

MICHELLE MAUPIN

Appellant

v.

HOWARD COUNTY BOARD
OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 12-59

OPINION

INTRODUCTION

On October 31, 2012, the State Board heard oral argument in this teacher termination case on Ms. Maupin's exceptions to the ALJ's Proposed Decision upholding the decision of the Howard County Board of Education to terminate Ms. Maupin for insubordination, willful neglect of duty, and misconduct. Ms. Maupin had also filed a Motion for Leave to Present Additional Evidence.

FACTUAL BACKGROUND

The ALJ's proposed decision reviews the facts and circumstances underlying the charge of insubordination, willful neglect and misconduct. The nebulae of events and specific incidents that support the charges are set forth in the proposed decision.

- (1) The Nigel Events (pp. 21-22);
- (2) Failure to Attend Staff Meeting on April 9, 2008 (p. 23);
- (3) E-mails to Parents (p. 24);
- (4) Recordings of Meetings (p. 25);
- (5) Refusal to Return to Class (p. 26);
- (6) Fractious Relationships with Other Staff (p. 27-28).

STANDARD OF REVIEW

The State Board referred this case to OAH for proposed findings of fact and conclusions of law. In such cases, the State Board may affirm, reverse, modify, or remand the ALJ's Proposed Decision. 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)(2).

ANALYSIS

The issue is whether the ALJ's Proposed Decision concluding that there was sufficient evidence to support Ms. Maupin's termination on the grounds of insubordination, willful neglect of duty, and misconduct is a correct decision.

While it is our view that the six events listed above evidence either insubordination or misconduct, it is Ms. Maupin's interaction with her peers that highlights the misconduct charge. The ALJ addressed Ms. Maupin's fractious interactions with staff by referring to an investigation conducted by Min Kim, HCPS Coordinator of Equity Assurance. Ms. Kim summarized her findings in an August 20, 2008 report. The ALJ states:

Kim's report, which evidences a very thorough investigation, corroborates the allegations that the Appellant was not only quite disruptive but harassing as well. Kim spoke with five other staff members, four of whom had also requested relief from the Appellant's "harassment." One of the persons interviewed commented that the Appellant indicated that she intended to "rub their faces in it" referring to her success in the recent civil suit while working at Centennial. She informed others that she was building another case against Principal Whitaker. One staff member said she actually resigned because of the stress created by the Appellant in threatening legal action. Some of the staff felt the administration was not taking any action to resolve the situation and that it was favoring the Appellant because of her race.

Upon completion of her investigation, Kim determined that the Appellant had violated school systems policy on civility by her rude, insulting, or demeaning language and by her threatening and abusive gestures and behavior. The credible evidence before me supports this determination and I find the Appellant's actions constitute misconduct.

ALJ Proposed Decision at 28.

Ms. Maupin has filed exceptions to the ALJ's factual finding and conclusions of law. She takes exception to 18 specific factual findings. In those exceptions, Ms. Maupin is simply re-arguing her case. As to the exceptions on the legal conclusion, Ms. Maupin argues that she was deprived of her due process rights and that the termination was in retaliation for her filing civil rights complaints against various school system staff and was discriminatory. The ALJ addressed each of those issues (pp. 28-30) and, in our view, Ms. Maupin's exceptions do not set forth a legal argument to support that the ALJ was incorrect in her legal conclusion.

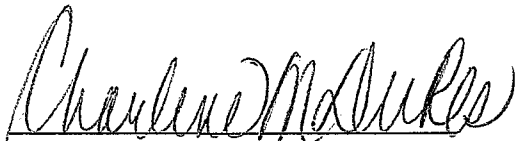
Motion For Leave to Present Additional Evidence

In her Motion, Ms. Maupin asserts that there are inaccuracies in the record that was transmitted to the ALJ. The record at issue contains the evidence heard and considered by the local board's hearing officer in the nine day termination hearing.

In our view, Ms. Maupin has failed to satisfy the standard required for admission of additional evidence. COMAR 13A.01.05.04C states that additional evidence may be permitted by the State Board if it is material and if there are good reasons for the failure of the Appellant to offer the evidence in the proceedings before the local board. The hearing at the local board in this matter comprised 9 days of testimony and over 100 exhibits, many offered by the Appellant. Having reviewed Ms. Maupin's Motion, we conclude that she has not met her burden of proving that there were "good reasons for the failure to offer evidence in the proceeding before the local board." Nor has she proved that such evidence is material to the issues in this case.

CONCLUSION

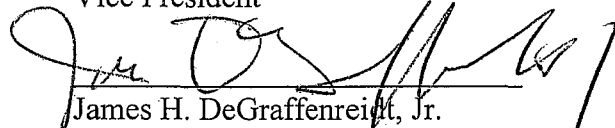
We find that the Howard County Board of Education has shown by a preponderance of the evidence that Ms. Maupin's termination was proper. Accordingly, we adopt the ALJ's proposed decision as final. Further, for the reasons stated above, we deny the Appellant's Motion for Leave to Admit Additional Evidence.



Charlene M. Dukes
President



Mary Kay Finan
Vice President



James H. DeGraffenreidt, Jr.

absent

S. James Gates, Jr.

abstained

Luisa Montero-Diaz

absent

Sayed M. Naved

Madhu Sidhu

Madhu Sidhu

Donna Hill Staton

Donna Hill Staton

Ivan C.A. Walks

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Guffie M. Smith, Jr.

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December 17, 2012