



Mary Pat Fannon, Executive Director
1217 S. Potomac Street
Baltimore, MD 21224
410-935-7281
marypat.fannon@pssam.org

BILL: HB 649
TITLE: Advancing Equal Educational Opportunities for All Students in Maryland
DATE: February 24, 2026
POSITION: Letter of Information
COMMITTEE: House Government, Labor, and Elections 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.

We understand that significant amendments are being developed by both the sponsoring department and MSDE. While we have had an opportunity to review some of these concepts, the complexity of the subject matter makes it difficult to offer a definitive position or specific amendment language at this time.

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.