

IN THE MATTER OF

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BEFORE THE BOARD

OF EDUCATION OF

CARROLL COUNTY

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DECISION OF THE BOARD OF EDUCATION OF CARROLL COUNTY

This is an appeal before the Board of Education of Carroll County (“the Board”) pursuant to Md. Code Ann., Educ. § 4-205(c) brought by _____, a custodian at _____,

_____ concerning his two-day suspension without pay issued by Dr. Cynthia McCabe, Superintendent of Carroll County Public Schools, by letter dated December 17, 2024. For the reasons set forth more fully below, we shall affirm.¹

STANDARD OF REVIEW

In reviewing the decision of the Superintendent or the Superintendent’s Designee, the Board applies the standard set forth in COMAR 13A.01.05.06A. Pursuant to this standard, the Board will not substitute its judgment for that of the Superintendent or the Superintendent’s Designee unless the decision was arbitrary, unreasonable, or illegal. *Id.* A decision may be arbitrary or unreasonable if it is contrary to sound educational policy or a reasoning mind could not have reasonably reached the same conclusion. COMAR 13A.01.05.06B. Finally, appellants challenging a policy decision of the Superintendent or the Superintendent’s Designee bear the burden of proving a decision arbitrary, unreasonable, or illegal by a preponderance of the evidence. COMAR 13A.01.05.06D.

¹ Although _____ has requested a hearing before this Board, we are of the view that there are no genuine disputes regarding the underlying facts and that a hearing would not aid the decision-making process.

FINDINGS OF FACT

is a custodian at [REDACTED] On October 29, 2024, a student reported an alleged inappropriate interaction with [REDACTED] to the school administration. The student alleged that [REDACTED] engaged in a conversation with her, in which he made her feel uncomfortable and again approached her the following day and referenced the prior interaction. On October 31, 2024, [REDACTED] was put on paid administrative leave pending an investigation by the Human Resources Department. The Human Resources Department interviewed [REDACTED] principal, several student witnesses, and reviewed camera footage of interactions with [REDACTED] and the student.

Following this incident, a due process meeting was held on December 4, 2024. Attending that meeting was Ms. Kimberly Mahle, Supervisor of Human Resources, Ms. Jessica Bailey, Human Resources Specialist, [REDACTED], and Mr. Robert Fritz who served as [REDACTED] AFSCME representative. [REDACTED] had a full and fair opportunity to respond to the allegations at this meeting. The evidence gathered during the investigation and reviewed at the due process meeting showed that [REDACTED] failed to follow the Board Policies, Carroll County Public Schools ("CCPS") Administrative Regulations, and the Statement of Professional Conduct, which were developed for the purpose of maintaining positive and appropriate relationships with students. At the conclusion of the due process meeting, a recommendation was made to Superintendent McCabe that [REDACTED] failed to follow Board Policy AD, "Core Statement, Values and Beliefs" and the CCPS Statement of Professional Conduct. Accordingly, after a thorough review, Superintendent McCabe issued a decision dated December 17, 2024, determining that [REDACTED] had committed misconduct in office and that a two-day suspension was appropriate.

On January 20, 2025, _____ submitted his intent to appeal. In his appeal letter, _____ argues that on October 28, 2024, the female student told him she was having male problems, and he simply gave her advice. He claims that he was talking to her as if he was talking to his daughter and that a lot of students came to him for advice about anything and everything. He argued that the following day, he tried to apologize to her. He further argues that if someone else was there to witness the initial conversation with the student, none of this would have happened.

On February 17, 2025, Jonathan O’Neal, Assistant Superintendent of Operations, sent a letter on behalf of the Superintendent, constituting the Superintendent’s response to uphold the decision.

CONCLUSIONS OF LAW

This Board affirms _____ two-day suspension without pay. In this case, the Human Resources Department conducted a full and fair investigation, a due process meeting was held where _____ had the benefit of union representation, and, on appeal to the Superintendent, Mr. O’Neal conducted a second review of the written record. The evidence uncovered in these proceedings clearly established that _____ failed to follow Board AD, “Core Statement, Values and Beliefs” and the CCPS Statement of Professional Conduct. The burden of proof on this appeal does not rest with the Superintendent and her staff but, rather, upon _____, and he has clearly failed to prove by a preponderance of the evidence that his two-day unpaid suspension was arbitrary, unreasonable, or illegal. *See* COMAR 13.A.01.05.06D.

A decision by a board of education or superintendent is arbitrary or unreasonable when it is contrary to sound educational policy, or when a reasoning mind could not have reasonably reached the same conclusion. COMAR 13A.01.05.06B. Here, procedures were established for the purpose of maintaining positive and appropriate relationships with students. It is the

expectation that these procedures be followed. Although there may be an appropriate time and a place to speak and interact with students, it was highly inappropriate for [redacted] to engage in a conversation about relationships with a female student.

The decision to suspend [redacted] was neither arbitrary, unreasonable, nor illegal. Expecting a custodian like [redacted] to follow appropriate policies in maintaining positive relationships with students and suspending him for violating those policies when he failed to do so is hardly arbitrary or unreasonable. Nor was such a decision illegal. As discussed above, [redacted]

[redacted] was nonetheless provided with a full and fair process involving interviews, a thorough investigation, and due process meeting. At all times, he was given a full and fair opportunity to respond. While [redacted] clearly indicated that he meant no offense to the student, she was nonetheless offended, and the undisputed topic of communications was clearly out of bounds under Board Policy and the CCPS Statement of Professional Conduct. Under the circumstances, a two-day suspension without pay is a fair and reasonable disciplinary sanction.

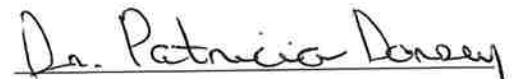
DECISION

For the reasons discussed above, this Board affirms the Superintendent's decision in this matter. Should he choose to do so, [redacted] may appeal this decision to the Maryland State Board of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, in writing, within thirty days of the date of this decision.

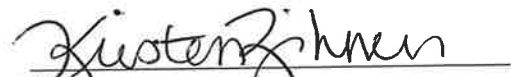
March 12, 2025


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