

KRISTINE LOCKWOOD,
Appellant

v.

HOWARD COUNTY
BOARD OF EDUCATION,
Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR17-12

ORDER

Appellant filed an appeal of three separate decisions made by the Howard County Board of Education (“local board”) at its June 22, 2017 meeting.

First, the Appellant challenges the local board’s decision to approve the Interim Superintendent Contract between the local board and Dr. Michael Martirano. The Appellant maintains that the employment contract resulted from gender discrimination in the hiring process. Specifically, Appellant maintains that the local board conducted the candidate search through word of mouth, which failed to give female applicants an equal opportunity to apply for the position.

Second, the Appellant challenges the hiring of Mark Blom as General Counsel for Howard County Public Schools. Appellant states that Mr. Blom has a close relationship with the local board and, if he was advising the board in any capacity with regard to the hiring of the Interim Superintendent, “his past behavior indicates he would have steered the board only to outwardly healthy, white, male candidates.” Appellant also claims that women were not provided an equal opportunity to apply for the General Counsel position.

Third, Appellant challenges the local board’s decision to move forward with “the attendance area adjustment review for the school year 2018-2019.”

With regard to the first and second issues, we are constrained by the legal doctrine of standing and by general principals of local autonomy in the hiring process. The role of this Board in intervening in local hiring decisions is exceedingly limited. For many years, this board has consistently held that the only person who has legal standing to challenge a personnel decision, such as a decision whether or not to enter into an employment contract, is the employee who has been adversely affected by the decision. *See Kristina E. v. Charles County Bd. of Educ.*, MSBE Opinion No. 15-27 (2015)(citing previous cases). In a recent case, this board dismissed for lack of standing an appeal of a parent who challenged the hiring of a particular attorney to serve as legal counsel to the local board. *See Johnson v. Queen Anne County Bd. of Educ.*, MSBE Order No. OR16-02. While individuals in a community may disagree with a local board’s personnel decision, it does not give them legal standing to challenge such a decision.

As the State Board noted in *Adams, et al. v. Montgomery County Bd. of Educ.*, 3 Op. MSBE 143, 149 (1983), the general rule on standing is that “for an individual to have standing, even before an administrative agency, he must show some direct interest or ‘injury in fact, economic or otherwise.’” *See also Schwalm v. Montgomery County Bd. of Educ.*, MSBE Opinion No. 00-10 (2000); *Vera v. Bd. of Educ. of Montgomery County*, 7 Op. MSBE 251 (1996); *Way v. Howard County Bd. of Educ.*, 5 Op. MSBE 349 (1989). This showing of a direct interest or injury in fact requires the individual to be personally and specifically affected in a way different from the public

generally and is, therefore, aggrieved by the final decision of the administrative agency. *See Bryniarski v. Montgomery County Bd. of Educ.*, 247 Md. 137, 144 (1967). The Appellant here simply lacks the type of direct interest or injury in fact necessary to maintain standing.

With regard to the third issue raised in the appeal, there is no basis to dismiss for lack of standing at this time. Appellant's challenge to the local board's decision to perform an attendance area adjustment review will proceed through the appeal process.

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

ORDERED, that Appellants challenge of the Interim Superintendent's contract and the hiring of Mark Blom are hereby dismissed for lack of standing. *See* COMAR 13A.01.05.03C(2).

MARYLAND STATE BOARD OF EDUCATION

Signature on File:

Andrew R. Smarick
President