

This response was prepared for the Vermont House Education Committee

Your Question:

You asked about Constitutional issues related to student board members with full voting rights.

Our Response:

Maryland is the only state we identified that provides student board members in some counties with full voting rights (with some issue-specific exceptions). The voting rights of student members on the Howard County Board of Education ([Md. Code Ann., Educ. § 3-701](#)) have been [challenged](#) in both state and federal courts, and upheld in both cases. Details of relevant cases are included below.

Court Cases Regarding Student Board Members' Voting Rights

[Spiegel v. Bd. of Educ. of Howard Cnty.](#), 480 Md. 631, 281 A.3d 663 (2022): Two parents filed a lawsuit arguing that providing a student board member with binding voting rights is unconstitutional because the student board member position is not subject to the state's election laws or the normal election process but is nonetheless granted voting power equal to elected board members. The courts upheld student board member voting rights, stating that the student member position is a non-elective position that the General Assembly has the discretion to create, and the selection method of a student member is not subject to state constitutional requirements for elections because:

- The General Assembly has the constitutional duty to establish the public school system, but it is not constitutionally required to do so through county boards of education; and
- The General Assembly intentionally differentiated the selection process and voting rights of elected members from the student member.

[Kim v. Bd. of Educ. of Howard Cnty.](#), 93 F.4th 733 (4th Cir. 2024): Two parents filed a lawsuit arguing, among other complaints, that allowing public school students to elect a student member diminishes adults' voting power, violating the [Equal Protection Clause](#). The court upheld student board member voting rights, stating that the student board member selection process is "basically appointive rather than elective," and therefore not subject to the [one-person, one-vote principle](#) underpinning the plaintiffs' argument.