

Testimony SB 945 - CC School - Pubic Comment - Fav

Uploaded by: Ennis, Ella

Position: FAV

The Honorable Paul Pinsky, Chairman
And Members of the Education, Health and
Environmental Affairs Committee
Senate of Maryland
Annapolis, Maryland

RE: SB 945 – Public Comment at Calvert County Board of Education Meetings – FAVORABLE

Dear Chairman Pinsky and Members of the Committee,

I support SB 945 to provide for a 3-minute public comment period on educational policies and issues involving the Calvert County Board of Education. Citizens have only been able to watch virtual meetings of the Board of Education. Whether public meetings of the Board are virtual or in-person there is a need for citizens to have an opportunity to provide comments and recommendations on policies and issues of importance to the education of our children and grandchildren and the functioning of the public schools.

Approximately 50% of our County tax dollars go to fund the public schools and Board of Education. We need public awareness and input on the effectiveness of implementation of that budget.

A recent report on the failure rate for students in Calvert County during the current school year was more than 3 times that of last school year with 16.8% of African-American students are failing in this all virtual school year. The Board of Education has repeatedly delayed any in-person classes until this month.

Parents and citizens need the opportunity to provide input and comments on a regular basis on important issues facing students in our County school system.

Please give a Favorable Report to SB 945.

Sincerely,
Ella Ennis
P.O. Box 437
Port Republic, MD 20676
E-mail: eee437@comcast.net

SenatorBailey_FWA_SB945.pdf

Uploaded by: Bailey, Jack

Position: FWA

JACK BAILEY
Legislative District 29
Calvert and St. Mary's Counties

Judicial Proceedings Committee



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Annapolis Office
James Senate Office Building
11 Bladen Street, Room 402
Annapolis, Maryland 21401
410-841-3673 · 301-858-3673
800-492-7122 Ext. 3673
Jack.Bailey@senate.state.md.us

District Office
Dorsey Professional Park
23680 Three Notch Road, Unit 101
Hollywood, Maryland 20636
240-309-4238

March 18, 2021

Senate Bill 945 – Calvert County Board of Education – Public Meetings – Public Comment

Dear Chairman Pinsky and Members of the Committee,

I am writing to introduce Senate Bill 945 – Calvert County Board of Education – Public Meetings – Public Comment. This bill would require the Calvert County Board of Education to provide an opportunity for public comment at their meetings. Additionally, it would ensure that a member of the public would be allowed three uninterrupted minutes at public meetings to comment on matters related to education, testing, attendance, school athletics, school transportation, school boundaries, and any other matter relevant to the Board of Education or the administration of the Calvert County Public School System.

This legislation has become necessary due to the Board of Education's policies during their meetings, which are being held virtually because of the COVID-19 Pandemic. Under the Board's current policies, the public should be given time to testify at their meetings. However, during these virtual meetings, the Board is only accepting public comment in writing and not giving residents the opportunity to speak before the Board in violation of their own policy.

Public comment is a critical part of representative government. While the conditions of the past year have imposed some difficulty in conducting public meetings, ensuring the ability of the people to be heard by elected officials should be a high priority. Many other branches of government at all levels, including this body, have taken steps so that the public is able to testify on issues even as they cannot be physically present at our hearings. This bill is important not only during this pandemic but going forward as well, as far too often we see that once a precedent such as this is set, it can be used to deny the public the ability to be heard in other situations in the future.

Senate Bill 945 is a local bill that only affects the Calvert County Board of Education. I have requested an amendment to make Senate Bill 945 an emergency bill to ensure that public comment is restored at these meetings as soon as possible.

I respectfully request a favorable report on Senate Bill 945 with the amendment to make it an emergency bill. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Bailey".

Senator Jack Bailey
District 29
Calvert and St. Mary's Counties

Letter to Senator Pinsky regarding HS 1357 and SB

Uploaded by: Fannon, Mary Pat

Position: UNF



**Calvert County
Public Schools**

Daniel D. Curry, Ed.D.
Superintendent of Schools

1305 Dares Beach Road
Prince Frederick, MD 20678
Telephone: (443) 550-8000
FAX: (410) 286-1358
www.calvertcounty.education

March 15, 2021

The Honorable Paul Pinsky, Chair
Education, Health and Environmental Matters Committee
2 West Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

Re: HB 1357 and SB 945

Dear Chairman Pinsky:

As Superintendent of Calvert County Public Schools, I am sending this letter to register opposition to HB 1357 and SB 945.

This legislation is not needed. The Calvert County Board of Education (Board) has a policy and procedures that provides the guidance for entertaining public comment at Board meetings. Please see enclosed Policy 1110 and Procedures 1110.1. See section 4.b on page 4 of the Procedures 1110.1.

Up until the pandemic, the Board has steadfastly honored these procedures. When the Board moved to meeting only virtually, for safety purposes, it announced that public comment would be received by email. Those comments have been regularly collected and posted publicly.

On March 11, 2021, the Board met for the first time in person for many months. At that meeting, they opened the doors to public comment and heard from 8 citizens. We are back to more normal functions. I appreciate both of you for your support of the schools, but this legislation is unnecessary.

Respectfully,

Daniel D. Curry, Ed.D.
Superintendent of Schools

Enclosures

Policy 1110 and Procedures 1110.1.pdf

Uploaded by: Fannon, Mary Pat

Position: UNF

Calvert County Public Schools
1305 Dares Beach Road
Prince Frederick, MD 20678

**Policy Statement #1110 (Administration) of the Board of Education
Regarding Board of Education Meetings**

- I. Purpose
 - A. To ensure that all Board of Education meetings where public business is discussed are conducted in an open and public manner, provide reasonable accessibility, and meet all state legal and procedural requirements
- II. Definitions
 - A. Open Meetings Act – a state law that ensures the meetings of governing bodies at which decisions about the public’s business are made or discussed are open to the public, that the public has reasonable advance notice of the time and place of meetings, that the meetings are accessible to persons wishing to attend, and that written records are kept of the meetings
 - B. Public Business – when the Board of Education is acting in its legislative, quasi-legislative, or advisory capacity
 - C. Legislative capacity – when the Board of Education approves, disapproves, or amends a policy or a resolution, or takes other steps to set public policy, or when it approves or disapproves an appointment
 - D. Quasi-legislative capacity – when the Board of Education approves, disapproves, or amends a contract or a budget
 - E. Advisory capacity – when the Board of Education discusses, studies, evaluates, or makes recommendations on a matter of public concern
- III. Policy Statement
 - A. The Board of Education provides community representation and oversight of the school system and believes transparency in its decision-making is a necessary condition for community engagement; therefore, the Board of Education will conduct meetings that are publicized, provide an opportunity for input by citizens at regularly scheduled business meetings and public hearings, and allow for public viewing and review. Further, because of its deep sense of commitment to the citizens of Calvert County (including students and parents), the Board of Education affirms its commitment to comply with all provisions of the Open Meetings Act.
- IV. Delegation of Authority
 - A. The Superintendent of Schools is directed to develop administrative procedures to implement this policy in accordance with all local policies and local, state, and federal laws and regulations, and to communicate this policy and accompanying procedures to all relevant parties.

Administration 1110

Adopted: 9/9/1982

Revised: 8/13/1992; 12/14/1995; 4/14/2005; 12/7/2006; 12/10/2009; 12/6/2012; 1/12/17

Page 1 of 2

V. Exceptions

- A. There are no exceptions to this policy. However, the Board by majority vote may temporarily suspend all or part of this policy. Suspension of all or part of this policy, however, in no way relieves the Board of its obligation to comply with the pertinent local, state, and federal laws and regulations or the rules and regulations of the Maryland State Board of Education and the Maryland State Department of Education.

VI. Review

- A. This policy will be reviewed at the end of four years, or sooner, if approved by majority vote of the Board of Education in public session.

VII. Effective Date

- A. This policy is effective January 12, 2017.

Citations

State Law: §§ 10-501-10-512 of the State Government Article of the Annotated Code of Maryland
§ 3-304 of the Education Article of the Annotated Code of Maryland

State Reg.: COMAR 13A.02.01.01

Federal Law:

Adm. Reg.:

Neg. Agr.:

Other Citation:

Related Policy

1100 Policy Regarding Communications

Administration 1110

Adopted: 9/9/1982

Revised: 8/13/1992; 12/14/1995; 4/14/2005; 12/7/2006; 12/10/2009; 12/6/2012; 1/12/17

Page 2 of 2

Calvert County Public Schools
1305 Dares Beach Road
Prince Frederick, MD 20678

**Administrative Procedures for Policy #1110 (Administration)
Regarding Board of Education Meetings**

I. Roles

A. Responsibilities of the Board

1. "Educational matters that affect the counties shall be under the control of a county board of education in each county. Each county board shall seek in every way to promote the interests of the schools under its jurisdiction." § 4-101 of the Education Article of the Annotated Code of Maryland.

B. Responsibilities of the Superintendent

1. "The county superintendent is the executive officer, secretary, and treasurer of the county board. Unless the tenure or salary or the administration of the office of the county superintendent is under consideration, the county superintendent or the county superintendent's designee shall attend all meetings of the county board and its committees. The county superintendent may advise on any question under consideration but may not vote." § 4-102 of the Education Article of the Annotated Code of Maryland.

II. Definitions

- A. Administrative function – the administration of a law of the State; a law of a political subdivision of the State; or a rule, regulation or bylaw of a public body
- B. Closed Meetings – a meeting of the Board of Education which is closed to the public and media by a majority vote of the Board in order to discuss any issue permitted in the Open Meetings Act
- C. Meeting – when a majority of the Board of Education convenes for the consideration or transaction of public business
- D. Open Meetings Act – General Provisions Article Title 3 Subtitle 3 which ensures that the meetings of governing bodies at which decisions about the public's business are made or discussed are open to the public; that the public has notice of the time and place of meetings; that the meetings are accessible to persons wishing to attend; and that records are kept of the meetings

III. Meetings

A. Notice of Meetings

1. Before any meeting, the public shall be given reasonable advance notice in writing of the date, time, and place of the meeting.
2. A tentative agenda will be made available to the public on BoardDocs on the Monday before the meeting.

3. Public notice of any meeting will be made by posting the information on the CCPS website, by giving written notice to the news media who regularly report on sessions of the Board of Education, and/or by posting the information on the designated bulletin board in the lobby of the Brooks Administrative Building.
4. If appropriate, a statement will be included in the written notice that part or all of the meeting may be conducted in Closed Session.
5. Copies of meeting notices will be kept for at least 1 year after the date of the meeting.
6. The Board generally adopts an annual tentative meeting schedule at the July Business Meeting.

B. Location of Meetings

1. Unless otherwise announced in the written notice of a meeting, all meetings of the Board will be held at the Brooks Administrative Building in the Board Room.

C. Types of Meetings

1. Business Meetings

- a. Business Meetings are generally scheduled on the second Thursday of each month. At this meeting, the Board will routinely consider and act on official business.

2. Work Sessions

- a. Work sessions are generally scheduled on the fourth Thursdays of each month. In-depth staff presentations and Board discussions on focused topics are regular agenda items at Work Sessions. The Board may consider and act on official business as necessary. Student and personnel recognition will also be regular agenda items.

3. Special Meetings

- a. Special Meetings may be called by the President, the Secretary, or by the written request of a majority of the Board. Whenever possible, Special Meeting dates and times will be determined in consultation with Board Members. Further, whenever possible, Board Members shall receive at least 24-hour notice of the meeting and the purpose. No business shall be transacted at any Special Meeting that does not come within the purpose(s) set forth in the call to meeting unless all members are present and agree unanimously to the consideration of the additional item(s).

4. Public Hearings

- a. Annually, prior to adopting an operational budget, the Board will schedule a Public Hearing on the Superintendent's Proposed Budget. In addition, Public Hearings will be scheduled on issues the Board

determines are of widespread interest and concern to the public. It is the intent of the Board in establishing a Public Hearing to provide the opportunity for individuals and groups in the community to express their views and hear the views of others on the topic of the hearing prior to Board action.

D. Administrative Function

1. The Board of Education, by majority vote, may recess during any open session to carry out an Administrative Function.

E. Closed Sessions

1. All business of the Board will be conducted in meetings open to the public unless the meeting is closed by a majority vote of the Board Members present to discuss topics authorized in the Open Meetings Act - §3-305(b) of the General Provisions Article of the Annotated Code of Maryland.
2. Before meeting in Closed Session, the President of the Board will conduct a recorded vote on the closing of the session.
3. The reason for closing the meeting, including a citation of the authority in §3-305(b) of the General Provisions Article of the Annotated Code of Maryland, and a listing of the topics to be discussed will be recorded.
4. All formal action by the Board will be taken in meetings which are open to the public.

F. Conduct of Meetings

1. Meetings will use Roberts Rules of Order as a guide to conducting a meeting. Variations may be made as past practice dictates.
2. Agendas
 - a. The Superintendent, in consultation with the Board, shall prepare a tentative meeting agenda. The agenda shall be made available to the Board Members, the public, the staff, and the press in advance of each meeting in accordance with the Open Meetings Act.
 - b. At each meeting, the Board may revise the agenda by majority vote and will adopt the agenda prior to transacting business.
3. Quorum and Number of Votes Needed for Action
 - a. Three members of the Board shall constitute a quorum. Motions or resolutions may be adopted only with the affirmative vote of an absolute majority of the Board (three votes). In the event there is a disqualification of one or more members because of a conflict of interest, and the disqualification results in less than a quorum, the disqualified person(s) shall disclose the nature and circumstances of the conflict to the Board and may subsequently participate if necessary to take public action on the item.

4. Public Attendance and Participation

Administration 1110.1

Procedures Written: 4/14/05

Revised: 7/3/07; 1/4/10; 12/10/12; 12/21/16

Page 3 of 5

- a. Whenever the Board meets in Open Session, the public is entitled to attend and observe. Because Business Meetings, Special Meetings, and Work Sessions are conducted for the purpose of carrying on the business of the schools, they are not public meetings, but rather meetings held in public.
- b. Because the Board seeks the input of individuals and organizations as part of its deliberations, citizens may address the Board during meetings within the following framework:
 - 1) Time is allotted at each meeting as a public forum. An individual may address the Board for up to three minutes or up to five minutes if he/she is speaking on behalf of an organization.
 - 2) If an individual wants to speak longer than the normally allotted time, wants to address a specific agenda item at the time it is discussed, or wants to address the Board during a special meeting or a work session, he/she must send a written request to the President of the Board of Education. The Board will consider the written request at its next scheduled meeting. The President of the Board, in discussion with Board Members, shall determine whether to permit and/or limit the testimony and shall determine the order in which individuals speak. The individual submitting the request will be notified of the Board's decision and, if the request is granted, the President of the Board of Education will schedule the public comment at a future regularly scheduled Board meeting. For purposes of planning, the following information is requested in the original request: topic, name of speaker, organization represented (if any), and daytime phone number.
 - 3) Except in instances when the President of the Board expressly invites public testimony, comments, questions, or other forms of participation, no member of the public attending an Open Session may participate in the session.
 - 4) The Board determines whether and when action is taken on items raised during the meetings. Questions and problems presented by the public will be taken under advisement, and a response will be made after due deliberation. The presiding officer may inform the speaker(s) of the intentions of the Board concerning the matter under discussion.
 - 5) Speakers may not discuss personnel matters, confidential matters, or issues pending in appeals to the Board or to the State Board of Education. Comments/concerns about individual staff members should be addressed through the Superintendent's Office.

- 6) A person attending an Open Session may not engage in behavior that disrupts the session or interferes with the right of members of the public to observe the session. The presiding officer may order any person who persists in such conduct to be removed and may request police assistance to restore order. The presiding officer may recess the session while order is restored.
- 7) Individuals or groups are welcome to submit written comments to the Board.
- 8) Public Hearings are designed specifically to solicit input from the public. Testimony will be received at these hearings in accordance with the procedures announced at each hearing.

IV. Records of Meetings

- A. As soon as practicable after a meeting, minutes will be prepared. The minutes will reflect each item that the Board considered; the action that the Board took on each item; and each vote that was recorded. These minutes will be held as part of public domain for a minimum of one year after the date of the meeting.
- B. The proceedings of Open Meetings are broadcast via livefeed on the CCPS website. It is also available for review on the local cable channel as well as on BoardDocs.
- C. If the Board meets in Closed Session, the public minutes will include a statement of the time, place, and purpose of the Closed Session; a record of the vote of each member as to closing the session; and a listing of the topics of discussion, persons present, and each action taken during the session.
- D. For meetings which are recessed for the purpose of conducting Administrative Functions, minutes at the next Open Meeting of the Board will include a statement of the date, time, place, and persons present at the Administrative Function and a phrase or sentence identifying the subject matter discussed at the Administrative Function Meeting.
- E. Minutes of Closed Sessions are recorded in writing and are held in accordance with §3-305 of the General Provisions Articles of the Annotated Code of Maryland.

V. Amendment or Suspension of Rules

- A. Rules and regulations governing the Board (except those required by statute) may be amended by the majority vote of the Board at any meeting.