

IN THE MATTER OF

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BEFORE THE BOARD
OF EDUCATION OF
CARROLL COUNTY

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DECISION OF THE BOARD OF EDUCATION OF CARROLL COUNTY

This is an appeal before the Board of Education of Carroll County (the "Board") pursuant to Section 4-205(c) of the Education Article to the Annotated Code of Maryland brought by ("), a teacher at Westminster High School ("WHS"). contends that he should have been selected for the position of Chair and he is appealing from the decision of WHS Principal, Kenneth Goncz, selecting another candidate for that position. According to he should have been selected instead of the chosen candidate, by virtue of his years of curricular and extra-curricular experience, service, and commitment to WHS and to the Carroll County Public Schools.

initially appealed Mr. Goncz's decision to the Superintendent, Stephen H. Guthrie, and that appeal was referred to Assistant Superintendent of Administration Jonathan D. O'Neal who served as the Superintendent's Designee. On June 1, 2015, Mr. O'Neal and Director of Human Resources Jimmie Saylor, met with wherein was given a full and fair opportunity to present information in support of his appeal. At that meeting, was able to present his position on why he believed that he should have been selected for the position based upon his seniority in the school system, his prior experiences and his loyalty to the system, and his experience both within the school system and in

the broader community. In addition to meeting with _____, Mr. O'Neal also met with Mr. Goncz who provided information to Mr. O'Neal regarding the process used for selecting the _____ chair position as well as the job description and the application and selection file. Having thoroughly reviewed and considered the matter, Mr. O'Neal rendered a decision dated June 8, 2015, in which he found that Mr. Goncz's decision was not arbitrary, unreasonable, or illegal. Accordingly, Mr. Goncz's decision to select another candidate for the _____ chair position rather than _____ was upheld.

Subsequently, _____ filed a timely appeal to this Board. For the reasons set forth more fully below, we shall affirm.¹

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The duties and responsibilities for a _____ chair include (1) involving members of the department in formulating a workable philosophy that includes aims and objectives, procedures to realize those objectives, and evaluating the outcome, (2) becoming familiar with the curriculum on all grade levels in the school to assist with the coordination of the program, (3) assisting in the development of curriculum guides, (4) conducting and organizing demonstration lessons for teachers within the department, (5) offering instructional assistance to teachers within the department as necessary, (6) scheduling and conducting departmental meetings, (7) involving department members in planning and experimenting and to advise administrators before experiments take place, (8) locating, abstracting, and presenting to department members current articles, research

¹ The State Board has long held that there is no need for an evidentiary hearing or oral argument when, as in this case, the appeal does not involve an alleged liberty or property interest deprivation thereby invoking the protections of the Fourteenth Amendment Due Process Clause. *See Bricker v. Frederick County Board of Education*, 3 Op. MSBE 99 (1982); *Anderson and Blake v. Board of Education of Prince George's County*, 5 Op. MSBE 415, 417 (1989). For this reason, and because we do not believe that a hearing would aid us in the decision-making process, we decline to conduct an evidentiary hearing or oral argument on this appeal but shall render a decision based upon the written record presented to us.

studies, and other pertinent educational materials and, where feasible, establishing a subcommittee for reporting on professional literature, (9) examining the new editions of textbooks and making them available to teachers in the department, (10) serving as the liaison between the principal, supervisor, and other teachers, (11), assisting new teachers with classroom procedures, planning, and organizing instruction, (12) conferring with the principal and supervisor regarding departmental problems, (13) submitting written communications concerning departmental activities, (14) assisting the principal in planning for grouping, (15) meeting substitute teachers, discussing plans for the day, and providing assistance throughout the day, (16) assisting in the selection of textbooks and other instructional materials, (17) coordinating inventories and requisitions for instructional materials and equipment, and (18) scheduling the use of equipment and supplementary materials.

Accordingly, although there are no specific minimum qualifications for the position other than being a certificated teacher, it is essential that the principal be given broad discretion to choose the candidate that can best meet the essential curricular duties for this important position. To that end, seniority is but one of several considerations in the selection process along with the performance of each candidate in responding to interview questions about how they would perform the job. In this case, the WHS administration was specifically looking for a chair that could help move the department and in a new direction, better integrate the education and health components, and provide instructional leadership for the department as part of the overall instructional leadership team.

For the interviews, Mr. Goncz designed eight specific interview questions that addressed the duties and responsibilities for the position, and he and Assistant Principal

Jennifer Herman asked the same questions of each of the three candidates for the position. Both Mr. Goncz and Mrs. Herman were consistent in scoring the candidates and assigning the highest scores to _____, the candidate that was selected for the position. Both Mr. Goncz and Mrs. Herman were of the view that _____ demonstrated the clearest instructional vision for the Department at WHS. This decision was not arbitrary, unreasonable, or illegal but was, rather, a considered decision after a thorough and thoughtful vetting of the candidates. Accordingly, this Board shall affirm.

In so doing, this Board is mindful that _____ has a long history of service as a teacher for thirty-three years at _____, _____ as well as twenty-two years as a coach at _____.

This Board greatly appreciates _____ service to the school system and to the many students that he has helped over his long career. Our decision denying his appeal should not be viewed as taking anything away from our appreciation of _____ service.

DECISION

For the reasons discussed above, this Board affirms the decision of Jonathan D. O'Neal, Assistant Superintendent of Administration and the Superintendent's Designee in this matter, upholding the Principals Kenneth Goncz's decision to select _____ over _____ for the position of _____ Chair. Should he choose to do so, _____ may appeal this decision to the Maryland State Board of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, in writing, within thirty days of the date of this decision.

8/26/15
Date

James L. Doolan
James L. Doolan, President

J. A. Seidel
Jennifer A. Seidel, Vice-President

Virginia R. Harrison
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