

Handbook

Board of Education of Carroll County

Jennifer A. Seidel, President
Barbara J. Shreeve, Vice President
Gary W. Bauer, Board Member
Cynthia L. Foley, Board Member
Virginia R. Harrison, Board Member
Samson Fowler, Student Representative
Stephen H. Guthrie, Superintendent

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Board of Education of Carroll County Handbook

This handbook is intended as a guide to the operations of the Board of Education of Carroll County, Maryland. Portions of the handbook are excerpted from the Maryland Annotated Code – Education Article, the Maryland Association of Board of Education (MABE) Manual, The Maryland School Law Deskbook, and Carroll County Public Schools (CCPS) operating policies and procedures. The full texts of policies and regulations are found online at www.carrollk12.org in the CCPS *Policy Book* available in the superintendent’s office and the principal’s office of each school.

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SECTION I

Mission, Vision, Values, and Goals

Mission Statement

The mission of Carroll County Public Schools is to ensure that every student can thrive as a responsible citizen in a changing world by providing rigorous and challenging curriculum in partnership with quality staff, caring families, and supportive community members.

Vision Statement

The Carroll County Public Schools system plays an integral role in the success of the community. Utilizing a variety of resources and supports, students are given a challenging, rigorous curriculum with a variety of educational opportunities in which to learn and succeed. Employees are valued and provided competitive salaries and various staff developmental opportunities in which to grow.

Students and staff share a mutual trust and respect while learning and working in a safe and orderly environment. The uniqueness of each individual is recognized and appreciated. All are encouraged to share ideas and participate in the system's success. Employees value each student and collectively create a learning environment that challenges students to realize their maximum potential.

Graduates are prepared to meet the challenges of higher education and/or business. The community views its students in a positive manner and welcomes them as productive, caring, respectful, and responsible citizens. Those who have a calling to serve in public education choose to come and stay in Carroll County Public Schools because they desire to be an integral part of a learning community that values and supports their efforts.

The community and its families support their schools and students. Businesses are eager and willing participants in providing support in the system's success and student achievements. The Board of Education and staff appreciate the community's contributions and are responsible stewards of its resources.

The Carroll County Public School System is proud to be an environment in which students, staff, families, and community members participate and contribute to the system's endless pursuit of excellence.

Core Values

- Always strive for maximum potential in our pursuit of excellence.
- All students will learn and succeed.
- All students and staff are entitled to a safe and orderly learning environment.
- Everyone's participation is paramount to our success.
- Treat everyone in an open, fair, honest, and respectful manner.

Board of Education Goals

The Board of Education has control over educational matters that affect the county and promotes the interests of schools under its jurisdiction. The Board of Education adopts a strategic plan to guide the school system in developing, implementing, and improving educational programs for its students.

With the advice of the Superintendent of Schools, the Board of Education annually establishes goals with specific objectives. The Superintendent of Schools and Board Members recommend agenda items for Board meetings based on these goals.

GOAL I. - IMPROVE STUDENT ACHIEVEMENT:

All students will achieve at or above grade level through a rigorous, articulated, and aligned instructional program.

GOAL II. - OPTIMIZE RESOURCES:

Carroll County Public Schools will make maximum, effective, and efficient use of fiscal, human, and facility resources, which align with and support student achievement.

GOAL III. - PROVIDE A SAFE AND ORDERLY ENVIRONMENT:

All schools will provide a safe and orderly environment for all students and staff.

GOAL IV. - STRENGTHEN PRODUCTIVE COMMUNITY PARTNERSHIPS:

Carroll County Public Schools will foster an open, trusting, and supportive relationship with parents, community members, business and public officials to directly support student achievement.

GOAL V. - ENGAGE IN A PROCESS OF SCHOOL IMPROVEMENT:

Carroll County Public Schools will align all school and system actions with the Objectives and Indicators of the CCPS Comprehensive Master Plan, while continuing to measure performance and ensuring all actions and decisions are contributing to the attainment of the Objectives and Indicators.

SECTION II

Authority and Responsibilities

Authority and Responsibilities of the Board of Education

The Board of Education of Carroll County, Maryland is an elected board consisting of five members organized as prescribed by the *Annotated Code of Maryland*, Education Article, Subtitle 4, Carroll County, Sections 3-401 through 3-404.

The powers and mandatory duties of the board of education are defined in the Education Article of the *Annotated Code of Maryland* and Title 13A of the *Code of Maryland Regulations* (COMAR).

The superintendent is responsible for administering the policies for the school system. The legal obligation for policymaking resides with the board. The board's primary responsibilities, aligned to support the strategic plan of the school system, include, but are not limited to:

- Selecting, appointing, and evaluating the superintendent of schools;
- Formulating and interpreting policies;
- Adopting operating and capital budgets;
- Making decisions on educational, budgetary, facility, and financial matters (including authorization of legal settlements, with the exception of special education settlements, up to a level adopted by the board);
- Approving curriculum guides and courses of study;
- Making a continuous appraisal of the educational and administrative management of the school system;
- Establishing school attendance boundaries;
- Communicating with citizenry, staff, and students;
- Acting in a quasi-judicial capacity;
- Acting on personnel matters;
- Advancing a legislative agenda before the county commissioners and general assembly;
- Appointing an auditor and legal counsel; and
- Approving contracts over \$25,000.

In addition to those mandatory duties that are defined in law, the board is committed to *The Key Work of School Boards* developed by the National School Boards Association. The *Key Work of School Boards* encompasses these eight areas of action:

1. Establishing a clear **VISION** of student achievement as the top priority of the school board, staff, and community.
2. Setting clear **STANDARDS** for student performance.
3. Establishing an **ASSESSMENT** process that measures success at regular intervals.
4. Establishing a strong **ACCOUNTABILITY** process.
5. **ALIGNMENT** of resources to focus on students meeting the standards.
6. Creating a positive **CLIMATE** for student success.
7. Building **COLLABORATIVE RELATIONSHIPS** with political and business leaders, with a focus on developing a consensus for student success as a top community priority.
8. Committing to **CONTINUOUS IMPROVEMENT** for student achievement.

Board Member Authority

The Education Article specifies that power belongs not to individual members of a board of education but to the board of education itself. Board members have authority only when acting as a board of education in a legally constituted session, a quorum being present. The statement or action of an individual member or group of members of the board of education does not bind the board of education itself, except when that statement or action is authorized by an official act of the board.

No single member of the board can exercise the power or duty of control of the schools, since these powers reside in the body politic.

Board Member Qualifications

Board member qualifications are specified in Section 3-401(b) of the Education Article, which states, “*Qualifications*. A candidate elected to the county board shall be a resident and registered voter of Carroll County. Any member who no longer resides in Carroll County may not continue as a member of the board.” An individual subject to the authority of county government may not serve.

The five voting members are elected for a four-year term at the general election every two years. Three members are elected in gubernatorial election years, and two members are elected in presidential election years. Members of the board are elected on a general, countywide ballot. Notwithstanding when the ceremonial oath of office is administered, the term begins on the first Monday in December immediately following the member’s election and continues until a successor is elected and qualifies.

Board Candidates and Members-Elect

Board candidates are required to file public financial disclosure statements for the preceding calendar year with the board of supervisors of elections at the time they submit their certificate of candidacy. After the candidate’s election to the board of education, the board of supervisors of elections sends the financial disclosure form to the Board of Education Ethics Panel.

Board practice is to use the following processes to inform board member candidates:

1. Materials, except items of a confidential nature, for board business meetings are on the school system website www.carrollk12.org.
2. After the primary election, the remaining candidates receive board business meeting materials, except items of a confidential nature, on the school system website.
3. After the general election, members-elect receive all materials, including items of a confidential nature, provided to board members. Except for voting privileges, members-elect participate fully in all meetings of the board.

New Board Member Orientation

Following the election of new members, the president of the board of education provides for an orientation to the board's operation and processes. Information is provided about the functions of the office of the board of education and the working relationships with the superintendent and the staff of the Carroll County Public Schools.

In addition, the orientation includes discussion of the Code of Ethics and filing requirements, system mission statements and goals, board-appointed committees, board of education memberships, board secretary provision, board member expense standards, and other information included in this handbook.

The following will be provided to each board member:

- Carroll County Public Schools Policy Book
- Maryland School Law Deskbook
- Facilities Master Plan
- Board Operating Manual
- Open Meetings Act Manual
- The Key Work of School Boards
- *The Annotated Code of Maryland* Education Article and *COMAR*.

Board members are encouraged to participate in the orientation provided by the Maryland Association of Boards of Education (MABE). It is expected that boardsmanship governance responsibilities will include participation in continual learning through attendance at state and national conferences and seminars and through reading leadership materials.

Oath of Office / Swearing In

Each elected board member shall appear before the clerk of the circuit court for Carroll County prior to the first Monday in December following the November general election to take the oath of office. The clerk of the court must have in possession the member's commission from the governor of Maryland declaring their eligibility in meeting qualifications before issuing the oath.

Seating New Board Members

At the first meeting in December following the November general election, elected member(s) will attest to meeting all qualifications and to having been duly sworn to the oath of office by the clerk of the court. It shall then be recorded in the minutes of the meeting that the new member(s) have been properly seated as members of the Board of Education of Carroll County, Maryland, for a four-year period.

Filing Vacancy of Board Member's Unexpired Term

Section 3-401(d) (2) states, "The governor shall appoint a new member to fill any vacancy on the Board for the remainder of that term and until a successor is elected and qualifies."

Removal of Board Member

Section 3-401 (e) states, “*Removal.* (1) the State Board may remove a member of the County Board for:

- (i) Immorality;
- (ii) Misconduct in office;
- (iii) Incompetency; or
- (iv) Willful neglect of duty.”

Board Member Expenses

The following guidelines are provided to help board members make decisions regarding travel expenditures that will:

- Result in the lowest total cost
- Meet all necessary business objectives
- Provide convenience and safety for travelers

It is the Board of Education’s intention to reimburse board members for all reasonable business expenses incurred during the execution of their official duties and responsibilities. Each board member has a stewardship responsibility for these expenses and should work toward keeping them as low as possible .

Unique circumstances may require action outside these guidelines. If such a situation arises, board members should use good business judgment. When possible, the circumstances should be reviewed with the board president prior to the event.

General Travel Planning

Travel plans should be discussed with the board president in advance of the event. Consider total costs and how one element of travel expense can either increase or decrease another.

Cash advances are available; however, the need for such advances should be minimal. Advances are issued two weeks prior to departure. When an advance is received, a summary of expenses with receipts and refund of money, when applicable, must be sent to Finance via the Superintendent’s office within 30 days of return from the trip.

Original receipts are required for all individual expenditures of \$25.00 or more.

If a board member combines personal travel with business travel, reimbursement will be limited to the most economical expense that would have been incurred in traveling on the most direct route, between the location of CCPS business and the board member’s home.

Commercial Air Travel

If a travel agency is contracted with Carroll County Public Schools, travel arrangements should be made through the travel agency whenever possible.

The lowest coach airfare should be selected. While board members may keep non-cash benefits received from frequent flyer programs and other promotions, it is important that such programs

do not influence decisions on the most economical means of travel. Cash or credit received for being bumped from flights must be returned to CCPS.

Make reservations early in the trip planning process. Consider advance ticketing and accept penalty airfares when travel plans are reasonably firm. Savings obtained could more than offset charges for changing tickets. Consider alternate airports or connecting flights, if fares are more economical. Be sure that all appropriate credit is received for any canceled or partially used tickets.

Hotels

Please request accommodations at economy or moderately priced hotels. It is recognized that rates may vary according to geographic location, domestic and international. Porter and baggage gratuities are reimbursable.

Consider hotels that offer complimentary shuttles, breakfast, meal discounts, or discounted parking. Parking can be a significant added cost in major metropolitan areas. Upon checking in, ask if any lower rates are available, since rates can change frequently.

Car Rental

A mid-size or smaller car should be used, unless four or more people are traveling together, or when a larger car will avoid additional car rentals. Whenever possible, rental cars should be refueled before being returned to avoid costly surcharges. All tolls and parking associated with the use of a rental car are reimbursable.

Personal Automobile

Board members will be reimbursed for the use of their personal car at the current published mileage rate and for parking and tolls. Compliance with all motor vehicle laws and regulations must be completed before using a car on Board business. Reimbursement for the use of a personal car cannot exceed the lowest alternate method of transportation and reimbursement should be measured based on the most direct route unless a deviation is business-related. Personal automobile insurance is not reimbursable.

Consider whether the use of a personal car is practical, on a trip-by-trip basis, based on these factors: the cost of mileage, the amount of time required to drive, how long you will be away, and the resulting parking costs. Whenever possible, satellite parking should be used. Perhaps an alternate means of transportation, such as a shuttle service would be preferable, in some cases.

Telephone Calls

Avoid hotel surcharges on long distance telephone calls by using a telephone calling card. A detailed itemized listing including date, time, duration of call, telephone number called, and cost is required for all reimbursement of telephone calls.

Daily Meals & Conference Refreshments

The per trip average maximum reimbursable cost for meals, including associated tax and gratuities, is \$45.00 per day. No alcoholic beverages, tips, and taxes associated with these beverages will be reimbursed. Whenever possible, request detailed receipts. If the registration fee

includes certain meals, meals purchased in place of these will not be reimbursed. Check to see if your hotel has discounted dining opportunities.

Accounting for Expenses

In order to account for all expenses associated with the trip, obtain receipts, summarize, and attach them to the check request for reimbursement or, in the case of an advance, with the summary of expenses.

Board members may be concerned about whether a particular expense is reimbursable. The following is a list of expenses that will normally not be considered for reimbursement. Questions should be discussed with the board president.

Expenses Not Reimbursable: (This list is not all inclusive)

- In-room movies at hotel
- Mini-bars
- Laundry and valet services
- Membership fees for airline and frequent flier clubs
- Membership for health clubs
- Hotel club memberships
- Snacks and refreshments not associated with a business meal or conference
- Incremental costs of double over single occupancy rates when a spouse or guest is not in an authorized travel status
- Excess baggage charges for personal luggage
- Pet care
- Hotel charges associated with cancellation where reasonably prudent actions were not taken to avoid such charges
- Air flight and travel insurance
- Loss of personal funds and property
- Parking tickets or traffic violations
- Clothing/personal items
- Personal charge/credit card fees
- Airline upgrades
- Childcare expenses
- Spouse or guest expenses

Equipment Use by Board Members

If equipment is purchased by Carroll County Public Schools for the use of a board member, that equipment is the property of the Carroll County Public Schools and reverts to CCPS at the conclusion of the member's term of office. All efforts will be made to supply the member with operable equipment from within the inventory of CCPS.

Student Representative

By Board of Education Policy JIBB – Student Representative on the Board of Education – Involvement in Decision Making, the Board of Education of Carroll County has a non-voting student representative who attends Board meetings and takes part in agenda item discussions. The student representative brings a student’s outlook and opinion on Board agenda items and represents the total Carroll County Public Schools student body.

A student representative to the Board of Education is selected under the procedures developed by the Carroll County Student Government Association for a one-year term from June through May of the following year. The student representative will be seated and properly charged at the June business meeting. This handbook is also applicable to the student representative.

The student representative will receive agendas and backup materials, excluding items of a confidential nature, for Board meetings.

The student representative has the same speaking privileges as an elected member. The student representative may not vote but may indicate a preference in a vote.

When recording unanimous voting in the official Board Minutes, the student representative’s support is noted. If the student representative does not agree with the board’s unanimous vote, the student representative’s opinion is indicated by “No: Student Representative.” in the board’s official minutes. When board votes are split, the student representative’s opinion is listed in the official board minutes after the “Yes” or “No,” as appropriate.

If invited to do so by the board president, the student representative may attend closed sessions.

The board supports the following training opportunities for the student representative:

1. An appropriate and timely orientation prior to the June seating of the new student representative.
2. Attendance at the MABE - Maryland Leadership Workshops if one is held.
3. Attendance at the National Association of Student Councils Conference.
4. Attendance at the MABE student representative board member orientation each year that a scheduled workshop specifically designed for student representatives is held.

Appointment of the County Superintendent of Schools

Section 4-201 of the Education Article specifies the appointment, term, qualification, vacancy, and removal of the county superintendent of schools.

The term of the county superintendent of schools is four years beginning on July 1. The superintendent of schools continues to serve until a successor is appointed and qualifies. By February 1 of the year in which a term ends, the county superintendent of schools shall notify the board of education whether they are a candidate for reappointment.

In the year in which a term begins, the board of education shall appoint a county superintendent of schools between February 1 and June 30. However, if the board decides to reappoint the incumbent superintendent of schools, the board shall take final action at a public meeting no later than March 1 of that year.

The appointment of a county superintendent of schools is not valid unless approved in writing by the state superintendent. If a vacancy occurs in the office of county superintendent of schools, the board shall appoint an interim superintendent of schools who serves until July 1 after their appointment.

Responsibilities and Duties of the Superintendent of Schools

The superintendent of schools is responsible for the administration of their office and carries out the laws, bylaws, and policies of the county board of education.

The superintendent of schools:

- Advises the board of education on matters related to educational policies of the school system, school attendance areas, curriculum guides and courses of study, and any question under consideration by the board.
- Recommends contracts and other documents, to the extent required by law, for board approval.
- Informs the board in advance of administrative reorganizations, including transfers of functions, establishment of positions and offices, and consolidations of positions and offices.
- Proposes annual operating and capital budgets to the board of education for board approval.
- Attends all meetings of the board except when their tenure or salary is under consideration, or when the board is considering appeals in its quasi-judicial role in closed session. In the absence of the superintendent of schools, the assistant superintendent of schools or designee fulfills these duties.
- Is evaluated annually on the achievement of mutually agreed upon goals and objectives as set forth in the superintendent's contract.
- Serves as the executive officer, secretary, and treasurer of the board by law and, as such, keeps record of the proceedings of each meeting of the board and of all actions taken by the board.
- Sends out notices of meetings.
- Assumes responsibility for the publication of all legal notices related to board business.
- Maintains accurate records of all hearings involving disputes and controversies.
- Acts as custodian of all funds belonging to and under the control of the board of education of Carroll County.
- Disburses funds in accordance with the provisions of the operating budget, specific directives of the board of education, and the provisions of the *Annotated Code of Maryland, Education Article*.
- Recommends the appointment of administrative and supervisory personnel to the board of education for its approval, whether by discrete personnel actions or by way of a monthly personnel report approved by the board.
- Informs the board in advance of transfers of administrative and supervisory personnel.

Officers

At the first business meeting held in December each year, the members of the board elect one member to serve as president and one member to serve as vice-president of the board for the year. The superintendent of schools serves as the executive officer, secretary, and treasurer of the board of education, as specified in Section 4-102 of the Education Article.

The duties and responsibilities of the board officers shall be as outlined:

1. President

- Calls meetings of the board of education; establishes location, date, and time, as necessary;
- Presides at all meetings;
- Executes documents on behalf of the board of education;
- Appoints representatives to all committees on which the board is represented;
- Approves the agenda for all board meetings;
- Performs other duties prescribed by law or requested by the board; and
- Represents the views of the board in all communications and correspondence.

2. Vice President

- Performs the same duties as the president in his or her absence; and
- Performs other duties as may be requested by other members of the board of education.

3. Superintendent of Schools

According to Section 4-102 of the Education Article, “the county superintendent is the executive officer, secretary, and treasurer of the county board” (see *Duties and Responsibilities of the Superintendent of Schools*).

4. Parliamentarian

Legal counsel in attendance at board meetings function as the board’s parliamentarian.

Code of Ethics

The Board of Education has adopted the following Code of Ethics as recommended by the National School Boards Association (NSBA).

As a member of my local school board of education, I will strive to improve public education, and to that end I will:

- Attend all regularly scheduled board meetings insofar as possible, and become informed concerning the issues to be addressed at those meetings;
- Recognize that I should endeavor to make policy decisions only after full discussion at publicly held board meetings;
- Render all decisions based on the available facts and my independent judgment, and refuse to surrender that judgment to individuals or special interest groups;
- Encourage the free expression of opinion by all board members, and seek systematic communications between the board and students, staff, and all elements of the community;
- Work with other board members to establish effective board policies and to delegate authority for the administration of the schools to the superintendent;
- Communicate to other board members and the superintendent expressions of public reaction to board policies and school programs;
- Inform myself about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by my state and national school boards association;
- Support the employment of those persons best qualified to serve as school staff, and insist on a regular and impartial evaluation of all staff;
- Avoid being placed in a position of conflict of interest, and refrain from using my board position for personal or partisan gain;
- Take no private action that will compromise the board or administration, and respect the confidentiality of information that is privileged under applicable law;

- Remember always that my first and greatest concern must be the Education welfare of the students attending the public schools; and
- Follow board of education norms.

Additionally, the Board of Education adopts the following statement:

Each member of the Board of Education, while acting for the good of better education, must assume that the motives of the other members of the Board of Education are likewise based on an honest desire to provide the best possible public education.

Recognition of Service

At the conclusion of his or her tenure in office, a Board member shall be presented with a framed proclamation and a lifetime complimentary pass to all activities sponsored by CCPS.

SECTION III

Board Meetings and Agendas

Meetings of the Board of Education

All meetings of the Board of Education shall comply with the current edition of the *Open Meetings Act Manual* issued by the Office of the Attorney General.

Date, Time, and Place

All meetings of the Board of Education are open to the public, except closed sessions as permitted under state law. Every effort is made to schedule items of significant public interest at times convenient to the public, and a special effort is made to group similar and major educational issues together during business meetings.

Business meetings are held as specified below, unless notice to the contrary is given at a previous business meeting or as soon as the schedule change is known.

- Second Wednesday of each month at 5:00 p.m., regular meeting.
- Fourth Wednesday of each month at 1:00 p.m., administrative meeting except during the months of June, July, November, and December.

Work sessions are held as specified below, unless notice to the contrary is given at a previous business meeting.

- Fourth Wednesday immediately following the administrative board meeting except during the months of June, July, November, and December.

All Board meetings are held in the Charles I. Ecker Boardroom at 125 N. Court Street, Westminster unless a change in location is announced.

The president calls special meetings; all Board members shall be duly notified, as well as the public, as prescribed by law.

Attendance

Board members shall report to the president when they find they must be absent from a meeting.

Agendas and Board Materials

An agenda will be prepared for each meeting. Any board member may suggest items for consideration for inclusion on the agenda. The agenda will be developed by the superintendent and approved by the president.

The deadline for submitting items for consideration on the agenda for business meetings is one week prior to the date of the business meeting. Agendas and back-up materials will be mailed to each member of the board preceding the business meeting date.

All board meeting materials, except personnel recommendations and appointments, are available to the public and the press from the CCPS website after 4:00 p.m. the Wednesday preceding the board meeting. Use the [BOARD OF EDUCATION MEETING AGENDA AND DOCUMENTS](#) link at the bottom of the CCPS homepage.

Major reports and policies which require extensive study and review shall be distributed to board members at least one regular meeting in advance of the meeting when they are scheduled for

board consideration. Presentations by staff should not be repetitive of the written paper; rather, the highlights of the paper and recommendations shall be made in a manner that allows sufficient time for the board to discuss the agenda item.

Agendas for special meetings will be made known at the time the special meeting is called.

A continuous listing of future agenda items is maintained. Information on topics to be discussed is made available to the press, staff, and public through the Community and Media Relations office.

Board members who need additional information should contact the superintendent and/or appropriate staff member prior to the meeting. If a board member believes it would be appropriate for staff members to answer questions during the meeting, they should alert the superintendent to provide knowledgeable staff at the meeting to answer those questions.

Format for Agendas

The following format will be a guideline for the preparation of regular agendas; the president may modify the sequence of items:

1. Preliminary Items
 - 1.1 Call to Order
 - 1.2 Opening Exercises
 - 1.3 Approval of Agenda
 - 1.4 Approval of Minutes
 - 1.5 Correspondence to and from Board Members
2. Public Participation
 - 2.1 Citizen Participation
 - 2.2 Carroll County Student Government Report
 - 2.3 Employee Groups
3. Personnel
 - 3.1 Personnel Action Items
 - 3.2 Personnel Recommendations/Appointments
4. Presentations
5. Consent Agenda
6. Action Items
7. Discussion
8. Information
9. Reports
10. Unfinished Business/New Business
11. Adjournment

Citizen Participation

At regular board meetings, time will be allowed for citizen participation to encourage public dialogue with the board. The president may elect to give any member of the audience an opportunity to speak to any item of the agenda, to express an opinion or to comment on any matter that relates to the Carroll County Public Schools except for matters related to personnel or appeals.

An announcement will be made at the beginning of the business meeting that any citizen wishing to address the board should fill out a citizen participation card and give it to the board president

prior to citizen participation time. When their name is called, citizens are asked to come forward and state their name and address for the record. In order to allow time for all citizens to speak, the board president or vice-president will advise citizens of the amount of time allowed for their comments.

Speakers are asked to abide by the following guidelines:

1. Comments are limited to three minutes or less. When the allotted time expires, the speaker is permitted to complete a sentence and return to the audience. The public may not display signs or posters during meetings of the board. In lieu of signs, or if you are unable to complete your comments in the allotted time, individuals are encouraged to submit remarks to the board in writing.
2. Statements to the board should relate to a recent agenda item, an agenda item that is expected to appear in the future, or a matter of general policy over which the board has authority. Personnel matters, pending appeals, the actions or statements of individual staff, or items related to employee negotiations are not appropriate topics and may not be discussed.
3. Citizen participation is not intended to be a question and answer session. If citizens have specific questions, the board will make sure that an appropriate staff member responds to their questions later.

In addition to participation at public meetings, the board encourages citizens to communicate with board members through the board members link on the CCPS homepage at www.carrollk12.org and by publishing their public telephone numbers, fax numbers, mailing addresses, and e-mail addresses in the CCPS Informational Calendar and on the CCPS website.

Conduct of Board Meetings

All final official action of the Board of Education of Carroll County shall be taken at a public meeting, the minutes of which will likewise be public. A quorum, consisting of three (3) members, must be established for each meeting. No motion or resolution can be adopted or approved without the affirmative vote of at least three (3) members of the board of education. The votes shall be taken by a show of hands. Voting rights shall be limited to members actually present at the public meeting at which the vote is taken, except as noted herein. Written absentee voting by proxy or mail is authorized but limited to votes to amend this Handbook, the election of officers, and approval of the superintendent's contract.

Except as otherwise provided for in this Handbook, meetings shall be held in accordance with the current edition of *Robert's Rules of Order, Newly Revised*.

Closed Session

All meetings of the Board of Education shall comply with the current edition of the Open Meetings Act Manual issued by the Office of the Maryland Attorney General.

The president will decide who may be present at closed sessions other than members of the board of education. A quorum, consisting of three (3) members, must be established for each closed session meeting or quasi-judicial hearing. No motion or resolution can be adopted or approved at a closed session meeting without the affirmative vote of at least three (3) members. Decisions at

quasi-judicial hearings shall be based upon a simple majority vote of those members present at the hearing.

Except with respect to matters constituting an executive function or a quasi-judicial function, all final actions will be taken at a public meeting.

The following are the guidelines for closed sessions:

1. The president, at the request of any board member, or the superintendent of schools, may call closed sessions at any time. However, the board must take a public vote to go into closed session and must give public notice of the meeting by delivering a notice of the date, time, and place of meeting to the news media or posting the notice at the meeting site.
2. The presiding officer shall conduct a recorded vote on the closing of the meeting and shall make a written statement setting out the reason for closing the meeting, the specific provisions of the Open Meetings Act that allows the meeting to be closed, and the topics to be discussed at the closed session.
3. It is the responsibility of board members to monitor the topics discussed in closed session to assure the topics discussed are appropriate for closed session. Legal counsel shall be present whenever possible.
4. Board members and staff are expected to maintain the confidentiality of closed session.
5. The superintendent is responsible for recording minutes of each closed session. The board will strive to approve minutes at the next closed session.

Record of Board Meetings

The superintendent, in his capacity as secretary of the board of education, will maintain records of meetings as follows:

1. All of the board's business meetings will be audio recorded. In addition, video recordings of business meetings will be made. These recordings will be retained for five years.
2. The minutes of all public meetings contain actions taken by the board and a summary of the board's discussion. A board member may specifically request that a statement on a subject be reflected in the minutes. The minutes shall record the position of the student representative.
3. Minutes of closed sessions shall include each item considered, the action taken on each item, each recorded vote, and are posted with the approved board minutes.
4. The recordings and minutes of public meetings are available as a matter of public record. Recordings of board meetings are available for purchase.

Negotiations

The Board of Education engages in contract negotiations with the Carroll County Education Association (CCEA), the Carroll Association of School Employees (CASE), the American Federation of School Maintenance Employees (AFSME), the Association of Public School Administrators and Supervisors of Carroll County (APSASCCO), and Food Services.

By law, the Board of Education is permitted to meet in closed session to discuss issues related to contract negotiations with employee organizations. It is expected that board members will maintain the confidentiality of issues during closed session.

The *Annotated Code of Maryland*, Education Article, Section 6-408 and 6-510 provide the framework for negotiations.

SECTION IV
Board Reports and Communications

Board Standing Committees

Purpose: All Board standing committees report directly to the Board of Education.

- a. Curriculum Council
 - Develop a working knowledge of curriculum goals, trends, and issues.
 - Network with curriculum supervisors to communicate local concerns and issues regarding curriculum.
 - Communicate curriculum goals, trends, and issues with individual parents, parent groups, and the home school's administration and faculty.
 - Review and recommend to the board of education instructional textbooks and materials proposed for adoption.
 - Provide advice and recommendations to the superintendent and board of education regarding issues related to curriculum as requested, or as initiated by the council.

- b. Carroll County Special Education Citizen's Advisory Council
 - Serve as a liaison between students, parents, the community, and the Office of Special Education.
 - Promote networking with parents, professionals in the field of special education and service providers.
 - Enhance partnerships with community agencies.
 - Provide special education information forums.
 - Assist parents, guardians, caregivers to become a more educated, confident, and comfortable participant in their child's education.
 - To support the LSS in attaining high achievement for students with disabilities through continuous process improvement.

- c. Teacher Advisory Council
 - Provide recommendations to county teachers and administrators regarding effective teaching strategies that provide for student achievement.
 - Provide advice and recommendations to the board and superintendent regarding issues related to instruction and learning, as requested or as initiated by the council.

- d. Carroll County Advisory Council on Career and Technology Education
 - Participate in the development of annual program plans and accountability reports.
 - Provide local educational agencies and post-secondary education institutions with advice on current job needs and on the relevancy of curriculum being offered in meeting such needs.
 - Provide advice and recommendations to the board and superintendent regarding issues related to career and technology education.

- e. Community Advisory Council
 - Serve as a forum for public concerns, advice, and communication to the board.
 - May be called upon by the Superintendent and/or board to make recommendations on matters related to the education of students in Carroll County Public Schools.
 - Establish additional sub committees to research issues as directed.

Guidelines for Board Reports

When staff prepares written reports for the Board, they will adhere to the following guidelines:

- State the pros and cons of the situation/topic/issue, if needed, for clarification;
- Specify as many options as possible for the board to consider;
- Provide information on fiscal impact, if any;
- State the recommendation of staff; and
- Keep the report as brief as possible. One page is preferred, although it is understood that this is not always possible.

Reports of facts that are for the sole purpose of reporting information will usually not require establishing pros and cons. Reports that go to the Board for discussion and those that will return to the Board for action should follow the guidelines.

Board/Staff Communication

Effective, consistent communication between the members of the Board of Education and the superintendent/staff is essential to provide the Board with the information necessary to make sound, informed decisions. Honest, open communication also enhances trust and respect between Board members and the superintendent/staff.

Board members are in contact with the citizens of the county on a regular basis and may hear many concerns of which staff members are unaware. Board members have a responsibility to communicate expressions of public reactions, comments, concerns, criticisms, etc. to other board members and to the superintendent/staff.

Ideally, requests for information from the superintendent/staff should have the consensus of the members of the Board of Education. However, items come up between Board meetings, and Board members may differ in their interests and desires. Therefore, individual Board members are encouraged to raise questions and to express their concerns. If a staff member who receives a request for information from a single Board member feels that the request for information is unreasonable or will take an excessive amount of time to complete, the staff member should bring that concern to the attention of the superintendent who will seek board consensus.

To fulfill their duties and responsibilities and to make effective decisions that are in the best interest of students, staff, faculties, and Carroll County Public Schools, Board members must be fully and completely informed. Discussion, questions, and dialogue must occur among Board members, between the superintendent and staff members, and between Board members and the superintendent.

The superintendent and staff are responsible for ensuring that Board members receive the information necessary to effectively set policy for the school system. Responses to questions, inquiries, and concerns must be provided in a thorough and timely fashion. Responses may be oral or written.

Staff members shall provide a written copy of any response to a Board member's request to the other Board members and to the superintendent.

Staff members will provide the superintendent/designee with a brief email message summarizing any telephone conversation with a Board member.

Directors, principals, supervisors, and other staff wishing to initiate communications with Board members are free to do so, provided they notify the superintendent, the appropriate assistant superintendent, or the appropriate director in an email message, indicating the nature of the communication.

Board of Education Correspondence and Memoranda Procedure

Logs are maintained of incoming and outgoing correspondence and memoranda to the Board.

Correspondence

E-mail addresses of Board members and superintendent of schools will be maintained on the Carroll County Public Schools web site www.carrollk12.org.

Incoming correspondence is provided for all Board members and superintendent of schools. Correspondence that requires a response may be handled individually by Board members or collectively by appropriate staff.

Staff prepares responses for the signature of the Board president, or in special cases the Board president responds personally. When the Board president signs the reply, a digital copy of the reply is sent to Board members.

Memoranda

A memorandum written to or from a Board member is digitally duplicated for all Board members, the superintendent of schools, appropriate assistant superintendents, and other staff. The superintendent of schools assigns the responsibility of preparing replies to Board memoranda and follows up to make sure a timely response is prepared.

Exceptions are confidential memoranda, which may have expressly limited distribution.

Public Access to Correspondence and Memoranda

1. All correspondence and memoranda addressed to the Board of Education, the Board president, or to Board members that are received in connection with the transaction of public business are available for public inspection at reasonable times unless they meet one of the criteria for denial in Maryland's Public Information Act (*Annotated Code of Maryland, State Government Article, Sections 10-611 et seq.*)
2. The superintendent of schools is the official custodian of the records with the authority to delegate this responsibility.
3. The requestor of records may be charged fees to cover the cost of searching, preparing, or photocopying a public record.
4. If the request for public records is denied, the reasons must be consistent with Maryland's Public Information Act.

SECTION V

Personnel

Personnel Appointment Procedures

The superintendent is appointed by the board under section 4-201 of the Education Article of the *Annotated Code of Maryland*.

1. Under state law, it is the responsibility of the superintendent of schools to recommend the appointment of personnel to administrative and supervisory positions. Appointments and transfers are discussed by the board of education in closed session and confirmed by majority vote in public session.
2. The superintendent of schools notifies the board in advance of the transfers of personnel to administrative and supervisory positions.
3. The board of education receives and reviews a monthly personnel report in closed session and takes a public vote on the report. The report contains appointments of administrative and supervisory personnel, teachers and supporting services personnel, terminations, for all personnel, and notice of suspension and dismissal actions.

Citizen Concerns or Complaints Regarding Carroll County Public School Employees

Under Maryland law, the superintendent is responsible for supervising employees. When concerns are brought to the attention of the board of education, the board is required to forward them to the superintendent for review and action, if warranted. Should the superintendent take disciplinary action in any case, ranging from a letter of reprimand to a recommendation for dismissal, the employee has the right to file an appeal to the board of education. It is for this reason that the board of education does not initially investigate the matter or make an initial decision about the employee.

Issues involving school system employees should be forwarded directly to the superintendent. The superintendent or the superintendent's designee will review the matter.

Legal Counsel

The Board of Education of Carroll County may employ the services of an attorney to represent it in legal matters affecting the Board of Education. The selection of an attorney shall be made annually prior to the beginning of the fiscal year after proper review of the services and charges of such independent firm for the previous year.

Certified Public Accountant

The Board of Education of Carroll County shall employ the services of a certified public accounting firm to provide an annual audit of financial transactions and accounts of the board of education. The selection of an accounting firm for auditing purposes shall be made annually and prior to the close of the fiscal period after proper review of the services and charges of such independent firm for the previous year.

Payment of Legal and Auditing Fees

The operating budget for the board of education shall contain a request for funds to pay for the services of legal counsel and the services of a certified public accounting firm.

SECTION VI

Appeals

Overview

Appeals to the Board shall be from a **final action or decision** by the Superintendent or the Superintendent's designee [§4-205(c)(3)]; from a **recommendation** by the Superintendent to the Board for suspension or dismissal of a teacher, principal, supervisor, assistant superintendent, or other professional employee [§6-202]; or from a **determination** by the Superintendent or the Superintendent's designee on a student suspension of more than ten (10) school days or an expulsion [§7-305)].

When the Board conducts a hearing, it is performing its quasi-judicial function, i.e., serving as the judge in deciding a dispute. That is the reason Board members should remain impartial, not receive information from the public prior to the hearing, nor allow themselves to be lobbied. The parties will present information to the Board through the appeal process.

The type of appeal or "reviews" will depend on whether due process or other constitutional considerations require a full evidentiary hearing. At times, the Board may grant only oral argument or conduct a document review.

Under Maryland's Education Article, appeals come to the board through three (3) primary routes:

- Section 4-205(c)(3) Appeals based on school system policies or procedures
- Section 6-202 Teacher discipline (suspension or dismissal)
- Section 7-305 Student suspension or expulsion appeals

Confidentiality

Once an appeal is started through the process, it is inappropriate for Board members to discuss the issue with the appellant, the public, or staff. Once the appeal is properly filed, unless the appellant subsequently withdraws the appeal or the superintendent of schools has granted the requested relief, only the Board can dismiss the appeal. It is expected that Board members will maintain the confidentiality of documents related to the appeal and not discuss these materials with those not privy to such information.

Guidance for Appeals and Hearings

1. Guidelines for hearings:
 - a. Listen to whether the parties agree or disagree as to the basic facts. Sometimes the parties will present stipulations of fact. The case may rest on the application of a policy or a rule to the facts.
 - b. Board members can ask questions of witnesses, generally after the parties or their attorneys have concluded their questioning.
 - c. If not clear, ask the parties/counsel to explain which Carroll County Public School policies and/or procedures are involved in the dispute.
 - d. Look for the legal issue(s) that the Board is being asked to decide. If not clear, ask the parties or their counsel to confirm the issue(s) to be decided.
 - e. Understand who has the burden of persuasion, either the appellant or the superintendent.
 - f. Understand the standard of review, which the board must follow in reaching its decision.

2. Deliberation - Board members discuss the facts and issues, reach a decision, and decide on the rationale that supports the decision.
3. Dissent - if a Board member disagrees with the majority decision, he/she may express a written dissent setting forth the reasons why he/she would have decided differently.
4. Written Decision - the Board's written decision is delivered to the parties with notice as to the right of appeal to the Maryland State Board of Education.

Standard of Review

Generally, the Board of Education does not substitute its judgment for that of the Superintendent of Schools unless the superintendent's decision is deemed arbitrary, unreasonable, or illegal.

1. A decision may be arbitrary or unreasonable if it is one or more of the following:
 - a. It is contrary to sound educational policy; or
 - b. A reasoning mind could not have reasonably reached the conclusion the Superintendent reached.
2. A decision may be illegal if it is one or more of the following:
 - a. Unconstitutional;
 - b. Exceeds the statutory authority or jurisdiction of the Superintendent;
 - c. Misconstrues the law;
 - d. Results from an unlawful procedure;
 - e. Is an abuse of discretionary powers; or
 - f. Is affected by any other error of law.

Final Decision

Each order and decision of the Board shall be delivered in writing. After deliberating and voting on an appeal, the Board shall issue a signed, brief written order indicating the Board vote on the matter and advising that a written decision will be forthcoming. The Board's decision is final at the time of the order, unless a majority of the Board votes to revisit the decision. The Board may, at its discretion, direct the superintendent to advise parties orally of the Board's decision. The Board shall supplement its order as soon as possible with a written decision setting forth the Board's findings of fact, conclusions of law, and the specific disposition of the case. The Board's written decision shall advise the parties of the right to appeal the Board's decision to the Maryland State Board of Education if taken in writing within thirty (30) days of the date of the written decision. In an effort to promote consistent decision making throughout Carroll County Public Schools, subject to appropriate laws and regulations protecting the confidentiality of students, employees, and other persons, the Board encourages the Superintendent to make copies of Board decisions available for review by school system administrators.

Reference

1. *Maryland Annotated Code* Education Article
2. *Code of Maryland Regulations Title 13A*
3. Maryland Association of Boards of Education (MABE) Manual
4. *Maryland School Law Deskbook*
5. *Policy Book* by Carroll County Public Schools
6. *Open Meetings Act Manual* by the Office of the Maryland Attorney General
7. *The Key Works of School Boards Guidebook* by the National School Boards Association

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Standard of Review §4-205 – School System Policies or Procedures

Is the issue in question set forth in policy, regulation, or rule?

- Board Policy
- Administrative Regulations
- School Rule

If the answer to the above is “yes,” is the policy, regulation, or rule reasonable and was it made known to the appellant?

- Policy Manual
- CCPS Calendar
- School Handbook

Is there a preponderance of evidence?

- Is it more likely than not?
- Is there a 50.1 percent threshold?
- Is hearsay evidence credible and reliable?

Has the appellant been given due process?

- Was a conference held?
- Were they informed of the charge(s)?
- Were they provided an opportunity to respond?

Has the Superintendent or the Superintendent’s designee acted in an illegal, arbitrary, and/or unreasonable manner?

- Is it:
 - illegal?
 - contrary to sound educational policy?
 - excessive authority?
 - misconstrued law?
- How are similar offenses handled?
 - is it consistent with other offenses?

Board of Education
Rules of Procedure in Appeals and Hearings
§4-205 - Schools System Policies or Procedures

A. PURPOSE

To provide Rules of Procedure, adopted pursuant to the authority of Section 4-108(4) of the Education Article to the Annotated Code of Maryland (hereinafter “Code”), for all appeals to the Board of Education of Carroll County (hereinafter the “Board”) under Code Section 4-205, unless other procedures are specifically required by statute, State Board of Education bylaws, or contrary policies adopted by the Board.

Questions regarding these Rules of Procedure should be directed to the Superintendent’s Office at 410-386-1670.

B. PROCESS AND CONTENT

1. Applicability

- a) These Rules govern appeals and hearings within the Board’s executive and/or quasi-judicial function. They are not applicable to proceedings involving the Board’s exercise of its legislative or policy-making functions.
- b) Proceedings covered by these Rules arise under Code Section 4-205, on appeals from decisions of the Superintendent or the Superintendent’s designee on controversies and disputes involving the rules and regulations of the Board, the true intent and meaning of Maryland’s public school laws and of the State Board of Education’s bylaws, and the proper administration of the county public school system.

2. Definitions

- a) Filed or filing as used in these Rules means the actual receipt of a notice of appeal, memorandum, or other paper by the Board’s central office no later than 3:45 p.m. on the last day for filing in accordance with these Rules.
- b) Written notice as it applies to an action by the Superintendent or the Board shall be effective upon the sooner of the date said notice is postmarked and deposited in the United States mail for first-class delivery postage pre-paid to the party’s last known address.
- c) Party or parties include each person, group, or entity named or admitted as a party, including a student, a parent, parent surrogate, or guardian of a student, and shall include the Superintendent. The presiding officer may permit any other person, group, or entity to participate for limited purposes upon satisfactory demonstration of the nature and extent of its interest.

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- d) Presiding Officer means the Board’s President; or in the President’s absence, the Vice President; or in the absence of both, a member designated by the President; or in the absence of such designation, by the Board. In the event that the Board refers the appeal to a hearing examiner pursuant to Code Section 6-203, the designated hearing examiner shall be the Presiding Officer for the evidentiary hearing.
- e) Board means the Board of Education of Carroll County.
- f) State Board means the Maryland State Board of Education.
- g) Days mean calendar days unless otherwise indicated. In computing any period of time prescribed by these Rules or by any applicable statute, the day of the act or event after which the designated period of time begins to run is not included. Saturdays, Sundays, and legal holidays shall be counted. In calculating the number of days required to perform an act under these Rules (e.g., filing a notice of appeal), if the last day falls on a Saturday, Sunday, legal holiday, or other day when the Board’s central office is closed, then the last day for performance of the act under these Rules shall be extended to the next regular business day when the Board’s central office is open.
- h) Code refers to the Education Article of the Annotated Code of Maryland as supplemented.
- i) Quorum consists of three (3) members of the Board of Education.

3. Initiation of Appeals

- a) All appeals to the Board under Code Section 4-205(c)(3) shall be from a **final action or decision of the Superintendent or the Superintendent’s** designated representative that adversely affects the person or persons who seek the appeal. The Superintendent or the Superintendent’s designated representative shall indicate in writing when a decision is “final” and shall also advise the parties in writing of their right to file an appeal to the Board within thirty (30) days of the date of the final decision.
- b) Each appeal to the Board under Code Section 4-205 shall be initiated by filing a written notice of appeal with the Board within thirty (30) days after written notice of the final action or decision of the Superintendent or his designee. **Facsimile and email requests for an appeal are not acceptable.**

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- c) (1) Upon receipt of a notice of appeal for a matter falling under Code Section 4-205, the Board shall assign a docket number and send the appellant(s) a copy of the Board's Appeal Information Form. Within ten (10) days after the Appeal Information Form has been sent to the appellant(s), the appellant(s) shall file the completed Appeal Information Form with the Board and shall also send a copy to the Superintendent. Failure to file the Appeal Information Form in a timely manner may result in the Board dismissing the appeal for lack of timeliness.
- (2) Within ten (10) days after the appellant(s) files the Appeal Information Form required by subsection (c)(1) of these Rules, the Superintendent may submit to the Board additional information or documentation in support of the decision which is the subject of the appeal. Copies of any information submitted by the Superintendent to the Board shall also be furnished to the appellant(s). Within five(5) business days after the Superintendent's submission is sent, the appellant(s) may submit additional documentation in support of the appeal and in response to that submitted by the Superintendent and shall provide a copy to the Superintendent.
- (3) Appellants are reminded that the Board is considering an appeal from a decision by the Superintendent or the Superintendent's designated representative. Accordingly, information or arguments that were not submitted to the Superintendent for prior consideration will not be considered by the Board unless the appellant demonstrates that the new information is based upon exigent circumstances that did not exist at the time that the matter was considered by the Superintendent or the Superintendent's designated representative. Moreover, because the above stated timelines in subparagraphs (1) and (2) are designed to facilitate the prompt and fair review of appeals, the Board will not consider any information submitted by an appellant subsequent to the time provided in these timelines unless the appellant makes a compelling showing that the newly filed information is based upon exigent circumstances that did not exist earlier in the appeal process. In such cases where the Board accepts new information, the Board may, in its discretion, remand the matter to the Superintendent for consideration of the new information.

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- d) If a notice of appeal under Code Section 4-205 is not filed within the time period set forth in subparagraph B(3)(b) of these Rules, the appeal may be dismissed. If the appellant(s) on an appeal filed under Code Section 4-205 fails to file an Appeal Information Form within the time period set forth in subparagraph B(3)(d)(1) of these Rules, the Board may dismiss the appeal for lack of timeliness.
- e) The Board reserves the right, at any time in its discretion, to conduct an evidentiary hearing, to refer the appeal to a hearing examiner for the purpose of conducting an evidentiary hearing and preparing a recommended decision under Code Section 6-203, or to hear oral argument even if an evidentiary hearing or oral argument is not requested by the parties. The Board also reserves the right to request that the parties submit additional documentation or information.
- f) On appeals that are subject to Code Section 4-205, the Board may consider the appeal based solely upon the documents and arguments submitted by the parties in writing, without the holding of an evidentiary hearing or oral argument, unless:
 - (1) the appeal involves a constitutionally protected liberty or property interest,
 - (2) the appellant's written submission to the Board sets forth specific factual allegations of unlawful discrimination or arbitrariness, or
 - (3) in such other cases where the Board, in its discretion, determines that an evidentiary hearing or oral argument is appropriate.

4. Hearings

a) Applicability

The provisions herein apply to both evidentiary hearings and oral arguments before the Board unless otherwise indicated.

b) Notice

- (1) Written notice of hearings shall be given by the Board, or its designee, to all interested parties not less than five (5) days prior to the hearing.

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- (2) Such notice shall also state the date, time, and place of the hearing. Any disagreement concerning the charges, issues, or facts shall be resolved as part of the disposition of the appeal.

c) Public and Private Hearings

Hearings pursuant to Code Section 4-205 will not be public unless both the party seeking the hearing and the Superintendent agree in advance and in writing or on the record that the hearing be public, and the Board consents to a public hearing.

d) Potential Evidence

The Board strongly encourages the appellant and the Superintendent to stipulate to the admissibility of all documents. The Board's attorney may conduct a pre-hearing conference for the purpose of attempting to resolve any evidentiary disputes.

e) Hearings Before a Hearing Examiner

- (1) Pursuant to Code Section 6-203, the Board may, if it chooses to do so, refer the appeal to a hearing examiner for the purpose of conducting an evidentiary hearing. At all times, however, the Board retains the right to conduct an evidentiary hearing on its own, without a hearing examiner. In those appeals where a hearing examiner is utilized, the hearing examiner shall serve as the presiding officer over that hearing and shall, subject to Board review, rule on all evidentiary issues, objections, and other issues that are raised during the hearing. The hearing will be stenographically transcribed. Within thirty (30) days after the production of the transcript and the filing of any post-hearing memoranda, the hearing examiner shall submit to the Board, the appellant, and to the Superintendent a) a transcript of the proceedings and exhibits, unless they have already been produced, and b) the hearing examiner's findings of fact, conclusions of law, and recommendation.

- (2) After the Board receives the record, the transcript, and the recommendations of the hearing examiner, the appellant and the Superintendent may make a brief oral argument before the Board. The oral argument will not include the presentation of evidence. The Board will decide how much time it will allow for the presentation of argument.

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- (3) After reviewing the record, the transcript, the recommendations, and the arguments of the parties, the Board shall render a decision.

f) Representation

All parties appearing at hearings under these Rules shall have the right to appear in person or through counsel or a representative of their choice. All parties shall have the right to be accompanied by, represented, and advised by counsel or a designated representative. Appellants under Code Section 4-205 shall advise the Board if an attorney or other representative represents them promptly after filing the notice of appeal or request for a hearing. Failure to give prompt notice of representation may result in a postponement of a scheduled hearing.

g) Records and Transcripts

- (1) The presiding officer shall prepare or cause to be prepared an official record, which shall include all pleadings, testimony, exhibits, and other memoranda or material files in the proceedings.
- (2) Accurate records of all hearings, disputes, or controversies shall be kept by the Superintendent in order that, if an appeal is taken, the records shall be submitted.
- (3) A stenographic record of that part of the proceedings which involves the presentation of evidence shall be made at the expense of the Board. The record need not be transcribed, however, unless the appeal is initially heard by a hearing examiner pursuant to Code Section 6-203 or is requested by a party to the controversy, the Superintendent, the Board, the State Superintendent, or the State Board, as the case may be. The cost of any typewritten transcript of any proceedings, or a part of any proceedings, shall be paid by the party requesting it. In those appeals where a transcript is prepared pursuant to Code Section 6-203, the Board will pay the cost of the transcript.

h) Duties and Authority of Presiding Officer

The presiding officer shall have charge of the hearing, with authority to permit the examination of witnesses, admit evidence, rule on the admissibility of evidence and adjourn or recess the hearing from time to time. The presiding officer shall cause an oath to be administered to all

witnesses testifying in a proceeding. The Superintendent may administer oaths to witnesses unless he is a party to the proceeding.

i) Quorum

Each hearing before the Board shall be held before not less than a quorum of the Board.

j) Order of Proceedings

The order in which the parties shall present their case shall be as follows:

- (1) At the outset of the hearing, the parties will be asked to make a brief opening statement in which they clearly identify the decision from which an appeal is taken and the issues that they wish the Board to decide. The Superintendent and the appellant shall advise the Board if there are any stipulations of fact and stipulations as to the admission of any documents. Such stipulations are strongly encouraged by the Board.
- (2) The Superintendent or the Superintendent's designee shall proceed first in the presentation of evidence; however, **the appellant shall carry the burden of persuasion.**

k) Examination of Witnesses and Introduction of Evidence

- (1) The strict judicial rules of evidence shall not be applicable to evidentiary hearings conducted hereunder, and, in each case, the test of admissibility shall be whether the evidence is reasonably relevant to a material issue and whether it has substantial probative value with respect to such a material issue. The presiding officer may limit or refuse to admit cumulative or repetitive evidence and may curtail redundant questioning. The presiding officer shall encourage (but not demand) the parties, where possible, to make stipulations as to matters not reasonably in dispute and to make proffers to stipulations in place of cumulative evidence. All testimony shall be given under oath.
- (2) In evidentiary hearings provided for in these Rules, a party, individually or by or through counsel or other representative, may submit evidence, examine and cross-examine witnesses, make objection, and file exceptions and motions.

Rules of Procedure in Appeals and Hearings §4-205 School System Policies or Procedures

- (3) The Superintendent may appear in person or through counsel or a designated representative, and shall be accorded the same rights as a party to submit evidence, examine and cross-examine witnesses, make objections, and file exceptions and motions.
- (4) The presiding officer may examine all witnesses. The presiding officer may call as a witness any person whose testimony may be relevant and material. In hearings before the Board, any Board member may examine any witness.

1) Written Memoranda

The appellant and the Superintendent may submit written memoranda on the issues of fact and law involved in the hearing in such form as the presiding officer may designate. Such memoranda may be submitted at any time prior to the hearing of a matter. With the approval of the presiding officer and on such schedule as the presiding officer may designate, written memoranda may be submitted after a hearing.

m) Counsel for the Board

In evidentiary hearings and oral arguments conducted by the Board, the presiding officer of the Board may request an attorney to participate in any hearings as counsel for the Board.

5. Decisions and Order

Each decision and order of the board shall be delivered in writing. After deliberating on an appeal, the Board shall issue a brief written Order indicating the Board's decision and advising that a written decision will be forthcoming. The Board may, at its discretion, advise parties orally of the Board's decision. The Board shall supplement its Order as soon as possible with a written decision setting forth the Board's findings of fact, conclusions of law, and the specific disposition of the case. The Board's written decision shall advise the parties of the right to appeal the Board's decision to the Maryland State Board of Education if taken in writing within thirty (30) days of the date of the written decision. In an effort to promote consistent decision making throughout Carroll County Public Schools, and subject to any laws or regulations protecting the confidentiality of students, employees, and other persons, the Board shall encourage the Superintendent to make copies of Board decisions available for review by school system administrators.

6. Ex-Parte Communications

While a matter is under consideration by the Board, no member shall receive communications from or communicate orally with any party outside the presence of all other parties or in writing without supplying copies to all other parties and providing an opportunity for response. No information concerning a pending matter may be released by the Board, a Board member, or a member of the Carroll County Public Schools' administration unless it is a matter of public record or unless it is released to a party and copies supplied simultaneously to all other parties.

7. Effect on Other Procedural Regulations

These Rules of Procedure supersede all other procedures, which may have been adopted by the Board governing hearings by the Board in contested matters appealed to the Board.

8. Extensions and Shortening of Time

For good cause, the Board, upon its own motion or at the request of either party, may shorten or extend the time provided under these Rules for filing any document or providing any notice except in those instances where the time is specified by state law.

Approved Revision: January 2011

APPEAL INFORMATION FORM – School System Policies or Procedures

[For Appeals taken pursuant to Md. Code Ann. Educ §4-205]

6. If you believe that an evidentiary hearing (i.e., the testimony of witnesses under oath and introduction of exhibits) is necessary, explain why an evidentiary hearing would aid the Board of Education of Carroll County to decide this appeal and, in so doing, estimate the approximate number of the witnesses and documents that you expect to present and an estimation of the time needed to present your case. Your attention is directed to section B(4)(d), potential evidence, of the *Rules of Procedure in Appeals and Hearings §4—205*. (Please note that the Board of Education of Carroll County does not have the power to subpoena witnesses or require the attendance of employees or students.)
7. Will you be represented by counsel in this appeal? ()Yes ()No. If yes, provide each attorney’s name, address, and telephone number. (Please note that failure to give prompt notice of representation may result in the postponement of a scheduled hearing.)

If this is a joint statement by multiple appellants, each appellant must sign. Attach additional pages if necessary.

Appellant: _____ Date: _____

Appellant: _____ Date: _____

The Board of Education of Carroll County does not discriminate on the basis of disability in employment or provision of services, programs, or activities. Information concerning the Americans With Disabilities Act is available from the Director of Facilities at 410-751-3177. Persons needing auxiliary aids and services for communication should contact the Office of Community and Media Relations at 410-751-3020, TDD No. 410-751-3034, or write to Carroll County Public Schools, 125 North Court Street, Westminster, Maryland 21157 at least one (1) week in advance of the date the special accommodation is needed.

Approved Revisions: January 2011

Date

Cover Letter
§4-205

Name

Street

City/State/Zip

Dear

I have received your appeal to the Board of Education.

Attached you will find the *Rules of Procedure in Appeals and Hearings* under Code Section 4-205 of the Education Article to the Annotated Code of Maryland. An *Appeal Information Form* is also attached.

Please fill out the *Appeal Information Form* and return it to me within ten (10) days of the date of this letter. Include any other documents that you think are pertinent to your appeal. Copies of all submissions should also be sent to the Superintendent. The Superintendent will then have the opportunity to file a written response, following which you will have the opportunity to file any additional documentation in support of your appeal. After the Board of Education has received the written submissions of the parties, it will either:

1. Make a decision on the appeal based on your written submissions and advise you in writing of the decision;
2. Contact you to present oral arguments before the Board; or
3. Contact you to appear before the Board at a full evidentiary hearing.

The Board's standard of review of appeals is as follows: generally, the Board does not substitute its judgment for that of the Superintendent or the Superintendent's designee unless the decision is arbitrary, unreasonable, or illegal.

1. A decision may be arbitrary or unreasonable if it is one or more of the following:
 - a. It is contrary to sound educational policy; or
 - b. A reasoning mind could not have reasonably reached the conclusion the Superintendent reached.
2. A decision may be illegal if it is one or more of the following:
 - a. Unconstitutional;
 - b. Exceeds the statutory authority or jurisdiction of the Superintendent;
 - c. Misconstrues the law;
 - d. Results from an unlawful procedure;
 - e. Is an abuse of discretionary powers; or
 - f. Is affected by any other error of law.

Page 2
Name
Date

The Board of Education of Carroll County reserves the right to decide an appeal under Section 4-205 on the record without oral arguments or an evidentiary hearing as per the attached *Rules of Procedure*.

Please be aware that in order for the appeals process to function in a fair manner with the views of all sides receiving appropriate consideration, it may take six weeks or more before a decision is rendered.

If you have any questions regarding this matter, please contact Teresa Richards at 410-386-1670.

Sincerely,

[], President
Board of Education of Carroll County

[]/tar

cc: Board Members
Superintendent

Standard of Review §6-202 Teacher Discipline (Suspension or Dismissal)

The Superintendent bears the burden of proving to the Board, by a preponderance of the evidence,

- (1) that the professional employee recommended for termination or suspension without pay has committed:
 - (i) immorality,
 - (ii) misconduct in office,
 - (iii) insubordination,
 - (iv) incompetency, or
 - (v) willful neglect of duty, and
- (2) that the proposed termination or suspension without pay is appropriate.

The Board may exercise its independent judgment in deciding to uphold, reject, or modify a recommendation for a professional employee's suspension without pay or termination.

Board of Education
Rules of Procedure for Hearings
§6-202 Teacher Discipline (Suspension or Dismissal)

A. PURPOSE

To provide Rules of Procedure, adopted pursuant to the authority of Section 4-108(4) of the Education Article to the Annotated Code of Maryland (hereinafter “Code”), for all requests for hearings before the Board of Education of Carroll County (hereinafter the “Board”) under Code Section 6-202, unless other procedures are specifically required by statute, State Board of Education bylaws, or contrary policies adopted by the Board.

Questions regarding these Rules of Procedure should be directed to the Superintendent’s Office at 410-386-1670.

B. PROCESS AND CONTENT

1. Applicability

- a) These rules govern hearings within the Board’s quasi-judicial function. They are not applicable to proceedings involving the Board’s exercise of its legislative or policy-making functions.
- b) Proceedings covered by these rules arise under Code Section 6-202 on the request of a professional or certificated employee following the Superintendent’s recommendation to suspend or dismiss that employee [Code Section 6-201(b)(2)(iv)].

2. Definitions

- a) Filed or filing as used in these Rules means the actual receipt of a notice of appeal, memorandum, or other paper by the Board’s central office no later than 3:45 p.m. on the last day for filing in accordance with these Rules.
- b) Written notice as it applies to an action by the Superintendent or the Board shall be effective upon the sooner of the date said notice is postmarked and deposited in the United States mail for first-class delivery postage pre-paid to the party’s last known address.
- c) Party or parties include each person, group, or entity named or admitted as a party, including a student, a parent, parent surrogate, or guardian of a student, and shall include the Superintendent. The presiding officer may permit any other person, group, or entity to participate for limited purposes upon satisfactory demonstration of the nature and extent of its interest.
- d) Presiding Officer means the Board’s President; or in the President’s absence, the Vice President; or in the absence of both, a member designated by the President; or in the absence of such designation, by the Board. In the event

Rules of Procedure for Hearings §6-202 Teacher Discipline (Suspension or Dismissal)

that the Board refers the appeal to a hearing examiner pursuant to Code Section 6-203, the designated hearing examiner shall be the Presiding Officer for the evidentiary hearing.

- e) Board means the Board of Education of Carroll County.
- f) State Board means the Maryland State Board of Education.
- g) Days mean calendar days unless otherwise indicated. In computing any period of time prescribed by these rules or by any applicable statute, the day of the act or event after which the designated period of time begins to run is not included. Saturdays, Sundays, and legal holidays shall be counted. In calculating the number of days required to perform an act under these rules (e.g., filing a notice of appeal), if the last day falls on a Saturday, Sunday, legal holiday, or other day when the Board's central office is closed, then the last day for performance of the act under these rules shall be extended to the next regular business day when the Board's central office is open.
- h) Code refers to the Education Article of the Annotated Code of Maryland as supplemented.
- i) Quorum consists of three (3) members of the Board of Education.

3. Initiation of Requests

- a) All requests to the Board for a hearing under Code Section 6-202 shall be **from a recommendation** of the Superintendent to the Board for suspension or dismissal of a teacher, principal, supervisor, assistant superintendent, or other professional employee.
 - (1) Each request for a Board hearing under Code Section 6-202 shall be initiated by filing a written request for a hearing with the Board within ten (10) days after the Board has sent the professional employee a copy of the charges against him/her as a result of the Superintendent's recommendation for suspension or dismissal along with notice of the right to request a Board hearing. **Facsimile and email requests for a hearing are not acceptable.**
 - (2) If a hearing is requested, it shall be convened promptly but may not be set within the ten (10) day period after the Board has sent its written notice of the charges.

Rules of Procedure for Hearings §6-202 Teacher Discipline (Suspension or Dismissal)

- b) If a request for a hearing under Code Section 6-202 is not filed within the time period set forth in subparagraph B(3)(a)(1) of these rules, the Board may act upon the Superintendent's recommendation without a hearing.
- c) The Board reserves the right, at any time in its discretion, to refer the matter to a hearing examiner for the purpose of conducting an evidentiary hearing and preparing a recommended decision under Code Section 6-203, and to hear oral argument. The Board also reserves the right to request that the parties submit additional documentation or information.

4. Hearings

- a) Applicability

The provisions herein apply to both evidentiary hearings and oral arguments before the Board unless otherwise indicated.

- b) Notice

(1) Written notice of hearings shall be given by the Board, or its designee, to all interested parties not less than five (5) days prior to the hearing.

(2) Such notice shall also state the date, time, and place of the hearing. Any disagreement concerning the charges, issues, or facts shall be resolved as part of the disposition of the appeal.

- c) Public and Private Hearings

Hearings pursuant to Code Section 6-202 will not be public unless both the party seeking the hearing and the Superintendent agree in advance and in writing or on the record that the hearing be public, and the Board consents to a public hearing.

- d) Potential Evidence

The board strongly encourages the appellant and the Superintendent to stipulate to the admissibility of all documents. The Board's attorney will

Rules of Procedure for Hearings §6-202 Teacher Discipline (Suspension or Dismissal)

conduct a pre-hearing conference for the purpose of attempting to resolve any evidentiary disputes.

e) Hearings Before a Hearing Examiner

- (1) Pursuant to Code Section 6-203, the Board may, if it chooses to do so, refer the appeal to a hearing examiner for the purpose of conducting an evidentiary hearing. At all times, however, the Board retains the right to conduct an evidentiary hearing on its own, without a hearing examiner. In those appeals where a hearing examiner is utilized, the hearing examiner shall serve as the presiding officer over that hearing and shall, subject to Board review, rule on all evidentiary issues, objections, and other issues that are raised during the hearing. The hearing will be stenographically transcribed. Within thirty (30) days after the production of the transcript and the filing of any post-hearing memoranda, the hearing examiner shall submit to the Board, the appellant, and to the Superintendent a) a transcript of the proceedings and exhibits, unless they have already been produced, and b) the hearing examiner's findings of fact, conclusions of law, and recommendation.
- (2) After the Board receives the record, the transcript, and the recommendations of the hearing examiner, the appellant and the Superintendent may make a brief oral argument before the Board. The oral argument will not include the presentation of evidence. The Board will decide how much time it will allow for the presentation of argument.
- (3) After reviewing the record, the transcript, the recommendations, and the arguments of the parties, the Board shall render a decision.

f) Representation

All parties appearing at hearings under these rules shall have the right to appear in person or through counsel or a representative of their choice. All parties shall have the right to be accompanied by, represented, and advised by counsel or a designated representative. Persons requesting a hearing under Code Section 6-202 shall advise the Board if they are represented by an attorney or other representative promptly after filing the notice of appeal or request for a hearing. Failure to give prompt notice of representation may result in a postponement of a scheduled hearing.

Rules of Procedure for Hearings §6-202 Teacher Discipline (Suspension or Dismissal)

g) Records and Transcripts

- (1) The presiding officer shall prepare or cause to be prepared an official record, which shall include all pleadings, testimony, exhibits, and other memoranda or material files in the proceedings.
- (2) Accurate records of all hearings, disputes, or controversies shall be kept by the Superintendent in order that, if an appeal is taken, the records shall be submitted.
- (3) Unless waived by all the parties, a stenographic record of that part of the proceedings which involves the presentation of evidence shall be made at the expense of the Board. The record need not be transcribed, however, unless requested by a party to the controversy, the Superintendent, the Board, the State Superintendent, or the State Board, as the case may be. The cost of any typewritten transcript of any proceedings, or a part of any proceedings, shall be paid by the party requesting it. In those appeals where a transcript is prepared pursuant to Code Section 6-203, the Board will pay the cost of the transcript.

h) Duties and Authority of Presiding Officer

The presiding officer shall have charge of the hearing, with authority to permit the examination of witnesses, admit evidence, rule on the admissibility of evidence and adjourn or recess the hearing from time to time. The presiding officer shall cause an oath to be administered to all witnesses testifying in a proceeding. The Superintendent may administer oaths to witnesses unless he is a party to the proceeding.

i) Quorum

Each hearing before the Board shall be held before not less than a quorum of the Board.

j) Order of Proceedings

The order in which the parties shall present their case shall be as follows:

- (1) At the outset of the hearing, the parties will be asked to make a brief opening statement in which they clearly identify the recommendation from which a hearing is sought and the issues that they wish the Board to decide. The parties shall advise the Board if there are any stipulations of fact and stipulations as to the admission

Rules of Procedure for Hearings §6-202 Teacher Discipline (Suspension or Dismissal)

of any documents. Such stipulations are strongly encouraged by the Board.

- (2) The Superintendent shall proceed first in the presentation of evidence and shall carry the burden of persuasion.

k) Examination of Witnesses and Introduction of Evidence

- (1) The strict judicial rules of evidence shall not be applicable to evidentiary hearings conducted hereunder, and, in each case, the test of admissibility shall be whether the evidence is reasonably relevant to a material issue and whether it has substantial probative value with respect to such a material issue. The presiding officer may limit or refuse to admit cumulative or repetitive evidence and may curtail redundant questioning. The presiding officer shall encourage (but not demand) the parties, where possible, to make stipulations as to matters not reasonably in dispute and to make proffers to stipulations in place of cumulative evidence. All testimony shall be given under oath.
- (2) In evidentiary hearings provided for in these rules, a party, individually or by or through counsel or other representative, may submit evidence, examine and cross-examine witnesses, make objections, and file exceptions and motions.
- (3) The Superintendent may appear in person or through counsel or a designated representative, and shall be accorded the same rights as a party to submit evidence, examine and cross-examine witnesses, make objections, and file exceptions and motions.
- (4) The presiding officer may examine all witnesses. The presiding officer may call as a witness any person whose testimony may be relevant and material. In hearings before the Board, any Board member may examine any witness.

l) Written Memoranda

Each party and the Superintendent may submit written memoranda on the issues of fact and law involved in the hearing in such form as the presiding officer may designate. Such memoranda may be submitted at any time prior to the hearing of a matter. With the approval of the presiding officer and on such schedule as the presiding officer may designate, written memoranda may be submitted after a hearing.

Rules of Procedure for Hearings §6-202 Teacher Discipline (Suspension or Dismissal)

m) Counsel for the Board

The presiding officer of the Board may request an attorney to participate in any hearings as counsel for the Board.

5. Decisions and Order

Each decision and order of the Board shall be delivered in writing. After deliberating, the Board shall issue a brief written order indicating the Board's decision and advising that a written decision will be forthcoming. The Board may, at its discretion, advise parties orally of the Board's decision. The Board shall supplement its order as soon as possible with a written decision setting forth the Board's findings of fact, conclusions of law, and the specific disposition of the case. The Board's written decision shall advise the parties of the right to appeal the Board's decision to the Maryland State Board of Education if taken in writing within thirty (30) days of the date of the written decision. In an effort to promote consistent decision making throughout Carroll County Public Schools, and subject to any laws or regulations protecting the confidentiality of students, employees, and other persons, the Board shall encourage the superintendent to make copies of Board decisions available for review by school system administrators.

6. Ex-Parte Communications

While a matter is under consideration by the Board, no member shall receive communications from or communicate orally with any party outside the presence of all other parties or in writing without supplying copies to all other parties and providing an opportunity for response. No information concerning a pending matter may be released by the Board, a Board member, or a member of the Carroll County Public Schools' administration unless it is a matter of public record or unless it is released to a party and copies supplied simultaneously to all other parties.

7. Effect on Other Procedural Regulations

These rules of procedure supersede all other procedures which may have been adopted by the Board governing hearings by the Board in contested matters appealed to the Board.

8. Extension and Shortening of Time

For good cause, the Board, upon its own motion or at the request of either party, may at any time shorten or extend the time provided under these rules for filing any document or providing any notice except in those instances where the time is specified by state law.

Approved Revision: January 2011

HEARING INFORMATION FORM – Teacher Discipline (Suspension or Dismissal)

[For Hearings pursuant to Md. Code Ann. Educ §6-202]

6. Please estimate the approximate number of witnesses and documents that you expect to present into evidence and an estimation of the time needed to present your case. Your attention is directed to section B(4)(d), potential evidence, of the *Rules of Hearings — §6-202*. (Please note that the Board of Education of Carroll County does not have the power to subpoena witnesses or require the attendance of employees or students.):

7. Will you be represented by counsel in this hearing? ()Yes ()No If yes, provide each attorney’s name, address, and telephone number. (Please note that failure to give prompt notice of representation may result in the postponement of a scheduled hearing.)

If this is a joint statement by multiple parties, each party must sign. Attach additional pages if necessary.

Party: _____

Date: _____

Party: _____

Date: _____

Party: _____

Date: _____

The Board of Education of Carroll County does not discriminate on the basis of disability in employment or provision of services, programs, or activities. Information concerning the Americans With Disabilities Act is available from the Director of Facilities at 410-751-3177. Persons needing auxiliary aids and services for communication should contact the Office of Community and Media Relations at 410-751-3020, TDD No. 410-751-3034, or write to Carroll County Public Schools, 125 North Court Street, Westminster, Maryland 21157 at least one (1) week in advance of the date the special accommodation is needed.

Approved Revision: January 2011

Date

Name
Street
City/State/Zip

Dear

I have received your request for a hearing before the Board of Education.

Attached you will find the *Rules of Procedure for Hearings* under Code Section 6-202 of the Education Article to the Annotated Code of Maryland. A *Hearing Information Form* is also attached.

Please fill out the *Hearing Information Form* and return it to me within ten (10) days of the date of this letter. Include any other documents that you think are pertinent to your appeal. Copies of all submissions should also be sent to the Superintendent.

If you have any questions regarding this matter, please contact Teresa Richards at 410-386-1670.

Sincerely,
[], President
Board of Education of Carroll County

[]/tar
cc: Board Members
Superintendent

Standard of Review §7-305 Appeal of Student Suspensions longer than 10 days or Expulsion

Note: Rehabilitative efforts have little or no bearing on the Board's role as an appellant body.

Is the issue in question set forth in policy, regulation, or rule?

- Board Policy
- Administrative Regulations
- School Rule

Is the policy, regulation, or rule reasonable and was it made known to the student?

- CCPS Calendar
- School Handbook

Is there a preponderance of evidence?

- Is it more likely than not?
- Is there a 50.1 percent threshold?
- Is hearsay evidence credible and reliable?

Has the student been given due process?

- Was a conference held?
- Were they informed of the charge(s)?
- Were they provided an opportunity to respond?

Has the Superintendent or the Superintendent's designee acted in an illegal, arbitrary, and/or unreasonable manner?

- Is it:
 - illegal?
 - contrary to sound educational policy?
 - excessive authority?
 - misconstrued law?
- How are similar offenses handled?
 - consistent with similar offenses?

Board of Education
Rules of Procedure in Appeals and Hearings
§7-305 Student Suspension longer than 10 days or Expulsion

A. PURPOSE

To provide Rules of Procedure, adopted pursuant to the authority of Section 4-108(4) of the Education Article to the Annotated Code of Maryland (hereinafter “Code”), for all appeals to the Board of Education of Carroll County (hereinafter the “Board”) under Code Section 7-305, unless other procedures are specifically required by statute, State Board of Education bylaws, or contrary policies adopted by the Board.

Questions regarding these Rules of Procedure should be directed to the Superintendent’s Office at 410-386-1670.

B. PROCESS AND CONTENT

1. Applicability

- a) These Rules govern appeals and hearings within the Board’s executive and/or quasi-judicial function. They are not applicable to proceedings involving the Board’s exercise of its legislative or policy-making functions.
- b) Proceedings covered by these Rules arise under Code Section 7-305, on appeals from a determination by the Superintendent or the Superintendent’s designee that suspension of a student for more than ten (10) days or expulsion of a student is warranted.

2. Definitions

- a) Filed or filing as used in these Rules means the actual receipt of a notice of appeal, memorandum, or other paper by the Board’s central office no later than 3:45 p.m. on the last day for filing in accordance with these Rules.
- b) Written notice as it applies to an action by the Superintendent or the Board shall be effective upon the sooner of the date said notice is postmarked and deposited in the United States mail for first-class delivery postage pre-paid to the party’s last known address.
- c) Party or parties include each person, group, or entity named or admitted as a party, including a student, a parent, parent surrogate, or guardian of a student, and shall include the Superintendent. The presiding officer may permit any other person, group, or entity to participate for limited purposes upon satisfactory demonstration of the nature and extent of its interest.
- d) Presiding Officer means the Board’s President; or in the President’s

Rules of Procedure in Appeals and Hearings §7-305 Student Suspension for longer than 10 days or Expulsion

absence, the Vice President; or in the absence of both, a member designated by the President; or in the absence of such designation, by the Board. In the event that the Board refers the appeal to a hearing examiner pursuant to Code Section 6-203, the designated hearing examiner shall be the Presiding Officer for the evidentiary hearing.

- e) Board means the Board of Education of Carroll County.
- f) State Board means the Maryland State Board of Education.
- g) Days mean calendar days unless otherwise indicated. In computing any period of time prescribed by these Rules or by any applicable statute, the day of the act or event after which the designated period of time begins to run is not included. Saturdays, Sundays, and legal holidays shall be counted. In calculating the number of days required to perform an act under these Rules (e.g., filing a notice of appeal), if the last day falls on a Saturday, Sunday, legal holiday, or other day when the Board's central office is closed, then the last day for performance of the act under these Rules shall be extended to the next regular business day when the Board's central office is open.
- h) Code refers to the Education Article of the Annotated Code of Maryland as supplemented.
- i) Quorum consists of three (3) members of the Board of Education.

3. Initiation of Appeals

- a) All appeals to the Board under Code Section 7-305 shall be from a **determination** by the Superintendent or the Superintendent's designated representative that adversely affects the person or persons who seek the appeal. The Superintendent or the Superintendent's designated representative shall indicate in writing when a determination is final and shall also advise the parties in writing of their right to file an appeal to the Board within ten (10) days of the date of the final determination.
- b) Each appeal to the Board under Code Section 7-305 shall be initiated by filing a written notice of appeal with the Board within ten (10) days after the Superintendent or the Superintendent's designee has sent a written determination on the suspension or expulsion decision to the student and the student's parent or guardian. Such written determination shall advise the student and the parent or guardian of the right to appeal to the Board. **Facsimile and email requests for an appeal are not acceptable.**

**Rules of Procedure in Appeals and Hearings §7-305 Student Suspension for longer than
10 days or Expulsion**

- c) (1) Upon receipt of a notice of appeal for a matter falling under Code Section 7-305, the Board shall assign a docket number and send the appellant(s) a copy of the Board's Appeal Information Form. Within ten (10) days after the Appeal Information Form has been sent to the appellant(s), the appellant(s) shall file the completed Appeal Information Form with the Board and shall also send a copy to the Superintendent. Failure to file the Appeal Information Form in a timely manner may result in the Board dismissing the appeal for lack of timeliness.
- (2) Within ten (10) days after the appellant(s) files the Appeal Information Form required by subsection (d)(1) of these Rules, the Superintendent may submit to the Board additional information or documentation in support of the decision, which is the subject of the appeal. Copies of any information submitted by the Superintendent to the Board shall also be furnished to the appellant(s). Within five (5) business days after the Superintendent's submission is sent, the appellant(s) may submit additional documentation in support of the appeal and in response to that submitted by the Superintendent and shall provide a copy to the Superintendent.
- (3) Appellants are reminded that the Board is considering an appeal from a determination by the Superintendent or the Superintendent's designated representative. Accordingly, information or arguments that were not submitted to the Superintendent for prior consideration will not be considered by the Board unless the appellant demonstrates that the new information is based upon exigent circumstances that did not exist at the time that the matter was considered by the Superintendent or the Superintendent's designated representative. Moreover, because the above stated timelines in subparagraphs (1) and (2) are designed to facilitate the prompt and fair review of appeals, the Board will not consider any information submitted by an appellant subsequent to the time provided in these timelines unless the appellant makes a compelling showing that the newly filed information is based upon exigent circumstances that did not exist earlier in the appeal process. In such cases where the Board accepts new information, the Board may, in its discretion, remand the matter to the Superintendent for consideration of the new information.

**Rules of Procedure in Appeals and Hearings §7-305 Student Suspension for longer than
10 days or Expulsion**

- d) If a notice of appeal under Code Section 7-305 is not filed within the time period set forth in subparagraph B(3)(b) of these Rules, the appeal may be dismissed. If the appellant(s) on an appeal filed under Code Section 7-305 fails to file an Appeal Information Form within the time period set forth in subparagraph B(3)(d)(1) of these Rules, the Board may dismiss the appeal for lack of timeliness.
- e) The Board reserves the right to refer the appeal to a hearing examiner for the purpose of conducting an evidentiary hearing and preparing a recommended decision under Education Article 6-203 and to hear oral argument. The Board also has the right to request that the parties submit additional documentation or information.

4. Hearings

a) Applicability

The provisions herein apply to both evidentiary hearings and oral arguments before the Board unless otherwise indicated.

b) Notice

- (1) Written notice of hearings shall be given by the Board, or its designee, to all interested parties not less than five (5) days prior to the hearing.
- (2) Such notice shall also state the date, time, and place of the hearing. Any disagreement concerning the charges, issues, or facts shall be resolved as part of the disposition of the appeal.

c) Public and Private Hearings

- (1) Pursuant to Code Section 7-305, unless a public hearing is requested by the parent or guardian of the student, a hearing shall be held out of the presence of all individuals except those whose presence is considered necessary or desirable by the Board.
- (2) The request for a public hearing shall be made in writing.

**Rules of Procedure in Appeals and Hearings §7-305 Student Suspension for longer than
10 days or Expulsion**

d) Potential Evidence

The board strongly encourages the appellant and the Superintendent to stipulate to the admissibility of all documents. The Board's attorney will conduct a pre-hearing conference for the purpose of attempting to resolve any evidentiary disputes.

e) Hearings Before a Hearing Examiner

(1) Pursuant to Code Section 6-203, the Board may, if it chooses to do so, refer the appeal to a hearing examiner for the purpose of conducting an evidentiary hearing. At all times, however, the Board retains the right to conduct an evidentiary hearing on its own, without a hearing examiner. In those appeals where a hearing examiner is utilized, the hearing examiner shall serve as the presiding officer over that hearing and shall, subject to Board review, rule on all evidentiary issues, objections, and other issues that are raised during the hearing. The hearing will be stenographically transcribed. Within thirty (30) days after the production of the transcript and the filing of any post-hearing memoranda, the hearing examiner shall submit to the Board, the appellant, and to the Superintendent a) a transcript of the proceedings and exhibits, unless they have already been produced, and b) the hearing examiner's findings of fact, conclusions of law, and recommendation.

(2) After the Board receives the record, the transcript, and the recommendations of the hearing examiner, the appellant and the Superintendent may make a brief oral argument before the Board. The oral argument will not include the presentation of evidence. The Board will decide how much time it will allow for the presentation of argument.

(3) After reviewing the record, the transcript, the recommendations, and the arguments of the parties, the Board shall render a decision.

f) Representation

All parties appearing at hearings under these Rules shall have the right to appear in person or through counsel or a representative of their choice. All parties shall have the right to be accompanied by, represented, and advised by counsel or a designated representative. Appellants under Code Section 7-305 shall advise the Board if an attorney or other representative

**Rules of Procedure in Appeals and Hearings §7-305 Student Suspension for longer than
10 days or Expulsion**

represents them, promptly after filing the notice of appeal or request for a hearing. Failure to give prompt notice of representation may result in a postponement of a scheduled hearing.

g) **Records and Transcripts**

- (1) The presiding officer shall prepare or cause to be prepared an official record, which shall include all pleadings, testimony, exhibits, and other memoranda or material files in the proceedings.
- (2) Accurate records of all hearings, disputes, or controversies shall be kept by the Superintendent in order that, if an appeal is taken, the records shall be submitted.
- (3) A stenographic record of that part of the proceedings which involves the presentation of evidence shall be made at the expense of the Board. The record need not be transcribed, however, unless the appeal is initially heard by a hearing examiner pursuant to Code Section 6-203 or is requested by a party to the controversy, the Superintendent, the Board, the State Superintendent, or the State Board, as the case may be. The cost of any typewritten transcript of any proceedings or a part of any proceedings, shall be paid by the party requesting it. In those appeals where a transcript is prepared pursuant to Code Section 6-203, the Board will pay the cost of the transcript.

h) **Duties and Authority of Presiding Officer**

The presiding officer shall have charge of the hearing, with authority to permit the examination of witnesses, admit evidence, rule on the admissibility of evidence and adjourn or recess the hearing from time to time. The presiding officer shall cause an oath to be administered to all witnesses testifying in a proceeding. The Superintendent may administer oaths to witnesses unless he is a party to the proceeding.

i) **Quorum**

Each hearing before the Board shall be held before not less than a quorum of the Board.

j) **Order of Proceedings**

The order in which the parties shall present their case shall be as follows:

**Rules of Procedure in Appeals and Hearings §7-305 Student Suspension for longer than
10 days or Expulsion**

- (1) At the outset of the hearing, the parties will be asked to make a brief opening statement in which they clearly identify the decision from which an appeal is taken and the issues that they wish the Board to decide. The Superintendent and the appellant shall advise the board if there are any stipulations of fact and stipulations as to the admission of any documents. Such stipulations are strongly encouraged by the Board.
 - 2) The Superintendent or the Superintendent's designee shall proceed first in the presentation of evidence; however, the appellant shall carry the burden of persuasion.
- k) Examination of Witnesses and Introduction of Evidence
- (1) The strict judicial rules of evidence shall not be applicable to evidentiary hearings conducted hereunder, and, in each case, the test of admissibility shall be whether the evidence is reasonably relevant to a material issue and whether it has substantial probative value with respect to such a material issue. The presiding officer may limit or refuse to admit cumulative or repetitive evidence and may curtail redundant questioning. The presiding officer shall encourage (but not demand) the parties, where possible, to make stipulations as to matters not reasonably in dispute and to make proffers to stipulations in place of cumulative evidence. All testimony shall be given under oath.
 - (2) In evidentiary hearings provided for in these Rules, a party, individually or by or through counsel or other representative, may submit evidence, examine and cross-examine witnesses, make objection, and file exceptions and motions.
 - (3) The Superintendent may appear in person or through counsel or a designated representative, and shall be accorded the same rights as a party to submit evidence, examine and cross-examine witnesses, make objections, and file exceptions and motions.
 - (4) The presiding officer may examine all witnesses. The presiding officer may call as a witness any person whose testimony may be relevant and material. In hearings before the Board, any Board member may examine any witness.

l) **Written Memoranda**

The appellant and the Superintendent may submit written memoranda on the issues of fact and law involved in the hearing in such form as the presiding officer may designate. Such memoranda may be submitted at any time prior to the hearing of a matter. With the approval of the presiding officer and on such schedule as the presiding officer may designate, written memoranda may be submitted after a hearing.

m) **Counsel for the Board**

In evidentiary hearings and oral arguments conducted by the Board, the presiding officer of the Board may request an attorney to participate in any hearings as counsel for the Board.

5. Decisions and Order

Each decision and order of the board shall be delivered in writing. After deliberating on an appeal, the Board shall issue a brief written Order indicating the Board's decision and advising that a written decision will be forthcoming. The Board may, at its discretion, advise parties orally of the Board's decision. The Board shall supplement its Order as soon as possible with a written decision setting forth the Board's findings of fact, conclusions of law, and the specific disposition of the case. The Board's written decision shall advise the parties of the right to appeal the Board's decision to the Maryland State Board of Education if taken in writing within thirty (30) days of the date of the written decision. In an effort to promote consistent decision making throughout Carroll County Public Schools, and subject to any laws or regulations protecting the confidentiality of students, employees, and other persons, the Board shall encourage the Superintendent to make copies of Board decisions available for review by school system administrators.

6. Ex-Parte Communications

While a matter is under consideration by the Board, no member shall receive communications from or communicate orally with any party outside the presence of all other parties or in writing without supplying copies to all other parties and providing an opportunity for response. No information concerning a pending matter may be released by the Board, a Board member, or a member of the Carroll County Public Schools' administration unless it is a matter of public record or unless it is released to a party and copies supplied simultaneously to all other parties.

**Rules of Procedure in Appeals and Hearings §7-305 Student Suspension for longer than
10 days or Expulsion**

7. Effect on Other Procedural Regulations

These Rules of Procedure supersede all other procedures which may have been adopted by the Board governing hearings by the Board in contested matters appealed to the Board.

8. Extensions and Shortening of Time

For good cause, the Board, upon its own motion or at the request of either party, may shorten or extend the time provided under these Rules for filing any document or providing any notice except in those instances where the time is specified by state law.

Approved Revision: January 2011

APPEAL INFORMATION FORM – Student Suspensions for longer than 10 days or Expulsion

[For Appeals taken pursuant to Md. Code Ann. Educ §7-305]

7. Please estimate the approximate number of witnesses and documents that you expect to present into evidence and an estimation of the time needed to present your case. Your attention is directed to section B(4)(d), potential evidence, of the *Rules of Procedure in Appeals and Hearings – §7-305*. (Please note that the Board of Education of Carroll County does not have the power to subpoena witnesses or require the attendance of employees or students.)

8. Will you be represented by counsel in this appeal? ()Yes ()No If yes, provide each attorney’s name, address, and telephone number. (Please note that failure to give prompt notice of representation may result in the postponement of a scheduled hearing.)

_____ Date: _____
Student (signature required if 18 or over)

_____ Date: _____
Parent/Guardian (signature required unless student signs)

The Board of Education of Carroll County does not discriminate on the basis of disability in employment or provision of services, programs, or activities. Information concerning the Americans With Disabilities Act is available from the Director of Facilities at 410-751-3177. Persons needing auxiliary aids and services for communication should contact the Office of Community and Media Relations at 410-751-3020, TDD No. 410-751-3034, or write to Carroll County Public Schools, 125 North Court Street, Westminster, Maryland 21157 at least one (1) week in advance of the date the special accommodation is needed.

Approved Revision: January 2011

Date

Name

Street

City/State/Zip

Cover Letter

7-305

Dear :

I have received your appeal to the Board of Education.

Attached you will find the *Rules of Procedure in Appeals and Hearings* under Code Section 7-305 of the Education Article to the Annotated Code of Maryland. An *Appeal Information Form* is also attached.

Please fill out the *Appeal Information Form* and return it to me within ten (10) days of the date of this letter as set forth in the attached *Rules of Procedure*. Include any other documents that you think are pertinent to your appeal. Copies of all submissions should also be sent to the Superintendent. The Superintendent will then have the opportunity to file a written response, following which you will have the opportunity to file any additional documentation in support of your appeal. After the Board of Education has received the written submissions of the parties, it will either:

1. Contact you to appear before the Board or a hearing examiner for an evidentiary hearing; or
2. Contact you to appear before the Board for oral argument after the hearing.

The Board's standard of review of appeals is as follows: generally, the Board does not substitute its judgment for that of the Superintendent or the Superintendent's designee unless the decision is arbitrary, unreasonable, or illegal.

1. A decision may be arbitrary or unreasonable if it is one or more of the following:
 - a. It is contrary to sound educational policy;
 - b. A reasoning mind could not have reasonably reached the conclusion the Superintendent reached.
2. A decision may be illegal if it is one or more of the following:
 - a. Unconstitutional;
 - b. Exceeds the statutory authority or jurisdiction of the Superintendent;
 - c. Misconstrues the law;
 - d. Results from an unlawful procedure;
 - e. Is an abuse of discretionary powers; or
 - f. Is affected by any other error of law.

Page 2
Name
Date

Please be aware that in order for the appeals process to function in a fair manner with the views of all sides receiving appropriate consideration, it may take six weeks or more before a decision is rendered.

If you have any questions regarding this matter, please contact Teresa Richards at 410-386-1670.

Sincerely,
[], President
Board of Education of Carroll County

[]tar
cc: Board Members
Superintendent

ORDER OF DECISION OF THE BOARD OF EDUCATION OF CARROLL COUNTY

IN THE MATTER OF _____

The Board of Education of Carroll County met and deliberated on your appeal. By a vote of _____ to _____, the Board upholds / overturns the decision of the Superintendent or the Superintendent’s designee. A written decision will be issued setting forth the Board’s findings and conclusions and advising you of further avenues of appeal.

Date

], President

], Vice President

] Board Member

] Board Member

] Board Member

ORDER TO REMAND BY THE BOARD OF EDUCATION OF CARROLL COUNTY

IN THE MATTER OF _____

The Board of Education of Carroll County met and deliberated on your appeal. By a vote of _____ to _____ the Board remands the case to the Superintendent of Schools for _____.

Subsequently, another written decision will be issued by the Superintendent.

Date

[], President

[], Vice President

[] Board Member

[] Board Member

[] Board Member

SECTION VII

Operating Budget

Operating Budget Approval Process and Long-Range Educational Facilities/Capital Budget Processes

OPERATING BUDGET CALENDAR COMPLETION DATES

The following are benchmark dates and descriptors used to approve the Board of Education operating budget:

September – December

- Budget training with staff
- Deadline for submission of all budget requests by staff to the Budget Office
- Internal review of budget requests
- Budget priority work session with the Board of Education

January

- Release of Superintendent's Proposed Operating Budget

February

- Public hearings on budget
- Board adoption of Preliminary Operating Budget

March

- County Commissioners receive Board of Education's Preliminary Operating Budget

March/April

- School staff meets with County Commissioners to review operating budget needs and priorities

May

- County Commissioners hold public hearings on County Budget.
- County Commissioners take final action on County Budget
- Board acts to redistribute funds, if necessary.
- Board of Education adopts final Fiscal Year Operating Budget

SECTION VIII

Capital Improvement Program

CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET CALENDAR

The following are benchmark dates and descriptors used to plan and finance educational facilities.

April

- Educational Facilities Master Plan is modified to reflect changes in enrollment and other demographic data, and add or revise projects

April/May

- Commissioners release CIP recommendations for upcoming budget

May

- Board of Education approves a revised Educational Facilities Master Plan to be used as the basis for Local and State Capital Budget development
- Project requests are reviewed and prioritized

June

- County tax rate set, CIP projects approved funds available July 1
- Approved Educational Facilities Master Plan presented to the Planning and Zoning Commission
- Approved Educational Facilities Master Plan is submitted to State

July

- Budgetary calculations completed for next CIP submission

August

- Local and State CIP Budget presented to the Board of Education for discussion.

September

- Public Hearings on proposed CIP are held.
- Board of Education Approves CIP

October

- Enrollment projections prepared based on actual September 30 enrollment
- State CIP submitted to Maryland Public School Construction Program

November

- Enrollment projections released
- Maryland Public School Construction Program Interagency Committee (IAC) recommendations released

December

- IAC recommendations finalized after appeals process
- Local Planning Commission releases recommendations to Commissioners

January

- State Board of Public Works meets to approve IAC recommendations and hears appeals

March/April

- Local CIP proposed budget released
- School staff meets with County Commissioners to review CIP needs

May

- Final Board of Public Works decisions released regarding State projects
- CIP Cycle begins again for next fiscal year.

SECTION IX

Amendments to Handbook

Amendments to Handbook

This Handbook may be amended, repealed, or suspended at a business meeting of the Board of Education of Carroll County, provided that notice of the proposed change shall have been given to each member of the board at the previous business meeting, and that the action is made by motion, seconded, and carried by at least four (4) affirmative votes.

Reference

1. *Maryland Annotated Code .Education Article*
2. *Maryland Association of Board of Education (MABE) Manual*
3. *Policy Book* by Carroll County Public Schools
4. *Open Meetings Act Manual* by the Office of the Maryland Attorney General
5. *The Key Works of School Boards Guidebook* by the National School Boards Association