

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 764

(Senator Zucker, *et al.*)

Budget and Taxation

Ways and Means and Appropriations

**Education - Minimum Wage for Education Support Professionals - Report on
Estimated Cost**

This bill requires the Maryland State Department of Education (MSDE) to study the wages of education support professionals (ESPs) and calculate the cost of implementing a minimum wage of \$25 per hour for ESPs. “Education support professionals” are noncertificated public school employees designated as part of a nonsupervisory bargaining unit. By December 1, 2026, MSDE must submit a report to the Governor and General Assembly with an estimate of the total cost of implementing a \$25 per hour minimum wage for ESPs, disaggregated by local school system. **The bill takes effect July 1, 2026, and terminates June 30, 2027.**

Fiscal Summary

State Effect: Although MSDE can complete the required study and report with existing budgeted resources, the bill’s reporting deadline may result in the findings being incomplete or inaccurate, as discussed below. No effect on revenues.

Local Effect: Local school systems can likely provide the necessary data on ESP compensation to MSDE with existing resources. No effect on local revenues.

Small Business Effect: None.

Analysis

Bill Summary: MSDE’s cost calculation must:

- include, for each ESP position, filled and unfilled, that has an hourly wage of less than \$25, the cost to raise the hourly wage to \$25; and

- exclude cost assumptions for each ESP position, filled and unfilled, that has an hourly wage of \$25 or more.

MSDE must identify the amount by which the target *per-pupil* foundation amount would need to be adjusted to provide the funding to implement a \$25 per hour minimum wage for ESPs.

Current Law: The State minimum wage is \$15 per hour, which is not adjusted annually for inflation. There is no minimum wage rate for ESPs.

A “public school employee” means a noncertificated individual who is employed for at least nine months per year on a full-time basis by a public school employer. In Baltimore City, a public school employee includes a noncertificated employee who does not work for at least nine months per year. A “noncertificated employee,” in Montgomery County, means only a full-time employee, but is otherwise not defined in State law.

Public school employees may form, join, and participate in the activities of employee organizations of their own choice to be represented on all matters that relate to salaries, wages, hours, and other working conditions. In general, and subject to specified exceptions, each county may not have more than three bargaining units for public school employees, and each unit may not include both supervisory and nonsupervisory employees, as defined in statute.

Joint Chairmen’s Report

The 2025 Joint Chairmen’s Report (JCR) required MSDE to submit a report to the budget committees by August 1, 2025 with:

- the number of ESPs by local school system and job classification;
- the number of vacant ESP positions by local school system; and
- the number of ESPs statewide that earn less than \$25 per hour, by local school system and job classification.

The request specified that ESPs are considered to include, but are not limited to, the following job categories: food service, transportation, custodial and maintenance workers, skilled trades, student health services, clerical services security services, and paraeducators or other individual student aides.

The report submitted by MSDE in response to the JCR request identified 46,884 ESP positions in local school systems. MSDE advises that its staff data collection system does

not distinguish between supervisory and nonsupervisory personnel, so the count may include some supervisory staff. **Exhibit 1** shows the total number of ESP positions in each local school system and the number identified as not earning at least \$25 per hour. The report did not include actual wage data for each employee, as required by the bill.

Exhibit 1
Educational Support Professionals Earning Less than \$25 per hour,
by Local School System

	<u>Total ESP Positions</u>	<u>Vacant Positions</u>	<u>Filled Positions</u>	<u>ESPs Earning Less Than \$25 per hour</u>	<u>% Below \$25 per hour</u>
Allegany	429	23	406	272	63%
Anne Arundel	3,362	125	3,237	1,314	39%
Baltimore City	3,145	354	2,791	958	30%
Baltimore	5,288	202	5,086	1,678	32%
Calvert	851	83	768	362	43%
Caroline	382	6	376	274	72%
Carroll	1,128	33	1,095	550	49%
Cecil	684	38	646	262	38%
Charles	1,597	56	1,541	638	40%
Dorchester	314	8	306	192	61%
Frederick	2,848	127	2,721	1,568	55%
Garrett	189	1	188	104	55%
Harford	1,891	102	1,789	1,002	53%
Howard	2,875	107	2,768	1,008	35%
Kent	120	5	115	67	56%
Montgomery	9,831	370	9,461	1,087	11%
Prince George's	7,534	848	6,686	2,023	27%
Queen Anne's	290	4	286	123	42%
St. Mary's	862	8	854	367	43%
Somerset	221	33	188	162	73%
Talbot	231	17	214	156	68%
Washington	1,391	82	1,309	958	69%
Wicomico	993	32	961	645	65%
Worcester	428	6	422	247	58%
Totals	46,884	2,670	44,214	16,017	34%

ESP: Education Support Professional

Source: Maryland State Department of Education; Department of Legislative Services

Foundation Formula

The majority of direct State aid to public schools (excluding teachers' retirement) is determined by enrollment-based funding formulas generally found in Title 5, Subtitle 2 of the Education Article. This includes the foundation formula, which makes use of a *per pupil* foundation amount and an "enrollment count," which is the greater of (1) the prior year full-time equivalent (FTE) enrollment and (2) the three-year moving average of FTE enrollment. Collectively, the formulas account for a uniform base cost *per pupil* that is necessary to provide general education services to students in every local school system and address the additional costs associated with educating three student populations: special education students; students eligible for free and reduced-price meals; and students who are English learners.

State Expenditures: MSDE advises that the bill's provisions present two separate challenges. First, for its annual staffing survey, MSDE does not collect data on vacant positions, so it will have to add that to its existing data collection instruments and tabulations, which it can do with existing resources. Second, the deadline for local school systems to submit their annual staff data to MSDE is November 17, 2026, just two weeks before the bill's December 1, 2026 reporting deadline. Thus, MSDE will not have sufficient time to review the accuracy of the data provided by local school systems, or to perform adequate quality control on its calculations. As a result, the report may be based on preliminary, incomplete, or inaccurate data.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 1205 (Delegate Wims, *et al.*) - Ways and Means and Appropriations.

Information Source(s): Maryland State Department of Education; Department of Budget and Management; Baltimore City Public Schools; Anne Arundel County Public Schools; Baltimore County Public Schools; Frederick County Public Schools; St. Mary's County Public Schools; Prince George's County Public Schools; Talbot County Public Schools; Wicomico County Public Schools; Department of Legislative Services

Fiscal Note History: First Reader - February 24, 2026
jg/clb Third Reader - March 30, 2026
Revised - Amendment(s) - March 30, 2026

Analysis by: Michael C. Rubenstein

Direct Inquiries to:
(410) 946-5510
(301) 970-5510