

MARGARET WILSON,

Appellant

v.

MONTGOMERY COUNTY
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR25-02

ORDER

This is an appeal of the July 18, 2024 decision of the Montgomery County Board of Education (“local board”) denying the Appellant’s appeal related to her request for work accommodations under the American with Disabilities Act (“ADA”). The local board found that the February 24, 2023 Memorandum issued by Khalid Walker, Compliance Coordinator for the Montgomery County Public Schools (“MCPS”) Department of Compliance and Investigations, that addressed the Appellant’s accommodation request was not improper and provided reasonable accommodation.¹ (R. 47-48).

In the February 23, 2023 Memorandum, Mr. Walker approved various accommodations for the Appellant and denied other requested accommodations that were determined to be core job responsibilities. *Id.* Thereafter, in response to another request for accommodations submitted by the Appellant, on July 14, 2023, Mr. Walker approved continuation of the February 23 accommodations until December 31, 2023. (R. 30-31).

Meanwhile, the Appellant appealed Mr. Walker’s February 23, 2023 decision. On January 25, 2024, Hearing Officer Darlene Harris, Executive Director of the Office of Human Resources and Development, advised the Appellant that her appeal was denied as Mr. Walker had engaged in the interactive process and had appropriately provided reasonable accommodations based on the Appellant’s qualifying disability. (R. 32-33). On further appeal, the local board upheld Mr. Walker’s decision. (R. 47-48). This appeal followed.

This Board has routinely declined to extend jurisdiction to appeals involving claims under federal law, such as the ADA, FERPA, COPPA, and IDEA, where a separate forum and administrative dispute resolution process exists to address complaints under those federal laws. *See Ashley J. v. Montgomery Cnty. Bd. of Educ.*, MSBE Order No. OR 21-07 (2021); *Ellen Z. and Assya P. v. Montgomery Cnty. Bd. of Educ.*, MSBE Op. No. 20-19 (2020); *Richard C. v. Anne Arundel Cnty. Bd. of Educ.*, MSBE Op. No. 19-27 (2019); *Phil N. v. Anne Arundel Cnty. Bd. of Educ.*, MSBE Op. No. 18-42 (2018). Local government employees may file complaints under the ADA 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

¹ The Appellant had previously been granted work accommodations based on a May 2022 request. That request is not the subject of this appeal.

over ADA claims, we decline to extend jurisdiction over appeals that solely involve disputes involving reasonable accommodation requests under the ADA.²

Accordingly, it is this 28th day of January, 2025 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

A handwritten signature in cursive script that reads "Joshua L. Michael". The signature is written in black ink and is positioned above a horizontal line.

Joshua L. Michael
President

² 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 Cnty. Bd. of Educ.*, MSBE Op. No. 18-20 (2018); *Herrera v. Baltimore City Bd. of Sch. Comm'rs*, MSBE Op. 16-10 (2016).