

Queen Anne's County
**BOARD OF
EDUCATION**
APPEALS GUIDE



APPROVED – AUGUST 05, 2020

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Appeals to the Board of Education

Purpose

The purpose of this guide is to provide rules of procedure, adopted pursuant to the authority of Section 4-108(4) of the Education Article to the Annotated Code of Maryland (hereinafter “Code”), for all appeals to the Board of Education of Queen Anne’s County (hereinafter the “Board”). Questions regarding these Rules of Procedure should be directed to the Board’s Office at 410-758-2403 ext. 126.

Overview

Appeals to the Board shall be from a **final action or decision** by the Superintendent or the Superintendent’s designee (§4-205(c)(3)); from a **recommendation** of the Superintendent to the Board for suspension or dismissal of a teacher, principal, supervisor, assistant superintendent, or other professional employee (§6-202) (a)), assuming the employee does not elect arbitration under §6-202(a)(5); or from a **determination** by the Superintendent or the Superintendent’s designee on a student suspension of more than ten (10) school days or an expulsion (§7-305).

When the Board conducts a hearing, it is performing its quasi-judicial function, i.e., serving as the judge in deciding a dispute. That is the reason Board members should remain impartial, not receive information from the public prior to the hearing, nor allow themselves to be lobbied. The parties will present information to the Board through the appeal process. These rules are not applicable to proceedings involving the Board’s exercise of its legislative or policy-making functions.

The type of review conducted by the Board in an appeal will depend on whether due process or other constitutional considerations require a full evidentiary hearing. At times, the Board may grant only oral argument or conduct a document review. In some cases, the Board of Education may appoint a Hearing Examiner pursuant to § 6-203. Appeals under Section 7-305 shall be heard by a committee designated by the Board.

Definitions

1. Filed or filing as used in these Rules means the actual receipt of a notice of appeal, memorandum, or other paper by the Board’s central office no later than 3:45 p.m. on the last day for filing in accordance with these Rules.
2. Written notice as it applies to an action by the Superintendent or the Board shall be effective upon the earlier of the date said notice is postmarked and deposited in the United States mail for first-class delivery postage pre-paid to the party’s last known address or the date of actual delivery.
3. Party or parties include each person, group, or entity named or admitted as a party, including a student, a parent, parent surrogate, or guardian of a student, and shall include the Superintendent. The presiding officer may permit any other person, group, or entity to participate for limited purposes upon satisfactory demonstration of the nature and extent of its interest.
4. Presiding Officer means the Board’s President; or in the President’s absence, the Vice President; or in the absence of both, a member designated by the President, or, in the absence of such designation, by the Board. In the event that the Board refers the appeal to a hearing examiner pursuant to Code Section 6-203, the designated hearing examiner shall be the Presiding Officer for the evidentiary hearing.

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5. Board means the Board of Education of Queen Anne’s County.
6. State Board means the Maryland State Board of Education.
7. Days mean school days unless otherwise indicated. In computing any period of time prescribed by these Rules or by any applicable statute, the day of the act or event after which the designated period of time begins to run is not included. Saturdays, Sundays, and legal holidays shall be counted. In calculating the number of days required to perform an act under these Rules (e.g., filing a notice of appeal), if the last day falls on a Saturday, Sunday, legal holiday, or other day when the Board’s central office is closed, then the last day for performance of the act under these Rules shall be extended to the next regular business day when the Board’s central office is open.
8. Code refers to the Education Article of the Annotated Code of Maryland as supplemented.
9. Quorum consists of three (3) members of the Board of Education.

Confidentiality

Once an appeal is started through the process, it is inappropriate for Board members to discuss the issue with the appellant, the public, or staff. Once the appeal is properly filed, unless the appellant subsequently withdraws the appeal or the Superintendent of Schools has granted the requested relief, only the Board can dismiss 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 not privy to such information.

Guidance

1. Pointers during the hearing:
 - a. Listen to whether the parties agree or disagree as to the basic facts. Sometimes the parties will present stipulations of fact. The case may rest on the application of a policy or a rule to the facts.
 - b. Board members can ask questions of witnesses, generally after the parties or their attorneys have concluded their questioning.
 - c. If not clear, ask the parties/counsel to explain which Queen Anne’s County Public Schools policies and/or procedures are involved in the dispute
 - d. Look for the legal issue(s) that the Board is being asked to decide as well as the outcome or remedy being sought. If not clear, ask the parties or their counsel to confirm the issue(s) to be decided.
 - e. Understand who has the burden of persuasion, either the Appellant (in most § 4-205 cases) or the Superintendent (in § 6-202 and 7-305 cases).
 - f. Understand the standard of review, that the Board must follow in reaching its decision.
2. Deliberation — Board members discuss the facts and issues; (including as may be framed by a hearing examiner), reach a decision, and decide on the rationale that supports the decision.
3. Dissent — if a Board member disagrees with the majority decision, he/she may express a written dissent setting forth the reasons why he/she would have decided differently.

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4. The Board’s written decision is delivered to the parties with notice as to the right of appeal to the Maryland State Board of Education in accordance with applicable state law and State Board bylaws.

Standard of Review

Generally, the Board of Education does not substitute its judgment for that of the Superintendent of Schools unless the Superintendent’s decision is deemed arbitrary, unreasonable, or illegal.

1. A decision may be arbitrary or unreasonable if it is one or more of the following:
 - a. It is contrary to sound educational policy;
 - b. A reasoning mind could not have reasonably reached the conclusion the Superintendent reached.
2. A decision may be illegal if it is one or more of the following:
 - a. Unconstitutional;
 - b. Exceeds the statutory authority or jurisdiction of the Superintendent;
 - c. Misconstrues the law;
 - d. Results from an unlawful procedure;
 - e. Is an abuse of discretionary powers; or
 - f. Is affected by any other error of law.

Ex-Parte Communications

While a matter is under consideration by the Board, no member shall receive communications from or communicate orally with any party outside the presence of all other parties or in writing without supplying copies to all other parties and providing an opportunity for response. No information concerning a pending matter may be released by the Board, a Board member, or a member of the Queen Anne’s County Public Schools’ administration unless it is a matter of public record or unless it is released to a party and copies supplied simultaneously to all other parties.

Effect on Other Procedural Regulations

These Rules of procedure supersede all other procedures which may have been adopted by the Board governing hearings by the Board in contested matters appealed to the Board or as to which hearings by the Board have been requested on recommendations of the Superintendent.

Extensions and Shortening of Time

For good cause, the Board, upon its own motion or at the request of either party, may at any time, shorten or extend the time provided under these Rules for filing any document or providing any notice except in those instances where the time is specified by state law.

Final Decision

Each order and decision of the Board shall be delivered in writing. After deliberating and voting on an appeal, the Board shall issue a signed, brief written Order indicating the Board vote on the matter and advising that a written decision will be forthcoming. The Board’s decision is final at the time of the Order, unless a majority of the Board votes to revisit the decision. The Board may, at its discretion, direct the Superintendent to advise parties orally of the Board’s decision. The Board shall supplement its Order as soon as possible with a written decision setting forth the Board’s findings of fact, conclusions of law, and the specific disposition of the case. The Board’s written decision shall advise the parties of the right to appeal the Board’s decision to the Maryland State Board of Education if taken in writing within twenty (20) school days of the date of the written decision: and provide

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the State Board’s address and phone number. In an effort to promote consistent decision making throughout Queen Anne’s County Public Schools, subject to appropriate laws and regulations protecting the confidentiality of students, employees, and other persons, the Board encourages the Superintendent to make copies of Board decisions available for review by school system administrators.

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Rules of Procedure in Appeals and Hearings
§4-205(c)(3)

PROCESS AND CONTENT

1. Applicability

Proceedings covered by these Rules arise under Code Section 4-205(c)(3), on appeals from decisions of the Superintendent or the Superintendent’s designee on controversies and disputes involving the rules and regulations of the Board, the true intent and meaning of Maryland’s public school laws and of the State Board of Education’s bylaws, and the proper administration of the county public school system.

2. Initiation of Appeals

a) All appeals to the Board under Code Section 4-205(c)(3) shall be from a **final action or decision of the Superintendent or the Superintendent’s** designated representative that adversely affects the person or persons who seek the appeal. The Superintendent or the Superintendent’s designated representative shall indicate in writing when a decision is “final” and shall also advise the parties in writing of their right to file an appeal to the Board within twenty (20) school days of the date of the final decision.

b) Each appeal to the Board under Code Section 4-205(c) shall be initiated by filing a written notice of appeal with the Board within twenty (20) school days after written notice of the final action or decision of the Superintendent or his/her designee. **Facsimile and email requests for an appeal are not acceptable.**

(c) (1) Upon receipt of a notice of appeal for a matter falling under Code Section 4-205, the Board shall send the appellant(s) a copy of the Board’s Appeal Information Form. Within ten (10) school days after the Appeal Information Form has been sent to the appellant(s), the appellant(s) shall file the completed Appeal Information Form with the Board and shall also send a copy to the Superintendent. Failure to file the Appeal Information Form in a timely manner may result in the Board dismissing the appeal for lack of timeliness.

(2) Within ten (10) school days after the appellant(s) files the Appeal Information Form required by subsection (c)(1) of these Rules, the Superintendent may submit to the Board additional information or documentation in support of the decision which is the subject of the appeal. Copies of any information submitted by the Superintendent to the Board shall also be furnished to the appellant(s). Within five (5) school days after the Superintendent’s submission is sent, the appellant(s) may submit additional documentation in support of the appeal and in response to that submitted by the Superintendent and shall provide a copy to the Superintendent.

(3) Appellants are reminded that the Board is considering an appeal from a decision by the Superintendent or the Superintendent’s designated representative. Accordingly, information or arguments that were not submitted to the Superintendent for prior consideration will not be considered by the Board unless the appellant demonstrates that the new information is based upon exigent circumstances that did not exist at the time that the matter was considered by the Superintendent or the Superintendent’s designated

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representative. Moreover, because the above stated timelines in subparagraphs (1) and (2) are designed to facilitate the prompt and fair review of appeals, the Board will not consider any information submitted by an appellant subsequent to the time provided in these timelines unless the appellant makes a compelling showing that the newly filed information is based upon exigent circumstances that did not exist earlier in the appeal process. In such cases where the Board accepts new information, the Board may, in its discretion, remand the matter to the Superintendent for consideration of the new information.

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- d) If a notice of appeal under Code Section 4-205 is not filed within the time period set forth in subparagraph B(3)(b) of these Rules, the appeal may be dismissed. If the appellant(s) on an appeal filed under Code Section 4-205 fails to file an Appeal Information Form within the time period set forth in subparagraph B(3)(d)(1) of these Rules, the Board may dismiss the appeal for lack of timeliness.
- e) The Board reserves the right, at any time in its discretion, to conduct an evidentiary hearing, to refer the appeal to a hearing examiner for the purpose of conducting an evidentiary hearing and preparing a recommended decision under Code Section 6-203, or to hear oral argument even if an evidentiary hearing or oral argument is not requested by the parties. The Board also reserves the right to request that the parties submit additional documentation or information.
- g) On appeals that are subject to Code Section 4-205(c), the Board may consider the appeal based solely upon the documents and arguments submitted by the parties in writing, without the holding of an evidentiary hearing or oral argument, unless:
 - (1) The appeal involves a constitutionally protected liberty or property interest,
 - (2) The appellant's written submission to the Board sets forth specific factual allegations of unlawful discrimination or arbitrariness, or
 - (3) In such other cases where the Board, in its discretion, determines that an evidentiary hearing or oral argument is appropriate.

4. Hearings

- a) Applicability
The provisions herein apply to both evidentiary hearings and oral arguments before the Board unless otherwise indicated.
- b) Notice
 - (1) Written notice of hearings shall be given by the Board, or its designee, to all interested parties not less than five (5) *school* days prior to the hearing.

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(2) Such notice shall also state the date, time, and place of the hearing. Any disagreement concerning the charges, issues, or facts shall be resolved as part of the disposition of the appeal.

c) Public and Private Hearings

Hearings pursuant to Code Section 4-205(c) will not be public unless both the party seeking the hearing and the Superintendent agree in advance and in writing or on the record that the hearing be public, and the Board consents to a public hearing.

d) Potential Evidence

The Board strongly encourages the appellant and the Superintendent to stipulate to the admissibility of all documents. The Board's attorney may conduct a pre-hearing conference for the purpose of attempting to resolve any evidentiary disputes.

e) Hearings before a Hearing Examiner

(1) Pursuant to Code Section 6-203, the Board may, if it chooses to do so, refer the appeal to a hearing examiner for the purpose of conducting an evidentiary hearing. At all times, however, the Board retains the right to conduct an evidentiary hearing on its own, without a hearing examiner. In those appeals where a hearing examiner is utilized, the hearing examiner shall serve as the presiding officer over that hearing and shall, subject to Board review, rule on all evidentiary issues, objections, and other issues that are raised during the hearing. The hearing will be steno graphically transcribed. Within twenty (20) school days after the production of the transcript and the filing of any post-hearing memoranda, the hearing examiner shall submit to the Board, the appellant, and to the Superintendent a) a transcript of the proceedings and exhibits, unless they have already been produced, and b) the hearing examiner's findings of fact, conclusions of law, and recommendation.

(2) After the Board receives the record, the transcript, and the recommendations of the hearing examiner, the appellant and the Superintendent may make a brief oral argument before the Board. The oral argument will not include the presentation of evidence. The Board will decide how much time it will allow for the presentation of argument.

(3) After reviewing the record, the transcript, the recommendations, and the arguments of the parties, the Board shall render a decision.

f) Representation

All parties appearing at hearings under these Rules shall have the right to appear in person or through counsel or a representative of their choice. All parties shall have the right to be accompanied by, represented, and advised by counsel or a designated representative. Appellants under Code Section 4-205 shall advise the Board if an attorney or other representative represents them promptly after filing the notice of appeal or request for a hearing. Failure to give prompt notice of representation may result in a postponement of a scheduled hearing.

g) Records and- Transcripts

(1) The presiding officer shall prepare or cause to be prepared an official record, which

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shall include all pleadings, testimony, exhibits, and other memoranda or material files in the proceedings.

- (2) Accurate records of all hearings, disputes, or controversies shall be kept by the Superintendent in order that, if an appeal is taken, the records shall be submitted.
- (3) A stenographic record of that part of the proceedings which involves the presentation of evidence shall be made at the expense of the Board. The record need not be transcribed, however, unless the appeal is initially heard by a hearing examiner pursuant to Code Section 6-203 or is requested by a party to the controversy, the Superintendent, the Board, the State Superintendent, or the State Board, as the case may be. The cost of any typewritten transcript of any proceedings, or a part of any proceedings, shall be paid by the party requesting it. In those appeals where a transcript is prepared pursuant to Code Section 6-203, the Board will pay the cost of the transcript.

h) Duties and Authority of Presiding Officer

The presiding officer 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 presiding officer shall cause an oath to be administered to all witnesses testifying in a proceeding. The Superintendent may administer oaths to witnesses unless he is a party to the proceeding.

i) Quorum

Each hearing before the Board shall be held before not less than a quorum of the Board.

j) Order of Proceedings

The order in which the parties shall present their case shall be as follows:

- (1) At the outset of the hearing, the parties will be asked to make a brief opening statement in which they clearly identify the decision from which an appeal is taken and the issues that they wish the Board to decide. The Superintendent and the appellant shall advise the Board if there are any stipulations of fact and stipulations as to the admission of any documents. Such stipulations are strongly encouraged by the Board.
- (2) The Superintendent or the Superintendent's designee shall proceed first in the presentation of evidence; however, **the appellant shall carry the burden of persuasion.**

k) Examination of Witnesses and Introduction of Evidence

- (1) The strict judicial rules of evidence shall not be applicable to evidentiary hearings conducted hereunder, and, in each case, the test of admissibility shall be whether the evidence is reasonably relevant to a material issue and whether it has substantial probative value with respect to such a material issue. The presiding officer may limit or refuse to admit cumulative or repetitive evidence and may curtail redundant questioning. The presiding officer shall encourage (but not demand) the parties, where possible, to make stipulations as to matters not reasonably in dispute and to make proffers to stipulations in place of cumulative evidence. All testimony shall be given under oath.

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- (2) In evidentiary hearings provided for in these Rules, a party, individually or by or through counsel or other representative, may submit evidence, examine and cross-examine witnesses, make objection, and file exceptions and motions.
- (3) The Superintendent may appear in person or through counsel or a designated representative, and shall be accorded the same rights as a party to submit evidence, examine and cross-examine witnesses, make objections, and file exceptions and motions.
- (4) The presiding officer may examine all witnesses. The presiding officer may call as a witness any person whose testimony may be relevant and material. In hearings before the Board, any Board member may examine any witness.

1) **Written Memoranda**

The appellant and the Superintendent may submit written memoranda on the issues of fact and law involved in the hearing in such form as the presiding officer may designate. Such memoranda may be submitted at any time prior to the hearing of a matter. With the approval of the presiding officer and on such schedule as the presiding officer may designate, written memoranda may be submitted after a hearing.

m) **Counsel for the Board**

In evidentiary hearings and oral arguments conducted by the Board, the presiding officer of the Board may request an attorney to participate in any hearings as counsel for the Board.

5. **Decisions and Order**

Each decision and order of the Board shall be delivered in writing. After deliberating on an appeal, the Board shall issue a brief written Order indicating the Board's decision and advising that a written decision will be forthcoming. The Board may, at its discretion, advise parties orally of the Board's decision. The Board shall supplement its Order as soon as possible with a written decision setting forth the Board's findings of fact, conclusions of law, and the specific disposition of the case. The Board's written decision shall advise the parties of the right to appeal the Board's decision to the Maryland State Board of Education if taken in writing within twenty (20) school days of the date of the written decision. In an effort to promote consistent decision making throughout Queen Anne's County Public Schools, and subject to any laws or regulations protecting the confidentiality of students, employees, and other persons, the Board shall encourage the Superintendent to make copies of Board decisions available for review by school system administrators.

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APPEAL INFORMATION FORM

[For Appeals taken pursuant to Md. Code Ann. Educ. §4-205(c)(3) I

Notice to appellants: Section 4-205(c)(3) provides appellants the right to file an appeal within twenty (20) school days after the decision of the county Superintendent. This form is intended to assist the Board of Education of Queen Anne’s County in understanding the nature of the appeal and in making a decision as to whether a hearing should be granted. For more information, please refer to the Board of Education of Queen Anne’s County’s *Rules of Procedure in Appeals and Hearings under Section 4-205* or contact the Superintendent’s office at 410-758-2403 ext. 126. If assistance is needed in completing this form, please contact Mrs. Jacqueline Wright, at 1-410-758-2403 ext. 126.

Deadline for return: _____

1. Name, address, and telephone number of all Appellants:

2. Date of Superintendent’s decision from which appeal is taken:

3. Describe briefly the nature of the appeal (e.g., employee discipline, teacher transfer, student discipline, student placement, etc.):

4. Explain fully the legal and factual basis for your appeal. (Attach additional pages if necessary.):

5. Set forth the relief or remedy you seek from the Board of Education of Queen Anne’s County on this appeal:

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APPEAL INFORMATION FORM

[For Appeals taken pursuant to Md. Code Ann. Educ. §4-205(c)(3) J

6. If you believe that an evidentiary hearing (i.e., the testimony of witnesses under oath and introduction of exhibits) is necessary, explain why an evidentiary hearing would aid the Board of Education of Queen Anne’s County to decide this appeal and, in so doing, estimate the approximate number of the witnesses and documents that you expect to present and an estimation of the time needed to present your case. Your attention is directed to section B(4)(d), potential evidence, of the *rules of procedure in appeals and hearings* — §4—205. (Please note the Board of Education of Queen Anne’s County does not have the power to subpoena witnesses or require the attendance of employees or students.):

7. Will you be represented by counsel in this appeal? ()Yes ()No. If yes, provide each attorney’s name, address, and telephone number. (Please note that failure to give prompt notice of representation may result in the postponement of a scheduled hearing.):

If this is a joint statement by multiple appellants, each appellant must sign. (Attach additional pages if necessary.)

Appellant:_____

Date:_____

Appellant:_____

Date:_____

The Board of Education of Queen Anne’s County does not discriminate on the basis of disability in employment or provision of services, programs, or activities. Information concerning the Americans With Disabilities Act is available from the Director of Human Resources at 410 758-2403, ext. 118. Persons needing auxiliary aids and services for communication should contact Director of Human Resources, TDD No. 410-758-8213, or write to the Queen Anne’s County Public Schools, 202 Chesterfield Avenue, Centreville, Maryland 21617-1308 at least five (5) school days in advance of the date the special accommodation is needed.

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Date

Name: _____

Street: _____

City/State/Zip: _____ . _____ _____

Dear

I have received your appeal to the Board of Education.

Attached you will find the *Rules of Procedure in Appeals and Hearings* under Code Section 4-205 of the Education Article to the Annotated Code of Maryland. An *Appeal Information Form* is also attached.

Please fill out the *Appeal Information Form* and return it to me within ten (10) school days of the date of this letter as set forth in the attached *Rules of Procedure*. Include any other documents that you think are pertinent to your appeal. Copies of all submissions should also be sent to the Superintendent. The Superintendent will then have the opportunity to file a written response, following which you will have the opportunity to file any additional documentation in support of your appeal. After the Board of Education has received the written submissions of the parties, it will either:

1. Make a decision on the appeal based on your written submissions and advise you in writing of the decision;
or
2. Contact you to present oral arguments before the Board; or
3. Contact you to appear before the Board at a full evidentiary hearing.

The Board's standard of review of appeals is as follows: generally, the Board does not substitute its judgment for that of the Superintendent or the Superintendent's designee unless the decision is arbitrary, unreasonable, or illegal.

3. A decision may be arbitrary or unreasonable if it is one or more of the following:
 - a. It is contrary to sound educational policy;
 - b. A reasoning mind could not have reasonably reached the conclusion the Superintendent reached.
4. A decision may be illegal if it is one or more of the following:
 - a. Unconstitutional;
 - b. Exceeds the statutory authority or jurisdiction of the Superintendent;
 - c. Misconstrues the law;
 - d. Results from an unlawful procedure;
 - e. Is an abuse of discretionary powers; or
 - f. Is affected by any other error of law.

4-205
Cover Letter

Date:

Name: _____
Street: _____
City/State/Zip: _____.

Dear [],

The Board of Education of Queen Anne’s County reserves the right to decide an appeal under Section 4-205 on the record without oral arguments or an evidentiary hearing as per the attached *Rules of Procedure*.

Please be aware that in order for the appeals process to function in a fair manner with the views of all sides receiving appropriate consideration, it may take six weeks or more before a decision is rendered.

If you have any questions regarding this matter, please contact Jacqueline Wright at 410-758-2403, ext. 126.

Sincerely,

[], President
Board of Education of Queen Anne’s County

cc: Board Members
Superintendent

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Standard of Review for the Board of Education
in the Appeal of School System Policies or Procedures
§4-205(c)(3)

Is the issue in question set forth in policy, regulation, or rule?

- Board Policy
- Administrative Regulations
- School Rule

Is the policy, regulation, or rule reasonable and was it made known to the appellant?

- Policy Manual
- QACPS Calendar
- School Handbook

Is there a preponderance of evidence?

- Is it more likely than not?
- 50.1 percent threshold
- Is hearsay evidence credible and reliable?

Has the appellant been given due process?

- Was a conference held?
- Informed of the charge(s)?
- Provided an opportunity to respond?

Has the Superintendent or the Superintendent's designee acted in an illegal, arbitrary, and/or unreasonable manner?

- Is it
 - illegal?
 - contrary to sound educational policy?
 - excessive authority?
 - misconstrued law?
- Consistency?
- How are similar offenses handled?

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Rules of Procedure for Hearings

§6-202

Except for arbitration

proceedings under §6-202(a)(5)

PROCESS AND CONTENT

1. Applicability

- a) Proceedings covered by these rules arise under Code Section 6-202 on the request of a professional or certificated employee following the Superintendent’s recommendation to suspend or dismiss that employee.

2. Initiation of Requests

- a) All requests to the Board for a hearing under Code Section 6-202 shall be **from a recommendation** of the Superintendent to the Board for suspension or dismissal of a teacher, principal, supervisor, assistant superintendent, or other professional employee.

- (1) Each request for a Board hearing under Code Section 6-202 shall be initiated by filing a written request for a hearing with the Board within ten (10) school days after the Board has sent the professional employee a copy of the charges against him/her as a result of the Superintendent’s recommendation for suspension or dismissal along with notice of the right to request a Board hearing. **Facsimile and email requests for a hearing are not acceptable.**

- (2) If a hearing is requested, it shall be convened promptly but may not be set within the ten (10) day period after the Board has sent its written notice of the charges.

- b) If a request for a hearing under Code Section 6-202 is not filed within the time period set forth in subparagraph B(3)(a)(1) of these rules, the Board may act upon the Superintendent’s recommendation without a hearing.

- c) If the employee requests a hearing before an arbitrator under Section 6-202(a)(5), the hearing shall be conducted in accordance with that paragraph of that statute and not these procedures.

- d) The Board reserves the right, at any time in its discretion, to refer the matter to a hearing examiner for the purpose of conducting an evidentiary hearing and preparing a recommended decision under Code Section 6-203, and to hear oral argument. The Board also reserves the right to request that the parties submit additional documentation or information.

3. Hearings

a) Applicability

The provisions herein apply to both evidentiary hearings and oral arguments before the Board unless otherwise indicated.

b) Notice

- (1) Written notice of hearings shall be given by the Board, or its designee, to all interested parties not less than five (5) *school* days prior to the hearing.

- (2) Such notice shall also state the date, time, and place of the hearing. Any disagreement concerning the charges, issues, or facts shall be resolved as part of

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the disposition of the appeal.

c) Public and Private Hearings

Hearings pursuant to Code Section 6-202 will not be public unless both the party seeking the hearing and the Superintendent agree in advance and in writing or on the record that the hearing be public, and the Board consents to a public hearing.

d) Potential Evidence

The Board strongly encourages the appellant and the Superintendent to stipulate to the admissibility of all documents. The Board's attorney may conduct a pre-hearing conference for the purpose of attempting to resolve any evidentiary disputes.

e) Hearings Before a Hearing Examiner

(1) Pursuant to Code Section 6-203, the Board may, if it chooses to do so, refer the appeal to a hearing examiner for the purpose of conducting an evidentiary hearing. At all times, however, the Board retains the right to conduct an evidentiary hearing on its own, without a hearing examiner. In those appeals where a hearing examiner is utilized, the hearing examiner shall serve as the presiding officer over that hearing and shall, subject to Board review, rule on all evidentiary issues, objections, and other issues that are raised during the hearing. The hearing will be stenographically transcribed. Within thirty (20) school days after the production of the transcript and the filing of any post-hearing memorandum, the hearing examiner shall submit to the Board, the appellant, and to the Superintendent a) a transcript of the proceedings and exhibits, unless they have already been produced, and b) the hearing examiner's findings of fact, conclusions of law, and recommendation.

(2) After the Board receives the record, the transcript, and the recommendations of the hearing examiner, the appellant and the Superintendent may make a brief oral argument before the Board. The oral argument will not include the presentation of evidence. The Board will decide how much time it will allow for the presentation of argument.

(3) After reviewing the record, the transcript, the recommendations, and the arguments of the parties, the Board shall render a decision.

f) Representation

All parties appearing at hearings under these rules shall have the right to appear in person or through counsel or a representative of their choice. All parties shall have the right to be accompanied by, represented, and advised by counsel or a designated representative. Persons requesting a hearing under Code Section 6-202 shall advise the Board if they are represented by an attorney or other representative promptly after filing the notice of appeal or request for a hearing. Failure to give prompt notice of representation may result in a postponement of a scheduled hearing.

g) Records and Transcripts

(1) The presiding officer shall prepare or cause to be prepared an official record, which shall include all pleadings, testimony, exhibits, and other memoranda or material files in the proceedings.

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- (2) Accurate records of all hearings, disputes, or controversies shall be kept by the Superintendent in order that, if an appeal is taken, the records shall be submitted.
- (3) Unless waived by all the parties, a stenographic record of that part of the proceedings which involves the presentation of evidence shall be made at the expense of the Board. The record need not be transcribed, however, unless requested by a party to the controversy, the Superintendent, the Board, the State Superintendent, or the State Board, as the case may be. The cost of any typewritten transcript of any proceedings, or a part of any proceedings, shall be paid by the party requesting it. In those appeals where a transcript is prepared pursuant to Code Section 6-203, the Board will pay the cost of the transcript.

h) Duties and Authority of Presiding Officer

The presiding officer 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 presiding officer shall cause an oath to be administered to all witnesses testifying in a proceeding. The Superintendent may administer oaths to witnesses unless he is a party to the proceeding.

i) Quorum

Each hearing before the Board shall be held before not less than a quorum of the Board.

j) Order of Proceedings

The order in which the parties shall present their case shall be as follows:

- (1) At the outset of the hearing, the parties will be asked to make a brief opening statement in which they clearly identify the recommendation from which a hearing is sought and the issues that they wish the Board to decide. The parties shall advise the Board if there are any stipulations of fact and stipulations as to the admission of any documents. Such stipulations are strongly encouraged by the Board.
- (2) The Superintendent shall proceed first in the presentation of evidence and shall carry the burden of persuasion.

k) Examination of Witnesses and Introduction of Evidence

- (1) The strict judicial rules of evidence shall not be applicable to evidentiary hearings conducted hereunder, and, in each case, the test of admissibility shall be whether the evidence is reasonably relevant to a material issue and whether it has substantial probative value with respect to such a material issue. The presiding officer may limit or refuse to admit cumulative or repetitive evidence and may curtail redundant questioning. The presiding officer shall encourage (but not demand) the parties, where possible, to make stipulations as to matters not reasonably in dispute and to make proffers to stipulations in place of cumulative evidence. All testimony shall be given under oath.
- (2) In evidentiary hearings provided for in these rules, a party, individually or by or through counsel or other representative, may submit evidence, examine and cross-examine witnesses, make objections, and file exceptions and motions.
- (3) The Superintendent may appear in person or through counsel or a designated

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representative, and shall be accorded the same rights as a party to submit evidence, examine and cross-examine witnesses, make objections, and file exceptions and motions.

- (4) The presiding officer may examine all witnesses. The presiding officer may call as a witness any person whose testimony may be relevant and material. In hearings before the Board, any Board member may examine any witness.

l) Written Memoranda

Each party and the Superintendent may submit written memoranda on the issues of fact and law involved in the hearing in such form as the presiding officer may designate. Such memoranda may be submitted at any time prior to the hearing of a matter. With the approval of the presiding officer and on such schedule as the presiding officer may designate, written memoranda may be submitted after a hearing.

m) Counsel for the Board

The presiding officer of the Board may request an attorney to participate in any hearings as counsel for the Board.

5. Decisions and Orders

Each decision and order of the Board shall be delivered in writing. After deliberating, the Board shall issue a brief written order indicating the Board's decision and advising that a written decision will be forthcoming. The Board may, at its discretion, advise parties orally of the Board's decision. The Board shall supplement its order as soon as possible with a written decision setting forth the Board's findings of fact, conclusions of law, and the specific disposition of the case. The Board's written decision shall advise the parties of the right to appeal the Board's decision to the Maryland State Board of Education if taken in writing within twenty (20) school days of the date of the written decision. In an effort to promote consistent decision making throughout the Queen Anne's County Public Schools, and subject to any laws or regulations protecting the confidentiality of students, employees, and other persons, the Board shall encourage the superintendent to make copies of Board decisions available for review by school system administrators.

APPROVED – AUGUST 05, 2020
HEARING INFORMATION FORM

[For Hearings pursuant to Md. Code Ann. Educ. §6-202]

Notice to teachers, principals, supervisors, assistant superintendents, or other professional personnel: Section 6-202 provides teachers, principals, supervisors, assistant superintendents, or other professional personnel the right to request a hearing within ten (10) school days after receipt of a recommendation by the county Superintendent for suspension or dismissal. Professional personnel have the right to an evidentiary hearing and to the representation of counsel. This form is intended to assist the Board of Education of Queen Anne’s County in understanding the nature of the hearing and in making a decision as to whether a hearing examiner should be utilized. For more information, please refer to the Board of Education of Queen Anne’s County *Rules of Procedure for Hearings under Section 6-202* or contact the Superintendent’s office at 410-758-2403 ext. 126. If assistance is needed in completing this form, please contact Ms. Jacqueline Wright at 410-758-2403 ext. 126.

Deadline for return: _____

1. Name, address, and telephone number of all parties requesting a hearing:

2. Date of Superintendent’s recommendation: _____

3. Describe briefly the nature of the Superintendent’s recommendation:

4. Explain fully the legal and factual basis for your disagreement with the Superintendent’s recommendation. (Attach additional pages if necessary.):

5. Set forth the relief or remedy you seek from the Board of Education of Queen Anne’s County:

6. Please estimate the approximate number of witnesses and documents you expect to present into evidence and an estimate of the time needed to present your case. Your attention is directed to section B(4)(d), potential evidence, of the *Rules of Hearings — §6-202*. (Please note the Board of Education of Queen Anne’s County does not have the power to subpoena witnesses or require the attendance of employees or students.):

7. Will you be represented by counsel in this hearing? ()Yes ()No. If yes, provide each attorney’s name, address, and telephone number. (Please note that failure to give prompt notice of representation may result in the postponement of a scheduled hearing.):

If this is a joint statement by multiple parties, each party must sign. (Attach additional pages if necessary.)

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Party

Date

Party

Date

Party

Date

The Board of Education of Queen Anne’s County does not discriminate on the basis of disability in employment or provision of services, programs, or activities. Information concerning the Americans With Disabilities Act is available from the Director of Human Resources, James Jennings, at 410-758-2403 ext. 118. Persons needing auxiliary aids and services for communication should contact James Jennings at 410-758-2403 ext. 118, TDD No. 410-758-8213, or write to Queen Anne’s County Public Schools, 202 Chesterfield Avenue, Centreville, Maryland 21617-1308 at least five (5) school days in advance of the date the special accommodation is needed.

APPROVED – AUGUST 05, 2020

6-602

Cover Letter

Date

Name

Street

City/State/Zip

Dear

I have received your request for a hearing before the Board of Education.

Attached you will find the *Rules of Procedure for Hearings* under Section 6-202 of the Education Article to the Annotated Code of Maryland. An *Appeal Information Form* is also attached.

Please fill out the *Appeal Information Form* and return it to me within ten (10) school days of the date of this letter as set forth in the attached *Rules of Procedure*. Include any other documents that you think are pertinent to your appeal. Copies of all submissions should also be sent to the Superintendent.

If you have any questions regarding this matter, please contact Ms. Jacqueline Wright at 410-758-2403, ext. 126.

Sincerely,

[

], President

Board of Education of Queen Anne's County

cc: Board Members
Superintendent

APPROVED – AUGUST 05, 2020
Standard of Review for the Board of Education
in Hearing of a Recommendation by the
Superintendent for Suspension or Dismissal of
Professional Personnel
§6-202

The Superintendent bears the burden of proving to the Board, by a preponderance of the evidence,

(1) that the professional employee recommended for termination or suspension without pay has committed:

- (i) immorality,
- (ii) misconduct in office,
- (iii) insubordination,
- (iv) incompetency, or
- (v) willful neglect of duty, and

(2) that the proposed termination or suspension without pay is appropriate.

The Board may exercise its independent judgment in deciding to uphold, reject, or modify a recommendation for a professional employee's suspension without pay or termination.

Rules of Procedure in Appeals and Hearings
§7-305

PROCESS AND CONTENT

1. **Applicability**

- a) Proceedings covered by these Rules arise under Code Section 7-305, on appeals from a determination by the Superintendent or the Superintendent's designee that suspension of a student for more than ten (10) school days or expulsion of a student is warranted.

2. **Initiation of Appeals**

- a) All appeals to the Board under Code Section 7-305 shall be from a **determination** by the Superintendent or the Superintendent's designated representative that adversely affects the person or persons who seek the appeal. The Superintendent or the Superintendent's designated representative shall indicate in writing when a determination is "final" and shall also advise the parties in writing of their right to file an appeal to the Board within ten (10) days of the date of the final determination.

- b) Each appeal to the Board under Code Section 7-305 shall be initiated by filing a written notice of appeal with the Board within ten (10) days after the Superintendent or the Superintendent's designee has sent a written determination on the suspension or expulsion decision to the student and the student's parent or guardian. Such written determination shall advise the student and the parent or guardian of the right to appeal the Board. **Facsimile and email requests for an appeal are not acceptable.**

- c) (1) Upon receipt of a notice of appeal for a matter falling under Code Section 7-305, the Board shall assign a docket number and send the appellant(s) a copy of the Board's Appeal Information Form. Within ten (10) school days after the Appeal Information Form has been sent to the appellant(s), the appellant(s) shall file the completed Appeal Information Form with the Board and shall also send a copy to the Superintendent. Failure to file the Appeal Information Form in a timely manner may result in the Board dismissing the appeal for lack of timeliness.

- (2) Within ten (10) school days after the appellant(s) files the Appeal Information Form required by subsection (d)(1) of these Rules, the Superintendent may submit to the Board additional information or documentation in support of the decision which is the subject of the appeal. Copies of any information submitted by the Superintendent to the Board shall also be furnished to the appellant(s). Within five (5) school days after the Superintendent's submission is sent, the appellant(s) may submit additional documentation in support of the appeal and in response to that submitted by the Superintendent and shall provide a copy to the Superintendent.

- (3) Appellants are reminded that the Board is considering an **appeal** from a determination by the Superintendent or the Superintendent's designated representative. Accordingly, information or arguments that were not submitted to the Superintendent for prior consideration will not be considered by the Board unless the appellant demonstrates that the new information is based upon exigent circumstances that did not exist at the time that the matter was considered by the

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Superintendent or the Superintendent’s designated representative. Moreover, because the above stated timelines in subparagraphs (1) and (2) are designed to facilitate the prompt and fair review of appeals, the Board will not consider any information submitted by an appellant subsequent to the time provided in these timelines unless the appellant makes a compelling showing that the newly filed information is based upon exigent circumstances that did not exist earlier in the appeal process. In such cases where the Board accepts new information, the Board may, in its discretion, remand the matter to the Superintendent for consideration of the new information.

- d) If a notice of appeal under Code Section 7-305 is not filed within the time period set forth in subparagraph B(3)(b) of these Rules, the appeal may be dismissed. If the appellant(s) on an appeal filed under Code Section 7-305 fails to file an Appeal Information Form within the time period set forth in subparagraph B(3)(d)(1) of these Rules, the Board may dismiss the appeal for lack of timeliness.
- e) The Board reserves the right to refer the appeal to a hearing examiner for the purpose of conducting an evidentiary hearing and preparing a recommended decision under Code Section 6-203, and to hear oral argument. The Board also reserves the right to request that the parties submit additional documentation or information.

4. Hearings

a) **Applicability**

The provisions herein apply to both evidentiary hearings and oral arguments before the Board unless otherwise indicated.

b) **Notice**

- (1) Written notice of hearings shall be given by the Board, or its designee, to all interested parties not less than five (5) *school* days prior to the hearing.
- (2) Such notice shall also state the date, time, and place of the hearing. Any disagreement concerning the charges, issues, or facts shall be resolved as part of the disposition of the appeal.

c) **Public and Private Hearings**

- (1) Pursuant to Code Section 7-305, unless a public hearing is requested by the parent or guardian of the student, a hearing shall be held out of the presence of all individuals except those whose presence is considered necessary or desirable by the Board.
- (2) The request for a public hearing shall be made in writing.

d) Potential Evidence

The Board strongly encourages the appellant and the Superintendent to stipulate to the admissibility of documents. The Board’s attorney may conduct a pre-hearing conference for the purpose of attempting to resolve any evidentiary disputes.

e) Hearings Before a Hearing Examiner or Board Designated Committee

(1) Pursuant to Code Section 6-203, the Board may, if it chooses to do so, refer the appeal to a hearing examiner, or Board designated committee, for the purpose of conducting an evidentiary hearing. At all times, however, the Board retains the right to conduct an evidentiary hearing on its own, without a hearing examiner or Board designated committee. In those appeals where a hearing examiner is utilized, the hearing examiner shall serve as the presiding officer over that hearing and shall, subject to Board review, rule on all evidentiary issues, objections, and other issues that are raised during the hearing. The hearing will be stenographically transcribed. Within twenty (20) school days after the production of the transcript and the filing of any post-hearing memorandum, the hearing examiner shall submit to the Board, the appellant, and to the Superintendent a) a transcript of the proceedings and exhibits, unless they have already been produced, and b) the hearing examiner's findings of fact, conclusions of law, and recommendation.

(2) After the Board receives the record, the transcript, and the recommendations of the hearing examiner or Board designated committee, the appellant and the Superintendent may make a brief oral argument before the Board. The oral argument will not include the presentation of evidence. The Board will decide how much time it will allow for the presentation of argument.

(3) After reviewing the record, the transcript, the recommendations, and the arguments of the parties, the Board shall render a decision.

f) Representation

All parties appearing at hearings under these Rules shall have the right to appear in person or through counsel or a representative of their choice. All parties shall have the right to be accompanied by, represented, and advised by counsel or a designated representative. Appellants under Code Section 7-305 shall advise the Board if an attorney or other representative represents them, promptly after filing the notice of appeal or request for a hearing. Failure to give prompt notice of representation may result in a postponement of a scheduled hearing.

g) Records and Transcripts

(1) The presiding officer shall prepare or cause to be prepared an official record, which shall include all pleadings, testimony, exhibits, and other memoranda or material files in the proceedings.

(2) Accurate records of all hearings, disputes, or controversies shall be kept by the Superintendent in order that, if an appeal is taken, the records shall be submitted.

APPROVED – AUGUST 05, 2020

- (3) A stenographic record of that part of the proceedings which involves the presentation of evidence shall be made at the expense of the Board. The record need not be transcribed, however, unless the appeal is initially heard by a hearing examiner pursuant to Code Section 6-203 or is requested by a party to the controversy, the Superintendent, the Board, the State Superintendent, or the State Board, as the case may be. The cost of any typewritten transcript of any proceedings or a part of any proceedings, shall be paid by the party requesting it. In those appeals where a transcript is prepared pursuant to Code Section 6-203, the Board will pay the cost of the transcript.

h) Duties and Authority of Presiding Officer

The presiding officer 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 presiding officer shall cause an oath to be administered to all witnesses testifying in a proceeding. The Superintendent may administer oaths to witnesses unless he is a party to the proceeding.

i) Quorum

Each hearing before the Board shall be held before not less than a quorum of the Board.

j) Order of Proceedings

The order in which the parties shall present their case shall be as follows:

- (1) At the outset of the hearing, the parties will be asked to make a brief opening statement in which they clearly identify the decision from which an appeal is taken and the issues that they wish the Board to decide. The Superintendent and the appellant shall advise the Board if there are any stipulations of fact and stipulations as to the admission of any documents. Such stipulations are strongly encouraged by the Board.
- 2) The Superintendent or the Superintendent's designee shall proceed first in the presentation of evidence; **however, the appellant shall carry the burden of persuasion.**

k) Examination of Witnesses and Introduction of Evidence

- (1) The strict judicial rules of evidence shall not be applicable to evidentiary hearings conducted hereunder, and, in each case, the test of admissibility shall be whether the evidence is reasonably relevant to a material issue and whether it has substantial probative value with respect to such a material issue. The presiding officer may limit or refuse to admit cumulative or repetitive evidence and may curtail redundant questioning. The presiding officer shall encourage (but not demand) the parties, where possible, to make stipulations as to matters not reasonably in dispute and to make proffers to stipulations in place of cumulative evidence. All testimony shall be given under oath.
- (2) In evidentiary hearings provided for in these Rules, a party, individually or by or through counsel or other representative, may submit evidence, examine and cross-examine witnesses, make objection, and file exceptions and motions.

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- (3) The Superintendent may appear in person or through counsel or a designated representative, and shall be accorded the same rights as a party to submit evidence, examine and cross-examine witnesses, make objections, and file exceptions and motions.
- (4) The presiding officer may examine all witnesses. The presiding officer may call as a witness any person whose testimony may be relevant and material. In hearings before the Board, any Board member may examine any witness.

l) Written Memoranda

The appellant and the Superintendent may submit written memoranda on the issues of fact and law involved in the hearing in such form as the presiding officer may designate. Such memoranda may be submitted at any time prior to the hearing of a matter. With the approval of the presiding officer and on such schedule as the presiding officer may designate, written memoranda may be submitted after a hearing.

m) Counsel for the Board

In evidentiary hearings and oral arguments conducted by the Board, the presiding officer of the Board may request an attorney to participate in any hearings as counsel for the Board.

5. Decisions and Order

Each decision and order of the Board shall be delivered in writing. After deliberating on an appeal, the Board shall issue a brief written Order indicating the Board's decision and advising that a written decision will be forthcoming. The Board may, at its discretion, advise parties orally of the Board's decision. The Board shall supplement its Order as soon as possible with a written decision setting forth the Board's findings of fact, conclusions of law, and the specific disposition of the case. The Board's written decision shall advise the parties of the right to appeal the Board's decision to the Maryland State Board of Education if taken in writing within twenty (20) school days of the date of the written decision. In an effort to promote consistent decision making throughout Queen Anne's County Public Schools, and subject to any laws or regulations protecting the confidentiality of students, employees, and other persons, the Board shall encourage the Superintendent to make copies of Board decisions available for review by school system administrators.

APPROVED – AUGUST 05, 2020
APPEAL INFORMATION FORM

[For Appeals taken pursuant to Md. Code Ann. Educ. §7-305]

Notice to students and parents/guardians: Section 7-305 of the Education Article provides students and parents/guardians the right to file an appeal within ten (10) school days after a determination by the Superintendent or Superintendent’s designee on a suspension of more than ten (10) school days or an expulsion. On appeal, the student and his/her parents/guardians have the right to an evidentiary hearing and to the representation of counsel. This form is intended to assist the Board of Education of Queen Anne’s County in understanding the nature of the appeal and in making a decision as to whether a hearing examiner should be utilized. For more information, please refer to the Board of Education of Queen Anne’s County’s *Rules of Procedure in Appeals and Hearings under Section 7-305* or contact the Superintendent’s office at 418-758-2403, ext. 126. If assistance is needed in completing this form, please contact Ms. Jacqueline Wright, 410-758-2403, ext. 126.

Deadline for return: _____

1. Name, address, and telephone number of student and parent/guardian:

2. Name of last school attended:

3. Date of Superintendent’s decision from which appeal is taken:

4. Describe briefly the nature of the appeal (e.g., extended suspension, expulsion, etc.):

5. Explain fully the legal and factual basis for your appeal. (Attach additional pages if necessary.):

6. Set forth the relief or remedy you seek from the Board of Education of Queen Anne’s County on this appeal:

7. Please estimate the approximate number of witnesses and documents you expect to present into evidence and an estimate of the time needed to present your case. Your attention is directed to section B(4)(d), potential evidence, of the *Rules of Procedure in Appeals and Hearings — §7-305*. (Please note that the Board of Education of Queen Anne’s County does not have the power to subpoena witnesses or require the attendance of employees or students.):

APPROVED – AUGUST 05, 2020

8. Will you be represented by counsel in this appeal? ()Yes ()No. If yes, provide each attorney’s name, address, and telephone number. (Please note that failure to give prompt notice of representation may result in the postponement of a scheduled hearing.):

Student (signature required if 18 or over)

Date

Parent/Guardian (signature required unless student signs)

Date

The Board of Education of Queen Anne’s County does not discriminate on the basis of disability in employment or provision of services, programs, or activities. Information concerning the Americans With Disabilities Act is available from the Director of Human Resources, at 410-758-2403, ext. 118. Persons needing auxiliary aids and services for communication should contact the Director of Human Resources, at 410-758-2403 x126, or write to Queen Anne’s County Public Schools, 202 Chesterfield Avenue, Centreville, Maryland 21617 at least one (1) week in advance of the date the special accommodation is needed.

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7-305

Cover Letter

Date

Name

Street

City/State/Zip

Dear :

I have received your appeal to the Board of Education.

Attached you will find the *Rules of Procedure in Appeals and Hearings* under Code Section 7-305 of the Education Article to the Annotated Code of Maryland. An *Appeal Information Form* is also attached.

Please fill out the *Appeal Information Form* and return it to me within ten (10) school days of the date of this letter as set forth in the attached *Rules of Procedure*. Include any other documents that you think are pertinent to your appeal. Copies of all submissions should also be sent to the Superintendent. The Superintendent will then have the opportunity to file a written response, following which you will have the opportunity to file any additional documentation in support of your appeal. After the Board of Education has received the written submissions of the parties, it will either:

1. Contact you to appear before the Board or a hearing examiner for an evidentiary hearing;
2. Contact you to appear before the Board for oral argument after the hearing.

The Board's standard of review of appeals is as follows: generally, the Board does not substitute its judgment for that of the Superintendent or the Superintendent's designee unless the decision is arbitrary, unreasonable, or illegal.

A decision may be arbitrary or unreasonable if it is one or more of the following:

- a. It is contrary to sound educational policy;
- b. A reasoning mind could not have reasonably reached the conclusion the Superintendent reached.

A decision may be illegal if it is one or more of the following:

- a. Unconstitutional;
- b. Exceeds the statutory authority or jurisdiction of the Superintendent;
- c. Misconstrues the law;
- d. Results from an unlawful procedure;
- e. Is an abuse of discretionary powers; or
- f. Is affected by any other error of law.

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Date

Name

Street

City/State/Zip

Dear

Please be aware that in order for the appeals process to function in a fair manner with the views of all sides receiving appropriate consideration, it may take six weeks or more before a decision is rendered.

If you have any questions regarding this matter, please contact Jacqueline Wright at 410-758-2403, ext. 126.

Sincerely,

[], President
Board of Education of Queen Anne’s County

cc: Board Members
Superintendent

**Standard of Review for the Board of Education in the
Appeal of Extended Suspensions and Expulsions**

§7-305

Note: Rehabilitative efforts have little or no bearing on the Board's role as an appellant body.

Is the issue in question set forth in policy, regulation, or rule?

- Board Policy
- Administrative Regulations
- School Rule

Is the policy, regulation, or rule reasonable and was it made known to the student?

- QACPS Calendar
- School Handbook

Is there a preponderance of evidence?

- Is it more likely than not?
- 50.1 percent threshold
- Is hearsay evidence credible and reliable?

Has the student been given due process?

- Was a conference held?
- Informed of the charge(s)?
- Provided an opportunity to respond?

Has the Superintendent or the Superintendent's designee acted in an illegal, arbitrary, and/or unreasonable manner?

- Is it
 - Illegal?
 - Contrary to sound educational policy?
 - Excessive authority?
 - Misconstrued law?
 - Consistent with similar offenses
- How are similar offenses handled?

APPROVED – AUGUST 05, 2020
ORDER OF DECISION OF THE BOARD OF EDUCATION
OF QUEEN ANNE’S COUNTY

IN THE MATTER OF _____

The Board of Education of Queen Anne’s County met and deliberated on your appeal. By a vote of _____ to _____, the Board upholds / overturns the decision of the Superintendent or the Superintendent’s designee. A written decision will be issued setting forth the Board’s findings and conclusions and advising you of further avenues of appeal.

Date

[_____], President

[_____], Vice President

[_____]

[_____]

[_____]

**ORDER TO REMAND BY THE BOARD OF EDUCATION
OF QUEEN ANNE’S COUNTY**

IN THE MATTER OF _____

The Board of Education of Queen Anne’s County met and deliberated on your appeal. By a vote of ___ to ___ the Board remands the case to the Superintendent of Schools for _____. Subsequently, another written decision will be issued by the Superintendent.

Date

[], President

[], Vice President

[]

[]

[]

Reference

1. *Maryland Annotated Code, Education Article*
2. *Maryland Association of Boards of Education (MABE) Manual*
3. *Maryland School Law Deskbook*
4. *Policy Book* by Queen Anne’s County Public Schools
5. *Open Meetings Act Manual* by the Office of the Maryland Attorney General
6. *The Key Words of School Boards Guidebook* by the National School Boards Association



Queen Anne's County Public Schools

Preparing World-Class Students Through Everyday Excellence

NON-DISCRIMINATION STATEMENT:

In accordance with federal laws, the laws of the State of Maryland and the policies of the Board of Education of Queen Anne's County, Queen Anne's County Public Schools does not discriminate on the basis of actual or perceived race, color, age, gender, religion, disability, genetic information, national origin, marital status, socioeconomic status, physical characteristics, or sexual orientation in the provision of employment, educational programs, and services. Queen Anne's County Public Schools operates equal opportunity and affirmative action programs for students and staff. Queen Anne's County Public Schools is an equal opportunity/affirmative action employer. Inquiries or complaints regarding discrimination or Title IX issues such as gender equity and sexual harassment should be directed to the Director of Human Resources for Queen Anne's County Public Schools at 410-758-2403 ext. 176. Inquiries regarding ADA and Section 504 should be directed to the Supervisor of Student Support for Queen Anne's County Public Schools at 410-758-2403 ext. 155. Inquiries regarding Title II should be directed to the Deputy Superintendent at 410-758-2403 ext. 121. Inquiries may also be addressed in writing to the appropriate office at Queen Anne's County Public Schools, 202 Chesterfield Ave, Centreville, Maryland 21617.

For further information on notice of non-discrimination, visit:

<http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm> for the address and phone number of the office that serves your area, or call 1-800-421-3481.

External Agencies

U.S. Equal Employment Opportunity Commission (EEOC) 1-800-669-4000

TTY for Deaf/Hard of Hearing callers only 1-800-669-6820

ASL Video Phone for Deaf/Hard of Hearing callers only 1-844-234-5122

Maryland Commission on Civil Rights (MCCR) 410.767.8600

(Español-marque el 2) 1.800.637.6247

Maryland Relay 7-1-1

U.S. Department of Education

Office for Civil Rights (OCR)

400 Maryland Avenue, SW,

Washington, DC 20202

(202) 401-2000

1-800-872-5327

Fax: 202-453-6012;

TDD: 800-877-8339

Queen Anne's County Board of Education contact information can be found on the QACPS website:
www.qacps.org.