

BILL: House Bill 140
TITLE: County Boards of Education and Baltimore City Board of School Commissioners – Vacancy Procedures – Alterations
HEARING DATE: February 5, 2026
POSITION: UNFAVORABLE
COMMITTEE: Ways & Means
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The Maryland Association of Boards of Education (MABE), representing all the state’s local boards of education, **opposes House Bill 140, County Boards of Education and Baltimore City Board of School Commissioners – Vacancy Procedures – Alterations.**

HB 140 imposes a rigid, statewide vacancy process that is operationally unsound and fundamentally inconsistent with Maryland’s long-standing approach to local school board governance. Rather than improving accountability or stability, the bill would introduce delay, inefficiency, and disruption, while overriding democratically established local structures.

The Bill Creates Inefficient and Disruptive Vacancy Outcomes

HB 140 mandates a complex and inconsistent framework for filling board vacancies. In some circumstances, a vacancy would remain unfilled until the next general election; in others, a board would be required to complete an appointment process within 60 days. As a practical matter, this structure produces undesirable results. For example, based on HB 140’s stated process, a vacancy occurring early in a board member’s term could leave a seat unfilled for an extended period, impairing quorum and board operations. Conversely, a vacancy occurring shortly before an election could force a board to expend time and resources appointing a member who may serve only briefly before being replaced at the ballot.

Boards of Education Are Locally Established, Democratic Governance Structures

More fundamentally, HB 140 strips local jurisdictions of their ability to determine how their boards are governed. Each of Maryland’s 24 local boards of education operates under a governance structure set forth in its own section of the Education Article. These structures were developed over time through local legislation and democratic processes. Vacancy procedures are a core component of those governance models.

HB 140 would override these locally determined decisions with a one-size-fits-all mandate, displacing local discretion and ignoring the General Assembly’s long-standing practice of addressing board governance changes through local courtesy legislation. This approach is inconsistent with how the State has treated inherently local governance matters.

Appointed Board Members are Democratic and Accountable

HB 140 appears premised on the assumption that appointment-based vacancy processes are somehow undemocratic or undesirable. They are not.

Maryland law has long recognized that both elected and appointed board members are legitimate products of democratic governance. Appointed members are selected through processes established by elected officials, are publicly accountable through those officials, and are subject to removal on the same grounds as elected members. See, e.g., Md. Code. Ann., Educ. Art. § 3-2B-08; Educ. Art. § 3-3A-03.

Across the 24 different local jurisdictions, appointment authority for local board vacancies is vested in different publicly accountable officials, including the Governor, county executives, mayors, nominating commissions, or remaining board members. These variations reflect deliberate, locally determined choices about governance. HB 140 would upend those choices and, in some cases, require that vacancies in **appointed** seats be filled by election, further undermining local design. See HB 140, p. 9, lines 10-15; p. 13, lines 2-6; p. 22, lines 25-28.

What is more, appointment structures also serve important public purposes. Many counties use appointments to ensure boards reflect community diversity and include members with specific expertise. For example:

- **Baltimore City** requires appointed members to bring experience in education, business, nonprofit, or government leadership and reserves seats for parents and individuals with special education expertise. (Educ. Art. § 3-108.1(h))
- **Harford County** requires appointed members to reflect the county’s gender, ethnic, and racial diversity. (Educ. Art. § 3-6A-01(d)(3)(ii))
- **Caroline County** similarly directs that appointments enhance board diversity. (Educ. Art. § 3-3A-02(a)(3)(ii)).

Applying a mandatory election process to these board seats, were they to become vacant, would undermine these locally tailored, democratically enacted safeguards for diversity.

Conclusion

For these reasons, MABE strongly opposes House Bill 140 and respectfully requests an unfavorable report.