

JEFF WESTER,
Appellant

v.

CHARLES COUNTY BOARD
OF EDUCATION (I),
Appellee.

BEFORE THE
MARYLAND
STATE BOARD
OF EDUCATION
Order No. OR21-08

ORDER

On February 26, 2021, the Appellant, a high school technology teacher, appealed the decision of the Charles County Board of Education (“local board”) denying his request for telework in lieu of in-person teaching as an accommodation under the Americans with Disabilities Act (“ADA”).

At the beginning of the 2020-2021 school year, all Charles County Public Schools (“CCPS”) teaching staff teleworked as school buildings were closed for in-person instruction due to the COVID-19 pandemic. CCPS made plans to re-open its school buildings, transition to in-person instruction, and require all staff and students to wear masks in school buildings. In anticipation of an increased number of ADA requests for workplace accommodations due to the changes in work environment, CCPS developed a request process through the Office of Human Resources (“OHR”). This interactive process involves a request from the employee for an accommodation; OHR gathering necessary information; and a committee selecting what accommodation to implement, taking into consideration the preference of the employee. Through this process, CCPS determined that Appellant’s essential job functions as a teacher required in-person instruction and could not be fulfilled remotely. Therefore, CCPS denied the Appellant’s request for telework. Appellant appealed this decision to the local board, which upheld the denial of telework as an accommodation. This appeal followed.

This Board has routinely declined to extend jurisdiction to appeals involving claims under federal law, such as FERPA, COPPA, and IDEA, where a separate forum exists to address grievances. *See Ellen Z. and Assya P. v. Montgomery County Bd. of Educ.*, MSBE Op. No. 20-19 (2020); *Richard C. v. Anne Arundel County Bd. of Educ.*, MSBE Op. No. 19-27 (2019); *Phil N. v. Anne Arundel County Bd. of Educ.*, MSBE Op. No. 18-42 (2018). Local government employees may file complaints of disability-based discrimination with the U.S. Equal Employment Opportunity Commission (“EEOC”). *See* 42 U.S.C. § 12117. Given there is a separate forum under the EEOC with enforcement authority over ADA claims, we decline to extend jurisdiction over appeals that solely involve disputes involving reasonable accommodation requests under the ADA.¹

¹ This appeal is distinguishable from prior State Board opinions that reviewed ADA claims in the context of an employee termination case alleging disability-based discrimination. *See Long v. Calvert Count Bd. of Educ.*, MSBE Op. No. 18-20 (2018); *Herrera v. Baltimore City Bd. of Sch. Comm’rs*, MSBE Op. 16-10 (2016).

Accordingly, it is this 27th day of July, 2021 by the Maryland State Board of Education, ORDERED, that the appeal referenced above is hereby dismissed for lack of jurisdiction.

MARYLAND STATE BOARD OF EDUCATION

Signature on file.

Clarence C. Crawford
President