



INTERNAL BOARD POLICIES: Operations

Appeal Before Hearing Examiner

I. Procedures for Hearing Examiners

When requests for hearings or appeals authorized under the Education Article have been referred by the Board of Education of Baltimore County (Board) to the Board's hearing examiner, pursuant to the Education Article, the following Rules of Procedure shall apply.

II. Selection of Panel of Hearing Examiners

The Board shall appoint a panel of at least five (5) hearing examiners annually. A hearing examiner must be an attorney admitted to practice before the Maryland Court of Appeals. The hearing examiner for each hearing shall be selected on a rotation basis among the members of the panel of hearing examiners in alphabetical order of last names. The compensation for hearing examiners shall be determined by the Board.

III. Notice of Hearing

Written notice of the hearing shall be sent by the Board to all parties not less than ten (10) days prior to the hearing, and it shall state the date, time, and place of the hearing. "Party" includes any person or agency named or admitted as a party. Any person or agency may be admitted as a party for limited purposes upon the satisfactory demonstration of the nature and extent of interest to the hearing examiner. All parties appearing at formal hearings shall have the right to appear in person or with counsel.

IV. Records – Transcripts

The hearing examiner shall prepare an official record, which shall include all pleadings, testimony, exhibits, and other memoranda or material filed in the proceeding. A stenographic record shall be made at the expense of the school system and shall be transcribed. Cost of copies of the transcript of any proceedings, or part thereof, shall be paid by the party requesting the copy.

V. Presiding Officer – Duties and Authority

The hearing examiner shall be the presiding officer and shall have 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 hearing from time to time. The hearing examiner shall cause an oath to be administered to all witnesses testifying during the proceedings.

A. Order of Procedure

The order in which the parties shall present their case shall be determined by the hearing examiner except that in case arising under section 6-202 of the Education Article, the Superintendent shall proceed first.

B. Examination of Witnesses and Introduction of Evidence

The strict Rules of Evidence shall not be applicable to hearings conducted hereunder. The hearing examiner may limit or refuse to admit repetitive evidence and may curtail redundant testimony. All testimony shall be given under oath. Any party or counsel for any party may submit evidence, examine and cross-examine witnesses, and file objections, exceptions, and motions. The hearing examiner may examine all witnesses called by any party. He/she may call as a witness any person whose testimony may be relevant.

C. Briefs

Any party may submit briefs of the issues of fact and law involved in the hearing in such form and within such time as the presiding officer may designate.

D. Findings

The findings of fact, conclusions of law, and recommendations of the hearing examiner shall be mailed (certified mail, return receipt requested) to the parties and the Board not more than thirty (30) days after the record is closed.

