

TO: Members of the State Board of Education

FROM: Carey M. Wright, Ed.D., State Superintendent of Schools 

DATE: June 24, 2025

SUBJECT: COMAR 13A.01.02 *State Superintendent of Schools* (Permission to Publish – Emergency Amendments)

Purpose

The draft emergency regulation adds a provision to the existing stay authority granted to the State Superintendent of Schools that allows for the extension of a stay of a local board decision beyond 60 days if 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 on the appeal.

Background and Process

This regulation is being proposed as an emergency regulation because the regulation is necessary to amend COMAR 13A.01.02 *State Superintendent of Schools* to address a gap in the authority of the State Superintendent to stay actions of a local board. The current regulations grant a maximum 60-day stay of a local board decisions but does not include any provision to maintain the stay in instances where cases are being appealed to the local board or the State Board.

The adoption of a standard regulation requires a notice and comment period and cannot be completed in a timeframe that would ensure that actions of a local board can be appropriately stayed while also providing due process to those appealing decisions to the local or State Board. Thus, an emergency regulation is being proposed to address any gaps in this process.

An emergency regulation, which bypasses the normal public notice and comment period, remains in effect for a limited period of time – not to exceed 180 days – to meet exigent circumstances. Although an emergency regulation is not published in the Maryland Register before adoption, notice of the Administrative, Executive, and Legislative Review (AELR) Committee's receipt of the regulation is posted on the Maryland General Assembly's website. In addition, the state agency must post the text of the proposed emergency regulation on the agency website within three business days of submission to the AELR Committee. If a member of the AELR Committee requests a public hearing on the emergency adoption of a regulation, the Committee must hold the hearing. If no public hearing is requested, staff of the Committee may poll the Committee members on the emergency regulation as soon as ten business days after receipt

of the regulation. Approval by the AELR Committee is required for an emergency regulation to take effect. The emergency regulation will expire 180 days after filing or upon withdrawal by the promulgating agency.

Action

For the State Board to grant permission to publish emergency amendments to COMAR 13A.01.02 *State Superintendent of Schools*.

Attachments

COMAR 13A.01.02.01 Draft Regulation

Title 13A STATE BOARD OF EDUCATION

Subtitle 01 STATE SCHOOL ADMINISTRATION

Chapter 02 State Superintendent of Schools

Authority: Education Article, §§2-205[(g)], 2-303, 5-301, 7-103, and 7-409, Annotated Code of Maryland

.01 General Powers and Duties.

A. Outside Committee Assignments. The State Superintendent should serve in his or her official capacity only on committees directly concerned with education.

B. Power to Stay Action of County Boards.

(1) The State Superintendent of Schools shall have the authority, either at the request of the President of the State Board of Education[,], or on [his or her] *the State Superintendent's* own motion, to order a stay[, not to exceed 60 days in duration,] 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; provided, however, that the stay be issued within 5 days of the date notice of the action is received by the State Board of Education from the local board, that the stay may be dissolved at any time by the State Board of Education].

(2) *The stay shall be issued within 5 days of the date notice of the action is received by the State Superintendent or the State Board.*

(3) *The stay shall 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 on the appeal.*

(4) *The stay may be dissolved at any time by the State Superintendent or the State Board.*

CAREY M. WRIGHT, Ed.D.
State Superintendent of Schools