

**BILL:** House Bill 973  
**TITLE:** Open Meetings Act - Enhanced Requirements for Educational Entities and Retention Requirements  
**HEARING DATE:** March 4, 2026  
**POSITION:** Letter of Information  
**COMMITTEE:** Ways and Means  
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The Maryland Association of Boards of Education (MABE), representing all of the State's local boards of education, **provides this informational letter concerning House Bill 973, State Board of Education – Enforcement Procedures – Alteration, with amendment.**

MABE supports similar legislation introduced this year: House Bill 154 (Senate Bill 99), which would add local boards of education to the list of public bodies under Md. Code Ann., Gen. Prov. § 3-307 required to livestream and retain recordings of regular meetings for five years. Local boards are firmly committed to transparency and public access, and thus support the reasonable and incremental improvement to transparency of that bill.

House Bill 973 would add state and local educational bodies to the list of public bodies under Md. Code Ann., Gen. Prov § 3-307 required to livestream and retain recordings of regular meetings; and it increases the retention of video recordings to fifteen years. MABE respectfully raises two concerns with House Bill 973 stemming from the proposed statutory language:

(E-1) THE PUBLIC BODY SHALL KEEP A COPY OF THE MINUTES OF EACH SESSION AND ANY RECORDING MADE UNDER SUBSECTION (E)(2) OF THIS SECTION FOR AT LEAST 15 YEARS AFTER THE DATE OF THE SESSION.

First, under Md. Code Ann., Gen. Prov. § 3-306(b)(2), a public body may substitute audio or video streaming for written minutes when the meeting is livestreamed and archived. If House Bill 973 intends to require both written minutes and video recordings in all instances, it would conflict with the existing framework of the Open Meetings Act. Public bodies that already livestream and archive meetings provide full public access through those recordings, and current law allows that approach in lieu of duplicative written minutes. Clarification is needed to avoid internal inconsistency within the statute.

Second, the requirement to retain video recordings of all open meetings for 15 years would impose significant operational and financial burdens. Unlike the vast majority of the

public bodies enumerated in §3-307, local boards of education meet, record, and stream video for sometimes hundreds of hours each year, including regular business meetings, work sessions, special meetings, boundary discussions, and stakeholder engagement, budget hearings, and other public business. That means hundreds of hours of video per year. Long-term storage of high-volume video files requires expanded digital storage capacity, ongoing maintenance, and bandwidth to enable continued accessibility.

Current Open Meetings Act retention provisions require records to be maintained for five years for every public body in the state of Maryland. Expanding that requirement to 15 years represents a significant departure from existing practice. MABE's concern is not with transparency, but with proportionality, cost, and practicality. Extended retention of this magnitude may generate substantial expense without a corresponding increase in meaningful public access, particularly given the volume of material involved. MABE respectfully questions the practical efficacy of a 15-year retention mandate, as it is unclear whether recordings from many years prior are regularly accessed in volumes that would justify the significant additional cost and storage burden associated with preserving hundreds of hours of archived video annually, per each school system.

MABE respectfully urges consideration of these concerns and suggests that aligning House Bill 973 more closely with the five-year retention framework reflected in House Bill 154 would advance transparency in a measured and sustainable manner. That approach would meaningfully expand public access while maintaining proportionality between transparency objectives and the operational realities facing local boards.