



MONTGOMERY COUNTY BOARD OF EDUCATION

Expanding Opportunity and Unleashing Potential

850 Hungerford Drive ♦ Room 123 ♦ Rockville, Maryland 20850

BILL: HB0401 (Cross filed with SB0758)
TITLE: Public Information Act - Remote Access, Fee Complaints, Fee Waivers, and Inspection of Judicial Records (Open Government, Better Government Act)
DATE: 2/12/2020
POSITION: SUPPORT WITH AMENDMENTS
COMMITTEE: Judiciary/Judicial Proceedings
CONTACT: Danielle M. Susskind, Coordinator, Legislative Affairs
Danielle_M_Susskind@mcpsmd.org

The Montgomery County Board of Education (Board) **supports** HB0401 **with amendments**.

Montgomery County Public Schools (MCPS) is committed to transparency. MCPS regularly publishes data and other information about our school system on our website. This data include school level information about student performance disaggregated by student demographics and services; data about our school facilities; data about school climate; data about school energy use; data about school security incidents and more. Community members can access this data remotely at any time with internet access.

The definition of news media in HB0401/SB0758 is too broad. As written, any person with a social media account would qualify as news media as they would be gathering information; drafting a tweet about the content; and posting it online for others to access. The overly broad definition could, in practice, prevent a custodian from charging anyone as they could claim to be the news media. Conversely, we are also concerned that the proposed definitions new media would place the burden on a custodian to decide what is and is not “news media.” This could lead to bias selection of who gets their fee waived and who does not.

It is important to note that of news agency regularly requests a large number of sensitive documents that include student or personnel information. If this law is passed as written, it could take the school system hundreds of hours, and cost the school system thousands of dollars, to review the records with no ability to recoup the cost. This would essentially be taking money away from classrooms and schools. It is also important to note that many news agencies have greater access to resources to cover the cost of a fee than an individual community member.

MCPS respectfully requests an amendment to significantly narrow the definition of news media and clarify waivers are not required for requests that would have significant financial impact to the school system.

For these reasons, the Board **supports** this legislation **with amendments** and urges a favorable report.