

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 174 (Senator Carozza, *et al.*)
Education, Energy, and the Environment

State Board of Education - Enforcement Procedures - Alteration

This bill requires that appeals to the State Board of Education regarding the removal of a local superintendent or a local board member be concluded within 90 days. However, the State board is authorized to extend the appeals process if required by due process or if necessary to protect public health or safety. **The bill takes effect July 1, 2026.**

Fiscal Summary

State Effect: The State Board of Education can limit the appeals process regarding the removal of a local superintendent or a local board member to 90 days using existing resources. The Office of Administrative Hearings' (OAH) caseload is not materially affected. No effect on revenues.

Local Effect: Local school system revenues and expenditures are not materially affected.

Small Business Effect: None.

Analysis

Current Law: The State Board of Education is authorized to bring legal action to enforce provisions of the Education Article within its jurisdiction, as well as the Board's bylaws, rules, and regulations. In addition, without charge and with the advice of the Attorney General, the State board must explain the intent and meaning of the statutes, bylaws, rules, and regulations it administers.

Except for matters involving collective bargaining for certificated and noncertificated personnel under Title 6, Subtitles 4 and 5 of the Education Article, the State board must

decide all controversies and disputes arising under these provisions. The decision of the State Board is final.

The Public Employee Relations Board must decide any controversy or dispute arising under Title 6, Subtitle 4 or 5 of the Education Article. The decision of the Public Employee Relations Board is final.

Power to Stay Acts of Local Boards of Education

According to regulations, the State Superintendent of Schools may order a temporary stay of any action taken by a local board of education, either on request of the State Board President or on the superintendent's own initiative. The stay must be issued within five days of notice of the local board's action. A stay may last up to 60 days, but if the local board's action is appealed to the local board or the State board, the stay may continue until the State Board issues a final decision. The superintendent or the State board may dissolve the stay at any time.

Appeals to the State Board

The State board must transfer to OAH for review by an administrative law judge any (1) appeal of a school consolidation, school redistricting, or school closing; (2) appeal of a certificated employee's suspension or dismissal; or (3) appeal in which the State board finds that there is a genuine dispute of material fact. The Maryland State Department of Education advises that the board transfers appeals involving the removal of local board members to OAH, where proceedings may take more than 90 days. It is assumed that, in such instances, the State board exercises its discretion under the bill to extend the deadline.

Additional Information

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

Designated Cross File: None.

Information Source(s): Maryland State Department of Education; Baltimore City Public Schools; Anne Arundel County Public Schools; Montgomery County Public Schools; County Public Schools; Wicomico County Public Schools; Department of Legislative Services

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