

**BALTIMORE COUNTY PUBLIC SCHOOLS**

**DATE:** March 10, 2009

**TO:** **BOARD OF EDUCATION**

**FROM:** Dr. Joe A. Hairston, Superintendent

**SUBJECT:** **CONSIDERATION OF THE PROPOSED CHANGES TO BOARD OF EDUCATION POLICY 8140 – INTERNAL BOARD POLICIES: OPERATIONS**

**ORIGINATOR:** Frances A. S. Harris

**RESOURCE PERSON(S):** Margaret-Ann F. Howie, Esq., General Counsel  
Edward J. Novak, Esq., Associate General Counsel

**RECOMMENDATION**

That the Board of Education approves the proposed changes to Policy 8140.  
This is the third reading.

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Attachment I – Policy Analysis  
Attachment II – Policy 8140

**Policy Analysis for  
Board of Education Policy 8140  
Formulation of Administrative Regulations**

**Statement of Issues or Questions Addressed**

Board of Education Policy 8140 was adopted in 1972 and has never been revised; it does not clearly outline the duties of the Board and Superintendent concerning the creation of administrative rules. As revised, these roles are clarified. Additionally, and consistent with the Education Article provision cited below, the revisions specify that all administrative regulations must be consistent with state law.

**Cost Analysis and Fiscal Impact on School System**

No fiscal impact is anticipated by the revision of this policy.

**Relationship to Other Board of Education Policies**

Board of Education Policy 8131, *Administration in Policy Absence*

**Legal Requirements**

*Annotated Code of Maryland*, Education Article, §4-108, Duties in General, states that county boards must “subject to the applicable bylaws, rules and regulations of the State Board, determine...the educational policies of the county school system,” and “adopt, codify and make available to the public bylaws, rules and regulations not inconsistent with State law.”

**Similar Policies Adopted by Other Local School Systems**

1. Anne Arundel County, Section BF-RA, *Policy Setting Procedures*
2. Carroll County, Policy BD, *Policy/Bi-laws Development*
3. Harford County, Section 22 – 0014-000, *Policy Development and Review*
4. Howard County, Policy 2020, *Policy Development and Adoption*
5. Montgomery County, Policy BFA, *Policy Setting*
6. Washington County, Policy BF, *Policy Setting*

**Draft of Proposed Policy**

Attached

**Other Alternatives Considered by Staff**

No other alternatives were considered.

Timeline:

- First reading: January 27, 2009
- Public comment: February 10, 2009
- Third reading: March 10, 2009

INTERNAL BOARD POLICIES: Organization

[Formulation of ]Administrative [Regulations] OPERATIONS

I. RESPONSIBILITY OF THE BOARD OF EDUCATION

A. IN ACCORDANCE WITH ITS STATUTORY AND REGULATORY OBLIGATIONS, [T] the Board of Education OF BALTIMORE COUNTY (BOARD) [shall delegate to the Superintendent of Schools] IS RESPONSIBLE FOR ESTABLISHING THE POLICIES THAT GOVERN AND GUIDE THE BALTIMORE COUNTY PUBLIC SCHOOLS.

II. RESPONSIBILITY OF THE SUPERINTENDENT

A. THE SUPERINTENDENT IS RESPONSIBLE FOR ESTABLISHING RULES AND PROCEDURES TO IMPLEMENT THE POLICIES OF THE BOARD OF EDUCATION, AND TO OTHERWISE OPERATE THE SCHOOLS CONSISTENT WITH ANY APPLICABLE BOARD POLICIES. [the function of specifying required actions and designing the detailed arrangements under which the schools will be operated. Such rules and detailed arrangements constitute the administrative regulations governing the schools. They must be in very respect consistent with the policies adopted by the Board of Education]

[The Board of Education itself shall adopt administrative regulations only when specific federal and state laws and bylaws of the State Board of Education require Board adoption.]

Legal ReferenceS: *Annotated Code of Maryland*, Education Article §4-10[7]8 [Duties in general. Administration of Office of County Superintendent; general duties.]

RELATED POLICIES: BOARD OF EDUCATION POLICY 8131

Policy  
Adopted: 4/13/72  
REVISED: \_\_\_\_\_

Board of Education of Baltimore County