

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 76

(Baltimore County Delegation)

Ways and Means

Education, Health, and Environmental Affairs

Baltimore County Board of Education - Education Transparency Act

This bill requires that all actions of the Baltimore County Board of Education be taken at a public meeting and that a record of the meeting be made public, except in specified circumstances that comply with the closed session requirements of the Maryland Open Meetings Act.

Any action of the county board must be recorded by a voice vote or a roll call vote of each member who is present at the public meeting. The board must keep a formal record of each public meeting and make the record available for review by members of the public on request. Any final action must be made publicly available on the county board's website within 72 hours of the time the action was taken. Each action must include (1) a full and accurate description of the action and (2) a link or reference to the related video recording of the meeting, if available. **The bill takes effect July 1, 2018.**

Fiscal Summary

State Effect: None.

Local Effect: The bill is not anticipated to materially affect Baltimore County Board of Education operations or finances.

Small Business Effect: None.

Analysis

Current Law/Background: State law does not include specific provisions relating to the conduct of school board meetings in Baltimore County. However, a majority of local

boards of education in the State are required to hold public meetings, and to make information about those meetings (*e.g.*, actions taken) publicly available.

According to the Baltimore County Board of Education website, all business must be conducted in meetings open to the public, except for matters that may be conducted in closed session pursuant to the Maryland Open Meetings Act.

Board policies also state that reasonable advance notice of public meetings must be provided in writing and include the date, time, and place of the meeting. Notice of all regular and special meetings of the board must be given to the members of the board and delivered to representatives of the news media who regularly report on meetings of the board.

Open Meetings Act

Under Maryland's Open Meetings Act, with limited exceptions, a "public body" must (1) provide reasonable advance notice of the time and location of meetings, including whether any portion of the meeting will be in closed session and (2) meet in open session in a location that is reasonably accessible to attendees. A public body is any entity that (1) consists of at least two individuals and (2) is created by the Maryland Constitution; a State statute; a county or municipal charter; a memorandum of understanding or a master agreement to which a majority of the county boards of education and the Maryland State Department of Education are signatories; an ordinance; a rule, resolution, or bylaw; or an executive order of the Governor or of the chief executive authority of a political subdivision. Exclusions from the definition of "public body" include juries, the Governor's cabinet and Executive Council, judicial nominating commissions, and single-member entities, among others.

Closed Sessions

A public body may not meet in closed session unless at least one member of the body has been designated to receive training on the requirements of the Open Meetings Law. If at least one such individual cannot be present at an open meeting of the public body, the body must complete a specified compliance checklist developed by the Office of the Attorney General and include the checklist in the meeting minutes.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore County; Maryland State Department of Education;
Department of Legislative Services

Fiscal Note History: First Reader - January 30, 2018
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