

BILL: House Bill 823
TITLE: General Provisions - Open Meetings Act - Enforcement and Training
POSITION: OPPOSE
DATE: February 24, 2016
COMMITTEE: Health and Government Operations Committee
CONTACT: John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE), representing all of the state's twenty-four local boards of education, opposes House Bill 823.

MABE assures the General Assembly that local boards of education take very seriously the "sunshine" guarantees contained in the Open Meetings Act. Maryland's local boards of education place their greatest emphasis on two primary objectives: creating high quality educational opportunities for all students, and providing a forum for community engagement in furtherance of high quality student learning. All of Maryland's twenty-four local boards of education know that successful community engagement requires close attention to, and compliance with, the letter and the spirit of the Open Meetings Act.

Local boards of education fully support the intent and effect of Maryland's Open Meetings Act to ensure that nearly all local board of education meetings are conducted in sessions that are open to the public. The provisions of the Education Article pertaining to individual school systems clearly state the requirement that each board hold open meetings in accordance with the Open Meetings Act. For example, a typical provision states, "All actions of the county board shall be taken at a public meeting and a record of the meeting and all actions shall be made public." Similarly, these provisions also acknowledge that local boards of education may take actions in closed sessions in accordance with the exceptions provided in the Open Meetings Act.

MABE recognizes the intent of this legislation to expand the scope of those public officials and employees who would be required to complete training regarding the Open Meetings Act. However, local school systems cannot envision a scenario in which all employees should or could reasonably be expected to do so. Also, MABE does not believe that the penalties proposed in the legislation would represent a sound or prudent expenditure of public funds or are warranted in light of the historical record of the very limited extent and nature of local board violations of the Open Meetings Act.

For these reasons, MABE requests an unfavorable report on House Bill 823.