

IN THE MATTER OF  
REQUEST FOR REMOVAL OF  
LOCAL BOARD MEMBER  
RENEE DIXON

BEFORE THE  
MARYLAND  
STATE BOARD  
OF EDUCATION  
Opinion No. 24-01

## OPINION

### INTRODUCTION

The State Board received a request from a Cecil County resident to remove Renee Dixon as a member of the Cecil County Board of Education (“local board”) for a social media post.

In addressing a request for removal, the State Board of Education must first consider whether the allegations are factually and legally sufficient to support charges. COMAR 13A.01.05.12E(5). If the request is factually and legally sufficient, the State Board issues notice of the charges and the board member proposed for removal may request a hearing before an Administrative Law Judge (“ALJ”) at the Office of Administrative Hearings. *Id.* After the ALJ issues a proposed decision, the board member may file exceptions to that decision and present oral argument before the State Board. *Id.* Upon completion of the process, the State Board issues a final decision on removal.

### FACTUAL BACKGROUND

The Complainant seeks removal of Renee Dixon, an elected member of the local board. The State Board received a request for removal with an affidavit. The Complainant requests the removal “over [Ms. Dixon’s] involvement with Moms for Liberty and her perceived intolerance of the LGBTQIA+ community.” (Removal Request at 1). Complainant maintains that Ms. Dixon’s “[a]ffiliations with groups that prioritize specific ideologies over evidenced-based policies are inappropriate for [local board members]”. *Id.* Complainant further maintains that Ms. Dixon’s affiliation with Moms for Liberty raises concerns about her “ability to promote a well-rounded, fact-based curriculum that encourages critical thinking and fosters a diverse and accepting learning environment.” *Id.* Complainant maintains that while she knew Ms. Dixon received funding from conservative candidates, “our community did not realize how entrenched she was in harmful belief systems until she posted a homophobic meme during Pride Month publicly on her Facebook page (since deleted).” *Id.*

The removal request includes a copy of the post Ms. Dixon shared on her personal Facebook page. The post is a repost of another individual’s post and states, “Pride leads to destruction; a proud attitude brings ruin. Proverbs 16:18. It was pride that changed angels into devils.” (Removal Request at 3). The post also contains a photo of a rainbow background above a burning angel and states “Fearless Faith Ministries” at the bottom of the photograph. The

removal request also includes a photograph of Ms. Dixon’s statement that she has been a member of Moms for Liberty – Cecil County MD since May 24, 2023. *Id.*

Ms. Dixon responded to the petition by stating “[L]et me a shore [sic] you that in no way am I homophobic.” (Response at 2). She further states that she has gay friends and “she respects them for who they are and consider myself blessed to have them as friends.” *Id.* She further explains that what she reposted is a verse taken from the Bible and states that Saint Augustine said, “[I]t was pride that changed angels into devils; it is humility that makes men as angels.” She states that she is sorry that the Complainant was “upset over my reporting a Biblical truth. We all must be very careful of being prideful it can lead us into trouble.” *Id.*

She also confirms that she is a member of Moms for Liberty and that it is an organization, “that stands for parental rights and the rights of our children.” She states that she will always stand up for the rights of parents and children. She further states, “as a school board member, I will always put the education of the children first.” *Id.*

Although not included in the filings by either party, we take judicial notice that the local board on June 14, 2023, published a statement in response to Ms. Dixon’s social media post and stated the following:

[The local board] and Cecil County Public Schools (CCPS) Leadership are aware of a recent offensive social media post that was made by Board Member Renee Dixon. Additionally, we have received numerous complaints from parents, staff, and various organizations regarding the hateful and inappropriate nature of this post.

The [local board] and CCPS Leadership disavow Ms. Dixon’s post and are committed to a safe and welcoming environment for all CCPS students, their families, and staff. We work every day to build an inclusive environment where each and every student can attend school in a climate that encourages diversity, respect, and kindness. We apologize for the offensive post and look forward to our continued community engagement.<sup>1</sup>

To assess the impact of the social media post more fully on the local board’s functioning, we also reviewed the minutes of the local board meeting held on June 21, 2023,<sup>2</sup> following Ms. Dixon’s social media post. The minutes reflect that Ms. Dixon stated that “schools should be a place for all students.” The minutes further reflect that because of the social media post, the local board exercised its discretion as permitted by its operating procedures and departed from its normal 10 speaker limitation for public comment and permitted anyone who registered to make public comments to the board. In total the local board heard from 39 individuals. *Id.*

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<sup>1</sup> <https://www.ccps.org/cms/lib/MD01906418/Centricity/ModuleInstance/25558/Dixon%20statement.pdf>

<sup>2</sup> <https://go.boarddocs.com/mabe/cecil/Board.nsf/Public>. Video Footage of the meeting is not available on the school system website.

We also reviewed the video footage of the local board meeting held on July 12, 2023. During the meeting Ms. Dixon referred anyone with questions about issues including book banning and curriculum content to the CCPS website and staff. (Recording at 17:33:41 – 17:55:16).<sup>3</sup> The local board again departed from its normal limitation on public comments and allowed anyone who registered to make public comments to the board. In total 17 members of the public registered to speak, and the board heard from the registered speakers who were present. (*Id.* at 51:23 – 1:20:55).

## STANDARD OF REVIEW

The State Board may remove a member of the Cecil County Board of Education for immorality, misconduct in office, incompetency, willful neglect of duty or failure to attend, without good cause, at least 75% of the scheduled meetings in any calendar year. Md. Code Ann., Educ. §3-4A-02(a). The State Board exercises its independent judgment to determine whether to issue charges to remove a local board member from office. *See In the Matter of Request for Removal of Local Board Member Annette DiMaggio*, MSBE Op. No. 16-24 (2016); *see also Heckler v. Chaney*, 470 U.S. 821, 831 (1985).

The State Board has cautioned that its “removal authority is not meant to be a citizen recall, but a limited means of removing board members whose conduct rises to the level of misconduct, immorality, incompetence, or willful neglect of duty” and that although some members of the public “may disagree with the wisdom of the decisions[s] made by the local board, the local board members’ refusal to be swayed by the requesters’ opinions and the rightness or wrongness of the decisions[s] ... [however such disagreement] does not support a reasonable belief that misconduct in office may have occurred.” *See DiMaggio*, MSBE Op. No. 16-24 at 17 (2016); *In the Matter of Request for Removal of Local Board Member George*, MSBE Op. No. 16-25 at 11 (2016); *In the Matter of Request for Removal of Local Board Member Taylor*, MSBE Op. No. 16-26 at 11 (2016).

## LEGAL ANALYSIS

### *Standard for Initiation of Removal Process*

Before the State Board exercises its discretion to issue charges to begin a removal proceeding, it assesses whether the request is factually and legally sufficient. COMAR 13A.01.05.12E. Factually sufficient allegations must be legally sufficient to support issuing a charge. A factually sufficient request shall (1) be made by a person who has personal knowledge of the facts supporting the request and reason to believe in its truth, and (2) state the act or acts complained of in concise language, with a detailed description of the date, location, and nature of each act. COMAR 13A.01.05.12E(3). The factual basis must be set forth by a detailed affidavit. COMAR 13A.01.05.12B(1). A legally sufficient request shall create a reasonable belief that the actions alleged could constitute grounds for removal from office. COMAR 13A.01.05.12E(4). In

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<sup>3</sup> [https://ccps-org.zoom.us/rec/play/NaxOwdwuKljKXADAFwHUTH\\_gHOFuwnsXvxCESo76KqBMO5McBymU1JXouO0GejAjJWG87gUm0unEpEc\\_BjXYX1C1maZBAcE?canPlayFromShare=true&from=share\\_recording\\_detail&continueM ode=true&componentName=rec-play&originRequestUrl=https%3A%2F%2Fccps-org.zoom.us%2Frec%2Fshare%2FRW536fyhZ-QKcVkd2GesZXNgxnauprN19NYvqTctlrFhahJKNqpue\\_7vALpKTI9.s\\_SaROu0vQ1WS0As](https://ccps-org.zoom.us/rec/play/NaxOwdwuKljKXADAFwHUTH_gHOFuwnsXvxCESo76KqBMO5McBymU1JXouO0GejAjJWG87gUm0unEpEc_BjXYX1C1maZBAcE?canPlayFromShare=true&from=share_recording_detail&continueM ode=true&componentName=rec-play&originRequestUrl=https%3A%2F%2Fccps-org.zoom.us%2Frec%2Fshare%2FRW536fyhZ-QKcVkd2GesZXNgxnauprN19NYvqTctlrFhahJKNqpue_7vALpKTI9.s_SaROu0vQ1WS0As)

other words, in order to issue charges and allow the matter to proceed to a hearing, assuming that all of the facts alleged are true, the facts would have to create a “reasonable belief” that those actions could constitute misconduct in office, willful neglect of duty, incompetency or immorality. *See DiMaggio*, MSBE Op. No. 16-24. The State Board must dismiss a request that is not factually or legally sufficient to remove a member, or otherwise fails to meet the regulatory requirements. COMAR 13A.01.05.12(E)(5).

Complainant maintains that Ms. Dixon’s affiliation with Moms for Liberty raises concerns about her “ability to promote a well-rounded, fact-based curriculum that encourages critical thinking and fosters a diverse and accepting learning environment.” Ms. Dixon’s participation in a political organization, Moms for Liberty, in and of itself, does not constitute a factual basis for removal. In addition, the record before us contains no evidence that Ms. Dixon’s views have impacted CCPS curriculum in any way. We do not find these allegations to be factually or legally sufficient to support removal charges.

Complainant also maintains that Ms. Dixon’s posting of a homophobic meme during Pride Month is inappropriate for a local board member and constitutes grounds for her removal. Ms. Dixon’s Facebook post warrants further discussion under the applicable misconduct in office standard.

#### *Misconduct in Office – Factual and Legal Sufficiency*

In previous removal cases, the State Board defined misconduct as including “unprofessional acts, even though they are not inherently wrongful, as well as transgression of established rules, forbidden acts, dereliction from duty, and improper behavior, among other definitions.” *See Dyer v. Howard County Bd. of Educ.*, MSBE Op. No. 13-30 at 12 (2013) (citing *Resetar v. State Bd. of Educ.*, 284 Md. 537, 560-61 (1979)). Misconduct includes malfeasance, doing an act that is legally wrongful in itself, and misfeasance, doing an otherwise lawful act in a wrongful manner. *Id.* Such conduct need not be criminal. *Id.* “[S]erious misconduct that falls short of the commission of a crime but that relates to an official’s duties may be grounds for removal under a civil removal statute.” *Id.* (quoting 82 Op. Atty. Gen 117, 120 (1997)). A board member is unfit to continue service when the member’s conduct “involves substantial violations that are harmful to the local board’s functioning.” *Id.*

The State Board has applied this misconduct in office standard involving social media postings of local board members in prior removal cases. In the absence of local board policies regulating social media posts of its board members, we have generally been reluctant to find grounds for removal and have recognized that board members may express differing political views on social media platforms. *In Matter of Request for Removal of Local Board member Corine Frank (Corine Frank)*, MSBE Op. No. 22-06 (2022), we acknowledged that social media is a platform for discourse for public officials on matters of public concern. We stated:

Although the Complainants allege in a conclusory fashion that the result of Ms. Frank’s posts is interference and harm to school system and board operations and contradiction of a position taken by the Superintendent and the local board, they do not allege any specific facts to demonstrate that this is anything more than the expression

of a board member's perspective on a hotly debated topic of great concern. We see no facts demonstrating that the post harmed the interests of the school system or enticed individuals to violate school system policies. The exchange of political views, even if those views are undesirable to some, is part of the democratic process. Although it is not without limits, board members are free to engage in the exchange of competing views. We do not find that the allegations concerning the social media posts are legally sufficient for a misconduct charge.

*Id.* at 6. *See also In the Matter of Request for Removal of Local Board Member David Murray*, MSBE Op. No. 22-02 (2022)(State Board determined that request for removal based on social media post of an altered photograph showing a meme of the basketball star Michael Jordan crying over the faces of two other board members although factually sufficient was not legally sufficient to issue charges because the facts failed to create a reasonable belief that the actions alleged could constitute misconduct); *In the Matter of Request for Removal of Local Board Member Annette DiMaggio*, MSBE Op. No. 16-24 (2016)(State Board concluded inappropriate comments on social media, including referring to certain school principals as unscrupulous and naming another individual as a bully did not meet the legally sufficient misconduct threshold for issuing removal charges).

However, *In the Matter of Request for Removal of Local Board Member Karen Harshman*, MSBE Opinion No. 17-17 (2017) we found a social media post by Ms. Harshman gave rise to legally sufficient misconduct to support removal. Ms. Harshman posted serious allegations of sexual misconduct by school system employees on Facebook without any evidentiary support, thereby inciting fear and panic in the community and disrupting school system operations. We recognized that Ms. Harshman's actions violated the state law mandating reporting of suspected child abuse. We also focused on the fact that her conduct was intentional and constituted misconduct (and willful neglect of duty) stating:

Ms. Harshman was aware of what she was doing from the moment she first posted her accusations on Facebook. There is nothing accidental about her actions from that point forward. Ms. Harshman had multiple opportunities to reflect on her words and correct the misperceptions caused by her post. Instead, she chose to deliberately escalate her rhetoric and further fan the flames of fear in community. Ms. Harshman declined to cooperate with Superintendent Wilcox or law enforcement and instead used media to further spread her accusations. In our view, her conduct was "intentional, or knowing, or voluntary, as distinguished from accidental." (citations omitted).

*Id.* at 17. In addition to concluding that the grounds for removal existed, we concluded that Ms. Harshman's actions rendered her unfit to be a local board member finding that the school system had to go to great lengths to undo the harm caused by Ms. Harshman's unfounded allegations. *Id.* at 18.

Turning to the case at hand, Complainant's affidavit asserts that Ms. Dixon's posting of a homophobic meme during gay pride month is "inappropriate" for a local board member. In response, Ms. Dixon asserts that she is not homophobic and that she was merely stating a Biblical truth that pride leads to problems. Although not a party to this proceeding, the local board issued a statement in response to Ms. Dixon's social media post and described Ms. Dixon's post as offensive, hateful, and inappropriate and apologized for the post.

We concur with the local board's action disavowing Ms. Dixon's offensive post. We commend the efforts the local board undertook to reinforce with the community the local board's and CCPS leadership's commitment to foster a safe and welcoming environment where each and every student can attend school in a climate that encourages diversity, respect, and kindness. The local board's actions recognize that local school systems are required to have policies and regulations designated to create and maintain environments that are equitable, fair, safe, diverse, and inclusive, as mandated by the State Board. COMAR 13A.01.06.04. Furthermore, Maryland public schools are prohibited from discriminating against current or prospective students on the basis of sexual orientation or gender identity. Md. Code Ann., Educ. §26-704. Maryland law also requires each local school system to establish a policy prohibiting bullying, harassment, or intimidation motivated by among other things, a student's sexual orientation or gender identity, based on a statewide model policy. *Id.* §7-424.1. These requirements are hallmarks of fostering a safe and supportive school environment for all students.

We find that Ms. Dixon's social media post was inappropriate, unprofessional, and highly offensive. It is not the sort of respectful behavior that we expect from local board members who serve as leaders in the community and role models to our youth whose very interests they seek to represent. While we condemn such messaging, the categorization of her post as such does not mean that the behavior in this single instance constitutes grounds for removal based on misconduct in office. As our previous opinions cited above demonstrate, not every unprofessional act or instance of improper behavior is substantial enough to rise to that level. The request for removal based on Ms. Dixon's social media post, while factually sufficient, is not legally sufficient to issue charges because the facts fail to create a reasonable belief that the actions in this instance constitute misconduct in office. However, we caution local board members that our decision in this matter does not restrict us from concluding in future cases that a single social media post could be so repugnant and disruptive to local board functioning that it rises to a level warranting removal.

Although the social media post in this case comes close to misconduct, it appears from the limited record before us that the local board took swift action to contain any potential harm Ms. Dixon's post may have caused to the interests of the school system or that her post enticed individuals to violate any school system policies. There is nothing in the record before us that following her social media post Ms. Dixon escalated the situation or engaged in a pattern of behavior that harmed the local board's or school system's functioning. We caution Ms. Dixon and other board members who post on social media to think carefully before they post and to be cognizant of possible implications of content that is inconsistent with board positions. We recommend that local boards implement policies establishing guidelines for board member social media activity.

CONCLUSION

For all of these reasons, we find that the request for removal is not factually or legally sufficient to support removal charges. Accordingly, we decline to issue charges for the removal from office of local board member Renee Dixon and dismiss the removal request.

Signatures on File:

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Clarence C. Crawford  
President

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Joshua L. Michael  
Vice-President

\_\_\_\_\_  
Susan J. Getty

\_\_\_\_\_  
Monica Goldson

\_\_\_\_\_  
Nick Greer

\_\_\_\_\_  
Irma E. Johnson

\_\_\_\_\_  
Joan Mele-McCarthy

\_\_\_\_\_  
Samir Paul

\_\_\_\_\_  
Abisola Ayoola

Absent:  
Shawn D. Bartley

Dissented:  
Chuen-Chin Bianca Chang  
Rachel McCusker  
Holly Wilcox

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Opinion Issued on: January 26, 2024