

TYRICE C.,

Appellant

v.

BALTIMORE CITY BOARD
OF SCHOOL COMMISSIONERS,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 10-25

OPINION

INTRODUCTION

The Appellant filed an appeal of the decision of the Baltimore City Board of School Commissioners (local board) expelling her son from school. The local board filed a Motion for Summary Affirmance maintaining that its decision should be upheld because it is not arbitrary, unreasonable or illegal.

FACTUAL BACKGROUND

At the time of the incident, Appellant's son, DF, was a 12th grade student attending Baltimore City College (City College). In the week prior to the incident, DF experienced stress due to the death of his friend, a deteriorating relationship with his father, and his failed attempt to make the varsity football team. (T. 27 – 29).

On the afternoon of September 1, 2009, the Appellant arrived at City College to pick up DF. DF exited the building and informed the Appellant that someone had taken his sun visor. DF then retrieved a 2 x 4 piece of lumber used to prop open a door to the school, and went back into the school to retrieve his visor. DF entered the boy's locker room and, holding the lumber in a threatening manner, confronted ten to fifteen members of the football team. He demanded that they return his visor or else "somebody was going to get hit." (T.35, 36). The Varsity Football Coach, Angelo Geppi, confronted DF in the locker room and told him to leave. (T.36). DF responded "I'll hit you too" and refused a second instruction by Coach Geppi to leave. At this point, Coach Geppi called security. (T.36-37; CEO Exh. 4).

While Coach Geppi was making the call, the Appellant entered the locker room and pleaded for DF to calm down and leave. (T. 37). DF exited the locker room with the Appellant, but stayed in the immediate area and remained visibly distraught while the Appellant continued her efforts to calm him. (T.57, 66). Soon after, the Assistant Principal, Nathan Burns, arrived with security. (T.38, 56). Mr. Burns brought DF and the Appellant back to his office and obtained written statements from them and Coach Geppi. (T.55-66). As part of his investigation, Mr. Burns also obtained written statements from three student witnesses the following day. (T.68).

Based on the results of his investigation, Mr. Burns recommended that DF be suspended from school for possessing a weapon, a Level IV offense under the Code of Conduct. (Exh. B, Hearing Exam's. Summ.). After conducting a hearing, the Office of Suspension Services recommended expulsion to the Chief Executive Officer (CEO) due to the severity of the offense. (*Id.*; T.93; CEO Exh. 20). The CEO concurred with the recommendation and expelled DF from City College, assigning him to the Success Academy, an alternative education setting. (Exh. B, Hearing Exam's. Summ.;T. 97). DF later transferred to Harbor City Apex Program which provides a remote education via computer. (T.129).

The Appellant appealed the decision to the local board and the matter was referred to a hearing examiner for review. The hearing examiner recommended that the local board uphold the CEO's expulsion decision. (Exh. B, Hearing Exam's. Summ.). The local board concurred with the hearing examiner's recommendation and upheld the expulsion.

Appellant appealed the local board's decision to the State Board. By this time, DF had already completed all of his graduation requirements, finishing them in January 2010, and had begun taking classes at a community college. (Letter of Appeal). In addition, DF had obtained a job at a grocery store and began interning at the Baltimore City Board of Education. (T.129.).

STANDARD OF REVIEW

In student suspension and expulsion cases, the decision of the local board is considered final. Md. Code Ann., Educ. §7-305(c). Therefore, the State Board will not review the merits of the decision unless there are "specific factual and legal allegations" that the local board failed to follow State or local law, policies, or procedures; violated the student's due process rights; acted in an unconstitutional manner; or that the decision is otherwise illegal. COMAR 13A.01.05.05G(2).

LEGAL ANALYSIS

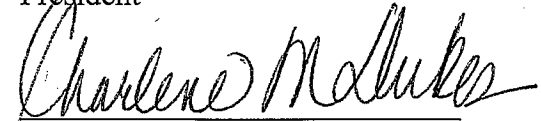
Through this appeal, the Appellant seeks, not to have the local board's decision overturned, but rather, to have the expulsion removed from DF's record to prevent any negative effect it might have on his chances when he applies for college in the future. (Letter of Appeal).

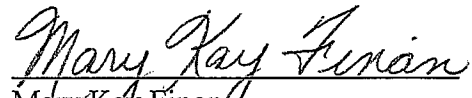
The Appellant has not provided any basis for her request to remove the expulsion from DF's record. She makes no allegations that the local board failed to follow State or local law, policies or procedures, that the local board violated DF's due process rights, or that the local board acted in an unconstitutional manner. Nor does she allege that the local board's decision is illegal. (*See* Letter of Appeal). In fact, she states that DF has accepted responsibility for his actions and the consequences that followed. (*Id.*). Thus there is no reason for this Board to review the merits of the local board's decision.

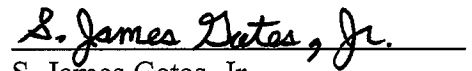
CONCLUSION


For the reasons stated above, we dismiss the appeal.


James H. DeGraffenreidt, Jr.
President

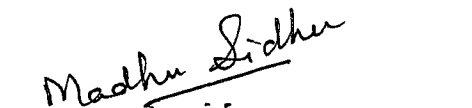

Charlene M. Dukes
Vice President

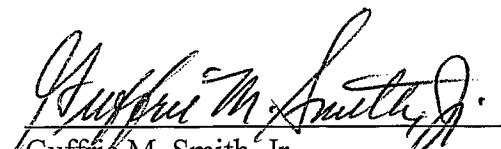

Mary Kay Finan

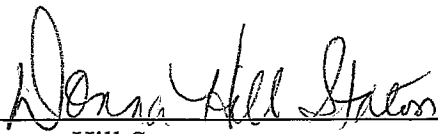

S. James Gates, Jr.


Luisa Montero-Diaz

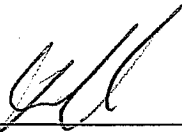
ABSENT
Sayed M. Naved


Madhu Sidhu

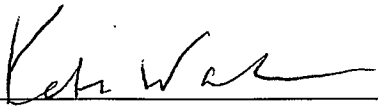

Guffie M. Smith, Jr.



Donna Hill Staton



Ivan C.A. Walks



Kate Walsh

July 20, 2010