

# EDUCATION ADVOCACY COALITION FOR STUDENTS WITH DISABILITIES

GOVERNMENT, LABOR, AND ELECTIONS

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

February 24, 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 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.

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

**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.

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

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Respectfully submitted,

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