

DEBRA EVANS,

Appellant

v.

PRINCE GEORGES'S
COUNTY BOARD OF
EDUCATION

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR 23-12

ORDER

Appellant filed this appeal to the State Board from the decision of Dr. Kristi Murphy Baldwin, Chief Human Resources Officer, acting as the Chief Executive Officer's designee, transferring Appellant from her position as principal of Kenilworth Elementary School to an assistant principal position at Hyattsville Middle School for the 2023-2024 school year. Dr. Baldwin's letter, dated June 1, 2023, advised Appellant that the transfer was based on the needs of the school system and that it was not due to less than satisfactory performance or discipline. It further advised that Appellant's salary would be "red-circled for three (3) years from July 1, 2023, to July 1, 2026," at which time her salary would be adjusted to her assigned position. (Motion, Ex. 1).

Subsequent to the June 1, letter, representatives from the Office of Human Resources ("HR") met with Appellant and her union representative to discuss the involuntary transfer decision. Email correspondence between the Appellant and representatives from HR followed concerning placement options. By letter dated June 16, 2023, Dr. Murphy Baldwin advised Appellant that her reassignment would remain at Hyattsville Middle School. (Motion, Ex. 2).

On June 12, 2023, Appellant filed an appeal to the State Board, maintaining that she had been denied the right to appeal the transfer decision to the local board.

On June 29, 2023, Dr. Murphy Baldwin issued a revised letter notifying Appellant of the process for appealing the involuntary transfer decision, either through filing a §4-205 appeal to the local board or by filing a grievance with the Chief Human Resources Officer per the provisions of the negotiated agreement. (Motion, Ex. 3). That same day, Appellant confirmed with the local board office her intent to initiate an appeal of the involuntary transfer decision. (Motion, Ex. 4). The local board assigned a hearing examiner and a hearing date has been set. (Motion, Ex. 4).¹

The local board has filed a Motion to Dismiss the State Board appeal maintaining that it has cured its error by notifying the Appellant of the appeal process and affording her an opportunity to proceed with an appeal hearing before the local board, citing *Hill v. Baltimore County*, 86 Md. App. 642 (1991)(evidentiary hearing can cure existing error). (Motion). The

¹ In addition, on July 10, 2023, Appellant's union representative, Jeffery Parker, Executive Director for the Association of Supervisory and Administrative School Personnel ("ASASP"), emailed Dr. Murphy Baldwin advising her of the union's intention to initiate the grievance process of behalf of Appellant. (Local Bd's. Reply, Ex. E).

local board also maintains that since there is no local board decision, there is nothing for the State Board to review, citing *Victor and Sandra B. v. Anne Arundel County Bd. of Educ.*, MSBE Order No. OR20-11 (2020)(dismissing case lacking local board decision as unripe for State Board review) and other cases.

It is unclear what happened with the communication here. Nevertheless, the local board has initiated the appeal process and assigned the matter to a hearing examiner for review.

The State Board has consistently declined to address issues that have not been reviewed initially by the local board. See *Harvest Foundation Group v. Baltimore County Bd. of Educ.*, MSBE Order No. OR19-11 (2019); *Lakesha W. v. Howard County Bd. of Educ.*, MSBE Order No. OR08-12 (2008). Pursuant to Educ. Art. § 4-205(c)(3) and COMAR 13A.01.05.03B(1)(a), the State Board may dismiss an appeal if the local board has not issued a final decision. See *Victor and Sandra B. v. Anne Arundel County Bd. of Educ.*, MSBE Order No. OR20-11 (2020).

Because the local board has not issued a final decision in Appellant's case, there is nothing for the State Board to review. The Appellant may appeal the local board's final decision to the State Board. We urge the local board to move the case forward in an expeditious manner.

Therefore, it is this 22nd day of August 2023, ORDERED, by the Maryland State Board of Education, that the appeal is dismissed without prejudice because the local board has not made a final decision. COMAR 13A.01.05.03B(1)(a).

MARYLAND STATE BOARD OF EDUCATION

Signature on File:

Clarence C. Crawford
President