

JOSETTE WILLIAMS AND
LASHAWN JACKSON,
Appellants

MARYLAND
STATE BOARD
OF EDUCATION

v.

DR. KEVIN MAXWELL, CHIEF
EXECUTIVE OFFICER OF PRINCE
GEORGE'S COUNTY PUBLIC SCHOOLS
Appellee

Order No. OR16-12

ORDER

On March 7, 2016, Dr. Kevin Maxwell, Chief Executive Officer ("CEO") of Prince George's County Public Schools, issued written decisions consolidating Skyline Elementary School and Forestville High School with other schools.

On April 6, 2016, the Appellants filed an appeal to the State Board challenging the CEO's decision.¹ The State Board referred the appeal of the school consolidation to the Office of Administrative Hearings ("OAH") as required by COMAR 13A.01.05.07A (1).

OAH mailed a Notice of Telephone Prehearing Conference to the parties at their address of record. The notice informed the parties that a telephone prehearing conference was scheduled on June 13, 2016, at 9:30 a.m. and contained instructions for the conference. The notice advised that failure to appear or give timely notice of the inability to participate in the prehearing conference might result in an adverse decision.

On June 1, 2016, Appellants jointly requested that the Administrative Law Judge ("ALJ") postpone the telephone prehearing conference, stating that they needed additional time to retain a lawyer. The ALJ denied the postponement request that same day. On June 13, Appellants failed to join the telephone prehearing conference, and no one joined on their behalf. After waiting 15 minutes from the designated start time, the ALJ determined that the Appellants had failed to appear.

On June 13, 2016, the ALJ issued a Proposed Default Order recommending that the State Board find Appellants in default and dismiss the appeal based on their failure to appear for the telephone prehearing conference. The Proposed Default Order advised the Appellants of their right to file exceptions. Appellants did not file exceptions.

In light of the Appellants' failure to appear for the telephone prehearing conference, the ALJ properly found Appellants in default. *See Parent Advisory Council of Friendship Academy of Science and Tech. v. Baltimore City Bd. of Sch. Comm'rs*, MSBE Order No. OR15-01; *Phillips v. Allegany County Bd. of Educ.*, MSBE Order No. OR08-09.

¹In Prince George's County, the CEO has the authority to consolidate schools. *See* Md. Code Ann., Educ. §4-120(c). This is different than other jurisdictions where the authority to consolidate schools lies with the local board. *Id.* at §4-120(a). Thus, in Prince George's County the CEO's decision on consolidation serves as the final decision for the school system, which is reviewable by the State Board on appeal.

Accordingly, on this 21st day of July, 2016 we adopt the ALJ's Proposed Default Order. We find the Appellants in default and dismiss the appeal.

MARYLAND STATE BOARD OF EDUCATION



Andrew R. Smarick, President