



MARYLAND
CATHOLIC
CONFERENCE

February 24, 2026

HB 649

Advancing Equal Educational Opportunities for All Students in Maryland

House Government, Labor & Elections 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 the sweeping education nondiscrimination legislation (HB 850 of 2022) after years of opposing unconstitutional bills akin to the one presently before this committee today containing a cause of action with monetary damage remedies. Retreading this legislation is in bad faith and revisits patently unconstitutional provisions.

House Bill 649 imposes on nonpublic faith-based schools exactly what it seeks to prevent: discrimination. Moreover, 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.

Turning back to nonpublic schools, the vast majority of the 138,000+ Maryland nonpublic school students attend faith-based schools. Here, those schools are constitutionally protected, both in state and federal constitutions, from being forced to abandon their sincerely held religious beliefs. 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))

*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 up them through state-funded programs.

The majority of states in the U.S. provide assistance for nonpublic school students and families. However, other state programs do not subject schools to requirements such as those put forth by House Bill 649. Moreover, since 1965, the federal Elementary and Secondary School Act (n/k/a the Every Student Succeeds Act or ESSA) has provided for the equitable inclusion of nonpublic school students in federal education programs without imposing government regulations like those promulgated by House Bill 649.

This legislation will deprive children, many of them from minority, low-income families, of the benefits of state programs that make their school day better and more productive. This bill is detrimental to more than 80,000+ of the nearly 140,000 preK-12 nonpublic school students in the state whose schools are eligible for the longstanding Nonpublic Student Textbook Program (approximately 400 schools), and nearly 200 schools that participate in the DeGrange Nonpublic Aging Schools Program. To even greater detriment, the bill would effectively take away scholarships from thousands of FARMS-eligible, low-income, state scholarship recipients, the majority of who are minorities and/or English language learners.

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