

CINDY ROSE,

Appellant

v.

FREDERICK COUNTY
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 19-32

OPINION

INTRODUCTION

Cindy Rose, the Appellant, appeals the decision of the Board of Education of Frederick County (local board) not to censure the Board President, Brad Young. The local board filed a Motion to Dismiss to which Ms. Rose responded.

FACTUAL BACKGROUND

In June 2019, Board President, Mr. Young engaged in a back and forth exchange on social media with members of the community. (*See* attachments containing the social media discussion). Ms. Rose complained to the Ethics Panel and to the local board that Mr. Young, in his role as Board member, was rude, disrespectful, and “in violation of expectations, rules, and standards.” She requested the local board to censure him.

The local board decided that Mr. Young was not speaking as a board member in his social media exchange. Thus, they took no action. Ms. Rose disagrees with that decision and requests that, among other things, the State Board take the following actions:

- Find that Mr. Young was interacting as a member of the board and as such was in violation of the local board’s Member Handbook and local board policies.
- Formally censure Mr. Young, require him to give the Appellant a public apology, and ask him to resign as President of the local board.
- Censure the local board and remove any member who voted to dismiss her complaint for violating the public trust and their Oath of Office.
- Mandate that the local board amend the current Ethics Policy or create a separate Ethics Policy that deals with public behavior and interaction with the community.

- Audit all Ethics Complaints made against the local board collectively and each member individually from January 2017, through the present.

In its Motion to Dismiss, the local board argues that the State Board has no jurisdiction over this matter or that Ms. Rose has no standing to appeal.

STANDARD OF REVIEW

The State Board shall exercise its independent judgment on the record before it in the explanation and interpretation of the public school laws and State Board regulations. COMAR 13A.01.05.06(E).

LEGAL ANALYSIS

Standing

The local board argues that Ms. Rose lacks standing to bring this action. The “general rule on standing is that ‘for an individual to have standing, . . . he must show some direct interest or ‘injury in fact, economic or otherwise.’” Moreover, this showing of a direct interest or injury in fact requires the individual to be personally and specifically affected *in a way different from the public generally* and is, therefore, aggrieved by the final decision of the administrative agency. An individual’s status as a member of the community is insufficient to convey standing by itself. *Lockwood v. Howard County Bd. of Educ.*, MSBE OR17-12 (2017); *Adams v. Montgomery County Bd. of Educ.*, 3 Op. MSBE 143 (1983); *Sartucci v. Montgomery County Bd. of Educ.*, MSBE Op. No. 18-33 (2018).

If an “injury in fact” occurred here, it occurred on social media. We have reviewed the social media communications that formed the factual background of her appeal. In one post, Ms. Rose claims she was attacked. The post came from another member of the community and stated in full:

Click, Clack, Moo, there’s a reason we didn’t elect you. THS is a great school. My son and the children of my friends are thriving. You’re off base by saying THS or any other school is an out of control mess and if you don’t have kids there you really should worry about your own thing. How many of you are volunteering in children’s groups where you can make a difference before they hit high school? Not in your safe little Sunday school at church but with real at risk kids? You’re not part of the solution by being a keyboard warrior and finger pointing. I bet every single school would love your help in working to lead kids. Brad stands up every time and works directly with kids. He interacts with parents even when they’re acting ugly and hostile. If you are getting asked for advice and have the answers why don’t you run for the Board rather than just sitting around gripping. Walk all that talk, Click, clack, moo, that doesn’t apply to you. You’re hostile and an embarrassment to parenting and womanhood. Go Titans!

Mr. Young, it appears, thanked the poster for his/her message. Ms. Rose replied:

Brad W. Young she called me an embarrassment to parenting and motherhood and you “♥” that comment.

Ms. Rose states in her appeal that Mr. Young’s “hearting” of that poster’s message “shows a level of disrespect I have never experienced with an elected official.”

We cannot conclude that pressing a “like” button in response to a somewhat lengthy post containing comments about the virtues of a particular high school, praises for Mr. Young’s work with kids, an apparent insult to Ms. Rose, and a “Go Titans” shout out can be characterized as causing an “injury in fact” to Ms. Rose. It is way too thin a reed to support standing in this case.

Most of the other social media posts are to and from other members of the community and Mr. Young. Ms. Rose characterizes those social media exchanges as “injuries” to the community generally and not to Ms. Rose directly. For example, Ms. Rose alleges that on social media, Young “continues on with the remainder of his post shaming and blaming parents while simultaneously extoling ‘his’ virtues.” She also alleges that Young has “displayed a pattern of willful misconduct by habitually disrespecting the views and opinions of the parents of Frederick County.” In our view, the comments directed at social media participants in the community do not, in this case, confer standing on the Appellant.

CONCLUSION

For the reasons stated herein, we dismiss the appeal for lack of standing.

Signatures on File:

Warner I. Sumpter
President

Jean C. Halle
Vice-President

Gail H. Bates

Clarence C. Crawford

Charles R. Dashiell, Jr.

Vermelle D. Greene

Justin M. Hartings

Rose Maria Li

Joan Mele-McCarthy

Michael Phillips

David Steiner

September 24, 2019