

HOUSE BILL 565

F3, G1

6lr2339

By: **Delegate J. Long**

Introduced and read first time: January 28, 2026

Assigned to: Government, Labor, and Elections

A BILL ENTITLED

1 AN ACT concerning

2 ~~County Boards of Education – Elections – District Voting~~
3 ~~(Fair Representation Act)~~ Education – County Boards of Education – Elections and Antiracism
4 Policy

4 FOR the purpose of requiring each county board of education to adopt a certain antiracism
5 policy and review the policy at certain intervals; requiring each county superintendent to
6 develop certain procedures to implement the antiracism policy; authorizing a county board of
7 education to amend a certain antiracism policy; requiring an election of members of certain
8 county boards of education
9 to represent a specific district to be decided by a plurality of the votes cast within
10 that district; and generally relating to county boards of education elections and
11 antiracism policies.

BY adding to

Article - Education

Section 3-106

Annotated Code of Maryland

(2025 Replacement Volume and 2025 Supplement)

7 BY repealing and reenacting, without amendments,

8 Article – Education

9 Section 3-301(a), 3-4A-01(a), 3-601(b), 3-901(b), 3-10A-01(a) and (c)(1), and

10 3-1101(e)(1)

11 Annotated Code of Maryland

12 (2025 Replacement Volume and 2025 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Education

15 Section 3-301(d), 3-4A-01(b), 3-601(d)(1), 3-901(f)(2), 3-10A-01(b), and

16 3-1101(e)(2)

17 Annotated Code of Maryland

18 (2025 Replacement Volume and 2025 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

20 That the Laws of Maryland read as follows:

21 **Article – Education**

3-106.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “ANTIRACISM” MEANS THE PRACTICE OF IDENTIFYING, CHALLENGING, AND
CHANGING THE VALUES, STRUCTURES, AND BEHAVIORS THAT PERPETUATE SYSTEMIC RACISM.

(3) “ETHNICITY” MEANS A PERSON’S IDENTIFICATION WITH A GROUP BASED ON
CHARACTERISTICS SUCH AS SHARED HISTORY, ANCESTRY, GEOGRAPHIC AND LANGUAGE ORIGIN,
AND CULTURE.

(4) (i) “INDIVIDUAL RACISM” MEANS PREJUDGMENT, BIAS, OR
DISCRIMINATION BY AN INDIVIDUAL BASED ON RACE.

(II) "INDIVIDUAL RACISM" INCLUDES PRIVATELY HELD ATTITUDES AND BELIEFS, CONSCIOUS AND UNCONSCIOUS, AND EXTERNAL BEHAVIORS, AND ACTIONS TOWARDS OTHERS.

(5) "INSTITUTIONAL RACISM" MEANS RACISM WITHIN INSTITUTIONS AND ORGANIZATIONS, SUCH AS SCHOOLS, HEALTH CARE, AND JUDICIAL SYSTEMS, THAT ADOPT AND MAINTAIN POLICIES, PRACTICES, AND PROCEDURES THAT OFTEN UNINTENTIONALLY PRODUCE INEQUITABLE OUTCOMES FOR PEOPLE OF COLOR AND ADVANTAGES FOR WHITE PEOPLE.

(6) "OPPORTUNITY GAP" MEANS THE WAYS SYSTEMIC STRUCTURES, PRACTICES, AND ALLOCATION OF RESOURCES CREATES REDUCED OR DENIED OPPORTUNITIES, GENERALLY BY RACE, ETHNICITY, SOCIOECONOMIC STATUS, ENGLISH PROFICIENCY, COMMUNITY WEALTH, FAMILIAL SITUATIONS, OR OTHER FACTORS THAT CONTRIBUTE TO OR PERPETUATE LOWER EDUCATIONAL RIGOR, PARTICIPATION, AND ACHIEVEMENT FOR CERTAIN GROUPS OF STUDENTS.

(7) "PRIVILEGE" MEANS THE WEB OF INSTITUTIONAL AND CULTURAL TREATMENT THAT AFFORDS WHITE PEOPLE GREATER ACCESS TO POWER AND RESOURCES THAN PEOPLE OF COLOR IN THE SAME SITUATION.

(8) "RACISM" MEANS THE SYSTEM OF STRUCTURING OPPORTUNITY AND ASSIGNING VALUE BASED ON THE SOCIAL INTERPRETATION OF HOW ONE LOOKS THAT UNFAIRLY DISADVANTAGES SOME INDIVIDUALS AND COMMUNITIES OR UNFAIRLY ADVANTAGES OTHER INDIVIDUALS AND COMMUNITIES.

(9) (I) "SYSTEMIC RACISM" MEANS THE HISTORY AND CURRENT REALITY OF INSTITUTIONAL RACISM ACROSS ALL INSTITUTIONS AND SOCIETY.

(II) "SYSTEMIC RACISM" INCLUDES THE HISTORY, CULTURE, IDEOLOGY, AND INTERACTIONS OF INSTITUTIONS AND POLICIES THAT PERPETUATE A SYSTEM OF INEQUITY THAT IS DETRIMENTAL TO COMMUNITIES OF COLOR.

(B) A COUNTY BOARD OF EDUCATION SHALL ADOPT THE FOLLOWING POLICY STATEMENT:

"THE (NAME OF COUNTY BOARD OF EDUCATION) BELIEVES THAT COMBATING THE INDIVIDUAL RACISM AND INSTITUTIONAL RACISM THAT CONTINUES TO EXIST IN OUR SCHOOLS IS A LEGAL AND MORAL OBLIGATION.

THE (NAME OF COUNTY BOARD OF EDUCATION) AFFIRMS AN OBLIGATION TO REQUIRE A SAFE, ANTIRACIST, AND INCLUSIVE EDUCATIONAL ENVIRONMENT WHERE EACH STUDENT AND STAFF MEMBER IS TREATED WITH RESPECT AND DIGNITY, REGARDLESS OF RACE OR ETHNICITY. AS SUCH, THE BOARD OF EDUCATION WILL NOT TOLERATE THE VALUES, STRUCTURES, AND BEHAVIORS THAT PERPETUATE SYSTEMIC RACISM. THE (NAME OF COUNTY BOARD OF EDUCATION) WILL ADOPT AND MAINTAIN POLICIES, PRACTICES, AND PROCEDURES THAT PRODUCE EQUITABLE OUTCOMES FOR STUDENTS OF COLOR AND MARGINALIZED GROUPS AND ENCOURAGE ANTIRACISM.

THE (NAME OF COUNTY BOARD OF EDUCATION) BELIEVES ALL EMPLOYEES PLAY A VITAL ROLE IN REDUCING RACISM AND INEQUITY BY RECOGNIZING THE MANIFESTATIONS OF RACISM, CREATING CULTURALLY INCLUSIVE LEARNING, AND WORKING ENVIRONMENTS, AND DISMANTLING EDUCATIONAL SYSTEMS THAT DIRECTLY OR INDIRECTLY PERPETUATE RACISM AND PRIVILEGE.

THE (NAME OF COUNTY BOARD OF EDUCATION) BELIEVES THAT ALL STUDENTS CAN LEARN WHEN OPPORTUNITY GAPS ARE ELIMINATED. INDIVIDUAL AND INSTITUTIONAL RACISM CREATES OPPORTUNITY GAPS. THE (NAME OF COUNTY BOARD OF EDUCATION) RECOGNIZES THAT OPPORTUNITY GAPS HAVE SIGNIFICANT INTERGENERATIONAL EFFECTS AND PERPETUATE ECONOMIC, SOCIAL, AND EDUCATIONAL INEQUITY. RACIAL INEQUITIES WERE CREATED OVER TIME AND MUST BE ELIMINATED WHEN IDENTIFIED. INDIVIDUAL RACISM IS A LEARNED BEHAVIOR THAT WILL NOT BE TOLERATED WITHIN THE (NAME OF COUNTY) SCHOOL SYSTEM."

(C) EACH COUNTY SUPERINTENDENT SHALL:

(1) DEVELOP ADMINISTRATIVE PROCEDURES TO IMPLEMENT THE POLICY REQUIRED UNDER THIS SECTION IN ACCORDANCE WITH ALL LOCAL POLICIES AND LOCAL, STATE AND,

FEDERAL LAWS AND REGULATIONS; AND

(2) COMMUNICATE THE POLICY AND ACCOMPANYING PROCEDURES TO ALL STAFF OF THE LOCAL SCHOOL SYSTEM INCLUDING TEACHERS, SUPPORT STAFF, AND ADMINISTRATIVE STAFF.

(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, BEGINNING IN THE 2029-2030 SCHOOL YEAR AND EVERY 3 SCHOOL YEARS THEREAFTER, EACH COUNTY BOARD SHALL REVIEW THE POLICY REQUIRED UNDER THIS SECTION AT THE END OF THE SCHOOL YEAR.

(2) (i) A COUNTY BOARD, BY MAJORITY VOTE IN PUBLIC SESSION, MAY AMEND THE POLICY REQUIRED UNDER THIS SECTION.

(ii) AN AMENDMENT TO A POLICY UNDER SUBPARAGRAPH (i) OF THIS PARAGRAPH MAY NOT RELIEVE THE COUNTY BOARD OF THE BOARD'S OBLIGATION TO COMPLY WITH THE RELEVANT LOCAL, STATE, AND FEDERAL LAWS AND REGULATIONS, OR THE RULES AND REGULATIONS OF THE STATE BOARD AND THE DEPARTMENT.

22 3-301.

23 (a) The Calvert County Board consists of five voting members and one nonvoting
24 student member.

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1 (d) Of the five voting members of the county board:

2 (1) One shall be elected from each of the three county commissioner
3 districts **BY A PLURALITY OF THE VOTES CAST WITHIN THAT DISTRICT**; and

4 (2) Two shall be elected from the county at large.

5 3-4A-01.

6 (a) The Cecil County Board consists of six members as follows:

7 (1) One voting member elected from each of the five commissioner districts;
8 and

9 (2) One nonvoting student member.

10 (b) The five voting members of the county board shall be elected **[at]:**

11 **(1) AT a general election as required by subsection (c) of this section; AND**

12 **(2) BY A PLURALITY OF THE VOTES CAST WITHIN EACH RESPECTIVE**
13 **COMMISSIONER DISTRICT.**

14 3-601.

15 (b) The Garrett County Board consists of:

16 (1) One elected member from each county commissioner district;

17 (2) Two elected members from the county at large; and

18 (3) One nonvoting student member.

19 (d) (1) Elected members of the board shall be elected **[at]:**

20 **(I) AT a general election as required by subsection (e) of this section;**
21 **AND**

22 **(II) FOR THE MEMBERS ELECTED FROM EACH COUNTY**
23 **COMMISSIONER DISTRICT, BY A PLURALITY OF THE VOTES CAST WITHIN THAT**
24 **COMMISSIONER DISTRICT.**

25 3-901.

26 (b) The Montgomery County Board consists of:

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1 (1) 5 elected members, each of whom resides in a different board of
2 education district;

3 (2) 2 elected members who may reside anywhere in the county; and

4 (3) 1 student member.

5 (f) (2) (I) [Elected] **THE ELECTED** members of the county board **WHO**
6 **MAY RESIDE ANYWHERE IN THE COUNTY** shall be elected by the voters of the entire
7 county.

8 (II) **THE ELECTED MEMBERS FROM EACH OF THE BOARD OF**
9 **EDUCATION DISTRICTS SHALL BE ELECTED BY A PLURALITY OF THE VOTES CAST**
10 **WITHIN THAT BOARD OF EDUCATION DISTRICT.**

11 3-10A-01.

12 (a) The Queen Anne's County Board consists of:

13 (1) Five voting, nonpartisan, elected members; and

14 (2) One nonvoting student representative from each public high school in
15 the county.

16 (b) The five voting, nonpartisan, elected members shall be elected [by the voters
17 of the entire county] at a general election in accordance with subsection (c) of this section
18 **AS FOLLOWS:**

19 (1) **FOR THE MEMBER ELECTED FROM THE COUNTY AT LARGE, BY**
20 **THE VOTERS OF THE ENTIRE COUNTY; AND**

21 (2) **FOR THE MEMBERS ELECTED FROM EACH OF THE FOUR COUNTY**
22 **COMMISSIONER DISTRICTS, BY A PLURALITY OF THE VOTES CAST WITHIN THAT**
23 **DISTRICT.**

24 (c) (1) (i) One voting member shall reside in and be elected from each of
25 the four county commissioner districts; and

26 (ii) One member shall reside in the county and be elected from the
27 county at large.

28 3-1101.

29 (e) (1) The St. Mary's County Board consists of five voting members who shall
30 be elected as follows:

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1 (i) One member shall be elected from the county at large; and

2 (ii) One member shall be elected from each of the four commissioner
3 districts.

4 (2) Voting members of the county board shall be elected:

5 (i) At a general election as required by this section; and

6 (ii) **1. [On] FOR THE MEMBER ELECTED FROM THE COUNTY**
7 **AT LARGE, ON a general countywide ticket; AND**

8 **2. FOR THE MEMBERS ELECTED FROM EACH OF THE**
9 **FOUR COMMISSIONER DISTRICTS, BY A PLURALITY OF THE VOTES CAST WITHIN**
10 **THAT DISTRICT.**

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act:

12 (1) shall be applicable to the elections for county boards of education in
13 which members are elected from individual districts held in 2028 and all subsequent
14 elections; and

15 (2) may not be construed to affect the tenure of an elected member of a
16 county board of education who is elected from an individual district serving in office before
17 the beginning of the next regular full term of office that begins after the effective date of
18 this Act.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2026.