

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 99 (Senator Kagan)
Education, Energy, and the Environment

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, it requires each local board of education and the Baltimore City Board of School Commissioners to 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 a complete and unedited 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 one-time costs to expand their digital storage capabilities, but it is assumed that any such costs can be absorbed within existing resources. Local revenues are not affected.

Small Business Effect: Minimal.

Analysis

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 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.

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 5 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 conduct one-time upgrades to expand their storage capacities 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 outside of their permanent board rooms that are equipped with video streaming technology, they may incur additional costs to stream those meetings. However, 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	https://go.boarddocs.com/mabe/acpsmd/Board.nsf/Public
Anne Arundel	https://go.boarddocs.com/mabe/aacps/Board.nsf/Public
Baltimore City	https://www.baltimorecityschools.org/page/board-meetings
Baltimore	https://www.bcps.org/cms/one.aspx?pageld=69244694
Calvert	https://www.calvertnet.k12.md.us/board-of-education/meetings
Caroline	https://carolineschools.new.swagit.com/views/219
Carroll	https://www.carrollk12.org/board-of-education/meeting-information
Cecil	https://www.ccps.org/boe/board-meeting-live-feed-and-recordings
Charles	https://www.cchoe.com/about/board-of-education/meeting-agendas
Dorchester	https://townhallstreams.com/towns/dorchesterboe
Frederick	https://www.fcps.org/board_of_education/board_meetings
Garrett	https://garrettcountychools.community.diligentoneplatform.com/Portal/
Harford	https://www.hcps.org/boe/livestream/
Howard	https://www.hcpss.org/board/meetings/
Kent	https://www.kent.k12.md.us/SchoolBoard.aspx
Montgomery	https://ww2.montgomeryschoolsmd.org/boe/meetings/
Prince George's	https://www.pgcps.org/offices/board-of-education/video
Queen Anne's	https://www.qacps.org/board-of-education/
Somerset	https://townhallstreams.com/towns/Somerset_County_PS_MD
St. Mary's	https://www.smcps.org/streaming
Talbot	https://tcpk12.community.diligentoneplatform.com/Portal/Video.aspx
Washington	https://www.wcpsmd.com/school-board/board-meetings
Wicomico	https://www.wicomicoschools.org/page/watch-board-meetings
Worcester	https://go.boarddocs.com/mabe/worcester/Board.nsf/goto?open&id=D9APLJ65255A

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

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