

House Committee on Government, Labor, and Elections  
House Bill 649 – Advancing Equal Educational Opportunities for All Students in Maryland  
February 24, 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 momentous 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 four amendments for the purpose of clarity:

1. **Amend 20-7A-01(B)(2) on p. 4 of the bill to read:**

(B)(2) “DISABILITY” INCLUDES ANY CONDITION THAT REQUIRES A STUDENT TO HAVE AN INDIVIDUALIZED EDUCATION PROGRAM UNDER THE FEDERAL INDIVIDUALS WITH DISABILITIES

~~EDUCATION ACT. , A § 504 PLAN UNDER THE 17 FEDERAL REHABILITATION ACT OF 1973, OR ANY OTHER SPECIAL EDUCATION OR 18 RELATED SERVICES.~~

Rationale: The language proposed for deletion is unnecessary and is redundant with prior provisions defining disability under Section 504.

**2. 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.

**3. Delete/Strike 26-702(3) on p. 10 of the bill, lines 28-30.**

**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.

**4. Amend 20-1013.1(D) to add the following language in bold and underlined:**

(D) A CIVIL ACTION UNDER THIS SECTION SHALL BE FILED IN THE CIRCUIT COURT FOR THE COUNTY WHERE THE ALLEGED DISCRIMINATORY EDUCATIONAL PRACTICE OCCURRED. **FILING A CIVIL ACTION UNDER THIS SECTION DOES NOT PRECLUDE AN INDIVIDUAL FROM FILING A CIVIL ACTION IN FEDERAL COURT SEEKING REMEDIES UNDER THE CONSTITUTION, SECTION 504 OF THE REHABILITATION ACT**

**OF 1973, THE AMERICANS WITH DISABILITIES ACT OF 1990 (ADA), 42 U.S.C. 12101 ET SEQ., OR OTHER FEDERAL LAWS PROTECTING THE RIGHTS OF CHILDREN WITH DISABILITIES.**

Rationale: Established United State Supreme Court precedent makes clear that individuals with disabilities do not have to exhaust administrative remedies before filing Section 504 or Americans with Disabilities Act discrimination claims in federal court.<sup>1</sup> The suggested language is important to eliminate any confusion and make clear that if HB649 is enacted, individuals will not have to exhaust state remedies in order to seek relief in federal court.

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:  
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<sup>1</sup> *A. J. T. by & through A. T. v. Osseo Area Schs., Indep. Sch. Dist.* No. 279, 605 U.S. 335, 351, 145 S. Ct. 1647, 1659, 222 L. Ed. 2d 1 (2025); *Luna Perez v. Sturgis Pub. Schs.*, 598 U.S. 142, 151, 143 S. Ct. 859, 866, 215 L. Ed. 2d 95 (2023); *Fry v. Napoleon Community Schools*, 580 U.S. 154, 137 S.Ct. 743, 197 L.Ed.2d 46 (2017).