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**STATE OF MARYLAND
OPEN MEETINGS COMPLIANCE
BOARD**

20 *Official Opinions of the Compliance Board* 40 (2026)

January 20, 2026

Frederick County Board of Education

The Complainants allege that the Frederick County Board of Education (the “Board of Education” or “Board”) has violated the Open Meetings Act (the “Act”) by requiring members of the public who attend meetings in person to provide identification and submit to limited background checks, prohibiting attendees from approaching the dais where Board members sit, and prohibiting attendees from wearing masks except for medical and religious reasons. The Complainants also allege that the Board’s restrictions on public comment violate the Act. For the following reasons, we find no violations of the Act.

Background

The Board of Education has imposed certain rules for members of the public who attend Board meetings in person. To enter the building, individuals must provide “a government form of identification” and “check in” using the school district’s “Raptor System,” which shows whether an individual is listed on the National Sex Offender Registry or is subject to any “no trespass” order by Frederick County Public Schools. In addition, the Board prohibits those attending meetings from “wearing a face covering or face mask, except as may be necessary for medical or religious reasons,” and prohibits individuals from “approaching the dais before, during, or after [a] meeting.” Frederick County Board of Education, Policy 102 (“Meetings”), at D(7)(c) & (d).

The Board of Education has also adopted rules for public comments at Board meetings. Among other things, the Board requires members of the public to register to speak at meetings, providing their identity and contact information. Frederick County Board of Education, Policy 102 (“Meetings”), at D(6)(b). In addition, the Board limits the types of issues on which members of the public may comment. *Id.*

Discussion

The Complainants assert that the Board's rules regarding attendance and commenting at Board meetings violate the Act. We find no violation.

We begin with the Board's requirement that a member of the public present identification. We have long said that the Act does not "require public bodies to forego . . . commonplace security measure[s]" such as requiring members of the public to sign in and show identification. 9 *OMCB Opinions* 296, 298 (2015). We thus conclude that the requirement that members of the public present identification before entering the meeting space does not violate the Act.

Here, however, the Board does not merely request identification but requires members of the public to "check in" through the district's "Raptor System," which determines whether an individual is subject to a "no trespass" order or listed on the National Sex Offender Registry. One of the Complainants asserts that running background checks discourages citizens from attending meetings; he alleges that a friend did not attend a Board meeting because he "was worried" that Board staff would discover his "unpaid" "drivers license issues in a ne[a]rby state."

"We acknowledge that the Supreme Court of Maryland, in *City of New Carrollton v. Rogers*, said that 'any action taken by [a] public body which discourages public attendance at [a] meeting to any substantial degree would likely violate the Act's provisions.'" 18 *OMCB Opinions* 147, 151 (2024) (quoting 287 Md. 56, 69 (1980)). But the evidence before us is that only one person—based on a misunderstanding about the scope of the "Raptor System" check-in—was deterred from attending a meeting. In any event, as we have previously explained, the Court in *City of New Carrollton v. Rogers* "was talking about actions like 'locking . . . doors' at the meeting site after giving notice of the meeting." 18 *OMCB Opinions* 185, 186 (2024) (quoting 18 *OMCB Opinions* at 151). We think that the check-in process here is easily distinguishable, particularly since "the Act does not prevent governmental bodies from taking reasonable measures . . . to safeguard public property, government personnel, and members of the public who visit public buildings." 9 *OMCB Opinions* at 299. A limited check, to ensure that a member of the public is not legally prohibited from entering a government building, falls within such reasonable measures. *Cf.* 16 *OMCB Opinions* 133, 139 (2022) (finding no violation of the Act when a public body required an individual to watch a meeting virtually, rather than attend in person, when "a statutorily authorized no-trespassing order precluded" the individual from being physically present at the body's meeting site).

The Complainant asserts that a public body cannot "deny access to people with a criminal background or [who] are listed on a national sex offender registry." We agree that, as a general matter, the Act does not permit a public body to prohibit someone from

attending a meeting merely because the person has a criminal record. But we think that a public body *may* prohibit someone from attending a meeting in person if another law prohibits the individual's presence at the meeting site—at least, where, as here, the individual has another means of observing the meeting. *See 16 OMCB Opinions* at 139.¹ From the record before us, it is unclear whether another State law, or a federal law, would prohibit someone from attending a meeting at the Board's meeting site if the person appeared in the National Sex Offender Registry. It appears that State law prohibits registrants from entering real property used for public “elementary or secondary education,” § 11-722(b), but not necessarily school district office buildings. State law also, however, appears to require an individual convicted of certain sex offenses under Maryland law, including sexual abuse of a minor under 13 years old, to submit to lifetime supervision, which may impose much broader conditions, such as prohibiting the person from “participating in an activity that would bring the person into contact with minors.” Md. Code Ann., Crim. Proc. § 11-723(a)(4), (3)(ii); *see also* Crim. Law § 3-602. Presumably, a registrant subject to lifetime supervision could come into contact with minors while attending a school board meeting. Regardless, we do not think it necessary for us to resolve these questions of criminal procedure, which are well beyond our expertise,² as the record before us does not indicate that the Board of Education prohibited anyone from attending a meeting because a Raptor System search revealed that they were a sex offender. Nor is there evidence that anyone was deterred from attending a meeting specifically by the requirement to submit to a sex offender registry check. Thus, based on the facts before us, we find no violation of the Act.

We likewise find no violation of the Act with respect to one Complainant's allegation that he was required to wear an “identification placard” upon registering to attend a meeting. The Board of Education does not respond to this particular allegation. But we think that requiring those who enter government buildings to wear badges indicating that they are authorized to be present is a reasonable and commonplace security measure. We thus find no violation based on this allegation.

Regarding the Board's policy against face coverings and masks (except for medical and religious reasons), we also find no violation. The Board asserts that the primary reason for this rule is safety; according to the Board, the County Sheriff advised a member of the body that “he would not permit anyone wearing a mask to enter [a] meeting.” We have said before that “we will not second-guess” a public body's “security measures” absent evidence that the body has unreasonably kept members of the public out of a meeting. 10

¹ Board meetings are broadcast live on “FCPS TV,” which is accessible on the school district's website. *See* https://www.fcps.org/board_of_education (noting that Board meetings are “broadcast live”); https://www.fcps.org/departments/public_affairs/fcps_tv (providing the livestream).

² “[O]ur authority extends only to the consideration of alleged violations of the Open Meetings Act.” 9 OMCB Opinions 146, 146 n.1 (2014).

OMCB Opinions 40, 41 (2016) (finding no violation when a public body locked the door to its meeting site and there was no evidence that the body “unreasonably delay[ed] the admission of later arrivals” and people who left and sought readmission). Given the Board’s exception, allowing masks or face coverings required for medical or religious reasons, we conclude that the general prohibition is a reasonable security measure that does not violate the Act.

As to the rule against members of the public approaching the dais, we have said that “[a] rule that requires members of the audience to stay in the audience area is not a deprivation of the right to observe the policy making process.” *5 OMCB Opinions* 154, 158 (2007). The Act expressly provides that a public body “shall adopt and enforce reasonable rules regarding the conduct of persons attending its meetings,” § 3-303(b),³ and we have said that a rule “requir[ing] members of the public to stay within” “an audience area” is “basic to the ‘reasonable rules regarding conduct’” that the Act “explicitly endorses,” *5 OMCB Opinions* at 158. We thus find no violation based on the Board’s policy prohibiting members of the public from approaching the dais during meetings.

Finally, the Complainants challenge the Board’s limitations on public comments. But “as we have said many times before, [a] public body’s handling of public comments is simply not within the Act’s ambit.” *19 OMCB Opinions* 222, 222 (2025) (internal quotation marks omitted); *accord 19 OMCB Opinions* 5, 6 (2025) (“Although members of the public have the right to *observe* meetings, the Act does not afford the public the right to *participate* in a meeting.”). We thus find no violations of the Act with respect to the Board’s rules regarding public comment.

Conclusion

We find no violations of the Act.⁴

Open Meetings Compliance Board

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³ Except as otherwise noted, statutory references are to the General Provisions Article of the Maryland Code.

⁴ We do not address the Complainants’ allegations that the Board’s policies and practices violate the United States Constitution, as that determination is beyond our authority. *See, e.g., 9 OMCB Opinions* at 146 n.1.