

SHERRY FRAZIER,

Appellant

v.

PRINCE GEORGE'S  
COUNTY BOARD OF  
EDUCATION

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR 23-03

### ORDER

Appellant was employed as a special education resource teacher by Prince George's County Public Schools ("PGCPS") beginning on or about April 26, 2014. (Ex. A).

By letter dated May 14, 2021, Monica E. Goldson, Chief Executive Officer ("CEO"), advised Appellant that she was being recommended for a five day suspension without pay on the grounds of misconduct in office, insubordination, and willful neglect of duty. (Ex. B). Appellant, through the Prince George's County Educators' Association ("PGCEA"), appealed the CEO's recommendation. (Ex. C). A hearing on the appeal was scheduled for October 6 and 7, 2021, however, on October 7, 2021, Appellant resigned from her employment with PGCPS and the appeal was withdrawn. (*See* Ex. D).

Approximately nine months after her resignation, in an email dated July 11, 2022, and sent to the CEO on July 13, 2022, Appellant maintained that she was owed overtime pay for the 2020-2021 school year. (Ex. E). The CEO responded on July 14, 2022, advising the Appellant that she was not owed any overtime pay. She stated that "[t]he final detailed wage report/EVP indicated that you were actually overpaid because [you] did not report to work for the last 3 days leading up to [your] resignation day. . . ." (Ex. E). The local board has no record of an appeal to the local board of the CEO's decision by Appellant.

On October 14, 2022, Appellant filed this appeal to the State Board asserting several claims that include non-payment of overtime and other workplace grievances dating back to the 2020-2021 school year.

Thereafter, on November 11, 2022, Kristi Murphy Baldwin, Chief Human Resources Officer, issued a more detailed response to Appellant's July 2022 correspondence to the CEO. Ms. Baldwin explained that there was a full investigation of Appellant's wage claims and reiterated that PGCPS did not owe Appellant any overtime pay. She further advised that because Appellant failed to file a timely grievance of the 2020-2021 wage issue, her claims were time barred. (Ex. F).

Meanwhile, the local board filed a motion to dismiss the State Board appeal maintaining that the Appellant failed to exhaust her administrative remedies because she did not appeal the CEO's decision to the local board, and because she did not avail herself of the grievance procedures set forth in the collective bargaining agreement. The local board stated that, as a PGCEA member, Appellant was entitled to certain rights pursuant to the collective bargaining agreement, which were time bound. (Ex. H).

Appellant maintains that she appealed the CEO’s decision to the local board and that her union representative failed to file a grievance per her request. There are a variety of documents attached to her appeal. However, these documents are insufficient to establish that the Appellant filed an appeal to the local board, or that her union representative failed to file a grievance at her direction.

In this appeal, there has been no decision issued by the local board because the Appellant did not file an appeal with the local board. The State Board has consistently declined to address issues that have not been reviewed initially by the local board. *See Harvest Foundation Group v. Baltimore County Bd. of Educ.*, MSBE Order No. OR19-11 (2019); *Lakesha W. v. Howard County Bd. of Educ.* MSBE OR 08-12 (2008). Because the local board has not issued a final decision in Appellant’s case, there is nothing for the State Board to review. Pursuant to Education Art. § 4-205(c)(3) and COMAR 13A.01.05.03B(1)(a), the State Board may dismiss an appeal if the local board has not issued a final decision. *See Victor and Sandra B. v. Anne Arundel County Bd. of Educ.*, MSBE Order No. OR20-11 (2020).

Therefore, it is this 24<sup>th</sup> day of January 2023, ORDERED, by the Maryland State Board of Education, that the appeal is dismissed for failure to exhaust her administrative remedies. COMAR 13A.01.05.03B(1)(a).

MARYLAND STATE BOARD OF EDUCATION

Signature on File:

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Clarence C. Crawford  
President