

# EXHIBIT MONTGOMERY COUNTY PUBLIC SCHOOLS

---

## Rules of Procedure in Contested Matters (State Law)

**§4-205. Powers and duties of county superintendent.**

. . . . .

(c) *Interpretation of law; controversies and disputes.*

. . . . .

- (2) Subject to the authority of the State Board under §2-205 (e) of this article, each county superintendent shall explain the true intent and meaning of:
  - (i) The school law; and
  - (ii) The applicable bylaws of the State Board.
- (3) Subject to the provisions of §6-203 and Subtitle 4 of Title 6 of this article and without charge to the parties concerned, each county superintendent shall decide all controversies and disputes that involve:
  - (i) The rules and regulations of the county board; and
  - (ii) The proper administration of the county public school system.
- (4) A decision of a county superintendent may be appealed to the county board if taken in writing within 30 days after the decision of the county superintendent. The decision may be further appealed to the State Board if taken in writing within 30 days after the decision of the county board.

. . . . .

**§6-202. Suspension or dismissal of teachers, principals, and other professional personnel.**

(a) *Grounds and procedure for suspension or dismissal.* –

- (1) On the recommendation of the county superintendent, a county board may suspend or dismiss a teacher, principal, supervisor, assistant superintendent, or other professional assistant for:
  - (i) Immorality;
  - (ii) Misconduct in office, including knowingly failing to report suspected child abuse in violation of §5-704 of the Family Law Article;
  - (iii) Insubordination;
  - (iv) Incompetency; or
  - (v) Willful neglect of duty.
- (2) Before removing an individual, the county board shall send the individual a copy of the charges against him and give him an opportunity within 10 days to request a hearing.
- (3) If the individual requests a hearing within the 10 day period:
  - (i) The county board promptly shall hold a hearing, but a hearing may not be set within 10 days after the county board sends the individual a notice of the hearing; and
  - (ii) The individual shall have an opportunity to be heard before the county board, in person or by counsel, and to bring witnesses to the hearing.
- (4) The individual may appeal from the decision of the county board to the State Board.

. . . . .

**§6-203. Hearing Examiner in certain counties and Baltimore City.**

- (a) *Applicability of section.* – This section applies only to the county boards of the following counties:

. . . . .

- (5) Montgomery;

. . . . .

- (b) *Initial hearing by hearing examiner.* – For all proceedings before a county board under §§4-205(c) and 6-202 of this article, the county board may have the proceedings heard first by a

hearing examiner....

- (c) *Requirements for selection.* –
  - (1) Except in Anne Arundel County, the hearing examiner shall be an attorney admitted to practice before the Maryland Court of Appeals....
  - (2) The hearing examiner shall be chosen by the county board.
  - . . . . .
- (d) *Submission of transcript and findings.* – The hearing examiner shall submit to the county board and appellant:
  - (1) A transcript of the proceedings and exhibits; and
  - (2) His finds of fact, conclusions of law, and his recommendation.
- (e) *Parties may present argument before board.* – Parties to the proceedings before the hearing examiner may make arguments before the county board.
- (f) *Review of record; decision.* –
  - (1) After it reviews the record and the recommendation of the hearing examiner, the county board shall make a decision.
  - (2) The decision may be appealed to the State Board as provided in this article.
- (g) *Rules and regulations.* – Each county board shall adopt reasonable rules and regulations to regulate the proceedings before the hearing examiner.

*Source:* The Annotated Code of the Public General Laws of Maryland, Education, §§4-205, 6-202, and 6-203.

*Exhibit History:* January 1983; Reviewed November 1988.