NICK MYERS,	BEFORE THE
Appellants	MARYLAND
v.	STATE BOARD
CALVERT COUNTY BOARD OF EDUCATION,	OF EDUCATION
Appellee	Order No. OR15-10

ORDER

Appellant previously filed a Petition for Declaratory Ruling seeking answers to five questions related to the local board's delegation of authority to the local superintendent. On May 20, 2014, we issued our decision, concluding that the Local Board's Policy #1012 and Procedures #1012.1 did not violate education law; that the local board's delegation of authority to the superintendent to develop procedures to implement board policies was legal; and that board policies are distinct from administrative procedures developed to implement those policies. *See Nick Myers v. Calvert County Board of Education*, MSBE Op. No. 14-23 (2014).

Appellant has submitted a new Petition for Declaratory Ruling in which he submits seven follow-up questions.[1] The questions stem from a February 16, 2015 email exchange Appellant reportedly had with the president of the local board. In an email, the board president stated that "CCPS procedures are the regulations issued in accordance with [local board] policies to implement those policies." She also stated that, in the event that procedures are not aligned with board policy, the local board would direct the local superintendent to change the procedures. Appellant's multiple questions essentially ask whether these statements are contrary to Md. Code, Educ. Art. §4-108(3) and (4), which requires the local board to determine "educational policies" and "[a]dopt, codify, and make available to the public bylaws, rules, and regulations . . . for the conduct and management" of the school system.

In our previous declaratory ruling, we stated that "In Calvert County, the board calls its bylaws, rules, and regulations 'Policies.' Those Policies are nonetheless the 'bylaws, rules, and regulations' that establish the legal framework for governance of the school system and are enforceable by the local board." *Myers*, MSBE Op. No. 14-23. Although the Feb. 16 email refers to procedures and regulations interchangeably, the underlying process described in our opinion remains the same. We found nothing illegal in "delegating to the local superintendent the task of developing procedures to implement the various Policies that the Board adopts." *Id.* In addition, COMAR 13A.01.05.02D(1) requires that a petition for declaratory ruling be "material to an existing case or controversy." Appellant's petition is a general questioning of the local board's practices divorced from any existing case or controversy.

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[1] Appellant has also requested that Interim Superintendent Jack R. Smith be recused from this ruling. Because Interim Superintendent Smith is not a member of the State Board, this request is without merit.

Because our previous opinion addressed the issues raised by Appellant and his petition contains no new questions concerning the interpretation of state law as it applies to an existing case or controversy, we dismiss the petition.

Therefore, it is this 27th day of October, 2015 by the Maryland State Board of Education,

ORDERED, that the Petition for Declaratory Ruling is dismissed.

MARYLAND STATE BOARD OF EDUCATION

Guffrie M. Smith, Jr.
President