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Executive Nominations Committee

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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Testimony for Senate Bill 78
Education – Baltimore County School Board Nominating Commission – Records and Meeting
Requirements
March 27, 2024

Good afternoon, Chair Atterbeary, and members of the Ways and Means Committee,

Senate Bill 78 (“SB 78”) expands on Md. Code. Education § 3–2B–03, in furtherance of the public awareness. SB 78 makes several, minor changes. First, it requires the Baltimore County School Board Nominating Commission (“the Board”) to publish on the Commission’s website, the names of all the candidates for appointment to the county board.

Next, while the Commission’s meetings shall be open to the public when it involves action on a candidate to the County Board, SB 78 states that a Commission meeting that involves an interview or deliberation about a candidate shall be held without the public in attendance but must be recorded. Finally, a copy of the recording must be provided for public inspection within 48 hours after a receiving a request for the recording.

It must be noted that the amendment that has been added to this legislation by the Baltimore County House Delegation would undermine this vital transparency provision, by preventing the public from having access to this recording and thus protecting the status quo of closed door deliberations.

The Commission’s objective is to select nominees to recommend to the Governor for appointment to the County Board of Education.¹ The Commission must hold at least three public hearings on the selection of multiple nominees before recommending the nominees to the Governor.² 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,

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

² *Id.* § 3-2B-03(a)(3)(i).

requires the "interview of, deliberation about" be recorded and subject to disclosure within 48 hours.

For background, effective July 2024, 20 Maryland County Boards of Education are elected.³ 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.⁴ When vacancies occur, some county boards may select a "qualified individual" to fill the vacancy,⁵ while some vacancies are filled by the Governor, county commissioners, or county executives.⁶

Caroline County is a hybrid county.⁷ 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.⁸ However, the board is not required to discuss or select an applicant in an open meeting.⁹ 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.¹⁰

SB 78 is not proposing new legislation, it is ensuring public access to information. As such, I respectfully request the rejection of the amendments passed by the Baltimore County House Delegation and a favorable report for SB 78 in the identical form as HB495, which received a 19-0 favorable report from this committee, and passed on the House floor 127-5.

³ 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).

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

⁵ 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).

⁶ 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).

⁷ *Id.* § 3-3A-01; §3-3A-02(a).

⁸ *See Id.* § 3-3A-02(h)(3)–(4).

⁹ *Id.* § 3-3A-02(h)(5).

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