



MARYLAND OFFICE OF THE
INSPECTOR GENERAL FOR EDUCATION

Richard P. Henry
Inspector General

Douglas H. Roloff, III
Deputy Inspector General

August 23, 2021

VIA EMAIL (Makeda.Scott@bcps.org)

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

Ref: OIGE Case 21-0094-C

Dear Ms. Scott,

The Maryland Office of the Inspector General for Education (OIGE) has received a complaint alleging that Board of Education (BOE) member and Co-Chair, Ms. Julie Henn is continuing to block individuals from her BOE associated social media page (Facebook).

The OIGE had previously offered recommendations to the Baltimore County Board of Education on this matter and also provided cases as examples. Since my earlier letter, the courts have issued additional guidance about excluding specific members of the public from public officials' social media accounts. Two cases are instructive.

- *Davison v. Randall*, 912 F.3d 666, 688 (4th Cir. 2019), as amended (Jan. 9, 2019) (School Board member engaged in unconstitutional viewpoint discrimination when she banned a member of the public's comments from her Facebook page which was a forum for public business).
- *Complaint for Injunctive and Declaratory Relief and Damages and the Release and Settlement Agreement in Lauerson v Hogan*, Case No. 8:17-CV-02162-DKC (D.MD filed August 1, 2017).

In *Lauerson*, the plaintiffs sued Hogan with assistance from the American Civil Liberties Union (ACLU). The lawsuit claimed that by allegedly blocking the plaintiffs from posting, that Hogan (Governor - State of Maryland) and his social media staff were infringing on their First Amendment rights.

The suit settled in March 2018 and as part of the settlement, the State of Maryland adopted a new social media policy preventing the governor from blocking users from criticizing him on his official Facebook page. The new policy now limits what content can be removed and mandates viewpoint neutrality.

At this time, the OIGE is again declining an investigation into this matter and is referring this issue back to the Baltimore County Public School - Board of Education for further consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "Richard P. Henry". The signature is fluid and cursive, with a large initial "R" and "H".

Richard P. Henry
Inspector General

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