

CASH WILLIAMS,

Appellant

v.

PRINCE GEORGE'S COUNTY BOARD
OF EDUCATION

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR16-13

ORDER

The Appellant has requested that this Board reconsider its May 24, 2016 decision in *Cash Williams v. Prince George's County Bd. of Educ.*, MSBE Op. No. 16-20. The Prince George's County Board of Education opposed the request, relying on the arguments it raised in the original appeal.

In *Williams, supra*, this Board affirmed the local board's decision to dismiss Appellant's appeal of her 2013-14 and 2014-15 final teacher evaluations. This Board found that Appellant's appeal of her 2013-14 evaluation was untimely and that, because she received an "effective" rating for the 2014-15 school year, she could not appeal that satisfactory evaluation.

A decision on a request for reconsideration shall be made in the discretion of the State Board except that a decision may not be disturbed unless there is sufficient indication in the request that: (1) the decision resulted from mistake or error of law; or (2) new facts material to the issues have been discovered or have occurred subsequent to the decision. The State Board may refuse to consider facts that the party could have produced while the appeal was pending. The State Board may, in its discretion, abrogate, change, or modify the original decision. COMAR 13A.01.05.10D.

In the request for reconsideration, Appellant reiterates, at length, her version of events and the arguments she raised in her earlier appeal. She presents two primary arguments in support of her request for reconsideration: (1) her union representative filed her initial appeal with the local board without her approval; and (2) the State Board should reconsider its longstanding policy not to review "satisfactory" evaluations because the evaluation system used by the local board results in a point score and because Appellant received an "effective," rather than "satisfactory," rating. (Request for Reconsideration).

Appellant's allegation that her union representative filed her appeal without her knowledge or consent does not affect the reasoning in our decision that neither of her evaluations could be challenged. If Appellant did not wish to pursue the appeal filed by her union representative, she could have abandoned it at any time. Alternatively, had she wished to file an appeal on her own, Appellant could have done so within the applicable

deadline. Instead, Appellant continued to pursue this appeal to the State Board, which appears to indicate at least her tacit consent to its having been filed in the first place.

As to the evaluation system, the fact that the local board uses a point system and designates “satisfactory” evaluations as “effective” does not change our previous analysis. These facts were presented by the parties during the original appeal and were considered by this Board in reaching its decision. COMAR 13A.07.04.04 allows for teachers to challenge only an unsatisfactory evaluation, and our longstanding policy has been to dismiss challenges to positive evaluations. *See Heaney v. New Board of School Commissioners of Baltimore City*, MSBE Op. No. 99-17 (1999).

Because the Appellant has failed to provide an adequate basis for reconsideration of MSBE Opinion No.16-20, it is this 23rd day of August, 2016, ORDERED, by the Maryland State Board of Education, that the request for reconsideration is denied.

MARYLAND STATE BOARD OF EDUCATION



Andrew R. Smarick
President