

KRISTINE LOCKWOOD,  
Appellant

v.

HOWARD COUNTY  
BOARD OF EDUCATION,  
Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR18-03

ORDER

Appellant filed an appeal of two decisions made by the Howard County Board of Education (“local board”) at its May 9, 2018 meeting.

First, the Appellant challenges the local board’s resolution appointing Dr. Michael Martirano as Superintendent of Schools for Howard County for a four-year term, approving the employment contract between Dr. Martirano and the local board, and authorizing the Board Chairman to execute the contract on the local board’s behalf. The Appellant maintains that the local board failed to make the position available to women, minorities and candidates other than Dr. Martirano. She further maintains that Dr. Martirano, as Interim Superintendent, failed to advertise widely the position, and that his hiring is suspect because he had a personal connection to the local board Chairperson and school system attorney. In addition, she claims that the resolution is inaccurate because it states that the local board “reviewed and evaluated the credentials, experience and strengths of the [Dr. Martirano] with input from the community.” Second, the Appellant challenges Dr. Martirano’s employment contract for essentially the same reasons.

In addressing Appellant’s claims, 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). Last year, we dismissed Appellant’s challenge regarding the approval of Dr. Martirano’s contract for Interim Superintendent on this very basis. *See Lockwood v. Howard County Bd. of Educ.*, MSBE Order No. OR17-12. In other recent cases, this board also dismissed for lack of standing appeals of parents who challenged the local board’s hiring of a particular attorney to serve as legal counsel to the local board and the local board’s decision not to offer the local superintendent a new contract. *See Johnson and Scott v. Queen Anne County Bd. of Educ.*, MSBE Order No. OR16-03; *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.

Therefore, it is this 18<sup>nd</sup> day of June, 2018 by the Maryland State Board of Education,

ORDERED, that Appellant's challenge of the local board's resolution and the Superintendent's contract are hereby dismissed for lack of standing. *See* COMAR 13A.01.05.03C(2).

MARYLAND STATE BOARD OF EDUCATION

Signature on File:

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Andrew R. Smarick  
President