

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 973
Ways and Means

(Delegate Miller)

Open Meetings Act - Enhanced Requirements for Educational Entities and Retention Requirements

This bill makes the Maryland State Department of Education (MSDE), the Accountability and Implementation Board (AIB), and local boards of education subject to enhanced requirements under the Open Meetings Act (OMA). Specifically, it requires MSDE, AIB, and each local board of education (which includes the Baltimore City Board of School Commissioners) to make publicly available on its website the agenda and minutes of each meeting and a live video stream of each portion of a meeting held in open session. The bill also requires all entities subject to the enhanced requirements under OMA to keep a copy of the minutes of each session and any recording made for at least 15 years after the date of the session.

Fiscal Summary

State Effect: Affected State entities may incur minimal one-time costs to expand their digital storage capabilities, but it is assumed any such costs can be absorbed within existing budgeted resources, as discussed below. Revenues are not affected.

Local Effect: Similar to the State effect, local school boards may need to incur minimal one-time costs to expand their digital storage capabilities, but it is assumed that any such costs can be absorbed within existing resources. Local revenues are not affected.

Small Business Effect: Minimal.

Analysis

Current Law:

Open Meetings Act, Generally

Under Maryland's Open Meetings Act, with limited exceptions, a public body must (1) meet in open session in places reasonably accessible to potential attendees and (2) provide reasonable advance notice of the time and location of meetings, including, when appropriate, whether any portion of a meeting will be in closed session. 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 MSDE 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.

Guidance provided by the Office of the Attorney General indicates that when the meeting "place" is a conference call, the public can be provided access through a call-in number or by access to a meeting room with a speakerphone.

Agendas

Generally, a public body must make an agenda available to the public prior to meeting in an open session. The agenda must include known items of business or topics to be discussed at the meeting and indicate whether the public body expects to close any portion of the meeting in accordance with State law. The public body is not required to include in the agenda any information regarding the subject matter of a closed portion of the meeting. If a public body is unable to comply with specified deadlines for the release of a meeting agenda because the meeting is scheduled in response to an emergency, a natural disaster, or any other unanticipated situation, the public body must make available, on request, an agenda of the meeting within a reasonable time after the meeting occurs.

Minutes

As soon as practicable after an open session, a public body must prepare minutes of the meeting. The minutes must reflect each item that the public body considered, the action it took on each item, and each vote that was recorded. If a public body meets in closed session, the minutes for a public body's next open session must include a summary that includes specified information about the proceedings of the closed meeting. A public body need not prepare written minutes of an open session if (1) live and archived video or audio

streaming of the open session is available or (2) if the public body votes on legislation and the individual votes taken by each participating member of the public body are promptly posted on the Internet.

In general, with limited exceptions, minutes of a public body must be available for public inspection during normal business hours. A public body must retain a copy of the minutes of each session and any specified recording for at least five years and, to the extent practicable, post them online.

Enhanced Open Meetings Requirements

Certain economic and regional development organizations and other public bodies are subject to additional requirements under OMA. Generally, these requirements include making available on the body's website each open meeting agenda and other specified documents at least 48 hours in advance. The bodies must offer live video streaming of each portion of a meeting held in open session, as specified. In addition, the public body must also maintain on its website past meeting minutes for at least five years after the date of the meeting, and a complete and unedited archived video recording of the open meeting for at least one year after the date of the meeting (the bill does not repeal the one year minimum requirement for posting archived video recordings).

State Fiscal Effect: State entities already subject to enhanced requirements under OMA may need to conduct one-time upgrades to expand their storage capabilities to allow for the retention of meeting minutes and video recordings of hearings for at least 15 years, though any such costs can be absorbed within existing resources.

AIB advises it can comply with the bill's requirements with existing resources. The Department of Legislative Services (DLS) advises that AIB already provides live video streaming of its meetings and archived video streams of past meetings on its [website](#). However, AIB also advises that it terminates June 30, 2032, so it is unclear how its minutes and recordings of meetings will be retained after AIB terminates.

MSDE and the Office of the Attorney General (OAG) advise that MSDE is not a public body, as defined under OMA, so it is unclear how the bill will apply to MSDE and its units. However, MSDE advises the State Board of Elections is a public body and already posts live video streams of its meetings and archived video streams of past meetings on its [website](#). OAG further notes that, while the General Assembly can expand the meaning of "public body" to include MSDE, it may want to clarify which units and/or meetings within MSDE qualify as public bodies and are subject to the enhanced OMA requirements.

Local Fiscal Effect: Every local board of education in the State and the Baltimore City Board of School Commissioners already provide both live and archived video streams of

their meetings held in open session, though not necessarily on their home websites. **Exhibit 1** lists each website providing access to those live and archived video streams as of March 2026. Similar to the State Fiscal Effect above, some local boards of education may need to conduct one-time upgrades to expand their storage capacities to allow for retention of minutes and video footage for 15 years. However, it is assumed that any such costs can be absorbed within existing resources.

To the extent that local boards of education convene in-person meetings outside of their permanent board rooms that are equipped with video streaming technology, they may incur additional costs to stream those meetings. However, it is assumed that any such costs are rare and minimal, and also absorbable.

Exhibit 1
Video Streams of Local Boards of Education Meetings
March 2026

<u>County</u>	<u>Link to Archived Video</u>
Allegany	https://go.boarddocs.com/mabe/acpsmd/Board.nsf/Public
Anne Arundel	https://go.boarddocs.com/mabe/aacps/Board.nsf/Public
Baltimore City	https://www.baltimorecityschools.org/page/board-meetings
Baltimore	https://www.bcps.org/cms/one.aspx?pageId=69244694
Calvert	https://www.calvertnet.k12.md.us/board-of-education/meetings
Caroline	https://carolineschools.new.swagit.com/views/219
Carroll	https://www.carrollk12.org/board-of-education/meeting-information
Cecil	https://www.ccps.org/boe/board-meeting-live-feed-and-recordings
Charles	https://www.cboe.com/about/board-of-education/meeting-agendas
Dorchester	https://townhallstreams.com/towns/dorchesterboe
Frederick	https://www.fcps.org/board_of_education/board_meetings
Garrett	https://garrettcountycommunity.diligentoneplatform.com/Portal/
Harford	https://www.hcps.org/boe/livestream/
Howard	https://www.hcps.org/board/meetings/
Kent	https://www.kent.k12.md.us/SchoolBoard.aspx
Montgomery	https://ww2.montgomeryschoolsmd.org/boe/meetings/
Prince George's	https://www.pgcps.org/offices/board-of-education/video
Queen Anne's	https://www.qacps.org/board-of-education/
Somerset	https://townhallstreams.com/towns/Somerset_County_PS_MD
St. Mary's	https://www.smcps.org/streaming
Talbot	https://tcpsk12.community.diligentoneplatform.com/Portal/Video.aspx
Washington	https://www.wcpsmd.com/school-board/board-meetings
Wicomico	https://www.wicomicoschools.org/page/watch-board-meetings
Worcester	https://go.boarddocs.com/mabe/worcester/Board.nsf/goto?open&id=D9APLJ65255A

Source: Department of Legislative Services

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Maryland Economic Development Corporation; Maryland Environmental Service; Department of Commerce; Maryland Department of Emergency Management; Accountability and Implementation Board; Office of the Attorney General; Maryland State Department of Education; Maryland Department of Agriculture; Maryland Department of Transportation; Maryland State Board of Elections; State Ethics Commission; Public Service Commission; Maryland Stadium Authority; Baltimore City Public Schools; Baltimore County Public Schools; Montgomery County Public Schools; Department of Legislative Services

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