

TO: Senate Education, Energy, and Environment Committee
BILL: Senate Bill (SB) 174 – State Board of Education – Enforcement Procedures
DATE: February 4, 2026
POSITION: Oppose

Chair Feldman and Members of the Senate Education, Energy, and Environment Committee,

The Maryland State Board of Education (State Board) shares the following information in opposition to **SB 174**, which would limit the time the State Board has to adjudicate appeals on terminations of local superintendents and removal of local board members to 90 days.

The State Board appreciates the intent of this bill to ensure that appeals to the State Board with significant systemwide impacts on a Local Education Agency (LEA) are adjudicated in an expedient manner. This is a shared objective of the State Board. While streamlining these important appeals, we must balance critical due process for all parties in the appeal.

The State Board has appreciated the opportunity to engage with Senator Carozza on this issue through the promulgation period of our regulations (COMAR 13A.01.05.12-.13 Appeals to the State Board) governing this process and in other conversations since. As a result of these engagements, we have undertaken a review of our regulations governing the appeals process and have begun promulgating changes that would give the State Board greater flexibility to move more quickly where it is appropriate while consolidating certain time periods. We are also developing regulations to embed due process for appeals related to the termination of local superintendents.

We have concerns with the bill as drafted. The 90-day window presents difficulties for staff and the State Board to analyze and deliberate appropriately on records and materials that are often complex and require significant legal review. Additionally, many of the due process practices embedded in the current procedures would almost unanimously exceed the 90 days outlined in the bill. This includes ensuring that both parties have an appropriate window of time to respond to evidence and requests submitted to the State Board.

Further, there are instances in which the State Board must refer cases of this nature to the Office of Administrative Hearings (OAH) for an evidentiary hearing and a finding of fact to inform the State Board's final decision, while receiving critical, independent analysis and review from OAH.

In summary, the language in the bill would compromise the timelines related to the appeals process and be a significant challenge to staff and the State Board to consider these critical matters appropriately.

There are other ways to accelerate appeals to the State Board, and we are actively pursuing them to regulation. Appeals timelines have historically been maintained in regulation and the State Board feels it is best handled through the regulatory process.

The State Board requests that the committee consider this information as it deliberates **SB 174**. Please contact Zach Hands, Executive Director of the State Board, at Zachary.hands1@maryland.gov or at 443-915-6094, if you would like any additional information.