

SPECIAL BUSINESS MEETING

MEETING OF THE GARRETT COUNTY BOARD OF EDUCATION
Oakland, MD 21550

Garrett College – Auditorium
Thursday, December 19, 2013

Part I - Call to Order

Mrs. Cynthia Downton, President, called the Special Business Session of the Board of Education to order at 6:04 p.m. Also in attendance were Mr. Thomas A. Carr, Vice President; Mrs. Charlotte A. Sebold, Associate Member; Mr. Rodney Reckart, Associate Member; Mr. Matthew Paugh, Associate Member; Mr. John R. Major III, Student Member; Dr. Janet S. Wilson, Superintendent; Mr. Robert Gatto, Ex-Officio Member and Ms. Miriam Sincell, Attorney Board of Education.

Part II - Conditions Stated by the Commissioners

Ms. Miriam Sincell, Attorney, presented this informational item. Ms. Sincell addressed the Board giving the legal viewpoint on the two conditions set forth by the County Commissioners with the \$2.2 million funding plan for the Board of Education. She indicated that neither of these conditions is consistent with the discretion and authority granted to the Garrett County Board of Education by the State of Maryland and advised that in accepting the additional funding approved by the County Commissioners, the Board of Education is not bound to either condition set by the former. Legally, these conditions may not attempt to regulate education or otherwise intrude on the Board's responsibility to set education policy in the County. She explained the legal aspect of each condition set by the Commissioners. With the first condition regarding the healthcare coalition, when the language of a condition effectively requires the Board to purchase employee benefits through the County, it is seen as coercive and inconsistent with the discretion granted by Education Article 4-123.

With the second condition regarding the Board of Education to discontinue all plans for closure of any school in Fiscal Year 2015, COMAR clearly grants the authority to local boards of education to make decisions on school closures and disposition of school properties. The State preempts any local authority regarding these decisions and places all control in the hands of the Board of Education. She concluded that the Board has never desired a closure of any school and advised that the Board's decision should be in the best interests of the school system and its students, not in light of an unenforceable condition.

Part III - Budget / Deficit

Each Board member commented on the conditions set forth by the County Commissioners and the history of the budget process with the Commissioners, especially for FY15. The Board members also thanked the County Commissioners for providing the funding. Mrs. Charlotte Sebold indicated that the Board will not close schools this time for two reasons different from the past closures.

- The Commissioners provided the funds much earlier in the process as compared to past years.

- The fact that the legislature has ordered a study of the Wealth Formula to commence in the fall of 2014 and conclude in 2016 is a condition the Board did not have when forced to close three schools.

Mr. Thornburg, Director of Human Resources, addressed Commissioners' Condition #1 concerning the Healthcare Coalition. He indicated that the Board of Education shall remain part of the Garrett County Healthcare Coalition. However, mere membership in the Healthcare Coalition in no way negates the Board of Education's legal responsibility, set forth in the Annotated Code of Maryland, to bargain on any aspect of healthcare, nor does such membership abdicate all or a portion of this authority to County Government and/or the College.

With the funding provided by the County Commissioners, the Board announced that all schools will remain open for the 2014-15 school year.

Part IV - Dr. David Lever's Correspondence

Dr. Janet Wilson, Superintendent, presented this informational item. Dr. Wilson read a letter from Dr. David Lever, Executive Director of Maryland Public School Construction Program, dated December 12, 2013. Dr. Lever had toured the schools in Garrett County on September 19, 2013. He received an excellent understanding of the geography and the climatology of Garrett County. He understands we face a budgetary crisis but is also concerned that any decisions made now to alleviate this crisis could be detrimental to the education of our children. He recommended that we should not make hasty school closure decisions for another year but should wait to see what happens with the Wealth Formula. Dr. Lever indicated that education should be a centerpiece of the economic development plan and policies of the local government. With tourism and a pristine natural environment, educational programs in the future need to be enhanced to align with these areas. The examples given were hospitality services, hotel and restaurant management, wildlife management, forestry, environmental services, etc. In the future, this would lead to students staying in the area after graduation.

Dr. Wilson also noted that Dr. Lillian Lowery, State Superintendent of Schools, recently visited Garrett County and is in concurrence with Dr. Lever that the school system programs must continue to be enhanced.

Part V - Advisory/School Consolidation Impact

Committee Process

Mrs. Cynthia Downton, Board President, stated that the Board will discontinue the Advisory / School Consolidation Impact Committee process for this year since schools will not be closed next year. She did indicate that the committees, however, will continue as Advocacy Committees for the school system to advocate and plan for the school system's future. Mrs. Downton indicated that it is important that the Advocacy Committees continue to focus on the facilities study conducted by Facility Engineering Associates and Bushey Feight Architects, Inc. The current members of the Advisory / School Consolidation Impact Committee will be contacted after the holiday to inquire if they will continue to be a part of the Advocacy Committees.

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Representatives from Facility Engineering Associates and Bushey Feight Architects, Inc. will be addressing the Advocacy Committees on January 13th and meeting with the Board of Education and Commissioners on January 14th.

Part VI – Adjourn

Mrs. Charlotte Sebold made a motion to adjourn the meeting. Mr. Carr seconded the motion. The board adjourned the special business meeting at 6:44 pm.

Mrs. Cynthia Downton
President
Approved:

Dr. Janet S. Wilson
Secretary/Treasurer