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March 11, 2026

TO: The Honorable Jheanelle Wilkins
Chair, Ways and Means Committee

FROM: Tiffany Clark
Director, Legislative Affairs, Office of the Attorney General

RE: House Bill 1288 – County Boards of Education - Appointed Members in
Leadership Positions – Prohibition (Letter of Information)

The Office of the Attorney General (OAG) respectfully submits this letter to provide information to the Committee regarding **House Bill 1288** – County Boards of Education – Appointed Members in Leadership Positions – Prohibition. House Bill 1288 prohibits appointed members of county boards of education from serving in leadership positions and establishes a graduated enforcement process, including funding suspensions and referral to the Attorney General, for boards that fail to comply.

As the Committee considers this legislation, we want to ensure you have complete information about the OAG's role under the bill's enforcement framework.

As drafted, the bill provides that if a county board does not come into compliance within 60 days of receiving written notification from the State Department of Education (MSDE), MSDE may refer the matter to the Attorney General for enforcement. The OAG respectfully notes that the bill does not define what enforcement by the Attorney General would entail in this context. Specifically, the bill does not identify the legal basis upon which the OAG would act, the remedies it would be authorized to seek, or the standard it would apply in determining whether and how to proceed upon referral.

We offer this observation not to oppose the bill's underlying policy goal, but to flag that an undefined enforcement referral to the OAG may not add meaningful accountability to the framework already established by the bill. The bill's existing enforcement mechanisms (written

notice, suspension of administrative funding, and the potential for additional funding withheld) provide MSDE with direct and immediate tools to compel compliance. In practice, OAG's role upon referral would likely be limited to extraordinary measures such as seeking injunctive relief, which would require independent legal analysis of the available cause of action and the likelihood of success. Given the relatively narrow scope of the underlying conduct, an appointed board member serving in a leadership position, it is not clear that judicial intervention would be a proportionate or efficient remedy.

If the Committee wishes to retain an external referral provision, the OAG would suggest the Committee consider whether referral to the Maryland Office of the Inspector General for Education (OIGE) - rather than the Attorney General — would be a more appropriate and proportionate mechanism. The OIGE is an independent State agency whose statutory mandate expressly includes examining county boards of education and investigating compliance with State law, which is precisely the conduct this bill seeks to address. The OIGE is well-positioned to investigate administrative noncompliance, issue findings, and recommend corrective action without the cost and procedural complexity of legal proceedings. Given that the underlying conduct is a governance structure question rather than a legal violation requiring judicial intervention, referral to the OIGE is a more natural and efficient fit. If the Committee nonetheless wishes to retain a referral to the Attorney General, the OAG would recommend that the bill be amended to specify the legal authority and purpose of that referral, in order to ensure the enforcement mechanism is workable and appropriately scoped.

We appreciate the Committee's work on this issue and remain available to provide additional information or technical assistance as this legislation advances.

Cc: Members of the Committee