

IN THE MATTER OF

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

* * * * *

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 [redacted], a Substitute Teacher for the Carroll County Public Schools ("CCPS"). [redacted] contends that his termination was unreasonable and cannot be supported by evidence, and he is appealing from the decision of the Human Resources Specialist, Ms. Jocelyn Quinn-York, to remove [redacted] from his substitute teaching position. According to [redacted], this action is a "miscarriage of justice."

[redacted] initially appealed Ms. Quinn-York's decision to the Superintendent, Steven Lockard, and that appeal was referred to Assistant Superintendent of Administration Jonathan D. O'Neal who served as the Superintendent's Designee. Having thoroughly reviewed and considered the matter, Mr. O'Neal rendered a decision dated April 24, 2019 in which he found that Ms. Quinn-York's decision was not arbitrary, unreasonable, or illegal. Accordingly, Ms. Quinn-York's decision to terminate [redacted] employment was upheld.

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

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*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

was registered in the CCPS substitute system as an eligible daily substitute. worked as substitute teacher for the Carroll County Public Schools, including substitute teaching at and until his services were terminated on February 15, 2019. On September 27, 2016, the school administration at submitted an *Exclusion Notice* to Human Resources requesting that be removed from the list of eligible substitute teachers at their . The *Exclusion Notice* noted "poor interaction/reaction with students. Specifically, was involved in a conflict with a male student and made various comments to students including "I wish I had a three pounder to hit you over the head with," and "you're so close you're sharing the same ball sac." The incident was initially reported to school administrator, Shannon Zepp, who executed the *Exclusion Notice*. did not directly address the allegations in his appeal information.

On February 22, 2019, Principal at also submitted an *Exclusion Notice* requesting that be removed from the eligible list of substitute teachers at . According to the *Notice*, the request was again submitted due to "poor interaction/reaction with students." During a chorus class, was overheard making inappropriate remarks of a sexual nature about several female students. Specifically, he said the female students had "nice

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.

young butts.” The event was upsetting to many students in the class, but especially to the aforementioned students on the receiving end of [redacted] comments.

Upon learning of the incident, Principal [redacted] investigated the situation. Several students provided written statements to [redacted] Assistant Principal, recounting the incident, all of which captured a consistent version of the situation.

[redacted] simply classifies the incident, which was consistently recounted by several students, as a “fabrication or misrepresentation.”

Upon receiving notice of [redacted] second *Exclusion Notice*, the Human Resources Department at CCPS reviewed the two incidents and the severity of each incident. Standing alone, each incident was justification for removal from the list of eligible substitute teachers. Given recently passed laws requiring greater vigilance and training to prevent interactions especially ones such as the one between [redacted] and the female students at [redacted] was removed from the list of eligible substitute teachers.

[redacted] violated a condition of his employment and consistent with CCPS practice was terminated from his position. This decision was not arbitrary, unreasonable, or illegal but was, rather, a considered decision after a thorough and thoughtful investigation and in furtherance of the clear educational policy to protect students from unnecessary and inappropriate comments. Accordingly, this Board shall affirm.

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 decision of Human Resource Specialist Jocelyn Quinn-York

to terminate . . . 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.

July 10, 2015
Date

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Donna M. Sivigny, President

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