

PATRICK MCHUGH,

Appellant

v.

HARFORD COUNTY
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 22-25

OPINION

INTRODUCTION

Appellant challenges the decision of the Harford County Board of Education (“local board”) affirming his decertification as a school bus driver for Harford County Public Schools (“HCPS”) based on conduct in violation of the Standards of Professional Conduct as set forth in the HCPS Transportation Instruction Manual. The local board responded to the appeal maintaining that its decision was not arbitrary, unreasonable or illegal. Appellant responded and the local board replied.

FACTUAL BACKGROUND

Appellant is employed by Corbin Bus Company, Inc., an HCPS bus contractor that provides student transportation services for the school system. Appellant became a contracted school bus driver for HCPS on October 4, 2021, after completing all required training.

HCPS received several complaints about the Appellant from middle school parents and students on his bus route. On December 16, 2021, a parent reported an inappropriate interaction between his daughter (Student X) and Appellant when Student X and a friend were riding the bus. (R.21).¹ The parent reported the following:

- Student X and another student were on the bus talking about a dance party.
- The Appellant said, “Here, I turned up the music for you to dance.”
- Student X responded that she did not want to dance.
- The Appellant stated, “[Student X], why don’t you go in the aisle and dance - there’s a stripper pole waiting for you.”
- Student X responded. “No, that’s gross - please stop talking to me.”

¹ Citations are to pages of the record before the local board attached to the local board’s Memorandum in Response to Appeal.

(R.21). This report prompted HCPS to investigate, which led to confirmation from other students that Appellant had turned on music and told the students to dance on a stripper pole. (R.22-23).

There was another incident that concerned “love notes” that Appellant found on the bus. The notes had student names on them, including Student X’s name. Appellant read one of the notes aloud to the students on the bus. (R.14). Student statements collected during the investigation also indicated the Appellant directed uncomfortable attention to Student X. (R.22, 25).

On December 21, 2021, Cathy E. Bendis, Director of Transportation, met with the Appellant to discuss concerns related to the reports of inappropriate comments made by the Appellant to students on his assigned bus. During the meeting, Ms. Bendis shared with Appellant the complaints about his conduct received by the school system. Appellant denied that he said the students should dance on a stripper pole and instead argued that he was telling the students about May Day celebrations and was referring to the Maypole. Ms. Bendis found Appellant’s claims to be inconsistent with the investigative findings of the school administration. (R.41).

HCPS received an additional report from a high school student after the December 21 meeting. This information was a video filmed by a student on the high school bus route and shared with a Bel Air High School administrator. The video captures the Appellant stating, “if you join the military, they will put things up your ass.” (R.26).

By letter dated January 5, 2022, Ms. Bendis advised Appellant that he was being decertified as a bus driver for HCPS for demonstrating a lack of professional judgment in violation of the Code of Professional Conduct set forth in the HCPS Transportation Instruction Manual.² *Id.* She also stated, “you have lost the confidence of the community and the Transportation Office in your ability to perform your duties as a school bus driver in a professional manner.” *Id.*

Appellant appealed the decision to Cornell S. Brown, Jr., Assistant Superintendent for Operations, acting as the Superintendent’s Designee. (R.11). On February 10, 2022, Mr. Brown met with Appellant and HCPS representatives to review the appeal. Appellant again maintained that he was referring to dancing around the Maypole as part of May Day celebrations. He also admitted that reading the “love note” aloud to the students on the bus was “a bad call on his part.” (R.14). With regard to the video, he claimed that his comments were taken out of the context of the larger conversation in which he was discussing inoculations and injections in the military which were “jabbed in the rear end.” (R.12). Mr. Brown found that Appellant’s actions demonstrated a lack of professional judgment and violated the Code of Professional Conduct. He upheld the decertification decision made by Ms. Bendis. (R.18-19).

On March 16, 2022, Appellant appealed Mr. Brown’s decision to the local board. (R.20). By letter dated June 6, 2022, Gregory A. Szoka, Esq. advised Appellant of the local board’s decision upholding Appellant’s decertification as a school bus driver for HCPS based on

² The decertification is a decertification to drive school buses in HCPS only. The decertification does not disqualify Appellant as a school vehicle driver in the State under the procedures set forth in COMAR 13A.06.07.

conduct exhibiting a lack of professional judgment which violated the Code of Professional Conduct set forth in the HCPS Transportation Instruction Manual.

This appeal to the State Board followed.

STANDARD OF REVIEW

Decisions of a local board involving a local policy or a controversy and dispute regarding the rules and regulations of the local board are considered *prima facie* correct. The State Board will not substitute its judgment for that of the local board unless its decision is arbitrary, unreasonable, or illegal. COMAR 13A.01.05.06A. The Appellant has the burden of proof by a preponderance of the evidence. COMAR 13A.01.05.06D.

LEGAL ANALYSIS

This case concerns the Appellant's decertification as a bus driver for HCPS for violation of the HCPS Transportation Instruction Manual. The HCPS Transportation Instruction Manual sets forth the Standards of Professional Conduct (referred to as "Code of Conduct") for school vehicle drivers. (R.9-10). It states, "all drivers ... must conduct themselves in a professional manner at all times and convey a positive image to students, colleagues, and the community." It also states that drivers are expected to "[m]aintain professional interaction with students at all times" and "[b]ehave in a manner that upholds and reflects the values, integrity, and reputation of HCPS. *Id.*

It is undisputed that HCPS received a parent complaint alleging that Appellant engaged in inappropriate conversation of a sexual nature about dancing on a stripper pole with Student X while driving his bus, and that Appellant mishandled a situation involving a "love note" that was found on the bus. Although Appellant denies the stripper pole comment and maintains that Student X had an agenda to get the prior bus driver to return to the route, HCPS received corroborating evidence about these incidents during its investigation of Appellant's conduct. It is also undisputed that HCPS also received an additional complaint with video footage of a vulgar comment made by Appellant to students while referencing the military. The local board considered the evidence, including Appellant's response to the complaints, and agreed with the Superintendent's Designee and the Director of Transportation that Appellant violated the Code of Conduct. The local board found that Appellant's conduct called into question his professional judgment and demonstrated an inability to interact with students in a professional manner and to behave in a manner reflecting the values, integrity, and reputation of HCPS. The local board lost confidence in the Appellant to behave in an appropriate manner and make professional decisions in the presence of students riding his bus. Based on the record in this case, we find that the Appellant has failed to demonstrate that the local board's decision was arbitrary, unreasonable, or illegal.

CONCLUSION

For the reasons stated above, we affirm the decision of the local board upholding Appellant's decertification as a bus driver for HCPS.

Signatures on File:

Clarence C. Crawford
President

Susan J. Getty
Vice-President

Shawn D. Bartley

Gail H. Bates

Chuen-Chin Bianca Chang

Charles R. Dashiell, Jr.

Vermelle D. Greene

Jean Halle

Rachel McCusker

Joan Mele-McCarthy

Lori Morrow

Warner I. Sumpter

Holly Wilcox

October 25, 2022