

JEFF WESTER,  
Appellant

v.

CHARLES COUNTY BOARD  
OF EDUCATION (II),  
Appellee.

BEFORE THE  
MARYLAND  
STATE BOARD  
OF EDUCATION  
Order No. OR21-10

### ORDER

On June 28, 2021, the Appellant, a high school technology teacher, appealed the decision of the Charles County Board of Education (“local board”) denying his request that he be exempted from wearing a mask as an accommodation under the Americans with Disabilities Act (“ADA”).

At the beginning of the 2020-2021 school year, all Charles County Public Schools (“CCPS”) teaching staff teleworked as school buildings were closed for in-person instruction due to the COVID-19 pandemic. CCPS made plans to re-open its school buildings, transition to in-person instruction, and require all staff and students to wear masks in school buildings. In anticipation of an increased number of ADA requests for workplace accommodations due to the changes in work environment, CCPS developed a request process through the Office of Human Resources (“OHR”). This interactive process involves a request from the employee for an accommodation; OHR gathering necessary information; and a committee selecting what accommodation to implement, taking into consideration the preference of the employee. CCPS engaged the Appellant in this process, but the local board ultimately denied the request for a mask exemption. This appeal followed.

This Board has routinely declined to extend jurisdiction to appeals involving claims under federal law, such as FERPA, COPPA, and IDEA, where a separate forum exists to address grievances. *See Ellen Z. and Assya P. v. Montgomery County Bd. of Educ.*, MSBE Op. No. 20-19 (2020); *Richard C. v. Anne Arundel County Bd. of Educ.*, MSBE Op. No. 19-27 (2019); *Phil N. v. Anne Arundel County Bd. of Educ.*, MSBE Op. No. 18-42 (2018). Last month this Board denied a similar appeal from Appellant on this same basis. *Wester v. Charles County Bd. of Educ.*, MSBE Order No. OR21-08. Local government employees may file complaints of disability-based discrimination with the U.S. Equal Employment Opportunity Commission (“EEOC”). *See* 42 U.S.C. § 12117. Given there is a separate forum under the EEOC with enforcement authority over ADA claims, we decline to extend jurisdiction over appeals that solely involve disputes involving reasonable accommodation requests under the ADA.<sup>1</sup>

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<sup>1</sup> This appeal is distinguishable from prior State Board opinions that reviewed ADA claims in the context of an employee termination case alleging disability-based discrimination. *See Long v. Calvert Count Bd. of Educ.*, MSBE Op. No. 18-20 (2018); *Herrera v. Baltimore City Bd. of Sch. Comm’rs*, MSBE Op. 16-10 (2016).

The local board also requests dismissal of the appeal based on mootness given that the Appellant resigned from employment with the school system on August 20, 2021, and there is no longer any remedy that the State Board can provide. Because we dismiss the appeal for lack of jurisdiction, we need not address the local board's additional argument.

It is this 28th day of September, 2021 by the Maryland State Board of Education, ORDERED, that the appeal referenced above is hereby dismissed for lack of jurisdiction.

MARYLAND STATE BOARD OF EDUCATION

Signature on File:

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Clarence C. Crawford  
President