

TO: House Ways and Means Committee

BILL: House Bill (HB) 973 – Open Meetings Act - Enhanced Requirements for Educational Entities and Retention Requirements

DATE: March 4, 2026

POSITION: Letter of Information

Chair Wilkins and Members of the House Ways and Means Committee,

The Maryland State Board of Education (State Board) respectfully submits this letter of information for consideration on HB 973.

The State Board appreciates and supports the commitment to transparency, accountability, and public access to the proceedings and actions of public bodies.

The State Board seeks clarification regarding the bill’s applicability to the Maryland State Department of Education (MSDE). MSDE, as a State agency, does not itself constitute a “public body” that convenes meetings subject to the Open Meetings Act; rather, the State Board is the public body that holds meetings and conducts official deliberations as the head of the agency. The bill’s current drafting may unintentionally apply to MSDE in a manner that does not align with the statutory structure governing public bodies and executive branch agencies.

At the same time, the State Board has concerns regarding the bill’s requirement that recordings of meetings be maintained for fifteen years. The State Board maintains recordings in accordance with current requirements under the Maryland Open Meetings Act and applicable records retention schedules. These recordings date back to 2018, when the State Board first began video recording meetings. Extending the retention period to fifteen years would represent an unprecedented figure in statute for a public body to maintain video recordings of meetings. The State Board respectfully requests that additional analysis may be warranted to determine the necessity and proportionality of a fifteen-year retention mandate.

The State Board respectfully requests clarification to ensure that the legislation accurately reflects the entities intended to be covered and that any new retention requirements are workable and appropriately scoped.

The State Board requests that the committee consider this information as it deliberates HB 973. Please contact Zach Hands, Executive Director of the State Board, at Zachary.hands1@maryland.gov or at 443-915-6094, if you would like any additional information.