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TO: Members of the State Board
FROM: Karen B. Salmon, Ph.D. *KBS/CLN*
DATE: September 27, 2016
SUBJECT: COMAR 13A.02.01.01 Local Boards of Education Meetings (Repeal)

PURPOSE:

The purpose of this item is to request repeal of the regulations that relate to meetings of local boards of education. COMAR 13A.02.01.01.

REGULATION PROMULGATION REVIEW PROCESS:

In accordance with the Regulator 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 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 Open Meetings Act now governs how local boards of education conduct meetings including executive sessions and local boards follow those statutes.

EXECUTIVE SUMMARY:

The existing regulations for local board meetings are no longer needed as the local boards of education follow the Open Meetings Act.

ACTION:

I request permission to publish the proposed repeal of 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*

13A.02.01.01

[.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.]