

**Department of Legislative Services**  
Maryland General Assembly  
2026 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 459  
Ways and Means

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**State Board of Education and State Superintendent of Schools - Enforcement  
Procedures - Alterations**

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This bill establishes that, when considering an appeal of a local board of education's policy or a controversy or dispute involving local board rules or regulations, the State Board of Education must apply a standard of review limited to abuse of discretion or illegality. The bill also limits an administrative stay of a local board's action issued by the State Superintendent of Schools to 90 days; however, the stay may be dissolved earlier by the State Superintendent or the State Board of Education. **The bill takes effect July 1, 2026.**

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**Fiscal Summary**

**State Effect:** None. Altering the standard of review and stay procedures for State board appeals does not materially affect State revenues or expenditures.

**Local Effect:** None. Altering the standard of review and stay procedures for State board appeals does not materially affect local revenues or expenditures.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** A decision of a local board may be an abuse of discretion if: (1) no reasonable person would take the view adopted by the local board; (2) the local board acts without reference to any guiding rule or principle; or (3) the decision is clearly against the logic and effect of facts and inferences before the local board.

## **Current Law:**

### *State Board of Education – Authority and Final Decision-making*

In addition to other powers and duties provided by law, the State Board of Education has general authority to enforce education law within its jurisdiction, including bylaws, rules, and regulations adopted by the board. The State board may institute legal proceedings to enforce these provisions.

With the advice of the Attorney General and without charge, the State board must interpret and explain the meaning of education laws within its jurisdiction and its own bylaws, rules, and regulations. The State board must decide controversies and disputes arising under these provisions, and its decisions are final.

However, controversies and disputes arising under the collective bargaining provisions of Title 6, Subtitle 4 or Subtitle 5 of the Education Article must be decided by the Public Employee Relations Board, whose decisions are final.

### *State Superintendent of Schools – Enforcement Authority*

In addition to other powers and duties provided by law, the State Superintendent of Schools is responsible for enforcing education laws within the Superintendent's jurisdiction, as well as the bylaws, rules, and regulations of the State Board of Education.

If an educational institution, local board of education, or certain nonpublic prekindergarten programs or nonpublic schools violate applicable education laws or regulations, the State Superintendent may, by written notice, require the State Comptroller to withhold all or part of State appropriations or other State payments to the entity.

### *Authority to Stay Action of Local Boards (Regulation)*

According to regulations, the State Superintendent of Schools has the authority, either at the request of the President of the State Board of Education or on the State Superintendent's own motion, to order a stay of any action taken by any local board of education, whether the local board's action is taken by way of rule, regulation, resolution, bylaw, or other order. The stay must be issued within five days of the date notice of the action is received by the State Superintendent or the State board. The stay must not exceed 60 days in duration, unless the local board's action has been appealed to the local board or the State board, in which case the stay may remain in place until the State board has issued a final decision of the appeal. The stay may be dissolved at any time by the State Superintendent or the State board.

*Standard of Review for Appeals (Regulation)*

According to regulations, decisions of a local board of education involving a local policy or controversy and dispute regarding the rules and regulations of the local board must be considered *prima facie* correct, and the State board may not substitute its judgment for that of the local board unless the decision is arbitrary, unreasonable, or illegal. A decision may be arbitrary or unreasonable if it is one or more of the following: (1) it is contrary to sound education policy or (2) a reasoning mind could not have reasonably reached the conclusion the local board or superintendent reached.

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### **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Office of the Attorney General; Comptroller's Office; Maryland State Department of Education; Baltimore City Public Schools; Anne Arundel County Public Schools; Montgomery County Public Schools; Prince George's County Public Schools; Frederick County Public Schools; Wicomico County Public Schools; Department of Legislative Services

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