

LINDA THOMAS,

Appellant

v.

PRINCE GEORGE'S COUNTY
BOARD OF EDUCATION,

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 06-19

OPINION

Linda Thomas has filed an "Appeal for Reinstatement" maintaining that she was illegally terminated from her position as principal at Kingsford Elementary School in the Prince George's County Public Schools. The local board has submitted a Motion to Dismiss maintaining that Ms. Thomas resigned from her position. Appellant has filed an Opposition to the Motion. The local board then filed a reply. Appellant next filed a "Motion for Summary Reinstatement" to which the local board filed an Opposition. Appellant filed a reply to the local board's Opposition.

FACTUAL BACKGROUND

On April 16, 2004, Appellant Linda Thomas was directed to attend a conference on April 19, 2004, with Howard Burnett, then Chief Administrator for Human Resources¹. Mr. Burnett wished to discuss alleged improper use of school facilities and improper accounting for money collected from parents.

Appellant failed to appear for the conference. Based upon a report from the Internal Audit Department and Appellant's failure to appear for the conference, on April 21, 2004, then Chief Executive Officer, Andre Hornsby, placed Appellant on administrative leave without pay and recommended her termination to the local board. (Letter of April 21, 2004, Exhibit 1 to local board's Motion to Dismiss.)

Appellant requested a hearing on the termination and was informed that the local board appointed Ms. Linda Earle-Hill, Esquire, to be the hearing examiner. (Letter of June 11, 2004, Exhibit 2 to local board's Opposition to Motion for Summary Reinstatement.)

Subsequently, Mr. Burnett had several telephone conversations with Ms. Doris Reed, Appellant's union representative. From those discussions, it was agreed that Appellant would resign her position in lieu of termination and that any leave balance available to her would be paid to her. (Affidavit of Howard Burnett, December 13, 2004, attached to the local board's Motion to Dismiss and second undated affidavit, attached to the local board's Opposition to Motion for Summary Reinstatement, February 23, 2006.)

¹ Mr. Burnett was at the time of this appeal the Interim Chief Executive Officer.

The school system's human resources management system indicates that on or about July 9, 2004, an entry was made that Appellant had resigned and that the effective date of that resignation was July 1, 2004. (Exhibit 5 to the local board's Opposition to Motion for Summary Reinstatement.)

Mr. Burnett received a letter from Appellant dated July 26, 2004, in which she indicated she was "resigning my position as elementary principal." The resignation was contingent on the release of all "wages, raises and annual leave reimbursements due since April 19, 2004." (Letter of July 26, 2004, Exhibit 3 to the local board's Opposition to Motion for Summary Reinstatement.)

Mr. Burnett contacted the Payroll Office to verify if any amount was "due" to Appellant. Since she had been on unpaid administrative leave since April 29, 2004 and not performing any services to the school, she was not due any wages or raises. The Payroll Department indicated that she had used all her annual leave as of that date. Consequently, Appellant was not due any further compensation. (Affidavit of Howard Burnett, undated.)

Counsel for the local board informed the hearing examiner that Appellant had resigned, and, therefore, there was no need for a hearing. (Letter of August 18, 2004, Exhibit 4 to the local board's Opposition to Motion for Summary Reinstatement.)

Nothing further transpired in this matter until Appellant filed this appeal with the State Board on November 9, 2005, almost sixteen months after her letter of resignation and the alleged nonpayment of monies owed to her.

ANALYSIS

In this case, Appellant did not pursue her appeal before the local board.² Thus, there is no local board decision for the State Board to review. By resigning, Appellant waived her right to have a hearing before the local board. If she believed that she was entitled to additional compensation, under her agreement with the school system, she should have filed an appeal before the local board in the summer of 2004.

The State Board has consistently declined to address issues that have not been reviewed initially by the local board. See *Craven v. Board of Education of Montgomery County*, 7 Op. MSBE 870 (1997) (failure to challenge suspension before local board constituted waiver); *Hart v. Board of Education of St. Mary's County*, 7 Op. MSBE 740 (1997) (failure to raise issue of

²In her Appeal for Reinstatement filed with this Board, Appellant alleges that she requested a hearing before the local board on or about July 7, 2004. However, in her sworn affidavit, Appellant did not assert that she filed an appeal and she did not produce any other evidence that she filed an appeal.

age discrimination below constituted waiver on appeal); *McDaniel v. Montgomery County Board of Education*, MSBE Op. No 03-22 (June 27, 2003) (complaints from public not raised before local board deemed waived).

CONCLUSION

Accordingly, the local board's Motion to Dismiss is granted.

Edward L. Root
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Vice President

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JoAnn T. Bell

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Maria C. Torres-Queral

David F. Tufaro

May 24, 2006