

**Department of Legislative Services**  
Maryland General Assembly  
2026 Session

**FISCAL AND POLICY NOTE**  
**Third Reader - Revised**

Senate Bill 99

(Senator Kagan)

Education, Energy, and the Environment

Ways and Means

---

**Open Meetings Act - County Boards of Education - Enhanced Requirements**  
**(Local Boards of Education Transparency Act)**

---

This bill makes local boards of education and the Baltimore City Board of School Commissioners subject to enhanced requirements under the Open Meetings Act. Specifically, local boards of education and the Baltimore City Board of School Commissioners must provide live streaming of an open meeting if the meeting is held at their headquarters or a location where either has held at least five meetings during the immediately preceding calendar year. Each local board of education and the Baltimore City Board of School Commissioners must make publicly available on its website the agenda and minutes of each meeting and a live video stream of each portion of a meeting held in open session. The bill also requires each local board of education and the Baltimore City board of School Commissioners to maintain on its website an archived video recording of each open meeting where video streaming was made available for a minimum of five years after the date of the meeting. **The bill takes effect July 1, 2026.**

---

**Fiscal Summary**

**State Effect:** None. The bill affects only local governments.

**Local Effect:** Local governments may need to incur minimal costs to expand their digital storage capabilities or contract with third-party data storage providers, but it is assumed that any such costs can be absorbed within existing resources. Local revenues are not affected.

**Small Business Effect:** Minimal.

---

**Analysis**

**Bill Summary:** A county board of education or the Baltimore City Board of School Commissioners may edit an archived video recording to remove content from the recording

that involves a pornographic or obscene event or an instance when a student's privacy is violated. However, a pornographic or obscene event does not include an individual reading from school-provided materials or reading materials made available to a student. If a board edits a video recording, it must notify the Open Meetings Law Compliance Board.

A local board of education or the Baltimore City Board of School Commissioners may use a third-party provider to view and store recorded video footage.

### **Current Law:**

#### *Open Meetings Act, Generally*

Under Maryland's Open Meetings Act, with limited exceptions, a public body must (1) meet in open session in places reasonably accessible to potential attendees and (2) provide reasonable advance notice of the time and location of meetings, including, when appropriate, whether any portion of a meeting will be in closed session. A "public body" is any entity that (1) consists of at least two individuals and (2) is created by the Maryland Constitution; a State statute; a county or municipal charter; a memorandum of understanding or a master agreement to which a majority of the county boards of education and the Maryland State Department of Education are signatories; an ordinance; a rule, resolution, or bylaw; or an executive order of the Governor or of the chief executive authority of a political subdivision. Exclusions from the definition of "public body" include juries, the Governor's cabinet and Executive Council, judicial nominating commissions, and single-member entities, among others.

Guidance provided by the Office of the Attorney General (OAG) indicates that when the meeting "place" is a conference call, the public can be provided access through a call-in number or by access to a meeting room with a speakerphone.

#### *Agendas*

Generally, a public body must make an agenda available to the public prior to meeting in an open session. The agenda must include known items of business or topics to be discussed at the meeting and indicate whether the public body expects to close any portion of the meeting in accordance with State law. The public body is not required to include in the agenda any information regarding the subject matter of a closed portion of the meeting. If a public body is unable to comply with specified deadlines for the release of a meeting agenda because the meeting is scheduled in response to an emergency, a natural disaster, or any other unanticipated situation, the public body must make available, on request, an agenda of the meeting within a reasonable time after the meeting occurs.

## *Minutes*

As soon as practicable after an open session, a public body must prepare minutes of the meeting. The minutes must reflect each item that the public body considered, the action it took on each item, and each vote that was recorded. If a public body meets in closed session, the minutes for a public body's next open session must include a summary that includes specified information about the proceedings of the closed meeting. A public body need not prepare written minutes of an open session if (1) live and archived video or audio streaming of the open session is available or (2) if the public body votes on legislation and the individual votes taken by each participating member of the public body are promptly posted on the Internet.

In general, with limited exceptions, minutes of a public body must be available for public inspection during normal business hours. A public body must retain a copy of the minutes of each session and any specified recording for at least five years and, to the extent practicable, post them online.

## *Compliance*

The State Open Meetings Law Compliance Board must receive, review, and resolve complaints from any person alleging a violation of the Open Meetings Act and issue a written opinion as to whether a violation has occurred. The opinions of the board are advisory only. The board may not require or compel any specific actions by a public body. By October 1 each year, the board must submit an annual report to the Governor and the General Assembly that includes specified information about the number, nature, and disposition of cases brought before it. In addition, the board must post the names of public bodies determined to have violated the Open Meetings Act and the opinions that describe the violations on the Open Meetings Act page of OAG's website.

## *Enhanced Open Meetings Requirements*

Certain economic and regional development organizations and other public bodies are subject to additional requirements under the Open Meetings Act; the bill adds local school boards to the list of public bodies subject to these requirements, with some exceptions. Generally, these requirements include making available on the body's website each open meeting agenda and other specified documents at least 48 hours in advance. The bodies must offer live video streaming of each portion of a meeting held in open session, as specified. In addition, the public body must also maintain on its website past meeting minutes for at least five years after the date of the meeting, and a complete and unedited archived video recording of the open meeting for at least one year after the date of the meeting (the bill requires local school boards to keep the archived video for five years).

**Local Fiscal Effect:** The Department of Legislative Services advises that each local board of education in the State and the Baltimore City Board of School Commissioners already provides both live and archived video streams of their meetings held in open session, though not necessarily on their home website. **Exhibit 1** lists each website providing access to those live and archived video streams. Some local boards of education may need to (1) conduct one-time upgrades to expand their storage capacities or (2) contract with a third-party data storage provider to allow for retention of the video footage for five years. However, it is assumed that any such costs can be absorbed within existing resources.

To the extent that local boards of education convene in-person meetings in locations outside of their permanent board rooms that are not equipped with video streaming technology, they may incur additional costs to stream those meetings. As the bill exempts some meetings held outside the permanent board rooms from the streaming requirement, it is assumed that any such costs are rare and minimal, and also absorbable.

---

## **Exhibit 1**

### **Video Streams of Local Boards of Education Meetings**

<u>County</u>	<u>Link to Archived Video</u>
Allegany	<a href="https://go.boarddocs.com/mabe/acpsmd/Board.nsf/Public">https://go.boarddocs.com/mabe/acpsmd/Board.nsf/Public</a>
Anne Arundel	<a href="https://go.boarddocs.com/mabe/aacps/Board.nsf/Public">https://go.boarddocs.com/mabe/aacps/Board.nsf/Public</a>
Baltimore City	<a href="https://www.baltimorecityschools.org/page/board-meetings">https://www.baltimorecityschools.org/page/board-meetings</a>
Baltimore	<a href="https://www.bcps.org/cms/one.aspx?pageId=69244694">https://www.bcps.org/cms/one.aspx?pageId=69244694</a>
Calvert	<a href="https://www.calvertnet.k12.md.us/board-of-education/meetings">https://www.calvertnet.k12.md.us/board-of-education/meetings</a>
Caroline	<a href="https://carolineschools.new.swagit.com/views/219">https://carolineschools.new.swagit.com/views/219</a>
Carroll	<a href="https://www.carrollk12.org/board-of-education/meeting-information">https://www.carrollk12.org/board-of-education/meeting-information</a>
Cecil	<a href="https://www.ccps.org/boe/board-meeting-live-feed-and-recordings">https://www.ccps.org/boe/board-meeting-live-feed-and-recordings</a>
Charles	<a href="https://www.cboe.com/about/board-of-education/meeting-agendas">https://www.cboe.com/about/board-of-education/meeting-agendas</a>
Dorchester	<a href="https://townhallstreams.com/towns/dorchesterboe">https://townhallstreams.com/towns/dorchesterboe</a>
Frederick	<a href="https://www.fcps.org/board-of-education/board-meetings">https://www.fcps.org/board-of-education/board-meetings</a>
Garrett	<a href="https://garrettcountycommunity.diligentoneplatform.com/Portal/">https://garrettcountycommunity.diligentoneplatform.com/Portal/</a>
Harford	<a href="https://www.hcps.org/boe/livestream/">https://www.hcps.org/boe/livestream/</a>
Howard	<a href="https://www.hcpss.org/board/meetings/">https://www.hcpss.org/board/meetings/</a>
Kent	<a href="https://www.kent.k12.md.us/SchoolBoard.aspx">https://www.kent.k12.md.us/SchoolBoard.aspx</a>
Montgomery	<a href="https://ww2.montgomeryschoolsmd.org/boe/meetings/">https://ww2.montgomeryschoolsmd.org/boe/meetings/</a>
Prince George's	<a href="https://www.pgcps.org/offices/board-of-education/video">https://www.pgcps.org/offices/board-of-education/video</a>
Queen Anne's	<a href="https://www.qacps.org/board-of-education/">https://www.qacps.org/board-of-education/</a>
Somerset	<a href="https://townhallstreams.com/towns/Somerset_County_PS_MD">https://townhallstreams.com/towns/Somerset_County_PS_MD</a>
St. Mary's	<a href="https://www.smcps.org/streaming">https://www.smcps.org/streaming</a>
Talbot	<a href="https://tcpsk12.community.diligentoneplatform.com/Portal/Video.aspx">https://tcpsk12.community.diligentoneplatform.com/Portal/Video.aspx</a>
Washington	<a href="https://www.wcpsmd.com/school-board/board-meetings">https://www.wcpsmd.com/school-board/board-meetings</a>
Wicomico	<a href="https://www.wicomicoschools.org/page/watch-board-meetings">https://www.wicomicoschools.org/page/watch-board-meetings</a>
Worcester	<a href="https://go.boarddocs.com/mabe/worcester/Board.nsf/goto?open&amp;id=D9APLJ65255A">https://go.boarddocs.com/mabe/worcester/Board.nsf/goto?open&amp;id=D9APLJ65255A</a>

Source: Department of Legislative Services

---

## **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** HB 154 (Delegate Korman) - Ways and Means.

**Information Source(s):** Anne Arundel County Public Schools; Montgomery County Public Schools; Department of Legislative Services

**Fiscal Note History:** First Reader - January 30, 2026  
jg/mcr Third Reader - March 18, 2026  
Revised - Amendment(s) - March 18, 2026

---

Analysis by: Thomas S. Elder