

CASH WILLIAMS

Appellant

v.

PRINCE GEORGE'S COUNTY
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 12-27

OPINION

INTRODUCTION

In this appeal, Appellant challenges the decision of the Prince George County Board of Education (local board) dismissing her appeal of an unsatisfactory evaluation. The local board filed a Motion to Dismiss as untimely. Appellant has responded to this motion.

FACTUAL BACKGROUND

The Appellant was a tenured mathematics teacher at Oxon Hill High School in Prince George County. (Appeal to State Board, October 3, 2011). During the 2010-2011 school year, after being observed twice on November 8, 2010 and December 10, 2010, she received an interim unsatisfactory evaluation from Principal Jean Paul Cadet. (Observation #1, Observation #2, Interim Evaluation, December 15, 2010). Appellant declined to discuss the evaluation with the principal unless she had union representation at the meeting. (Interim Evaluation). On January 31, 2011, Sylvester Conyers, Director of High School Consortium hosted a meeting with Principal Cadet, the Appellant, and a PCGEA Uniserv representative. (Summary of Meeting). At the meeting, Mr. Conyers directed the Appellant to develop an action plan for improvement. (Summary of Meeting, Action Plan).

On February 25, 2011, Appellant appealed the negative interim evaluation to the Superintendent. On March 1, 2011, Superintendent William R. Hite dismissed the appeal. On March 18, 2011, Appellant's counsel filed a Notice of Intent to Appeal to the local board. (Letter from Superintendent Hite, Letter from Felton).

Four months from the date of Superintendent Hite's decision, on or about August 8, 2011, Appellant filed her appeal with the local board. The local board dismissed the appeal on August 24, 2011 as untimely. (Appeal to Local Board, Letter from Local Board). On October 3, 2011, Appellant filed her appeal to the State Board.

STANDARD OF REVIEW

On the issue of timeliness, the State Board shall exercise its independent judgment on the record before it. COMAR 13A.01.05.05E.

LEGAL ANALYSIS

The local superintendent has the authority to decide all controversies and disputes that involve the rules and regulations of the Board and the proper administration of the Prince George's County Public Schools. MD. Ann. Code, Educ. Art. §4-205. The decision of the local superintendent may be appealed if provided in writing to the local board within thirty (30) calendar days after the decision. MD. Ann. Code, Educ. Art. §4-205(c) (3).

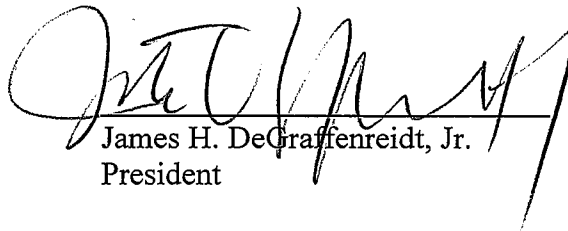
Appellant's legal counsel received the Superintendent's decision of March 1, 2011. Counsel did not file an appeal to the local board. Instead, on March 18, 2011, he filed a notice of Intent to Appeal. We know of no law or policy that allows for a notice of Intent to Appeal to act as a placeholder for an actual appeal. Thus, when Appellant submitted her appeal on August 8, 2011, she was four months late. Appellant explains that she was unaware that the local Superintendent's decision was sent to her counsel. She provides no other reason for not filing her appeal on time. (Notarized Letter, November 30, 2011).

Because the actual appeal was filed four months after the Superintendent's decision, the local board rejected the appeal as untimely. (Letter from Local Board, August 24, 2011). Appellant then filed this appeal with the State Board. COMAR 13A.01.05.02B (1) states that an appeal to the State Board "shall be taken within 30 calendar days of the decision of the local board" and that the "30 days run from later of the date of the order or the opinion reflecting the decision." The local board issued its decision on August 24, 2011 and this appeal was filed on October 3, 2011. This appeal, too, is untimely.

Given those facts, we conclude that the local board acted appropriately. We need not address the merits of the Appellant's case.

CONCLUSION

Based on the review of the record and for the reasons noted above, we affirm the decision of the local board that the appeal was untimely filed and dismiss this appeal as untimely filed.


James H. DeGraffenreidt, Jr.
President

Charlene M. Dukes

Charlene M. Dukes
Vice President

Mary Kay Finan

Mary Kay Finan

Absent

S. James Gates, Jr.

Luisa Montero Diaz

Luisa Montero Diaz

absent

Sayed M. Naved

absent

Madhu Sidhu

Donna Hill Staton

Donna Hill Staton

Ivan C.A. Walks

Guffie M. Smith, Jr.

Guffie M. Smith, Jr.

Kate Walsh

Kate Walsh

July 24, 2012