

POLICY TITLE: Hearings Before the Board of Education of Harford County or the Hearing Examiner		
ADOPTION/EFFECTIVE DATE: 2/11/1980	MOST RECENTLY AMENDED: 9/3/2003	MOST RECENTLY REAFFIRMED: 11/22/2004
POLICY/PROCEDURE MANUAL SUMMARY CATEGORY: School System Governance		

1. The Board of Education is charged with hearing appeals regarding the following matters.
 - a) Appeals taken by parties in interest with respect to decisions of the Superintendent regarding interpretation of Maryland school law; bylaws of the State Board of Education; matters relating to controversies and disputes that involve the rules and regulations of the county Board or the proper administration of the county public school system. Any person in interest who deems themselves aggrieved by a decision of the Superintendent regarding the above matters who wishes to file an appeal regarding same must notify the Board in writing of said appeal within thirty (30) days after the decision of the Superintendent.
 - b) Appeals taken by certificated personnel regarding recommendations by the Superintendent that a certificated employee be dismissed or suspended from his or her position. Any employee who requests a hearing regarding the Superintendent's charges against him and the Superintendent's recommendation regarding the employee's dismissal or suspension from employment must do so by requesting a hearing within ten days after the Board has sent the employee a copy of such charges and recommendation.
 - c) Appeals taken by students who have been suspended in excess of ten school days or expelled. With respect to appeals under this section, the student in question or his parent or guardian must notify the Board within ten days after the Superintendent's determination that a student or his parent or guardian wishes to appeal the Superintendent's decision to the county Board.
2. Hearing examiner. With respect to all of the appeals mentioned above, the Board may have the proceedings heard first by a hearing examiner. The hearing examiner shall be chosen by the Board who shall be an attorney admitted to practice before the Maryland Court of Appeals. The hearing examiner shall submit to the Board and the parties a record of the proceedings and exhibits; the hearing examiner's findings of fact, conclusions of law and recommendations. Parties to the proceedings before the hearing examiner may make arguments before the Board. After it reviews the record and the recommendation of the hearing examiner, the Board shall make a decision.
3. Decisions of the Board shall be subject to appeal to the State Board as provided by state law and regulation.

4. Appeals and Appeal Procedures

- a) All appeals relative to which the parties are entitled by law to present testimony and documentary evidence personally before the Board shall be known as evidentiary hearings.
- b) All appeals relative to which the parties are by law not entitled to an evidentiary hearing but are entitled to submit relevant documents and such other documents as the Board may require shall be known as documentary appeals. The Board reserves the right to conduct evidentiary hearings regarding an appeal notwithstanding the fact the parties thereto are entitled only to a documentary appeal.
- c) With respect to appeals described above in paragraphs 1(A) and (B), a quorum of the Board shall decide the matter. With respect to appeals described in paragraph 1(C) above, the appeal shall be decided by no less than two members of the Board.
- d) Confidentiality.

With respect to all appeals described above in paragraphs 1(A) and (B), the hearing shall be private. With respect to an appeal described above in paragraph 1(C), the hearing shall be public or private at the option of the appellant. The presiding officer shall conduct all hearings in such fashion as to protect and maintain the confidentiality of all individual identities and information in accordance with law.

- e) Order of Procedure.

The Superintendent shall proceed first in all hearings described above in paragraphs 1(B) and (C) and in a hearing under paragraph 1(A) involving the suspension or termination of a noncertificated employee. In all other cases, the appellant shall proceed first unless otherwise decided by the presiding officer.

- f) Evidentiary Hearings Procedure.

- (1) Notice of Hearing

Written notice of the date, time and location of a hearing regarding an appeal under this section shall be forwarded by the Board or its designees to all parties to the hearing.

- (2) Parties Representation

All parties appearing at hearings shall have the right to appear in proper person or by or with counsel.

(3) Hearing Record

A stenographic record of all hearings shall be made.

(4) Presiding officer – Duties

- a) Hearing before the Board. The president of the Board of Education, or in the absence of the president, the vice president, and in the absence of both, a member designated by the president, shall be the presiding officer and shall have complete charge of the hearing, with authority to permit the examination of witnesses, admit evidence, rule on the admissibility of evidence and adjourn or recess the hearings from time to time. Where deemed appropriate, the presiding officer shall cause an oath to be administered to all witnesses testifying in the proceedings.
- b) Hearing before the hearing examiner. The hearing examiner shall have all the authority and duties provided in subparagraph (a) of this paragraph 4 for the presiding officer.

(5) Examination of witnesses and introduction of evidence:

- a) The strict judicial rules of evidence shall not be applicable to hearings conducted hereunder. The presiding officer of the Board of Education or the hearing examiner may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs. He or she may exclude incompetent, irrelevant and immaterial evidence and may limit or refuse to admit cumulative or repetitive evidence and may curtail redundant questioning.
- b) One spokesperson of any party may submit evidence, examine and cross examine witnesses, and file objections, exceptions and motions; provided, however, that where a party is represented by counsel, all such submission of evidence, examination and cross-examination of witnesses, and filing of objections, exceptions, and motions shall be done and presented solely by such counsel.
- c) The presiding officer, or any person designated by the officer for the purpose, or the hearing examiner as the case may be, may examine any witnesses called by any party.

(6) Briefs

Any party may submit briefs of the issues of fact and law involved in the hearing if requested by the presiding officer at such time and in such form as the presiding officer or hearing examiner may designate.

(7) Counsel

The presiding officer of the Board, or the hearing examiner, may request legal counsel for the Board of Education to participate in any hearing as counsel for the Board or the hearing examiner as the case may be.

(8) Argument

The Board shall allow parties to the proceedings before the Board or the hearing examiner an opportunity to make argument before it, if desired by the parties. Such argument shall be limited to fifteen (15) minutes per party, or such time as the Board may allow each party.

(9) Decision and Order

Each decision of the Board of Education shall be announced in public. With regard to private hearings, confidentiality shall be maintained by referring to the case by number and subject only. The decision of the Board of Education shall also be rendered in writing with copies mailed or delivered to each principal party and/or his or her attorney or counsel. In appropriate cases, the Board may set forth a statement of its findings in the decision and order.

g) Procedures for Non-Evidentiary Appeals

The following rules apply for non-evidentiary appeals.

(1) Review by the Board

After reviewing the written request for an appeal, the Board will notify the parties if the Board needs additional documents in order to render a decision.

(2) Oral Argument

The appellant may request to appear in person to present oral arguments. If the request is granted by the Board, the parties each will be allotted 15 minutes for oral arguments or such time as the Board may allow each party.

(3) Decision by the Board

Upon reviewing all documentation, the Board of education shall render a decision. The appellant will be notified of that decision in writing as soon as possible. The decision will also be read into the minutes of the next meeting of the Board of Education held subsequent to written notification being sent. The decision of the Board shall be rendered in the same fashion as a decision rendered pursuant to an evidentiary hearing.

Board Approval Acknowledged By:

Patricia L. Skebeck, Secretary and Treasurer
Board of Education of Harford County

Policy Action Dates					
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