



**Board of Education
of Howard County**

Jolene Mosley, *Chair*

Linfeng Chen, Ph.D., *Vice Chair*

Andrea Chamblee, Esq.

Jennifer Swickard Mallo

Jacky McCoy

Meg Ricks

Antonia Watts

James Obasiolu
Student Member

William J. Barnes
*Superintendent,
Secretary/Treasurer*

**Board of Education of Howard County
Testimony Submitted to the Maryland Senate,
Education, Energy, and the Environment Committee
February 6, 2025**

SB0145: UNFAVORABLE

**Public Information Act - Personnel Records of Elected Officials and Joint Ethics
Committee Records**

The Board of Education of Howard County (the Board) opposes **Public Information Act - Personnel Records of Elected Officials and Joint Ethics Committee Records** for the opportunity to create robust participation in governance of the Howard County Public School System (HCPSS) through availability of public campaign funds for Board candidates.

SB0145 alters the provisions of the Maryland Public Information Act under Title 4 of the General Provisions Article by indicating records relating to an administrative or criminal investigation of misconduct by an elected official or a person appointed to fill an elected office are not personnel records which can be withheld from public release. This would not include a technical infraction, which remains a personnel records and is defined as a minor rule violation by an individual solely related to the enforcement of administrative rules that: does not involve an interaction between a member of the public and the individual; does not relate to the individual's investigative, enforcement, training, supervision, or reporting responsibilities; and is not otherwise a matter of public concern.

This language mirrors a section added to the Maryland Public Information Act for police officers in 2021 as part of the Maryland Police Accountability Act which had widespread support from social justice and civil rights advocates. That bill, SB0178 of 2021, also went on to make administrative or criminal investigations of misconduct by a police officer an investigatory record which has discretionary release under General Provisions § 4-351 and made specific redactions required if releasing, including medical information, personal contact information, family information of the person in interest, as well as information about a witness. The changes included notification of the person in interest when a record of this type was inspected by a requester.

Additionally, under existing statute governing the confidentiality of Ethics Commission proceedings, meetings, and activities, including information related to the complaint such as the identity of the complainant and respondent, SB0145 indicates such provisions do not apply in cases where the Ethics Commission has closed the complaint or investigation.

For purposes of the confidentiality of ethics committee complaints and investigations, [HCPSS Ethics Regulations](#) follow the state Ethics Commission provisions. Should confidentiality provisions be removed as called for under SB0145, the loss of anonymity for the person submitting a complaint, even after an investigation is closed, may deter the use of ethics complaints.

For these reasons, we urge an UNFAVORABLE report on SB0145 from this Committee.