

CALVIN BAKER,

Appellant

v.

CHARLES COUNTY BOARD
OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 11-33

OPINION

INTRODUCTION

Calvin Baker, a Building Service Worker, appealed his termination from employment at the Charles County Public School System (CCPS). The Charles County Board of Education (local board) has filed a Motion to Dismiss or for Summary Affirmance. Mr. Baker replied and the local board responded.

FACTUAL BACKGROUND

Mr. Baker began his employment with CCPS in 1998. From 2000 to 2010 his personnel file reflects evaluations and disciplinary actions related to repeated attendance problems. (*See* Ex.'s 1-18, Local Board's Motion). On May 21, 2010, Mr. Baker was terminated. (Ex. 16)

An evidentiary hearing was held on September 28, 2010. The hearing officer upheld the termination. After hearing oral argument, the local board adopted the hearing officer's decision. This appeal ensued.

STANDARD OF REVIEW

Because this appeal involves a decision of the local board involving a local policy, the local board's decision is 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.01.05.03E(1).

LEGAL ANALYSIS

We have reviewed the record in this case. It contains overwhelming evidence of Mr. Baker's attendance problems. The local board sets forth each incident with particularity. (Local Board Decision at 2-4). The evidence supports the local board's decision.

Mr. Baker has presented no evidence to show that the local board's decision was arbitrary, unreasonable, or illegal. At the evidentiary hearing, he presented no evidence at all. (T.76).

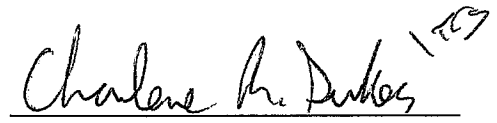
On appeal, Mr. Baker submitted several pages of handwritten notes contradicting some of the school system's facts attempting to explain the reasons for some of his absences. The time for Mr. Baker to have presented that evidence was at the hearing, however. As we have often said, we will not consider evidence that was not presented to the local board unless it is material to the case and there were good reasons for the appellant's failure to offer the evidence during the proceedings before the local board. *See* COMAR 13A.01.05.04C. We can find no reason why Mr. Baker could not have presented his notes at the hearing or testified about the reasons for his absences.

Mr. Baker had a serious attendance problem and he was given many chances to improve. The local board's decision to terminate him was not arbitrary, unreasonable, or illegal.

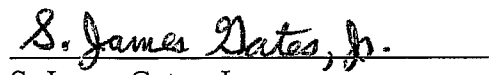
CONCLUSION

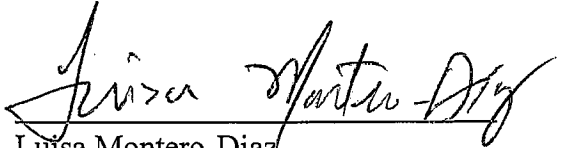
For all the reasons set forth herein, we affirm the decision of the local board.

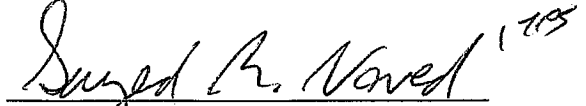

James H. DeGraffenreid, Jr.
President

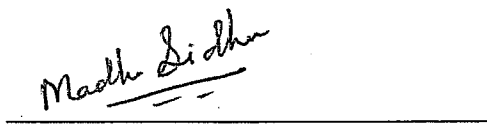

Charlene M. Dukes
Vice President

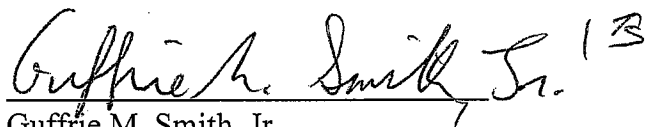

Mary Kay Finan

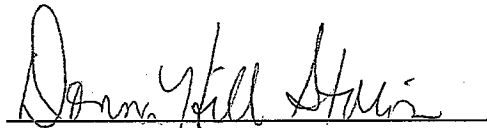

S. James Gates, Jr.

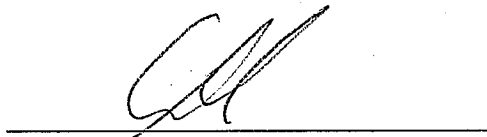

Luisa Montero-Diaz

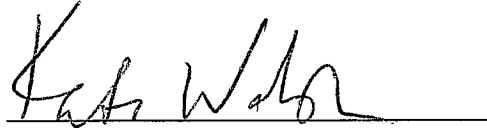

Sayed M. Naved


Madhu Sidhu


Guffrie M. Smith, Jr.


Donna Hill Staton


Ivan C.A. Walks


Kate Walsh

July 19, 2011