

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: July 10, 2012

TO: **BOARD OF EDUCATION**

FROM: S. Dallas Dance, Ph.D., Superintendent

SUBJECT: **CONSIDERATION OF THE PROPOSED CHANGES TO BOARD OF EDUCATION POLICY 8260, AUTHORITY OF INDIVIDUAL BOARD MEMBERS**

ORIGINATOR: Margaret-Ann Howie, Esq., General Counsel

RESOURCE PERSON(S): Patricia Clark, Policy and Compliance Officer

RECOMMENDATION

That the Board of Education approves the proposed changes to Policy 8260. This is the third reading.

Attachment I – Policy Analysis
Attached II – Policy 8260

**POLICY ANALYSIS FOR
BOARD OF EDUCATION POLICY 8260
PUBLIC STATEMENTS OF INDIVIDUAL BOARD MEMBERS
RENAMED AS, "AUTHORITY OF INDIVIDUAL BOARD MEMBERS"**

Statement of Issues or Questions Addressed

In accordance with Policy and Rule 8130, Policy 8260 is scheduled for review in school year 2011-2012. Policy 8260 prohibits individual Board members from acting on behalf of the Board unless specifically authorized to do so. Policy 8260 has been revised to: (1) rename the policy to more accurately reflect the policy's intent; (2) include a policy statement; (3) conform with the Policy Review Committee's editing conventions.

Cost Analysis and Fiscal Impact on School System

No fiscal impact is anticipated by the revision of this policy.

Relationship to Other Board of Education Policies

1. Board of Education Policy 8120, *Purpose, Role, and Responsibilities of the Board of Education*

Legal Requirements

1. *Annotated Code of Maryland, Education Article §3-104, County board is a corporate body; general powers*

Similar Policies Adopted by Other Local School Systems

1. Anne Arundel County Board of Education, Policy BAC, *Board Member Authority*
2. Charles County Board of Education, Policy 8140, *Members: Code of Behavior: Board Operating Procedures*
3. Harford County Board of Education, Policy 22-0020-000, *Board Code of Conduct*
4. Prince George's County Board of Education, Policy 9270, *Actions by Individual Board Members*
5. St. Mary's County Board of Education, Policy BBAB, *Board Members Authority*

Draft of Proposed Policy

Attached

Other Alternatives Considered by Staff

No other alternatives were considered.

Timeline

First Reading – May 22, 2012

Public Comment – June 12, 2012

Third Reading/vote – July 10, 2012

INTERNAL BOARD POLICIES: Duties and Responsibilities

AUTHORITY [Public Statements] of Individual Board Members

I. POLICY STATEMENT

- A. THE BOARD OF EDUCATION OF BALTIMORE COUNTY (BOARD) IS A BODY POLITIC AND CORPORATE THAT EXERCISES ITS AUTHORITY THROUGH COLLECTIVE ACTION WHEN THE BOARD IS [It is understood that the members of the Board have authority only when acting as a Board] legally in session. INDIVIDUAL BOARD MEMBERS SHALL HAVE NO AUTHORITY TO MAKE DECISIONS, COMMIT THE BOARD TO ACTIONS, OR TAKE OFFICIAL ACTION ON BEHALF OF THE ENTIRE BOARD.

II. POSITION

- A. The Board shall not be bound in any way by any action or statement on the part of any individual Board member, except when THAT [such] statement or action is SPECIFICALLY AUTHORIZED BY [in pursuance of specific instructions from] the Board.
- B. Official statements to the public shall be made by the BOARD president, or a designated member, following official action by the Board. [The Board may issue releases to the news media following official action in substantive matters.]

LEGAL REFERENCE: *ANNOTATED CODE OF MARYLAND, EDUCATION ARTICLE §3-104, COUNTY BOARD IS A CORPORATE BODY; GENERAL POWERS*

RELATED POLICY: *BOARD OF EDUCATION POLICY 8120, PURPOSE, ROLE, AND RESPONSIBILITIES OF THE BOARD OF EDUCATION*

Policy
Adopted: 04/13/72
Re-adopted: 05/22/07
REVISED: _____

Board of Education of Baltimore County