

**CHARLES E. SYDNOR III, ESQ.**  
*Legislative District 44*  
Baltimore County

DEPUTY MAJORITY WHIP

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Baltimore County Senate Delegation



James Senate Office Building  
11 Bladen Street, Room 216  
Annapolis, Maryland 21401  
410-841-3612 · 301-858-3612  
800-492-7122 Ext. 3612  
Charles.Sydnor@senate.state.md.us

**THE SENATE OF MARYLAND**  
**ANNAPOLIS, MARYLAND 21401**

**Testimony for Senate Bill 78**  
**Education – Baltimore County School Board Nominating Commission – Records and Meeting**  
**Requirements**  
**February 7, 2024**

Good afternoon, Chair Smith, and members of the Education, Energy, and Environment Committee,

Senate Bill 78 (“SB 78”) expands on Md. Code. Education § 3–2B–03, in furtherance of the interest of public awareness. SB 78 requires the Baltimore County School Board Nominating Commission (“the Board”) to disclose any record requested or received by an applicant, under Md. Code General Provisions Title 4. Further, SB 78 mandates that any meeting involving an interview of, deliberation about, or action on a candidate for appointment to the county board of education must be in a meeting open to the public.

The Commission’s objective is to select nominees to recommend to the Governor for appointment to the County Board of Education.<sup>1</sup> The Commission must hold at least three public hearings on the selection of multiple nominees before recommending the nominees to the Governor.<sup>2</sup> However, by practice, these meetings have only been used to share the process to those interested; there is no requirement that applicants be disclosed to the public. SB 78 rectifies that.

Senate Bill 78, as amended, deletes section 4 in its entirety, adds a requirement that the Commission publish the names of the candidates prior the initiation of interviews on its website, requires the “interview of, deliberation about” be recorded and subject to disclosure within 48 hours.

<sup>1</sup> Md. Code Ann., Education § 3-2B-03(a)(2).

<sup>2</sup> *Id.* § 3-2B-03(a)(3)(i).

By way of background, effective July 2024, 20 Maryland County Boards of Education are elected.<sup>3</sup> Baltimore County’s Board of Education is in the minority of counties that consist of both elected and appointed members, also known as hybrid counties.<sup>4</sup> When vacancies occur, some county boards may select a “qualified individual” to fill the vacancy,<sup>5</sup> while some vacancies are filled by the Governor, county commissioners, or county executives.<sup>6</sup>

Caroline County is a hybrid county.<sup>7</sup> In the event of a vacancy, the board is required to publish the names of the applicants for a vacancy before the interview of the first applicant.<sup>8</sup> However, the board is not required to discuss or select an applicant in an open meeting.<sup>9</sup> While both Charles and Wicomico County Board of Education members are elected, when vacancies occur, both county boards must publish a list of the names of the applicants before the interview of the first applicant.<sup>10</sup>

SB 78 is not proposing new legislation, it is ensuring public access to information. As such, I respectfully request a favorable report for SB 78.

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<sup>3</sup> Allegany, Anne Arundel, Calvert, Carroll, Cecil, Charles, Dorchester, Frederick, Garrett, Howard, Kent, Montgomery, Queen Anne’s, St. Mary’s, Somerset, Talbot, Washington, Wicomico, and Worcester. Effective July 1, 2024, Prince Georges County will also elect its county board. *See id.* § 3-114(a).

<sup>4</sup> Baltimore City, Baltimore County, Caroline County, and Harford County. *See id.* § 3-114(b)–(e).

<sup>5</sup> Allegany County § 3-201(e)(3); Anne Arundel County § 3-2A-04; Caroline County § 3-3A-05(h)(1); Charles County § 3-501(f)(1); Montgomery Count § 3-901(f)(5).

<sup>6</sup> Calvert §3-301(e)(2); Carrol County §3-401(d)(3); Cecil County § 3-4A-02(d)(3); Dorchester County § 3-5A-01(f)(1); Frederick County § 3-5B-01(c)(3)(1); Garrett County § 3-601(e)(3); Harford County § 3-6A-01(f); Howard County § 3-701(d)(3); Kent County § 3-801(d)(2); Prince George’s County § 3-1002(g)(3)(i) (effective July 1, 2024); Queen Anne’s County § 3-10A-01(d)(3)(i); St. Mary’s County § 3-1101(g)(3); Somerset County § 3-1201(d)(3); Talbot County § 3-12A-01(g)(1); Washington County’s School Board Nominating Commission advertises vacancies and selects nominees to the Washington County Commissioners for their consideration and ultimate appointment. § 3-1302(e)(6)–(7); and Worcester County § 3-1401(g)(1).

<sup>7</sup> *Id.* § 3-3A-01; §3-3A-02(a).

<sup>8</sup> *See Id.* § 3-3A-02(h)(3)–(4).

<sup>9</sup> *Id.* § 3-3A-02(h)(5).

<sup>10</sup> *Id.* § 3-501(f)(4) and § 3-13A-03(a)(3)(ii)—(iii).