

HOUSE BILL 828

F1

(6lr3078)

ENROLLED BILL

— Ways and Means/ Education, Energy, and the Environment —

Introduced by **Delegate Ebersole**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **State Board of Education – Membership – ~~Educational Support Member~~**
3 ***Employee of a County Board of Education***

4 FOR the purpose of ~~altering the membership of the State Board of Education to include an~~
5 ~~educational support member; providing for the qualifications, term, powers, and~~
6 ~~election of the new member; *authorizing the Governor to appoint as a member of the*~~
7 ~~*State Board of Education an individual who is an employee of a county board of*~~
8 ~~*education under certain circumstances; altering the number of members required to*~~
9 ~~*affirmatively vote for the State Board to take an action on certain matters; and*~~
10 ~~generally relating to the membership of the State Board of Education.~~

11 BY repealing and reenacting, with amendments,

12 Article – Education

13 Section 2–202 and 2–204

14 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



(2025 Replacement Volume and 2025 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Education

2–202.

(a) The State Board consists of 13 regular members, and 1 student member, appointed by the Governor with the advice and consent of the Senate.

(b) (1) In making appointments to the State Board, the Governor shall consider representation from:

(i) All parts of this State; and

(ii) Areas of this State with concentrations of population or unique needs.

(2) Except as provided in paragraphs (4) through [(6)] (7) of this subsection, the members of the Board shall be appointed from the general public.

(3) The following individuals may not be appointed to the Board:

(i) Except for the teacher member, ~~EDUCATIONAL SUPPORT MEMBER,~~ A MEMBER WHO IS AN EMPLOYEE OF A COUNTY BOARD APPOINTED UNDER PARAGRAPH (5) OF THIS SUBSECTION, and student member, any individual who is subject to the authority of the Board;

(ii) The Governor; and

(iii) The State Superintendent.

(4) (i) Of the 13 regular members of the State Board, one regular member shall be a certified teacher who is actively teaching.

(ii) The Governor shall appoint the teacher member, with the advice and consent of the Senate, who received the highest number of votes after an election by teachers in the State.

(iii) The Department shall provide notice of a teacher member vacancy on the State Board to:

1. All certified teachers who are actively teaching in the State; and

1 2. All teachers' organizations representing teachers in the
2 State for purposes of collective bargaining.

3 (iv) 1. The election shall be conducted under regulations that the
4 Department adopts.

5 2. The Department may consult with the State Retirement
6 Agency of the Maryland State Retirement and Pension System to conduct the election
7 required under this subparagraph.

8 (v) The teacher member may attend and participate in an executive
9 session of the State Board.

10 (vi) The teacher member may not vote on any matter that relates to
11 appeals to the State Board under § 6-202 of this article.

12 **(5) (I) OF THE 13 REGULAR MEMBERS OF THE STATE BOARD, ONE**
13 **REGULAR MEMBER SHALL BE AN EDUCATIONAL SUPPORT PROFESSIONAL WHO IS**
14 **ACTIVELY WORKING IN A PUBLIC SCHOOL AS A NONCERTIFICATED,**
15 **NONSUPERVISORY PUBLIC SCHOOL EMPLOYEE DESIGNATED AS PART OF A**
16 **BARGAINING UNIT UNDER TITLE 6, SUBTITLE 5 OF THIS ARTICLE.**

17 ~~**(II) THE GOVERNOR SHALL APPOINT THE EDUCATIONAL**~~
18 ~~**SUPPORT MEMBER, WITH THE ADVICE AND CONSENT OF THE SENATE, WHO**~~
19 ~~**RECEIVED THE HIGHEST NUMBER OF VOTES AFTER AN ELECTION BY EDUCATIONAL**~~
20 ~~**SUPPORT PROFESSIONALS IN THE STATE.**~~

21 ~~**(III) THE DEPARTMENT SHALL PROVIDE NOTICE OF AN**~~
22 ~~**EDUCATIONAL SUPPORT MEMBER VACANCY ON THE STATE BOARD TO:**~~

23 ~~**1. ALL EDUCATIONAL SUPPORT PROFESSIONALS WHO**~~
24 ~~**ARE ACTIVELY WORKING IN A PUBLIC SCHOOL AS A NONCERTIFICATED,**~~
25 ~~**NONSUPERVISORY PUBLIC SCHOOL EMPLOYEE DESIGNATED AS PART OF A**~~
26 ~~**BARGAINING UNIT UNDER TITLE 6, SUBTITLE 5 OF THIS ARTICLE IN THE STATE; AND**~~

27 ~~**2. ALL EDUCATIONAL SUPPORT PROFESSIONALS'**~~
28 ~~**ORGANIZATIONS REPRESENTING EDUCATIONAL SUPPORT PROFESSIONALS IN THE**~~
29 ~~**STATE FOR PURPOSES OF COLLECTIVE BARGAINING.**~~

30 ~~**(IV) THE ELECTION SHALL BE CONDUCTED UNDER**~~
31 ~~**REGULATIONS THAT THE DEPARTMENT ADOPTS**~~ **MAY BE AN EMPLOYEE OF A COUNTY**
32 **BOARD WHO IS NOT THE TEACHER MEMBER APPOINTED UNDER PARAGRAPH (4) OF**
33 **THIS SUBSECTION.**

1 (II) NOT MORE THAN TWO REGULAR MEMBERS OF THE STATE
 2 BOARD MAY BE EMPLOYEES OF A COUNTY BOARD AT ANY GIVEN TIME.

3 (III) A REGULAR MEMBER WHO IS AN EMPLOYEE OF A COUNTY
 4 BOARD MAY NOT BE A COUNTY SUPERINTENDENT.

5 ~~(V) (IV) THE EDUCATIONAL SUPPORT MEMBER~~ A REGULAR
 6 MEMBER WHO IS AN EMPLOYEE OF A COUNTY BOARD MAY ATTEND AND PARTICIPATE
 7 IN AN EXECUTIVE SESSION OF THE STATE BOARD.

8 ~~(VI) (V) THE EDUCATIONAL SUPPORT MEMBER~~ A REGULAR
 9 MEMBER WHO IS AN EMPLOYEE OF A COUNTY BOARD WHO IS A CERTIFICATED PUBLIC
 10 SCHOOL EMPLOYEE UNDER TITLE 6, SUBTITLE 4 OF THIS ARTICLE MAY NOT VOTE
 11 ON ANY MATTER THAT RELATES TO APPEALS TO THE STATE BOARD UNDER § 6-202
 12 OF THIS ARTICLE.

13 (VI) A REGULAR MEMBER WHO IS AN EMPLOYEE OF A COUNTY
 14 BOARD WHO IS A NONCERTIFICATED, NONSUPERVISORY PUBLIC SCHOOL EMPLOYEE
 15 UNDER TITLE 6, SUBTITLE 5 OF THIS ARTICLE MAY NOT VOTE ON ANY APPEALS TO
 16 THE STATE BOARD OF A DISMISSAL OR DISCIPLINARY ACTION OF PERSONNEL
 17 UNDER § 4-205 OF THIS ARTICLE.

18 [(5)] (6) (i) Of the 13 regular members of the State Board, one regular
 19 member shall be the parent of a student enrolled in a public school in the State.

20 (ii) The Governor shall appoint the parent member, with the advice
 21 and consent of the Senate, from a list of three qualified individuals submitted to the
 22 Governor by the Maryland PTA.

23 (iii) The Department shall provide notice of the parent member
 24 vacancy on the State Board to the Maryland PTA.

25 (iv) The parent member may attend and participate in an executive
 26 session of the State Board.

27 [(6)] (7) The student member shall be selected by the Governor from a list
 28 of 2 persons nominated by the Maryland Association of Student Councils.

29 (c) (1) The student member shall be:

30 (i) A regularly enrolled student; and

31 (ii) In good standing in a public high school in the State.

1 (2) The student member may attend and participate in an executive
2 session of the Board.

3 (3) The student member may not vote on any matter that relates to:

4 (i) The dismissal of or other disciplinary action involving personnel;
5 or

6 (ii) Appeals to the State Board under § 2–205 of this subtitle or §
7 4–205 or § 6–202 of this article.

8 (d) (1) Each regular member serves for a term of 4 years and until a successor
9 is appointed and qualifies. These terms are staggered as required by the terms of the
10 members serving on the State Board as of July 1, 1989.

11 (2) The Governor shall appoint a new member to fill any vacancy on the
12 Board for the remainder of that term and until a successor is appointed and qualifies.

13 (3) A member is eligible for reappointment but may not serve for more than
14 two full 4–year terms.

15 (4) The student member shall serve for a term of 1 year. A student member
16 is eligible for reappointment but may not serve more than two full 1–year terms.

17 2–204.

18 (a) (1) Each year, the State Board shall hold:

19 (i) A meeting in July; and

20 (ii) At least three other regular meetings.

21 (2) The Board may hold special meetings as necessary.

22 (b) (1) At the annual Board meeting in July, the State Board shall select a
23 president and a vice president from among its members.

24 (2) A member may not serve for more than 4 years as president.

25 (c) (1) The State Superintendent is the Chief Executive, Secretary, and
26 Treasurer of the State Board.

27 (2) [He] THE STATE SUPERINTENDENT shall attend each meeting of the
28 Board and of its committees, except when [his own] THE tenure, salary, or the
29 administration of [his] THE STATE SUPERINTENDENT’S office are under consideration.

1 (3) [He] THE STATE SUPERINTENDENT may advise the Board on any
2 question under consideration, but may not vote.

3 (d) A member of the State Board serves without compensation but is entitled to
4 reimbursement for expenses in accordance with the Standard State Travel Regulations.

5 (e) **(1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
6 **SUBSECTION, THE affirmative vote of a majority of the members then serving on the State**
7 **Board is required for any action by the Board.**

8 **(2) IN MATTERS CONSIDERED BY THE STATE BOARD FOR WHICH A**
9 **MEMBER IS PROHIBITED IN LAW FROM VOTING, AN AFFIRMATIVE VOTE OF A**
10 **MAJORITY OF THE MEMBERS THEN SERVING WHO ARE AUTHORIZED TO VOTE ON THE**
11 **MATTER IS REQUIRED FOR ACTION BY THE BOARD.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
13 1, 2026.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.