

DEBRA EVANS,

Appellant

v.

PRINCE GEORGE'S
COUNTY BOARD OF
EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 24-17

OPINION

INTRODUCTION

Debra Evans (“Appellant”) appeals the decision of the Prince George’s County Board of Education (“local board”) affirming the Superintendent’s designee’s reassignment of her position from Principal of an elementary school to Assistant Principal of a middle school. The local board filed a response, and Appellant replied. The local board filed a reply and motion to dismiss additional evidence.

FACTUAL BACKGROUND

Appellant was assigned as Principal at Kenilworth Elementary School in Prince George’s County Public Schools (“PGCPS”) for the 2022-2023 school year. (R. 2). While Appellant and PGCPS differ in their accounts, it is clear from the record that Appellant and some of her staff had serious issues with one another throughout the school year.

On June 1, 2023, Dr. Kristi Murphy Baldwin, Chief Human Resources Officer and Chief Executive Officer Designee, met with Appellant and her union representative to inform Appellant she would be transferred from the position of Principal at Kenilworth Elementary to the position of Assistant Principal at Hyattsville Middle School beginning July 1, 2023. (R. 7). That same day, Dr. Baldwin sent a letter to Appellant affirming the involuntary transfer and informing Appellant that the “transfer was based on the needs of the school system and not due to less than satisfactory performance or discipline.” (R. 1). Appellant subsequently requested via email to be placed as a high school assistant principal. On June 16, Dr. Baldwin informed appellant via letter that her placement would remain at Hyattsville Middle School. (R. 6-7).

On June 12, 2023, Appellant appealed the transfer decision to the State Board, arguing that she had been denied the right to appeal to the local board. On June 29, 2023, Dr. Baldwin sent Appellant a revised letter with her appeal rights. On that same day, the Appellant informed the local board of her intent to appeal the transfer decision. (R. 7, 14). The local board assigned a hearing examiner to the case. On August 22, 2024, the State Board issued Order No. 23-12

dismissing Appellant's appeal as she was ultimately afforded her appeal rights, and the local board had yet to make a decision. (R. 566-67).

The hearing was set for September 19-20, 2023, with the hearing examiner later adding a third date on November 13, 2023. (R. 22-23). During the hearing, both parties were represented by counsel. Each side had an opportunity to present oral argument, call witnesses, and present evidence.

Counsel for Appellant argued that her involuntary transfer was illegal and arose from discrimination based on her race (African American). (R. 153-54). The Executive Director of the Association of Supervisory and Administrative School Personnel testified on Appellant's behalf that another principal who was white was initially slated for transfer, but after meetings with the school community, their transfer was stopped. The Executive Director also testified that Appellant reported racial tensions within the school building to him, but Appellant had not wanted him to take any action. (R. 37-39).

Appellant also testified to incidents at the school, including staff members making comments such as "oh, I heard we got a real Black principal", asking to touch Appellant's hair, and gag gifting her a black nutcracker doll at Christmas. Appellant testified that she shared her concerns about incidents in the building and other microaggressions with her supervisors; however, they allegedly encouraged Appellant to focus on positive relationship building. (R. 40-46). In May, her supervisor provided Appellant with Administrative Procedure 4185, workplace bullying incident form, and Administrative Procedure 4170, discrimination and harassment form. Appellant testified that she did not file a bullying or discrimination complaint for fear of retaliation at that time. (R. 238-40). On June 8, 2023, after the transfer decision, Appellant filed a complaint regarding bullying on social media. (R. 68).

Counsel for PGCPs argued that Appellant's transfer was not illegal, but rather in response to complaints from staff and parents about Appellant's leadership. PGCPs submitted an exhibit outlining the concerns with Appellant's performance as Principal. This summary included complaints from school staff regarding a hostile work environment, examples of unclear communication from Appellant to staff, staff survey results which indicated dissatisfaction with the building's climate and culture, and Appellant's failure to comply with student privacy requirements. (R. 420-26).

Appellant's supervisor, who is also African American, testified that while she was aware of a number of concerns related to the change in leadership, Appellant never stated the incidents were racially motivated. PGCPs witnesses also testified that the individuals who made the decision to transfer Appellant, the individual who was Principal before Appellant, and the individual who replaced Appellant as Principal were all African American women. While there was a history of African American leaders within the building, none of these leaders ever complained about discriminatory acts or culture. (R. 56-60, 121).

On January 3, 2024, the hearing examiner recommended that the local board affirm and uphold the decision to reassign Appellant to an Assistant Principal position at another school. The hearing examiner noted that section 6-201(b)(2) of the Education Article, Annotated Code of Maryland, allows the local Superintendent to assign personnel to their positions in schools and

transfer them as the needs of the schools require. Citing to State Board decisions, the hearing examiner found that the local Superintendent has broad discretion in assigning staff, including “demotions” even when staff is performing satisfactorily.

While Appellant argued that her reassignment was illegal, the hearing examiner held that she failed to meet her burden of proof for the discrimination claim. Specifically, the hearing examiner acknowledged that while the alleged incidents were “unfortunate and inappropriate... the evidence does not show any connection between the incidents and the decision to transfer the Appellant.” Assuming the incidents occurred as reported by Appellant, none of the individuals involved in the incidents were the same individuals who recommended or made the decision to transfer Appellant. In weighing the testimony of PGCPs staff, the hearing examiner found the witnesses to be credible and believable. He also found that PGCPs provided sufficient evidence of nondiscriminatory reasons for the reassignment. As such, he did not find any evidence of illegal action. (R. 34-84).

On May 13, 2023, the local board issued an order denying Appellant’s appeal and upholding the transfer of Appellant from Principal of Kenilworth Elementary to Assistant Principal at Hyattsville Middle School. (R. 350).

This appeal followed.

STANDARD OF REVIEW

A local board’s decision regarding the reassignment of a school administrator is presumed to be *prima facie* correct. The State Board may not substitute its judgment for that of the local board unless the decision is arbitrary, unreasonable, or illegal. COMAR 13A.01.05.06A.

LEGAL ANALYSIS

In this matter, Appellant seeks a reversal of the local board’s decision to affirm her transfer from Principal to Assistant Principal. Appellant makes two primary arguments in support of her request: (1) Appellant claims she was not afforded adequate due process, and (2) Appellant claims the decision was a discriminatory and retaliatory act against her for filing the initial appeal with the State Board, raising allegations of racial discrimination, and for raising concerns about the transfer/reassignment process used by PGCPs. The local board vehemently denies these claims and reiterates that PGCPs had sound, non-discriminatory reasons for reassigning Appellant from her Principal position.

Additional Evidence

Before we consider Appellant’s arguments, we must address a preliminary matter raised by the local board. In her response brief, Appellant attached several exhibits that were not previously included in her appeal to the local board. Under COMAR 13A.01.05.04C, the State Board may receive additional evidence if “it is shown to the satisfaction of the State Board that the additional evidence is material and that there were good reasons for the failure to offer the evidence in the proceedings before the local board[.]” In the present case, the Appellant, who

was represented by legal counsel in her appeal before the local board, has not provided any good reason for the failure to offer the evidence below. Thus, we deny admission of the additional evidence.

Due Process and Fairness

Appellant makes a number of arguments that the appeal process was unfair, including that she failed to initially receive her appeal rights, that she was required to present her case before PGCPs at the hearing, and that she “was unable to provide any statement or documentation to refute what was presented [by PGCPs].” We disagree with Appellant’s characterization of the process.

As this Board addressed in Order No. 23-12, while it is true that the initial reassignment letter failed to provide Appellant with her appeal rights, this was subsequently remedied. PGCPs provided Appellant with a hearing before a hearing examiner, where she was represented by counsel. While Appellant was required to put on her case first, this is consistent with procedure where the Appellant bears the burden of proof. In presenting her case, Appellant was able to call witnesses and submit evidence, both of which her counsel did on her behalf. The hearing officer also offered Appellant’s counsel the opportunity for rebuttal, which she waived. As such, we find Appellant was offered appropriate due process.

Retaliation

Appellant argues in her appeal that the decision to transfer her was in retaliation for actions she took to exercise her rights (e.g., file the initial appeal with the State Board, etc.). Appellant failed to raise this argument before the local board. We have long declined to address issues that were not initially reviewed by the local board; thus, we will not consider Appellant’s argument of retaliation. *See Rosalia Huggins v. Balt. City Bd. of Sch. Comm’rs.*, MSBE Op. No. 19-13 (2019) and *Nikol E. v. Montgomery Cnty. Bd. of Educ.*, MSBE Op. No. 19-18 (2019).

Discrimination

Finally, Appellant argues that the decision to transfer her was a racially motivated discriminatory act. Claims of employment discrimination require a “burden-shifting analysis” which requires an employee to make a *prima facie* showing that (1) she belongs to a protected class and (2) has sufficient evidence to give rise to an inference of unlawful discrimination. *Suzanne McNamara v. Balt. City Bd. of Sch. Comm’rs.*, MSBE Op. No. 19-15 (2019) (citing *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973)). *See also Williams v. Maryland Dep’t of Human Res.*, 136 Md. App. 153, 164-65 (2000). The burden then shifts to the employer to present evidence of a nondiscriminatory reason for the termination. *Id.* If the employer meets the burden, the employee must then show that the stated reason was merely pre-textual. *Id.*

While as an African American woman, Appellant belongs to a protected class; we concur with the local board that Appellant has failed to provide sufficient evidence to give rise to an inference of unlawful discrimination. Appellant’s testimony at the hearing was replete with examples of incidents with school staff during the school year, which, if true, are disturbing. It is certainly understandable that the work environment would feel intolerable for someone under

such conditions. However, Appellant has failed to connect the alleged actions of the school staff with the actions of central office staff responsible for the decision to transfer her.


Appellant complained that she felt unsupported at times by her supervisors, but she never claims with any specificity that they acted in a discriminatory manner against her. Furthermore, as the local board points out in its response, all of the individuals involved in Appellant's "chain of command" were African American women themselves, and the individual chosen to replace Appellant as Principal was African American, too. This contradicts the notion that Appellant's reassignment was based on her race.

Even if one was to find evidence to infer racial discrimination on the part of PGCPSS, the local board produced ample evidence to demonstrate that the decision to transfer Appellant was based on non-discriminatory reasons. Appellant's supervisor testified to a multitude of complaints received by PGCPSS from members of the school community regarding Appellant's leadership style. The October climate survey demonstrated that the majority of school staff did not believe in Appellant's leadership abilities and confirmed low morale in the building. After months of support and coaching, PGCPSS determined that Appellant was not growing into an effective leader for the school; therefore, she was reassigned.

Accordingly, we do not find evidence to support that the decision to transfer Appellant was discriminatory.

CONCLUSION


For the reasons stated above, we find that the local board's decision was not arbitrary, unreasonable or illegal. Accordingly, we affirm Appellant's transfer from Principal to Assistant Principal within PGCPSS.

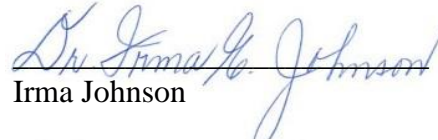

Joshua L. Michael
President

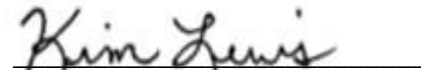

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Clarence C. Crawford

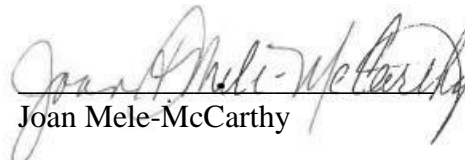

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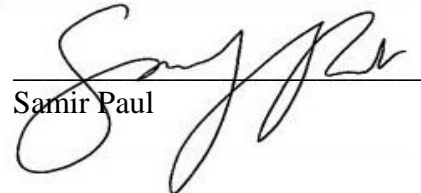

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September 24, 2024