

BEVERLY BEARD,

Appellant

v.

BALTIMORE COUNTY BOARD OF
EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 11-44

OPINION

INTRODUCTION

Beverly Beard appeals the decision of the Baltimore County Board of Education (local board) to terminate her from her position as a Health Education Teacher. Pursuant to COMAR 13A.01.05.07(F), the appeal was transferred to the Office of Administrative Hearings (OAH) for a hearing. The Administrative Law Judge (ALJ) has issued a Proposed Decision affirming the local board's decision. Ms. Beard has filed Exceptions to the Proposed Decision. The local board has responded to the Exceptions.

FACTUAL BACKGROUND

The central fact in this case is that on May 24, 2009, Ms. Beard was convicted of False Statements and Social Security Fraud after a trial in the United States District Court for the District of Maryland. She was sentenced to a prison term of 30 months, followed by three years of supervised probation and restitution of \$184,182.73. Upon her conviction, the local board terminated Ms. Beard's employment on grounds of immorality. She began serving her prison term on July 13, 2009.

She appealed her termination to this Board. The local board filed a Motion for Summary Affirmance. The ALJ ruled that the law was clear that fraud is a crime of moral turpitude and thus sufficient to support dismissal of an employee on the grounds of immorality. (Decision at 5). She also ruled that Ms. Beard could not relitigate her innocence of the crime at the OAH. *Id.* Thus, the ALJ granted the local board's Motion for Summary Affirmance. Further, she ruled that Ms. Beard had received appropriate due process during the course of the termination proceedings. (Decision at 7).

STANDARD OF REVIEW

The State Board referred this case to OAH for proposed findings of fact and conclusions of law by an ALJ. 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)(1) and (2). The local board has the burden of proof by a preponderance of the evidence. COMAR 13A.01.05.05(F)(3).

ANALYSIS

Ms. Beard's exceptions focus solely on the due process that was afforded to her. We agree with the ALJ's analysis and conclusion that the local board provided her with the "fairest procedure possible." (Decision at 7). We adopt the ALJ's decision on that issue and affirm it on all other grounds.

CONCLUSION

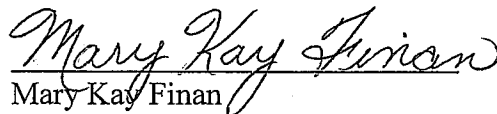
We adopt the ALJ's Proposed Decision as a final decision of this Board.



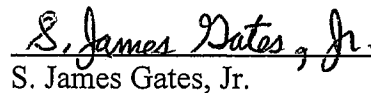
James H. DeGraffenreidt, Jr.
President

Absent

Charlene M. Dukes
Vice President



Mary Kay Finan



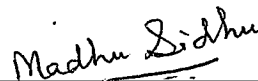
S. James Gates, Jr.



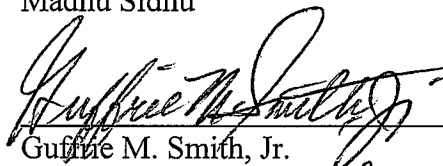
Luisa Montero-Diaz

Absent

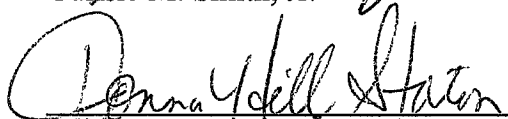
Sayed M. Naved



Madhu Sidhu



Guffie M. Smith, Jr.



Donna Hill Stator



Ivan C.A. Walks



Kate Walsh

October 25, 2011