



MARYLAND OFFICE OF THE
INSPECTOR GENERAL FOR EDUCATION

Richard P. Henry
Inspector General

Douglas H. Roloff, III
Deputy Inspector General

March 22, 2021

VIA EMAIL (makedascott@mybcps.info)

The Honorable Makeda Scott
Board Chair
Baltimore County Board of Education
6901 N. Charles Street
Towson, Maryland 21204

Dear Ms. Scott,

On Friday, March 19, 2021, a local media outlet reported on concerns regarding our initial January 29, 2021 letter to the Baltimore County Public School - Board of Education (BOE). As you may recall, the letter advised that we had received numerous complaints regarding its employees, and made recommendations associated with Board members' decorum, the updating of the BOE 2015 handbook, and the incorporation of a social media policy.

Since the airing of the mentioned segment, my office has again received complaints concerning BOE members' use of social media under the header of "Baltimore County Board of Education." The complaints allege that BOE members are deleting social media page comments which negatively reflect on or are critical of them.

Based on the complaints received, my office is again requesting the BOE review its procedures governing members deleting negative social media comments (referred to as posts), and the retention of these deleted posts. Knowing there is an increasingly number of cases coming before the courts, a review to assess the risks to the BOE from potential litigation, investigation and further complaints is warranted. In an effort to assist you in your review, I would share a recent case dealing directly with this issue.

In *Davison v. Loudoun County*, Civil Case No. 1:16-cv-00932-JCC-IDD (E.D. Va. July 25, 2017), the court found the Board Chair violated the First Amendment and Virginia Constitution for viewpoint discrimination by banning a resident from his Facebook page for 12 hours. The court noted that the county had no policy in place and the Chair made a unilateral decision. "In short, Defendant did not ban Plaintiff pursuant to any neutral policy or practice that she has applied in an evenhanded manner. Rather, from Defendant's testimony, it is apparent that

Defendant banned Plaintiff from the “Chair Phyllis J. Randall” Facebook page because she was offended by his criticism of her ‘colleagues on the School Board’.” Also, in *Knight First Amendment v. Trump*, the Second Circuit concluded that the President’s twitter accounts were a public forum and “[e]xcluding people from an otherwise public forum such as this by blocking those who express views critical of a public official is, we concluded, unconstitutional viewpoint discrimination.”

In closing, the OIGE is declining an investigation into this matter and is referring it back to the Baltimore County Public School - Board of Education Chair for further consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "Richard P. Henry", is written over a light yellow rectangular background.

Richard P. Henry
Inspector General

cc: Dr. Darryl Williams, Superintendent of Schools
Mrs. Margaret-Ann Howie, Esq., General Counsel