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TO: Members of the State Board

FROM: Karen B. Salmon, Ph.D.

DATE: January 24, 2017

SUBJECT: COMAR 13A.02.01.01
Local Boards of Education Meetings
PERMISSION TO PUBLISH

PURPOSE:

The purpose of this item is to request permission to publish the amended regulation that relates to meetings of Local Boards of Education. COMAR 13A.02.01.01. This regulation previously was presented to the State Board on September 27, 2016 with a request to repeal the regulation. Based on input prior to publication, the regulation is being returned to the State Board to amend rather than repeal.

REGULATION PROMULGATION REVIEW PROCESS:

In accordance with the Regulatory Review and Evaluation Act, State Government Article §§10-130– 10-139, Annotated Code of Maryland, the Maryland State Department of Education (MSDE) periodically schedules regulations for review to evaluate the need to retain, amend, or repeal any provisions. The purpose of this review is to determine whether the regulations: 1) continue to be necessary for the public interest; 2) continue to be supported by statutory authority and judicial opinion; and 3) are obsolete or otherwise appropriate for amendment or repeal.

BACKGROUND/HISTORICAL PERSPECTIVE:

The regulations concerning meetings of Local Boards of Education were adopted in 1971 prior to the passage of the Maryland Open Meetings Act. These regulations contain some requirements for the rules adopted by Local Boards of Education for their meetings such as voting requirements for motions, and the observance of rules for executive sessions. The Maryland Open Meetings Act now governs how Local Boards of Education conduct meetings including executive sessions and Local Boards follow those statutes. Therefore, the amended regulation removes the language, Rules for Executive Session, since it is now covered in the Open Meetings Act. Rules for Meetings which include the number of votes for a motion or resolution remain in the regulation as this is not covered in the Open Meetings Act.

EXECUTIVE SUMMARY:

The Maryland Open Meetings Act now governs Rules for Executive Sessions of Local Boards of Education and therefore, the amended regulation removes 13A.02.01.01B.

ACTION:

Request permission to publish amended regulation COMAR 13A.02.01.01 for public comment.

Title 13A STATE BOARD OF EDUCATION

Subtitle 02 LOCAL SCHOOL ADMINISTRATION

Chapter 01 Local Boards of Education

Authority: Education Article, §§2-205, 4-101, 4-105, 4-106, 5-101, 5-109, and 7-103, Annotated Code of Maryland

.01 Meetings.

A. Rules for Meetings. The rules generally adopted by deliberative bodies for their government shall be observed by the local board of education. A motion or resolution may not be declared adopted without the concurrence of a majority of the whole board; namely: three members when the board consists of five, four members when the board consists of six or seven, and five members when the board consists of eight or nine.

[B. Rules for Executive Sessions. The rules generally adopted by deliberative bodies for executive sessions shall be observed by the local board of education. A motion or resolution other than for the purposes of executive sessions may not be declared adopted while the board shall be in executive session. Provision for statements of position or questions on points of order shall be made in open session following executive sessions.]

[.02] .01 Records and Reports.

A.—E. (text unchanged)

[.03] .02 Specific Responsibilities.

A. —B. (text unchanged)

[.04] .03 Length of the School Year.

A. —C. (text unchanged)

KAREN B. SALMON, Ph.D.
State Superintendent of Schools