DATE: August 14, 2007

TO: BOARD OF EDUCATION

FROM: Dr. Joe A. Hairston, Superintendent

SUBJECT: PROPOSED NEW BOARD OF EDUCATION POLICY 4008 – PERSONNEL: OBLIGATIONS OF EMPLOYEES OF THE BOARD OF EDUCATION OF BALTIMORE COUNTY

ORIGINATOR: J. Robert Haines, Esq., Deputy Superintendent

RESOURCE PERSON(S): Dr. Donald Peccia, Assistant Superintendent, Human Resources and Governmental Relations

RECOMMENDATION

That the Board of Education considers Policy 4008. This is the first reading of this policy.

Attachment I – Policy Analysis
Attachment II – Proposed Policy 4008
Statement of issues or questions to be addressed by the proposed policy
In its work over the past year, the Policy Committee has noticed that a number of policies address employee misconduct and that others relate employee prohibitions to specific statutory, regulatory or policy requirements. However, no single policy clearly outlines an employee’s responsibility to obey the law, or even to follow a supervisor’s directives. While this connection may appear to be evident, the Committee desires that the standard be explicitly stated in policy. Thus, the proposed policy articulates an employee’s responsibility to follow the law, regulations and Board policy in performance of his/her duties.

Fiscal Impact on the school system
No fiscal impact is anticipated or contemplated by this revision.

Relationship to other Board of Education Policies
Various policies address prohibited conduct, including: Policy 4005, Dating or Sexual Relations Between Staff and Students; Policy 4006, Telecommunications Access to Electronic Information, Services and Networks; Ethics Code Policy, 8363, Conflict of Interest; Policy 4001, Drug Free Workplace; Policy 4004, Suspected Child Abuse, Neglect and/or Inappropriate Behavior Towards a Student by an Employee of the Baltimore County Public Schools, and Policy 4003, Sexual Harassment. Additionally, numerous policies and rules establish the Board’s expectations for employee conduct and duties. (See, e.g., Policy 4002, Precepts, Beliefs and Values and Policy 1110, Communications with the Public)

Similar Policies adopted by other local school systems
CARROLL COUNTY BOARD OF EDUCATION, Policy BC, Ethics
MICHIGAN ASSOCIATION OF SCHOOL BOARDS, Policy GBEB, Staff Conduct
ASPEN SCHOOL DISTRICT (Colorado) Staff Conduct and Responsibilities, NEPN Code C-BEB

Legal Requirements, such as federal, state or local laws or regulations
The Education Article permits a local board to discipline or discharge certificated employees, while local superintendents may discharge and discipline non-certificated employees. Section 6-202 of the Education Article of the Annotated Code of Maryland provides in pertinent part, that “a county board may suspend or dismiss a teacher, principal, supervisor, assistant superintendent, or other professional assistant for misconduct in office, including knowingly failing to report suspected child abuse in
violation of §5-704 of the Family Law Article.” The Family Law Article, in turn, requires educators to “immediately notify and give all information required” concerning suspected child abuse and neglect. Note, however, that there is no legal requirement that each board of education adopt a policy similar to this proposal.

_A draft of the proposed policy_
See attached

_Other alternatives that were considered by the Board members_
The Board Committee considered including a prohibition or admonition in each Board policy, but determined that such a method might become unwieldy. Additionally, it was discussed that such a method might overlook certain future prohibitions.

_Timeline_
Opportunity for Citizen Comment, September 5, 2007
Proposed Date of Adoption, September 18, 2007
PERSONNEL: GENERAL

OBLIGATIONS OF EMPLOYEES OF THE BOARD OF EDUCATION OF BALTIMORE COUNTY

THE BOARD OF EDUCATION OF BALTIMORE COUNTY BELIEVES THAT EVERY EMPLOYEE MUST MODEL ETHICAL BEHAVIOR AND EXHIBIT A STRONG WORK ETHIC.


ALL EMPLOYEES SHALL OBEY THE RULES AND DECISIONS OF THEIR SUPERVISORS IN THE PERFORMANCE OF THEIR DUTIES.

FAILURE TO ADHERE TO THIS POLICY SHALL BE CAUSE FOR DISCIPLINARY ACTION AND MAY BE CHARACTERIZED AS MISCONDUCT IN OFFICE, INSUBORDINATION, WILLFUL NEGLECT OF DUTY, INCOMPETENCY OR IMMORALITY.

Legal References: Annotated Code of Maryland, Education Article, §6-202
Annotated Code of Maryland, Education Article, §4-205
Annotated Code of Maryland, Family Law Article, §5-704

Related Policies: Board of Education Policy 1110, Communications with the Public
Board of Education Policy 4001, Drug Free Workplace
Board of Education Policy 4003, Sexual Harassment
Board of Education Policy 4004, Suspected Child Abuse, Neglect or Inappropriate Behavior by an Employee of the Baltimore County Public Schools
Board of Education Policy 4005, Dating or Sexual Relations Between Staff and Students
Board of Education Policy 4006, Telecommunications Access to Electronic Information, Services and Networks
Policy

ADOPTED:

ALL CAPS indicate new material