

CASH WILLIAMS,

Appellant

v.

PRINCE GEORGE'S COUNTY  
BOARD OF EDUCATION

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 16-20

## OPINION

### INTRODUCTION

Cash Williams (Appellant) appeals the decision of the Prince George's County Board of Education (local board) regarding her 2013-14 and 2014-15 final evaluations. The local board filed a Motion to Dismiss, maintaining that the appeal is untimely and moot. Appellant responded to the motion and the local board replied.<sup>1</sup>

### FACTUAL BACKGROUND

Appellant is a secondary classroom teacher working for Prince George's County Public Schools (PGCPS). She started working at Charles Herbert Flowers High School during the 2012-13 school year. Following the 2013-14 school year, Appellant received an "ineffective" rating. She was rated in two broad categories: professional practices, for which she received 17 points, and student growth measures, for which she received 31 points. Appellant's final combined numerical rating was 48 in the two categories. The record does not reflect what the numerical cut-off score was in order for a teacher to have an "effective" rating in the 2013-14 school year. PGCPS bases the cut-off score on a formula that takes into account the distribution of all teachers' scores in a given year. (Appeal).

The parties agree that Appellant received an "effective" rating for the 2014-15 school year. Her final numeric score was 55.04, with 17.30 points for professional practices and 37.74 points for student growth measures.<sup>2</sup> The record again does not reflect what the numerical cut-off score was in order for a teacher to have an "effective" rating. (Appeal; Motion, Ex. B).

For reasons that are not clear in the record, Appellant's union representative filed a grievance with the CEO in response to the evaluation. On September 30, 2015, the CEO responded by letter. According to the CEO, Appellant actually received an "ineffective" rating for the 2014-15 school year. The CEO stated that Appellant was not provided notice of this fact prior to June 1, in violation of the negotiated agreement with the Prince George's County Educators' Association. As a result, the CEO stated he was changing Appellant's rating to

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<sup>1</sup> Unprompted by the State Board, Appellant filed an additional response to the local board's reply which we decline to consider.

<sup>2</sup> The record contains a screenshot of this evaluation dated October 29, 2015. The record also contains an earlier "final" evaluation for the same year dated June 1, 2015 that listed a final numeric score of 58.53 points. It is unclear from the record why this score changed between June and October.

“effective” for the 2014-15 school year, but keeping the final numeric rating the same. He explained that Appellant would be “off-cycle” for the 2015-16 school year.<sup>3</sup> (Motion, Ex. B).

Appellant appealed the CEO’s decision to the local board. In her appeal, Appellant explained that, contrary to the CEO’s decision, she was not actually appealing the final result of her 2014-15 evaluation. Instead, Appellant complained that she was not properly evaluated during the 2013-14 school year and she felt that this improper evaluation had negatively impacted the scores she received on her 2014-15 evaluation. (Appeal; Motion, Ex. C).

On November 16, 2015, the local board dismissed Appellant’s appeal. The board determined that Appellant’s appeal of her 2013-14 evaluation was not timely because she did not appeal within 30 days of receiving her final rating in 2014. As to the 2014-15 evaluation, the local board concluded that Appellant could not appeal the evaluation because she received a final rating of “effective.” (Appeal; Motion, Ex. D).

This appeal followed.

### STANDARD OF REVIEW

Decisions of a local board involving a local policy or a controversy and dispute regarding the rules and regulations of the local board shall be considered *prima facie* correct, and the State Board may not substitute its judgment for that of the local board unless the decision is arbitrary, unreasonable, or illegal. COMAR 13A.01.05.05A.

### LEGAL ANALYSIS

Appellant argues that she was not evaluated properly during the 2013-14 school year. As a result, she contends that her improper evaluation scores (specifically for professional practices) were carried over into her 2014-15 school year evaluation. She seeks to have her 2013-14 evaluation removed from her personnel file and have her rating for that year changed to “effective.” She also seeks to have her 2014-15 evaluation scores changed to the “default” scores for professional practices, which would have roughly doubled her score for that category.<sup>4</sup>

The local board seeks to dismiss Appellant’s appeal arguing that her challenge to the 2013-14 evaluation is untimely and her challenge to the 2014-15 evaluation is moot because her evaluation was “effective” and no further relief is available.

Section 4-205(c)(3) of the Education Article provides that “a decision of a county

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<sup>3</sup> Tenured teachers are “on-cycle” for a full evaluation that includes a review of their professional practice rating once every three years. In the two years during which teachers are “off-cycle,” their prior professional practice rating is carried over and paired with the new years’ data for student growth. Teachers with performance issues may be changed to the “on-cycle” schedule during the school year and evaluated. *See* PGCPs Teacher Evaluation Handbook, Third ed. (October 16, 2016).

<sup>4</sup> In her response to the local board’s motion, Appellant raises a number of other grievances against the local school system, none of which were a part of the appeal before the local board. Accordingly, we confine our analysis to the issues presented to the local board and raised initially by Appellant in her appeal.

superintendent may be appealed to the county board if taken in writing within 30 days after the decision of the county superintendent.” Time limitations are generally mandatory and will not be overlooked except in extraordinary circumstances, such as fraud or lack of notice of the decree. *See Keene v. Baltimore City Bd. of Sch. Comm’rs*, MSBE Op. No. 15-28 (2015). The State board has consistently dismissed appeals that were untimely filed with the local board. *Id.*

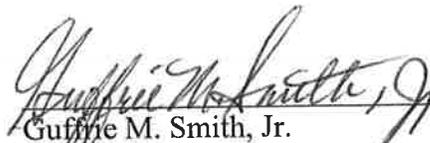
Appellant acknowledges receiving her 2013-14 “ineffective” evaluation on June 17, 2014. She argues that she did not need to file an appeal at that time because she was told by a PGCPS employee that the evaluation was done incorrectly and that it might be “recanted.” Appellant has presented no documents, official or otherwise, indicating that the school system decided to “recant” or otherwise change her ineffective evaluation. She offers no other reason to excuse her delay of more than a year in challenging the evaluation. Accordingly, we conclude that her appeal of her 2013-14 evaluation is untimely.

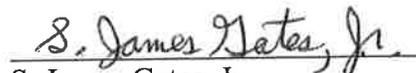
Although a dispute of fact exists about whether Appellant initially received an “effective” evaluation for 2014-15 or whether she only received an “effective” evaluation after the CEO changed her rating, that dispute is not material to the resolution of this appeal. The parties agree that she received a final “effective” rating on her evaluation. The State Board has long declined to hear challenges brought by teachers to “satisfactory” ratings on their evaluations. *See Heaney v. New Board of School Commissioners of Baltimore City*, MSBE Op. No. 99-17 (1999). This stems from our regulations, which specifically limit the ability to teachers to challenge a positive evaluation. *See* COMAR 13A.07.04.04 (describing the right of teachers to challenge an unsatisfactory evaluation).

This does not mean that Appellant is entirely without recourse. The PGCPS negotiated agreement permits her to submit a rebuttal to her numerical score that will be included in her personnel file. A tenured teacher who is unhappy with a prior professional practice score also has the right to request that a future evaluation be based on new observations rather than relying on prior years’ data. *See* PGCPS Teacher Evaluation Handbook. Because Appellant received an “effective” evaluation from the CEO, however, she has received all of the relief available to her through the appeals process and her appeal of the 2014-15 evaluation is moot.

## CONCLUSION

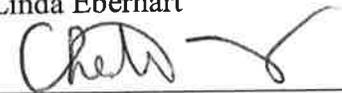
For all of these reasons, we affirm the decision of the local board dismissing Appellant’s appeal.

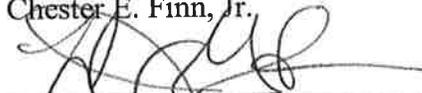
  
Guffie M. Smith, Jr.  
President

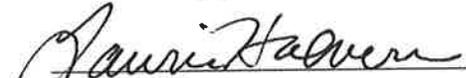
  
S. James Gates, Jr.  
Vice-President

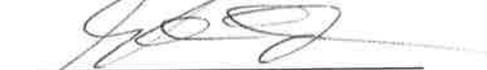
  
James H. DeGraffenreidt, Jr.

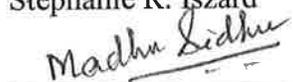
  
Linda Eberhart

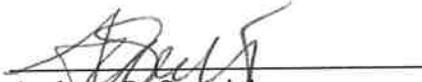
  
Chester E. Finn, Jr.

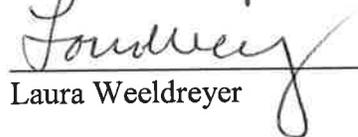
  
Michele Jenkins Guyton

  
Laurie Halverson

  
Stephanie R. Iszard

  
Madhu Sidhu

  
Andrew R. Smarick

  
Laura Weeldreyer

May 24, 2016