DATE: May 8, 2012

TO: BOARD OF EDUCATION

FROM: Dr. Joe A. Hairston, Superintendent

SUBJECT: CONSIDERATION OF THE 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 approves the proposed changes to Policy 8131. This is the third reading.

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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 IMMEDIATE action must be taken within the school system where the Board has provided no GUIDANCE 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 Board of Education of Baltimore County
Adopted: 09/18/68
Readopted: 05/22/07
REVISED: __________