



Karen B. Salmon, Ph.D.
State Superintendent of Schools

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TO: Members of the State Board
FROM: Karen B. Salmon, Ph.D. *KBS*
DATE: June 27, 2017
SUBJECT: COMAR 13A.02.01.01
Local Boards of Education – Rules for Meetings
ADOPTION

PURPOSE:

The purpose of this item is to request approval of 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 was returned to the State Board to amend rather than repeal and was approved to publish at the January 24, 2017 State Board meeting.

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. This regulation was published in the Maryland Register from April 14 through May 15, 2017. No comments were received.

ACTION:

Request adoption of the amended regulation COMAR 13A.02.01.01 Local Boards of Education
– Rules for Meetings.

DESCRIPTION OF IMPORTANT WORK TASKS AND FUNCTIONS BY SURVEYING CATEGORY						
CONTROL SURVEYS	BOUNDARY SURVEYS	TOPOGRAPHIC SURVEYS	MINOR ENGINEERING	SUBDIVISION PLANNING	CONSTRUCTION SURVEYS	LOCATION DRAWINGS
Compute survey data Perform trigonometric leveling	(text unchanged)					
Calibrate instruments	Perform ALTA/[ACSM] NSPS Surveys		Design stormwater management facilities			
Perform photogrammetric control surveys Perform GPS surveys	(text unchanged)					

C. (text unchanged)

STEVE LONG
Executive Director

**Title 13A
STATE BOARD OF
EDUCATION
Subtitle 02 LOCAL SCHOOL
ADMINISTRATION**

13A.02.01 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

**Notice of Proposed Action
[17-111-P]**

The Maryland State Board of Education proposes to amend Regulation .01 under COMAR 13A.02.01 Local Boards of Education. This action was considered at the January 24, 2017, meeting of the State Board of Education.

Statement of Purpose

The purpose of this action is to remove the language "Rules for Executive Session" since it is now covered in the Open Meetings Act.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Mary L. Gable, Assistant State Superintendent, Division of Academic Policy and Innovation, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0472 (TTY 410-333-

6442), or email to mary.gable@maryland.gov, or fax to 410-333-0714. Comments will be accepted through May 15, 2017. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on June 27, 2017, 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

.01 Rules for 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 general 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.]

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