

BARBARA BROCK

Appellant

v.

BALTIMORE CITY BOARD
OF SCHOOL COMMISSIONERS

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 07-29

OPINION

INTRODUCTION

Appellant, a teacher with the Baltimore City Public School System (“BCPSS”), contests the City Board’s decision affirming the Chief Executive Officer’s (“CEO”) recommendation to terminate her for two consecutive years of unsatisfactory evaluations. The City Board’s decision was based on the recommendation of the local hearing examiner. This Board referred this case to the Office of Administrative Hearings (“OAH”) for review by an Administrative Law Judge (“ALJ”). The ALJ has issued a Proposed Decision recommending that the State Board affirm the City Board’s decision upholding Appellant’s termination. Appellant has filed exceptions to the ALJ’s Proposed Decision. The City Board has filed a response to those exceptions. The State Board heard oral argument on the exceptions on May 30, 2007.

FACTUAL BACKGROUND

The Findings of Fact are set forth on pages 6 through 21 of the ALJ’s Proposed Decision. A brief summary is provided below:

Appellant has been employed as a teacher with BCPSS since 1972. On September 24, 2003, BCPSS assigned Appellant to Coldstream Park Elementary/Middle School (“Coldstream”) as the primary special education teacher of a self-contained class of students in grades one through three. Appellant had not taught special education students in a self-contained classroom since June of 1999 and was also not familiar with the Open Court¹ curriculum. Principal Williams assigned school staff to provide modeling and support for Appellant. (Findings of Fact 1, 2, 4, 7).

Appellant exhibited performance deficiencies during the 2003-2004 school year. Vice

¹Open Court is a BCPSS mandated language/arts curriculum for grades K-3 that has been in place since approximately the 1998/99 school year. It is a strategic program that is organized in an order where students are introduced to letters and letter sounds in a step by step series. (p. 6, n.6).

Principal Thomas formally observed Appellant on November 20, 2003, and issued a Formal Observation Report dated December 1, 2003, detailing areas in need of improvement in all four domains of the Performance Based Evaluation System (“PBES”).² The report recorded significant problems with Appellant’s lesson plans and classroom management. In Appellant’s Performance Review dated January 15, 2004, Principal Williams rated Appellant as unsatisfactory in the areas of Planning and Preparation and Instruction/Instructional Support and placed her on a Performance Improvement Plan (“PIP”). Appellant received support from school staff in addressing her problem areas. A staff member was also assigned to monitor Appellant’s performance and to provide her assistance with completing the tasks required in her PIP. (Findings of Fact 15, 16, 21, 22).

Appellant’s observations and evaluations continued throughout the school year. Appellant’s PIP was regularly reviewed, updated and continued. Despite support and assistance from school staff, over time Appellant’s formal and informal observations revealed that she had difficulty conveying lesson content from written plans and employing instructional strategies that had a positive impact on student learning.

On March 18, 2004, Principal Williams conducted a Formal Observation of Appellant’s lesson and issued a Formal Observation Report again detailing areas that needed improvement. Appellant responded to the Report, contending that the lesson was disjointed but ultimately came together in the end. She also asserted that she is bi-polar and planned to confer with her psychologist about adjusting her medication. On April 1, 2004, Appellant received an overall rating of unsatisfactory on her Annual Evaluation Report. She received unsatisfactory ratings in the specific areas of Learning Environment and Instruction/Instructional Support. Appellant did not appeal her Annual Evaluation Report. (Findings of Fact 30, 31, 34, 38).

On May 3, 2004, Dr. Bonnie Copeland, Chief Executive Officer of BCPSS notified Appellant that her teaching certificate was being reclassified from 1st class to 2nd class for the upcoming 2004-2005 school year. Dr. Copeland also advised that failure to demonstrate sufficient improvement could result in termination. (Finding of Fact 48).

Although Appellant only had 4 students in her class at the beginning of the 2004-2005 school year, her performance problems continued. Classroom observations revealed poor classroom management and problems with instruction, despite support and assistance by school staff in an effort to improve Appellant’s performance. In September, witnesses observed Appellant screaming at students, thus disrupting nearby classes. (Finding of Fact 51). In October, Appellant fell asleep in her classroom, thus allowing her students to fall asleep and miss dismissal. (Finding of Fact 53).

Annie McIntosh, BCPSS Inclusion Specialist for Special Education, wrote Gayle Amos,

²The four domains are Planning and Preparation, Learning Environment, Instruction/Instructional Support, and Professional Responsibilities. (Finding of Fact 11).