

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 828

(Delegate Ebersole)

Ways and Means

Education, Energy, and the Environment

State Board of Education - Membership - Educational Support Member

This bill alters the membership of the Maryland State Board of Education by requiring that one member be an educational support professional. The board member must be appointed by the Governor, with the advice and consent of the Senate. However, the Governor must select an individual that received the highest number of votes after an election by educational support professionals in the State. The election must be conducted under regulations adopted by the Maryland State Department of Education (MSDE). The educational support member may attend and participate in an executive session of the State board but may not vote on any matter that relates to appeals concerning the suspension or dismissal of teachers, principals, and other professional personnel. MSDE must provide notices of vacancies for the educational support member to specified public school employees and organizations representing them for the purpose of collective bargaining. Furthermore, the bill clarifies that in matters considered by the State board for which a member is prohibited in law from voting, an affirmative vote of a majority of the members then serving who are authorized to vote on the matter is required for action by the board. **The bill takes effect July 1, 2026.**

Fiscal Summary

State Effect: State expenditures increase by approximately \$35,000 in FY 2027 for MSDE to conduct an election to determine the candidate for appointment to the State board. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: Under the bill, one of the existing 13 members of the State Board of Education must be an educational support professional who is actively working in a public school as a noncertificated, nonsupervisory public school employee. The Governor, with the advice and consent of the Senate, must appoint the educational support member who received the highest number of votes after an election by educational support professionals in the State. The election must be conducted under regulations adopted by MSDE.

MSDE must provide notice of an educational support member vacancy on the State board to all educational support professionals who are actively working in a public school as a noncertificated, nonsupervisory public school employee. This notice must also be provided to all educational support professionals' organizations representing education support professionals in the State for purposes of collective bargaining.

Current Law: The State Board of Education consists of 13 regular members and 1 student member appointed by the Governor with the advice and consent of the Senate. In making appointments to the State board, the Governor must consider representation from all parts of the State and areas of the State with concentrations of population or unique needs. Members of the board must be appointed from the general public. Except for the teacher and student members, any individual who is subject to the authority of the State board may not be appointed to the State board. In addition, the Governor and the State Superintendent of Schools may not be appointed to the State board.

Each regular member serves for a staggered four-year term and until a successor is appointed and qualifies. The Governor must appoint a new member to fill any vacancy on the State board for the remainder of that term and until a successor is appointed and qualifies. A member is eligible for reappointment but may not serve for more than two full four-year terms. The student member serves for a term of one-year. A student member is eligible for reappointment but may not serve more than two full one-year terms.

Among the regular members, the Governor must appoint one teacher and one parent member with the advice and consent of the Senate. The teacher member who received the highest number of votes after an election by teachers in the State must be appointed by the Governor. For the parent member, the Governor must appoint the parent member from a list of three qualified individuals submitted by the Maryland Parent Teacher Association (PTA). MSDE must provide notice of a teacher member vacancy to (1) all certified teachers who are actively teaching in the State and (2) all teachers' organizations representing teachers in the State for purposes of collective bargaining. The elections must be conducted under regulations adopted by MSDE. MSDE may consult with the State Retirement Agency of the Maryland State Retirement and Pension System to conduct the election. MSDE must provide notice of a parent member vacancy to the Maryland PTA.

A teacher or parent member may attend and participate in an executive session of the State board; however, a teacher member may not vote on any matter that relates to appeals to the State board related to the suspension or dismissal of teachers, principals, and other professional personnel. Any action by the board requires the affirmative vote of a majority of the members then serving on the board.

State Expenditures: MSDE already conducts an election for the teacher member of the State Board of Education every four years and a similar election process would be required for the educational support member added by the bill. The last teacher election in 2025 cost approximately \$35,000 to conduct, which covered the cost of online and telephone voting for approximately 80,000 electors. An election for the educational support member would similarly necessitate additional spending to administer.

Furthermore, because MSDE does not collect the contact information of educational support professionals, a system will need to be developed to collect this information from local school systems. This collection will require the school systems to indicate if the education support professional is actively working in a public school as a noncertified, nonsupervisory public school employee, as well as the email and telephone contact information for each educational support professional.

Accordingly, State expenditures increase by approximately \$35,000 to hold an election for the educational support member in fiscal 2027, or whichever fiscal year the election is held, and once every four years thereafter. While the bill does not specify when the start date of the educational support member is, additional costs may be necessary to the extent that MSDE requires immediate services to conduct the election.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See SB 712 and HB 923 of 2025.

Designated Cross File: None.

Information Source(s): Maryland State Department of Education; Department of Legislative Services

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