MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

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State Superintendent of Schools

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TO: Members of the State Board of Education

FROM: Lillian M. Lowery, Ed.D

DATE: July 24, 2012

SUBJECT: COMAR 13A.01.05.07 and .08
Payment of Transcript Fees
Permission to Publish

PURPOSE:

The purpose of this item is to request your approval for publication of a proposed amendment to COMAR 13A.01.05.07 and .08, Hearing Procedures and Hearing Record and Transcript.

HISTORICAL BACKGROUND:

The State Board's current regulation requires the Department to pay the cost of transcripts prepared for all cases that the State Board refers to the Office of Administrative Hearings (OAH) for evidentiary hearings. These cases are limited to teacher termination cases, redistricting cases, and local board member removal cases. In a rare event, the State Board could refer a case to OAH to resolve factual disputes in the record. To date in 2012, the Department has been billed almost $6,000 for transcripts (see attached).

There is no statute that mandates that a State agency pay the cost of transcripts. In other state agencies, the parties are responsible for payment of the transcription cost. For example, that procedure is followed by Maryland State Department of Education's Division of Rehabilitation Services (DORS).

EXECUTIVE SUMMARY:

Because there is no statutory mandate that the Department pay transcript fees for cases that the State Board refers to OAH and because the cost of transcripts is a growing expense in a lean budget time, we are requesting that the regulation be amended to state that the cost of transcription be shared equally by the parties.

ACTION:

We are requesting approval for publication of the proposed amendment to regulations 13A.01.05.07 and .08 to require the parties in cases referred to OAH to bear the cost of transcription.

State Board Appeals Transcript Totals

Cases	Total
Harriet Symington v. Maryland Public Secondary Schools Athletic Association	$ 266.25
Allen R. Dyer v. Howard County Board of Education - Case No.: MSDE-BE-17-28065 - 1/9/12	$ 213.75
Daniel Picca v. Montgomery County Board of Edcuation - Case No.: MSDE-BE-01-11-45289 - 2/10/12	$ 303.75
Allen R. Dyer v. Howard County Board of Education - Case No.: MSDE-BE-17-28065 - 2/29/12	$ 521.25
Daniel Picca v. Montgomery County Board of Edcuation - Case No.: MSDE-BE-01-11-45289 - 3/20/12	$ 423.75
Daniel Picca v. Montgomery County Board of Edcuation - Case No.: MSDE-SU -10-12-01723 - 4/11/12	$ 183.75
Allen R. Dyer v. Howard County Board of Education - Case No. MSDE-BE-17-11-28065 - 5/7, 5/8, and 5/9/12	$ 2,317.50
Allen R. Dyer v. Howard County Board of Education - Case No.: MSDE-BE-17-11-28065 - 5/14 and 5/15/12	$ 1,466.25
Gwin, Joseph v. Baltimore City Board of School Commissioners - Case No.: MSDE-BE-01-10-39928 (**will be paid this month**)	$ 197.50
Total	**$ 5,893.75**

Title 13A STATE BOARD OF EDUCATION

Subtitle 01 STATE SCHOOL ADMINISTRATION

Chapter 05 Appeals to the State Board of Education

Authority: Education Article, §§2-205, 4-205, 6-202, 7-305, and 23-406; State Government Article, §§10-122 and 10-201 et seq.; Annotated Code of Maryland

.07 Hearing Procedures.

A. — E. (text unchanged)

F. Exceptions.

(1) — (2) (text unchanged)

(3) *As appropriate, each party shall append to its exceptions or response to exceptions copies of the pages of the transcript that support the argument set forth in its exceptions or response of exceptions.*

[(3)] *(4)* If exceptions are filed, all parties shall have an opportunity for oral argument before the State Board before a final decision is rendered.

[(4)] *(5)* Oral argument before the State Board shall be limited to 15 minutes per side.

.08 Hearing Record and Transcript.

A. The administrative law judge shall prepare an official record which shall include:

(1) — (5) (text unchanged)

B. The proceedings before the administrative law judge shall be transcribed at the expense of the [Department] *parties*.

[C. Copies of the transcript of any proceedings, or part of the proceedings, shall be paid by the party requesting the copy.]

[D.] *C.* (text unchanged)

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