

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: December 21, 2010

TO: **BOARD OF EDUCATION**

FROM: Dr. Joe A. Hairston, Superintendent

SUBJECT: **REPORT ON THE PROPOSED DELETION OF BOARD OF EDUCATION POLICY 4119 - SEPARATION**

ORIGINATOR: Joe A. Hairston, Superintendent

RESOURCE PERSON(S): Donald Peccia, Assistant Superintendent, Human Resources

RECOMMENDATION

That the Board of Education reviews the proposed deletion of Policy 4119.
This is the first reading.

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Attachment I – Policy Analysis
Attachment II – Policy 4119

**POLICY ANALYSIS FOR
BOARD OF EDUCATION POLICY 4119
SEPARATION**

Statement of Issues or Questions Addressed

Board of Education Policy 4119 has not been revised since 1993. Policy 4119 concerns the separation from pay status for teachers. Separation, as defined in this policy, means the retirement, resignation, and/or dismissal of certificated teachers. Section 6-202 of the Education Article outlines the grounds and procedures for the suspension and dismissal of certificated employees. The Board has consistently stated that the mere recitation of law is no reason for policy. Therefore, the Department of Human Resources, Office of Personnel, recommends that the policy be deleted.

Cost Analysis and Fiscal Impact on School System

No fiscal impact is anticipated as the result of deletion of this policy.

Relationship to Other Board of Education Policies

1. Board of Education Policy 4110, *Retirement*
2. Board of Education Policy 4118, *Tenure and Non-Tenure*
3. Board of Education Policy 4240, *Separation, Voluntary, and Involuntary*

Legal Requirements

1. *Annotated Code of Maryland, Education Article § 6-202, Suspension or dismissal of teachers, principals and other professional personnel*

Similar Policies Adopted by Other Local School Systems

1. Anne Arundel County Board of Education, Policy 801.21, *Suspension and Dismissal of Professional Staff*
2. Howard County Board of Education, Policy 7030, *Employee Conduct and Discipline*

Draft of Proposed Policy

Attached

Other Alternatives Considered by Staff

No other alternatives were considered.

Timeline

First reading – December 21, 2010

Public comment – January 11, 2011

Third reading/vote – February 8, 2011

PERSONNEL: Professional

Permanent: Separation

As used herein, "separation" means "separation from pay status." Teachers who for any reason intend to separate are to submit their decision or request in writing to the appropriate area superintendent or associate superintendent as early in the school year as possible.

The date of separation shall be the last duty day on which the teacher was in pay status. However, if the employee is retiring, the date of retirement shall be the first day of the following month. Separations which are to become effective earlier than the end of the school year require a release by the Board of Education and must be considered on an individual basis.

Procedures for the dismissal of certificated employees are governed by state law; and all actions of the school system and the Board, as well as the rights and privileges of employees, are clearly identified in the statutes. Certificated employees are dismissed only when extensive efforts to assist the teacher to achieve professional standards of teaching competence have been undertaken.

Legal Reference: Annotated Code of Maryland, Education Article
 #6-202 Suspension or dismissal of teachers, principals,
 and professional personnel.
 Annotated Code of Pub. Gen. Laws of Md. 73B
 #86 Benefits (Teachers' Retirement System) and
 #145 Teachers' Pension System

Policy

Board of Education of Baltimore County

Adopted: 6/12/75
Revised: 10/27/77
Revised: 5/27/82
Revised: 5/22/86
Revised: 3/25/93]