

Local Board of Education Governance Authority

(Adopted 2012; amended 2013, 2016, 2019)

WHEREAS, local school boards are among the nation's preeminent expressions of grassroots democracy; and

WHEREAS, a basic premise of our nation's system of public education is that public schools should be governed locally; and

WHEREAS, the Maryland Association of Boards of Education (MABE) believes the principle of local governance by boards of education is fundamental to a sound system of public education; and

WHEREAS, MABE believes that a sound system of public education is fundamental to sustaining the well-educated citizenry essential to a flourishing democracy; and

WHEREAS, the local governance authority of boards of education in Maryland and throughout the nation are continuously challenged by state, federal and private sector initiatives; and

WHEREAS, Maryland statute provides that "educational matters that affect the counties shall be under the control of a county board of education" and that local boards "determine, with the advice of the county superintendent, the educational policies of the county school system" (§§4-101 and 4-108, Education Article); and

WHEREAS, local boards of education exercise governance authority in compliance with state and federal laws and in conjunction with the State Board of Education, which adopts statewide regulations in accordance with state and federal statutory authority; and

WHEREAS, in 2016 the Governor exercised unprecedented authority over local boards of education by issuing an executive order intruding upon the authority of the State Board of Education and all local boards in Maryland; and

WHEREAS, local boards of education work in conjunction with the State Board of Education, which has exclusive visitatorial power over educational policy and public school administration, a power that the Court of Appeals has described as "comprehensive" and "exclusive." *Chesapeake Charter, Inc. v. Anne Arundel County Board of Education*, 358 Md. 129,137 (2000); and

WHEREAS, MABE commends the General Assembly for enacting the Bridge to Excellence Act and other significant education related legislation and funding initiatives, while at the same time consistently delegating the governance and administration of public education to the State Board and local boards of education; and

WHEREAS, MABE believes that by retaining decision-making authority at the local level, local boards of education can best balance educational practices, available resources to implement those practices, public input, and academic and financial accountability; and

WHEREAS, local boards play a vital role in governing the local school system, advocating for public education, and engaging local communities and promoting participation by parents and other community members in the education process so that everyone feels a responsibility for, and ownership of, Maryland's public schools and our students' futures; and

WHEREAS, MABE believes that legislation which limits local board decision-making authority may weaken the board's bond with the local community and adversely impact the community's participation in the governance and operation of their local school system; especially in light of the critical role of local tax revenues in funding schools and school facilities; and

WHEREAS, the General Assembly enacted legislation in 2013 which authorizes the unprecedented intrusion of the local government into the appointment and operation of the Prince George's County local board of education and office of the superintendent; and

WHEREAS, the General Assembly enacted legislation in 2016 which requires the Baltimore City Board of School Commissioners to include one delegate and one senator from the Baltimore City delegation as nonvoting members of the local board's chief executive officer (CEO) selection committee; and

WHEREAS, in 2019 the General Assembly enacted legislation which returns to local boards full governance authority to establish annual school calendars including starting and ending dates; and

WHEREAS, in 2019 the General Assembly enacted legislation expanding the governance authority of local boards by allowing them to remove local superintendents for one or more just causes, including: immorality, incompetence, insubordination, willful neglect of duty, or misconduct in office; and

WHEREAS, in 2019 the General Assembly enacted the Blueprint for Maryland's Future to launch the funding and policy recommendations of the Kirwan Commission on Innovation and Excellence in Education, including the establishment of an office of inspector general with investigative authority over school systems, but not including provisions limiting local board governance authority;

NOW, THEREFORE, BE IT RESOLVED, that MABE will advocate for the maintenance and expansion of the governance authority of local boards to set education policy and administration; and

BE IT FURTHER RESOLVED, that MABE supports local board control of, and accountability for, appropriations within the budget categories outlined in statute; and

BE IT FURTHER RESOLVED, that MABE will advocate for State Board of Education acknowledgment of the governance role of local boards, and the need to preserve local discretion and flexibility, when adopting statewide regulations and policies; and

BE IT FURTHER RESOLVED, that MABE will vigorously defend against any action to intrude upon the authority of local boards and encourages local boards to work in conjunction with the State Board of Education, which has exclusive visitatorial power over educational policy and public school administration; and

BE IT FURTHER RESOLVED, that MABE advocates for and supports legislation to clarify that local board governance authority is not subject to executive orders by the Governor; and

BE IT FURTHER RESOLVED, that MABE supports adequate and equitable state funding for state mandated programs and priorities, including the provision of rigorous accountability measures, provided that local board governance authority is not usurped; and

BE IT FURTHER RESOLVED, that MABE opposes any executive or legislative initiatives that have the effect of reducing or circumscribing local board authority, including the authority to appoint or remove the local superintendent/CEO.