

**SB 174 - Carozza Testimony\_FINAL.pdf**

Uploaded by: Mary Beth Carozza

Position: FAV

**MARY BETH CAROZZA**  
*Legislative District 38*  
Somerset, Wicomico,  
and Worcester Counties

Education, Energy, and  
the Environment Committee

Executive Nominations Committee



*Annapolis Office*  
James Senate Office Building  
11 Bladen Street, Room 316  
Annapolis, Maryland 21401  
410-841-3645 · 301-858-3645  
800-492-7122 Ext. 3645  
Fax 410-841-3006 · 301-858-3006  
MaryBeth.Carozza@senate.state.md.us

**THE SENATE OF MARYLAND**  
**ANNAPOLIS, MARYLAND 21401**

**February 4, 2025**

**The Senate Education, Energy, and Environment Committee**  
**SB 174 – State Board of Education – Enforcement Procedures -**  
**Alteration**

**Statement of Support by Bill Sponsor Senator Mary Beth Carozza**

Thank you Chair Feldman, Vice Chair Kagan, and members of the distinguished Senate Education, Energy, and Environment Committee for this opportunity to present Senate Bill 174 – State Board of Education – Enforcement Procedures – Alteration, as amended.

SB 174 would require the State Board of Education to establish an appeals process, not to exceed 90 days, regarding the removal of a county superintendent or a member of the county board of education. Under this legislation, an appeals process may exceed 90 days if due process demands the extension or the State Board determines that an extension is necessary for the immediate preservation of the public health or safety. The clarifying amendment, per the request of the Maryland Association of Boards of Education, incorporates the local board member removal process.

By way of background, the Maryland State Board of Education amended COMAR 13A.01.02 this Interim, which allows the State Superintendent to stay the actions of a local board indefinitely with no time limitations should the actions of a local board be appealed. The presumption is that the stay would be lifted once the appeal process is complete, but there are currently no reasonable time limits on the appeals process, with many appeals taking far longer than six months and up to years to resolve.

I recognize that the amendments to COMAR 13A.01.02 close a gap in the authority of the State Superintendent to stay local board actions when such actions are appealed, and understand the need to prevent a cycle of starting and stopping implementation of local board decisions, a cycle which often leaves a school community with major disruption and loss of trust in the school system.

However, I have remained concerned that a lengthy, indefinite appeals process causes that same level or greater disruption to the local school system leading to a negative impact on student learning. With the implementation of the Boards amendments, local school systems face long-term uncertainty, especially if the decision being appealed is a removal of leadership.

On September 8<sup>th</sup>, 2025, I wrote to the leadership of the Maryland State Board of Education highlighting my deep concern that the proposed amendments to COMAR Title 13A, Subtitle 01,

Chapter 5 further complicate an already complex set of procedural steps for appeals of local board decisions that translates to appeals that can, and often do, take months or even years before the process is complete.

Prolonged uncertainty regarding leadership can ripple across an entire school system, taking away valuable resources from the core mission of educating students. We need to think about these disruptions from the perspective of the students, teachers, and school personnel.

This narrow legislation would set a standard timeframe to complete the appeals process specifically for cases involving the termination of a local Superintendent or removal of a local board of education member, while still allowing extensions for due process or public health and safety, and prioritizes our students.

I want to acknowledge the Maryland State Board of Education leadership in working with me on our shared objective of streamlining the current appeals process while balancing critical due process for all parties in the appeal.

In response to my September 8<sup>th</sup> letter and other comments, the Maryland Board of Education has conducted a review of the current appeals process and timeline through a different section of COMAR (13A.01.05 Appeals to the State Board) “to address potential expedience for sensitive appeals such as requests for removal of local board members and the termination of superintendents.”

Further, I understand that the Maryland State Board of Education has “begun promulgating changes that would give the State Board greater flexibility to move quickly where it is appropriate while consolidating certain time periods” and “developing regulations to embed due process for appeals related to termination of local superintendents.” I appreciate these ongoing efforts of the Maryland State Board of Education to accelerate appeals to the State Board.

The State Board also has brought to my attention the extended timelines involved when the State Board must refer termination and removal appeals cases to the Office of Administrative Hearings (OAH). I have asked the State Board for recommendations on striking the balance between due process and a reasonable timeline when these sensitive appeals cases are referred to OAH.

In closing, my intent and motivation in introducing this legislation, Senate Bill 174, is to significantly improve and tighten up the current open-ended, lengthy appeals process of terminations of superintendents and removals of board of education members to ensure, to the extent possible, swift resolution of these appeals to prevent these major disruptions to student learning and the overall school system as a whole and to better serve our students, teachers, school personnel, and local community.

I thank you for your kind attention and consideration, and I respectfully request a favorable and very swift report on SB 174.

# **SB 174 - Completed Amendment.pdf**

Uploaded by: Mary Beth Carozza

Position: FAV



SB0174/863820/1

AMENDMENTS  
PREPARED  
BY THE  
DEPT. OF LEGISLATIVE  
SERVICES

02 FEB 26  
10:20:03

BY: Senator Carozza

(To be offered in the Education, Energy, and the Environment  
Committee)

AMENDMENTS TO SENATE BILL 174

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “**Alteration**” and substitute “Alterations”; in line 3, strike “requiring an appeals process” and substitute “prohibiting certain processes concerning removal of a county superintendent of schools or a member of a county board of education”; in line 4, strike “not to exceed” and substitute “from exceeding”; and strike beginning with “for” in line 4 down through “education” in line 6.

AMENDMENT NO. 2

On page 2, in line 12, strike “**AN APPEALS PROCESS**” and substitute “THE FOLLOWING PROCESSES”; in line 13, after “**DAYS**” insert “:

1.”;

in the same line, strike “**FOR THE**” and substitute “THE PROCESS FOR AN”; in line 14, after “**THE**” insert “COUNTY BOARD’S”; strike beginning with the colon in line 14 down through “**THE**” in line 15 and substitute “THE”; in line 16, strike “**A**” and substitute “THE PROCESSES FOR REMOVAL OF A COUNTY SUPERINTENDENT OR A”; in the same line, strike “**THE**” and substitute “A”; and in line 17, strike “**APPEALS PROCESS**” and substitute “PROCESSES DESCRIBED”.

**SB 174 Reprint.pdf**

Uploaded by: Mary Beth Carozza

Position: FAV

# SENATE BILL 174

F1

6lr1552

(PRE-FILED)

By: **Senators Carozza, Bailey, and Gallion**

Requested: October 31, 2025

Introduced and read first time: January 14, 2026

Assigned to: Education, Energy, and the Environment

## A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Education – Enforcement Procedures – ~~Alteration~~ Alterations**

3 FOR the purpose of ~~requiring an appeals process~~ prohibiting certain processes concerning  
4 removal of a county superintendent of schools or a member of a county board of education  
5 established by the State Board of  
6 Education ~~not to exceed~~ from exceeding a certain number of days ~~for appeals of actions~~  
7 ~~taken by a~~  
8 ~~county board of education for removal of the county superintendent or a member of~~  
9 ~~the county board of education~~, subject to certain exceptions; and generally relating  
10 to enforcement procedures of the State Board of Education.

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

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

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

20 **Article – Education**

21 2–205.

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

2 REPRINT OF SENATE BILL 174 as amended by SB0174/863820/1 02/02/26 at 10:19 AM

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

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

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

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

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

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

8 (2) Except as provided in paragraph [(4)] (5) of this subsection and in Title  
9 6, Subtitles 4 and 5 of this article, the Board shall decide all controversies and disputes  
10 under these provisions.

11 (3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS  
12 PARAGRAPH, ~~AN APPEALS PROCESS THE FOLLOWING PROCESSES ESTABLISHED BY THE STATE BOARD MAY NOT~~  
13 EXCEED 90 DAYS:

14 ~~1. FOR THE~~ THE PROCESS FOR AN APPEAL OF AN ACTION TAKEN BY A COUNTY BOARD  
REGARDING THE COUNTY BOARD'S REMOVAL OF:

15 ~~1. THE~~ THE COUNTY SUPERINTENDENT; OR

16 ~~2. A~~ THE PROCESSES FOR REMOVAL OF A COUNTY SUPERINTENDENT OR A MEMBER  
OF ~~THE~~ A COUNTY BOARD.

17 (II) ~~THE APPEALS PROCESS PROCESSES DESCRIBED UNDER SUBPARAGRAPH (I) OF THIS~~  
18 PARAGRAPH MAY EXCEED 90 DAYS IF:

19 1. DUE PROCESS DEMANDS THE EXTENSION; OR

20 2. THE STATE BOARD DETERMINES THAT AN  
21 EXTENSION IS NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC  
22 HEALTH OR SAFETY.

23 [(3)] (4) The decision of the Board is final.

24 [(4)] (5) (i) The Public Employee Relations Board shall decide any  
25 controversy or dispute arising under Title 6, Subtitle 4 or Subtitle 5 of this article.

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

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
28 1, 2026.

# **Michael\_Butkiewicz\_SB174\_ EnforcementProcedures\_20**

Uploaded by: Michael Butkiewicz

Position: FAV

**Michael Butkiewicz**

**9904 Belhaven Road, Bethesda, Maryland 20817**

**Senate Education, Energy, and the Environment Committee**

**SB 174 State Board of Education – Enforcement Procedures – Alteration**

**Bill Hearing Date February 4th, 2026**

**Position: Favorable**

Dear Chair Feldman, Vice Chair Kagan, and Honorable Committee Members,

My name is Michael Butkiewicz. I am an author and civic-education researcher from Montgomery County, and my work has appeared across regional outlets. I write today in support of SB 174, which establishes a 90-day deadline for State Board appeals following the removal of a local official.

This bill takes an important step toward ensuring that school leaders do not feel powerless or politically paralyzed during removal proceedings. At the same time, it is necessary to acknowledge the structural constraints embedded in the legislation. While the 90-day limit provides a measure of predictability for a removed official, the bill’s exceptions, “due process” and “public health or safety,” are drafted with significant breadth.

“Due process” can be invoked to justify extended discovery, additional testimony, or any number of procedural claims that prolong adjudication. Likewise, “public health or safety” is sufficiently expansive to encompass administrative instability, community unrest, or ongoing investigations. Without an outer boundary, these exceptions allow a State Board already inclined to slow-walk politically sensitive cases to do so without consequence, insulating the Board from public scrutiny or backlash.

This concern is heightened by the State Board’s inconsistent transparency practices. While agendas, meeting materials, and video archives are technically available, they are not easily accessible to the public. The difficulty of locating information undermines the public’s ability to observe the Board’s work and assess its legitimacy. When inefficiencies or delays occur, the resulting loss of trust is not directed at an individual member but at the institution itself.

Despite these concerns, I support SB 174, not because it resolves every structural issue, but because it represents a meaningful improvement over the status quo. In the absence of enforceable timelines, contentious cases that reach the State Board are not treated as the difficult decisions that come with public leadership. Instead, the incentive structure rewards inaction, allowing political safety to eclipse decisiveness.

***Please report favorably on SB 174.***

Thank you.

**HB0174 State Bd of Educ Appeal FAV.pdf**

Uploaded by: SHARON CARRICK

Position: FAV



February 2, 2026

The Honorable Brian J. Feldman, Chairman  
and Members of the Education, Energy and the Environment Committee  
Senate of Maryland, Annapolis, Maryland

RE: **SB0174** – State Board of Education -- Enforcement Procedures -- Alteration – **FAVORABLE**

Dear Chairman Feldman and Committee Members,

The Maryland Federation of Republican Women supports SB0174.

While this bill originated from a 2025 situation in Somerset County, every school system in Maryland could find itself in a similar situation, with ramifications that negatively impact students and funding.

Ninety days should be sufficient time for the State School Board to conduct a thorough review and issue a determination. Timely resolution of a conflict between a School Board and a Superintendent is best for all involved.

Please vote a **FAVORABLE** report for **SB0174**.

Sincerely,

Ella Ennis  
Legislative Co-Chair  
(443) 295-3989

Sharon Carrick  
Legislative Co-Chair  
(301) 464-1954

# **SB 174\_ State Board of Education - Enforcement Pr**

Uploaded by: Trudy Tibbals

Position: FAV

**SB 174**: State Board of Education - Enforcement Procedures - Alteration: Please vote **IN SUPPORT** of this bill.

Dear Education, Energy & the Environment Committee:

I am writing to express my strong support for **SB 174**, which restores essential due-process protections and appropriate limits on the State Board of Education's enforcement authority.

Enforcement authority must be exercised transparently, consistently, and with clear procedural safeguards—particularly when actions taken by the State Board can significantly affect local school systems, educators, and communities. **Clear procedures, notice, and the opportunity to be heard are not optional—they are fundamental requirements of due process.** **SB 174** ensures enforcement actions are governed by defined standards rather than discretionary or opaque processes. By strengthening procedural requirements, the bill promotes accountability and ensures that affected parties receive notice, an opportunity to respond, and fair consideration before enforcement actions are imposed.

Local school boards are elected and directly accountable to their communities. **SB 174** respects that structure by reinforcing that state oversight must operate within clear procedural boundaries, consistent with separation-of-powers principles and basic fairness. Strong public education depends not only on standards, but on trust—trust that rules will be applied fairly, authority will be limited, and decisions will be made transparently. **SB 174** moves Maryland in that direction.

State authority should not displace local governance without transparent justification and lawful process. By clarifying enforcement procedures, **SB 174** protects educators, local boards, and communities from arbitrary action while preserving the State Board's proper oversight role. This balance strengthens confidence in Maryland's education system and reinforces trust in government decision-making.

For these reasons, I respectfully urge you to **support SB 174**.

Thank you for your time and consideration.

Sincerely,

Trudy Tibbals

# **SB 174 - Appeals Processes.pdf**

Uploaded by: Sam Mathias

Position: FWA

**BILL:** Senate Bill 174  
**TITLE:** State Board of Education - Enforcement Procedures - Alteration  
**HEARING DATE:** February 4, 2026  
**POSITION:** SUPPORT WITH AMENDMENT  
**COMMITTEE:** Education, Energy, and the Environment  
**CONTACT:** Sam Mathias, Legal & Policy Director ([smathias@mabe.org](mailto:smathias@mabe.org))

The Maryland Association of Boards of Education (MABE), representing all of the State's local boards of education, **supports Senate Bill 174, State Board of Education – Enforcement Procedures – Alteration, with amendment.**

Senate Bill 174 reflects an important and shared goal: reducing prolonged uncertainty in high-stakes proceedings before the Maryland State Board of Education, particularly those involving the removal of local board members and superintendents. Local boards recognize that extended adjudication timelines can impede a school system's ability to function effectively and can create instability for staff, students, and communities. Local boards are particularly concerned about appeals and adjudications with system-wide implications. In these cases, prolonged uncertainty can ripple across an entire school system, diverting attention from the core mission of educating students.

At the same time, adjudications of this nature require a series of procedural steps designed to safeguard due process, including record development, briefing, hearings, and, in some cases, fact-finding. In certain matters, the State Board must refer cases to the Office of Administrative Hearings for an evidentiary hearing and findings of fact to inform the State Board's final decision. Even under aggressive assumptions of efficiency, these requirements make a firm 90-day resolution timeline extraordinarily difficult to achieve in practice. A longer, but still expedited timeline, such as nine months, may be more realistic while still meaningfully advancing the bill's objective of timely resolution. For these high-impact appeals and proceedings, finality matters, and a predictable, expedited process would provide a faster path to stability.

MABE believes there is an opportunity to establish clearer and more workable timelines for resolving high-impact cases in a way that is both achievable and fair, and stands ready to work with the Committee and the State Board of Education to do so.

**Therefore, MABE supports Senate Bill 174 with amendment** and looks forward to continued collaboration to develop a practical timeline that advances the bill's intent while preserving due process and stability for local school systems.

# **SB0174 – State Board of Education – Enforcement Pr**

Uploaded by: Alicia Baines

Position: UNF

## **SB0174 – State Board of Education – Enforcement Procedures – Alteration**

Chair and members of the Committee:

My name is Alicia Reneé Baines. I am a Maryland parent and special education advocate. I am urging an **UNFAVORABLE** report on SB0174 because it fast-tracks protections for leadership while families of children with disabilities wait—sometimes for multiple school years—for enforcement and remedies that directly affect a child’s education.

### **This bill fast-tracks power, not children**

SB0174 imposes a **90-day limit** on the State Board’s appeals process **only** when the appeal involves removing a county superintendent or a county board member.

There is no comparable urgency or timeline protection for families when a student is denied services, when corrective actions remain incomplete, or when compensatory education is owed.

### **My Letter of Findings shows the real problem: enforcement delay and weak accountability**

I have a final **Letter of Findings** in my state complaint (**MSDE Complaint #26-008**). It documents systemic noncompliance concerns and finds a violation related to failure to ensure corrective action is completed within required timelines, including the one-year correction requirement in federal law.

And here is the practical consequence: **my child lost time**. In my lived experience, I waited **two school years** to obtain compensatory education that was owed. Children cannot get school years back. Yet SB0174 tells Maryland that when leadership is on the line, the State can move in 90 days.

### **This creates the exact “systems protecting systems” problem Maryland families are tired of**

SB0174 confirms what families already know: when the system wants speed, it can set deadlines.

So the problem is not feasibility. The problem is priority.

If the General Assembly wants to legislate urgency, it should legislate it where it protects Marylanders:

- timely enforcement of corrective actions when violations are found,
- meaningful accountability when timelines are missed, and
- remedies that prevent children from losing months or years of education while agencies deliberate.

## **SB0174 – State Board of Education – Enforcement Procedures – Alteration**

### **Closing**

SB0174 should not move forward as written. It accelerates outcomes for governance disputes while families continue to endure delayed enforcement and delayed relief—despite documented violations and confirmed corrective-action failures.

Maryland children deserve at least the same urgency this bill provides to superintendents.

I respectfully urge an **UNFAVORABLE** report.

Respectfully submitted,

**Alicia Baines**

Maryland Parent & Special Education Advocate

**SB 174 - State Board - OPPOSE (2.2026).docx.pdf**

Uploaded by: Hannah Oakley

Position: UNF

**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](mailto:Zachary.hands1@maryland.gov) or at 443-915-6094, if you would like any additional information.