

CALVERT COUNTY
NATIONAL ASSOCIATION
FOR THE ADVANCEMENT OF
COLORED PEOPLE

Appellant

v.

CALVERT COUNTY
BOARD OF EDUCATION,

Appellee.

BEFORE THE
MARYLAND
STATE BOARD
OF EDUCATION

Opinion No. 26-02

OPINION

INTRODUCTION

This is an appeal challenging the quasi-legislative decision of the Calvert County Board of Education (“local board”) to repeal its Antiracism Policy. The Calvert County National Association for the Advancement of Colored People (“Appellant” or “CCNAACP”) argues that the local board’s decision was arbitrary, lacked evidentiary support, and was contrary to sound educational policy. The local board filed a response maintaining that its decision is subject to limited review and should be upheld because it was within the boundaries of State and federal law.

FACTUAL BACKGROUND

This appeal concerns the quasi-legislative action taken by the local board at its September 11, 2025 meeting to repeal Local Board Policy Statement 1018 (Administration) of the Board of Education Regarding Antiracism (“Antiracism Policy”). In the Spring of 2020, the local board directed the superintendent to study and quantify if racism and racist attitudes and behaviors were prevalent in Calvert County Public Schools (“CCPS”). After studying many years of CCPS data on student achievement and discipline, the local board noted the racial disparities in academic outcomes and student discipline for White and African American students. (Appeal, Ex. 7).

On June 11, 2020, the local board adopted an Antiracism Resolution. (Appeal, Ex. 3). The Antiracism Resolution affirmed the local board’s commitment to creating a safe, inclusive, and antiracist educational environment.

At its July 16, 2020 meeting, the local board voted to introduce a policy on antiracism and directed staff to establish a committee to draft a local board policy to address all forms of racism within the school district for review and approval by the local board. (Appeal, Ex. 4). A draft Antiracism Policy was discussed during the September and November 2020 local board

meetings. On November 12, 2020, the local board posted the Antiracism Policy for public comment.¹ (Appeal, Ex. 7).

On December 10, 2020, the local board adopted the Antiracism Policy. (Appeal, Ex. 6). The Antiracism Policy committed CCPS to eliminating systemic racism and promoting equity throughout the school system. It acknowledged the historical and ongoing presence of racism and affirmed the local board's responsibility to address it proactively. The policy emphasized collective responsibility, equitable access to programs and services, and removing barriers that disproportionately affect students of color. It sought to eliminate racial disparities in discipline and hiring, recognized the impact of white privilege and white supremacy, and required ongoing staff training on equity, bias, and cultural competency. *Id.*

On June 12, 2025 during its public meeting, the local board voted to rescind the Antiracism Resolution and remove it from the Student Rights and Responsibilities & Code of Conduct ("Student Code").² The local board also voted to include the Antiracism Policy for early review outside of its normal review process at the local board's August 7, 2025 meeting. (R. 19).

The Antiracist Policy was listed as an action item under the policies for review on the August 7, 2025 local board meeting agenda. (R. 38). At the August 7, 2025 local board meeting, the local board discussed a motion to repeal the Antiracism Policy and Board President Smith-Post stated the following:

I would like to make it clear that we have a discrimination policy in place. That covers all forms of illegal discrimination. So having a separate antiracism policy is redundant [first and foremost] but [second] it sends the message that we are elevating one form of discrimination over all other forms of discrimination and that [simply is] not the fact. All illegal forms of discrimination, we recognize and want to make sure we adhere to all of the laws at all [times].

(R. 45-46). During the discussion, local board member Lisa Grenis stated the following:

We can all agree that racism in any form is wrong and cannot be tolerated. Since the passage o [sic] of the Civil Rights Act in 1964, all forms of racism and discrimination have been against the law. At the state level, the Maryland Commission on Civil Rights investigates and enforces antiracism and antidiscrimination laws. [And] the Maryland State Board of Education and [COMAR] have well established antiracism and antidiscrimination policies and

¹ CCPS Administrative Policy 1012 Regarding Policy and Policy Development provides that any development, adoption, and review of local board policies for board approval, shall be made available to the public for comment. (R. 96). CCPS Administrative Procedures 1012.1 provides that the final draft of any proposed policy will be placed on the local board agenda, the policy will be placed on the website for review and public comment for approximately four weeks, and after the review period, the proposed policy will be returned to the local board for approval. (R. 99).

² In a decision issued the same date as this decision, we dismissed a challenge to the removal of the Antiracism Resolution from the Student Code for lack of standing. *See Balinski v. Calvert Cnty. Bd. of Educ.*, MSBE Or. No. OR26- __ (2026).

regulations that are strictly enforced across all school districts. Additional policies are redundant.

(R. 46). The local board approved by a vote of 5-0 a motion to rescind the Antiracism Policy pending the 30-day period for public comment. (R. 45-46).

At the August 7, 2025 meeting, the local board heard public comment from numerous members of the public expressing their concern regarding the decision to remove the Antiracist Policy. (R. 75 – 89). Appellant Debora Harris, President of CCNAACP, spoke and urged the local board to reconsider removing the Antiracism Policy arguing that removing language that acknowledges racism undermines years of progress and removing it without transparent explanation or public engagement sends a troubling message to students, families and educators who have long advocated for equitable and inclusive education environments. (R. 75).

The rescission of the Antiracist Policy was included in the local board's consent agenda for the September 11, 2025 local board meeting. At the September 11, 2025 local board meeting, the local board repealed the Antiracism Policy through its consent agenda. (R. 90-94).

On October 7, 2025, the Appellant filed an appeal with the State Board. Appellant, the CCNAACP, represents 7 members who are employed by CCPS, parents of 6 students currently enrolled in CCPS, and 13 youth members. (Appeal, Ex.1). It argues that the decision to rescind the Antiracism Policy harms CCNAACP members who are employed by CCPS or who have students enrolled in CCPS by dismissing the isolating and deleterious effects of racism on student learning and the school environment for students and educators.

STANDARD OF REVIEW

This case involves a quasi-legislative decision of the local board – the rescission of a local board policy. *See Pharoan v. Baltimore Cnty. Bd. of Educ.*, MSBE Op. No. 18-07 (2018). In cases involving a quasi-legislative decision, the State Board will decide only whether the local board acted within the legal boundaries of State and federal law and will not substitute its judgment for that of the local board as to the wisdom or merits of the policy decision. *See Citizens for a Responsible Curriculum v. Montgomery Cnty. Bd. of Educ.*, MSBE Op. No. 07-30 (2007), citing *Weiner v. Maryland Insurance Admin.*, 337 Md. 181, 189-191 (1995); *Harford County Arts & Culture Alliance, et al. v. Harford Cnty. Bd. of Educ.*, MSBE Op. No. 16-48 (2016).

LEGAL ANALYSIS

The repeal of Antiracism Policy 1018 constitutes a quasi-legislative act. The State Board does not evaluate the wisdom, necessity, or policy rationale behind such decisions. Instead, the State Board's role is confined to determining whether the local board acted within the boundaries of state and federal law. *Citizens for a Responsible Curriculum v. Montgomery Cnty. Bd. of Educ.*, MSBE Op. No. 07-30 (2007). This principle is rooted in the doctrine of separation of powers. *See Weiner v. Maryland Insurance Admin.*, 337 Md. 181, 190 (1995); *Storch v. Zoning Bd. of Howard Co.*, 267 Md. 476, 487 (1972).

There is no Maryland statute or regulation mandating that local boards adopt an antiracism policy. Instead, local boards are required to maintain a nondiscrimination policy under

Md. Code Ann., Educ. § 4-108(5) and an educational equity policy under COMAR 13A.01.06.04. The local board asserts it complies with these requirements through its current Policy 1118 regarding Discrimination in CCPS and Policy 1015 regarding Educational Equity, respectively. *See* R. 109-11 for Policy 1118 and R. 101-103 for Policy 1015. Counsel for the local board asserts that only one of Maryland's 24 local education agencies, Frederick County, currently maintains a formal antiracism policy. *See* Local Bd. Response at 10; R. 112-122. The local board argues that this underscores that such policies are not required by law and are a matter of local discretion.

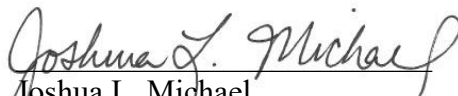
The record demonstrates that the local board followed its internal policy development process as outlined in Policy 1012 and Administrative Procedure 1012.1 in rescinding the Antiracism Policy. The local board included the rescission of the Antiracism Policy for the local board meeting agenda held on August 7, 2025. At that same meeting, the local board heard public comments on the rescission of the policy. The local board finalized the vote to rescind the policy at the September 11, 2025 local board meeting through the local board's consent agenda. The Appellants argue that the non-standard process of voting to repeal and then posting for 30 days created confusion as to when the appeal clock tolls. However, there is no dispute that this appeal was filed in a timely manner following the September 11, 2025 local board decision to repeal the Antiracism Policy.

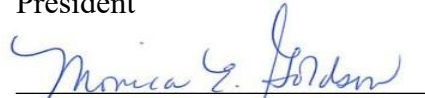
The local board provided a rational basis for its decision, including redundancy with existing policies and the desire to treat all forms of discrimination equally. In cases involving a quasi-legislative decision, our review is limited to determining whether the local board's action was unlawful, not whether we agree with the merits of its policy choices. These are legal policy considerations, and we find that the Appellant has failed to demonstrate that the local board's decision was unlawful.

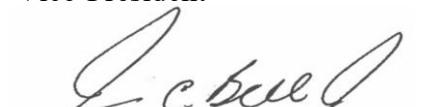
Because the local board acted within its quasi-legislative authority and within the confines of State and federal law, and because the Appellant has not demonstrated illegality, the decision of the local board must be affirmed.

CONCLUSION

For all of the reasons stated above, we affirm the decision of the local board. Our affirmance is not a reflection regarding the wisdom or merits of the local board's policy decision.


Joshua L. Michael
President


Monica Goldson
Vice-President


James Bell



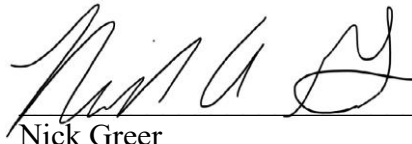
Chuen-Chin Bianca Chang



Chet Chesterfield



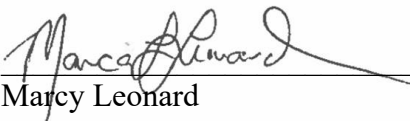
Kenny Clash



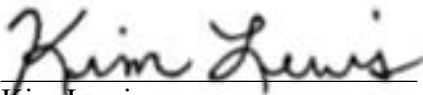
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Samir Paul

January 27, 2026