

IN THE MATTER OF
SHANNON HINKHAUS

BEFORE THE
MARYLAND
STATE BOARD
OF EDUCATION

Order No. OR23-17

ORDER

Shannon Hinkhaus (“Petitioner”), who states that she is a citizen and member of the Carroll County Public Schools’ Family Life Advisory Committee (“FLAC”), filed a Petition for Declaratory Ruling asking whether under current COMAR and graduation requirements local school systems can exclude sections of the Maryland Comprehensive Health Education Framework that they deem are not age appropriate or scientific. Specifically, she asks the State Board to clarify if the FLAC “is able to reject lessons teaching concepts about gender identity based on the conclusion that the information presented is not scientific or age-appropriate for adolescents.”

The State Board may issue declaratory rulings to explain the true intent and meaning of provisions of the Education Article within its jurisdiction and State Board regulations. *See* Md. Code Ann., Educ. §2-205(e). COMAR 13A.01.05.05A states that “[a] party may file a petition for declaratory ruling by the State Board on the interpretation of a public school law or regulation of the State Board that is material to an existing case or controversy.” A case or controversy exists when at least two parties are in a dispute about a matter. *See In the Matter of Barry Lebowitz*, MSBE Op. No. 21-47 (2021). Petitioner does not identify an existing dispute about a matter. Because there is no case or controversy, the State Board cannot exercise jurisdiction within the declaratory ruling context. *See Id.* We suggest that the Petitioner confer with the local board about her inquiries.

Accordingly, it is this 5th day of December, 2023, ORDERED, by the Maryland State Board of Education, that the Petition for Declaratory Ruling is dismissed for lack of jurisdiction. *See* COMAR 13A.01.05.03B.

MARYLAND STATE BOARD OF EDUCATION

Signature on File:

Clarence C. Crawford
President