

# MARYLAND STATE BOARD OF EDUCATION



GOVERNANCE AND OPERATIONS MANUAL  
(April 2023)

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# I. VISION, MISSION, AND VALUES

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## Vision

We will be a system of world-class schools where students acquire the knowledge and skills necessary for success in college, career, and life.

## Mission

We will ensure a rigorous and world-class educational experience for every Maryland student, in every neighborhood, that prepares each to be college and career ready, through:

- strategic direction and leadership;
- policy making and resource allocation; and
- engagement and advocacy.

## Values

**Accountability:** We will take responsibility for our commitments, and maintain open, transparent, and responsive communication on academic, operational, and financial policies and outcomes.

**Engagement:** We will partner and engage with diverse stakeholders and decision makers in the design, implementation, and evaluation of our policies, programs, and actions.

**Equity:** We will do whatever it takes to eliminate barriers to success and provide the necessary resources and supports to ensure that every Maryland student achieves at the highest level.

**Excellence:** We will ensure a rigorous and engaging educational environment for all students defined by high expectations, research-based instructional practices, and highly effective, culturally responsive educators.

**Transformation:** We will pursue best-in-class outcomes through bold, impactful actions to ensure that every student has the tools, resources, supports, and opportunities they need to thrive.

## II. COMPOSITION AND GENERAL AUTHORITY

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### A. Establishment

The Maryland State Board of Education (State Board) was organized in Maryland in 1864 and is the head of the Maryland State Department of Education (MSDE). The State Board has general control and supervision over public schools and the educational policy and interests of the State.

### B. Membership and Terms

The State Board consists of 14 members, all appointed by the Governor with the advice and consent of the Senate:

- One member shall be a certified teacher who is actively teaching. The Governor shall appoint the teacher member, with the advice and consent of the Senate, who received the highest number of votes after an election by teachers in the State.
- One member shall be the parent of a student enrolled in a public school in the State. The Governor shall appoint the parent member, with the advice and consent of the Senate, from a list of three qualified individuals submitted to the Governor by the Maryland PTA.
- One member shall be a regularly enrolled student in good standing in a public high school in the State. The Governor shall select the student member from a list of 2 persons nominated by the Maryland Association of Student Councils

All members serve for a term of 4 years, except for the student member who may only serve a one-year term with the possibility of reappointment for a maximum of two, one-year terms. Each member serves until a successor is appointed and qualifies. The Governor shall appoint a new member to fill any vacancy on the Board for the remainder of a term and until a successor is appointed and qualifies. Board members appointed to complete a term are eligible to serve two, full four-year terms in addition to the remainder of the term they have been appointed to fill, reappointments are made by the Governor and are subject to Senate confirmation.

### C. Statutory Powers and Duties

The State Board is organized and has the following general powers and duties as provided in Subtitle 2, Education Article of the Annotated Code of Maryland.

[State Board General Powers and Duties Link](#)

## **1. *Visitatorial Power***

The State Board is vested with the last word on any matter concerning educational policy or the administration of the system of public education. The power of visitation vested in the State Board is one of general control and supervision; it authorizes the State Board to superintend the activities of the local boards of education to keep them within the legitimate sphere of their operations, and whenever a controversy or dispute arises involving the educational policy or proper administration of the public school system of the State, the State Board's visitatorial power authorizes it to correct all abuses of authority and to nullify all irregular proceedings.

## **2. *Authority over the general care and supervision of public elementary and secondary education, as well as childcare facilities, and vocational rehabilitation services. Among its specific powers are the following:***

### **a. Quasi-Judicial Powers**

- i. With the advice of the Attorney General, *explain the true intent and meaning* of the Education Article and the Board's bylaws, rules, and regulations.
- ii. *Decide all controversies and disputes* under the Education Article – the decision of the State Board is final.
- iii. *Order* public and non-public schools to *correct deficiencies* or to *end operations* if either fails to meet the standards established by the State Board.
- iv. With approval of Governor, *remove for cause any elected local board member*.

### **b. Legislative Powers**

- i. Determine the *elementary and secondary educational policies* of the State.
- ii. Implement the provisions of the Education Article that pertain to the public schools and *adopt bylaws, rules, and regulations* for the administration of the public schools.
- iii. *Establish basic policy and guidelines for the program of instruction* for the public schools.
- iv. *Establish rules and regulations for the promotion of students* in a public school and *graduation* from a public high school.
- v. *Adopt bylaws, rules, and regulations for the approval and accreditation of all public schools and establish standards for and certify the approval of non-public schools*.
- vi. On the recommendation of the State Superintendent, establish standards and guidelines for planning and constructing *school building projects*.
- vii. With the *Professional Standards and Teacher Education Board (PSTEB)*,

*develop rules and regulations for the certification of teachers and professional personnel and requirements for preparation of teachers and other education personnel.*

c. Executive Powers

- i. *Appoint State Superintendent of Schools.* The State Superintendent serves a four-year term and is responsible for the administration of the MSDE and carries out the educational policies of the State Board. The State Superintendent is the Chief Executive, and also serves as Secretary and Treasurer of the State Board.
- ii. *Institute legal proceedings* to enforce the Education Article and Board's regulations.
- iii. *Prepare and send to the Governor an annual State public school budget* including the appropriation for the Department and State aid to the counties and Baltimore City for current expenses, for student transportation, and for the construction of school buildings.
- iv. With the advice of the State Superintendent, *recommend* to the Governor and the General Assembly *any legislation* that it considers necessary.
- v. *Through MSDE, accept federal funds* allocated by Congress for public schools and serve as *educational authority for the expenditure and administration of these funds.*

**D. Compensation**

A member of the State Board serves without compensation but is entitled to reimbursement for expenses in accordance with the Standard State Travel Regulations. Additional information is provided in Section III.A.6 later in this manual.

**E. Ethics Policy and Financial Disclosure**

State law requires each Board Member to complete an annual financial disclosure form with the State Ethics Commission.

As members engage in Board business and discussion, they need to be vigilant about identifying potential conflicts of interest or the appearance of impropriety. You are advised to call the Ethics Commission at 410-260-7770 whenever you think there is a possibility of conflict or impropriety.

## F. Legislative Agenda

As an independent policy setting body in the State, it is appropriate for the State Board to consider any proposed legislation or amendments pertaining to public education that could be necessary to meet the Strategic Plan's mission, vision, values, and the Blueprint for Maryland's Future.

Before and during the annual Maryland legislative session, the State Superintendent and the State Board leadership will meet to communicate about proposed legislative priorities, proposed legislation, and introduced bills.

Pursuant to Education Article §2-205(k), with the advice of the State Superintendent, the State Board recommends to the Governor and the General Assembly any legislation that it considers necessary. The State Board and MSDE advocate for education policies to advance the Strategic Plan and the Blueprint for Maryland's Future.

Nothing herein is intended to inhibit the State Superintendent's routine engagement and conversations with members of the General Assembly, the Governor or their staffs.

### III. ORGANIZATION AND OPERATIONS

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#### A. PROCEDURES AND EXPECTATIONS

##### 1. Election of Officers

- The President manages the process.
- Annually, at the June meeting, in executive session, the President will ask members to indicate intentions regarding serving as an officer (President and Vice President). This does not preclude a member from making a nomination on the day of the elections.
- Annually, at the July meeting:
  - The election process will be managed by the most senior member in years of service on the State Board, who does not desire to be a nominee for President. If more than one person is eligible, the State Board will select one of the candidates by majority vote.
  - In executive session, interested members will address the other Board members stating why they should be elected for the stated office. This will be followed by an unofficial vote to determine preferences for the positions.
  - In public session, members will vote by voice vote for the President and Vice President. (State Education Article, § 2-204 of the Annotated Code of Maryland). Individual votes will be recorded in the public session minutes.
- If there is more than one candidate for a given office, a written ballot will be used. If there are more than two candidates for a given office, successive rounds of balloting will be conducted, with the candidate receiving the fewest ballots being removed from each successive round until one candidate has a majority vote.
- Affirmative vote of a majority of the members then serving is required for election to office. (State Education Article, § 2-204 of the Annotated Code of Maryland)
- The terms of office will be 1 year. (State Education Article, § 2-204 of the Annotated Code of Maryland)
- A member may not serve more than 4 years as President. (State Education Article, § 2-204 of the Annotated Code of Maryland)
- In the event that the President resigns from or otherwise leaves the State Board during his/her term of office, the Vice President will become President for the remainder of the unexpired term.
- In the event that the position of Vice President becomes vacant during a term of office, a new Vice President will be elected by the State Board at the next regularly scheduled meeting.



## 2. Duties and Responsibilities of Officers

### *Board President*

- Serves as the official spokesperson for the Board and represents the Board in public and ceremonial functions. This may include testifying before the Legislature, providing remarks at public events, etc. The President should notify members of the State Board of such appearances in advance, or as soon as practicable.
- Manages the annual evaluation of the State Superintendent and Executive Director including, as appropriate, selecting a committee.
- Determines, in consultation with the Vice President and the State Superintendent, the agendas for all meetings of the State Board.
- Calls special meetings of the State Board when necessary.
- Appoints the membership of Ad Hoc committees recommended by the Board.
- Appoints the State Board representative(s) to all organizations external to the State Board.
- Reviews and approves State Board member requests to attend meetings or conferences held out-of-state.
- Gives direction to and holds State Board members accountable for meeting attendance, familiarity with agenda materials, support of Board actions, and general behavior during Board meetings.
- Ensures that correspondence sent to or on behalf of the State Board is shared with all members. Given the varied nature and types of communications received, the President will exercise his/her judgment in forwarding relevant/appropriate communications.
- Engages with stakeholders.

### *Vice President*

- Presides at State Board meetings in the absence of the President.
- Assists the President in carrying-out his/her duties and responsibilities.
- Assists the President with the management of the annual evaluation of the State Superintendent and serve as an ex officio member of any evaluation committee.
- Participates in meetings/conference calls with the President and State Superintendent to plan monthly meeting agendas.
- Assumes the Presidency upon premature vacancy by the existing President.

### 3. Expectations of State Board Members

#### Officers

- Leadership – State Board officers must have the capacity to inspire a shared vision for the State Board and the State Department of Education, be decisive, and capable of tackling difficult issues.
- Objectivity – State Board officers must be able to listen well and provide a forum for productive dialogue, with contributions from all sides of an issue. Must be able to place State interests before special or parochial interests.
- Roles and Responsibilities – An able officer understands the distinctions between the State Board’s role and staff role, as well as the areas in which those roles overlap.
- Working Culture – A dynamic State Board officer welcomes good ideas, encourages innovative thinking, and refuses to tolerate inappropriate and divisive behavior.
- Meeting Management – State Board officers must be able to run effective meetings, use time efficiently, and keep the discussion focused on the critical issues of governance.
- Communication – State Board officers must be able to articulate the goals and objectives of the State Board and communicate effectively with all constituencies and distinguish between personal opinion and that of the State Board.
- Relationship with State Superintendent – State Board officers must be able to develop and maintain an effective working relationship with the State Superintendent. The relationship between the officers and the State Superintendent requires clarity of roles, trust, and honesty.

#### State Board Members

- Make decisions based on the best interests of the State Board, not those of a special interest group or local subdivision.
- Attend State Board meetings. State Board members should notify the President or the State Board Office if they cannot attend part or all of a scheduled meeting. A member of the State Board who fails to attend at least 50% of the meetings of the Board during any consecutive 12-month period shall be considered to have resigned (State Government Article, § 8-501 of the Annotated Code of Maryland).
- Read all written materials prior to each meeting in preparation for discussion and decision making.
- Actively participate in decision making.
- State Board members often possess expertise in education policy and practice. We must expect that they will, in their private capacities, work on, write, and speak about education issues. However, when a State Board member is publicly engaging in an issue that is before the State Board or that is specifically about Maryland

policy or practice, that State Board member should make clear that s/he is expressing personal views and not speaking on behalf of the Board.

- Recognize that individual State Board members do not have authority to bind, speak, or act for the State Board or Department of Education, except as authorized by the State Board as a body.
- Avoid committing the State Board to a position with public comments except when State Board policy is already clearly established.
- Support official actions, policies, and positions of the State Board and refrain from publicly opposing decisions/actions once they are adopted.
- Respect and protect the confidentiality of all information shared and discussed in Executive Sessions of the Board.
- Comply with the State Ethics Law, including annual submission of Financial Disclosure Forms, and avoid even the appearance of a conflict of interest.
- Show respect for fellow Board members, staff, and members of the public.
- Refrain from comments concerning family members, personal philosophy, and personal experiences during public session in order to conduct meetings in a professional and business-like manner.
- Serve as a liaison to commissions, committees, and task forces for the Department of Education and external organizations, as needed, and provide regular updates to the Board.
- Engage with stakeholders.

#### 4. Meeting Procedures

##### Regular Meetings:

Each year, the State Board shall: 1) hold a meeting in July; and 2) at least three other regular meetings. (§2-204, Education Article I). The Board shall establish and approve a regular meeting calendar in July of each year for the next calendar year. Generally, regular meetings of the Board shall occur on the 4<sup>th</sup> Tuesday of each month. A schedule of regular meetings shall be approved by the Board and published for the public. Changes to the published calendar should occur rarely and only upon consensus of the Board. Board staff shall handle all meeting logistics.

##### Special Meetings:

The Board may hold special meetings as necessary (§2-204, Education Article I). The President or a majority of seated State Board members may call a special meeting to address issues as needed. Board members may notify the President in writing of the request for a special meeting. Special meetings will be held at a date and time convenient to a majority (quorum) of the Board members. Board staff will handle meeting logistics, to include confirming a date and location. Board members will provide calendar availability to Board staff and the President, or the President's designee within 48 hours after a request for a special meeting has been

made. Board members will be informed of the confirmed date as soon as reasonably possible.

*Executive Session:*

The Board may meet in Executive Session as pursuant to [§3-305\(b\)](#) of the General Provisions Article of the Annotated Code of Maryland. To meet in closed session the Board must first meet in an open session, after notice, and the presiding officer must read a closing statement disclosing the topics for discussion and reason for adjourning to closed session. The Board shall then adopt a motion to go into executive session.

*Information Work/Study Sessions:*

The President or a majority of seated Board members may convene informational work or study sessions to allow for more detailed discussion and review of education policy issues. No official action shall be taken during these sessions and they are open to the public.

*Public Hearings:*

The Board may designate a meeting as a public hearing on a particular issue, giving more individuals an opportunity to present their opinions to the Board.

*Virtual/Remote Participation:*

Board members are expected and strongly encouraged to be physically present at all regular State Board meetings and Executive Sessions; however, members may request to participate virtually if absolutely necessary. Virtual/remote participation by Board members is at the discretion of the President and as permitted by state law. All requests should be submitted to the President as soon as possible for consideration. If the request is from the President, approval will be granted by the Vice President, who in the President's physical absence will preside over the meeting.

Virtual participation depends on the appropriate video and/or audio technology being available and working at the meeting site and at the location from which the member is participating. The member is responsible for testing the technology in advance to be sure it works appropriately. If using video conferencing and technical difficulties occur during the meeting, the member may participate via audio.

### Quorum:

The presence of a majority of the Board's seated members constitutes a quorum and is necessary to take official action. A quorum can be present either in person or virtually. Email communications among a quorum, as opposed to between individual members, could constitute a meeting if the emails are so close in time as to show that a quorum was discussing an issue that should be addressed in public session.

If all 14 members are seated, a quorum is 8 members.

In the absence of a quorum, the President (or presiding officer) will cancel the meeting. If known in advance, the President should give notice as soon as possible.

### Rules of Order:

- Obtaining and Assigning the Floor:

Board members must be recognized by the President before making a motion or speaking in debate. The President must recognize any board member who seeks the floor while entitled to it.

- Motion Procedure for Action Items:

To make a motion, a Board member must first obtain the floor by recognition of the President. After a motion has been made, another Board member who wishes it to be considered will second it, or the motion dies. The President states the motion and calls for discussion, after which the Board may act on such matter following repetition of the motion by the President.

### Absence of the President:

If it is necessary for the President to be absent from a meeting for any reason, the Vice President shall preside and exercise all the powers and duties of the President. If the President and the Vice President are absent, the Board shall select a member, by majority vote, to preside and exercise all the powers and duties of the President.

### Meeting Cancellation:

The President, in consultation with the Vice President and State Superintendent, has the authority to cancel and/or reschedule a meeting as necessary due to extenuating circumstances (such as inclement weather). Upon deciding whether to cancel or reschedule a meeting, the President shall communicate the decision and

rationale for the decision to the State Board by phone or electronic communication. The President's decision shall be final unless a majority of seated Board members object in writing (includes email) to the cancellation within 24 hours of the President's notification.

In the case of inclement weather on a scheduled meeting date, the Board will follow the decision made by the Governor regarding closures for State Government. If the Governor issues an order closing State facilities, any scheduled meeting(s) would be cancelled. If the Governor does not make such a declaration, the President will consult with the Vice President and decide how to proceed. Board members will be notified of any decisions by the President and /or Executive Director as soon as possible.

### Minutes:

The official record of each State Board meeting is the archived livestream video. A written summary of each meeting will be prepared to reflect the following:

- each item under consideration by the Board;
- the action taken on each item;
- and each vote that was recorded (§3-306(c)).

If the livestream video fails to record the entirety of the State Board meeting, the written summary will be the official record of that meeting.

Any proposed edits or changes to the written summary must be submitted to the Executive Director for final drafting in advance of the next/upcoming meeting. Proposed edits should then be distributed to the Board in advance of the meeting. Approved minutes shall be posted on the Board's website within 10 business days of the Board meeting at which the minutes were approved.

## **5. Committees**

Committees shall be appointed by the President or upon the recommendation and/or approval by motion/vote of the State Board to establish such committees. Committee members may be appointed by designation of the President, by motion or vote of Board members, or by a member volunteering to serve. The Chair for a committee will be appointed by the President. No committee shall be comprised of a number of members as to constitute a quorum.

Members may also volunteer or be appointed to serve as a liaison to commissions, committees, and task forces of the State Board, the State Department of Education, and external organizations, as needed.

At least every two (2) years, the a governance committee shall undertake a review of internal State Board Policy. The President can request that a review be conducted of internal Board policy at any time, as the President deems appropriate.

Standing committees shall meet at least quarterly to maintain the functionality of the committee, but can meet more frequently as the committee deems appropriate. Standing committee meetings are subject to the Open Meetings Act.

Members serving on committees, commissions, and task forces shall provide regular updates to the full Board and submit recommendations, as appropriate. All actions and recommendations must be approved by majority vote of the Board.

No committee, subcommittee, commission, or task force, or individual representing the State Board in such capacity, may act independently on behalf of the Board unless its charge specifically empowers it to act on the Board's behalf. In addition, the individual Board member shall report the independent act at the State Board's next meeting.

Recommendations provided by Board committees to the Department are subject to follow-up by the Executive Director at the direction of the committee.

## **6. Compensation and Reimbursement for Expenses**

State Board members serve without compensation but are entitled to reimbursement for expenses in accordance with the regulations outlined in the Public Ethics Law (General Provisions, Title 5) and the State Travel Management Unit (Subtitle 02 Business Administration 23.02.01 *Standard Travel Regulations*; State Finance and Procurement §10-203, Annotated Code of Maryland).

State Board members may be reimbursed for actual and essential expenses incurred in attending meetings or incurred in the performance of their duties as directed by the State Board. Actual and essential expenses may include: mileage, lodging accommodations, meals, parking, postage, printing, registration fees, and other such expenses incurred in connection with official State Board business. An itemized receipt must accompany every request for reimbursement.

Travel arrangements and expense reporting should be coordinated through the Office of the State Board. In determining proper expense items for members, the State Board has established the following guidelines:

### **Reimbursement for in-state travel expenses:**

- Regular and special meetings of the Board.

- Hearings of legislative committees on matters concerning the Department of Education.
- Meetings of advisory committees and task forces as a representative of the Board.
- Meetings and conferences sponsored by the Department of Education or organizations that have a direct relationship to the work of the State Board and the Department of Education to serve and support students and schools.
- Any other expense specifically related to Board functions.

**Reimbursement for out-of-state travel expenses:**

- Attendance at any out-of-state event must be approved by the President/State Board in order for expenses to be paid or reimbursed.
- Each Board member is generally limited to two (2) out-of-state events or conferences that serve a direct purpose associated with the State Board and/or the Department of Education per calendar year, unless they are serving in a leadership role representing the State Board, or their expenses are covered personally or by another organization (as approved).
- Expenses will be covered for up to three (3) Board members at any one national meeting. Additional members may attend if their expenses are paid personally or covered by another organization (as approved).

Only expenses of Board members may be reimbursed. Expenses for spouses, family members, or other persons traveling with a Board member are not reimbursable. Expense reports shall be submitted to the Office of the State Board within 60 days of the date incurred.

The Ethics Law limits acceptance of unsolicited gifts, such as payment of travel expenses to conferences by officials and employees if the gifts are from a controlled donor as set forth in §5-505(b). Controlled donors include individuals or businesses that: 1) do business with or seek to do business with the official's or employee's agency; 2) are regulated by the official's or employee's agency; 3) have private interests that can be impacted by an official's or employee's performance of his/her duties; or 4) are regulated lobbyists with respect to matters within the jurisdiction of the official employee. Any analysis of a question concerning the application of the Law's gift limitations necessarily begins with the question: is the gift being given by a controlled donor? If the answer to that question is "no", the gift limitations do not apply and the unsolicited gift may be accepted. On the other hand, if the answer to the questions is "yes", further analysis is required to determine if one of the exceptions in §5-505 (c) applies. (Note that an agency may impose stricter limitations on gifts than those contained in the Ethics Law, and in such cases the agency limitations govern. Before accepting a gift that is permitted as an exception under the Ethics Law, officials and employees should check with their agencies to determine if an agency-imposed



restriction applies.) The several exceptions permit an otherwise prohibited gift to be accepted, provided the gift would not: 1) impair the impartiality or independent judgment of the official or employee; or 2) give the appearance of impairing the impartiality and independent judgment of the official or employee. ***Board members should consult with Ethics Commission staff before accepting any gifts.***

Board members may accept reasonable expenses for food, travel, lodging, and scheduled entertainment to attend a meeting or conference if the member is a scheduled speaker or scheduled panel member. If the value of the expenses exceeds \$20.00, the event must be reported on the recipient's financial disclosure statement.

The State Board President shall determine the appropriate action to take in reference to any uncertainty regarding any expense statement submitted by a member. All professional development travel expenses should be approved by the President/Committee before incurring of said expenses. In case of time constraints, the President, in consultation with the Vice President, may approve the request. All other travel expenses may be approved by the President.

## **B. AGENDA DEVELOPMENT**

The meeting agenda will include the topics to be discussed, date, time, and location of the meeting, as well as indicate what portions of the meeting, if any, will be closed to the public. The agenda will be made available to the public in advance, with as much notice as practicable.

All meeting agendas are developed by the Board President and Vice President, in consultation with the State Superintendent. The Board's agenda will reflect and promote the mission and vision of the Board, as well as identified priorities and purposes, including, but not limited to:

- Determining educational policies of the State consistent with Board priorities
- The Strategic Plan adopted by the Board
- Implementation of the Blueprint for Maryland's Future
- Adoption of bylaws, rules, and regulations for the administration of public schools
- Promoting matters that advance school improvement
- Superintendent-identified priorities, as appropriate

Individual Board members may recommend to the Board President and Vice President topics to be placed on the Board agenda by submitting a request to the President or during the Board's planning discussion at its regular meeting. Requests from individuals and groups external to the Maryland State Department of Education to place items on the State Board's monthly meeting agenda will be

considered only if the requested item is one that is being conducted in partnership with the Maryland State Department of Education and the State Board.

The President has final authority for establishing the meeting agenda of the State Board.

In order to maintain the directional continuity of the State Board and to preserve the systemic intent of the Board's mission, the Board will generally seek to focus on building, implementing, and refining its stated goals, priorities, and actions. While Board members may rotate off the Board as key policy initiatives move forward, ensuring the ongoing successful implementation of those initiatives is vital for successful outcomes for Maryland's children.

*Agenda Format/Order of Business:*

Call to Order and Declaration of a Quorum

Pledge of Allegiance

Introduction of Guests

Public Comment

***New Business:***

Consent Agenda

Oral Argument (as necessary)

Priorities

Reports to the Board for Discussion/Action

- Presentations/Information Items
- Regulatory Actions

State Board Member Reports and Comments

- Board Member Comments
- Board Committee Reports

Future Board Agenda Topics

Opinions

Adjourn

Either the President or a majority of the seated Board members may revise the order of business at any meeting so as to best fit the requirements of time, the availability of necessary personnel and other pertinent considerations.

## C. DISCLOSURE OF BOARD MATERIALS

Meeting materials will be available to Board members no later than the Wednesday preceding the scheduled meeting. Materials will be provided in a paperless, electronic format via BoardDocs for all Board agenda items.

Unless legally proscribed, the Executive Director shall ensure that Board meeting materials are publicly available on the website the Friday before each regularly

scheduled Board meeting, as is practicable. It should be noted on public documents that materials are subject to change.

Department staff shall make every effort to provide materials to the Executive Director for distribution to the Board and for public availability reasonably in advance of the regularly scheduled Board meeting. Board members are encouraged to review the meeting materials in advance and forward any questions or requests for additional information to the Executive Director and the State Superintendent as soon as practicable.

## D. APPEALS

The State Board explains the true intent and meaning of the provisions of the Education Article and the bylaws, rules, and regulations adopted by the Board. Except in limited circumstances (e.g., collective bargaining or another administrative remedy is provided in law), the Board decides all controversies and disputes arising under the Education Article and regulations. Most disputes arise from local board of education decisions. The decision of the Board is final.

Depending on the type of matter before the State Board, the following Standards of Review apply:

1. Decisions of a local board involving a local policy or a controversy and dispute regarding the rules and regulations of the local board: The local board decision is considered *prima facie* correct, and the State Board may not substitute its judgment for that of the local board unless the decision is arbitrary, unreasonable, or illegal. The appellant has the burden of proof by a preponderance of the evidence.
2. Disputes involving state School Laws and Regulations: The State Board exercises its independent judgment on the record before it in the explanation and interpretation of the public school laws and State Board regulations.
3. Certificated Employee Suspension or Dismissal pursuant to Education Article, § 6-202, Annotated Code of Maryland: The State Board shall exercise its independent judgment on the record before it in determining whether to sustain the suspension or dismissal of a certificated employee. The local board has the burden of proof by a preponderance of the evidence. The State Board, in its discretion, may modify a penalty.
4. Student Suspension and Expulsion: The local board decision to suspend or expel a student is final. The State Board may not review the merits of a student suspension or expulsion. The State Board accepts an appeal if there are specific factual and legal allegations of one or more of the following:
  - a. The local board has not followed State or local law, policies, or procedures;
  - b. The local board has violated the due process rights of the student; or

- c. The local board has acted in an unconstitutional manner.

The State Board may reverse or modify a student suspension and expulsion if the allegations are proven true or if the decision of a local board is otherwise illegal. The appellant shall have the burden of proof by a preponderance of the evidence.

## **E. DISMISSAL OF APPEAL OF ORDER**

The State Board President, in consultation with counsel to the State Board, shall dismiss an appeal through the issuance of an order, signed and dated by the State Board President, under one or more of the following circumstances as set forth in COMAR 13A.01.05.02:

- The appeal was not filed within 30 days;
- The appeal is moot;
- The appeal does not raise a legal basis for appeal;
- The appellant lacks standing to bring the appeal; or
- The State Board has no jurisdiction over the appeal.

## **F. ANNUAL EVALUATIONS OF THE STATE SUPERINTENDENT AND EXECUTIVE DIRECTOR**

The Maryland State Board of Education shall conduct annually an evaluation of the State Superintendent and the Executive Director of the State Board of Education. In the evaluation process of the State Superintendent and the Executive Director, there may be occasions where there is a changeover in a certain number of Board members. The Board may offer the opportunity to provide feedback to Board members that are no longer on the Board but that were on the Board during the timeframe that is encompassed in the evaluation. Board members that were not on the Board for the period in which the State Superintendent and Executive Director are being evaluated may not provide feedback during the evaluation process.

### *State Superintendent*

- Effective and regular communication between the State Board and the State Superintendent throughout the year is essential for success in carrying out the responsibilities of the position. The State Board is committed to ensuring effective communication is a component of professional development and the evaluation process.
- An evaluation will occur on an annual basis at the end of the fiscal year, using performance standards established jointly by the State Board and the State Superintendent in accordance with the Board's *Framework for Evaluation of the State Superintendent*.

- By September 1 of each year, the State Board and the State Superintendent shall meet to discuss and agree on the goals, process, and evaluation instrument to be used to evaluate the Superintendent.
- The State Board President and Vice President will sign the State Superintendent's evaluation.
- The signed evaluation will be placed in the State Superintendent's personnel file.
- Appendix A defines the current timeline and process for the State Superintendent's evaluation, in compliance with the employment contract terms.

*Executive Director for the State Board:*

- An evaluation will occur on an annual basis at the end of the fiscal year, using performance standards established jointly by the State Board and the Executive Director.
- Annually, using performance standards established jointly by the State Board, in consultation with the Executive Director. The State Board will provide input to the State Board President or his/her designee.
- The State Board President and Vice President will write the Executive Director's evaluation, which will be reviewed by the full State Board prior to the evaluation being given to the Executive Director.
- The State Board President and Vice President will review the final evaluation with the Executive Director and then sign it for placement in the Executive Director's personnel file.

The evaluation shall be conducted according to the following timeline:

1. The President of the Board distributes evaluation form to the Board members at the March Board meeting.
2. Members bring completed form with them and meet as a group with the Executive Director at the April Board meeting. During these meetings, members may ask questions of the Executive Director and the Executive Director can ask questions of Board members.
3. Following the April Board meeting, members of the State Board make necessary revisions to the evaluation form and return their completed form to the Board President and Vice President.
4. Prior to the May Board meeting, the President uses the completed evaluations to prepare a single composite evaluation for the Executive Director.
5. The President and Vice President, at the May Board meeting, share the composite evaluation with the Executive Director. The Executive Director may request to meet with the Board prior to the end of the May Board meeting to challenge/discuss their individual evaluations.

6. The Executive Director will receive a copy of his/her evaluation. The original of the final evaluation will be placed in his/her personnel file. The Board President will retain a copy of the annual evaluation which shall be passed on to the next Board President and Vice President in order to retain a second copy of each annual evaluation. All other copies used in the approval process shall be collected and destroyed.

## **G.MEDIA RELATIONS AND PUBLIC COMMUNICATIONS**

The State Board shall seek to maintain open relations with the press.

State Board members have a responsibility to make it clear when they are speaking or writing on their own behalf that they are not representing the opinions of the Board. Members should add a disclaimer to written and electronic communications indicating that their statements represent the individual's personal views and not those of the State Board. Unless directed by the full Board, or as directed by the Board President, members should refrain from speaking on behalf of the State Board.

In public communications, State Board members should support all official actions, policies, and positions of the Board, once adopted.

Official communications from the State Board shall be developed in coordination with the Board President, Vice President, and the Executive Director, and shall be shared with the full Board upon distribution. MSDE Communications staff are available to assist with media relations, to include serving as a liaison and providing official statements through press releases. The State Board and State Board staff have control over the content on the State Board portion of the [marylandpublicschools.org](http://marylandpublicschools.org) website.

The State Board acknowledges the critical role that social media plays in communication for Board members in their personal and professional capacities. Board members should exercise caution when posting on matters that may be in consideration by the Board and avoid addressing issues discussed in closed sessions of the Board or that include Board deliberations.

Accounts that make reference to a Board member's service on the Board should include a statement that all opinions reflect the individual member and are not an official statement of the Board. If Board members choose to set up social media accounts that reflect their status as a public figure, they should inform Board leadership and the Executive Director.

## H. PUBLIC COMMENT

The public comment segment of the State Board meeting is an opportunity and a courtesy extended to members of the public to provide the State Board with views on issues pertaining to elementary and secondary education policy and the administration of the public school systems of the State. The State Board welcomes individuals who are sufficiently concerned to make the effort to comment publicly at a State Board meeting.

All speakers shall conduct themselves in a non-disruptive manner. Although State Board members do not respond to the comments during this segment of the Board meeting, the State Board members do listen and may take follow up action within the scope of the Board's authority and jurisdiction. Speakers may provide public comment in-person or virtually, as technological capabilities allow.

A person who desires to speak before the Board must register with the Office of the State Board of Education no earlier than one week prior to and up to 3:00 p.m. on the last business day preceding the meeting date. Required registration information shall include the speakers name, email and phone contact, the name of the organization represented (if any), whether the individual plans to provide public comment virtually or in-person, and the topic to be discussed. The electronic form provided on the State Board and Department websites will be used to collect information on public comment each month.

In order to have an orderly presentation of comments by the public, the following procedures apply:

1. Sign-up for public comment is limited to 10 speakers. Once registration has reached capacity, individuals may be placed on a waiting list. Individuals on the waiting list will be notified up to one day prior to the regular Board meeting if a space becomes available.
2. Comments are limited to three minutes per speaker. Staff monitors time through the use of a timer. When the three minutes expire, the speaker is permitted to complete a sentence but should make no further remarks.
3. The speaker may not discuss personnel matters or comment on issues pending in appeals to a local board or to the State Board.
4. Comments shall be directed to the Board, not to an individual Board member. Questions will not be entertained and no discussion will ensue.

5. No signs or posters may be displayed by the public during meetings of the State Board. In lieu of signs, individuals are permitted to submit written comments to the State Board.
6. If any individual fails to comply with these procedures, the State Board President may order the person to leave the public meeting and may take such further action as necessary to ensure compliance with these procedures.
7. Written statements may be provided to the Executive Director to be distributed to Board members.

## **I. REAPPOINTMENT OF STATE SUPERINTENDENT**

The State Superintendent, by statute, is appointed for a four-year term commencing on July 1 and extending through June 30 four years later. If a State Superintendent is fulfilling an uncompleted 4-year term, the fourth year of the original term will be the end of that Superintendent's term.

When a State Superintendent serving a regular four-year term wishes to be considered for reappointment, the following timetable shall be effected:

- The Superintendent shall notify the State Board by July 1 in the fourth or final year of his/her term, in writing, that s/he wishes to be considered for reappointment. For example: if the term ends on June 30, 2024, the Superintendent shall notify the State Board by July 1, 2023 of his/her wishes.
- The MSBE shall consider this request in executive session by its regularly scheduled July meeting using the available previous evaluations and such other information as it deems appropriate.
- The MSBE shall notify the Superintendent of its decision, in writing, within one week, to the extent possible, by its regularly scheduled July meeting.

If the Superintendent asks to be considered for reappointment and the MSBE notifies the Superintendent of its decision to reappoint the Superintendent, the MSBE shall work towards having a contract in place for the Superintendent by the regularly scheduled September meeting.

- The Board President and Vice President will lead negotiations on behalf of the Board. A majority vote of the Board is required to approve the contract for the State Superintendent. A vote to approve the contract shall be conducted in public session.



If the State Superintendent does not wish to be considered for reappointment, the courtesy of notification as soon as practicable before the July 1 entering the final year of the Superintendent's term is encouraged.

## **J. EXECUTIVE SUCCESSION PLANNING**

With respect to ensuring continuity and stability in leadership, the State Superintendent will assure that the Department's senior staff have sufficient knowledge of the procedures of the State Board and will have in place a written executive succession plan identifying who is to act in his/her place when s/he is no longer available or unable to perform his/her duties for an extended period of time. Copies of the written executive succession plan shall be provided to, at minimum, the deputy state superintendents, the State Board President, State Board Vice President and the Department's chief legal counsel/attorney general. Any written executive succession plan shall have no effect in the event the State Superintendent resigns, is not renewed, or is otherwise terminated by the State Board.

The plan shall be submitted to the individuals identified in the prior paragraph within 60 days of taking office and shall be updated by July 1 of each year of the Superintendent's term, or in the event of a major change of staff.

## **K. VOTING**

All resolutions of the State Board shall be passed by vote. All regular members present shall be entitled to exercise voting rights on all matters. The student member may not vote on any matter that relates to: (i) The dismissal of or other disciplinary action involving personnel; or (ii) Appeals to the State Board under § 2-205 of this subtitle or § 4-205 or § 6-202 of this article. The teacher member may not vote on any matter that relates to appeals to the State Board under § 6-202 of this article.

The affirmative vote of a majority of the members serving on the Board is required for any action by the Board (§2-204). Absent members shall not be entitled to vote.

Votes of the Board shall be by voice vote. Votes shall be taken by the President by first calling the member who made the motion followed by the member who seconded the motion. The President will then acknowledge every vote taken by calling the names of each member voting for, against, and abstaining from a motion so that this information may be recorded in the minutes. This includes votes from members participating remotely. In instances where the vote is unanimous, the President shall recognize and record the vote as unanimous.

In all instances requiring emergency voting or virtual polling of Board members, the vote will be ratified at the next scheduled public meeting.

Once a vote has been taken and is approved by a majority of the seated members, it becomes a Board action. All Board members are obligated to support Board actions regardless of personal feelings or personal vote.

## IV. OFFICE OF THE STATE BOARD

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The Office of the Maryland State Board of Education (State Board Office) supports the officers and members of the State Board to ensure the effective and independent functioning of the State Board in fulfillment of its statutory, policy making, regulatory and administrative responsibilities.

The State Board Office works closely with the State Superintendent of Schools and the Maryland State Department of Education (MSDE) staff, to communicate and coordinate the expectations and informational needs of the State Board. When members of the State Board have requests for information from MSDE or the State Superintendent, they should direct their requests through the Executive Director and State Board leadership to ensure the operational efficiency of the Department is maintained and to ensure that timely information is provided. Individual State Board members should not reach out directly to MSDE staff unless working in specific capacities, such as through committee work or already established community engagement events.

Staff of the State Board Office serve State Board members in a variety of ways to include, but not limited to:

- Responding to requests for information and assistance;
- Preparing and distributing board meeting materials and coordinate meeting logistics;
- Serving as a liaison between State Board members and Department staff, the Governor's Office, the State Legislature, and other stakeholders, as requested;
- Researching information about education-related data, policy, and programs, as needed;
- Orientation of new board members;
- Preparing and distributing correspondence;
- Processing travel reimbursement.

Please contact the Office of the Maryland State Board of Education with any questions, requests or concerns at:

*Office of the Maryland State Board of Education  
200 West Baltimore Street  
Baltimore, Maryland 21201-2595  
410-767-0467  
[Stateboard.msde@maryland.gov](mailto:Stateboard.msde@maryland.gov)*

## APPENDIX A: FRAMEWORK FOR EVALUATION OF THE STATE SUPERINTENDENT

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The Board has established the following framework with the State Superintendent regarding the process for an annual evaluation.

The evaluation shall cover the Superintendent’s progress in achieving the agreed-upon goals. The State Board shall conduct the Superintendent’s evaluation in executive session, shall provide the Superintendent a written evaluation and shall provide the Superintendent the opportunity to respond orally and in writing regarding the State Board’s evaluation.

The Superintendent’s evaluation shall be kept confidential. The timeline and process for the evaluation will typically look as such:

Month	Anticipated Activities
April	<ul style="list-style-type: none"> <li>● In advance of the April Board Meeting, the Superintendent will submit a self-evaluation to the Board.</li> <li>● During the April Board Meeting, the Superintendent will discuss his self-assessment and the Board will have opportunity to ask clarifying questions.</li> <li>● After the April Board Meeting, each Board Member will have an opportunity to review the evaluation and provide feedback.</li> </ul>
May	<ul style="list-style-type: none"> <li>● During a special May Board Meeting, the Superintendent will join the Board to share any final thoughts and answer any potential clarifying questions.</li> <li>● After the Superintendent's departure from the closed session, the Board will deliberate as a body to discuss their individual draft ratings and compile summary feedback for the Superintendent.</li> <li>● In accordance with Board governance responsibilities, the Board President and Vice President will develop and share a final evaluation document with summary feedback to the Board during the May Board Meeting executive session (without the Superintendent being present). The President and Vice President may make changes based on Board feedback but the final ratings are theirs to set.</li> </ul>
June	<ul style="list-style-type: none"> <li>● The Superintendent will meet with the State Board President and Vice President to receive his official review, including final ratings and comments. The full process will be completed by June 30.</li> </ul>

## APPENDIX B: COMMITTEE STRUCTURE

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### MARYLAND STATE BOARD OF EDUCATION COMMITTEE STRUCTURE AND POLICY

**Purpose:** To provide guidelines for committee development, expectations, and effective operations.

#### STANDING COMMITTEES

The State Board shall have three (3) Standing Committees: 1) A brief description of each is provided below. Committees shall meet at least quarterly and must work in collaboration with Board leadership, the State Department of Education, and State Board staff.

##### Education Policy

Purpose: To monitor, advise, and make recommendations on all matters related to education policy, including but not limited to: academic performance, assessments, college and career readiness, curriculum, early childhood education, and educator certification. To review pending legislation that will impact the State Board and public schools in Maryland and provide advice and recommendations to the full Board on any necessary action, as well as develop an annual legislative agenda for the State Board.

##### Education Transformation and Accountability

Purpose: To support and facilitate the successful implementation of the State Board's Strategic Plan, the Blueprint for Maryland's Future, and provide advice and recommendations on matters related to accountability standards and outcomes.

##### Governance and Operations

Purpose: To formulate, review, and revise policies and activities to ensure effective State Board operations and governance practices.

## **AD HOC COMMITTEES**

Committees and task forces may be established on an Ad Hoc, as needed, basis and shall be appointed by the President or upon the recommendation and/or approval by motion/vote of the State Board to establish such committees. Committee members may be appointed by designation of the President, by motion or vote of Board members, or by a member volunteering to serve.

### Membership

Committees shall be appointed by the President or upon the recommendation and/or approval by motion/vote of the State Board to establish such committees. Committee members may be appointed by designation of the President, by motion or vote of Board members, or by a member volunteering to serve. No committee shall be comprised of a number of members as to constitute a quorum. It is recommended that there are no more than five (5) State Board members on any committee. Committee membership shall be reviewed annually.

State Board Members may also volunteer or be appointed to serve as a liaison to commissions, committees, and task forces of the State Board, the State Department of Education, and external organizations, as needed.

Any State Board member may attend committee meetings as an observer.

### Committee Chair

The Chair for a committee will be appointed by the President. The Chair presides at meetings of their assigned committee. In consultation with committee members and with support of staff, prepares meeting agendas and coordinates and facilitates the work of the committee in furtherance of the State Board's goals and objectives.

The committee chair (or a designee in their absence) will provide regular updates and submit recommendations, as appropriate, to the State Board. The Chair shall report publicly on its activities through an oral presentation following meetings of the committee.

### Committee Actions

All actions and recommendations must be approved by majority vote of the Board. No committee, subcommittee, commission, or task force, or individual representing the State Board in such capacity, may act independently on behalf of the Board unless its charge specifically empowers it to act on the Board's behalf. In addition, the individual Board member shall report the independent act at the State Board's next meeting.

### Term Limits

Committee terms will be limited to two years.

### Staff Support

State Board committees will be supported by State Board Office and Department staff, as appropriate. The State Superintendent will identify and assign Department staff liaisons, as appropriate. The Committee Chair will work with staff to outline roles, expectations, and duties as needed for the committee's purpose.

## ACKNOWLEDGEMENT

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I (print name) \_\_\_\_\_ have received the Maryland State Board of Education (State Board) Governance and Operations Manual and understand its contents and my obligations and responsibilities as a State Board member.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date