

SARA BELIN,
Appellant

v.

WASHINGTON COUNTY
BOARD OF EDUCATION,

BEFORE THE
MARYLAND
STATE BOARD
OF EDUCATION

Opinion No. 12-04

OPINION

The Appellant challenges the decision of the Washington County Board of Education (local board) to terminate her for misconduct in office and willful neglect of duty. The termination relates to the Appellant's actions concerning MSA testing violations just prior to the administration of the MSA on March 16, 2010 in which the Appellant reviewed several vocabulary words from the first section of the MSA with her students.

We transferred this case pursuant to COMAR 13A.01.05.07 to the Office of Administrative Hearings for a hearing before an Administrative Law Judge (ALJ). The ALJ consolidated the matter with Appellant's case concerning the revocation of her teaching certificate, which was also pending at OAH and involved the same set of facts. The revocation of Appellant's certification, however, is an issue for the State Superintendent and not the State Board. The only issue before this Board in this case is whether Appellant's termination should be upheld.

On July 15, 2011, the Administrative Law Judge issued a proposed decision recommending that the State Board uphold the local board's decision to terminate the Appellant for misconduct in office and willful neglect of duty based on her test security violations.¹

Appellant did not file any exceptions to the ALJ's proposed decision on the termination.

FACTUAL BACKGROUND

The factual background in this case is set forth in the ALJ's Proposed Decision, Findings of Fact, pp. 8 – 16.

STANDARD OF REVIEW

Because this appeal involves the termination of a certificated employee pursuant to §6-202 of the Education Article, the State Board exercises its independent judgment on the record before it in determining whether to sustain the termination. COMAR 13A.01.05.05(F)(1) and


¹ The ALJ also recommended that the Appellant's teacher certificate be revoked. As already stated, that issue is to be decided by the State Superintendent of Schools and not the State Board.

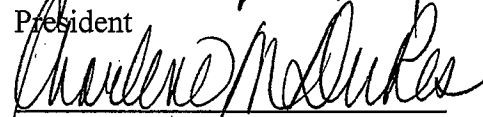
(F)(3).

The State Board referred this case to the OAH for proposed findings of fact and conclusions of law by the ALJ. In such cases, the State Board may affirm, reverse, modify, or remand the ALJ's Proposed Decision. The State Board's final decision, however, must identify and state reasons for any changes, modification, or amendments to the Proposed Decision. See Md. Code Ann., State Gov't §10-216. In reviewing the ALJ's Proposed Decision, the State Board must give deference to the ALJ's demeanor based witness credibility findings unless there are strong reasons present that support rejecting such assessments. See *Dept. of Health & Mental Hygiene v. Anderson*, 100 Md. App. 283, 302-303 (1994).

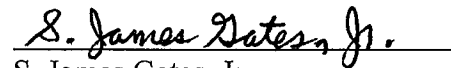
CONCLUSION


Based on our review of the record, we concur with the ALJ that the local board's decision to terminate Appellant should be upheld. We, therefore, adopt the ALJ's Proposed Decision and affirm the local board's termination for misconduct in office and willful neglect of duty.

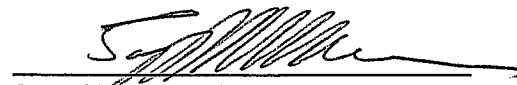

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Kate Walsh

January 24, 2012