

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: March 20, 2012

TO: **BOARD OF EDUCATION**

FROM: Dr. Joe A. Hairston, Superintendent

SUBJECT: **REPORT ON PROPOSED CHANGES TO BOARD OF EDUCATION
POLICY 8131, FORMULATION OF POLICIES: ADMINISTRATION
IN POLICY ABSENCE**

ORIGINATOR: Margaret-Ann F. Howie, Esq., General Counsel

**RESOURCE
PERSON(S):** Patricia S. Clark, Policy and Compliance Officer

RECOMMENDATION

That the Board of Education reviews the proposed changes to Policy 8131.
This is the first reading.

Attachment I – Policy Analysis
Attachment II – Policy 8131

**POLICY ANALYSIS FOR
BOARD OF EDUCATION POLICY 8131
FORMULATION OF POLICIES: ADMINISTRATION IN POLICY ABSENCE
RENAMED AS, "ADMINISTRATION IN POLICY ABSENCE"**

Statement of Issues or Questions Addressed

In accordance with Policy and Rule 8130, Policy 8131 is scheduled for review in school year 2011-2012. Policy 8131 grants to the Superintendent the authority to act in the absence of any applicable Board policy. Policy 8131 has been revised to: (1) rename the policy; (2) include a policy statement; (3) conform with the Policy Review Committee's editing conventions.

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

1. None

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. Harford County Board of Education, Policy 22-015-000, *Administration in the Absence of Policy*

Draft of Proposed Policy

Attached

Other Alternatives Considered by Staff

No other alternatives were considered.

Timeline

First reading – March 20, 2012

Public comment – April 17, 2012

Third reading/vote – May 8, 2012

INTERNAL BOARD POLICIES: Organization

[Formulation of Policies:] Administration in Policy Absence

I. POLICY STATEMENT

- A. ONLY ACTIONS OF THE BOARD OF EDUCATION OF BALTIMORE COUNTY (BOARD) IN FORMAL SESSION SHALL CONSTITUTE AN ACT OF THE BOARD.
- B. In cases IN WHICH [where] IMMEDIATE action must be taken within the school system where the Board has provided no GUIDANCE [guides] for administrative action, the Superintendent shall have the power to act. The Superintendent’s decision, however, shall be subject to review by action of the Board at its NEXT regularLY SCHEDULED PUBLIC meeting. It shall be the duty of the Superintendent to inform the Board promptly of such action and of the need for policy.
- C. NOTHING CONTAINED HEREIN SHALL LIMIT THE AUTHORITY OF THE SUPERINTENDENT WHERE STATE LAW GRANTS OR PERMITS SUCH AUTHORITY.

LEGAL REFERENCE: *ANNOTATED CODE OF MARYLAND, EDUCATION ARTICLE §4-205, POWERS AND DUTIES OF COUNTY SUPERINTENDENT*

Policy
 Adopted: 09/18/68
 Readopted: 05/22/07
 REVISED: _____

Board of Education of Baltimore County