

CURTIS SOMERS,

Appellant

v.

PRINCE GEORGE'S COUNTY
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 10-13

OPINION

INTRODUCTION

In this appeal, Appellant challenges the decision of the Prince George's County Board of Education (local board) affirming his reassignment from a theater teacher position to a position teaching English. The local board has filed a Motion for Summary Affirmance maintaining that its decision is not arbitrary, unreasonable or illegal. The Appellant has not responded to the Motion.

FACTUAL BACKGROUND

The Appellant is a highly qualified teacher who has taught theater for approximately 24 years at various locales. He is certified to teach theater, computer science, speech, and English, and holds National Board Certification in theater. (Appellant's Affidavit, ¶¶ 2- 4).

The Appellant was a theater teacher at Suitland High School (Suitland) for 5 years. (Appellant's Affidavit, ¶3). At the start of the 2008-2009 school year, Suitland's principal changed Appellant's teaching assignment to that of an English teacher. (*Id.*, ¶7; Motion, Attch. 2).

The Appellant appealed the change in his teaching assignment because he wanted to continue teaching theater. The interim superintendent explained that the Appellant was reassigned because of reduced staffing allocations for the 2008-2009 school year. Given that the Appellant was highly qualified to teach English, a core academic subject in which students take the High School Assessment, Suitland's principal determined that it was in the best interests of the students and the school program to assign the Appellant to teach English. A long term substitute was placed in the theater position which is not considered a core course. (Motion, Attch. 2). The interim superintendent also explained that the Appellant would have to grieve the remaining allegations of contractual violations rather than pursue them as part of the § 4-205 appeal process. (*Id.*).

On appeal, the parties presented oral argument to the local board. The local board affirmed the superintendent's decision upholding Appellant's change in teaching assignment, finding no evidence that the class reassignment was arbitrary or unreasonable. The local board noted that the needs of the schools necessitated the change in teaching assignment given that the Appellant was certified and highly qualified to teach English, a core area. (Local Board Decision).

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). The exercise of the superintendent's reassignment authority and the local board's decision upholding the exercise of that authority are entitled to deference and must be upheld unless the Appellant can make specific allegations of fact that, if true, would prove otherwise. *Koenik v. Bd. of Educ. of Montgomery County*, MSBE Op. No. 96-33 (1996).

ANALYSIS

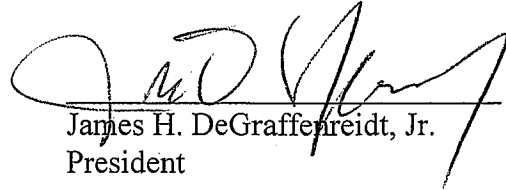
In his appeal to the State Board, the Appellant maintains that the local board's "decision to uphold the transfer [from theater teacher to English teacher] was arbitrary, unreasonable and illegal." (Notice of Appeal). Yet he offers no reason why the local board's decision was in error. *Id.*

It is the Appellant's burden to show that the local board's decision was arbitrary, unreasonable or illegal. We are not required to sift through the record to make the Appellant's arguments for him on appeal. *See Van Meter v. State*, 30 Md. App. 406, 408 (an appellate court "cannot be expected to delve through the record to unearth factual support favorable to appellant and then seek out law to sustain his position."); *Shumate v. Prince George's County Bd. of Educ.*, MSBE Op. No. 10-02 (2010).

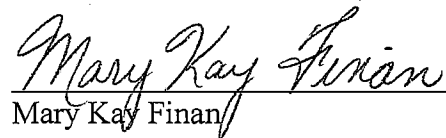
Our review of the record supports the local board's decision upholding the reassignment of the Appellant's teaching duties. The needs of the school required the principal to place the Appellant in a position teaching English, as he is highly qualified and certified in that core subject. This Board has long recognized that a local superintendent has broad statutory authority to reassign teachers as the needs of the schools require. *See Md. Code Ann., Educ. §6-201. See also Hurl v. Bd. of Educ. of Baltimore County*, 6 Ops. MSBE 602, 605 (1993), *aff'd*, 107 Md. App. 286 (1995); *Britner v. Washington County Bd. of Educ.*, 7 Ops. MSBE 948 (1998). Teachers have no entitlement to any particular position within the school system, and their transfer to another position is solely within the discretion of the superintendent. *Coleman v. Howard County Bd. of Educ.*, MSBE Op. No. 01-40 (2001)(transfer from registrar to instructional assistant).

CONCLUSION

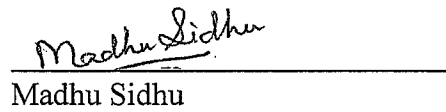
We therefore affirm the local board's decision upholding Appellant's assignment to the position of English teacher at Suitland High School.

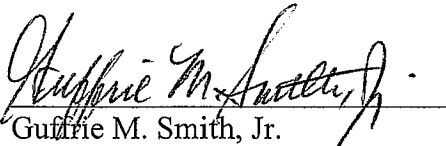

James H. DeGraffenreidt, Jr.
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ABSENT
Charlene M. Dukes
Vice President


Mary Kay Finan

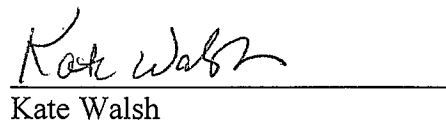
ABSENT
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March 23, 2010