

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 _____, a substitute teacher for the Carroll County Public Schools ("CCPS"). _____ is appealing from the decision of the Human Resources Specialist, Jocelyn Quinn-York, to remove _____ from the list of eligible substitute teachers. He contends he was not informed of any explanation for his termination. According to _____, "without the needed information, [he] could not improve [his] performance."

_____ appealed Ms. Quinn-York's decision to the Superintendent, Dr. Steven Lockard, and the 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 remove _____ from the list of eligible substitutes was upheld.

Subsequently, [redacted] 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

[redacted] was registered in the CCPS substitute system as an eligible daily substitute. He worked as a substitute teacher for Carroll County Public Schools, including substitute teaching at [redacted] and [redacted] until his services were terminated on March 6, 2019. On February 14, 2019, the school administration at [redacted] submitted an *Exclusion Notice* to Human Resources requesting that [redacted] be removed from the list of eligible substitute teachers at [redacted]. The *Exclusion Notice* noted that [redacted] “reported late for assignment, “did not follow lesson plan” and [redacted] “poor interaction/reaction with students/staff.” Specifically, [redacted] was 45 minutes late for his assignment and then proceeded to eat his lunch in the staff lounge. Upon finally reporting to his assigned classroom, [redacted] did not follow the lesson plan and reportedly upset a young special education student by talking about skinning cats. The incident was initially reported to school administrator, [redacted] who executed the *Exclusion Notice*. [redacted] was warned in writing that exclusion from three schools within the same school year would result in his deactivation as a substitute.

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.

On February 22, 2019, the school administration at _____ also submitted an *Exclusion Notice* requesting that _____ be removed from the eligible list of substitutes at their school. According to the *Notice*, the request was again submitted due to _____ reporting late for his assignment. More specifically, the *Notice* indicates that _____ was late a total of 3 days. Again, _____ was warned in writing that exclusion from three schools within the same school year would result in his deactivation as a substitute.

Finally, on February 28, 2019, the school administration at _____ submitted an *Exclusion Notice* requesting that _____ be removed from the eligible list of substitutes at their school. According to the *Exclusion Notice*, _____ again reported late for his assignment, did not follow the lesson plan, and had poor interaction with students or staff. Moreover, _____ had poor classroom management and left students unattended. After arriving late for a half day assignment, _____ took students next door to another teacher because he claimed he had not eaten and needed to eat lunch.

Upon receiving notice of _____ third *Exclusion Notice*, the Human Resources Department at CCPS reviewed the incidents and informed _____ that his services as a substitute with Carroll County Public Schools were no longer needed. Standing alone, each incident was justification for removal from the substitute list. Still, _____ was given three chances to improve his behavior. The *CCPS Substitute Handbook* very clearly states that substitute teachers who have been excluded from 3 schools in any one year will automatically be terminated. _____ was excluded from three schools in one month.

... 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 in accordance with clearly established policy. 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, 2019
Date

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Donna M. Sivigny, President

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