

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 4216.3 – ADMINISTRATIVE REVIEW
PROCEDURE**

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 4216.3.
This is the first reading.

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Attachment I – Policy Analysis
Attachment II – Policy 4216.3

**POLICY ANALYSIS FOR
BOARD OF EDUCATION POLICY 4216.3
Administrative Review Procedure**

Statement of Issues or Questions Addressed

Board of Education Policy 4216.3 has not been revised since 1995. Policy 4216.3 outlines the administrative review procedures for classified employees. The grievance procedures for classified employees are outlined in Article V of the AFSCME Master agreement. In addition, Section 4-205 of the Education Article grants the Superintendent the authority to decide all controversies and disputes arising from the interpretation of the rules and regulations of the county board. Further, the administrative appeal process is contained in Board of Education Policies 8339 and 8340. As such, staff is recommending that the policy be deleted.

Cost Analysis and Fiscal Impact on School System

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

Relationship to Other Board of Education Policies

1. Board of Education Policy 8339, *Appeal before a Hearing Examiner*
2. Board of Education Policy 8340, *Appeal before the Board of Education*

Legal Requirements

1. *Annotated Code of Maryland, Education Article § 4-205, Powers and duties of county superintendent*

Similar Policies Adopted by Other Local School Systems

1. Anne Arundel County Board of Education, Policy 800.33, *Employee Complaints and Grievances*
2. Montgomery County Board of Education, Policy GRA-RA, *Administrative Complaints*

Draft of Proposed Policy

Attached

Other Alternatives Considered by Staff

No other alternatives were considered as language is contained within appropriate bargaining unit Master Agreements and the *Annotated Code of Maryland*.

Timeline

First reading – December 21, 2010

Public comment – January 11, 2011

Third reading/vote – February 8, 2011

PERSONNEL: Classified

General: Administrative Review Procedure

The Board of Education has always been prepared to consider the problems of any employee of the school system who feels he/she has just cause in filing a complaint. The following procedure is available to all classified employees whenever the review of an employee problem is necessary. The purpose of this procedure is to provide an orderly method of addressing employee concerns. Any problem involving the interpretation or application of any rule or regulation affecting wages, salary, hours of work, classification, promotion, dismissal, suspension, transfer, or similar problems which cannot be resolved with the employee's immediate superior, may be considered.

Whenever the presence of the employee is required, the employee may have present a representative of his/her choice. Attendance by an employee and/or his/her representative at administrative review meetings held during duty hours shall constitute authorized absence without loss of pay. The time and place of the hearing will be designated by the presiding hearing officer.

Step I:

The employee, together with a representative, if so desired, shall present, in writing, a written appeal to the appropriate assistant or area superintendent or executive director within five (5) working days of the specific occurrence or his/her first knowledge thereof. The answer to the employee will be forthcoming, in writing, within fifteen (15) working days from the date of the review hearing.

Step II:

If the answer to Step I is unsatisfactory to the employee, it may be appealed, in writing, to the associate superintendent or deputy superintendent within five (5) working days from the date the answer is received. The associate or deputy superintendent shall render a decision within fifteen (15) working days of the date of the review hearing.

Step III:

Should the problem not be resolved to the satisfaction of the employee, the written appeal, along with pertinent information, shall be submitted to the Superintendent of

Schools or his/her designee within (5) working days from the date of the response from the associate or deputy superintendent. The Superintendent or designee will investigate and reply to the appeal within fifteen (15) working days from the date of the review hearing.

Step IV:

The employee may make an appeal to the Board of Education within thirty (30) days from the date of the superintendent's decision. The Board will respond pursuant to Section 4-205(c) of the Education Article.

Legal Reference: Annotated Code of the Public General Laws of
Maryland - Education Article: Section 4-205(c)

Policy

Adopted: 6/14/73
Revised: 4/26/84
Revised: 7/11/85
Revised: 6/27/95]

Board of Education of Baltimore County