

**BEFORE THE BOARD OF EDUCATION OF
CARROLL COUNTY**

IN THE MATTER OF

THE APPEAL OF:

DECISION AND ORDER

This matter is on appeal, pursuant to Section 4-205(c) of the Education Article of the *Annotated Code of Maryland*, from the June 18, 2018, decision of the Superintendent's Designee, Jonathan D. O'Neal, in regards to an appeal by

relating to eligibility for a coaching position. The Board of Education of Carroll County ("the Board") has reviewed the record in the case, and based on the record, has determined that is eligible to apply for a coaching position.

I. FACTS

was a non-employee coach. On November 3, 2015, a letter of summary was issued to by the Acting Principal of Principal explained that while was serving as a coach for the Girls Soccer Program, he made inappropriate comments about female team members regarding their getting "around" and comments about the body of a female coach. He called out players for their performance during games, for the injuries affecting their play, for missing practice due to injuries, and for coming to practice late due to an obligation to attend a Student Government Association meeting. showed an inappropriate image on his phone to the Assistant Coach. There was concern that he had created a culture of fear among the players. When a player sustained an injury and was assessed by the Athletic Trainer and told to stay out of the remainder of the game,

said, "Did her mommy make that decision or did you?" As a result of these acts, [redacted] was advised to be cognizant of the impact of his statements and to support instead of criticize decisions to take care of injuries. He was further told not to engage in conversations about students' personal lives and to keep all interactions professional and respectful. Finally, Acting Principal [redacted] warned, "Any further substantial incidents of this nature may result in disciplinary consequences." The letter was issued at the conclusion of the soccer season, following the last game.

According to documentation submitted by [redacted]; he applied for a coaching position in 2016 and 2017, but was rejected. (However, the records of the CCPS show that he did not attempt to coach again following the 2015 season, until 2018.) In 2018, after seeking an appointment as a coach, [redacted] was rejected for a coaching position. The determination that [redacted] was not eligible to coach, in any capacity, for the CCPS followed a review of his file and was issued on June 13, 2018, by Mary Mussaw, Supervisor of the CCPS Department of Human Resources.

[redacted] appealed the decision to then Superintendent Stephen Guthrie. On June 18, 2018, acting as the Superintendent's designee, Assistant Superintendent of Instruction, Jonathan O'Neal, upheld the decision to rule [redacted] ineligible for a coaching position. He based his decision on the record, including discussion with Principal [redacted] and Ms. Mussaw in Human Resources, citing an array of concerning interactions and eyewitness statements.

On July 23, 2018, [redacted] filed an appeal to the Board of Education of the decision issued by Mr. O'Neal, asking for permission to serve as a volunteer coach for the

High School Girls Soccer Team and the opportunity to apply for a position in the future. In his response to the appeal, Mr. O'Neal explained that he had "no way to determine precisely what was said between [redacted] and [redacted] at the meeting in 2015, but for me, it is immaterial to my review and final decision. While [redacted] may prefer that he was specifically told by Human Resources that he was ineligible in 2015, I find no evidence that Human Resources had reason to do so then."

II. DISCUSSION

The Board acknowledges the seriousness of the allegations made in 2015. The conclusions reached by Principal [redacted] are not in dispute in this case. No appeal was ever filed by [redacted] about the 2015 letter of summary and so the letter stands as a letter of reprimand for inappropriate behaviors. However, it appears that Principal [redacted], knowing all of the facts and having interviewed the witnesses, did not decide in 2015 that [redacted] should be prohibited from coaching in the future. Principal [redacted] could have recommended that [redacted] be prohibited from coaching, but chose not to do so. Instead, he decided to limit the discipline to the letter.

III. THE BOARD'S DECISION

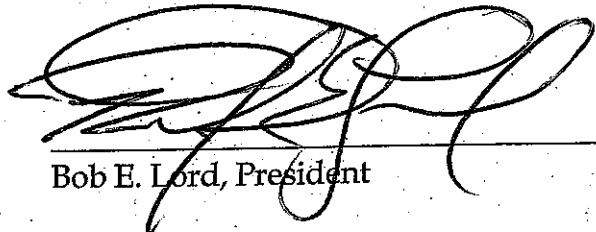
The Board respects the decision made by [redacted] to limit the discipline to a letter of reprimand. It also understands the concerns of the Superintendent's designee. But the Board will not issue a second, more severe punishment for the same acts of misconduct but will instead let the letter of reprimand suffice as the discipline for the matters occurring in 2015.

IV. CONCLUSION

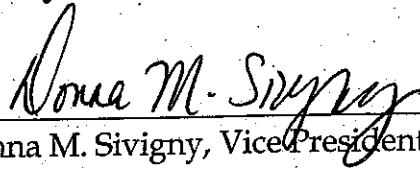
Based upon its review of the record, the Board hereby OVERTURNS the decision of the Superintendent's designee and holds that _____ may apply for a future coaching position. But should _____ engage in any misconduct or inappropriate act, he will be removed as a coach and prohibited from serving as a coach in the future.

THE BOARD OF EDUCATION OF
CARROLL COUNTY

Dated: October 10, 2018



Bob E. Lord, President



Donna M. Sivigny, Vice President

Abstains

Virginia R. Harrison, Board Member



Marsha B. Herbert, Board Member



Devon M. Rothschild, Board Member

RIGHT TO APPEAL

Pursuant to Section 4-205(c)(3) of the Education Article of the *Annotated Code of Maryland*, if he disagrees with this Decision, the Appellant has thirty (30) days from the date of this Decision within which to file a written appeal with the Maryland State Board of Education. Any appeal must be timely submitted to the following:

Maryland State Board of Education
Attention: Jacqueline C. LaFiandra, Assistant Attorney General
200 West Baltimore Street, 7th Floor
Baltimore, Maryland 21201