

DONALD GARNER,

Appellant

v.

BALTIMORE CITY BOARD OF
SCHOOL COMMISSIONERS,

Appellee

BEFORE THE

MARYLAND

STATE BOARD OF

EDUCATION

Order No. OR15-02

ORDER

Appellant is a hall monitor at Achievement Academy in Baltimore City. He challenges the decision of the Baltimore City Board of School Commissioners (local board) finding that he was not performing duties of a paraprofessional which are outside the scope of his position description and, therefore, he was not eligible to receive a paraprofessional salary. The local board has filed a motion to dismiss the case based on Appellant's failure to timely perfect his appeal.¹

COMAR 13A.01.05.02A sets forth the requirements for the contents of a request for an appeal to the State Board. Among other things, the appeal request must include a statement of the facts necessary to understand the appeal, the issues or charges for which the appeal is being taken, the reasons in support of the appeal, and a statement of the relief sought. This Board has previously dismissed appeals for failure to comply with this requirement. *Kos v. Anne Arundel County Bd. of Educ.*, MSBE Order No. 08-01 (2008).

In our view, the Appellant has not provided the information required under COMAR 13A.01.05.02A. Appellant's initial request for appeal to the State Board states:

After having a grievance hearing of me (sic) being forced to work out of my assigned job, as a hall monitor at Balto. City Public Schools Headquarters, and submitting concrete documentation from the main office revealing my name and newly assigned job along with other staff members and each responsibilities as well!! I respectfully therefore request you all's intervention to right this wrong.

(Letter of Appeal 11/17/14). Because the request did not provide a sufficient understanding of the appeal, as is our usual practice, the Board's legal counsel requested that the Appellant provide the necessary information. Counsel also provided the Appellant a copy of the appeal procedures, highlighting the provision setting forth the appeal content requirements.

¹ The appeal was timely filed.

In response, Appellant submitted another letter with several supporting documents. The letter states as follows:

Appalled, shocked, and dismayed. These are only a few words to express my findings, on the unethical decision, made/rendered by the representatives working on behalf of the BCPS to compensate me for being forced of (sic) my hired job position.

Despite the fact of me providing DOCUMENTED proof and evidence, not just words, the skillful manipulation of entertainment and methodical word deceptions, "captivated" the hearing overseer, to my total "neophyte" amazement, even until this very moment.

(Letter of Appeal, 11/30/14)(emphasis in original). Appellant asked that the State Board review the attached documents and render a decision.

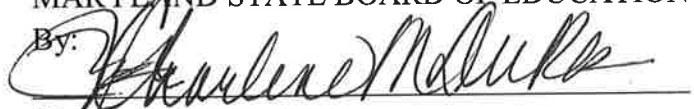
After the local board filed its motion, Appellant submitted a response similar to his initial filing, requesting that the State Board review documents as evidence of Appellant's "job title description alteration and duties which was done by [his] new principal, not her staff, on an after hours meetings (sic), of which was mandatory for me to attend also, without after hour compensation, due to my newly assigned job tasks!!!" (Response, 1/26/15).

The Appellant believes that the local board's decision is wrong. He has attached some documents to his filings, but he has pointed to nothing in the record to support his claim and has made no legal argument as to why the local board's decision was arbitrary, unreasonable or illegal. As we have previously stated, this Board "is not required to sift through the record to make the Appellant's argument for [him] on appeal. See *Hill-Gilchrist v. Baltimore City Bd. of Sch. Comm'rs*, MSBE Op. No. 12-52 (2012); *Shumante v. Prince George's County Bd. of Educ.*, MSBE Op. No. 10-12 (2010).

Therefore, on this 24th day of February, 2015, the appeal is dismissed for failure to perfect the appeal in accordance with COMAR 13A.01.05.02A.

MARYLAND STATE BOARD OF EDUCATION

By:



Charlene M. Dukes

President