

## Chapter 649

**(House Bill 828)**

AN ACT concerning

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

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

BY repealing and reenacting, with amendments,  
 Article – Education  
 Section 2–202 and 2–204  
 Annotated Code of Maryland  
 (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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) A regularly enrolled student; and

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

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

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

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

or

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

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

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

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

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

2-204.

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

(i) A meeting in July; and

(ii) At least three other regular meetings.

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

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

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

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

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

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

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

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

(2) 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.

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

Approved by the Governor, May 26, 2026.