

SUSAN TWIGG,

Appellant

v.

MONTGOMERY COUNTY
BOARD OF EDUCATION

Appellee.

ORDER OF THE
STATE BOARD
OF EDUCATION

Order No. OR 17-09

ORDER

On August 29, 2016, Appellant began her employment as a Spanish teacher for Montgomery County Public Schools (“MCPS”) under a Provisional Contract for Conditional or Resident Teacher Certificate Holders, pursuant to COMAR 13A.07.02.01C. (Motion, Ex. A). By its own terms, the employment contract was to “automatically terminate and expire” on June 30, 2017. (Motion, Ex. A).

Appellant submitted her resignation to MCPS, effective June 19, 2017, which was the last day of school for teachers. (Motion, Ex. B).

On May 4, 2017, Appellant’s attorney submitted an appeal requesting a hearing for the Appellant before the State Board. The appeal consisted solely of the following paragraph:

Ms. Twigg would like to appeal her forced resignation as a Spanish teacher on May 1, 2017 from the Montgomery County Public Schools. The County Board never sent her a copy of the charges against her and therefore never gave her the opportunity to request a hearing before the County Board. This is required under the State Education Article, 6-202(a)(2). In addition, the PAR panel gave her only two (2) days to prepare for a hearing and failed to give her a copy of the materials presented against her.

The Montgomery County Board of Education (“local board”) responded by filing a Motion to Dismiss maintaining that the Appellant failed to allege any facts to support her appeal. In addition, the local board argued that the Appellant was employed under a Provisional Contract that ended by operation of law at the end of the 2016-2017 school year, thus her employment with the school system would have ended at the conclusion of the school year regardless of her resignation. The Appellant did not respond to the local board’s motion.

We agree that the Appellant has not alleged any facts to support her appeal. COMAR 13A.01.05.02 requires that an appeal to the State Board include, among other things, a statement of the facts necessary to understand the appeal, the reasons in support of the appeal, and designation of the order or decision for which review is sought. Without such information, there is nothing in the appeal for the State Board to review.

In addition, based on the documentation submitted by the local board, as a matter of law, Appellant's Provisional Contract would have expired at the conclusion of the 2016-2017 school year had she not resigned. She had no continued expectation of employment beyond June 30, 2017, thus the procedures for termination set forth in Education Article 6-202(a)(2) are not applicable in this case. There is simply no merit to the Appellant's appeal.

Therefore, it is this 18th day of July, 2017 by the Maryland State Board of Education,
ORDERED, that the appeal referenced above is hereby dismissed.

MARYLAND STATE BOARD OF EDUCATION

Signature on File:

Andrew R. Smarick
President