

BOARD OF EDUCATION OF ANNE ARUNDEL COUNTY
POLICY COMMITTEE MEETING
ADMINISTRATIVE MINUTES OCTOBER 3, 2022

The Board of Education Policy Committee met at 3:00 p.m. on the above date virtually. Board members present were Gloria Dent, Joanna Tobin, Melissa Ellis, and Zachary McGrath. Staff members present were Jeanette Ortiz, Legislative and Policy Counsel; Bob Mosier, Chief Communications Officer; Walt Federowicz, Internal Audit; Darren Burns, Board Counsel; Grace Fielhauer, Legislative and Policy Specialist; and Diane Howell, Executive Assistant to the Board.

Review and Approval of Minutes: Mrs. Dent opened the meeting with approval of the minutes from the September 6, 2022, Committee meeting. The minutes were approved by consensus.

Policies

BAF – Ethics and Conflict of Interest: Ms. Ortiz gave an overview of the policy’s review history. The policy is being updated to align with State law passed in the 2021 General Assembly session and guidance recently issued by the State Ethics Commission addressing how ethics policies should be updated in accordance with these laws. The policy was initially brought to the Committee for review at their May 31, meeting. The Board reviewed the policy on first reading at the June meeting and on second reading at the August meeting. As a result of questions raised by the Board, Mrs. Dent requested that the policy be brought back to the Policy Committee for additional review.

The Committee discussed Policy BAF again at the September 6, meeting and adopted revisions to provide clarification regarding the review process of complaints received under the policy, including clarifying that complaints shall be submitted to the Board Office in accordance with procedures provided upon request by the Executive Assistant to the Board and that hearings shall be conducted in a manner not inconsistent with the provision of the Board’s *Rules and Procedure for Appeals*.

The Committee agreed to hold the policy for additional review at the October 3 meeting to allow for additional questions raised by Board members to be addressed. Concern was expressed that the policy as written is contrary to due process rights and makes it difficult for respondents to respond to complaints of an alleged ethics violation. Ms. Ortiz and Mr. Burns crafted language to address this concern. The proposed language would allow for someone who has been accused of an ethics violation to learn the identity of the complainant. The proposed amendment would alter the language in section D.8.k.i. of the Policy and reads: “(i) After a complaint is filed and until a final determination by the Board, all actions regarding a complaint are confidential; provided, however, that upon request of the respondent or the respondent’s legal representative, the Panel shall disclose the identity of the complainant to the respondent or the respondent’s legal representative. In the event of such disclosure, the respondent or the respondent’s legal representative may not redisclose any information about the complainant’s identity to any other party.” The Committee approved the proposed amendments to the policy by consensus and moved the policy to second reading before the Board at the October 19, meeting.

BBF – Board Internal Auditor: Ms. Ortiz explained that Mr. Burns, Mr. Federowicz, and the Audit Committee have reviewed and proposed revisions to this policy. Ms. Ortiz made proposed revisions to the policy as well. Mr. Federowicz indicated that he believes the proposed revisions are, for the most part, appropriate and speak to the changes approved by the Audit Committee. However, he suggested the following additional proposal: in section D., the title “Board Internal Auditor” be changed to “Director”; remove reference to the external auditor in C.5.; and remove reference to “relevancy” in C.6.

Ms. Ortiz indicated that the word relevant was added to align our policy with those of other local education agencies in the State. Ms. Ellis asked whether Mr. Federowicz concerns regarding the addition of the term “relevant” were addressed. Mr. Federowicz indicated that his concerns were not addressed, and he would still prefer that the term were removed. He feels that the addition of this term is unnecessary and has the potential to slow down the work performed by his office. Ms. Ellis requested Mr. Burns input on the matter. Mr. Burns recommended against the inclusion of the term relevant. Ms. Ellis made a motion to remove the term “relevant” from section C.6. of the policy and the motion was approved by consensus.

Ms. Dent asked whether the professional audit staff referenced in C.6. is internal or external auditing staff. Mr. Federowicz clarified that professional audit staff refers to his staff.

The Committee moved the policy to first reading at the October 19, Board meeting.

BK – Ethics and Professional Standards: Ms. Ortiz explained that Ms. Schallheim requested revisions to strengthen this policy. In response to this request, Ms. Ortiz added the requested language to the position section of the policy regarding pressuring, threatening, or intimidating or attempting to pressure, threaten, or intimidate the Superintendent, Anne Arundel County Public School employees, or fellow Board members. Additionally, Mrs. Schallheim requested language preventing repetitive discussion by Board members. Ms. Ortiz noted that in comparison to the policies of other local education agencies, the language regarding board member ethics and professional standards outlined in Policy BK are not very explicit.

Mrs. Dent indicated that she would like to put more time and thought into this policy. Mrs. Ellis expressed concern that the Policy was recently reviewed and that the proposed amendments would be more appropriately incorporated in the Board Handbook than in this Policy. Dr. Tobin also expressed concerns with the Policy as drafted. She noted the authority of the Board resides with the Board as a whole and that it is counterintuitive to make policy forcing members to do certain things. Dr. Tobin also noted that repetitive discussion is subjective.

Mr. Burns recommended against adopting the proposed policy amendments. He noted that there are limited remedies the Board can take against an individual Board member. The process and reasons for the removal of a Board member are already established in State law and, in his opinion, there is no need to reiterate them in this policy. He also expressed concerns as to whether the proposed revisions were legally sustainable.

The Committee agreed not to move forward at this time.

Mr. Federowicz suggested that while this policy is being reviewed the Committee consider clarifying the process for how Board member background checks are addressed. In the past there has been confusion regarding who is responsible for overseeing the Board member background check process. Ms. Ortiz indicated that she would reach out to HR to determine if there is an existing process in place and circle back with the group.

FYI – Regulation

ECA-RA – Student Accident Insurance and Interscholastic Sports Health Insurance

Requirements: Ms. Ortiz provided background on the policy noting that while the regulation looks new, it is not new and is being reformatted. To participate in athletics, students are required to have health insurance coverage. This regulation makes a health insurance option available to students.

Good of the Order: None

Adjourn: 4:25 PM