

The Frederick News-Post
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The Frederick News-Post

Open Meetings Compliance Board
% Attorney General's Office
200 St. Paul Place
Baltimore, MD 21202

Dec. 14, 2022

Complaint re: Frederick County Public Schools Reconsideration Committee

I am writing to the Compliance Board because I believe Frederick County Public Schools (FCPS) is forming a committee that meets the definition of a public body under the Maryland Open Meetings Act. However, FCPS has announced that this committee will meet in private, with no opportunity for public observation.

Background: FCPS [Regulation 500-39](#) outlines the process the school district must follow when it receives a request to remove instructional materials already in use.

On Dec. 1, 2022, FCPS announced it was forming a Reconsideration Committee pursuant to Regulation 500-39. The committee will begin meeting on Jan. 19, 2023, and is scheduled to hold five total meetings, with the final one scheduled for April 20, 2023.

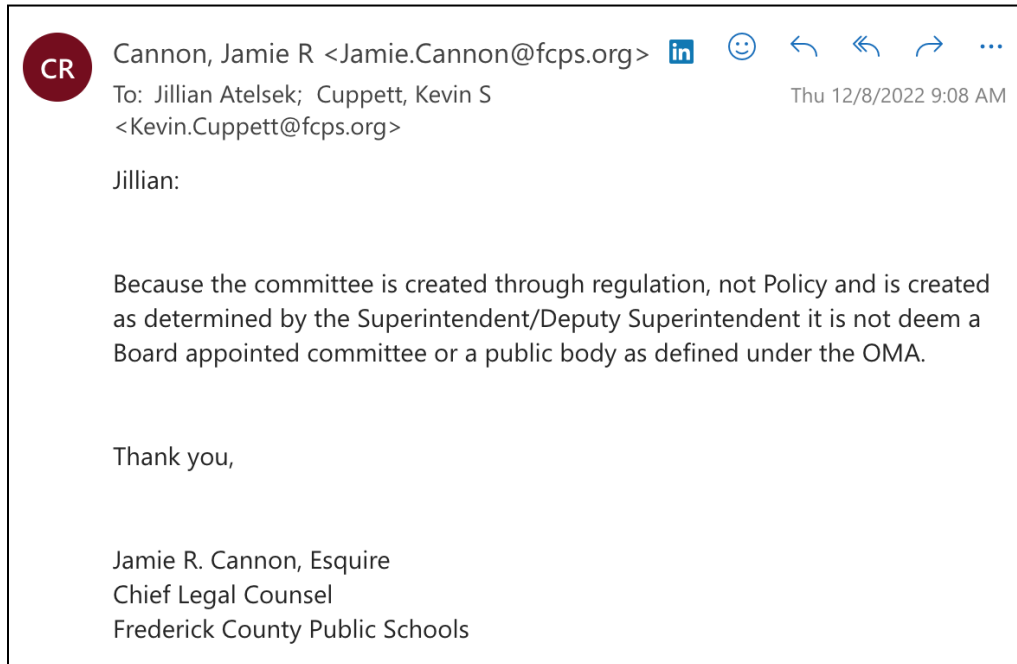
The committee is being formed in response to a complaint from a local parent who has requested FCPS remove 35 books from its library shelves. About 60 people will serve on the committee, including parents, students, administrators, media specialists, teachers and others.

In an interview with Kevin Cuppett, FCPS' Executive Director of Curriculum, Instruction and Innovation, on December 1, I asked if the committee meetings would be open for public observation. He replied that he hadn't considered that yet, and said he would pass the question on to Jamie Cannon, the district's chief legal counsel.

A few days later, on December 6, Dr. Cuppett told me the meetings would be held in private. I asked him why, and once again, he directed me to Ms. Cannon.

The same day, I told Ms. Cannon that, based on my cursory reading of the Open Meetings Act, the Reconsideration Committee seemed to fit the definition of a public body. I asked her why the committee would not be subject to the OMA, and she replied that she wasn't sure, but that she would get back to me via email once she had the opportunity to review the law.

The next day, I received the following email from Ms. Cannon:



On Tuesday, Dec. 13, I replied to Ms. Cannon and asked her to point me to the section in the OMA that supports her view. I have yet to receive a response.

Request: The Reconsideration Committee will consist of more than two individuals. It was created by a school system regulation (Regulation 500-39). I believe the committee meets the definition of a public body as laid out in Maryland General Provisions Article § 3-101, and therefore, must allow members of the public to observe its meetings.

Thank you in advance for considering this matter.

Sincerely,

A handwritten signature in black ink that reads 'Jillian Atelsek'.

Jillian Atelsek
240-215-8623