

IN THE MATTER OF

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BEFORE THE BOARD

CHANGE OF SPECIAL EDUCATOR

OF EDUCATION OF

CARROLL COUNTY

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DECISION OF THE BOARD OF EDUCATION OF CARROLL COUNTY

Now pending before the Board of Education of Carroll County (the "Board") is an appeal filed pursuant to Section 4-205(c) of the Education Article to the Annotated Code of Maryland by _____ on behalf of her daughter _____, a student at Westminster High School ("WHS"). In this appeal, _____ appeals from the April 28, 2016 decision of Mr. Steven M. Johnson, Assistant Superintendent of Instruction and the Superintendent's Designee in this matter, upholding the decision of WHS Principal Jeffrey Hopkins to assign Ms. Brandy Marriott as _____ special educator for mod 1 English and support classes effective April 22, 2016. For the reasons that follow, this Board shall affirm Mr. Johnson's decision without the need for an evidentiary hearing or oral argument.¹

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Although a child with a disability has the right to a free appropriate public education under the Individuals with Disabilities Education Act, *see, e.g., Board of Education of the Hendrick Hudson Cent. Sch. Dist. v. Rowley*, 458 U.S. 176 (1982), neither the parent nor the child have the right to select individual teachers, assistants or

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.

related service providers assigned by the school to provide the services required under the child's Individualized Education Program. In this case, however, [redacted] : appeals from Principal Hopkins' decision to assign Ms. Brandy Marriott as [redacted] , mod 1 special educator for English and support services as a replacement for Dr. Terry Edmondson. In reviewing [redacted] appeal, Mr. Johnson found that the assignment of Ms. Marriott was neither arbitrary, unreasonable, nor illegal for the following reasons:

- Ms. Marriott's assignment caused the least disruption for all of the students at WHS with special education needs, and she was the only special educator at WHS that was not assigned to other students during mod 1;
- Of the six special education teachers assigned to WHS, Ms. Marriott was more familiar with [redacted] and her special needs; and
- Ms. Marriott was the one special educator that could quickly assume the responsibilities of providing the supports and accommodations required under [redacted] extensive IEP with only 37 school days remaining in the academic year.

Although [redacted] suggests that the assignment of Ms. Marriott was retaliatory, she has presented no specific allegations of fact to support that contention and has further offered no evidence to contradict the reasoning expressed in Mr. Johnson's decision. To the contrary, as discussed by Mr. Johnson, the reasons for the assignment of Ms. Marriott on short notice and with only 37 days remaining in the school year were based upon sound educational reasoning and were neither arbitrary, unreasonable, nor illegal. Accordingly, we shall affirm.

DECISION

For the reasons discussed above, this Board affirms Mr. Johnson's decision of April 28, 2016 upholding the assignment of Ms. Brandy Marriott. Should she choose to do so, [redacted] 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.

7-13-16
Date

James L. Doolan
James L. Doolan, President

[Signature]
Bob E. Lord, Vice-President

(absent)

Virginia R. Harrison

(recused)

Devon M. Rothschild

Jennifer Seidel
Jennifer Seidel