

VIKKI RAYMAN,

Appellant

v.

HARFORD COUNTY
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR 20-06

ORDER

On December 4, 2019, Appellant filed this appeal of a decision of the Harford County Board of Education (“local board”) denying her appeal as untimely filed and affirming the decision of the Superintendent’s designee. In the local board appeal, Appellant challenged the decision of the Superintendent’s designee upholding her reassignment to a different position and her transfer to a different elementary school.

On June 6, 2019, the school principal reassigned Appellant from her position as reading specialist to a classroom teacher. On July 2, 2019, Appellant appealed the decision through the Harford County Education Association (“HCEA”) alleging that the principal reassigned her position in retaliation for her requesting a transfer out of the school. (Local Bd. Resp., Ex. 3).

Dyann Mack, Director of Elementary School Performance, acting as the Superintendent’s designee, conducted a hearing on July 29, 2019. By letter dated August 8, 2019, Dr. Mack advised Appellant that she was denying the appeal of her reassignment from reading specialist to classroom teacher. Dr. Mack also advised Appellant that, based on the Appellant’s request, she was being reassigned for the 2019-2020 school year to another elementary school to be determined by Human Resources. (Local Bd. Resp., Ex. 4). On August 13, 2019, Human Resources notified Appellant of her new school assignment.

On September 29, 2019, Appellant wrote to Jeffrey Fradel, Senior Manager of Staff and Labor Relations, claiming that her position reassignment was retaliation for allegations she made about the school’s failure to comply with special education requirements. She also alleged a violation of the Negotiated Agreement between HCEA and the local board. (Appeal, Ex. IV). On October 29, 2019, Appellant appealed her “demotion to classroom teacher” and her “involuntary transfer” to the local board. (Local Bd. Resp., Ex. 5). By letter dated November 14, 2019, the local board’s attorney, Gregory A. Szoka, advised Appellant that the local board denied her appeal and upheld the decision of the Superintendent’s designee because her appeal was not timely filed. (Local Bd. Resp., Ex. 6). This appeal followed.

Section 4-205(c)(3) of the Education Article provides that “[a] decision of a county superintendent may be appealed to the county board if taken in writing within 30 days after the decision of the county superintendent.” Local board Policy 22-0018-000, *Hearings before the Board of Education of Harford County or the Hearing Examiner*, reiterates this requirement. *See* Policy at (1)(a). Time limitations are generally mandatory and will not be overlooked except in

extraordinary circumstances such as fraud or lack of notice of the decree. *See Scott v. Board of Educ. of Prince George's County*, 3 Op. MSBE 139 (1983). Accordingly, the State Board has consistently dismissed appeals that were untimely filed with the local board. *See Gina D. v. Montgomery County Bd. of Educ.*, MSBE Op. No. 15-02, and cases cited therein.

Appellant should have filed her appeal of her position reassignment with the local board by Monday, September 9, 2019. Using the date Human Resources notified Appellant of her new school assignment, Appellant should have filed her school reassignment appeal by September 12, 2019. Appellant argues that she did not have sufficient time within the 30-day time frame to file her appeal to the local board because she was busy preparing for the school year and setting up her classroom. (Appeal). We do not find this to be an extraordinary circumstance that would merit an exception to the deadline in this case.

Appellant argues also that the “30 day clock” did not start because the school system “failed to properly carry out the involuntary transfer per their own policies.” (Appeal). Appellant is alleging here that HCPS violated the “Involuntary Transfer” provision of the Negotiated Agreement and that the filing deadline does not trigger until the school system follows the steps for transfer outlined in the provision. Appellant is mistaken. The Negotiated Agreement provision does not impact the 30-day time frame for filing an appeal to the local board, which expired before the Appellant filed her appeal.

Appellant also argues that the local board’s attorney, Mr. Szoka, had a conflict of interest advising the board because unnamed members of his law firm, Stark & Keenan, P.A., represented a member of the Rayman family and had business dealings with Appellant’s husband and father at some point. (Appeal). Appellant has not provided any evidence to support this claim and has not explained how it excuses her late filing. Moreover, Mr. Szoka disclosed that a member of Stark & Keenan represented a Rayman client in 2005, but that Mr. Szoka has never represented a Rayman client himself. (Local Bd. Resp., Ex. 6).

The Appellant has not provided an explanation for the late filing of her local board appeal that we would consider an extraordinary circumstance meriting an exception to the mandatory thirty-day deadline.

Therefore, it is this 24th day of March 2020 by the Maryland State Board of Education, ORDERED, that the local board’s decision is affirmed.

MARYLAND STATE BOARD OF EDUCATION

Signature on File:

Warner I. Sumpter
President