

Testimony Opposing HB0459
State Board of Education and State Superintendent of Schools –
Enforcement Procedures - Alterations
UNFAVORABLE

February 9, 2026

Delegate Jheanelle K. Wilkins, Chair; Delegate Jessica Feldmark, Vice Chair; and esteemed members of the House Ways and Means Committee:

I am writing to ask you to vote no on House Bill 459. This bill would needlessly restrict the ability of the Maryland State Board of Education and the State Superintendent to enforce laws and policies that are essential to our public school communities.

Current Maryland law sets forth the broad powers and duties of the State Board of Education. *See generally* Md. Code, Education, § 2–205. Among these are the power to adopt bylaws, rules, and regulations for the administration of the public schools, and to apply them to each county, with a limited exception for Baltimore City. *See id.* § 2-205(c). Once adopted, the regulations are legally enforceable pursuant to Section 2-205(c) and (d). Further, Section 2-303(b) gives enforcement authority to the State Superintendent to implement State Education laws as well as the bylaws, rules, and regulations of the State Board. *Id.* § 2-303(b).

The statutory authority granted to the State Board of Education and the State Superintendent is, by necessity and practicality, broadly worded to enable these entities to address a wide variety of subject matters. This is critical to ensure State Education laws and policies are being effectuated across the state system. As an authorizing statute, it is appropriate for the State to maintain flexibility to avoid having to undertake a cumbersome and time-consuming legislative amendment process in order to adapt to unanticipated issues.

Regulations promulgated by the State Board of Education implement the details of Maryland’s education policy. *See* Md. Code Regs, Title 13A. To govern appeals of its decisions, the State Board adopted a standard of review with the regulations:

“Decisions of a local board involving a local policy or a controversy and dispute regarding the rules and regulations of the local board shall 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 . . . [(1)] contrary to sound educational policy; or (2) A reasoning mind could not have reasonably reached the conclusion the local board or local superintendent reached.” Md. Code Regs, § 13A.01.05.06.

HB459 would remove the “arbitrary, unreasonable, or illegal” standard from Title 13A of the Code of Regulations and instead insert a *statutory* standard of review limiting the appeals to instances of “abuse of discretion or illegality.” Specifically, the new standard of review would permit overturning the local school board decision 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. The bill would also limit the State

Superintendent of Schools' *statutorily granted* enforcement powers by capping the length of an administrative stay on a local board's action to a maximum of 90 days.

The proponents of HB459 seek to enact legislation where regulations should suffice. However, in this case, even regulations should not be implemented since the "reasonable person," "reference to any guiding rule or principle," and "against the logic and effect of facts and inferences" terms are difficult to interpret and apply. They could also be used to prevent the State Board from reviewing local board controversies in light of governing law and policy. Such a process would create such a high bar to overcome in order to have State Board input, that it would be unable to effectively perform its duty to administer school policy state-wide and in a consistent manner. There is no compelling interest justifying such a burdensome restriction on the State School Board or State School Superintendent.

For these reasons, I request the Committee return an unfavorable report on HB459.

Respectfully Submitted,

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