

LAURA POWELL

Appellant

v.

TALBOT COUNTY BOARD
OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 12-39

OPINION

INTRODUCTION

The Appellant appealed the decision of the Talbot County Board of Education declining to reclassify her position to that of library media specialist. The local board filed a Motion for Summary Affirmance. The Appellant filed an Opposition. The local board filed a Reply.

FACTUAL BACKGROUND

For the purpose of this appeal we will assume that (1) the Appellant is qualified to be employed as a library media specialist; (2) that as a media assistant at Easton High School she is minimally supervised by a library media specialist whose specialty is elementary library media.

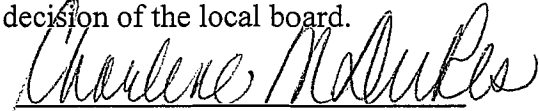
LEGAL ANALYSIS

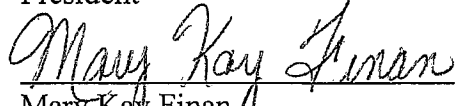
The Appellant asserts that COMAR 13A.05.04.01 requires the assignment of a dedicated certificated library media specialist to Easton High School and that she is entitled to that position. She asks this Board to direct the local board to request a conditional certificate for the Appellant and direct the local board to compensate the Appellant retroactively to August 2011 as a conditionally certified library media specialist.

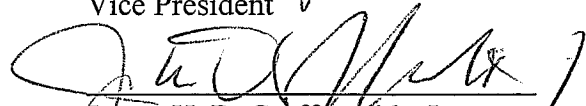
It is our view that COMAR 13A.05.04.01 does not mandate the assignment of a dedicated certified library media specialist to Easton High School. That regulation requires each school system to "establish in each school a unified school library media program for the use of all students, which shall include, but not be limited to, certified school library media personnel and support staff. Md. Educ. Code Ann. §6-201. Even if we were to read the regulation to require a certified library media specialist to staff each school library, the decision to offer the job to the Appellant remains in the sole discretion of the local board and the Superintendent. We decline to direct the school system to act.


CONCLUSION

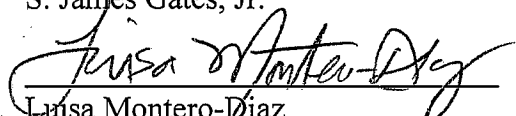
For the reasons stated herein, we affirm the decision of the local board.


Charlene M. Dukes
President


Mary Kay Finan
Vice President


James H. DeGraffenreidt, Jr.

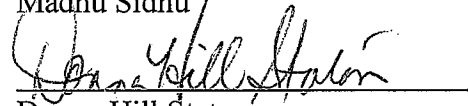

S. James Gates, Jr.


Luisa Montero-Diaz

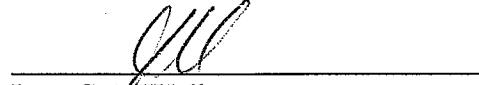
Sayed M. Naved

ABSTAIN

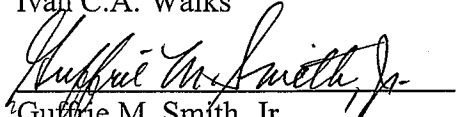
Madhu Sidhu



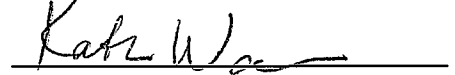
Donna Hill Staton



Ivan C.A. Walks



Guffie M. Smith, Jr.



Kate Walsh

September 25, 2012