Liz Zogby

Position: FAV



HB 649: Advancing Equal Educational Opportunities for All Students
Senate Education, Energy, and the Environment Committee
April 1, 2026
Position: Favorable

The Maryland Down Syndrome Advocacy Coalition (MDAC) is a coalition of the five Down syndrome organizations in Maryland as well as individuals with Down syndrome and their family members who have come together to advocate for improved quality of life for all individuals with Down syndrome throughout the state of Maryland. MDAC works in coalition with other disability and advocacy organizations across the state and supports many legislative and policy efforts.

MDAC strongly supports HB649, which would strengthen civil rights protections for Maryland's students, including students with disabilities.

While current law invests the Maryland Commission on Civil Rights, an independent agency, with the authority to investigate and resolve discrimination complaints for K-12 students, HB649 would expand the Commission's purview to include students enrolled in higher education. As more and more students with intellectual disabilities are able to take advantage of postsecondary educational opportunities, ensuring their civil rights are protected in these settings is important to our community.

Further, against the backdrop of the dismantling of federal civil rights enforcement at the U.S. Department of Education's Office of Civil Rights, HB649 will provide a more accessible, state-level enforcement framework for Maryland families of students with disabilities, who are disproportionately affected by civil rights violations in education.

This bill is in alignment with one of MDAC's guiding principles: *Students with Down syndrome and other intellectual disabilities are lifelong learners, and should have access to high quality public education throughout elementary and secondary school and postsecondary education.* Students with Down syndrome and other intellectual and developmental disabilities should have equitable access to high quality educational opportunities and reliable protection of their civil rights in educational institutions. HB649 is critical to ensure that the rights of Maryland's students with disabilities are protected.

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

Respectfully submitted,

Liz Zogby
Maryland Down Syndrome Advocacy Coalition
katzogby@gmail.com
443-691-1755

2026 HB0649 FAV.pdf

Uploaded by: Mathew Goldstein

Position: FAV



<https://docs.google.com/forms/d/e/1FAIpQLSfU0l1WSdNH0XUz2uYdt4zf-ztmwuTz-rdKJ59WbJstj1Ylw/viewform>

April 01 2026

HB 0649 - FAV

Advancing Equal Educational Opportunities for All Students in Maryland

Dear Chair Brian J. Feldman, Vice-Chair Cheryl C. Kagan, and Members of the Education, Energy, and the Environment Committee,

Invidious discrimination hurts us as a society, it divides people and impedes people from realizing their potential. The government sector in particular has a responsibility to not participate in, or otherwise facilitate, invidious discrimination. There should be no exception for government education policy. This bill requiring elementary and secondary schools operating in Maryland to uphold non-discrimination standards, with strengthened enforcement procedures, is welcome. Secular Maryland recommends this bill for approval by the General Assembly despite our ongoing opposition to the continued state funding of religious schools that discriminate based on religious belief.

Maryland subsidize education at schools that only admit students who profess the religious beliefs of the religious institution sponsoring the school. This bill makes the best of this unfortunate situation by limiting such discrimination to only that particular context. Everyone wants their children to be safe. Too often people who are unlike ourselves are seen as threatening, triggering misdirected fear. Minorities can be vulnerable to negative stereotyping. Some theists deem non-theism to be peculiar, unreasonable, or threatening. They misunderstand non-theism and may associate non-theism with negative behavior. The metaphysical naturalism underlying non-theism is an intellectual conclusion that nontheists (deists, agnostics, atheists) sincerely consider to

be more compelling than the competing conclusions.

Mathew Goldstein

3838 Early Glow Ln

Bowie, MD

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HB649.Council.Support.EEE.pdf

Uploaded by: Rachel London

Position: FAV



Maryland Developmental Disabilities Council

CREATING CHANGE • IMPROVING LIVES

Senate Education, Energy, and the Environment Committee

April 1, 2026

HB 649 Education – Advancing Equal Opportunities for All Students in Maryland

Position: Support

The Maryland Developmental Disabilities Council (Council) creates change to make it possible for people with developmental disabilities to lead the lives they want with the support they need. As a statewide public policy organization led by people with developmental disabilities and their families, we believe Marylanders with and without disabilities should live, learn, work, and play together. We support HB 649 as a way to make sure that happens.

WHAT does this legislation do?

- Allows the Maryland Commission on Civil Rights to investigate and resolve complaints of discrimination involving public and private prekindergarten-12 schools and institutions of higher education.
- Strengthens protections against discrimination in education and improves how Maryland enforces civil rights laws in schools.

WHY is it important?

- **Current state laws do not fully protect Maryland students and families.** Maryland's existing education anti-discrimination law (Md. Code, Educ. §§ 26-701 to 26-705) is enforced by the Maryland State Department of Education and applies only to preK-12 students. Maryland law does not explicitly cover students in higher education. These students must rely on federal anti-discrimination laws. **HB 649 provides a more accessible and independent way for accountability.**
- **Current protections often focus on intent, not impact.** Many students, including those with developmental disabilities, face discipline disparities in Maryland's schools. Too often, families lack a meaningful way to address any possible discrimination. **HB 649 would provide a critical tool to address these inequities.**

For these reasons, the Council supports HB 649.

Contact: Rachel London, Executive Director: RLondon@md-council.org

HB0649 - crossover bill - FAV - Advancing Equal Ed

Uploaded by: Richard KAP Kaplowitz

Position: FAV

HB0649_RichardKaplowitz_FAV

04/01/2026

Richard Keith Kaplowitz

Frederick, MD 21703

TESTIMONY ON CROSSOVER BILL HB#0649- POSITION: FAVORABLE

Advancing Equal Educational Opportunities for All Students in Maryland

TO: Chair Feldman, Vice Chair Kagan, and members of the Education, Energy, and the Environment Committee

FROM: Richard Keith Kaplowitz

My name is Richard Keith Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of crossover bill HB#0649, **Advancing Equal Educational Opportunities for All Students in Maryland**

If Maryland is to live up to the declaration that “In Maryland, we leave no one behind” this bill is mandatory in reaction to the actions of the Federal Administration against civil rights in education.

As documented by MS. Magazine: ¹

Federal Civil Rights Protections for Students Are Being Hollowed Out
(PUBLISHED 1/28/2026 by [Emily Taylor](#)) - Civil rights rollbacks in education are part of a broader effort to reassert patriarchal control over who learns, teaches and works.

At least 25,000 unresolved civil rights complaints involving race, gender and disability discrimination are currently stalled as the Trump administration [moves to dismantle the Department of Education’s Office for Civil Rights](#)—leaving students in K-12 schools and colleges with few viable paths to federal protection. Through executive orders, mass staff reductions, and the closure of seven of the department’s 12 regional offices, enforcement of civil rights law in education has been effectively hollowed out.

This bill will, for Maryland resident, authorize the Commission on Civil Rights to enforce a prohibition against discrimination and retaliation in educational institutions based on race, color, national origin, ethnicity, ancestry, religion, sex, pregnancy, sexual orientation, gender identity, disability, age, or marital status; establishing the powers, duties, and limitations of the authority of the Commission on Civil Rights to enforce the prohibition against educational discrimination; establishing a private right of action; etc.

Maryland can, and must, retain the protections being removed by the Federal Government.

I respectfully urge this committee to return a favorable report on crossover bill HB#0649.

¹ <https://msmagazine.com/2026/01/28/department-of-education-office-for-civil-rights-trump-students-young-women-college-university/>

BC - Favorable_ X HB649.pdf

Uploaded by: Riya Gupta

Position: FAV



SUPPORT: House Bill 649

Advancing Equal Educational Opportunities for All Students
Senate Education, Energy, and the Environment Committee
April 1, 2026

The Blueprint Coalition is a coalition of more than 30 organizations representing hundreds of thousands of Marylanders and is co-led by Strong Schools Maryland and the Maryland Education Coalition. The Coalition is dedicated to the full implementation and funding of the Blueprint for Maryland's Future and works to ensure that Maryland's public education system meets the needs of all students, particularly those most impacted by systemic inequities.

The Blueprint envisions a public education system where all students feel safe, supported, and able to thrive in their school communities. It was designed to address systemic inequities that disproportionately impact historically marginalized students. **For these reasons, the Blueprint Coalition offers favorable testimony in support of House Bill 649 - Advancing Equal Educational Opportunities for All Students.**

Current state law does not fully protect Maryland students and families. Maryland's existing education anti-discrimination law (Md. Code, Educ. §§ 26-701 to 26-705) is enforced by the Maryland State Department of Education and applies only to preK-12 students. It does not explicitly extend protections to students in higher education, leaving many to rely solely on federal enforcement mechanisms.

While federal civil rights laws have long prohibited discrimination in education, access to enforcement has become increasingly limited. Maryland families now have fewer practical options for filing complaints with the U.S. Department of Education's Office for Civil Rights because of staffing reductions, processing delays, and a high rate of complaint dismissals. As a result, many students and families are left without timely or meaningful resolution when discrimination occurs.

HB 649 addresses these gaps by establishing a stronger, more accessible state-level enforcement framework. The bill authorizes the Maryland Commission on Civil Rights, an independent state agency, to investigate and resolve complaints of discrimination in both preK-12 and higher education settings, including public and private institutions. It also recognizes both intentional discrimination and policies or practices that result in unjustified disparate impacts, reflecting how discrimination often operates in practice.

Strong enforcement of civil rights protections is essential to achieving the goals of the Blueprint. Students cannot fully benefit from increased investments in education if they are learning in environments where discrimination limits their access, participation, or sense of belonging. HB 649 strengthens Maryland's ability to ensure that all students are treated fairly and have equitable opportunities to succeed.

For these reasons, Blueprint Coalition respectfully urges the Committee to issue a favorable report on House Bill 649.

Please contact Riya Gupta at riya@strongschoolsmaryland.org for additional questions.

Favorable HB0649 education private right of action

Uploaded by: Ronza Othman

Position: FAV



Live the life you want.

From: Ronza Othman, President
National Federation of the Blind of Maryland
15 Charles Plaza, #3002
Baltimore, MD 21201 president@nfbmd.org

To: Senate Energy, Education, and the Environment Committee

The members of the National Federation of the Blind of Maryland urge you to vote favorable on HB0649. This bill gives the Maryland Commission on Civil Rights jurisdiction to examine discrimination in all educational practices, from Pre-K through higher education. This expansion of the Commission on Civil Rights is necessary because it gives people another, more efficient option if they feel their rights have been violated. With the federal government receding from enforcing prohibition against educational discrimination, including the efforts to shutter the Department of Education's Office of Civil Rights and data reflecting that more than 90% of complaints in 2025 were administratively closed with no review whatsoever, the need for state action is critical.

The bill also establishes a private right of action permitting complainants to go directly to court if they feel their rights have been violated or if the Commission has not been able to mediate the problem. This is an important remedy for the aggrieved party because the court can order the defendant to end the discriminatory practices, order appropriate affirmative relief including awarding compensatory damages, or order any other appropriate equitable relief, particularly providing the student the special education supports they need.

For those reasons, we ask for a favorable report on HB0649. For questions, please contact me at President@nfbmd.org or at 443-426-4110.

HB0649 Favorable (Senate).pdf

Uploaded by: sharlimar douglass

Position: FAV



HB0649 Advancing Equal Education Opportunities for All Students in Maryland

Position: Favorable

April 1, 2026

The Maryland Alliance for Racial Equity in Education (MAREE), a coalition of education advocacy, civil rights, and community-based organizations committed to eliminating racial disparities in Maryland's education system, **offers favorable testimony in support of House Bill 649, the Advancing Equal Educational Opportunities for All Students in Maryland Act.** I speak today centering Black students, families, and communities across this state who have long relied on federal civil rights protections to ensure their children can learn, grow, and thrive free from discrimination. At a moment when the federal government has repeatedly failed to uphold that promise, Maryland must act.

The U.S. Department of Education's Office for Civil Rights (OCR) has historically served as the primary enforcement arm for Title VI of the Civil Rights Act of 1964 — the law that prohibits discrimination based on race, color, and national origin in programs receiving federal funding. For Black students and families, OCR was often the only avenue for recourse when schools failed them.

In March 2025, the Trump administration placed approximately half of OCR's 575 staff on paid administrative leave and shuttered seven of its twelve regional offices. A subsequent Government Accountability Office review found that during the period of disruption, approximately 90 percent of the more than 9,000 discrimination complaints received were resolved by dismissal — not investigation. Families who filed complaints alleging discriminatory discipline, unequal access to rigorous coursework, or racially hostile school environments found their cases closed without remedy. Maryland's 300 pending investigations of discrimination complaints against Maryland schools have likely stalled and the remaining staff are unlikely to have the capacity to investigate new complaints. While OCR staff were eventually recalled in January 2026, the structural instability of the federal enforcement apparatus remains. The administration has made clear its hostility to civil rights enforcement in education, gutting investigations into racial discrimination and rolling back guidance that protected students of color. Maryland cannot afford to wait for the federal government to protect its children. We must codify these protections ourselves.

House Bill 649 authorizes the Maryland Commission on Civil Rights to enforce a comprehensive prohibition against discrimination and retaliation in educational institutions based on race, color, national origin, ethnicity, ancestry, religion, sex, pregnancy, sexual orientation, gender identity, disability, age, and marital status. Critically, it establishes a private right of action — meaning that students and families who experience discrimination will have a path to justice even when government agencies fail to act. For Black students and families, these protections are not abstract. They address real, documented harms that occur daily in Maryland classrooms and on Maryland campuses: racially disproportionate school discipline and exclusionary practices, denial of access to gifted and advanced academic programs, discriminatory harassment and hostile school climates, and inequitable resource distribution that has historically disadvantaged majority-Black school communities.

The bill's extension of protections to higher education is equally essential. Maryland has a long and documented history of operating a racially dual system of higher education. Since 1999, Maryland and the federal OCR have been party to a partnership agreement specifically aimed at improving access, enrollment, retention, and graduation rates for African Americans in the state's public colleges and universities. As federal enforcement weakens, state-level guarantees become the last line of defense for Black students pursuing higher education in Maryland.

HB 649 explicitly includes disability as a protected class — and that inclusion is urgently needed. Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act have long required schools and colleges to provide accommodations, ensure equal access, and refrain from discriminating against students with disabilities. But those laws are only as strong as their enforcement, and federal enforcement has collapsed.

HB 649 fills that vacuum by giving the Maryland Commission on Civil Rights the authority to investigate and enforce disability discrimination claims in educational settings. It also extends those protections to higher education — ensuring that college students with disabilities who face denial of testing accommodations, inaccessible facilities, or unequal participation in academic programs have a meaningful state-level remedy. The bill's anti-retaliation provisions are particularly vital for families of students with disabilities, who are often in ongoing and dependent relationships with the very school systems they need to challenge. Parents who advocate persistently for their children's IEPs and accommodations are vulnerable to pushback and institutional hostility. Codifying anti-retaliation protection in state law creates a meaningful deterrent.

It is also critical to name the intersectional harm this bill addresses: Black students are disproportionately identified for special education, and are simultaneously subjected to higher rates of exclusionary discipline — even when disability is a contributing factor to the behavior being punished. A bill that protects against both racial discrimination and disability discrimination in the same enforcement framework provides compounding protection for one of the most underserved populations in Maryland schools. Section 504 has no meaning if no one enforces it. HB 649 ensures Maryland does.

Maryland has a constitutional and moral obligation to ensure that no child is denied an equal education on the basis of race, disability, or any other protected characteristic. The Blueprint for Maryland's Future — passed in 2021 — represents a generational commitment to closing opportunity gaps and investing in historically underserved students. HB 649 is the necessary civil rights infrastructure that makes that commitment enforceable and durable. A Blueprint without civil rights protection is a promise without teeth.

The private right of action established in this bill is among its most powerful provisions. Historically, Black families and families of students with disabilities facing discrimination in schools have been dependent on government agencies to decide whether their claims were worth pursuing. That dependency has too often meant waiting, being dismissed, or being told that the harm they experienced did not meet some technical threshold for investigation. A private right of action restores agency to families. It means that a Black family whose child has been subjected to racially discriminatory discipline — suspended at rates three times higher than their white peers, as national data consistently show — has a direct avenue to seek accountability without being gatekept by a bureaucracy. The same is true for a family whose child with a disability has been denied accommodations, excluded from programs, or subjected to discriminatory treatment. That is not a radical proposition. That is justice.

The federal government has abdicated its responsibility. This is not speculation — it is the documented, on-the-record conclusion of congressional auditors and civil rights advocates nationwide. In the absence of federal leadership, states like Maryland have the opportunity — and the obligation — to step into the breach. Maryland is a majority-minority state. Our public schools and universities serve hundreds of thousands of Black students, students with disabilities, and students who are both — whose futures depend on educational systems that treat them with dignity, fairness, and equity. HB 649 does not ask for something new. It codifies in Maryland law what the federal government has long promised but now refuses to reliably deliver.

I urge this Committee and the full General Assembly to pass House Bill 649.

peace & truth,
sharlimar douglass
Education Justice Advocate & Analyst
Maryland Alliance for Racial Equity in Education (MAREE)

House Bill 649 – Advancing Equal Educational Oppor

Uploaded by: Alicia Baines

Position: FWA

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

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

Submitted by: Alicia Renee

Special Education Advocate | Maryland Constituent

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.

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

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

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

- 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

EACtestimony2026.HB649_Cross Over to Senate Testim

Uploaded by: Elizabeth Benevides

Position: FWA

EDUCATION ADVOCACY COALITION FOR STUDENTS WITH DISABILITIES

SENATE EDUCATION, ENERGY, AND THE ENVIRONMENT COMMITTEE

HOUSE BILL 649: Advancing Equal Educational Opportunities for All Students in Maryland

April 1, 2026

Position: SUPPORT WITH AMENDMENT

The Education Advocacy Coalition for Students with Disabilities (EAC) is a coalition of nearly 50 organizations and individuals committed to advancing education policies that protect and support Maryland students with disabilities. The EAC supports with amendment House Bill 649, which would strengthen protections against discrimination in education and improve how Maryland enforces civil rights laws in schools. It will ensure that all students in Maryland have equal access to education regardless of race, color, ethnicity, national origin, ancestry, religion, sex, sexual orientation, gender identity, pregnancy, age, marital status, or disability.

Current state laws do not fully protect Maryland students and families. Maryland's existing education anti-discrimination law (Md. Code, Educ. §§ 26-701 to 26-705) is enforced by the Maryland State Department of Education and applies only to preK-12 students. Maryland law does not explicitly cover students in higher education. These students must rely on federal anti-discrimination laws.

Federal laws have prohibited discrimination in education for decades, yet enforcement of these laws has become harder to access. Maryland families now have fewer practical options for filing complaints with the U.S. Department of Education's Office for Civil Rights because of staffing reductions, processing delays, and a high rate of complaint dismissals.

HB 649 creates a new state law to expand both protections and enforcement. The bill authorizes the Maryland Commission on Civil Rights, an independent state agency, to investigate and resolve complaints of discrimination against K-12 and higher education institutions. The law would protect students from intentional discrimination and from policies or practices that have an unjustified discriminatory impact. It would also allow students and families to bring education discrimination claims in state court.

The EAC supports the following amendments suggested by Disability Rights Maryland, which make the bill clearer and more protective of students with disabilities:

1. Delete/Strike 20-7A-03(A)(3) on p. 5 of the bill, lines 20-23:

(A) This subtitle does not apply to:

~~(3) WITH RESPECT TO DISCRIMINATION ON THE BASIS OF A 21 DISABILITY, A NONPUBLIC EDUCATIONAL INSTITUTION THAT IS IN COMPLIANCE 22 WITH § 504 OF THE FEDERAL REHABILITATION ACT OF 1973 OR THE FEDERAL 23 AMERICANS WITH DISABILITIES ACT, AS APPLICABLE.~~

Rationale: This exclusionary language exempting nonpublic institutions in compliance with Section 504 and the Americans with Disabilities Act does not make sense because a determination of compliance could not occur until after a complaint is filed and investigated by MCCR. Nonpublic educational institutions should not be exempt from civil rights enforcement of disability laws. Many students with disabilities in Maryland attend nonpublic institutions, and these students deserve to be protected from discrimination no less than students in other Maryland schools.

2. Delete/Strike 26-702(3) on p. 10 of the bill:

This subtitle does not apply to:

~~(3) With respect to discrimination on the basis of disability, a nonpublic 29 prekindergarten program or nonpublic school that is in compliance with § 504 of the federal 30 Rehabilitation Act of 1973 or the federal Americans with Disabilities Act, as applicable.~~

Rationale: Same as above.

With these amendments for clarity, the EAC strongly supports HB 649.

Contact: Beth Benevides at ebenevides@hussmanfoundation.org or 443-590-3164.

Respectfully submitted,

Selene Almazan, Attorney

Linda Barton, Education Consultant

Beth Benevides, Autism Society of Maryland; Co-Chair, Education Advocacy Coalition

Ellen Callegary, Attorney (retired)

Melanie Carlos, Partnership for Extraordinary Minds

Rich Ceruolo, Parent & Advocate

Michelle Davis, ABCs for Life Success

Logan Ewing, Project HEAL at Kennedy Krieger Institute; Co-Chair, Education Advocacy Coalition

Jennifer Engel Fisher, JEF Consultants

Lisa Frank, Special Kids Company

Beth Ann Hancock, Charting the Course
Stacy Ganz Kahn, Educational Resources Group of Greater Washington
Ande Kolp, The Arc Maryland
Rachel London, Maryland Developmental Disabilities Council
Leslie Seid Margolis, Disability Rights Maryland
Monica Martinez, Martinez Advocacy
Ellen O'Neill, Atlantic Seaboard Dyslexia Education Center
Sumaiya Olatunde, H2D Counseling
Ronza Othman, National Federation of the Blind of Maryland
Kate Rabb, The Law Offices of Joseph & Rabb
Rebecca Rienzi, Pathfinders for Autism
Jaime Seaton, BGS Law
Ronnetta Stanley, Loud Voices Together Educational Advocacy Group
Wayne Steedman, The Steedman Law Group
Guy Stephens, Alliance Against Seclusion and Restraint

Public Justice Center_HB 649_EEE_FWA.pdf

Uploaded by: Ingrid Lofgren

Position: FWA



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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.

MD HB 649 2026.pdf

Uploaded by: Janet Sasaki

Position: FWA



HB 649

OUR MISSION

To restore, protect, and advance the rights of women and girls through legal argument, policy advocacy, and public education

OUR VISION

Total liberation of women and girls from all forms of sex-based oppressions, including gender identity, male violence, commercial sexual exploitation, and reproductive coercion

OPPOSE UNLESS AMEND

Women's Liberation Front OPPOSE UNLESS AMEND HB 649 which adds provisions under antidiscrimination laws in education to include "gender identity" which nullifies antidiscrimination laws against women and girls on the basis of sex.

Women's Liberation Front is a national secular nonpartisan 501(c)(3) nonprofit that works to restore, defend, and advance the rights of women and girls. We agree that no one must be discriminated against under the categories provided in HB 649, especially on the basis of sex, but extending antidiscrimination laws to "gender identity" at least insofar as spaces and sports effectively removes antidiscrimination protections for women and girls. Further, everyone regardless of their other identifiers are either male or female and it is *not* discrimination to have males and females use facilities and participate in sports categories by sex and. Male discomfort for using facilities designated for men and boys because they prefer to present as women and girls or identifying into the female sports category if they are not competitive on the boys' team is not an excuse to give all men and boys the special right to violate women-only spaces and female-specific opportunities.

The material condition of sex is what is being discriminated against when employers choose to pay women less than men; when housing was historically denied to single women; when institutions of higher education declined to accept female applicants believing that the only reason women seek higher education was to get a husband; when credit card companies didn't allow women to apply without a husband; when employers declined to employ women under prejudice that women were not meant to work outside the home; or any number of misogynistic pretense that prevented women from equal and fair treatment in public participation. Women were and are still discriminated against for being female.

"Gender identity" gives men and boys the legally protected right to identify into the female sex category and violate any designated spaces for women and girls. This legal entitlement to female-only space will result women and girls being intimidated out of public participation, especially socioeconomically disenfranchised women who have no options outside of public accommodations. Single-sex accommodations is a common sense measure to ensure equal access to education that has been treated as settled wisdom in recent systematic reviews.¹



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In provisions related to any athletic or athletic opportunity through academic institutions, the legal entitlement for boys and men to cheat by identify into the female category violates the original intent of Title IX and prioritizes the feelings and beliefs of boys and men over the science and evidence of one's material condition. There is broad scientific consensus that men have an athletic advantage over women of similar age and training, outperforming females by 10-40%² depending on the sporting event.³ There are profound differences between the sexes in terms of strength, power, speed, endurance, and body sizes that exist before puberty and become more pronounced as girls and boys grow into adulthood.² Studies have found that enhanced athletic performance have been driven in males in utero, early life, and onward into adulthood and cannot be reversed.⁴ Estrogen therapy cannot undo male advantage in athletic sports which makes males competing in women's sports egregiously unfair.

Allowing males to identify into the female sex category in sports have already led to predictable outcomes. In the most thorough account of boys who've used their athletic advantages against girls in high school due to policies that categorize sports based on "gender identity," boys have competed in at least 3,520 female-category events, taken at least 981 first place finishes, and at least 1,802 finishes in the top three.⁵ Outside of interscholastic and intramural athletics, men competing in female category sports have participated in over 18,439 events, and taken away over 10,205 top three placements from women, including 5,967 first places.⁶ Applying "gender identity" under antidiscrimination laws as applied to interscholastic, intramural, and professional sports categories has already resulted in men being legally entitled to cheat in women's sports and take opportunities, protections, and acknowledgement away from women and girls.

In contrast, girls and women who identify as males do not pose any threat to boys and men because girls and women cannot outperform boys and men in their own sports categories.

Places of education will also have an effective loophole to discriminate against women and girls by claiming a significant percentage of their students identify as woman and girls and therefore, satisfy any scrutiny over antidiscrimination laws. Any girl or woman who is sexually harassed or discriminated against by a man or boy in situations where "gender identify" allows men access to female-only spaces may be subject to reverse-victimization (i.e. "Deny, Attack, Reverse Victim and Offender") by the aggressor posing that he felt harassed or discriminated against for the woman or girl not accepting him as a woman and that her discomfort over his behaviors was "transphobia," "bigotry," and "hatred." In places where there is preference for males over females, the boys' complaint will prevail and the girl will be penalized. If a boy or man openly identifies as a woman and sexually harasses



or discriminates against his female coeds, girls and women will be intimidated into silence, knowing the unequal power dynamic that weighs more heavily in his favor than before the recognition of “gender identity” in antidiscrimination laws.

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The situations posed are not exaggerated concerns as we’ve already seen reverse-victimization happen to both boys and girls in educational institutions under “gender identity” antidiscrimination policies. A girl in Stone Bridge High School in Virginia went into the boys’ locker room as per her “gender identity” and began filming the boys despite the boys’ clear discomfort at her being there and telling her to leave. The incident resulted in the boys’ being disciplined for “sexual harassment” despite the aggressor being a girl who felt entitled to violate their privacy and film them due to her “gender identity.”⁷ In Deerfield, Illinois, teachers took part in sexually harassing a locker room full of 13-year-old girls by forcing them to undress in front of a male student who identifies as a girl after the girls expressed distress having to share a locker room with him.⁸ Recognizing “gender identity” over sex in antidiscrimination policy in these situations is neither progressive nor inclusive, but enabling, excusing, and even promoting predatory behavior and harassment between the sexes.

Women’s Liberation Front urges Maryland’s general assembly to AMEND HB 649 to keep antidiscrimination laws under all other categories provided and concerning “gender identity,” either add emphatic provisions that male students and female students must still use facilities and participate in sports categories according to their sex, or else omit provisions concerning “gender identity” altogether. Laws must not prioritize the feelings and entitlements of men and boys over the material condition of being female in laws that cater to “gender identity.”

Sincerely,

Women’s Liberation Front

¹Birdthistle, I, Dickson, K, Freeman, M. et al. What impact does the provision of separate toilets for girls at schools have on their primary and secondary school enrolment, attendance and completion? : A systematic review of the evidence. EPPI-Centre. July 2011.

<https://www.ircwash.org/sites/default/files/Birdthistle-2011-What.pdf>

²Joyner MJ, Hunter SK, Senefeld JW. Evidence on sex differences in sports performance. Journal of Applied Physiology. Vol 138, No.1.

<https://doi.org/10.1152/jappphysiol.00615.2024>

³Hunter SK, Angadi SS, Bhargava A, et al. The Biological Basis of Sex Differences in Athletic Performance: Consensus Statement for the American College of Sports Medicine.



Medicine and Science in Sports and Exercise. 55(12), 2328–2360. December 1, 2023.
<https://doi.org/10.1249/MSS.0000000000003300>

⁴ Heather AK. Transwoman Elite Athletes: Their Extra Percentage Relative to Female Physiology. International Journal of Environmental Research and Public Health. Vol. 19,15 9103. July 26, 2022. <http://doi.org/10.3390/ijerph19159103>

⁵ Hecheated.org. Accessed March 30 2026. https://hecheated.org/Totals_high-school_results.html

⁶ Hecheated.org. Accessed March 24, 2026. https://hecheated.org/Total_results.html

⁷ Minock N. WATCH: 7News obtains locker room video in LCPS investigation into Loudoun Co. boys. ABC News. May 16, 2025. Updated May 19, 2025.
<https://wjla.com/news/local/loudoun-county-boys-locker-room-video-lcps-investigation-exclusive-7news-virginia-public-bathroom-schools-transgender-gender-identity-female-student-title-ix-donald-trump-stone-bridge-education>

⁸ Illinois Review. Deerfield, Ill. School Officials Spark National Outrage After Forcing Girls to Change in Front of Transgender Boy, as Calls for Accountability Grow. March 18, 2025.
<https://www.illinoisreview.com/illinoisreview/2025/03/deerfield-ill-school-officials-spark-national-outrage-after-forcing-girls-to-change-in-front-of-transgender-boy-as-calls-for-accountability-grow.html>

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HB 0649 - State Board & MSDE - SWA.docx (1).pdf

Uploaded by: Laurel Cratsley

Position: FWA

TO: Senate Committee on Education, Energy, and the Environment

BILL: House Bill (HB) 649 - Advancing Equal Educational Opportunities for All Students in Maryland

DATE: April 1, 2026

POSITION: Support with Amendments

The Maryland State Board of Education (State Board) and the Maryland State Department of Education (MSDE) are providing testimony in support of **HB 649** - Advancing Equal Educational Opportunities for All Students in Maryland, with amendments. The bill seeks to expand pathways for individuals to file discrimination complaints in the educational setting and to strengthen state-level protections.

We support this effort to ensure that individuals have clear, accessible, and effective avenues to seek relief when they believe discrimination has occurred. The Department appreciates the continued collaboration with the Maryland Commission on Civil Rights (MCCR) in advancing policies that promote equity and opportunity for all Maryland students, families, and educators. That partnership reflects a shared commitment to ensuring that every student in Maryland learns in an environment free from discrimination.

Currently, individuals have several avenues available to address allegations of discrimination in education. A complaint may be filed directly with the local education agency (LEA), with appeal rights to the local board of education and the State Board of Education. Individuals may file a complaint with the U.S. Department of Education's Office for Civil Rights under federal law. They may also file a complaint with the State Superintendent under Md. Code, Educ. § 26-705. In addition, individuals may pursue relief in court under federal anti-discrimination laws.

MSDE's Discrimination in Education Article (Md. Code, Educ. § 26-701, et. seq) was enacted to provide a forum for individuals to file discrimination complaints directly with the State Superintendent. That ability to file complaints with the State Superintendent applies to individuals who fall under the auspices of county boards, public prekindergarten programs, public primary and secondary schools, and nonpublic schools and prekindergarten programs that receive State funds. Through this framework, MSDE has served as the enforcing agency for state education anti-discrimination law.

HB 649 would build upon these existing avenues by expanding the forums in which individuals may seek relief and by strengthening the overall system's capacity to investigate and address claims. We recognize the importance of ensuring that Maryland students have meaningful access to remedies, particularly in light of evolving federal enforcement structures. As recent federal rules narrow Title VI liability, it is especially important that state law continue to provide robust protections against disparate impact. Expanding state-level pathways can enhance individuals' confidence that concerns will be reviewed promptly and

independently, and that appropriate relief will be available when violations are substantiated.

At the same time, clarity in process, timelines, and coordination between agencies will be essential to ensure efficient administration, avoid duplication of investigations, and provide predictable procedures for families and school systems alike. The amendments below are offered to ensure clear sequencing, defined responsibilities, and effective coordination between MSDE and MCCR.

MSDE and MCCR have worked closely to ensure that HB 649 makes necessary technical changes and clarifications so that the new provisions function harmoniously with existing law currently under the State Superintendent's authority. In addition to the amendments being sought by MCCR for this purpose, MSDE also proposes the following friendly amendments:

MSDE Amendments:

- p. 12, line 26: strike "WITH" and replace with "TO"
- p. 13, lines 12-14: Reorder current paragraph (3) as paragraph (1)
- p. 13, lines 1-6: Strike these lines and replace with:

"(2) Upon receipt of a complaint under subsection (a)(1)(I) of this section, the State Superintendent shall within 10 days determine whether:

(I) the complaint alleges a violation of § 26–704 of this subtitle; and

(II) if the complaint will be referred to the Commission on Civil Rights for investigation under subsection (a)(1)(II).

(3) If the State Superintendent determines the complaint alleges a violation of § 26–704 of this subtitle and does not refer the complaint to the Commission on Civil Rights, the State Superintendent shall provide notice of the complaint to:

(I) The program or school that is the subject of the complaint; or

(II) The county board for the county in which the public prekindergarten program or public primary or secondary school is located."
- p. 13, lines 16-18: Strike "[(b)] (B)(1)" and replace with "(B)(3)"
- p. 15, lines 17-18: Strike "[The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,"

With these amendments, the State Board and the Department respectfully urge the Committee to give **HB 649** a favorable report. For further information, please contact Laurel Cratsley, Interim Executive Director of Government Affairs, at laurel.cratsley@maryland.gov.

DRM.Senate.HB649.Favorable with Amendments.Final.p

Uploaded by: Megan Berger

Position: FWA

Senate Education, Energy, and the Environment Committee
House Bill 649 – Advancing Equal Educational Opportunities for All Students in Maryland

April 1, 2026

POSITION: Favorable with Amendments

Disability Rights Maryland (DRM), a non-profit legal advocacy organization, is the federally-mandated Protection and Advocacy agency for the State of Maryland, charged with defending and advancing the rights of persons with disabilities. We have been serving children, youth, and adults with disabilities in our state for over 40 years. DRM is a leader in Maryland's educational advocacy community, working on issues such as school discipline, special education, restraint and seclusion, and disability discrimination.

DRM supports HB 649 with favorable amendments. HB 649 strengthens civil rights protections for Maryland's students and fills a critical gap in civil rights enforcement at a crucial time. By authorizing the Maryland Commission on Civil Rights, an independent agency, to investigate and resolve discrimination complaints against both K-12 and higher education institutions, the bill brings higher education students under the protections of state law and creates an accessible and independent avenue for all of Maryland's students to demand equal access to education regardless of race, color, ethnicity, disability, national origin, ancestry, religion, sex, sexual orientation, gender identity, pregnancy, age, or marital status.

Building a strong and resilient civil rights infrastructure in Maryland that mirrors federal anti-discrimination protections is vital now more than ever, as the shifting legal landscape around civil rights, re-interpretation of some federal civil rights statutes and regulations, and decline in federal enforcement mechanisms pose serious barriers for students. Students are hampered in their ability to file successful discrimination complaints with the U.S. Department of Education (ED)'s Office for Civil Rights given severe budget and staffing cuts, and frozen resources and data collection. With the dismantling of the ED's Office for Civil Rights and reduced civil rights enforcement, students and families need to look to their own states for protection. DRM particularly appreciates HB649 because it will allow students with disabilities who are subjected to discrimination by a school or education agency to file a complaint with MCCR or in state court; by allowing this recourse, HB649 fills the gap left by the decimated federal anti-discrimination framework that had been in place for so many years.

DRM does suggest two amendments for the purpose of clarity:

1. Delete/Strike 20-7A-03(A)(3) on p. 5 of the bill:

(A) This subtitle does not apply to:

~~(3) WITH RESPECT TO DISCRIMINATION ON THE BASIS OF A 21 DISABILITY, A NONPUBLIC EDUCATIONAL INSTITUTION THAT IS IN COMPLIANCE 22 WITH § 504 OF THE FEDERAL REHABILITATION ACT OF 1973 OR THE FEDERAL 23 AMERICANS WITH DISABILITIES ACT, AS APPLICABLE.~~

Rationale: This exclusionary language exempting nonpublic institutions in compliance with Section 504 and the Americans with Disabilities Act does not make sense because a determination of compliance could not occur until after a complaint is filed and investigated by MCCR. Nonpublic educational institutions should not be exempt from civil rights enforcement of disability laws. Many students with disabilities in Maryland attend nonpublic institutions, and these students deserve to be protected from discrimination no less than students in other Maryland schools.

2. Delete/Strike 26-702(3) on p. 10 of the bill:

This subtitle does not apply to:

~~(3) With respect to discrimination on the basis of disability, a nonpublic 29 prekindergarten program or nonpublic school that is in compliance with § 504 of the federal 30 Rehabilitation Act of 1973 or the federal Americans with Disabilities Act, as applicable.~~

Rationale: Same as above.

DRM believes these amendments will make this strong bill even stronger. Maryland has a unique opportunity to be a leader in building its state civil rights infrastructure for students, and we urge a favorable report with the suggested amendments.

For more information, please contact Megan Berger at Disability Rights Maryland:
megan.berger@disabilityrightsmd.org

LCCRUL HB 649 Written Testimony (03-30-2026).pdf

Uploaded by: Michael Pillera

Position: FWA



LAWYERS' COMMITTEE FOR
CIVIL RIGHTS
U N D E R L A W

March 30, 2026

Chair Brian J. Feldman

Maryland Senate Committee on Education, Energy, and the Environment

Miller Senate Office Building, 2 West Wing

Annapolis, MD 21401

Re: In support of House Bill 649, Advancing Equal Educational Opportunities for All Students in Maryland

Dear Chair Brian J. Feldman:

The Lawyers' Committee for Civil Rights Under Law strongly supports House Bill 649 ([HB 649](#)) "Advancing Equal Educational Opportunities for All Students in Maryland." HB 649 is a strong bill which steps up to protect all Maryland students, fill the enormous canyon left by an unavailable federal civil rights enforcement infrastructure, and bolster a previously incomplete state infrastructure to protect students.

The Lawyers' Committee is a nonpartisan, nonprofit organization, formed in 1963 at the request of President John F. Kennedy to enlist the private bar's leadership and resources in combating racial discrimination and the resulting inequality of opportunity—work that continues to be vital today. Today, the Lawyers' Committee uses legal advocacy to achieve racial justice, fighting inside and outside the courts to ensure that Black people and other people of color have the voice, opportunity, and power to make the promises of our democracy real. We have deep knowledge of and experience advocating for civil rights protections for students and for the full realization of the promise in *Brown v. Bd. of Education*, that education be made available to all on equal terms. We have litigated or supported litigation in numerous cases impacting education civil rights for students, including litigating on behalf of students, teachers, and/or other members of school communities in *Students for Fair Admissions, Inc. v. President and Fellows of Harvard Coll.*, No. 20-1199 (U.S.); *Students for Fair Admissions, Inc. v. Univ. of N.C.*, No. 21-707 (U.S.); *Students for Fair Admissions, Inc. v. Univ. of Tex. at Austin*, No. 1:20-cv-00763-RP (W.D. Tex.); *Black Emergency Response Team v. Drummond*, No. 5:21-cv-01022-G (W.D. Okla.); *Walls v. Sanders*, No. 24-1990 (8th Cir.); and *Hoke Cnty. Bd. of Educ. v. North Carolina*, No. 425A21-1 (N.C.), and submitting amicus briefs in *Nat'l Council of Nonprofits v. McMahon*, No.

1:25-cv-13242-MJJ (D. Mass.); *Robert F. Kennedy Ctr. for Just. & H.R. v. McMahon*, No. 1:25-cv-03860-AHA (D.D.C.); *Am. All. for Equal Rts. v. Hispanic Scholarship Fund*, No. 1:25-cv-04207-LLA (D.D.C.); *Coal. for T.J. v. Fairfax Cnty. Sch. Bd.*, No. 22-1280 (4th Cir.); *Bos. Parent Coal. for Acad. Excellence Corp. v. The Sch. Comm. of the City of Bos.*, No. 22-1144 (1st Cir.); *Pennsylvania v. DeVos*, No. 1:20-cv-01468 (D.D.C.); *New York v. Dep't of Educ.*, No. 1:20-cv-4260 (S.D.N.Y.); *Victim Rts. L. Center v. DeVos*, No. 1:20-cv-11104 (D. Mass.); and *Mahoney Area Sch. Dist. v. B.L.*, No. 20-255 (U.S.).

For more than six decades the Office for Civil Rights in the U.S. Department of Education (including its predecessor entity) and the Civil Rights Division in the U.S. Department of Justice enforced federal civil rights laws that protect students from discrimination. Today, both agencies have been decimated by the federal administration. About 75% of all attorneys have been driven out of the Civil Rights Division, including those working specifically on education civil rights enforcement. The Office for Civil Rights, which once boasted a staff of around 1100, has been reduced to a couple of hundred staff members, who continue to be threatened with termination. Seven of its twelve regional civil rights enforcement offices have been shuttered and the administration has attempted to eliminate nearly all of the staff in the remaining 5 offices.¹ And just last week, the administration announced that it was ousting the Department of Education from its headquarters at the Lyndon Baines Johnson building in D.C., where the Department has been headquartered since its inception—another tangible step towards destruction of the Department of Education and evisceration of its capacity to enforce civil rights protections.

At the same time, around 30,000 complaints of discrimination are pending and unresolved with the Office for Civil Rights. Over the last year, both the Office for Civil Rights and the Civil Rights Division have taken significant action to diminish the civil rights of Black Students and other students of color, while resolving virtually no investigations to protect their civil rights. This is particularly concerning as the Office for Civil Rights was established in 1965 within the predecessor to the Department of Education to enforce the Civil Rights Act of 1964, with the specific mandate of protecting students from discrimination based on their race, color, or national origin. And based on publicly shared resolutions over the past year, OCR appears to

¹ In addition to the administration's continued efforts to eliminate the Office for Civil Rights, the administration has attempted to eviscerate other components of the Department of Education that administer funding and oversee laws which ensure students can access education. This includes attempts to eliminate the Office of English Language Acquisition, which oversees funding under Title III of the Elementary and Secondary Education Act, which provides funding to states and school districts in furtherance of assisting students who are English Learners; and the Office of Special Education Programs, which administers the Individuals with Disabilities Education Act of 2004. And the administration has entered into 10 interagency agreements with five other federal agencies, to parcel out its responsibilities to agencies that lack necessary institutional expertise and essential infrastructure to perform the work.

have all but ceased resolving complaints of sexual harassment and sexual violence in schools, as well as complaints regarding the civil rights of students who are English Learners. The federal civil rights enforcement infrastructure is failing students and school communities in Maryland and throughout the country—It is taking us backwards on the promise of educational equity.

The decimation of the federal enforcement infrastructure is unprecedented and it could take years or even decades to repair and rebuild the infrastructure. It is essential today and for the future that all states take responsibility for protecting their students—this is a clear model of what states can do on their own, whether or not the federal government fulfils its obligations to the nation's students. States independently bear a responsibility to protect the civil rights of their students. Maryland has a responsibility to ensure all students can access education on equal terms and that responsibility should not hinge on whether the federal government is able or willing to perform its obligations to all students in our country. And with the passage of HB 649, Maryland has the opportunity to position itself as a leader in ensuring civil rights for students and school communities.

HB 649 is a strong bill that expands Maryland's education anti-discrimination law and the agencies that enforce it at a critical time when students in Maryland and throughout the country are left unprotected by federal agencies obligated to uphold their rights. This vital legislation provides more robust civil rights enforcement for students, authorizing the Maryland Commission on Civil Rights to investigate and resolve complaints alleging discrimination by educational institutions. HB 649 ensures that students' civil rights are protected throughout their educational journey from PreK through postsecondary. It protects students both from policies and practices that treat students differently and policies and practices that have an unjustified discriminatory effect on students based on protected characteristics. And it empowers students and families to better enforce their rights to be free from discrimination, by allowing students and families to file a civil action alleging education discrimination in court. This inclusion of a private right of action is an essential addition to Maryland civil rights law mirroring legal rights that have historically existed under federal civil rights law.

Over the past year, the U.S. Department of Education's leadership has taken aggressive action to dismantle the Department of Education, abandon its mission, parcel out its responsibilities, and weaponize civil rights law against students, schools, and colleges. For students and families in Maryland, the U.S. Department of Education is unavailable to ensure their civil rights are protected. But Maryland doesn't have to be unavailable for its students and families—the state now has the opportunity to establish meaningful and critical safeguards. HB 649 provides essential protections for Maryland students and provides them at a critical time. We commend the Maryland Senate Committee on Education, Energy, and the Environment for its consideration of HB 649 and respectfully urge the Committee to issue the bill a favorable report.

Thank you,

Michael Pillera

Director, Educational Opportunities Project

Lawyers' Committee for Civil Rights Under Law

mpillera@lawyerscommittee.org

Gibson-Banks Center Testimony on HB 649 before Sen

Uploaded by: Monique Dixon

Position: FWA

Testimony Concerning House Bill 649
Advancing Equal Educational Opportunities for All Students in Maryland
Position: Favorable with Amendments

To: Senator Brian J. Feldman, Chair
Senator Cheryl C. Kagan, Vice-Chair
Members of the Education, Energy, and the Environment Committee

From: Monique L. Dixon, Executive Director; Michael Pinard, Faculty Director; and
Erika Lewis, Erek L. Barron Fellow, Gibson-Banks Center for Race and the Law,
University of Maryland Francis King Carey School of Law

Date: March 30, 2026

On behalf of the Gibson-Banks Center for Race and the Law (“Gibson-Banks Center” or Center) at the University of Maryland Francis King Carey School of Law (Maryland Carey Law),¹ we appreciate the opportunity to submit testimony in support of House Bill 649 (HB 649), which expands the authority of the Maryland Commission on Civil Rights (the Commission) to include the investigation and resolution of education discrimination complaints. HB 649 would, among other things: prohibit discrimination and retaliation based on race, color, national origin, ethnicity, ancestry, religion, sex, pregnancy, sexual orientation, gender identity, disability, age, or marital status by educational institutions;² expand the covered protected characteristics to explicitly include ancestry and pregnancy; extend the protections against discrimination beyond PreK to grade 12 students to students in institutions of higher education; ensure that students are protected from intentional discrimination as well as from policies and practices that have an unjustified discriminatory effect; and allow students or their parents or guardians to file education discrimination complaints as civil actions in state court.

We urge the Committee to issue a favorable with amendments report because the bill would: 1) help address persistent racial and other discrimination in education; 2) offer more protections from education discrimination to more students thereby ensuring that all Maryland

¹ This written testimony is submitted on behalf of the Gibson-Banks Center and not on behalf of the University of Maryland Francis King Carey School of Law, the University of Maryland, Baltimore, or the University System of Maryland.

² The Commission has requested a sponsor amendment to add military status to the list of protected characteristics. The Gibson-Banks Center supports this amendment as military status is already protected under current state anti-discrimination laws. *See, e.g.*, MD. CODE ANN., STATE GOV’T, § 20-705 (2024).

students have equal access to educational opportunities without regard to race and other protected characteristics; and 3) expand these protections at a time when the federal government is limiting avenues to both address and redress discrimination in educational settings. We respectfully ask that the Committee amend HB 649 to allow students or their parents or guardians to file a civil action in state court once the law becomes effective, instead of 30 days after the Commission issues regulations, to ensure that aggrieved parties have the option of seeking redress under HB 649 as soon as possible.

The Gibson-Banks Center works collaboratively to re-imagine and transform institutions and systems of racial inequality, marginalization, and oppression. Through education and engagement, advocacy, and research, the Center examines and addresses racial inequality, including the intersection of race with sex, gender, or disability, and advances racial justice in a variety of issue areas, including education.

HB 649 offers additional venues where students and their parents or guardians may file complaints to address persistent racial and other forms of discrimination in Maryland's educational institutions.

Today, education is perhaps the most important function of state and local governments...Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.

Brown v. Board of Education, 347 U.S. 483, 493 (1954)

Before the *Brown* decision in 1954, Maryland had maintained a system of racially segregated schools for decades. For example, although Maryland Carey Law admitted a few Black men shortly after the Civil War, in 1891 the school became racially segregated again and exclusively enrolled white men until 1920, when it admitted several white women.³ Maryland Carey Law remained closed to Black students from the 1890s through 1936, when the school enrolled Donald Gaines Murray, who successfully filed a lawsuit challenging Maryland's practice of racial segregation in higher education.⁴

After Maryland school systems resisted *Brown's* mandate to desegregate schools,⁵ Congress stepped in by passing federal legislation that bans discrimination and retaliation based on race, color, national origin, sex, age, and disability by programs or activities that receive federal financial assistance.⁶ The U.S. Department of Education's (ED) Office for Civil Rights

³ See Maryland Carey Law Magazine, *Celebrating 200 Years of Bold Leadership*, 16-17 (Winter 2023), <https://law.umaryland.edu/news--events/magazine/archives/> (explaining that two Black men graduated from the law school in 1889 and five white women graduated in 1923. The first Asian American man graduated in 1945 and the first Black women graduated in 1950).

⁴ See *id.* at 16. (discussing the landmark case of *Pearson et al v. Murray*, 169 Md. 478 (1936)).

⁵ Over a decade after *Brown*, racial segregation in educational institutions and programming continued in Maryland, leaving Black children with inadequate access to resources. See 99 Op. Att'y Gen. 88 93, 97-98 (2014), <https://oag.maryland.gov/resources-info/Documents/pdfs/Opinions/2014/99OAG88.pdf>; Comm. of Md.; Superintendents Report to The State Board of Education and The Attorney General of Maryland 6 (1954), <https://msa.maryland.gov/megafile/msa/speccol/sc5300/sc5339/000116/000000/000008/unrestricted/report.pdf> (proposing a "gradual adjustment" to slowly integrate public schools in Maryland after the *Brown* decision).

⁶ Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d-2000d-7 (race, color, or national origin); Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1688 (sex); Age Discrimination Act of 1975, 42 U.S.C. § 6102 (age); Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (disability). OCR also enforces Title II of the Americans with Disabilities Act, 42 U.S.C. §§ 12131-12134, which prohibits disability discrimination whether or not the state or local government receives federal financial assistance.

(OCR) enforces these laws.⁷ In 2022, the Maryland General Assembly passed an education anti-discrimination law that offered protections similar to those provided under federal law to students in PreK through grade 12 and gave the Maryland State Department of Education enforcement power.⁸

Despite legal protections at both the federal and state levels, racial inequalities in Maryland schools have persisted. For example, a 2019 report by the Maryland Advisory Committee to the U.S. Commission on Civil Rights revealed that Maryland’s Black students experience “disproportionate rates of exclusionary discipline” and “are likely to be suspended for longer periods than their white counterparts even in what is arguably the exact same disciplinary situation.”⁹ School discipline practices especially impact Black girls, as they are “four times more likely than white girls to be suspended, twice as likely to be expelled, and more likely to be suspended for longer terms.”¹⁰

HB 649 is needed now more than ever at a time when ED has taken actions that limit students’ ability to seek resolution of education discrimination complaints with OCR. Since March 2025, ED officials, in an effort to close the agency and purportedly return education authority to state and local governments,¹¹ have placed more than half of OCR’s staff on administrative leave and prohibited them from working from March 2025 to January 2026, when ED, in response to a lawsuit, reinstated some OCR staff.¹² ED officials also closed seven of its 12 offices, and reassigned the caseloads to the five remaining OCR offices. Consequently, OCR’s 271 open investigations of discrimination complaints against Maryland schools, as of January 2025,¹³ have likely stalled and the OCR staff that remain are unlikely to have the capacity to investigate new complaints.¹⁴ By authorizing the Maryland Commission on Civil Rights to investigate education discrimination complaints, HB 649 will fill the void created by the substantial reduction in workforce at OCR.

⁷ U.S. DEP’T OF EDUC., OFF. FOR CIV. RTS., *About OCR*, <https://www.ed.gov/about/ed-offices/ocr/about-ocr> (last visited Mar. 30, 2026).

⁸ See MD. CODE ANN., EDUC. §§ 26-701 to 26-705 (2022) (prohibiting discrimination and retaliation based on race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability by public and nonpublic pre-K to grade 12 schools that receive state funds).

⁹ MD. ADVISORY COMM. TO THE U.S. COMM’N ON CIV. RTS., *Disparities in School Discipline in Maryland* 17 (2019), <https://www.usccr.gov/files/pubs/2020/01-14-MD-SAC-School-Discipline-Report.pdf>.

¹⁰ *Id.* at 18.

¹¹ Exec. Off. of the Pres., *Improving Education Outcomes by Empowering Parents, States, and Communities*, Executive Order 14242, 90 Fed. Reg. 13679 (Mar. 20, 2025), <https://www.federalregister.gov/documents/2025/03/25/2025-05213/improving-education-outcomes-by-empowering-parents-states-and-communities>.

¹² U.S. GOV’T ACCOUNTABILITY OFF., DEP’T OF EDUC.: FULL COSTS AND SAVINGS ESTIMATE NEEDED FOR REDUCTION-IN-FORCE AND RESTRUCTURING OF THE OFF. FOR CIV. RTS. 4 (Jan. 29, 2026), <https://www.gao.gov/products/gao-26-108320>.

¹³ U.S. DEP’T OF EDUC., OFF. FOR CIV. RTS., *Pending Cases Currently Under Investigation at Elementary-Secondary and Post Secondary Schools*, https://ocrcas.ed.gov/open-investigations?field_ois_state=659&field_ois_discrimination_statute=All&field_ois_type_of_discrimination=All&it_ems_per_page=20&field_ois_institution=&field_ois_institution_type=All&field_open_investigation_date_1=&field_open_investigation_date_2=&field_open_investigation_date=&field_open_investigation_date_3= (last visited Mar. 30, 2026).

¹⁴ See generally Letter from Sabrina Bernadel, Esq., Manager, Education Civil Rights Alliance & Becky Monroe, Esq., Senior Director, Education, National Center for Youth Law, to Melissa Wells, Chair, Maryland House Committee on Government, Labor, and Elections (Feb. 20, 2026), https://mgaleg.maryland.gov/cmte_testimony/2026/gvc/1fxgX2hEc7fv-XylV2PJg0jgReYJCJ0y8M.pdf.

Additionally, HB 649 allows students and their parents or guardians to file a civil action in state court alleging violations of the bill, which is similar to federal anti-discrimination laws that allow complainants to file a civil action in federal court.¹⁵ A private right of action would ensure that students or their parents and guardians have another legal recourse option. As introduced, however, HB 649 would require students or their parents or guardians to wait until 30 days after the Commission issues initial regulations to file a civil action in state courts. We respectfully ask the Committee to amend the bill to allow students or their parents or guardians to file a civil complaint alleging violations of HB 649 once the law becomes effective. Aggrieved parties should not wait to enforce an effective law. Several states have private right of action provisions in their education anti-discrimination laws that do not contain this type of limitation.¹⁶ HB 649 should do the same.

HB 649 provides more students with more protections against education discrimination than is currently available under state law.

Maryland's current education anti-discrimination law protects only students from PreK through grade 12 who attend public and nonpublic schools.¹⁷ HB 649's prohibition against education discrimination would extend to students enrolled in institutions of higher education, similar to federal laws. Additionally, by prohibiting education discrimination based on ancestry and pregnancy, HB 649 explicitly protects more characteristics than current state law.

HB 649 would also protect students from policies and practices that both treat students differently based on a protected characteristic, i.e., intentional discrimination, and those that have an unjustified discriminatory effect on students based on protected characteristics. These are protections that students have enjoyed under federal anti-discrimination laws for decades, yet the current federal administration is taking steps to roll them back.¹⁸ Maryland officials must ensure that students and their families are protected from discrimination in all its forms.

By passing a comprehensive state civil rights law that prohibits discrimination by all educational institutions, Maryland officials will stand ready to protect all students from discrimination in PreK through graduate schools when the federal government will not. For the above reasons, we ask for a favorable with amendments report on HB 649.

¹⁵ See, e.g., *Barnes v. Gorman*, 536 U.S. 181, 185 (2002) (noting that private individuals may sue to enforce Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, and Title VI of the Civil Rights Act of 1964.).

¹⁶ See, e.g., ALASKA STAT. ANN. § 14.18.100 (2025); CAL. EDUC. CODE § 262.3-262.4 (2026); N.H. REV. STAT. ANN. § 354-A:28 (2019).

¹⁷ MD. CODE ANN., EDUC., § 26-704(a) (2022).

¹⁸ See, e.g., *Elimination of Disparate Impact Theory Under Title VI of the 1964 Civil Rights Act*, Unified Agenda of Regulatory and Deregulatory Actions, U.S. Dep't of Educ., RIN 1870-AA20 (2025), <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202504&RIN=1870-AA20> (last visited Feb. 19, 2026).

HB0649 - Advancing Equal Educational Opportunities

Uploaded by: S. Spencer Dove

Position: FWA



State of Maryland Commission on Civil Rights

Respect...Integrity...Effective Communication

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Nicolette S. Young

General Counsel
Glendora C. Hughes

**Education and
Outreach Director**
Candice Crenshaw

April 1, 2026

House Bill 649 – Advancing Equal Educational Opportunities for All Students in Maryland **Position:** Favorable with Amendments

Dear Chairperson Feldman, Vice Chairperson Kagan, and Members of the Senate Education, Energy, and the Environment Committee:

The Maryland Commission on Civil Rights (“MCCR”; “The Commission”) is the State agency responsible for enforcing Maryland’s laws prohibiting discrimination in employment, housing, public accommodations, state contracts, commercial leasing, and health services based on race, color, religion, sex, age, national origin, marital status, familial status, sexual orientation, gender identity, genetic information, physical and mental disability, source of income, and military status.

Bill Summary

House Bill 649 adds education within the areas of Maryland law enforced by the Commission, prohibiting discrimination, harassment, and retaliation against an individual based on their race, color, national origin, ethnicity, ancestry, religion, sex, pregnancy, sexual orientation, gender identity, disability, age, or marital status. These prohibitions apply to all educational institutions within Maryland, including:

- prekindergarten programs;
- elementary schools;
- secondary schools;
- institutions of postsecondary and higher education¹;
- other educational programs that award a certificate, diploma, or degree; and
- the institution’s governing body, such as boards of education.

For prekindergarten programs, elementary schools, and secondary schools, HB649 establishes concurrent jurisdiction² between MCCR and the Maryland State Department of Education (“MSDE”).³ Under Md. Code Ann., Educ. Art. Title 26, Subtitle 7, a student or parent/guardian of a student who alleges discrimination may

¹ As defined in § 10-101 of the Education Article.

² MCCR currently has concurrent jurisdiction with the Maryland Insurance Administration and the Maryland Department of Health to investigate complaints alleging discrimination in insurance and health services, respectively.

³ <https://marylandpublicschools.org/about/pages/education-nondiscrimination.aspx>

“Our vision is to have a State that is free from any trace of unlawful discrimination.”

file a complaint with the State Superintendent⁴. Presently, if the student does not wish to pursue a complaint with the State Superintendent, then they may be able to seek redress either with their local school system or through the U.S. Department of Education's Office for Civil Rights ("OCR")⁵.

With respect to institutions of postsecondary and higher education, HB649 gives MCCR the authority to investigate complaints alleging unlawful discrimination against any school within Maryland. HB649 directs the Board of Regents for the University System of Maryland ("Board") and the Maryland Higher Education Commission ("MHEC") to forward any complaints received alleging unlawful discrimination to MCCR. Currently, if a student within an institution of postsecondary and higher education believes they are the victim of unlawful discrimination, then they may either file a complaint via the institution's internal process, if available, or with OCR.

Finally, the bill's provisions that MCCR will enforce stipulate a delayed effective date of "30 days after the adoption of initial regulations" but no sooner than October 1, 2026. These conditions were included by the Commission to afford ample time to consult with all key stakeholders, including MSDE, in order to promulgate comprehensive substantive and procedural regulations.

Dysfunction at OCR

MCCR requests passage of HB649 because it is evident now more than ever that Maryland students deserve a State-level solution akin to what is available through OCR. While MCCR is aware that MSDE's programs enjoy widespread support, the programs' scopes are limited to a less comprehensive list of protected classes and only encompass schools that receive State funds. Passage of HB649 would fill in these coverage gaps for Maryland's students.

As previously stated, when it comes to institutions of postsecondary and higher education, a State-level solution to address allegations of unlawful discrimination appears non-existent. Per "Maryland Higher Education Commission (MHEC) Complaint Processes for Colleges, Universities, and Private Career Schools"⁶ available on MHEC's website:

d. A complaint concerning discrimination is to be submitted to:
Office for Civil Rights, Philadelphia Office
U.S. Department of Education
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323
Telephone: 215-656-8541
More information is available at:
<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

⁴ The State Superintendent's jurisdiction is limited to a "county board, public prekindergarten program, public primary or secondary school, nonpublic prekindergarten program that receives State funds, and nonpublic primary or secondary school that receives State funds".

⁵ <https://www.ed.gov/about/ed-offices/ocr/about-ocr>

⁶ <https://mhec.maryland.gov/Documents/MHEC%20Complaint%20Process%20for%20all%20institutions%205-12%20%281%29.pdf>. Last accessed February 19, 2026.

According to the OCR’s complaint database available on its website, the office received the following Maryland-based complaints for calendar years beginning in 2012:

Calendar Year	Number of Complaints
2012	1
2015	1
2016	2
2019	7
2020	15
2021	18
2022	41
2023	55
2024	130
2025	1

Source: [U.S. Dept. of Education OCR Complaint Database](#) (Last Accessed February 19, 2026)

In reviewing these numbers, MCCR notices two clear trends – (1) the number of complaints received annually by OCR began to climb steeply beginning in 2020, and (2) OCR stopped processing complaints beginning around January 2025⁷. In fact, the most recent complaint OCR reports in its database was open on January 8, 2025.

As part of the federal administration’s reductions in force (“RIF”) efforts, in March 2025 the U.S. Department of Education closed seven of its twelve regional OCR offices, specifically in Boston, Chicago, Cleveland, Dallas, New York, Philadelphia, and San Francisco. The five remaining OCR offices in Atlanta, Denver, Kansas City, Seattle, and Washington, D.C., continued to operate, absorbing complaints pending from the shuttered offices. Between March 2025 and January 2026, 299 of OCR’s 575 staff were prohibited from working because they received RIF notices⁸. These staff were reinstated following numerous court decisions forcing the U.S. Department of Education to halt the RIF.

According to a troubling February 2026 report issued by the Government Accountability Office, “From March to September 2025, OCR received over 9,000 complaints of alleged discrimination and resolved over 7,000. About 90 percent of these were resolved by Education dismissing the complaints.”⁹ In other words, OCR is shirking enforcement by arbitrarily closing complaints without investigating any of the merits within said complaints.

Why the Bill is Needed

Last year’s volatility contributed to significant ongoing consequences for OCR’s caseload, including delays in investigations, the dismissal of numerous complaints, and the development of a substantial backlog – all of which will have long-term effects for those in immediate need.

⁷ The database posts disclosures stating “Last Updated: January 14, 2025” and “Updated every Tuesday”.

⁸ <https://www.gao.gov/assets/gao-26-108320.pdf>

⁹ <https://www.gao.gov/assets/gao-26-108320.pdf>

MCCR believes that Maryland students deserve better – they deserve to be heard, to be respected, and to be protected. That is why the Commission is requesting your support for HB649. With nearly six decades of experience independently investigating complaints alleging unlawful discrimination and enforcing State law, the Maryland Commission on Civil Rights believes that the events we are living through as a nation are a call to action which MCCR can answer with our expertise, commitment, and passion. For nearly 100 years, MCCR has always answered that call.

HB649 is about providing an option to the People of Maryland that ensures all students are protected. It sets every student up for success by reinforcing the values enshrined in our laws, our public policy, and our culture.

Amendments

MCCR is seeking amendments to HB649, many of which were offered as friendly amendments by key stakeholders:

- Adding "military status" as a protected class to MCCR's jurisdiction within education, which was mistakenly omitted from the bill at introduction.
- Clarifying for both the Board and MHEC (pages 9 and 10) that complaints received by them under the bill satisfy MCCR's 6-month statute of limitations applicable to this bill, and that those complaints must be forwarded to MCCR within 10 business days of receipt.
- Removing the procedures outlined on pages 16 through 20 of the bill. In its place, MCCR will investigate complaints alleging unlawful education discrimination under current procedure in MCCR's enforcement statute, State Gov. Art. Title 20, Subtitle 10, Part I.
- Generally, making technical changes and/or clarifications in order for HB649 to function harmoniously with the State Superintendent's existing authority under Educ. Art. Title 26, Subtitle 7.

MCCR would like to thank the Gibson-Banks Center for Race and the Law at the University of Maryland Francis King Carey School of Law, MSDE, MHEC, the University System of Maryland, Disability Rights Maryland, the Public Justice Center, and the ACLU of Maryland who all provided input into this bill during drafting and/or since introduction. MCCR is also in communication with the Public School Superintendents' Association of Maryland and the Maryland Association of Boards of Education, and will continue outreach to key constituents.

Of particular note, MCCR would like to recognize MSDE's expertise and insight that resulted in the improvements to the provisions of the bill that alter the Education Article. It is MCCR's understanding that MSDE will be offering additional amendments further ensuring that the State Superintendent's authority is compatible with HB649. MCCR views MSDE's amendments as friendly and urges their adoption.

MCCR Capacity

While HB649 was being considered in the House of Delegates, some concerns were raised – and addressed – about MCCR's capacity to absorb complaints arising under this bill with existing resources. In response to information requested from the Chairpersons of the House and Senate budget committees regarding the impact of new positions in the FY2026 budget on case

assignment and backlog management, MCCR reported on December 15, 2025, that there were “498 finalized charges in the backlog awaiting assignment to an investigator”. Due to the hiring freeze announced in summer 2025, MCCR was not authorized to fill these positions until October 1, 2025.

The newly hired Civil Rights Officers have recently completed their onboarding process and began investigating complaints that were previously in MCCR’s backlog. As of April 15, 2026, MCCR will have no vacant positions whose core responsibility¹⁰ is to investigate complaints alleging unlawful discrimination. Furthermore, in this short period MCCR’s backlog has been reduced to approximately 385 complaints despite these new positions not yet operating at full capacity. MCCR expects the backlog to keep trending sharply downward for the remainder of the year. Due to all of these factors, MCCR anticipates being able to investigate the complaints arising from HB649 with existing resources¹¹.

Conclusion

For these reasons, the Maryland Commission on Civil Rights urges a favorable with amendments vote on HB649. Thank you for your time and consideration of the information contained in this letter. MCCR looks forward to the continued opportunity to work with you to promote and improve civil rights in Maryland.

¹⁰ 34 of MCCR’s 53 positions are dedicated to the investigation of complaints alleging unlawful discrimination.

¹¹ Department of Legislative Services Fiscal & Policy Note for HB649 at page 7: “It is assumed that MCCR, the Judiciary, and OAH can handle additional complaints/cases under the bill.”

2026.04.01 - NCYL-ECRA Senate Hearing Testimony on

Uploaded by: Sabrina Bernadel

Position: FWA

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%3Fbody=House/1/0100019c58b786d4-9ecc7334-06f8-4b16-84c7-862985157938-000000/I5WsENNinX48AD3lWKklh_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(l); 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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Joined by:

Advocating 4 Kids Inc
Federal School Discipline and Climate Coalition (FedSDC)
Gibson-Banks Center for Race and the Law, University of Maryland Francis King Carey School
of Law
Juvenile Law Center
Out Accountability Project
Public Justice Center
State Wide Education Organization Committee
Stop Sexual Assault in Schools
The Advocacy Institute
Washington Lawyers' Committee for Civil Rights and Urban Affairs

HB0649_SWA_EqualEducationalOpportunities_TSmith (1

Uploaded by: Theresa Smith

Position: FWA

TO: Senate Education, Energy, and the Environment Committee
FROM: Theresa Smith, Special Education Advocate
DATE: March 30, 2026
BILL NO: HB0649 (Advancing Equal Educational Opportunities for All Students in Maryland)



POSITION: Support with Amendments

Statement of Intent: As a special education advocate my intent is to ensure that Maryland students and their families have access to the broadest possible spectrum of civil rights protections. I am testifying to support the creation of robust state-level enforcement mechanisms for educational discrimination, while ensuring these new pathways serve as a safety net rather than a substitute. My goal is to protect the procedural rights of students with disabilities under IDEA and Section 504 of the Rehabilitation Act of 1973, ensuring that as we build stronger state systems, we do not inadvertently limit a family's ability to seek federal oversight and remedies.

This legislation represents a critical step forward in protecting Maryland students by authorizing the Commission on Civil Rights to enforce prohibitions against discrimination in educational institutions. By establishing a private right of action and expanding the forums where families can seek relief, Maryland is demonstrating a commitment to equity and accessibility.

It is vital that state-level enhancements do not create a "ceiling" on protections or a justification for diminished federal responsibility.

1. Proposed Amendment: Affirmation of Supplemental Protection

HB 649 establishes comprehensive state enforcement, but it does not currently contain "non-preemption" language that explicitly links these protections to existing federal frameworks.

- **The Amendment:** Add language clearly stating that the protections and remedies provided under this Act are **supplemental to, and not a substitute for**, federal civil rights enforcement and oversight.
- **The Goal:** Families must retain full, unencumbered access to federal remedies through the U.S. Department of Education's Office for Civil Rights (OCR) or federal courts. We must ensure that the existence of a strong Maryland system cannot be used to justify a decrease in federal accountability for Maryland's children.

2. Proposed Amendment: Preservation of Federal Procedural Safeguards

The bill correctly identifies that "disability" includes any condition requiring an Individualized Education Program (IEP) or a 504 Plan. To ensure this remains a powerful tool for the disability community, the state process must not interfere with existing federal legal timelines.

- **The Amendment:** Ensure that the regulations adopted by the Commission explicitly include a provision that filing a state-level complaint does not toll, waive, or otherwise exhaust any timelines or rights associated with Due Process or State Complaints under the IDEA.
- **The Goal:** To prevent families from being forced into an "election of remedies" where choosing a state civil rights investigation might inadvertently jeopardize their established federal procedural safeguards

I support the effort to ensure that Marylanders have clear, accessible, and effective avenues to seek relief when discrimination occurs. By adopting these amendments, we can ensure that HB649 provides an *additional* layer of security for our most vulnerable students without compromising their standing in the federal system. I urge the committee to give HB649 a favorable report with these strengthening amendments.

Thank you,
Theresa Smith

MD HB 0649.pdf

Uploaded by: Alice Bullard

Position: UNF

House Bill 0649 —
Testimony: Unfavorable

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March 30, 2026

Dear Honorable Members,

Protecting civil rights in Maryland is an excellent goal. However, this bill does not do that. It rides roughshod over private right to freedom of religion and freedom of association. *Mahmoud v. Taylor* (Montgomery County, Maryland school board) establishes a clear constitutional right for parents to restrict schools from teaching their children about gender identity.¹ Such rights cannot be infringed by the Maryland state legislator and therefore HB 0649 is over-broad and violates parental constitutional rights.

If this conflict with the *Mahmoud* Supreme Court ruling is not enough, consider how the text of HB 0649 sets up direct conflict of rights in designating “gender identity” as a protected class while also listing “sex” as a protected class. This is self-contradictory and incoherent language that will create endless conflicting claims in law. In practice, girls and women will suffer while boys and men who claim “female gender identity” will profit at the expense of females.

“Gender Identity” is a recently emerged type of identity that in the past decade has been increasingly written into Maryland state law. What is “gender identity”? Well, it is a completely subjective state of mind that runs contrary to all empirical physical evidence. That is, a physical male can claim an “identity” of being female. Similarly a physical female can claim an “identity” of being male. Such an identity is completely subjective and not verifiable by any type of diagnostic testing or verification. Indeed, what does it “feel like” to be a woman? No answer is apparent other than an answer based in sex-stereotypes, but sex-stereotypes are at the root of the historical oppression of women.²

¹ *Mahmoud v. Taylor*, U.S. Supreme Court, decided June 2025, available at: https://www.supremecourt.gov/opinions/24pdf/24-297_4f14.pdf.

² The U.S. Supreme Court in *U.S. v. Skrametti* spells out how historical sex stereotypes oppressed women. See, *U.S. v. Skrametti* 605 U.S. ____ (2025), available at: https://www.supremecourt.gov/opinions/24pdf/23-477_2cp3.pdf, p.9.

Protecting purely subjective identity rooted in sex stereotypes is regressive not progressive. Moreover, no other type of completely subjective identity is considered a protected characteristic and it is wrong to accord purely subjective “gender identity” such a powerful privilege.

Associate Justice Barrett in *U.S. v. Skrametti* (concurring opinion) spells out why ‘gender identity’ should not be a protected class.³ To qualify as a protected class in federal law there must be “obvious, immutable or distinguishing characteristics that define them as a discrete group; whether the group has, “[a]s a historical matter, . . . been subjected to discrimination,” and whether the group is “a minority or politically powerless.” Manifestly gender identity is not a politically powerless group, as we see in legislators who enact law after law that privilege gender identity over and against women and girls’ sex-based rights. Gender identity is not immutable nor is it well defined. Indeed, gender identity is entirely subjective. A man with full male genitalia and a beard can still claim to identify as female. Moreover, a person might change gender identity from day-to-day or at anytime at all. Neither are those who claim “gender identity” a discrete group, rather the World Professional Association of Transgender Health (WPATH) and the American Psychological Association both describe and celebrate the enormous diversity of gender identities.⁴

For Maryland to establish “gender identity” as a protected class flies in the face of federal law and provokes unprecedented legal infringement on the rights of women and girls. That is, gender identity, a new type of identity that, again, is completely subjective and unverifiable, directly undermines sex based rights. The rights of women and girls are harmed by “gender identity” rights in part because the vast majority of men and boys are stronger and more aggressive than women and girls.

Males are the perpetrators in 99% of sexual assaults.⁵ Of those assaults, the vast majority are male assaults perpetrated on females. That is, 91% of the victims of male sexual assaults are female.⁶ In 8% of the cases, males assault other males.⁷ Males with “female identity” perpetrate crimes to the same degree as males with male identities.⁸

³ *U.S. v. Skrametti*, *op cit.*, Barrett concurring opinion pp. 3-11.

⁴ *id.*, at p.5.

⁵ Supporting Survivors, Fact Sheet, Cal Poly, Humboldt, available at: <https://www.humboldt.edu/supporting-survivors/educational-resources/statistics>

⁶ *ibid.*

⁷ *ibid.*

⁸ “Transgender women exhibit a male-type pattern of criminality: Implications for legislators and policy makers,” Fair Play For Women, Dec. 12, 2020, available at: <https://fairplayforwomen.com/transgender-male-criminality-sex-offences/>.

Women and girls have sex-specific spaces in part to protect themselves from such assaults. With “gender identity” as a protected category any male can claim the right to access female spaces on simple assertion of an “identity” that cannot be verified. Any male can claim “female identity” at will, either for a day, or for a few months, or for a lifetime. This increases the vulnerability of all women and girls.

When men and boys with “female gender identity” claim the right to access female only programs and spaces, the rights of females are infringed. This happens when males who claim female identity thereby gain access to female only bathrooms, locker rooms, showers, spas, sports teams, and prisons. To deny this endangerment is to deny basic knowledge of human behavior. To ignore the endangerment of women and girls by laws such as HB 0649 is unforgivably callous and misogynistic.

In Loudon County, Virginia, a boy with a “female identity” twice assaulted girls in a school bathroom. Such crimes have occurred across the U.S.⁹ Already in Maryland public schools, for example per Frederick County school board policy, boys who claim to be female have full right to sleep with girls on overnight school trips without any notice given to students or their parents. This is direct endangerment of Maryland girl students.

We are seeing men and boys who claim “female identity” push women and girls off of sports teams and off of award podiums.¹⁰ A boy or man who cannot make the top echelon in male sports can claim a “female identity” and suddenly achieve champion status. This is well documented, (Lia Thomas is the most famous example but far from the only one), and infringes the rights of all girls and women who cultivate their own talents only to be displaced by a “gender-identified” male.

HB 0649 ramps up the conflict of law by placing “gender identity” on a list of protected attributes that also includes “sex”. This is incoherent because “gender identity” is only possible via the denial of “sex”. Title IX allows for sex-based sports teams. How does HB 0649 address this conflict between sex based rights and gender identity? The bill is mute on the conflict of law. Indeed, HB 0649 only exacerbates the conflict between objective sex and subjective ‘gender identity’ and creates more confusion.

In sum, this bill should be defeated because it is unconstitutional and because of it has incoherent language that undermines the rights of women and girls. Respect for the women and girls of Maryland, who need their sex based rights, demands the defeat of this bill. Indeed, the long fight for sex based rights for women and girls should be honored by legislators, rather than allowing such rights to be callously endangered.

⁹ See the compilation of headline reporting at: <https://le.utah.gov/interim/2024/pdf/00000577.pdf>.

¹⁰ [SheWon.org](https://www.shewon.org) documents the numerous instances of males pushing females out of competition and off of winner’s podiums.

Stand up for the rights of women and girls and defeat this bill today. Stand up for your daughters, your nieces, and all the other girls and women who will suffer from men and boys who “feel like” they are female. Such men and boys are not female and they should not have license to infringe on female rights.

Sincerely,

\s

Bullard Esq. Law
for: RALI — the Reborn Athena Legal Initiative

HB 649 Written Testimony 30 March 2026.pdf

Uploaded by: Amy Waychoff

Position: UNF

HB 649
Senate Education, Energy and the Environment
Unfavorable
Amy Waychoff
Montgomery County, LD 18
March 30, 2026

I am testifying in strong opposition to HB 649, Advancing Equal Educational Opportunities for All Students in Maryland, also known as the “Private Education Control Act.” This bill seeks to hand control to the Maryland Commission on Civil Rights (MCCR), while tacking on a brand new private right of action with exorbitant money damages. This would invite a wave of lawsuits, forum shopping, and conflicting rulings, turning education disputes into a litigation free-for-all for lawyers and activists, with your child’s school caught in the crosshairs. The bill expands enforcement and litigation risk while leaving faith-based schools at the mercy of Maryland’s inadequate religious liberty protections. No wonder a coalition of Muslim, Jewish, and Catholic parochial schools is forming to fight this bill. HB 649 arms unelected commissioners and disgruntled plaintiffs with all but unlimited power to punish schools for living out their religious convictions on marriage, sexuality, and school conduct while treating constitutional protections as a dead letter. Please do not let this bill go forward.

crossover MDCAPE - HB 649 - Opposed.pdf

Uploaded by: Ariel Sadwin

Position: UNF



SENATE EDUCATION, ENERGY AND THE ENVIRONMENT COMMITTEE

HOUSE BILL 649

ADVANCING EQUAL EDUCATIONAL OPPORTUNITIES FOR ALL STUDENTS IN MARYLAND

APRIL 1, 2026

OPPOSE

Maryland CAPE is our state's chapter and one of 40 state chapters of the Council for American Private Education. Our network includes the Catholic, Christian, Evangelical Lutheran, Friends, Independent, Jewish, Lutheran, Montessori, Muslim, and Seventh Day Adventist school communities. We speak on behalf of over 138,000 nonpublic school students attending over one thousand nonpublic schools across our great state of Maryland. We speak today in opposition to House Bill 649.

The importance of ensuring that all students are protected from discrimination has long been a subject of legislation in the General Assembly. In 2022, Maryland CAPE engaged in extensive, good-faith discussion and advocacy with a broad group of education advocates on [House Bill 850](#) of that year's session. As a result of those discussions, the final version of that nondiscrimination bill ensured that the law would respect a school's independence in a variety of critical areas while protecting all individuals from discrimination and unjust treatment.

Our schools have strict policies ensuring that the rights of students and parents are respected, while preserving the nature of the mission of each school. It is deeply disappointing that the previous agreement is now being revisited, and that the independence of our schools should be called into question.

Many of our schools are faith-based, and are careful to remain loyal to their deeply held religious beliefs, as is their Constitutional right. We are deeply concerned by the idea that religious and faith-based schools will now have their decisions judged by a State commission that will not understand and appreciate the religious considerations of the school. 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.

We therefore respectfully request that the policies and standing agreed upon in 2022 are respected and preserved as the standard, and we ask that you issue an UNFAVORABLE report on House Bill 649.

Thank you.

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MD HB 649 Testimony.pdf

Uploaded by: Autumn Faulkner

Position: UNF

Opposition to House Bill 649

On behalf of the Association of Christian Schools International

Thank you for the opportunity to submit testimony in opposition to House Bill 649.

The Association of Christian Schools International (ACSI) is the largest Protestant school association and one of the largest accreditors of Christian schools in the United States. We serve over 2,250 member schools, including 50 in Maryland, and have long-established headquarters in the state. ACSI exists to strengthen Christian schools and equip Christian educators worldwide as they prepare students academically and inspire them to become devoted followers of Jesus Christ.

Let me be clear: protecting individuals from unlawful discrimination is an important and shared value. However, HB 649 represents a significant and concerning expansion of state authority into the internal governance of private, faith-based schools.

Religious schools operate according to sincerely held beliefs that shape every aspect of their communities—including their mission, curriculum, employment standards, and student conduct expectations. HB 649 would subject these institutions to heightened investigation and litigation risk, effectively forcing schools to choose between compliance with state mandates and fidelity to their religious convictions.

This raises serious constitutional concerns. The First Amendment has long protected the autonomy of religious institutions, including their ability to operate in accordance with their faith. The U.S. Supreme Court has repeatedly affirmed that religious organizations do not forfeit these protections when they serve the public. Policies that blur the line between public institutions and private religious schools undermine this foundational principle.

Additionally, this bill poses a direct threat to the ability of Christian schools to teach and uphold their beliefs regarding marriage and human identity—core components of their religious mission. Maryland has a responsibility to respect and protect the rights of religious institutions to operate in accordance with their faith. HB 649 fails to meet that standard.

Maryland's educational landscape is strengthened by its diversity. Private and religious schools serve families across the state by offering distinct missions and communities of belief. HB 649 risks eroding that diversity by expanding state oversight into areas historically protected by religious liberty and institutional independence.

For these reasons, I respectfully urge the Committee to issue an unfavorable report on HB 649.

Thank you for your time and consideration.

Sincerely,

Autumn Elkins Faulkner

Director for State Policy Engagement

Association of Christian Schools International

MICUA HB 649 Civil Rights Education Crossover UNFA

Uploaded by: Beatrix Peck

Position: UNF



Letter of Concern

Senate Education, Energy and Environment Committee
House Bill 649– (Chair – By Request – Departmental – Civil Rights Commission)
Advancing Educational Opportunities for All Students in Maryland

Matt Power, President

mpower@micua.org

April 1, 2026

On behalf of Maryland's 13 independent colleges and universities and the 56,000 students we serve, thank you for the opportunity to provide a letter of concern regarding [House Bill 649– \(Chair – By Request – Departmental – Civil Rights Commission\)](#). The Maryland Independent College and University Association (MICUA), representing Maryland's nonprofit independent colleges and universities, appreciates the Maryland Commission on Civil Rights' focus on protecting students and its concern about the erosion of federal capacity at the U.S. Department of Education's Office for Civil Rights (OCR). Recent reductions and restructuring at OCR have raised serious questions about whether students can consistently receive timely, predictable enforcement of federal civil rights protections, and MICUA shares the Commission's goal of ensuring that students' rights are safeguarded even when federal enforcement is strained or shifting.

We share the Commission's concerns about OCR, but the proposal within HB 649 would not result in the Maryland Commission on Civil Rights becoming a state-level OCR type entity that secures reforms on behalf for all students. OCR is a compliance-enforcement office that investigates institutions, secures monitored resolution agreements, and drives institutional reform. HB 649 places the Commission in a mediation, adjudication, and litigation oriented role, with a private damages action that can terminate the administrative process that has historically allowed OCR to drive systemic protection for students' civil rights. The system created in HB 649 will primarily result in costly litigation for students and institutions without achieving the sustained structural reform into the future that OCR has historically created.

As introduced, HB 649 would apply to "educational institutions" defined broadly to include institutions of postsecondary education, institutions of higher education, and other programs leading to a credential or degree. The bill also expressly provides that the Commission on Civil Rights would be treated as a "State educational authority" under FERPA, and the new subtitle would be administered and enforced after the Commission adopts initial regulations, with enforcement occurring through both the Commission and the courts. On the higher education side, the bill further establishes a mandatory referral pipeline by requiring the Maryland Higher Education Commission, and separately the University System of Maryland Board of Regents, to

refer information about certain discrimination complaints to the Commission on Civil Rights for investigation.

Against that backdrop, HB 649 effectively adds a new State-level channel for students to pursue remedies in addition to the federal avenues already available. Under OCR's published process, students may file federal civil rights complaints directly with OCR and generally must do so within 180 days of the alleged discrimination, subject to limited waiver circumstances. The practical effect of layering a new State enforcement structure on top of OCR is not simply "one more place to file." It is the creation of two active regulatory regimes—each with its own procedures, standards, timelines, and remedies—operating over the same campus events, often involving the same witnesses and documents, and potentially moving on different timetables.

When institutions are simultaneously subject to multiple enforcement bodies in the same space, the real risk is not only duplicative effort but conflicting mandates. HB 649 does not include the kind of clear coordination or work-sharing structure that exists in other regulatory settings to prevent duplicative investigations, reconcile outcomes, or clarify which body will take the lead in particular categories of cases.

HB 649 also drastically changes the liability landscape. The bill provides that, beginning 30 days after the Commission adopts initial regulations, an individual alleging a discriminatory educational practice may bring a civil action. If a court finds a discriminatory educational practice occurred, the bill authorizes remedies that include injunctive relief, affirmative relief, compensatory damages, and punitive damages in cases against non-governmental defendants where the court finds "actual malice." For independent colleges and universities that are private, nonprofit entities, this is not theoretical exposure; it is a meaningful expansion of risk that will predictably affect institutional decision-making, insurance posture, and the cost of defending claims. It is difficult to overstate the downstream implications of creating a state cause of action that invites a new category of litigation and, with it, defense costs, deductibles, and premium pressure that ultimately reduce funds available for student services, student financial aid, and educational programming.

A worst-case institutional scenario under HB 649 is not simply "two investigations." It is a situation where the same incident triggers an OCR complaint and, separately, a State referral or complaint that initiates Commission involvement and immediate document and witness demands—only for the matter to shift into State-court litigation once a civil action is filed. That shift can occur because the complainant chooses to sue directly, or because the Commission later elects to sue after a probable cause finding and a failure to reach agreement. At that point, the Commission proceeding ends by operation of law, but the institution is still left defending a civil action while a federal OCR matter may continue on a separate track, resulting in costly, duplicative burdens and prolonged disruption for students and campuses. Even institutions that ultimately prevail as a result of no wrongdoing would incur substantial costs and operational strain simply navigating parallel tracks with different expectations.

Importantly, HB 649 also risks confusing students who are trying, often without counsel, to pursue a remedy. Students would be confronted with multiple pathways—internal campus processes, OCR, the State Commission process, and State litigation—each with its own deadlines, rules, and potential consequences. This is not a small problem. The 180-day OCR filing window is a concrete

example of how timing can matter. If a student assumes the new State system is the best first step, pursues it, and only later learns that a federal deadline has elapsed (or that waiver is uncertain), the student may have unintentionally forfeited a federal or administrative option that could have provided meaningful leverage or relief.

Another student-facing risk is embedded in the bill structure: HB 649 provides that filing a civil action “automatically terminates any proceeding before the Commission” based on the underlying complaint. Because the bill allows the complainant to file suit without Commission approval and also allows the Commission to elect to sue after a probable cause finding and a failure to reach agreement, neither students nor institutions can assume the administrative path will run to completion once litigation is initiated. In practice, that can steer students into an early litigation fork—especially in a climate where students may be told (or may believe) that suing is the fastest or strongest option. Once that choice is made, the student may lose an administrative path that could otherwise have resulted in quicker, less adversarial resolution. Litigation is slow, expensive, and emotionally taxing; it can easily delay practical accommodations or corrective actions that a student is seeking in real time. The very mechanism intended to expand options could pressure students into a pathway that reduces flexibility and prolongs harm.

MICUA recognizes the underlying motivation for HB 649, and we do not dismiss the Commission’s concern that students should not be left in limbo when federal enforcement capacity is diminished or redirected. At the same time, the legal and operational complexities of installing a full state-level enforcement and litigation regime for higher education, on top of the federal regime, are simply too far-reaching as proposed. The bill’s breadth, the absence of a formal coordination framework, the new and expanded litigation exposure (including punitive damages for non-governmental defendants), the automatic termination of Commission proceedings when a civil suit is filed, and the referral structure that routes higher education complaints into yet another enforcement track collectively create an environment of significant uncertainty for students and institutions alike.

MICUA shares the Commission’s goal of protecting students. We also share the concern that Maryland should be thoughtful about how it responds to changes in OCR’s capacity and focus. For that reason, we respectfully urge the Committee not to advance HB 649 in its current form and instead support a deliberate, collaborative process over the next year. MICUA would welcome the opportunity to work with the Commission, the Administration, and legislative leadership to craft an approach that meaningfully protects students, responsibly addresses shared concerns about federal enforcement instability, and avoids creating a duplicative and highly uncertain legal environment for the very students this bill seeks to help.

Oppose HB0649.pdf

Uploaded by: Brigitta MULLICAN

Position: UNF

Oppose HB0649 – Advancing Equal Educational Opportunities for All Students in Maryland

Dear Chair and Members of the Education, Energy, and the Environment Committee,

I am writing to respectfully oppose HB0649. While discrimination should never be tolerated and all students should be treated fairly, this bill creates additional legal liability and opens the door to more lawsuits against educational institutions rather than focusing on improving education for all students.

Schools and educational institutions are already subject to federal and state anti-discrimination laws. This bill adds another layer of enforcement and potential litigation that could divert funding and attention away from classrooms, teachers, and students and instead toward legal costs and compliance requirements.

Our focus should be on improving academic performance, supporting teachers, and ensuring safe learning environments for all students rather than expanding government enforcement and legal action.

For these reasons, I respectfully request an unfavorable report on HB0649.

Brigitta Mullican, Rockville, MD 20851 – Legislative District 17

HB 0649 Oppose Commission on Civil Rights.pdf

Uploaded by: Dave Faby

Position: UNF

David Faby
3702 Denton Court
Abingdon MD 21009
3.30.2026

Please Oppose HP 0649

If any commonsense thinking person were to read what the State is trying to do to it's people, they would be sick for days.

Authorizing the Commission on Civil Rights to enforce a prohibition against discrimination and retaliation in educational institutions based on race, color, national origin, ethnicity, ancestry, religion, sex, pregnancy, sexual orientation, gender identity, disability, age, or marital status; establishing the powers, duties, and limitations of the authority of the Commission on Civil Rights to enforce the prohibition against educational discrimination; establishing a private right of action; etc.

DEI is over, Gender Dysphoria is done, no more Men in Women's sports in the Olympics, college and K-12. Stop your poison pills. Covid Mandates were bad enough. Misinformation Disinformation Commission from The Biden Administration was shot down, this is the same garbage repackaged, and the Public knows it.

The Principles of K-12 Schools need to enforce the Disciplinary Policies. Safety is Key. No more Grave site for Students due to Illegal immigrants, MS-13 gang members and their family's that have not paid any Property tax for years to receive Free Education.

Again Oppose HB 0649 Thank You

MD Catholic Conference_HB 649_UNF SENATE CROSS.pdf

Uploaded by: Garrett O'Day

Position: UNF



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.

HB0649.pdf

Uploaded by: Jacqueline Galluzzo

Position: UNF

Name: Jacqueline Galluzzo

HOME ADDRESS AND ZIP CODE: 1800 Eden Mill Road Pylesville, Maryland 21132

PHONE NUMBER: 410-877-5599

To my state representatives,

My children currently go to a private Christian School. Having the ability to teach my children about the Lord Jesus Christ in a christ-like setting that provides accountability and a good education has been an important cultural value of mine. I do not support this proposed bill. HB0649 attacks Maryland's independent religious schools by bringing them under sweeping government nondiscrimination mandates. This proposal threatens to override the conscience rights of faith-based educators and families, replacing freedom with regulatory control.

As one of your constituents in the state of Maryland, I am urging you not to support this bill.

Thank you so much.

Jacqueline Galluzzo

Oppose HB 649.pdf

Uploaded by: Janet Greenhawk

Position: UNF



Members of the House Committee of Education, Energy and the Environment;

Moms for Liberty Talbot strongly opposes HB 649.

This bill will destroy private/parochial schools in the State of Maryland by taking away the rights of these schools to control the standards/qualifications for admission, discipline, and curriculum. Parents are taxpayers who, while still supporting public schools through their taxes, choose private/parochial schools which reinforce their values and beliefs and will allow them to raise their children with these values and beliefs through their school choice. This bill would effectively put admission, discipline and academic programming in the hands of an unelected body to adjudicate every time a parent/community member decides they don't like what the private/parochial school in question is doing.

Seeking this control to the Maryland Commission on Civil Rights (MCCR), will tack on a brand-new private right of action with exorbitant money damages as the possible consequence.

This would be disastrously expensive for Maryland counties, inviting a wave of lawsuits, forum shopping, and conflicting rulings, turning education disputes into a litigation free-for-all for lawyers, activists and with a child's school caught in the crosshairs.

Meanwhile, the danger is even worse for faith-based schools. The bill expands enforcement and litigation risk while leaving them at the mercy of Maryland's inadequate religious liberty protections. HB 649 arms unelected commissioners and disgruntled plaintiffs with all but unlimited power to punish schools for living out their religious convictions on marriage, sexuality, and school conduct while treating constitutional protections as a dead letter. [HB0649](#) must be stopped.

We strongly urge you to vote against this bill.

Sincerely,

Jan Greenhawk

Chairman Moms for Liberty Talbot

Momsforlibertytalbot@gmail.com

410-463-3868

Maryland Family Institute

Uploaded by: Jeffrey Trimbath

Position: UNF



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 M. Alexandre".

Jonathan M. Alexandre, Esq.
Legislative Counsel

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

Jeffrey S. Trimbath
President

HB0649.pdf

Uploaded by: Kassandra Riley

Position: UNF

March 30, 2026

Good afternoon, Senators,

I'm writing to you today as a constituent in Harford County to request that you strongly oppose HB0649 on the grounds that it violates religious convictions on the terms of marriage, sexuality, and sexual identity, which is our constitutional, religious right.

As a Christian family, we have chosen to incur the financial burden to send our boys to a private, Christian school that will support and teach those religious beliefs rather than force ideals on them that are not of the Christian world view, as taught in public schools. Part of those beliefs is that marriage is between a man and woman, and there are only two genders. While we have conversations at home about the views of others, how they differ from ours, and how to handle situations, forcing our private school to adopt the policies laid out in the bill will override our religious rights.

While out in the world as adults, we can choose the situations we are in and how to address them. When it applies to schooling, our children cannot. They are forced to deal with the situations we put them in. It is our responsibility as parents to shield our children as best we can while they are young so they can have a solid foundation in faith to face the world.

Again, as a Maryland constituent, I am requesting that you strongly oppose HB0649 to prevent the violation of mine and my family's constitutional rights of religious freedom.

Thank you for your time and attention to this matter.

Respectfully,



Kassandra Riley

HB0649-VOTE_NO-kdorn.pdf

Uploaded by: Kristen Kristen

Position: UNF

My name is Kristen Dorn, and I am a Christian mother who has intentionally chosen private education for my children because I believe in the freedom to raise and educate them according to our faith and values.

I stand in opposition to House Bill 649 because, while it is presented as promoting fairness, it significantly expands government authority into private and religious schools in ways that concern me deeply.

This bill gives the Commission on Civil Rights broad power to investigate, regulate, and even bring legal action against private schools . That includes the ability for complaints to lead to civil lawsuits, damages, and ongoing oversight. This is not a small adjustment—it is a major shift in who controls private education.

As a parent, I did not choose private school to invite more state control. I chose it for freedom—freedom of faith, freedom of values, and freedom of conscience.

While the bill claims to exempt certain religious practices, it still subjects private schools to vague and expansive standards around discrimination, including areas like gender identity and sexual orientation . These are deeply sensitive and often faith-based issues. This opens the door for government bodies to interpret and challenge religious convictions.

That is where the overreach lies.

This bill creates:

- Expanded state enforcement power over private institutions
- A new pathway for lawsuits against schools
- Increased pressure on schools to conform to government-defined standards

Even if unintended, the effect is clear: it chips away at the independence of private and faith-based education.

As a Christian mother, I believe parents—not the government—are ultimately responsible for the upbringing and education of their children.

We all agree that no child should face unjust treatment. But we already have federal protections in place. This bill goes beyond protection—it moves into control.

I respectfully urge you to reject this bill and protect the rights of families, faith-based schools, and the freedom to educate our children according to our deeply held beliefs.

Thank you.

Kristen Dorn

Kristen.dorn@gmail.com

HB649 opposition.pdf

Uploaded by: Kristina Palumbo

Position: UNF

Written testimony in opposition to HB649, Maryland's proposal

I am a retired attorney and a parent of grown children. My family has been directly damaged by the effects of equating "gender identity" with sex, and I consider this proposed legislation as terribly dangerous.

When educational opportunities and spaces are designed for sex segregation, the relevant question for deciding if an individual is entitled to inclusion in the use of these opportunities or spaces is merely biological sex. An individual's self-identification with the opposite sex must not displace the reality of the sexed body.

This legislation will strip private schools, even parochial schools of the right to deliver education that fits the needs of their families and students it will also complicate reporting to the State Office of Civil Rights in certain cases, and cause the elimination of many educational options in the state. Most importantly to me, the legislation will deprive many girls of the developmentally beneficial and safety-aligned benefits of sex-segregation in certain contexts.

Please oppose HB649.

Testimony UNFAVORABLE HB 0649.pdf

Uploaded by: Kristine Vander Wall

Position: UNF

March 30, 2026

HB 649 Advancing Equal Educational Opportunities for All Students in Maryland

House Government, Labor & Elections Committee

Position: UNFAVORABLE

This testimony is in reference to MD HB 649. I am testifying against this bill for four main reasons.

- 1) The HB 850 of 2022 legislation pertaining to discrimination in Maryland is already working. The bill continues to protect citizens from racial, ethnic and gender-based discrimination throughout Maryland.
- 2) There is currently NO grassroots movement indicating that the 2022 legislation needs to be updated or replaced.
- 3) Maryland Commission on Civil Rights (MCCR) has no expertise in the arena of education. The entity has expertise in housing law and employment law but is not equipped to manage school-related issues. MSDE is sufficiently working in the current school space. Duplicating efforts is inefficient and ineffective.
- 4) Employees of the MCCR are already overworked. Plaintiffs wait an average of 1-2 years for their cases to be heard. HB 649 would only drain more resources from MCCR.

Thank you for allowing me to voice my concerns about this bill.

Sincerely,

Kristine Vander Wall

MDCRC Becomes the Admissions Committee.pdf

Uploaded by: Mark Zockoll

Position: UNF

Please vehemently oppose HB0649.

Under the angelic title of "Equal Educational Opportunities" the MD Commission on Civil Rights will, *without the slightest exaggeration*, be able to deny our Christian schools mission-aligned enrollment and other policies *at their whim*. This bill further allows for the "private right of action" as well as uncapped punitive damages to be assigned based on litigation which the MDCRC can instigate unprovoked.

2 scenarios:

1. Faith Baptist School, a religious-exempt school in Salisbury, MD, abiding by their statement of faith, does not enroll a student who, for example, was Muslim (and of course this could be easily reversed to be a Muslim school not enrolling a Jewish student, etc). The CRC could immediately step in with whatever process it deems appropriate to punish the school. Opponents may read of bit of "carve out" language for schools operating under a religious institution, but we very much see this as pointed at the religious instruction as written and not a guarantee of mission-aligned processes or the conduct of those beliefs.

2. So let's instead go to a school that isn't under a church. Salisbury Christian School, is an independently operating approved non-public school in MD, a Christian school. The poorly worded religious institution lines do not cover SCS at all. So again, should Salisbury Christian School decide it would be against its policies to allow a student who was actively transitioning to be enrolled in their institution, the MDCRC, according to this bill, could (and as the MDCRC is known to be a punishing group not a mediation group) file a civil action against the school for compensatory and uncapped punitive damages! Even if the school won the trial, how many hundreds of thousands of dollars would such cost and at what social capital cost after the smear campaign?

On that point, notice that in this bill, uncapped punitive damages may be levied at the private institution *but not public schools*. Why would that be?

This bill creates a duplicate system to the one the books currently, created in 2022, for the grievance process between nonpublic schools who take state funding and an affronted party. That framework is already working! In fact, at this moment, there exists in that system no failure or evidence of failure, no backlog, no pattern of systemic issue, no outcry from thousands of affronted parties, no grass roots effort to overturn it. But this bill would make the MDCRC a duplicative process, destabilizing and prioritizing itself over the first. And again, this is a commission which deals with employment and housing. As such, how would it be able to effectively mediate school matters? The 2022 MSDE compromise is absolutely fine as is, handling what minute pressure may be found as one-off situations arise and should not be used as a reason to increase the bureaucracy.

Christian schools in Maryland provide an incredible service to our communities and do not charge the state a dime to do it. Please allow us to continue what we do unmolested from the MDCRC.

Perhaps actually, the MDCRC should turn its attention to the public school system and its 12,000+ cases filed against the system by 12,000+ child sex abuse claims as of March 2026
<https://www.thebanner.com/politics-power/state-government/maryland-child-abuse-lawsuit-payouts-2TOSHUGW5BBJPSACDFMMI2LAM/>.

Respectfully,

Mark Zockoll (Board Member, Faith Baptist School, Salisbury, MD)

OPPOSE HB649.pdf

Uploaded by: Michelle Wenstrup

Position: UNF



Michelle Wenstrup <mwenstrup13@gmail.com>

Please OPPOSE HB649

1 message

Michelle Wenstrup <mwenstrup13@gmail.com>
To: Michelle Wenstrup <mwenstrup13@gmail.com>

Mon, Mar 30, 2026 at 4:59 PM

Dear Concerned Senators:

Private, religious educational institutions have the right to conduct their educational program in accordance with the religious creed that governs the operation of the institution. The text of this bill seems to indicate that private, religious educational institutions will be subject to non-discrimination law as it pertains to sexual orientation and gender identity. As you know, such institutions have policies on such matters because they have a duty to form a spiritual environment that is conducive to advancing the religious ethic of the institution. To violate the right of private, religious educational institutions to uphold their religious creed is a violation of the freedom of religion--a right that is at the bedrock of this nation.

Please uphold religious freedom by opposing HB649.

Thank you,
Michelle Wenstrup

UNF HB649.pdf

Uploaded by: Natalie Tier OKeefe

Position: UNF

March 30, 2026

Re: HB 649

Dear Delegates and Senators,

I am writing to express my strong disagreement with House Bill 0649, Advancing Equal Opportunities for All Students in Maryland. I am both a product of Maryland private schools and a parent of students in private schools, and I'm extremely upset about this expansion of government control into the private schools sphere.

I urge you to oppose HB 0649.

Respectfully,

Natalie O'Keefe

Sykesville, MD

crossover Agudah testimony - HB 469 - Comm on CR -

Uploaded by: Rabbi Ariel Sadwin

Position: UNF



SENATE EDUCATION, ENERGY AND THE ENVIRONMENT COMMITTEE

APRIL 1, 2026

HOUSE BILL 649

**ADVANCING EQUAL EDUCATIONAL OPPORTUNITIES FOR ALL STUDENTS IN
MARYLAND**

OPPOSE

Agudath Israel of Maryland, the Mid-Atlantic regional office of Agudath Israel of America, a renowned national Jewish advocacy organization with chapters across the country, speaks on behalf of the Orthodox Jewish communities across Maryland and on the behalf of the many Jewish schools and students within our state. We stand today in opposition to House Bill 649.

HB 649 is a bill aimed in part at preventing discrimination in the educational sector by authorizing the Commission on Civil Rights to enforce related prohibitions and establishing a private cause of action therein. It is concerning to note that this bill ignores the extensive, good-faith discussion and advocacy in 2022, with concern to [HB 850/CH 739](#) of that year's session. As a result of those discussions, the bill that passed into law ensured that discrimination would rightfully be prevented while protecting the independence of nonpublic schools, and ensuring that they would not be pressured to adopt policies in conflict with their religious or moral teachings.

Our schools have strict policies ensuring that the rights of students and parents are respected, while preserving their religious character and ensuring that the schools remain true to our faith and its teachings. It is deeply disappointing that the previous agreement is now being revisited.

We are deeply concerned by the idea that our schools will now have their decisions judged by a State commission that will not understand and appreciate the religious considerations of our faith. We are further concerned that this legislation will open the door to disaffected parents or students to pursue lengthy legal action against a school that could impose significant financial and/or reputational costs on the school even if the ultimate accusation is found to be baseless.

The ability of our schools to transmit our religious teachings and values is of the utmost importance to our faith. We submit that the policies signed into law in 2022 should be respected and preserved as the standard, and we respectfully urge an unfavorable report on House Bill 649.

No on HB0649.pdf

Uploaded by: Rebekah Esko

Position: UNF

No on HB0649

There never seems to be enough money for school construction and repairs. Never enough money for services for students with disabilities. Never enough money so that our already overworked teachers can have reasonable class sizes instead of more and more students.

Does HB0649 solve any of these problems? No, it does not. In fact, it will cost substantial taxpayer money. Money that should be going to education. The Fiscal policy note says it could result in "significant increases" in costs.

Maryland offers students public schools and we spend a lot of money on them. If parents choose to send their parents to private school, that's on them. It shouldn't cost taxpayers extra money to monitor those schools.

It seems the only purpose of this bill is to harass private schools and, if possible shut them down. If some students go to private school, great! That means we can maybe lower class sizes and decrease overcrowding in our public schools.

HB0649 would make it possible for a private school student to claim "discrimination" any time they don't get an A on a test. Any time they get in trouble for bullying a classmate, Any time they are asked to do homework. Because HB0469 prohibits the school from dealing with the student in a reasonable logical manner. Instead, it drags the state into the private school, at taxpayer expense, presuming the school guilty.

This is not a reasonable solution. Don't waste our tax money on HB0649. Please give it an unfavorable report.

AIMS - HB649.pdf

Uploaded by: Rory Murray

Position: UNF



Association of Independent
Maryland & DC Schools

Hon. Brian Feldman
Chair
Senate, Education, Energy, and the Environment Committee

Bill: House Bill 649 - Advancing Equal Educational Opportunities for All Students in Maryland
Position: Opposed

Chair Feldman, Vice-Chair Kagan, and Members of the Committee,

Thank you for the opportunity to testify on behalf of the Association of Independent Maryland and DC Schools (AIMS), which represents more than 120 independent schools educating over 53,000 students across Maryland and the District of Columbia. Our member schools take their legal and ethical obligations under Maryland's anti-discrimination laws with the utmost seriousness. Every AIMS school is committed to fostering inclusive learning communities that respect the dignity of every student.

That is precisely why we are concerned about **HB 649**. The bill would largely duplicate robust nondiscrimination protections already in place under Maryland law and regulation, while imposing significant new administrative, legal, and financial burdens that would otherwise go toward supporting students, teachers, and educational programs.

Maryland's existing anti-discrimination framework is already comprehensive.

Under **Education Article §26-701 et seq. and §26-704**, Maryland law already prohibits discrimination in county boards, public prekindergarten programs, public primary and secondary schools, and **nonpublic prekindergarten programs and nonpublic primary or secondary schools that receive State funds**, on the basis of race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability. Regulations implementing these sections include a full suite of enforcement procedures, such as complaint, mediation, appeal, and corrective action processes, administered by the State Superintendent of Schools.

Further, under **COMAR 13A.09.09.04**, all approved nonpublic schools, regardless of whether they receive State funds, must comply with all applicable statutory and regulatory requirements, including nondiscrimination requirements, as a condition of maintaining their certificate of approval. The legal authority must certify that the school does not practice discrimination as specified in State law, and schools found to be out of compliance are subject to corrective procedures and sanctions, which, if violations are not remedied, may ultimately include suspension or revocation of their certificate of approval (decertification). In short, Maryland already has a complete, enforceable system for addressing and preventing discrimination in education.

The bill invites duplicative and costly compliance processes

By extending **concurrent jurisdiction** to the Maryland Commission on Civil Rights (MCCR), **HB 649** would create overlapping enforcement between the Commission and the State Superintendent of Schools. This means that a single complaint could be processed by multiple state agencies, generating duplicative paperwork, timelines, and compliance obligations for both public and nonpublic schools.



Association of Independent
Maryland & DC Schools

The bill's allowance for cross-notification and referrals between the State Superintendent and MCCR increases the risk that schools would have to defend the same allegation in multiple forums. Moreover, the creation of a new **private civil cause of action** in circuit court for "discriminatory educational practices" adds yet another enforcement venue and invites litigation over disputes that are already subject to established administrative resolution processes.

This new private civil cause of action would turn every school discipline or accommodation dispute into potential full-blown litigation, even when existing administrative channels are already in place to resolve it. It effectively invites plaintiffs' lawyers to bypass those processes, dragging schools into expensive, time-consuming lawsuits over matters that could have been handled more efficiently and fairly through established procedures.

The State, and taxpayers, will bear the overwhelming share of new costs

Similar to legislation this body has passed in recent years, **the State itself will be most affected under HB 649** because public institutions serve the vast majority of Maryland students and will face exponentially greater exposure to complaints, defense costs, and settlements. While this is not our constituency, these issues affect every Maryland resident, and we would feel remiss not to mention how impactful they may be.

The numbers make this unmistakably clear:

Sector	Students Served	Share of Total
Maryland Public PreK-12	~858,000 (FY 2025)	94%
Maryland Public Colleges & Universities	~178,000 (Fall 2025)	—
All Maryland Nonpublic PreK-12	~137,000 (FY 2025)	6%
AIMS Independent Schools	~53,000	~5%

Public school systems serve **more than 16 times** the number of students than all nonpublic schools combined. When HB 649's new private right of action and concurrent MCCR jurisdiction generate increased complaint volume, legal exposure, and administrative burden, the State, and by extension, Maryland taxpayers, will absorb the overwhelming majority of those costs through increased defense expenditures, settlement payments, and staff time diverted from educational priorities.

Fiscal and operational impacts will reach every corner of the education system

The Department of Legislative Services' own fiscal and policy analysis acknowledges that **HB 649** will increase exposure to litigation risk and drive up pre-litigation demands, defense costs, and settlements without altering the underlying nondiscrimination standards. For independent schools operating under



Association of Independent
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COMAR approval, this means higher costs of compliance and insurance. For public school systems, already under considerable fiscal pressure and serving the vast majority of Maryland's students, the bill could substantially increase complaint volume, legal exposure, and administrative burden.

Given the seriousness with which our schools already uphold the principles of equity and inclusion, **HB 649** represents a costly and unnecessary duplication of existing state protections. We respectfully urge careful reconsideration of this bill in light of its unintended fiscal and operational consequences for Maryland's entire education sector.

Thank you for your consideration and for your continuing support of Maryland's schools and students.

Peter Baily
Executive Director
AIMS MD&DC

VOTE NO HB 649, 2026 Bad Bills.pdf

Uploaded by: Suzanne Price

Position: UNF

Dear House Committee,

PLEASE STOP THIS EXCEPTIONALLY BAD BILL [HB 649] IN ITS TRACKS, VOTE it down please! Just say NO.

Everything you state in this bill in the name of "EQUIL" will actually discriminate and harm 1,000's of Maryland families who have made a conscious effort to not support and to intentionally avoid the public school system. Do what you will publicly but please leave our PRIVATE schools alone. Online research: Approximately 125,000 to 143,000 Maryland students attend private schools. Considering the failure rate in the Maryland public school system; this bill is an attempt to bring private schools down to that level

Maryland online literacy rate: 48.8% of adults read below an 8th-grade level, while 20% read below a 3rd-grade level. Additionally, over 66,000 Maryland students in grades 4 and 8 are not reading at a proficient level. This is what public schools are producing, our only hope is a private education in Maryland. Your bill is a bad "one-size-fits-all" mistake, please prevent this from happening.

Your bill is bad because it is an:

1. Infringement on Religious Autonomy

Opponents argue that these mandates force religious schools to adopt policies or curricula that conflict with their core faith-based missions. This is often viewed as a violation of the **First Amendment's Free Exercise Clause**, as it could compel schools to endorse or implement views on sexuality, gender, or social issues that they religiously oppose.



Parker Poe +2

2. Misplacement of Regulatory Oversight

Shifting educational disputes to the **State Office for Civil Rights** (or similar bodies) is criticized because these agencies are typically designed for **employment-related legal issues**, not for managing the nuances of a school's disciplinary policies or pedagogical choices. Critics claim this creates a "one-size-fits-all" regulatory environment that ignores the unique, mission-driven nature of private education.



Maryland Matters

3. Destruction of Educational Pluralism

Increasing the regulatory and legal burden on small, private, or parochial schools may make them financially and operationally unsustainable. This could lead to a **reduction in educational options** for families who seek alternatives to the public school system, effectively narrowing the state's educational landscape.



ACLU of Maryland

4. Violation of Parental Rights

Legislation that restricts the ability of private schools to operate according to their specific values also impacts **parental rights**. Many families choose private education specifically for its specialized curriculum or religious environment; critics argue that state intervention overrides a parent's right to direct the upbringing and education of their children according to their own beliefs.



Parker Poe +3

Thank you for taking this important information into account. My son is away at college; I sent my child to private schools from the age of 2 (Chesapeake Montessori and St. Mary's) till the end of high school (Archbishop Spalding) age 18. We gave up so much to be able to afford his 16 yrs of private education, please consider all of the families, which are many, your bill will harm. Vote it down, vote No to HB 649.

Suzanne Duffy
Anne Arundel Co, 21401

HB 649_ Advancing Equal Educational Opportunities

Uploaded by: Trudy Tibbals

Position: UNF

HB 649: Advancing Equal Educational Opportunities for All Students in Maryland:
Please vote to **OPPOSE** this bill.

Dear Education, Energy & the Environment Committee:

I am writing to respectfully **oppose HB 649**, concerning *Advancing Equal Educational Opportunities for All Students in Maryland*.

HB 649 will strip private schools of their rights to educate their students according to their beliefs, requiring all decisions regarding admission and the curriculum to be enforced by the Maryland "COMMISSION ON CIVIL RIGHTS" and the Maryland State Superintendent of Education.

Several parts of this bill are particularly concerning. "...THIS SUBTITLE: (1) IS AN EXERCISE OF THE POLICE POWER OF THE STATE FOR THE PROTECTION OF THE PEOPLE OF THE STATE; (2) MAKES THE COMMISSION A STATE EDUCATIONAL AUTHORITY UNDER THE FEDERAL FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT..." I disagree with making this Commission a "State Educational Authority under the Federal Family Educational Rights and Privacy Act". Maryland already has several Educational Authorities, including the MSEA (Maryland State Educational Association), the Maryland State Board of Education, the Accountability and Implementation Board, the Maryland Higher Education Commission and the Division of Early Childhood. All of these entities *govern everything having to do with education, including having policies regarding discrimination of all types*. Therefore, activities and actions under this Commission would be duplicitous and unnecessary and a waste of State funds at a time when Maryland is operating under a financial deficit. Maryland doesn't have funds available for this Commission to operate.

Particularly troubling is the language that gives this Commission the right to file a civil action. "... THE COMMISSION MAY ELECT TO BRING A CIVIL ACTION ON THE COMMISSION'S OWN BEHALF...IF THE COMMISSION ELECTS TO BRING A CIVIL ACTION ON THE COMMISSION'S OWN BEHALF, THE COMMISSION SHALL GIVE NOTICE OF THE ELECTION TO ALL COMPLAINANTS AND RESPONDENTS...THE FILING OF A CIVIL ACTION UNDER THIS SECTION AUTOMATICALLY TERMINATES ANY PROCEEDING BEFORE THE COMMISSION BASED ON THE UNDERLYING COMPLAINT...IF THE COURT FINDS THAT A DISCRIMINATORY EDUCATIONAL PRACTICE OCCURRED, THE COURT MAY PROVIDE THE FOLLOWING REMEDIES: (1) ENJOINING THE DEFENDANT FROM ENGAGING IN THE DISCRIMINATORY EDUCATIONAL PRACTICE; (2) ORDERING APPROPRIATE AFFIRMATIVE RELIEF; (3) AWARDING COMPENSATORY DAMAGES; (4) ORDERING PUNITIVE DAMAGES, IF: (I) THE DEFENDANT IS NOT A GOVERNMENTAL UNIT OR

POLITICAL SUBDIVISION...ORDERING ANY OTHER EQUITABLE RELIEF THAT THE COURT CONSIDERS APPROPRIATE. ” Maryland already has other Educational Authorities that can and do bring legal action. This is redundant and unnecessary. Also, if a civil action is filed, then no investigation would be done under this Commission, because the civil action “automatically terminates any proceeding before the Commission”. The Commission becomes irrelevant after any legal action is filed. Also, this bill effectively orders a court to “provide affirmative relief, award compensatory damages, (and) order punitive damages...if the defendant is not a governmental unit or political subdivision...” So, only if the defendant is an individual or non-governmental business. Why would we not punish governmental units equally under the law? Regardless of that, this Commission does not have the power to order a court to provide any remedies whatsoever. The Commission does not have the legal right to dictate to the court how a defendant should be punished.

For these reasons, I respectfully urge you to **oppose HB 649** and promote educational excellence and opportunity while preserving local decision-making, fiscal responsibility, and instructional flexibility.

Thank you for your time and thoughtful consideration.

Respectfully,

Trudy Tibbals

Please Oppose HB 649.pdf

Uploaded by: william martino

Position: UNF

Please Oppose HB 649

The bill will destroy the first amendment right to freedom of religion. Each private school is responsible to the parents and not the tyrannical state. Allow parents the rights to teach in accordance to traditional Christianity.

William Martino

Forest Hill

HB649_USM_XEEE.pdf

Uploaded by: Andy Clark

Position: INFO



SENATE EDUCATION, ENERGY, AND THE ENVIRONMENT COMMITTEE
House Bill 649
Advancing Equal Educational Opportunities for All Students in Maryland
April 1, 2026
Information

Chair Feldman, Vice Chair Kagan, and members of the Committee, thank you for the opportunity to offer testimony on House Bill 649. This legislation aims to expand statewide protections against discrimination and retaliation in educational settings by granting the Maryland Commission on Civil Rights (MCCR) direct authority to investigate and enforce prohibitions across a broad range of protected classes. In doing so, the bill establishes a private right of action, creates a new investigative framework, and outlines concurrent enforcement authority alongside other existing state education entities.

The University System of Maryland (USM) is comprised of twelve distinguished institutions and three regional higher education centers. We award eight out of every ten bachelor's degrees in the State of Maryland. Each USM institution contributes uniquely to the State's educational, economic, cultural, and civic landscape ranging from our Historically Black Institutions, to our comprehensive and research universities, to the nation's largest public online institution. With campuses stretching from Western Maryland to the Eastern Shore, the USM represents a deeply diverse array of missions, communities, and student populations.

While the USM understands and respects the bill's intent of creating a statewide process for resolving discrimination complaints arising out of educational settings during a time where federal complaint processes are being called into question, there are several implementation concerns which warrant careful consideration.

Federal Operations

The U.S. Department of Education Office of Civil Rights ("OCR" - the federal agency that conducts investigations of discrimination complaints filed against educational institutions) has diminished in size but remains operational.¹ OCR continues to engage with USM institutions on active matters and the institutions are still required to adhere to the federal civil rights statutes under OCR's purview, prohibiting discrimination in programs or activities receiving federal financial assistance: Title VI (race/color/national origin), Title IX (sex), Section 504 of the Rehabilitation Act (disability), the Age Discrimination Act, and Title II of the Americans with Disabilities Act. It would be helpful to understand from MCCR the actual problem that this legislation is trying to address.

¹ The Committee may wish to consider the potential for OCR to resume fuller operations in the federal administration in 2028.

Legal Standards

The legal standards applied by educational institutions in assessing discrimination complaints are based on federal and state laws. Under federal laws and analogous Maryland laws, the legal standards that apply to employment discrimination claims differ from those applicable to other claims that arise in educational settings; and the damages available in connection with administrative enforcement actions or private causes of action differ between employment discrimination claims and claims brought by students in educational settings. HB 649 is silent on how these distinctions will be addressed. To ensure that this legislation aligns with existing distinctions, USM asks that the Committee consider the following:

- The current language of the bill is so broadly written as to provide an additional basis for discrimination claims by employees, who are already protected by Maryland's Fair Employment Practices Act, State Gov't §§20-601 to 20-610 (MFEPA). In prohibiting discriminatory educational practices proposed § 20-7A-04 provides that "[a]n educational institution may not exclude an individual from participation in, deny a person the benefits of, or subject an individual to discrimination within, any program or activity of the educational institution," based on membership in a protected class. This language can potentially be interpreted to include institution employees. MFEPA is based closely on its federal law analogue, Title VII, which differs in significant ways from Title VI, which is more analogous to HB 649. Thus, it is important to make clear that MFEPA is the exclusive State remedy for employment discrimination claims.
- Although State Gov't § 20-1009 sets forth limits that align with Title VII for remedies for unlawful employment practices that can be ordered by an administrative law judge or a circuit court, HB 649 includes no limits on remedies for discriminatory educational practices, although federal analogues Title VI and Title IX exclude noneconomic damages such as emotional distress. In addition, although Title VI and Title IX require "deliberate indifference" as a threshold for liability in civil actions, HB 649 identifies no standard for civil liability. Finally, Title VI requires a finding of intentional discrimination as a basis for an award of money damages, but HB 649 includes no similar requirement. USM asks that the Committee consider whether HB 649 should be amended to align with federal analogues.
- HB 649 contains no statute of limitations for claims of discriminatory educational practices, although § 20-1013 provides for statutes of limitation for employment discrimination claims. Although courts usually apply the general three-year statute of limitations to statutes that do not provide for an alternative limitations period, to avoid uncertainty, the Committee may wish to consider whether HB 649 should be amended to include a statute of limitations for claims of discriminatory educational practices.

- The bill also does not explicitly define the scope of remedies or enforcement mechanisms available to MCCR. Experience with other oversight bodies, such as OCR, demonstrates that enforcement actions can sometimes produce broad, open-ended, and resource-intensive institutional mandates. As drafted, HB 649 does not indicate the scope of remedies MCCR seeks to enforce, and we urge amendments to clarify the same.

MCCR Staffing

Over the last fifteen years, the USM institutions have built robust compliance programs based on federal and state statutes and accompanying guidelines. The USM institutions have had to expand their staffing levels to assess and adjudicate discrimination complaints, in response to increased attention from the federal government and civil rights awareness in institutional communities and education by our institutions. It is our understanding that there has been no ask from MCCR to expand staffing to handle claims filed in connection with educational settings. In the absence of additional resources, MCCR could be faced with an unmanageable complaint volume.

A second concern relates to the bill's intersection with federal Title IX enforcement. Title IX regulations have evolved with each change in federal administration, regarding investigative procedures, due process rights, evidentiary standards, and institutional responsibilities. MCCR's current structure and enforcement experience do not fully align with the specialized expertise federal regulations, and in particular Title IX, demand.

In addition, the structures of higher education institutions are not ones with which MCCR has experience, and these structures differ from employment settings. In the absence of experienced staff at MCCR, institutions may find themselves simultaneously defending complex complaints and educating the enforcing agency on fundamental Title IX principles as well as the nuances of higher education. This dual burden – defense and instruction – could be substantially mitigated through clearer statutory guardrails or express deference to specialized federal processes.

Board of Regents Reporting Requirements

House Bill 649 requires that the USM Board of Regents refer complaints of educational discrimination to MCCR for investigation. House Bill 649 applies to public *and* private institutions of higher education and postsecondary education, yet this reporting requirement does not extend to the governing boards of institutions of higher education or postsecondary education other than USM, resulting in different procedural paths for students depending on their institution.

Procedurally, it is unclear whether the reporting requirement as drafted allows for initial assessment by the Board and/or referral to the USM institution identified in a reported complaint. It is also unclear as to whether this reporting requirement relates solely to complaints that are reported to the Board of Regents *or* if it relates to complaints reported

to the USM constituent institutions to which the Board serves as a governing body. However intended, this provision may result in the Board being required to refer to MCCR complaints that are likely already being addressed by an institution either internally or through litigation, as well as complaints that are unsupported or frivolous. If the provision is intended to apply to *all* complaints reported to the USM constituent institutions, then the bill will necessitate additional staffing at MCCR.

The requirement may also identify and/or push complainants into a process to which they did not consent - which for student complaints may result in educational institutions violating student privacy rights under the Family Educational Rights and Privacy Act (FERPA). Although HB 649's proposed amendment to State Government §20-7A-03(B)(2) "makes the Commission a State Educational Authority Under the Federal Family Educational Rights and Privacy Act," it is unclear whether this designation is sufficient to permit the sharing of such records. Federal FERPA regulations suggest that absent authorization from a State or local educational authority, MCCR may need to be an educational agency or institution that receives funds from the U.S. Department of Education for FERPA to apply. See [34 CFR Part 99.1](#). This is a matter we suggest MCCR clarify before finalizing this legislation.

In addition, USM asks the Committee to consider whether students should have the option of having their complaints investigated and adjudicated by their institutions before they are submitted to an external agency.

Litigation Tracks

The USM notes a significant concern regarding the bill's authorization for MCCR to initiate civil actions in state court if a complaint has been brought before the Commission. While this provision strengthens enforcement options, it also creates the possibility of simultaneous administrative and judicial proceedings. Such parallel tracks may substantially increase litigation exposure, legal costs, and procedural complexity - particularly in circumstances in which federal processes, including Title IX, ADA, or OCR investigations, are already underway.

The USM appreciates the opportunity to share these observations and information regarding House Bill 649. We look forward to working constructively with the sponsors and the committee to ensure that Maryland's commitment to equitable educational environments is advanced in a manner that is effective, fair, and administratively sustainable.



UNIVERSITY SYSTEM
of MARYLAND



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Uploaded by: Drew Jabin

Position: INFO

Senate Education, Energy, and the Environment Committee
April 1, 2026

HB 649 - Advancing Equal Educational Opportunities for All Students in Maryland

Position: Letter of Information

The Maryland Association of Community Colleges (MACC), representing Maryland's 16 community colleges, offers this letter of information on **HB 649**. MACC appreciates the sponsor's commitment to advancing equal educational opportunities and ensuring that students are protected from discrimination and retaliation. Maryland's community colleges share this commitment and maintain policies and procedures designed to prevent discrimination, provide accessible reporting mechanisms, and ensure timely and equitable resolution of complaints.

HB 649 would establish a new enforcement framework authorizing the Commission on Civil Rights to investigate and adjudicate claims of discrimination in educational institutions, including institutions of higher education, and would create a private right of action to enforce these provisions. Maryland's community colleges are already subject to extensive federal and State civil rights requirements, including Title VI, Title IX, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, and related State nondiscrimination statutes. Institutions maintain established procedures for receiving, investigating, and resolving complaints under these frameworks.

MACC believes careful consideration is warranted regarding how the proposed enforcement structure would interact with existing institutional processes and federal compliance requirements. The creation of concurrent jurisdiction and a new private right of action may result in overlapping investigations, duplicative proceedings, and increased administrative and legal costs for institutions. Clear regulatory guidance and coordination will be critical to ensure that students receive timely and consistent resolutions while minimizing confusion about reporting pathways.

Maryland's community colleges remain committed to fostering inclusive campus environments and to addressing allegations of discrimination promptly and fairly. MACC respectfully submits this letter of information to provide context regarding current practices and to encourage thoughtful implementation that aligns new enforcement authority with existing educational governance and compliance structures. MACC appreciates the opportunity to share these considerations with the Committee.

Please contact Brad Phillips (bphillips@mdacc.org) or Drew Jabin (djabin@mdacc.org) with questions.

HB 649 xover - Advancing Equal Educational Opportu

Uploaded by: Mary Pat Fannon

Position: INFO



Mary Pat Fannon, Executive Director
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BILL: HB 649

TITLE: Advancing Equal Educational Opportunities for All Students in Maryland

DATE: April 1, 2026

POSITION: Letter of Information

COMMITTEE: Senate Education, Energy, and the Environment Committee

CONTACT: Mary Pat Fannon, Executive Director

The Public School Superintendents' Association of Maryland (PSSAM), on behalf of all twenty-four Maryland local school superintendents, provides this **letter of information** on House Bill 649.

House Bill 649 would repeal the existing statutory framework for civil rights enforcement in schools, and replace it with a new framework that authorizes the Maryland Commission on Civil Rights (MCCR), concurrently with the Maryland State Department of Education (MSDE), to enforce the prohibition against discrimination and retaliation in school systems. The bill also concurrently authorizes a private right of action for individuals alleging discrimination in schools to bring civil lawsuits in court.

PSSAM and our members unequivocally care deeply about the civil rights of students and families. Strong, effective civil rights enforcement is essential to ensuring equitable educational opportunity for all Maryland students.

Recent changes and disruptions at the U.S. Department of Education's Office for Civil Rights (OCR) have understandably created concern nationwide. In the absence of a viable federal system, we do not question the importance of maintaining strong protections. But it is important to acknowledge that this restructuring is driven by temporary federal circumstances. That context should inform whether Maryland creates a permanent, parallel enforcement system that may remain long after federal conditions change.

Maryland has a statutory civil rights enforcement framework under Education Article §§ 26-649 and 26-705. In 2022, the General Assembly granted MSDE new authority to investigate discrimination claims within local school systems. To our knowledge, this framework has been implemented and is functioning effectively.

HB 649 would significantly expand authority by:

- Granting the Maryland Commission on Civil Rights (MCCR) concurrent enforcement power alongside MSDE; and
- Authorizing individuals to file lawsuits in court while simultaneously pursuing investigations before MCCR or MSDE.

This expansion raises important legal and practical concerns. The existence of ***parallel enforcement*** risks duplication, inconsistent findings, and confusion for families already navigating an emotionally and procedurally complex process. It also increases administrative and legal burdens on school systems responding to unsubstantiated claims.

There are ***several legal and operational concerns*** the Committee should consider, including:

- Overlapping investigative authority between MSDE and MCCR;
- Potential conflicting evidentiary standards;
- The scope of newly created civil remedies;
- Fiscal and operational impacts on school systems;
- Interaction with federal IDEA procedures in special education disputes; and
- The due process rights of teachers and staff who are subject to allegations.

The delivery of special education services, in particular, is governed by an extensive and longstanding adjudication framework under federal law. Creating additional or parallel remedies without careful coordination could introduce confusion and unintended legal conflict. ***This bill creates a new, and troubling private civil cause of action, significantly disrupting a decades-long, national standard requiring administrative exhaustion for disputes concerning special education by permitting immediate and direct civil actions in those cases. We strongly request that this provision be removed.***

Under the Individuals with Disabilities Education Act (IDEA), families must exhaust administrative remedies before seeking relief in court. The Supreme Court of the United States has repeatedly reinforced this requirement, holding that when a complaint concerns the denial of a free appropriate public education, and relief is available under the IDEA, plaintiffs must first pursue IDEA's due process procedures before filing suit in court. This structure reflects a deliberate choice to ensure that certain educational disputes are first addressed through a specialized, expert administrative process that efficiently develops an administrative record and provides early opportunities for resolution. Maryland has already codified this process in law and regulations. (Educ. Art. § 8-413, COMAR 13A.05.01).

We respectfully request meaningful engagement in the Committee's deliberative process and allow stakeholders, including local school systems, a seat at the table as these significant structural changes are considered.

Our legal colleagues at MABE have provided a more detailed legal analysis of this legislation, and we support their work and conclusions. Our comments here highlight key policy and operational concerns but do not fully capture the scope of the legal implications.

We strongly support civil rights enforcement and the protection of students and families. At the same time, we must carefully balance those protections within an already complex legal framework. Permanent restructuring of Maryland's civil rights enforcement system requires serious consideration. Without that deliberation, there is risk of creating legal confusion, increased costs, procedural delays, and unintended barriers to the very remedies families seek.

PSSAM appreciates the opportunity to provide this **letter of information** and we urge thoughtful review, robust stakeholder collaboration, and careful refinement before enacting permanent changes of this magnitude.

HB 649 (SEN) - LOI - MCCR Bill.pdf

Uploaded by: Sam Mathias

Position: INFO

BILL: House Bill 649
TITLE: Advancing Equal Educational Opportunities for All Students in Maryland
HEARING DATE: April 1, 2026
POSITION: Letter of Information
COMMITTEE: Senate Education, Energy, and the Environment Committee
CONTACT: Sam Mathias, Legal & Policy Director (smathias@mabe.org)

The Maryland Association of Boards of Education (MABE), representing all of the State's local boards of education, **provides this informational letter for House Bill 649 - Advancing Equal Educational Opportunities for All Students in Maryland.**

House Bill 649 is a sweeping change to antidiscrimination enforcement across the education sector, as it seeks to add education to the sectors subject to the Maryland Commission on Civil Rights' (MCCR) jurisdiction, which already includes commercial property, the workplace, and housing. As articulated by MCCR, part of the bill's intent is to offer a State-level analog to what has been available to public school students and higher education students through the U.S. Department of Education's Office for Civil Rights (OCR) enforcement of federal laws prohibiting discrimination.

While the intent of the bill is laudable, and while civil rights are immensely important, MABE is concerned that the bill was developed without meaningful engagement with public school systems. It is not clear that MCCR engaged with any public school systems on how such a framework would operate in practice, nor does the bill reflect local school system perspective and insight, despite schools' central role in maintaining nondiscriminatory programs, implementing legal requirements, ensuring federal compliance, and regularly interacting with OCR.

Most concerning, House Bill 649 creates a broad private right of action against educational institutions, including public school systems, for individuals alleging discrimination, which is a significant departure from current law. While MCCR may intend only to establish a State-level enforcement mechanism analogous to existing federal protections, the inclusion of a private right of action expands, rather than merely replicates, current law. **As explained in greater detail below, MABE respectfully requests removing the private right of action entirely from House Bill 649.**

As this bill is sweeping and significant, our testimony too is meant to address all aspects fairly and present our concerns as clearly as possible, given that the bill has not yet been amended and appears to have received only cursory review in the House. Our testimony thus needs a table of contents:

- I. **House Bill 649 Creates a New Private Right of Action that Expands Liability Beyond Current Law. MABE Recommends Striking § 20-1013.1(B) (Page 8, Lines 16-19).** 2
- II. **House Bill 649 Would Significantly Disrupt a Decades-Long National Standard Under IDEA Requiring Administrative Exhaustion for Disputes Concerning Special Education by Permitting Immediate Direct Civil Actions.** 3
- III. **MCCR Intends for House Bill 649 to Allow Forum Shopping for the Benefit of Allegedly Aggrieved Families, and to the Detriment of Public School Systems.** 4
- IV. **Public Schools Are Already Subject to a State-Level Civil Rights Protection Framework Based on Legislation from 2022.** 5
- V. **Because a Stated Goal of MCCR is to Address a Perceived Gap in Federal Enforcement, and Federal Enforcement is Dependent on the Federal Administration, the Bill Should Expressly Sunset with Federal Elections.** 6
- VI. **House Bill 649 Leaves Questions Unaddressed That Should Be Answered Before Passing This Bill.** 7

- I. **House Bill 649 Creates a New Private Right of Action that Expands Liability Beyond Current Law. MABE Recommends Striking § 20-1013.1(B) (Page 8, Lines 16-19).**

When drafting this bill, MCCR attempted to hew closely to federal statutory language concerning discrimination enforcement. In doing so, MCCR included a right to bring a civil action in State court for alleged discriminatory educational practices under federal law. **This is a significant and problematic expansion of current law and should be removed.**

If enacted, HB 649 would place Maryland among the very few states to create a State-based civil action tied to federal education discrimination law. Effective January 2026, California enacted AB 715, establishing an Office of Civil Rights within its Department of Education. Pennsylvania is the only other state considering similar legislation. While leadership in civil rights is important, a state-by-state approach to interpreting federal civil rights laws risks creating inconsistent standards across jurisdictions. Over time, this could result in divergent interpretations of Title IX, Title VI, and other federal statutes, undermining the uniformity those laws are intended to provide.

More practically, by authorizing individuals to bring State court actions for alleged violations of federal law, the bill creates new avenues to sue school systems that do not currently exist. Even apart from IDEA administrative exhaustion (discussed at length in the

next section), the creation of a private right of action substantially increases litigation exposure for school systems.

Take, for example, the Title IX context. Consider a hypothetical situation where a school system receives an allegation of misconduct, places a staff member on administrative leave, and conducts a thorough investigation. At the conclusion of that process, the school system determines that the misconduct allegations are unsubstantiated, but families are still unsatisfied. In this situation, even where the school system follows proper procedures, a family that disagrees with that determination could allege an inadequate response and question evidence, credibility assessments, and the professional judgment of trained investigators.

HB 649 would create a pathway for these types of disputes to be brought into court. Disagreements over investigative findings, disciplinary outcomes, or the sufficiency of a school system's response would be far more likely to be framed as discrimination claims and then litigated instead of brought to MSDE or MCCR for an administrative adjudication. As a result, school systems may be required to defend investigations in court. In this situation, even where a school system ultimately prevails, the time, cost, and operational burden of litigation are significant, threatening, and divert resources from student services and educational programming.

Moreover, while certain monetary claims may be subject to statutory protections or insurance coverage, defense costs associated with injunctive or declaratory relieve actions are often not covered, requiring school systems to fund their defense directly. This exposure is compounded where school systems may also be responsible for attorney's fees, expert and witness costs, and court expenses in cases decided against them, resulting in public funds being used to satisfy litigation costs and judgments. Spending public education dollars on litigation defense raises legal and constitutional concerns.

II. House Bill 649 Would Significantly Disrupt a Decades-Long National Standard Under IDEA Requiring Administrative Exhaustion for Disputes Concerning Special Education by Permitting Immediate Direct Civil Actions.

The private right of action created in House Bill 649 is particularly disruptive in the context of disability-related claims. Under the Individuals with Disabilities Education Act (IDEA), families must exhaust administrative remedies before seeking relief in court. The Supreme Court of the United States has repeatedly reinforced this requirement, holding that when a complaint concerns the denial of a free appropriate public education, and relief is available under the IDEA, plaintiffs must first pursue IDEA's due process procedures before filing suit in court. *Perez v. Sturgis Public Schools*, 598 U.S. 142 (2023) (J. Gorsuch, 9-0 decision), citing *Fry v. Napoleon Community Schools*, 580 U.S. 154 (2017) (J.

Kagan, 8-0 decision). This structure reflects a deliberate choice to ensure that certain educational disputes are first addressed through a specialized, expert administrative process that efficiently develops an administrative record and provides early opportunities for resolution. Maryland has codified this process in law and regulations. See Md. Code. Ann., Educ. Art. § 8-413, COMAR 13A.05.01.

For decades, courts nationwide have required adherence to this administrative structure before litigation proceeds. ***HB 649 would allow parties to sidestep administrative review if ever they are dissatisfied with a school-level outcome. As such, it represents a significant structural shift, unlike anywhere in the country, and would materially increase litigation exposure for school systems.***

Such a sea change would require school systems to play defendant across a variety of forums. This too would require school systems to divert finite public resources toward civil litigation, including outside counsel, staff time, document production, and discovery, rather than resolving disputes through the specialized administrative process and using their limited resources to serve students.

It also creates an incentive to pursue claims in court earlier in the process, which can undermine early resolution and shift disputes into a more adversarial posture. The result is a reallocation of limited public resources toward litigation defense, with corresponding impacts on the resources available for direct student services and educational programming.

III. MCCR Intends for House Bill 649 to Allow Forum Shopping for the Benefit of Allegedly Aggrieved Families, and to the Detriment of Public School Systems.

As representatives from MCCR testified during the hearing in the House Government, Labor, and Elections Committee, an individual with a grievance would be able to select their forum. HB 649 effectively permits claims to proceed through multiple avenues in addition to the still-available OCR, including MSDE, MCCR, and civil court.

While this flexibility may benefit complainants, it imposes significant burdens on public school systems as defendants. Each forum carries different procedural rules, timelines, evidentiary standards, and potential remedies. School systems must respond to each accordingly. Forum selection also invites strategic filing in the venue perceived to be most advantageous. This can result in duplicative or overlapping proceedings arising from the same underlying facts; again, not for the agencies themselves, but for the school system defendants. School systems may be required to respond to the same allegation multiple times—through internal investigations, administrative processes, and civil litigation—each with distinct documentation, witness preparation, and evidentiary

demands. This is a real burden. Administrators, principals, teachers, and central office staff must divert time from their primary responsibilities to participate in interviews, prepare records, sit for depositions, and coordinate with counsel. These demands are particularly acute in complex cases involving extensive documentation or multiple witnesses.

Of course, civil litigation compounds this burden on school systems tremendously, as it introduces discovery obligations that are not present in administrative forums. Forum shopping, while potentially a benefit to an alleged aggrieved party, shifts limited public resources away from student services and educational programming and toward defending the same set of facts across multiple forums.

IV. Public Schools Are Already Subject to a State-Level Civil Rights Protection Framework Based on Legislation from 2022.

In 2022, the General Assembly passed House Bill 850 (Ch. 739), now codified in part under Education Article §§ 26-704 and 26-705. This legislation is commonly known as the law that required all boards of education to adopt a written antidiscrimination policy, but, importantly, it *also* provided students and families with a legal complaint and remedy process if they have been subject to discrimination in school systems.

House Bill 649 would repeal the entire complaint and remedy process enacted in 2022. That law had almost no time in effect and as such, we question the rationale for wholesale restructuring a civil rights complaint and litigation process that was in its nascent form in response to recent federal government changes. Civil rights protections were, and still are, actively part of the legal framework in Maryland.

To be sure, the existing regime set forth in Ed. Art. §§ 26-704 and 26-705 appears to provide the state with a meaningful enforcement framework. Within that framework, a student or family alleging discrimination in education may file a complaint with the State Superintendent and the school system must respond within 30 days. The law contemplates that the State Superintendent must mediate, which, in practice, means the case is referred to the Office of Administrative Hearings for mediation to reach a resolution. If no agreement is reached, MSDE issues a decision specifying actions needed to remedy or eliminate the discrimination. A school system that violates MSDE's order may be subject to funding withholding from the Comptroller in an amount decided by the State Superintendent. The parties may appeal MSDE's decision to be heard administratively, and, if that is not satisfactory, the parties may again appeal the administrative decision to the county circuit court.

Notably, this framework provides protections on the basis of race, color, national origin, ethnicity, ancestry, religion, sex, sexual orientation, gender identity, disability, age, and marital status. The current law does not expressly provide protection on the basis of *pregnancy* or *ancestry*, as HB 649 does, but those statuses could easily be added to the existing law.

Accordingly, as pertains to public school systems, we question whether creating a parallel enforcement structure with concurrent agency authority and immediate access to court will materially improve outcomes for students and families. The existing statutory framework already provides timelines, mediation, administrative adjudication, funding enforcement, and judicial review.

MABE is aware of a small number of complaints brought under the current law and would defer to MSDE for a full accounting, but based on our understanding, the framework appears capable of addressing alleged discrimination. **Before undertaking a wholesale restructuring, the State should identify specific gaps in the current system and determine whether targeted improvements, rather than replacement, would better serve students and families.**

V. Because a Stated Goal of MCCR is to Address a Perceived Gap in Federal Enforcement, and Federal Enforcement is Dependent on the Federal Administration, the Bill Should Expressly Sunset with Federal Elections.

Absent a sunset tied to changes in federal enforcement, the State risks creating duplicative and potentially competing federal and State oversight regimes. Because federal enforcement priorities shift with each administration, and this bill is expressly a response to the current federal administration, a permanent State overlay may outlast the conditions it is intended to address. Parallel systems can and do result in overlapping investigations, inconsistent interpretations, forum disputes, and increased litigation exposure.

They also carry measurable fiscal and operational costs. Administrators and educators must devote significant time to document production, interviews, preparation, and testimony across multiple forums. Even when school systems prevail, defense costs can exceed the cost of settlement, creating pressure to resolve claims rather than fully litigate them. These expenditures and disruptions inevitably divert resources from instruction and student services, without a clear indication that such duplication will remain necessary as federal enforcement priorities evolve and OCR ideally regains its staff and policy initiatives.

VI. House Bill 649 Leaves Questions Unaddressed That Should Be Answered Before Passing This Bill.

Again, while we support equal educational opportunity for all students and the protection of civil rights in our school systems, we have a few additional questions that we respectfully provide here, ideally to be answered by MSDE and MCCR, and for the General Assembly to respectfully consider when contemplating or amending this bill. These questions are not rhetorical; their answers reflect policy choices and impact school systems.

Rationale

- ***For public school systems, what enforcement limitation, if any, has MSDE identified under the existing framework in Education Article §§ 26-704 and 26-705?***
- Current law already authorizes MSDE to issue corrective orders and permits the Comptroller to withhold funds for noncompliance. What gap does this bill seek to remedy?
- What is the policy justification for conferring concurrent enforcement and investigative authority, including FERPA-related access, to MCCR?

Forum Shopping and Consistency

- ***What is the State's interest in permitting an individual to forum shop between MSDE, MCCR, and civil court?***
- ***Has the bill considered the impact on school systems that calibrate their response to each of these forums differently – administrative hearings, MSDE investigations, MCCR Investigations, OCR investigations, and actions in court?***

Conclusion

Laws can make a statement and express public values. But laws do more than that. They create enforceable rights, expand governmental authority, impose compliance obligations, and in this case, this bill (if it becomes law) would have real fiscal and operational consequences for local school systems.

Before establishing a new enforcement structure, the State should carefully consider the practical effects: investigations, costs, staffing (at MCCR and school systems), and capacity to process and defend claims. These consequences are not theoretical. They shape how schools allocate limited resources and how educators spend their time. For that reason, any expansion of enforcement authority should be deliberate, data-informed, and narrowly tailored.

HB649_AttendanceWorks_Testimony.pdf

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Position: INFO



Senate Committee on Education, Energy, and the Environment
Written Informational Testimony:
House Bill 649 — Advancing Equal Educational Opportunities for All Students in Maryland Act

Chair Senator Feldman and Members of the Committee:

Attendance Works is a national initiative dedicated to improving school attendance policy, practice, and research. Our core mission is to advance student success by reducing chronic absence, defined as missing 10 percent or more of school days for any reason, whether excused or unexcused by supporting schools, communities, and policymakers in creating the conditions where every student feels safe, connected, and motivated to attend. We work with a particular focus on the students who face the greatest barriers to consistent attendance: students of color, students with disabilities, students experiencing poverty, and other historically underserved populations. We submit this testimony to provide information about the value and importance of House Bill 649 related to addressing barriers to attendance.

Discrimination Is a Direct Driver of Chronic Absence

Our 2019 report, *Using Chronic Absence Data to Improve Conditions for Learning* (co-authored with the American Institutes for Research), identifies four interconnected conditions that determine whether students attend school consistently:

- 1) physical and emotional health and safety,
- 2) belonging, connectedness, and support,
- 3) academic challenge and engagement, and
- 4) adult and student social-emotional competence.

When these conditions are in place students are motivated to attend and can contribute to establishing the trust necessary to mitigate and eliminate real barriers. When these conditions are absent or undermined, chronic absence follows.

Discrimination directly attacks all four of these conditions. A student who experiences bias, harassment, or discriminatory discipline does not feel safe, does not feel they belong, and is far less likely to find school engaging or worth attending. Research is clear that stress, fear, and experiences of identity-based harm trigger physiological and psychological responses that undermine cognitive performance, self-regulation, and the sense of connection to school that keeps students coming back. When discrimination goes unaddressed, it communicates to students and families that the institution does not value their presence. That message is one of the most powerful drivers of avoidance and disengagement we know.

The students most affected by chronic absence nationally and in Maryland are the same students most likely to experience discrimination: students of color, students with disabilities, students from low-





income families, and LGBTQ+ students. Exclusionary discipline that disproportionately remove these students from the classroom are a well-documented contributor to chronic absence.

The Collapse of Federal Enforcement

Maryland students and families who experienced education discrimination have long relied on the U.S. Department of Education's Office for Civil Rights (OCR) as a meaningful avenue for relief. Since March 2025, more than half of OCR's staff have been placed on administrative leave, and seven of its twelve regional offices have been closed. When students experience discrimination and have no effective avenue for relief, the signal sent is that their experiences do not matter.

HB 649 Creates the Conditions That Support Attendance

By authorizing the Maryland Commission on Civil Rights (MCCR), an agency with a 99-year history and newly expanded capacity to investigate and resolve education discrimination complaints across Pre-Kindergarten – 12th grade and higher education, HB 649 rebuilds an accessible, independent, and state-grounded enforcement pathway. For attendance this matters because each element of the bill maps directly onto the conditions for learning that drive student attendance:

- **Prohibiting discrimination and retaliation** restores the physical and emotional safety that is a prerequisite for regular attendance. Students who know their environment is legally protected are more likely to feel that school is safe to attend.
- **An independent enforcement agency** builds the institutional trust that families need to feel connected to and supported by their children's schools. Our research, including evaluations of parent-teacher home visit programs, consistently shows that family trust and connection are among the strongest predictors of reduced chronic absence.
- **Disparate-impact protections** address the discriminatory discipline patterns that disproportionately push students of color and students with disabilities out of classrooms and into chronic absence.
- **Civil action rights** give students and families meaningful agency; the belief that something can be done is itself a protective factor against disengagement and avoidance.

Every day a student avoids school because of discrimination is a day of learning lost and a signal that their school has failed to create the conditions that make education possible. House Bill 649 is a civil rights measure, and it is a measure that supports attendance and student engagement. It creates the legal foundation under which all students, especially those who have been most marginalized, can trust that showing up to school is safe and fair.

Sue Fothergill, Senior Fellow

Attendance Works

www.attendanceworks.org