

LEE THOMASSEN,  
Appellant

v.

BALTIMORE COUNTY  
BOARD OF EDUCATION,  
Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR17-13

ORDER

Appellant has filed an appeal of the decision of the Baltimore County Board of Education (“local board”) to terminate him from his teaching position for insubordination. Appellant claims in the appeal that the local board terminated him based on disability discrimination and retaliation for filing discrimination claims against the school system with the United States Department of Education, Office of Civil Rights (“OCR”) and the Equal Employment Opportunity Commission (“EEOC”). The Appellant has requested that the State Board stay the case while the OCR and EEOC complaints are pending.

The State Board has previously stayed appeals that contain facts and issues that are nearly identical to proceedings in both State and federal courts because it was not in the interests of judicial economy and it would have been a waste of resources to have redundant proceedings in both forums. Here, the Appellant filed multiple claims before administrative agencies, not before the court. The Appellant has not provided the claims to the State Board so that it can determine to what extent they are identical and it is unclear to what extent the State Board would have to defer to the OCR and EEOC rulings. Although Appellant alleges discrimination in the appeal, the overriding issue before the State Board is whether or not the preponderance of the evidence supports the termination of the Appellant based on insubordination pursuant to §6-202 of the Education Article. Only the State Board is qualified to determine whether such insubordination has occurred.

In addition, the Appellant has stated that some of his claims have been pending before the agencies for several years. Based on Appellant’s multiple requests to OCR and EEOC, the appeal could be delayed indefinitely if stayed.

Therefore, it is this 22<sup>nd</sup> day of August, 2017 by the Maryland State Board of Education,

ORDERED, that the stay is denied and the appeal transferred to the Office of Administrative Hearings for review. *See* COMAR 13A.01.05.07A(2).

MARYLAND STATE BOARD OF EDUCATION

Signature on File:

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Andrew R. Smarick  
President