

# EXHIBIT

## MONTGOMERY COUNTY PUBLIC SCHOOLS

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### **Rules of Procedure in Contested Matters (State Law)**

#### **Annotated Code of Maryland, Education Article § 4-205. Powers and duties of county superintendent**

##### **(c) Intent and meaning of school laws and applicable bylaws of State Board**

- (1) Subject to the authority of the State Board under § 2-205(e) of this article, each county superintendent shall explain the true intent and meaning of:
  - (i) The school law; and
  - (ii) The applicable by laws of the State Board.
- (2) Subject to the provisions of § 6-203 and Title 6, Subtitle 4 of this article and without charge to the parties concerned, each county superintendent shall decide all controversies and disputes that involve:
  - (i) The rules and regulations of the county board; and
  - (ii) The proper administration of the county public school system.
- (3) A decision of a county superintendent may be appealed to the county board if taken in writing within 30 days after the decision of the county superintendent. The decision may be further appealed to the State Board if taken in writing within 30 days after the decision of the county board.

#### **Annotated Code of Maryland, Education Article § 6-202. Suspension or dismissal of teachers, principals, supervisors, assistant superintendents or other professional assistants**

##### **(a) Grounds for discipline**

- (1) On the recommendation of the county superintendent, a county board may suspend or dismiss a teacher, principal, supervisor, assistant superintendent, or other professional assistant for:
  - (i) Immorality;

- (ii) Misconduct in office, including knowingly failing to report suspected child abuse in violation of § 5-704 of the Family Law Article;
  - (iii) Insubordination;
  - (iv) Incompetency; or
  - (v) Willful neglect of duty.
- (2) (i) Before removing an individual, the county board shall send the individual a copy of the charges against the individual and give the individual an opportunity within 10 days to request:
  - 1. A hearing before the county board; or
  - 2. A hearing before an arbitrator in accordance with paragraph (5) of this subsection.
- (ii) If an individual's request does not specify that the hearing be before an arbitrator, the request shall be considered a request for a hearing before the county board.
- (3) If the individual requests a hearing before the county board within the 10-day period:
  - (i) The county board promptly shall hold a hearing, but a hearing may not be set within 10 days after the county board sends the individual a notice of the hearing; and
  - (ii) The individual shall have an opportunity to be heard before the county board, in person or by counsel, and to bring witnesses to the hearing.
- (4) The individual may appeal from the decision of the county board to the State Board.
- (5) (i) If the individual or the individual's representative requests a hearing before an arbitrator within the 10-day period, the hearing shall be conducted in accordance with this paragraph.
  - (ii)
    - 1. An arbitrator shall be selected as provided in this subparagraph.
    - 2. If the superintendent and the individual or the individual's representative agree on an arbitrator, the arbitrator shall be chosen by mutual agreement of the parties.

3. If the superintendent and the individual or the individual's representative cannot agree on an arbitrator:
  - A. The county board shall request from the American Arbitration Association a list of the arbitrators that are available to hear this type of dispute and make a decision in a timely manner; and
  - B. The parties shall alternately strike arbitrators from the list.
- (iii) The rules of labor arbitration shall apply.
- (iv) A stenographic record shall be made of the proceedings before the arbitrator.
- (v)
  1. The arbitrator shall determine whether the county board has sufficient cause for suspension or dismissal of the individual.
  2. A lesser penalty than dismissal may be imposed by the arbitrator only to the extent that either party proposes the lesser penalty in the proceeding.
- (vi) In making a decision, the arbitration proceeding is governed by this subtitle and by the collective bargaining agreement applicable to the individual.
- (vii) Except as provided in subparagraph (viii) of this paragraph, the county board shall pay the full cost and expenses of the arbitration, including:
  1. The American Arbitration Association's administrative fees;
  2. The full cost of the stenography and transcription services;
  3. Reasonable expenses for required travel;
  4. Reasonable fees and expenses incurred or charged by the arbitrator; and
  5. Reasonable expenses associated with any witness or evidence produced at the request of the arbitrator.
- (viii)
  1. The superintendent and the individual shall pay their own respective costs and expenses associated with any witness or evidence produced by them.

2. If the arbitrator determines that the county board had sufficient cause to suspend or dismiss the individual, then the individual shall pay 50% of the fees and expenses incurred or charged by the arbitrator and the administrative fees, if any, of the American Arbitration Association.
- (ix)
1. The decision and award by the arbitrator are final and binding on the parties.
  2. An individual may request judicial review by a circuit court, which shall be governed by the Maryland Uniform Arbitration Act.

### **Annotated Code of Maryland, Education Article § 6-203. Hearings**

#### **(a) Proceedings subject to hearings**

For all proceedings before a county board under § 6-202 of this subtitle and §§ 4-205(c) and 7-305 of this article, the county board may have the proceedings heard first by a hearing examiner.

#### **(b) Qualifications of hearing examiners**

- (1) Except as provided in paragraph (2) of this subsection, for proceedings before a county board under § 6-202 of this subtitle, the hearing examiner shall be an attorney admitted to practice before the Maryland Court of Appeals.

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- (3) The hearing examiner shall be chosen by the county board.

#### **(c) Submissions to county board and appellant**

The hearing examiner shall submit to the county board and appellant:

- (1) A record of the proceedings and exhibits; and
- (2) The hearing examiner's findings of fact, conclusions of law, and recommendation.

#### **(d) Arguments before county board**

Parties to the proceedings before the hearing examiner may make arguments before the county board.

#### **(e) Decision of county board**

- (1) After it reviews the record and the recommendation of the hearing examiner, the county board shall make a decision.

(2) The decision may be appealed to the State Board as provided in this article.

**(f) Rules and regulations relating to proceedings**

Each county board shall adopt reasonable rules and regulations to regulate the proceedings before the hearing examiner.

**Sources:** Annotated Code of Maryland, Education Article § 4-205. Powers and duties of county superintendent; § 6-202. Suspension or dismissal of teachers, principals, supervisors, assistant superintendents or other professional assistants; § 6-203. Hearings