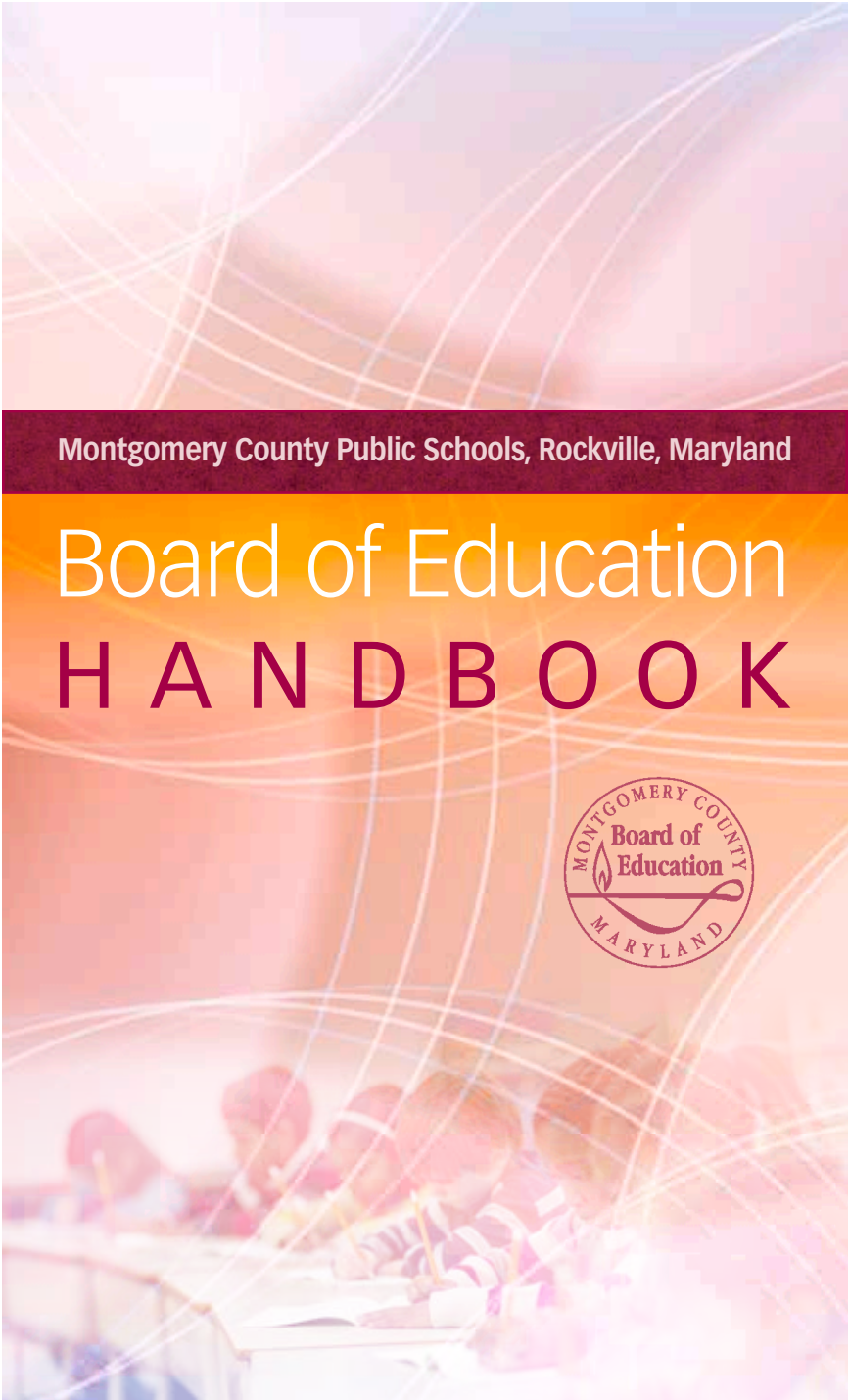
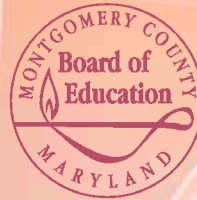


Montgomery County Public Schools, Rockville, Maryland

# Board of Education HANDBOOK





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## **Introduction**

The purpose of this Handbook is to provide a useful tool for members of the Board, staff, residents, and students regarding the manner in which the Board typically operates and carries out the authority delegated to it by law. The contents of this Handbook are not intended to confer any right, benefit, or privilege on any individual. This Handbook is not intended to mandate any process that is binding upon the Board, unless that process is otherwise required by law. To that end, the particular laws that are applicable to the Board shall govern over the terms of this Handbook.

Revised November 2018

Note: Please check the Board's website for any updates to the Handbook:  
[www.montgomeryschoolsmd.org/boe](http://www.montgomeryschoolsmd.org/boe).



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## Authority and Responsibilities of the Board of Education

The powers and mandatory duties of the Board of Education are defined in the *Education Article of the Annotated Code of Maryland* and Title 13A of the *Code of Maryland Regulations*. The Board's primary responsibilities, aligned to support the school system's Strategic Plan, include, but are not limited to, the following:

1. Selecting and appointing the superintendent of schools.
2. Formulating and interpreting policies.
3. Adopting operating and capital budgets.
4. Making decisions on educational, budgetary, facility, and financial matters (including authorization of legal settlements).
5. Establishing curriculum guides and courses of study.
6. Making a continuous appraisal of the educational and administrative management of the school system.
7. Establishing school boundaries.
8. Communicating with residents, staff, and students.
9. Acting in a quasi-judicial capacity, in particular, deciding appeals.
10. Advancing a legislative agenda.
11. Appointing personnel.

In addition to those mandatory duties that are defined in law, the Board is committed to the *Key Work of School Boards*, developed by the National School Boards Association. The *Key Work of School Boards* encompasses the following five areas of action:

1. **Vision**—Effective school boards establish a clear vision with high expectations for quality teaching and learning that supports strong student outcomes.
2. **Accountability**—High academic standards, transparency, and accountability undergird a world-class education.
3. **Policy**—Policy is how a board sustainably exercises power to serve students. Through policy, school boards establish a set of cohesive guidelines to transform vision into reality.
4. **Community Leadership**—Through public advocacy and community engagement, school boards share their concerns and actions with the public.

5. **Board and Superintendent Relationships**—Both the school board and the superintendent have essential leadership roles that are interconnected but different

*Legal Reference:* Sections 4-101, 4-103, 4-108, 4-109, 4-111, 4-114, 4-117, 4-201, and 6-201 Education Article, Annotated Code of Maryland (Note: Information about Board members' immunity from liability may be found in Section 4-106, Education Article, and Section 5-518, Courts and Judicial Proceedings Article, Annotated Code of Maryland)

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## Authority of Individual Board Members

State law sets forth that power belongs not to individual members of a Board of Education but to the Board of Education itself. Board members have authority only when acting as a Board of Education in a legally constituted session, with a quorum being present. The statement or action of an individual member or group of members of the Board of Education does not bind the Board of Education itself, except when that statement or action is authorized by an official act of the Board.

*Legal Reference:* Sections 3-103, 3-901, 3-903, and 4-108, Education Article, Annotated Code of Maryland

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## Composition of the Board and Board Member Qualifications and Oath of Office

The Board is composed of eight members: five elected members, each of whom resides in a different board of education district; two elected at-large members, and one student member. With the exception of the student member, all Board members must be registered voters of Montgomery County and may not be subject to the authority of the Board.

The seven full-voting members are elected to a four-year term at the general election every two years. Four members (three by district and one at large) are elected in gubernatorial election years, and three members (two by district and one at large) are elected in presidential election years. All voters in the county vote for all elected members of the Board of Education, regardless of the candidate's district. Notwithstanding when the ceremonial oath of office is administered, the Board member's term begins on December 1 after the election and continues until a successor is elected and qualifies.

The student member of the Board must be a bona fide resident of Montgomery County and a regularly enrolled junior or senior year student from a Montgomery County public high school. The student member of the Board is



elected for a one-year term each year by students enrolled in middle and high schools in Montgomery County Public Schools. The student's term of office begins on July 1 after the election.

The oath of office for Board members is as follows:

I, (Full Name), do solemnly swear that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and Laws thereof, and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of (Board member/ Student Member of the Board) according to the Constitution and Laws of this State.

*Legal Reference:* Section 3-901, Education Article, Annotated Code of Maryland

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## Student Member of the Board

The qualifications, election, and provisions relating to the student member of the Board are set forth in state law. The student member has the same rights and privileges of an elected member, except that the student member may not vote on personnel matters governed by Section 6-202 of the *Education Article*. If invited to do so by a majority vote of the seven full-voting members of the Board, the student member may attend personnel hearings pursuant to Section 6-202 and closed sessions related to personnel matters, but may not participate in such discussions. The student member also may make motions or second motions made by others. However, his or her right to vote on such motions is predicated upon whether it concerns a matter on which the student member's vote counts.

During his/her term as a Board member, the expectation is that the student member should devote sufficient time and attention to fulfilling his/her academic duties as a matter of priority.

A student member who completes a full term on the Board shall be granted a scholarship of \$5,000. Upon completion of the tenure on the Board, the student member is awarded 1 full credit in social studies. In addition, the student member is awarded 250 student service learning hours or, when properly documented, one student service learning hour for each hour devoted to performing the duties of the student member of the Board, whichever is greater.

The student member may distribute diplomas and/or certificates at high school commencements but may not confer his or her own diploma.

*Legal Reference:* Sections 3-901, 3-902, 3-903, and 6-202, Education Article, Annotated Code of Maryland

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## Elected Board Candidates and Members-elect

Election procedures are found in the Election Law Article of the Annotated Code of Maryland.

Board candidates for election by the general public are required to file public financial disclosure statements for the preceding calendar year with the Montgomery County Board of Elections at the time they submit their certificate of candidacy. After the candidate's election to the Board of Education, the Board of Elections sends the financial disclosure form to the Board of Education's Ethics Panel.

The Board's practice is to use the following processes for Board member candidates and members-elect:

1. Materials, except items of a confidential nature, for Board business meetings are available to candidates and the general public on the school system's website.
2. Members-elect, including the student member-elect, receive all Board materials (excluding items of a confidential nature) that are provided to Board members and are invited to attend all meetings of the Board (except for closed sessions), but are not permitted to vote at those meetings.
3. Newly elected Board members usually are seated at the outside ends of the Board table.

*Legal Reference:* Section 8-801 et seq., Election Law Article, Annotated Code of Maryland

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## Board Member Professional Development

The Board of Education guides the school system to produce students who graduate globally competitive. To that end, the Board itself is devoted to continuous improvement and growth by acquiring knowledge to make Board members better able to govern the school system.

### **New-member Orientation**

Following the election of new members, the Board of Education office, in collaboration with the Board Officers, provides for an orientation to the Board's operation and processes. Information is provided about the functions of the office of the Board of Education and the working relationships with the superintendent of schools and the staff of Montgomery County Public Schools. In addition, information is provided about the roles and responsibilities of Board members, as well as the roles and responsibilities of the superintendent of schools. New Board members are encouraged to attend

the orientation sessions organized by the Maryland Association of Boards of Education. New Board members, who are elected by the general public, are informed that they must file financial disclosure statements annually with the Board's Ethics Panel.

## **Maryland Association of Boards of Education Training Opportunities**

Founded in 1957, the Maryland Association of Boards of Education (MABE) is a private, nonprofit organization, dedicated to serving and supporting boards of education in Maryland. MABE is a leading advocate for public education in the state. All 24 Maryland boards of education are members of MABE. MABE's goal is to provide the skills and knowledge required for local board members to become effective leaders, engaged in governance that promotes excellent public schools for all of Maryland's children. Board members will endeavor to attend MABE sessions on boardmanship and current educational trends offered through MABE's leadership academy or through its Legal Services Association.

## **National School Boards Association Conference**

Founded in 1940, the National School Boards Association (NSBA) represents its State Association members and their more than 90,000 local school board members. These local officials govern 13,809 local school districts serving the nation's 50 million public school students (Source: nsba.org). NSBA sponsors an annual conference that provides local board members with the opportunity to learn about boardmanship, educational reform, technological initiatives, and alternative forms of governance. It is the goal of the Board of Education to foster continuous improvement among its members, and to have members attend the conference for their own professional growth and development. The Board of Education also is an active member of NSBA's Council of Urban Boards of Education (CUBE), which was established in 1967 to address the unique needs of the nation's local school board members serving in urban areas.

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## **Filling Vacancy of Board Member's Unexpired Term**

In the event of the resignation, death, or removal from office of an elected Board member (any member other than the student Board member), the remaining members of the Board will select a qualified individual to fill the vacancy. In the event the vacancy is caused by a member who is required to reside in a particular education district, the person appointed to fill the vacancy also must reside in the same district at the time of appointment and

while serving out the unexpired term. This individual will serve for the remainder of the term and until a successor is elected.

State law also requires that the individual must be a registered voter of Montgomery County and that an individual subject to the authority of the county Board may not serve as a member of the Board. For example, although an employee of the school system would be eligible for appointment, he/she would have to resign as an employee in order to serve as a member of the Board.

When filling Board vacancies, the Board typically discusses the establishment of the process in closed session. The incumbent Board member who is resigning does not take part in the appointment process.

Traditionally, the process commences with the Board soliciting interest among individuals within the appropriate district, or countywide if the vacancy is for an at-large member, and inviting application to be made to the Board Office by a set date. The public notice sets out the qualifications established by law. Interested persons are asked to submit a résumé or brief record of his/her personal history and relevant civic, professional, employment, and other experience, along with a cover letter indicating his/her home address and certifying to being a registered voter and a resident of the affected district. Notice is typically disseminated widely through a variety of methods.

Selected candidates are interviewed by the Board in a public session. During the interview, the candidates provide responses to questions that address their experience, priorities, and expectations for the job. The Board appoints the individual who garners a majority vote of the remaining Board members.

In the event of a vacancy in the student Board member position, the individual receiving the second highest vote in the most recent election shall be seated as the student Board member for the remainder of the term.

Legal Reference: Sections 3-901 and 3-114(b), Education Article, Annotated Code of Maryland

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## **Removal of Board Member**

Pursuant to statute, the Montgomery County Council may remove a Board member for immorality, misconduct in office, incompetence, or willful neglect of duty. The member may request a hearing and have an opportunity to be heard publicly before the Montgomery County Council. The member also has the right to a de novo review of the removal by the Circuit Court of Montgomery County.

Legal Reference: Section 3-901, Education Article, Annotated Code of Maryland

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## Duties of Board Officers

The officers of the Board of Education are the president and vice president. (By law, the superintendent of schools is the executive officer, secretary, and treasurer of the Board.)

Generally, the president presides at all meetings, signs authorized or approved contracts and other documents on behalf of the Board, represents the views of the Board in all communications and correspondence, and performs other duties prescribed by law or by the Board. The president may appoint ad hoc committees of the Board and/or staff members to assist the Board with its work, study specific issues, or undertake Board projects. In the absence of the president, the vice president performs these duties. The following is a more illustrative list of the duties of the president:

1. Board meetings
  - a. Works with the superintendent of schools to develop agendas, with input from Board members.
  - b. Presides over meetings using Robert's Rules of Order, Revised as a guide.
  - c. Ensures that the meetings are conducted in an orderly and succinct manner.
2. Communication
  - a. Serves as the official spokesperson for the Board.
  - b. Works with the Board and individual members to obtain consensus.
  - c. Focuses on ensuring effective, open, honest discussion among Board members.
  - d. Allows each Board member to express his/her ideas and opinions within the stated topic.
  - e. Works with the superintendent of schools and the vice president to ensure all Board members are informed in a timely manner.
3. Committee Assignments
  - a. Appoints ad hoc committees as necessary.
  - b. Discusses with individual Board members their interests and strengths to try and arrive at consensus over committee assignments.
  - c. Is on alert to the balance of workload for each Board member.
4. Evaluation/Retreat
  - a. Plans any Board retreats with input from the vice president and the superintendent of schools.

- b. Ensures that the superintendent of schools is evaluated annually.
  - c. Reviews the Board's norms annually.
5. School and Public Events
- a. Ensures that the Board is represented at school and public events.
  - b. Represents the Board's stated positions on inquiries from the media, elected officials, and community groups.
  - c. Speaks at systemwide school/Board-sponsored events or other formal occasions acknowledging the presence of fellow Board members and other dignitaries.
6. Documents
- a. Signs contracts approved by the Board, official letters, and other written communication on behalf of the Board.

If both the president and the vice president are absent from a Board meeting, the superintendent of schools presides until a president pro tem is elected from among the Board members. The president and the vice president are elected at the Board's annual organization meeting.

Legal Reference: Sections 4-102, 4-107, and 4-204 Education Article, Annotated Code of Maryland

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## **Board of Education Shared Commitments**

We are one team, partners in this work, with one another and with the administration.

The Board adheres to the following principles, which reflect Board members' shared commitments to work together as a Board in the best interest of the school district, to establish effective Board policies, to delegate authority for school administration to the superintendent of schools, and to promote academic success for all students:

- Respect confidentiality. Keep confidential issues within the Board.
- Talk to each other respectfully and value and appreciate everything we each bring to the table, even if we do not agree.
- Be open to new or different ways of doing things.
- Have conversations and/or give one another and/or the superintendent of schools a heads up when issues or inquiries arise.
- Come to the Board meeting well prepared, having read the materials for the meeting ahead of time and prepared to ask pertinent questions and contribute appropriately to the dialogue.

- Strive to avoid surprises. Actively seek out other Board members and/or staff to discuss issues, grow ideas, and enhance our function as a Board and as committees.
- Keep the superintendent of schools and staff informed about meetings with constituents, elected officials, council members, and any other conversations of importance to the team.
- Adhere to the Board’s handbook, and local, state, and federal laws.
- Once a Board decision is made, that is the officially adopted position of the Board that is to be communicated to the public.
- Disagree with ideas, not people.
- Listen to learn, not just respond.
- Respect the processes that all staff are required to follow and acknowledge the sensitivities around staff’s positions.
- Know and respect Board processes when requesting information, route through the Board chief of staff.

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## Ethics and Code of Conduct

The Board of Education, the superintendent of schools, and Montgomery County Public Schools employee organizations have adopted a compact of an organizational culture of respect. With this compact, all parties commit to an organization that recognizes and values the role of all employees as contributors to a learning community that sets high standards of performance for staff and students. Furthermore, the Board of Education and the superintendent of schools are committed to the principles of equity in Policy ACA, *Nondiscrimination, Equity and Cultural Proficiency*.

Board members shall adhere to Board Policy BBB, *Ethics*, which governs actions of its members, school officials, and employees. In alignment with this policy, Board members will avoid being placed in a position of conflict of interest and refrain from using their position for personal or partisan gain. Furthermore, Board members will take no private action that will compromise the Board or administration. Members will respect the confidentiality of information that is privileged under applicable law. Moreover, Board members shall maintain the confidentiality appropriate to sensitive issues and information that otherwise may tend to compromise the integrity or legal positions of the Board or the school system, especially those matters discussed in closed session. If, for any reason, a Board member prefers not to participate in a confidential discussion that is authorized or has a conflict of interest with the subject under discussion, he or she should leave the meeting before it begins

or that particular subject is discussed. (See Closed Sessions section of this Handbook, page 17, for additional information.)

Given that the Board is committed to faithful compliance with the provisions of these documents and the Board's policies, the Board may take appropriate action in the event of a member's willful and continuing violation.

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## **Financial Disclosure**

Policy BBB, *Ethics*, requires that each Board member complete an annual financial disclosure statement for the preceding calendar year. These statements will be made available during normal office hours for examination and copying by the public, subject to whatever reasonable fees and administrative procedures are established. Financial disclosure statements must be completed by candidates seeking election by the general public to the Board of Education. Candidates will file the statement with the Board of Elections at the time candidates submit their certificate of candidacy. Upon a candidate's election by the general public to the Board of Education, the Board of Elections should transmit that disclosure statement to the Board of Education's Ethics Panel. The Board of Education's Ethics Panel is responsible for reviewing all financial disclosure statements for completeness of form and for determination of any existing or potential conflicts of interest.

Legal Reference: Section 8-801 et seq., Election Law Article, Annotated Code of Maryland

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## **Appointment of the Superintendent of Schools**

Maryland state law governs the appointment, term, qualifications, vacancy, and removal of the superintendent of schools. The term of the superintendent of schools is four years, beginning on July 1. The superintendent of schools serves until a successor is appointed and qualifies. By February 1 of the year in which a term ends, the superintendent of schools must notify the Board whether he/she is a candidate for reappointment.

In the year in which a term begins, the Board of Education appoints the superintendent of schools between February 1 and June 30. Should the Board decide to reappoint the incumbent superintendent of schools, the Board must take final action at a public meeting no later than March 1 of that year.

The appointment of the superintendent of schools is subject to written approval of the state superintendent of schools. If there is a vacancy in the office, the Board shall appoint an interim superintendent of schools, who serves until July 1 after his/her appointment.

Legal Reference: Section 4-201, Education Article, Annotated Code of Maryland



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## Responsibilities and Duties of the Superintendent of Schools

The superintendent of schools is responsible for the administration of his/her office and carries out the laws, bylaws, and policies of the Maryland State Board of Education, as well as the rules, regulations, and policies of the Montgomery County Board of Education.

The superintendent of schools advises the Board of Education on educational policies of the school system, school attendance areas, curriculum guides and courses of study, and any question under consideration by the Board. The superintendent of schools recommends contracts, to the extent required by law, and other documents for Board approval. The superintendent of schools also informs the Board in advance of administrative reorganizations, including transfers of functions, establishment of positions and offices, and consolidations of positions and offices.

The superintendent of schools proposes annual operating and capital budgets to the Board of Education. The superintendent of schools attends all meetings of the Board, as well as committee meetings as requested, except when the Board is considering appeals in its quasi-judicial role in closed session, or when the superintendent of schools' tenure, salary, or the administration of his/her office is under consideration. The superintendent of schools may advise the Board on any question under consideration at the meetings that he/she is permitted to attend but may not vote. In the absence of the superintendent of schools, his or her designee fulfills these duties. By contract, the Board of Education regularly evaluates the superintendent of schools on the achievement of mutually agreed-upon priorities and objectives.

By law, the superintendent of schools, as executive officer, secretary, and treasurer of the Board, keeps a record of the proceedings of each meeting of the Board and of all actions taken by the Board.

The superintendent of schools recommends the appointment of administrative and supervisory personnel to the Board of Education for its approval, whether by discrete personnel actions or by way of a monthly personnel report approved by the Board. The superintendent of schools also informs the Board in advance of transfers of administrative and supervisory personnel. In the monthly personnel report, the superintendent of schools provides appropriate notification of personnel appointments, terminations, and disciplinary actions of Montgomery County Public Schools personnel, and recommends approval of those personnel actions that require Board approval under applicable laws.

Legal Reference: Sections 4-103, 4-201, 4-204, 4-205 and 6-201, Education Article, Annotated Code of Maryland

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## Meetings of the Board of Education

All meetings of the Board of Education are public meetings, except for closed sessions and as otherwise permitted under state law.

### Agenda Setting for Business Meetings

The Board of Education promotes the interests of schools under its jurisdiction and has control over educational matters that affect the county. The Board of Education adopts a strategic plan to guide the school system in developing, implementing, and improving educational programs for its students. With the advice of the superintendent of schools, the Board of Education establishes priorities together with specific objectives for the attainment of these priorities. The superintendent of schools and Board members recommend agenda items for Board meetings based on these priorities and by adhering to the following process:

1. Prior to July of each year, the Board of Education receives a master calendar of Board meetings and hearings for the ensuing year.
2. The Board Office schedules regular agenda-setting meetings with the Board Officers, the superintendent of schools, and designated staff. The following items are discussed at these meetings:
  - a. The agenda for future business meetings. The superintendent of schools or his/her designee advises the Board Officers of time requirements for agenda items, the status of major items to be discussed at Board meetings, and the availability of staff to be present for Board discussions.
  - b. A list of items to be scheduled for future business meetings. The superintendent of schools or his/her designee works with Board Officers to identify the status of items to be scheduled and suggests dates for their presentation. The Board Office maintains a continuous listing of future agenda items.
  - c. Review of future Board meetings. The superintendent of schools, or designee, and the Board Officers review a calendar of future Board meetings (regular and special), closed sessions, public hearings, and work sessions.

After the agenda-setting meeting, copies of draft agendas are sent to Board members and executive staff, and are posted to the Board's website. Board members are encouraged to share their interests regarding scheduled items to inform staff presentations.

3. As noted in the Regular Business Meetings section (page 14), there is a process for adopting New Business Items. Unless stated in the adopted motion, the scheduling of any adopted New Business item may be determined during the agenda-setting process by the Board Officers and the superintendent of schools, with every effort being made to schedule major action items when all Board members can be present.

4. Prior to a Board meeting, with as much advance notice as possible, Board members who need information or desire staff members to be available to answer questions at the table about an issue, should alert Board staff to request that the superintendent of schools answer those questions and/or provide the information needed.
5. After business meetings and public hearings, the Board Office staff and superintendent of schools' staff discuss items raised during the Board meeting, assign responsibilities for follow-up items, and review draft agendas and calendars for future Board meetings.

## **Preparation of Meeting Materials**

Before every business meeting, materials are prepared for Board members and key staff. Board materials are not released to the public until after Board members have received them. Board meeting materials normally are available online to the public on the Friday prior to regular Board business meetings. Items that require extensive study should be distributed to Board members in advance of the regular distribution of Board materials, to allow sufficient time for review and consideration by Board members.

## **Open Public Meetings and Notice**

Meetings of the Board of Education, including its standing committees, are open to the public, except when meetings may be held in closed session under the *Maryland Open Meetings Act* and as otherwise permitted under state law. The public must be provided with adequate notice of the time and location of meetings.

When a meeting is held in open session, the general public is entitled to attend. Under state law, the Board of Education has the authority to adopt and enforce reasonable rules regarding the conduct of persons attending its meetings, as well as the videotaping, televising, photographing, broadcasting, or recording of its meetings. Given that the meetings are videotaped and the video equipment must be permitted to operate properly, members of the public may be asked to adjust their signs so as not to block videotaping equipment or block the view of other participants. It is generally preferred that signs be no larger than an 8.5" x 11" sheet of paper. To ensure the safety of all meeting attendees and participants, signs on sticks are not permitted. In addition, if the presiding officer determines that the behavior of an individual is disrupting an open session, the public body may have an individual removed. Unless it is determined that the Board of Education, its members, or its agents acted maliciously, they are not liable for having an individual removed from the meeting.

Legal Reference: Sections 3-903 and 4-101, Educational Article, and Section 3-101 et seq., General Provisions Article, Annotated Code of Maryland

## Annual Organizational Meeting

According to state law, the Board of Education must conduct an annual meeting on or before January 10, for the election of a president and vice president. However, the Board traditionally conducts its election of officers as the first order of business at its first business meeting in December, but, in any event, no earlier than December 1 or the date on which new members are sworn in, whichever is later.

The annual organizational meeting is traditionally combined with a regular business meeting.

The meeting is called to order by the secretary-treasurer (by law, the superintendent of schools). The names of all members are automatically placed in nomination. Through an individually recorded written vote, the members elect a president and vice president from among the currently sitting members by majority vote. The election for president shall precede the election for vice president. Immediately upon their election, the president and vice president shall assume the duties of their office.

In addition to selecting the president and vice president, the Board also must fill vacancies on the Board's standing committees, including designating the chair for each of the committees.

Legal Reference: Section 4-107, Education Article, Annotated Code of Maryland

## Regular Business Meetings

1. The Board usually conducts two business meetings per month, except for the months of August and December during which the Board is in recess, as well as the months in which the Board holds hearings on its capital and operating budgets. The all-day business meeting is usually held on the second Tuesday of the month, and the evening business meeting is usually held on the second Monday following the all-day meeting. These meetings are held at the offices of the Board of Education at the Carver Educational Services Center in Rockville, Maryland, unless otherwise designated.
2. Every effort is made to schedule items of significant public interest at times convenient to the general public, and a special effort is made to group similar and major educational issues together during business meetings.
3. At every business meeting, 30 minutes are set aside for public comments from residents, to encourage public participation. The first 15 speakers who sign up for public comments during the designated sign-up process are granted 3 minutes each to speak as follows:

The Board will reserve 10 of the 15 slots for public comments for speakers who wish to comment on issues that are on the agenda for that day's Board meeting. The other five slots will be reserved for speakers who wish to comment on other issues that are not specifically on the agenda.

Unallocated slots may be filled—first come, first served—on the day of the meeting by signing the appropriate sheet at the Board meeting no later than 15 minutes prior to the scheduled time for public comments. Public input on policy, program, and practices is encouraged, but public comments is not the proper avenue to address specific student or employee matters. Everyone is encouraged to utilize existing avenues of redress for complaints. Comments about the actions or statements of individual staff members should be referred to the superintendent of schools or processed through available channels. Speakers are requested to provide their testimony in advance to the Board Office or to bring 20 copies of their testimony on the day of the meeting.

4. The advance meeting agenda shall indicate if an item is intended for discussion, action, and/or information. Notwithstanding the designation, any Board member can make a motion germane to an agenda item before the Board.
5. In addition to taking action on scheduled items, the agenda of each business meeting contains an opportunity for Board members and the superintendent of schools to make comments on activities, request information, and ask questions of a general nature. Requests for information that the majority of the Board agrees would entail the commitment of a considerable amount of time of staff to respond shall require approval by the Board.

During the meeting, presentations by staff to the Board emphasize key highlights of the paper and recommendations, ensuring that the Board has sufficient time to discuss the agenda item.

6. An item may be placed on the Board agenda through a motion and a second under New Business at a business meeting, provided a majority of the Board approves that motion at a subsequent meeting (i.e., a new business item shall lie on the table until the next business meeting before being voted on by the Board). This provision may be waived without notice if all members are present and there is unanimous agreement.
7. Unless stated in the motion, the scheduling of any New Business item shall be determined through the agenda-setting process described on page 12. Except for policy matters, items that are time sensitive may be voted upon during the same meeting as introduced if the Board members, by majority vote, so concur. Board-member proposals to establish special programs, where a substantial amount of staff time is needed to develop the programs, must be approved in accordance with Board procedure for establishing and evaluating special programs. Prior to voting on an item of new business that seeks a paper from the superintendent of schools, the superintendent of schools shall be asked how much time it would take staff to prepare a response.

8. At every business meeting, time shall be set aside for Consent Items, consisting of matters that the Board president or the superintendent of schools believes will be adopted by unanimous vote. Approval of the consent agenda shall include the approval of all items included as consent items, provided that any member may defer to the end any item on which discussion is desired, after which a separate vote shall be taken.
9. Meetings are to begin promptly at the starting time on the agenda, a quorum being present. Closed sessions normally are scheduled at the start, lunch hour, and/or end of the meeting. Usually, evening meetings will be scheduled to begin with closed session at 5:00 p.m., open session at 6:00 p.m., and attempt to conclude no later than 9:30 p.m.
10. Although general meetings times are contained in this Handbook, the Board may adjust meeting dates and times as necessary to accomplish Board business.

## **Special Meetings**

Other than regularly scheduled business and committee meetings, publicized in advance, the Board may meet for work sessions, retreats, trainings, and policy-development sessions. As part of its master calendar, the Board may schedule annual meetings with the officers of the Montgomery County Region of Student Councils, Montgomery County Junior Councils, Student Government Association presidents, Montgomery County Council of Parent Teacher Associations, Montgomery County Association of Administrators and Principals (MCAAP), Montgomery County Education Association, Service Employees International Union (SEIU) Local 500, and PTA clusters (the latter on a rotating basis). The Board also may meet, from time to time, in informal meetings with other elected and appointed officials and education, civic, and community organizations. These meetings may be held at the offices of the Board of Education or in communities throughout the county.

Special meetings also may be called by the president of the Board, by the superintendent of schools, or at the written request of a majority of the Board. Whenever possible, at least 24 hours' notice of special meetings and their purpose will be given to each Board member and, whenever feasible, meeting dates will be determined in consultation with Board members.

Business that does not come within the purposes set forth in the call for the meeting may not be transacted at a special meeting, unless all Board members are present and agree unanimously to the consideration of the additional item(s).

## Retreats

The Board usually schedules at least two annual retreats a year for team building, training, discussion of Board operations, and other matters as appropriate. Following an election, one of the annual retreats should be scheduled in December or January with the new Board. The retreats will be held in compliance with the *Maryland Open Meetings Act*, as required by law.

## Closed Sessions

Under the *Maryland Open Meetings Act*, the Board of Education is authorized to meet in closed session to discuss, among other things, personnel matters, acquisition of real estate, pending litigation, collective bargaining issues, matters protected from public disclosure by law, and to obtain legal advice. The *Maryland Open Meetings Act* also requires that, before meeting in closed session, the Board must give reasonable advance notice of the closed session. Further, after a closed session is held, the Board also must provide a report concerning the closed session's topic(s) of discussion. In order to accomplish these objectives, the Board adheres to the following guidelines at every business meeting:

1. For the closed session that occurred at the previous Board meeting, a statement will be made at the next Board meeting that includes the time, place, and purpose of the closed session; a record of the vote of each member as to closing the session; a citation of the authority for closing the session; and a listing of topics of discussion, persons present, and each action taken during the session.
2. Immediately prior to convening a closed session for the current Board meeting, the president shall conduct a recorded vote on closing the session. Further, the Board shall adopt a resolution in open session that includes the reasons for closing the meeting, including citations of legal authority and a listing of the topics to be discussed.
3. For the closed session that is to occur at the next Board meeting, the Board shall adopt a resolution that provides the date, time, and place of the session and, if appropriate, a statement that all or part of the meeting will be conducted in closed session.
4. Closed sessions may be called by the president at any time, or the superintendent of schools. However, the Board must take a public vote to go into closed session and must give public notice of the meeting by providing notice of the date, time, and place of the meeting, as required by the *Maryland Open Meetings Act*. If an emergency session is required, the Board must give notice of the session and take a public vote to go into closed session. The presiding officer shall conduct a recorded vote on the closing of the meeting and shall make a written statement setting out the reason for closing the meeting, the specific provision of the *Maryland*

*Open Meetings Act* that allows the meeting to be closed, and the topics to be discussed during the closed session.

5. It is the responsibility of all Board members to monitor the topics discussed in closed session to ensure that the topics discussed are appropriate for closed session. All Board members will receive training on the requirements of the *Maryland Open Meetings Act*.
6. Board members and staff are expected to maintain the confidentiality of closed session. The attorney general has ruled that, although the Montgomery County Board of Education is without power to discipline its members, it is free to adopt a resolution that expresses its disapproval of a member's action in disclosing the contents of a closed session discussion.

Legal Reference: Sections 3-903 and 4-107, Education Article, and Section 3-101 et seq., General Provisions Article, Annotated Code of Maryland

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## Protocols for Absentee Participation

Members of the Board may participate in a regular or special meeting of the Board of Education, including any closed session thereof, by means of an audio or video conference, pursuant to the following protocols:

1. The absent Board member may participate in the meeting by audio or video conference call only when a family, work, or other bona fide emergency prevents the Board member from attending the meeting in person. Board members are expected to attend meetings in person; this provision is not to be used as a mechanism for Board members to cease attending meetings in person.
2. The absent Board member who wishes to participate in the meeting, or a portion of the meeting, by audio or video, must make his or her request known to the Board president and the Board Office at least 24 hours prior to the scheduled commencement of the meeting.
3. To comply with the *Maryland Open Meetings Act*, the absent Board member may participate in the open session of a regular or special meeting only if the audio or video can and will be broadcast over a speaker phone or other technology capable of allowing the absent Board member to hear and be heard by the attending Board members and members of the staff, public, and press present at such meeting, or a portion thereof.
4. Any member of the Board who participates in a Board meeting by audio or video conference call will not count toward the number of members necessary to constitute a quorum at the meeting.
5. However, any Board member who participates in a meeting by audio or video conference call will be permitted to consider, discuss, and vote upon any matter properly before the Board in the same fashion and with the



same effect as if such member were physically present at the meeting. The minutes of any meeting at which such absent Board member participates in this manner will reflect that such member participated by audio or video conference call and was not physically present during such meeting.

6. For the Board meeting, the absent Board member will call in at an appointed time on the meeting agenda, after which the Board member will be advised to wait until the Board president invites the absent member to join in the dialogue. Concurrently, the Board president will be notified by staff as to the name(s) of the Board member(s) who is (are) waiting to join in the dialogue. The absentee Board member should not speak until called upon to do so by the Board president.
7. To avoid either electronic interference or multi-second time delay, the absent Board member should undertake all efforts to mitigate any noise in his/her proximity.
8. Due to the limitation on the number of outside telephone lines running to the control booth and Board Room, and to ensure the presence of a quorum, no more than three absentee Board members may participate by telephone conference call concurrently.

Legal Reference: Section 3-101et seq., General Provisions Article, Annotated Code of Maryland

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## **Rules of Order**

The Board of Education observes *Robert's Rules of Order, Newly Revised* as a guide in conducting its meetings, except as provided otherwise, either in this handbook or Board policy. Moreover, the Board is guided by its own rules, state statutes, and Maryland State Department of Education bylaws, which establish the following:

1. A motion is not adopted without the approval of five members, with the exception of personnel matters (arising under Section 6-202 of the Education Article of the Annotated Code of Maryland) on which the student member's vote does not count, in which instance the motion requires the approval of only four members.
2. The Board adopts its agenda at the beginning of a business meeting. Times listed on the agenda are intended for guidance only. Unless changed by the Board or the Board president, the order in which items appear on an agenda will be followed. Any changes in the adopted agenda are made by majority vote or by consensus.
3. A quorum consisting of a majority of the full Board shall be present to convene a meeting.

4. An item may be placed on the Board agenda through a motion and a second under New Business at a business meeting, provided a majority of the Board approves that motion at a subsequent meeting (i.e., a new business item shall lie on the table until the next business meeting before being voted on by the Board). This provision may be waived without notice if all members are present and there is unanimous agreement.
5. The rules and regulations governing the operations of the Board (except those required by statute and governing special meetings and policy issues) may be amended by a majority vote of the Board at any meeting, provided that each member shall have been furnished a copy of the proposed amendment at least one week in advance. Robert's *Rules state*, "Rules protecting absentees or a basic right of the individual member cannot be suspended, even by general consent or a unanimous vote."
6. The Board chief of staff serves as parliamentarian to the Board.

Legal Reference: Section 3-903, Education Article and Section 3-101et seq., General Provisions Article, Annotated Code of Maryland

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## Record of Board Meetings

The Board of Education maintains records of meetings as follows:

1. Records of the Board's business meetings and hearings are retained in the Board Office and online. All Board business meetings are televised and are available online via webcast.
2. The Board designates the live, recorded, archived video/audio streaming of its meetings to be the Board's official minutes, in accordance with applicable law, for meetings with such streamings/recordings. The Board also shall prepare a written summary of the motions made and votes taken at the meeting, which is for informational purposes only. If there is any discrepancy between the video/audio and this summary, the video/audio, which constitutes the minutes of the meeting, shall control. If there is no video/audio streaming/recording of the meeting, the written summary shall be designated as the official minutes.
3. Minutes of closed sessions include a list of each item considered, the action taken, and each recorded vote.
4. Recordings and minutes of meetings open to the public are available as a matter of public record on the Board's website, as well as in the Board Office.
5. If requested, specific action items may be transcribed on a case-by-case basis. The effects of transcribing action items on a case-by-case basis will be reviewed and evaluated after a year.

Legal Reference: Section 3-101et seq., General Provisions Article, Annotated Code of Maryland

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## Public Participation

The members of the Board of Education desire to hear the views and have the advice of interested residents. To help ensure effective public participation in the decision-making process, the Board does the following:

1. Endeavors to advertise the agenda and supporting documents on the school system’s website no later than the Friday before the business meeting. Furthermore, copies of agenda materials are available to the public on the day of the business and special meetings.
2. Involves residents and students on advisory committees.
3. Holds public hearings on the operating and capital budgets and issues of wide public interest, as determined by the Board.
4. Provides time at its business meetings for the public to comment on educational issues and other matters before the Board.
5. Encourages residents to communicate with Board members by publishing contact information, including e-mail addresses.
6. Widely circulates proposed policies for comment.

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## Policy Development and Adoption

The Board of Education has adopted Policy BFA, *Policysetting*, which includes a definition of “policy” and a uniform format for policy development and implementation, including publication, monitoring of implementation, and review. Discussion of a new policy usually takes place over four meetings—one for the Board’s Policy Management Committee to discuss the superintendent of schools’ policy analysis, the second for the Board to take tentative action on the Policy Management Committee’s recommendations, the third for the Policy Management Committee to review public comments on the policy and any additional staff recommendations, and the fourth for the Board to take final action on the policy.

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## Board Committee Meetings

As the Board deems appropriate, standing and ad hoc committees shall be established by resolution, reflecting their mission and composition. Any committees adopted by Board resolution are governed by the *Maryland Open Meetings Act*. As a result, a quorum of the Board should not be present at any Board committee meeting. After initial appointments for standing committees are made, future vacancies shall be filled at the all-day meeting each December.

The Board president may appoint ad hoc committees as necessary to accomplish Board business. Such ad hoc committees convened by the Board president are not subject to the *Maryland Open Meetings Act*.

Committees shall decide on their own meeting schedules and make recommendations and updates to the full Board, as appropriate. The Board shall consider any recommendations from a committee, after having provided the superintendent of schools with the opportunity to make a recommendation or otherwise advise the Board as to its committee recommendation.

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## Board Advisory Committees

The Board of Education is empowered by state law to create citizen advisory committees to advise the Board, facilitate activities and programs in the school system, and recommend possible changes in Board policy. This input guides and informs decisions made by the Board. Given that input from the advisory committees guides and informs decisions by the Board, members of the Board should not routinely attend or participate in those meetings.

Advisory committees may be ongoing or created for special purposes on a short-term basis. A listing of current Board advisory committees is available online. Advisory committees appointed by the Board are subject to the *Maryland Open Meetings Act*.

Moreover, pursuant to law and policy, the Board of Education has appointed an Ethics Panel, which interprets the Board's ethics policy, reviews financial disclosure statements, and advises persons subject to the policy as to its application.

In addition, there are advisory committees that report to the superintendent of schools. As provided by their charges, the Board and the superintendent of schools advisory committees present their annual reports to the Board of Education.

Legal Reference: Section 4-112, Education Article, Annotated Code of Maryland

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## Public Hearings

The Board of Education schedules public hearings on issues it determines to be of widespread interest and concern. A quorum of the Board is not required to be present for a hearing to be conducted. In addition to special public hearings, the Board holds hearings on its annual operating budget, proposed Capital Improvement Program (CIP) as necessary, and school boundaries. Hearings for the proposed capital budget and CIP and/or boundaries are governed by Board Policy FAA, *Educational Facilities Planning*.

General guidelines for public hearings are as follows:

1. The subject, date, and opportunities for sign-up for a public hearing are typically publicized through the Board’s customary communications channels, including being posted on the Board’s website and through a release to the news media.
2. The agenda for the hearing is closed when the maximum number of speakers is registered or at the close of business the day before the hearing, unless otherwise specified by the Board in the hearing notice.
3. The following time limits for testimony apply to public hearings, unless otherwise specified by the Board in the hearing notice:

Organizations*/Municipalities/Elected Officials	5 minutes
Individuals	3 minutes

For operating budget and CIP hearings, students, elected officials, municipalities, and the Montgomery County Council of Parent Teacher Associations (MCCPTA) shall be accorded the opportunity to testify first, followed by PTAs and then, on a first-come, first-served basis, individuals and civic and countywide organizations. Usually, MCCPTA cluster coordinators, in consultation with the local PTA presidents, will coordinate testimony on behalf of local PTAs and notify the Board Office of speakers within their allotted cluster time. Alternatively, such testimony may be coordinated by MCCPTA area vice presidents, in which case, testimony may be grouped by areas and time allotted differently than stated above. Cluster coordinators and area vice presidents are strongly encouraged to ensure that diversity of opinions is accommodated when scheduling testimony.

A person calling to speak may reserve only one space. Only one speaker will be registered for any organization, unless the Board provides otherwise. Individuals and organizations may not cede time to others who have signed up. Elected officials are given the courtesy of being placed on the agenda at the time of their choice.

4. For all other hearings and forums not governed by a specific Board policy, all speakers are accorded 3 minutes to present their testimony. A person calling to speak may reserve only one space. Only one speaker will be registered for any organization. Individuals and organizations may not cede time to others who have signed up.
5. Speakers are requested to submit their testimony electronically to the Board of Education Office at least 24 hours in advance of the hearing. If the testimony is not provided in advance, speakers are requested to provide 20 copies of their statement at the hearing, for distribution to the Board, staff, and press.
6. Generally, public hearings are recorded, televised, and transmitted via webcast.

7. If the speakers are not present at their designated time, every effort will be made to accommodate their testimony prior to adjournment of the meeting.
8. To expedite the hearing, Board members and the superintendent of schools will limit their participation solely to asking questions of the speakers or requesting follow-ups by staff. Copies of follow-up responses to questions raised will typically be posted on the Board's website.
9. Written statements submitted in lieu of testimony will be given equal consideration, but, in order to be considered, they must reach the Board no later than 48 hours before the time scheduled for action by the Board.

\*Organizations include: Montgomery County Regional Student Government Association/Montgomery County Junior Councils, National Association for the Advancement of Colored People Parents Council, community organizations, MCCPTA, clusters, and the employee associations.

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## **Strategic Plan Development and Approval Process**

The strategic plan for Montgomery County Public Schools is designed to guide the work of schools and offices for achieving the visionary goals approved by the Board of Education. The Board's goals included greater public involvement in the development phase of the strategic plan and operating budget.

Annually, the Board of Education's Strategic Planning Committee works with staff to review and recommend changes to the strategic plan. In addition, community forums may be held in which participants are asked to address principal questions to assist the Board in developing/modifying the strategic plan. When substantial feedback on a wide range of issues involving the strategic plan has been received at the forums, summaries of the comments made at the forums are posted on the Montgomery County Public Schools (MCPS) website.

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## **Operating Budget Approval Process and Educational Facilities/Capital Budget Process**

Two major issues that come before the Board of Education each year are the operating budget and the educational facilities plan, which includes action on the capital budget.

The operating budget includes salaries, contractual services, supplies and materials, furniture and equipment, and other funds necessary for the daily operation of the school system. The operating budget is developed under the direction of the superintendent of schools, who receives a wide range of input. The superintendent of schools recommends the budget's adoption to the

members of the Board. The Board holds work sessions and public hearings in January prior to adoption of the budget to secure additional information on the recommendations of the superintendent of schools.

The date for submission of the operating budget to the County Council is established by county law. The budget must be submitted to the county by March 1 of each year and adopted by the County Council by June 1. In June, the Board makes adjustments to the budget to conform to Council action and to reflect the final judgment of the Board on expenditure priorities prior to the July 1 deadline for submitting the school system's final operating budget to the County Council.

Each spring, the superintendent of schools reviews all Board of Education facilities decisions and capital budget requests. The capital budget includes construction and planning funds for new facilities, modernizations and renovations, furniture and equipment associated with these projects, and countywide maintenance efforts. Facilities issues include building utilization, educational program capacity, enrollment projections, boundary changes, and school closings/consolidation. During the spring, cluster, school, and community representatives meet to discuss feasible school program and facility alternatives and, by June 1, cluster representatives send the superintendent of schools proposed solutions, priorities, or concerns the cluster has identified for its schools.

Early in October, the superintendent of schools holds a public work session with the Board to discuss new school enrollments and projections. On or prior to November 1, the superintendent of schools publishes a proposed six-year Capital Improvements Program or amendments thereto, subsequent to which the Board holds a work session at which members may propose alternative solutions to boundary changes. During November, the Board holds public hearings on facilities and boundary proposals, with decisions scheduled prior to the end of November. The Board may opt to defer until a later time (usually March) selected boundaries and facilities decisions. (See Policy FAA and Regulation FAA-RA, *Educational Facilities Planning*, *Long-range Educational Facilities Planning*, respectively, for more details.)

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## Appeals to the Board of Education

In addition to state law requirements, the major documents governing appeals to the Board of Education are Policy BLB, *Rules of Procedure in Appeals and Hearings*; Policy JEE, *Student Transfers*; Regulation JEE-RA, *Student Transfers and Administrative Placements*; Policy KLA, *Responding to Inquiries and Complaints from the Public*; and Regulation KLA-RA, *Responding to Inquiries and Complaints from the Public*. There are generally three categories of appeals under various

sections of the Education Article of the Annotated Code of Maryland: disputes involving the final action of the superintendent of schools; suspensions or dismissals of professional and/or certificated personnel; and student suspensions of more than 10 days or expulsions.

Once an appeal is started through the process, it is not appropriate for Board members to discuss the issue with the appellant, the public, or staff. The Board may dismiss appeals that are not received in the Board Office by the appropriate deadline. Once the appeal is properly filed, the appeal may be withdrawn by the appellant, or the superintendent of schools may grant the requested relief before the Board adjudicates the appeal. It is expected that Board members will maintain the confidentiality of documents related to the appeal and not discuss these materials with those who should not be privy to such information.

Generally, matters related to special education and Section 504 of the *Rehabilitation Act of 1973* are not subject to review by the Board of Education, pursuant to Policy BLC, *Procedure for Review and Resolution of Special Education Disputes*, and by mandates of other state and federal laws. Furthermore, complaints concerning the conduct of Montgomery County Public Schools personnel should be directed to the superintendent of schools.

Legal Reference: Sections 4-205 (c), 7-305, and 6-202, Education Article, Annotated Code of Maryland

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## Negotiations

The Board of Education designates the superintendent of schools as its representative in contract negotiations with the Montgomery County Association of Administrators and Principals (MCAAP/MCBOA), the Montgomery County Education Association (MCEA), and the Service Employees International Union Local 500 (SEIU Local 500). By law, the Board of Education is permitted to meet in closed session to discuss issues related to contract negotiations with the employee organizations. It is expected that Board members will maintain the confidentiality of issues discussed during closed sessions.

Legal Reference: Sections 6-408 and 6-510, Education Article, Annotated Code of Maryland

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## Personnel Appointment Procedures

1. Under state law, it is the responsibility of the superintendent of schools to recommend the appointment of personnel to administrative and supervisory positions. These appointments are discussed by the Board of Education in closed session and confirmed by majority vote in public



session when the Board adopts the monthly report, or by a majority vote for senior leadership, principals, and other specified positions.

2. The superintendent of schools notifies the Board in advance of the transfers of personnel to administrative and supervisory positions.
3. The Board of Education also receives and reviews a monthly personnel report in closed session and takes a public vote on the report. The report contains appointments of administrative and supervisory personnel, teachers and supporting services personnel, terminations for all personnel, and notice of suspension and dismissal actions. In addition, the Board adopts resolutions expressing sympathy on the death of an employee.

Legal Reference: Sections 4-103 and 6-201, Education Article, Annotated Code of Maryland

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## Staff to the Board of Education

Maryland Courts have held that the Board has the authority to engage staff as necessary to enable the Board to carry out its functions. The Board adopted Policy BNB, *Board Staff Management and Operations*, which establishes guidelines for outlining the duties of the staff to the Board of Education and delineating the management and operations, including, but not limited to, hiring, evaluation, and professional development of Board staff.

Acting under the supervision of the chief of staff, the Board of Education staff shall provide general support to the Board of Education and its members to facilitate the discharge of their statutory responsibilities and coordinate with the superintendent of schools. Specifically, the Board Office—

- responds to requests from members of the Board of Education, the superintendent of schools, staff, public, and other governmental agencies for information on past or pending Board business;
- provides legislative and intergovernmental information and support, including representation of the Board of Education's interests before appropriate legislative bodies and the Maryland State Board of Education;
- provides research assistance and analysis to members of the Board of Education;
- provides assistance and support to the Board of Education in the selection of a superintendent of schools;
- keeps official records of Board of Education business and attends all Board of Education meetings when permitted;
- provides staff support, minutes, and follow-ups to Board of Education committees;

- coordinates the process of recruitment of nominations for appointment to Board of Education advisory committees;
- directs all appeal matters before the Board of Education, in consultation with legal counsel to the Board;
- carries out the responsibility of the administration of the office of the members of the Board of Education, which includes various logistical and administrative functions such as those related to correspondence, scheduling, general staff support, Ethics Panel matters, financial disclosure process, travel expenses, use of technology, and new Board member orientation;
- provides timely reports on meetings attended by Board staff and reports and analysis on Board functions such as ombudsman activities, ethics work, legislative work and development of a legislative platform, and appeals;
- serves as an ombudsman; and
- attends meetings of public committees and other school-community organizations at the direction of the Board, in the capacity of an observer.

Legal Reference: Section 6-201, Education Article, Annotated Code of Maryland; Fiscella, et al. vs. the Board of Education for Montgomery County, Maryland, (Equity No. 40,161), Circuit Court for Montgomery County, Maryland, held

## **Guidelines for the Function of the Ombudsman**

There are formal appeal procedures that protect the due process rights of parents, students, and residents and grievance procedures to protect the right of employees. However, there are times when it is appropriate to initiate less-formal inquiries into people's concerns and problems. As described in Policy BNB, *Board Staff Management and Operations*, the function of the ombudsman shall be retained by the Board of Education and performed by staff in the Board of Education Office, with the principal functions as follows:

1. To assist employees, parents, residents, and students who have issues, complaints, information, or suggestions and to bring them to the attention of school system officials at the most appropriate administrative level.
2. To periodically review, with the Board and the superintendent of schools, all cases for inferences and suggestions with respect to opportunities for policy and administration improvements.

In carrying out these duties, the ombudsman shall do the following:

1. Have access to all pertinent files, records, data, reference and research materials, and other such informational resources from the public schools, subject to the provision that material in the personnel file shall be made available only with the consent of the employee about whom the information is sought; confidential material in a student file

shall be made available only with the consent of the parent or guardian concerned.

2. Receive the cooperation of all employees of MCPS in the performance of these duties. It is essential to the function of the ombudsman that information be furnished to the ombudsman on a confidential basis and that such confidences be preserved.
3. Refrain from undertaking any duties or assignments that contravene the authority of the superintendent of schools, as specified in the Education Article of the Annotated Code of Maryland or any other laws, bylaws, rules, or policies of the Maryland State Board of Education. He/she shall not interfere with contractual grievance procedures but shall provide services in accordance with the rights of staff members, as specified in the Negotiated Agreements; and he/she shall not, while acting in the capacity of ombudsman, violate any of the constitutional rights of complainants or of the persons against whom complaints have been brought.

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## **Board of Education Correspondence Procedure**

The Board Office maintains logs of incoming and outgoing correspondence to and from the Board.

1. Generally, incoming correspondence is distributed to all members of the Board and the superintendent of schools. Board Office staff determine whether correspondence requires a response and, if a response is required, assigns a due date for the preparation of the reply and directs the correspondence to the appropriate staff member. Staff prepare responses for the signature of the Board president or, in special cases, the Board president responds personally. Copies are provided to members of the Board.
2. Petitions and form letters are not duplicated for Board members. Staff count the signatures and provide a sample page of the petition. One copy of the form letter is provided to the Board with a count of the number of form letters received.
3. Individual Board members have the option of responding directly to correspondence addressed to the Board or the individual member; however, that correspondence must clearly reflect that the views expressed therein are those of the individual member and not necessarily those of the entire Board of Education.
4. Generally, incoming and outgoing memoranda to the Board are distributed to all Board members, the superintendent of schools, and

appropriate staff. The superintendent of schools assigns the responsibility of preparing replies to Board memoranda and follows up to make sure a timely response is prepared. Exceptions are confidential memoranda, which may have expressly limited distribution. Board members and staff are expected to maintain the confidentiality of confidential memoranda.

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## Public Access to Correspondence and Memoranda

1. It is the practice of the Board of Education to facilitate and allow access to its public records related to written communications. Except as otherwise provided by law or herein, written communications between the superintendent of schools or any other employee of Montgomery County Public Schools and the Board of Education are available for inspection by members of the public. However, all written communications between the superintendent of schools or any other employee of Montgomery County Public Schools and the Board of Education that contain confidential opinions, legal advice, or deliberations that may assist the Board of Education in exercising its decision-making function, shall not be made available to the public so as to preserve the integrity of and promote candor in the decision-making process. Such documents shall be marked CONFIDENTIAL and maintained by the Board of Education in a manner to preserve such confidentiality.

Examples of documents that generally will not be made available by the Board of Education to any member of the public pursuant to this section include, but are not limited to, documents containing confidential commercial information; confidential financial information; the home address or home telephone number of an employee of Montgomery County Public Schools; personnel records of any employee of Montgomery County Public Schools; or the home address, home telephone number, biography, family, physiology, religion, academic achievement, or physical or mental ability of a student of Montgomery County Public Schools.

2. All correspondence addressed to the Board of Education, the Board president, or Board members that are received in connection with the transaction of public business are available for public inspection at reasonable times, unless they meet one of the criteria for denial in *Maryland's Public Information Act*.
3. The superintendent of schools is the official custodian of the records, with the authority to delegate this responsibility.
4. The requestor of records may be charged fees to cover the cost of searching, preparing, or photocopying a public record.

5. If the request for records is denied, the reasons must be consistent with *Maryland's Public Information Act*, subject to review by the Circuit Court of Montgomery County.

Legal Reference: Section 4-101 et seq., General Provisions Article, Annotated Code of Maryland

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## **E-mail/Electronic Communications**

Board members shall utilize their Board-issued e-mail accounts for all official Board business communications. It is the expectation that Board members sign on to the official e-mail regularly. All electronic communications are subject to the *Maryland Public Information Act*, and must be disclosed when requested by members of the public, except as otherwise provided by law. Board members shall not use electronic communications in any way that would violate the *Maryland Open Meetings Act* or conflict with rulings of the Maryland Open Meetings Compliance Board, which generally prohibit any form of simultaneous or concurrent communication among a quorum of the Board on e-mail or by other forms of electronic communication. All e-mail sent to the Board of Education group e-mail address will be processed by Board Office staff for response and/or follow up, as appropriate. All electronic communication correspondence is expected to be respectful, cordial, and civil and adhere to the culture of respect compact. Furthermore, e-mail/electronic communications should not disclose identifiable student information (even without a name) without the written permission of a parent (or of a student, if 18 or older) and should not disclose personnel records information without consent of the employee.

Legal Reference: Section 3-101 et seq., and Section 4-101 et seq., General Provisions Article, Annotated Code of Maryland

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## **Association Memberships**

The Board of Education maintains membership in state and national school board associations, as well as educational associations. The Board determines which, if any, state and/or national affiliations it wishes to add or maintain. Current organizational memberships include the Maryland Association of Boards of Education, the Legal Services Association, and the National School Boards Association.

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## School Board Attorney

By state law, the Board of Education is empowered to retain counsel to represent it in legal matters. The Board's procedures for retaining, appointing, and reviewing the performance of counsel are contained in Policy BOA, *Legal Services*.

Legal Reference: Section 4-104, Education Article, Annotated Code of Maryland

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## Board Member Compensation and Expense Standards

The compensation that members of the Board of Education receive is set in the Annotated Code of Maryland, Education Article, Section 3-902. Elected adult members receive an annual compensation of \$25,000 and the president receives an additional \$4,000. The student member receives a scholarship in lieu of a salary. In addition to their annual compensation, Board members may be reimbursed for expenses directly related to official Board business. Board members conducting official business must exercise due care and prudence in incurring expenses, which shall not be lavish or extravagant.

### Section A. Reimbursement of Expenses

A Board member may be reimbursed for expenses directly related to official Board business as follows:

1. **Preapproval process.** In all circumstances where these guidelines require preapproval, the following procedures shall apply. The Board member shall submit a written request sufficiently in advance that it may be reviewed and approved in writing by both the Board chief of staff and the Board vice president, who will consider the cost of the expenditure, budgetary constraints, as well as whether the expenditure is necessary to promote the Board's priorities and is in alignment with the work of the Board. The Board president, along with the Board chief of staff, shall provide preapproval of expenditures by the Board vice president. In the event that preapproval for the same event or meeting is sought by both Board Officers, the chair of the Board Fiscal Management Committee and the Board chief of staff will make the preapproval determination. In the event that an expenditure is denied through the preapproval process, the Board member may follow the dispute resolution process, as outlined in Section D below.
2. **Nonlocal travel to meetings and conferences.**
  - a. Nonlocal travel is defined as official Board business outside of Montgomery County.

- b. Each year, the Board shall establish a list of nonlocal meetings and conferences that Board members shall be encouraged to attend for professional development purposes, using the same process specified in Section 4 on the following page for ticketed events. This list of preapproved, nonlocal travel shall include the annual conferences sponsored by the Maryland Association of Boards of Education (MABE) and the National School Boards Association (NSBA), as well as education-related statewide or national task forces or committees on which individual members serve. Recognizing that it may not be feasible to identify all the nonlocal meetings and conferences that would be appropriate for Board members to attend, Board members who wish to attend other nonlocal conferences or meetings not previously identified must obtain preapproval for any reimbursable expenditures, including mileage.
- c. Whenever possible, travel plans shall be made in advance to take advantage of favorable rates.
- d. All expenditures for lodging require preapproval. Lodging that is within a 50-mile radius from the Carver Educational Services Center (CESC) (e.g., in Baltimore, Annapolis, or Washington, DC) shall not be approved, absent exigent circumstances (e.g., inclement weather or other safety-related conditions).
- e. Car rentals also require preapproval and shall be authorized only where such rentals will be cheaper or more efficient than other modes of transportation.
- f. For preapproved, nonlocal travel, Board members may be reimbursed for reasonable and proper costs of (i) transportation, such as parking, tolls, taxis, bus or subway fare, and air or train fare at a reasonable coach rate; (ii) preapproved car rentals; (iii) preapproved hotel stays; (iv) meals, subject to the requirements set forth in Section A.2.g below; (v) preapproved registration fees; and (vi) incidental expenses, such as hotel Internet and airline baggage charges. The following items shall not be considered reimbursable expenses: room service; in-flight Internet; in-room movies; hotel mini-bars; laundry and valet services; membership fees for airline, frequent flier, hotel, or health clubs; snacks and refreshments not associated with a business meal; incremental costs of double over single occupancy rates; pet care; hotel charges associated with cancellation where reasonably prudent actions were not taken to avoid such charges; flight or travel insurance; loss of personal funds and property; parking tickets or traffic violations; clothing/personal items; first-class airline, train, or other travel tickets or upgrades; child-care expenses; or spouse or guest expenses.

- g. Board members on approved overnight travel shall receive the published federal General Services Administration daily per diem rate for the continental United States (CONUS) for meals and incidentals for the dates of travel for the city where the conference, convention, or other Board business is conducted. See <http://www.gsa.gov/portal/category/100120>.
  - h. Cash advances not to exceed the per diem allowance may be authorized by the Board of Education president on a case-by-case basis, for good cause shown, 30 days in advance of travel.
- 3. **Local travel.** Eligible expenses incurred while conducting Board business locally shall be paid by the Board member and then reimbursed, as long as proper documentation is provided. With the exception of the two regular business meetings each month, Board members may be reimbursed for automobile mileage for local travel within Montgomery County to hearings, meetings, preapproved ticketed events, and other nonpartisan events related to official Board business (such as education-related events sponsored by community organizations or events relating to constituent services, intergovernmental relations, or MCPS), using the mileage reimbursement rates published by MCPS. (It should be noted that the exception for the mileage reimbursement for attending the two regular business meetings each month does not apply to the student member of the Board, who may receive such reimbursement.) Board members also may be reimbursed for necessary parking, tolls, taxis, and bus or subway fare for events and meetings within Montgomery County. Toll costs associated with travel on the Intercounty Connector are not reimbursable.
- 4. **Attendance at local ticketed events.**
  - a. At the beginning of each school year, the Board Officers shall be responsible for developing a list of local ticketed community and nonpartisan events, for review and approval by the full Board, that all Board members would be encouraged to attend, in keeping with their roles and responsibilities. These would be identified as preapproved for any Board member who is able to participate. (Annual List).
  - b. There also may be instances where the Board wishes to designate a limited number of representatives to attend an event on behalf of the full Board rather than approving all members to attend. In those instances, approval for reimbursement will be granted on a case-by-case basis, consistent with the pre-approval process outlined in Section A, to individual Board members who express interest, after careful consideration of cost and budgetary constraints and with consideration being given to ensure equitable and rotating representation.



- c. In all other instances, should an individual Board member wish to attend any other local community or nonpartisan event, he/she must seek advance approval on a case-by-case basis consistent with the preapproval process outlined in Section A.
  - d. Ticket costs for Board members to attend retirement celebrations for MCPS staff are not eligible for payment or reimbursement.
  - e. Whenever feasible, the costs of tickets to preapproved ticketed events must be processed by the Board of Education Office. Costs for parking and travel-related expenses associated with preapproved ticketed events are reimbursable.
5. **Local meals.**
- a. Unless preapproved, Board members shall not be reimbursed for meal expenses for other individuals with whom they meet, such as elected leaders, MCPS staff, or constituents.
  - b. Board members may be reimbursed for actual expenses for their own meals at meetings or events directly related to official Board business, subject to the rate caps set forth by CONUS. (See <http://www.gsa.gov/portal/content/101518>.)
  - c. To be reimbursed for meals, Board members must complete and submit a request for reimbursement form, accompanied by an original or verified copy of the itemized receipt. The request for reimbursement form shall include the following information: names of meeting participants, the purpose of the meeting, and, for local meals, a justification for why the meeting could not occur at the Carver Educational Services Center (CESC). Failure to submit an itemized receipt may be cause for denying reimbursement.
  - d. Board members may seek reimbursement for their own meals between Board meetings and other events related to official Board business, if it is not feasible, prudent, nor cost-effective to return home in the interim. Meals before or after a Board meeting or event, or en route to or from a meeting or event, are not reimbursable.
6. **Home office.**
- a. Board members will be provided with a cellular phone, computer equipment, a telephone line, and other equipment appropriate for a home office. If equipment is purchased by MCPS for the use by a Board member, that equipment is the property of MCPS and reverts to MCPS at the conclusion of the member's term of office. Once equipment funds budgeted for the Board of Education are expended, only the Board Officers may authorize additional purchases.

- b. Subscriptions to professional publications, supplies, postage, and other materials necessary to support Board members in discharging their responsibilities are reimbursable.
  - c. Supplies and equipment should be handled through the Board Office.
7. **Documentation.** All requests for reimbursements or other expense forms must be clearly documented with original itemized receipts. Board members may not be reimbursed for the purchase of alcohol or cigarettes. In the event that the Board pays expenses for spouses and/or family members who accompany Board members on travel or to events, the Board shall be reimbursed promptly.
  8. **Board staff and Board of Education operating expenses.** Expenses related to the operation of the Board of Education as an entity shall be expended at the discretion of the Board chief of staff, in consultation with the Board Officers. Board staff may be issued purchase cards for expenses related to the regular operation of the Board of Education, including, but not limited to, facilitating efficiencies in making airline or hotel reservations for their own or Board members' travel related to their official duties. Board staff shall be subject to the expense standards that apply to Board members.
  9. **Judgment and reasonableness.** The objective of these guidelines is to set appropriate standards for Board member and staff expenditures. Recognizing that these guidelines cannot capture all possible appropriate expenditures, the Board reserves the right to authorize reasonable expenditures and reimbursements that involve extenuating circumstances beyond those contemplated in these guidelines. If such a situation arises, Board members should use good business judgment. When possible, the Board member should advise the Board president of such circumstances in advance of the expenditure.

## Section B. Procedures

Procedures for processing monthly requests for reimbursement and other expense forms are as follows:

1. Expense forms should be submitted to the Board Office no later than twenty (20) business days after the end of the month for which reimbursement is requested (e.g., forms must be submitted by the 20th business day in August, for expenses incurred in July).
2. The Board staff shall process and review expense forms for technical completeness.
3. Expense forms shall be approved and signed by the Board chief of staff and the Board vice president. The Board president is responsible for

reviewing and approving expense forms submitted by the Board vice president.

4. Should a question arise as to whether an expense is covered under these provisions, the matter shall follow the process outlined under Dispute Resolution Process, in Section D below.
5. After reviewing approved expense forms for completeness, the superintendent of schools (or the superintendent of schools's designee) shall sign the expense forms and submit them for payment.
6. Concerns about Board member expenses may be referred to the Board's Ethics Panel (Panel), pursuant to Policy BBB, *Ethics*, provided such concerns fall within the jurisdiction of the Panel.

### **Section C. Oversight and Training**

1. The Board's Fiscal Management Committee shall review, on a semiannual basis, summary reports on the status of expenditures by Board members and the Board Office.
2. The Board's Fiscal Management Committee shall present information about its review of the summary reports to the full Board, as an item of information, during a regularly scheduled Board business meeting.
3. An external audit of expenditures by Board members shall be conducted annually.
4. Newly elected Board members shall receive training on these expense standards, and additional training for all Board members and Board staff should occur as necessary and appropriate.

### **Section D. Dispute Resolution Process**

1. Should a question arise as to whether an expense is permitted under these guidelines, the matter shall be referred to the Board president for a ruling. In the case of the Board president, the matter shall be referred to the chair of the Board's Fiscal Management Committee for a ruling.
2. In the event of an unfavorable ruling, the Board member may refer the matter to the full Board for a final ruling.
3. Five votes shall be required to proceed with any course of action.

Legal Reference: Sections 3-902 and 4-107, *Education Article*, Annotated Code of Maryland

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## Commencements

Board members typically attend and officiate at a number of high school graduations, which are proportionate for each member of the Board. The Board Office staff works with the superintendent of schools to develop the protocols that principals are to follow during the commencement ceremony. These protocols should be reviewed and distributed annually with the commencement schedule. By tradition, Board members certify the graduation of students from high school by the following statement:

By virtue of the authority vested in the Board of Education of Montgomery County under the laws of the state of Maryland, I do now award diplomas or certificates evidencing the satisfactory completion of prescribed courses of study to the students of \_\_\_\_\_ High School who are recommended for graduation by the faculty of this school. In receiving this diploma or certificate, each of you is entitled to all of the privileges and honors accorded graduates of a high school accredited by the Maryland State Department of Education.

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# MCPS NONDISCRIMINATION STATEMENT

Montgomery County Public Schools (MCPS) prohibits illegal discrimination based on race, ethnicity, color, ancestry, national origin, religion, immigration status, sex, gender, gender identity, gender expression, sexual orientation, family/parental status, marital status, age, physical or mental disability, poverty and socioeconomic status, language, or other legally or constitutionally protected attributes or affiliations. Discrimination undermines our community's long-standing efforts to create, foster, and promote equity, inclusion, and acceptance for all. Some examples of discrimination include acts of hate, violence, insensitivity, harassment, bullying, disrespect, or retaliation. For more information, please review Montgomery County Board of Education Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*. This Policy affirms the Board's belief that each and every student matters, and in particular, that educational outcomes should never be predictable by any individual's actual or perceived personal characteristics. The Policy also recognizes that equity requires proactive steps to identify and redress implicit biases, practices that have an unjustified disparate impact, and structural and institutional barriers that impede equality of educational or employment opportunities.

<b>For inquiries or complaints about discrimination against MCPS staff *</b>	<b>For inquiries or complaints about discrimination against MCPS students *</b>
Office of Employee Engagement and Labor Relations Department of Compliance and Investigations 850 Hungerford Drive, Room 55 Rockville, MD 20850 240-740-2888 OC00-EmployeeEngagement@mcpsmd.org	Office of School Administration Compliance Unit 850 Hungerford Drive, Room 162 Rockville, MD 20850 240-740-3215 COS-SchoolAdministration@mcpsmd.org

*\*Inquiries, complaints, or requests for accommodations for students with disabilities also may be directed to the supervisor of the Office of Special Education, Resolution and Compliance Unit, at 240-740-3230. Inquiries regarding accommodations or modifications for staff may be directed to the Office of Employee Engagement and Labor Relations, Department of Compliance and Investigations, at 240-740-2888. In addition, discrimination complaints may be filed with other agencies, such as: the U.S. Equal Employment Opportunity Commission, Baltimore Field Office, City Crescent Bldg., 10 S. Howard Street, Third Floor, Baltimore, MD 21201, 1-800-669-4000, 1-800-669-6820 (TTY); or U.S. Department of Education, Office for Civil Rights, Lyndon Baines Johnson Dept. of Education Bldg., 400 Maryland Avenue, SW, Washington, DC 20202-1100, 1-800-421-3481, 1-800-877-8339 (TDD), OCR@ed.gov, or www2.ed.gov/about/offices/list/ocr/complaintintro.html.*

This document is available, upon request, in languages other than English and in an alternate format under the *Americans with Disabilities Act*, by contacting the MCPS Department of Communications at 240-740-2837, 1-800-735-2258 (Maryland Relay), or [PIO@mcpsmd.org](mailto:PIO@mcpsmd.org). Individuals who need sign language interpretation or cued speech transliteration may contact the MCPS Office of Interpreting Services at 240-740-1800, 301-637-2958 (VP) or [MCPSInterpretingServices@mcpsmd.org](mailto:MCPSInterpretingServices@mcpsmd.org). MCPS also provides equal access to the Boy/Girl Scouts and other designated youth groups.



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