

# HOUSE BILL 459

F1

6lr1136

---

By: **Delegates Ghrist, Miller, Adams, Anderson, Arentz, Baker, Beauchamp, Bouchat, Buckel, Ciliberti, Griffith, Hartman, Hinebaugh, Hornberger, Howard, Hutchinson, Jacobs, Kipke, R. Long, Mangione, McComas, T. Morgan, Nkongolo, Pippy, Reilly, Rose, Tomlinson, and Valentine**

Introduced and read first time: January 23, 2026

Assigned to: Ways and Means

---

## A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Education and State Superintendent of Schools – Enforcement**  
3 **Procedures – Alterations**

4 FOR the purpose of establishing the standard of review that the State Board of Education  
5 must use when considering an appeal of certain actions taken by a county board of  
6 education; establishing a limit on the duration of a stay ordered by the State  
7 Superintendent of Schools of a certain action taken by a county board; and generally  
8 relating to enforcement procedures of the State Board of Education and the State  
9 Superintendent of Schools.

10 BY repealing and reenacting, without amendments,  
11 Article – Education  
12 Section 2–205(a) and (d) and 2–303(a)  
13 Annotated Code of Maryland  
14 (2025 Replacement Volume and 2025 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article – Education  
17 Section 2–205(e) and 2–303(b)  
18 Annotated Code of Maryland  
19 (2025 Replacement Volume and 2025 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
21 That the Laws of Maryland read as follows:

22 **Article – Education**

23 2–205.

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In addition to the other powers granted and duties imposed under this article,  
2 the State Board has the powers and duties set forth in this section.

3 (d) The State Board may institute legal proceedings to enforce:

4 (1) The provisions of this article that are within its jurisdiction; and

5 (2) The bylaws, rules, and regulations adopted by the Board.

6 (e) (1) Without charge and with the advice of the Attorney General, the State  
7 Board shall explain the true intent and meaning of the provisions of:

8 (i) This article that are within its jurisdiction; and

9 (ii) The bylaws, rules, and regulations adopted by the Board.

10 (2) Except as provided in paragraph [(4)] (5) of this subsection and in Title  
11 6, Subtitles 4 and 5 of this article, the Board shall decide all controversies and disputes  
12 under these provisions.

13 (3) (I) IN AN APPEAL TO THE STATE BOARD OF A DECISION OF A  
14 COUNTY BOARD REGARDING A LOCAL POLICY OR A CONTROVERSY AND DISPUTE  
15 REGARDING THE RULES AND REGULATIONS OF THE COUNTY BOARD, THE STANDARD  
16 OF REVIEW SHALL BE AN ABUSE OF DISCRETION OR ILLEGALITY.

17 (II) A DECISION OF A COUNTY BOARD MAY BE AN ABUSE OF  
18 DISCRETION IF:

19 1. NO REASONABLE PERSON WOULD TAKE THE VIEW  
20 ADOPTED BY THE COUNTY BOARD;

21 2. THE COUNTY BOARD ACTS WITHOUT REFERENCE TO  
22 ANY GUIDING RULE OR PRINCIPLE; OR

23 3. THE DECISION IS CLEARLY AGAINST THE LOGIC AND  
24 EFFECT OF FACTS AND INFERENCES BEFORE THE COUNTY BOARD.

25 [(3)] (4) The decision of the Board is final.

26 [(4)] (5) (i) The Public Employee Relations Board shall decide any  
27 controversy or dispute arising under Title 6, Subtitle 4 or Subtitle 5 of this article.

28 (ii) A decision of the Public Employee Relations Board is final.

1 2–303.

2 (a) In addition to the other powers granted and duties imposed under this article,  
3 the State Superintendent has the powers and duties set forth in this section.

4 (b) (1) The State Superintendent shall enforce the provisions of:

5 (i) This article that are within [his] **THE STATE**  
6 **SUPERINTENDENT’S** jurisdiction; and

7 (ii) The bylaws, rules, and regulations of the State Board.

8 **(2) IF THE STATE SUPERINTENDENT ORDERS A STAY OF AN ACTION**  
9 **TAKEN BY A COUNTY BOARD BY RULE, REGULATION, RESOLUTION, BYLAW, OR**  
10 **OTHER ORDER AND THE ACTION IS APPEALED TO THE COUNTY BOARD OR THE STATE**  
11 **BOARD, THE STAY MAY NOT EXCEED 90 DAYS IN DURATION, BUT MAY BE DISSOLVED**  
12 **AT ANY TIME BY THE STATE SUPERINTENDENT OR THE STATE BOARD.**

13 **[(2)] (3)** If an educational institution, a county board, or a nonpublic  
14 prekindergarten program, or nonpublic school subject to the requirements of § 26–704 of  
15 this article violates any of these provisions, the State Superintendent, by written notice,  
16 may require the State Comptroller to withhold from that institution, board, program, or  
17 school:

18 (i) All or any part of an appropriation made by the General  
19 Assembly; and

20 (ii) All or any part of any other payment from funds budgeted by the  
21 State.

22 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect July  
23 1, 2026.