

IRENA BANKS,

Appellants

v.

ANNE ARUNDEL COUNTY
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 25-28

OPINION

INTRODUCTION

Irena Banks, (“Appellant”), appeals the decision of the Anne Arundel County Board of Education (“local board”) upholding the decision of the Superintendent’s Designee, determining that there was insufficient evidence to support allegations of mistreatment or unprofessional conduct against Appellant by her principal. The local board filed a response to the appeal maintaining that its decision is not arbitrary, unreasonable or illegal. The Appellant responded, and the local board replied.

FACTUAL BACKGROUND

Appellant was a full-time teacher at Belle Grove Elementary School (“Belle Grove”). (R. 283-284). Beginning with the 2022-2023 school year, Keri Allen assumed the role of Belle Grove’s Principal and became Appellant’s supervisor. (R. 6). At the time Ms. Allen became Principal, Appellant was also serving as the Equity Lead at Belle Grove and assigned to work part-time at another school one day per week. (R. 341).¹

Within months of Ms. Allen’s arrival, the working relationship between her and Appellant began to deteriorate. In October 2022, Appellant conducted a Professional Development meeting for the staff for which Ms. Allen commended her. (R. 17). Shortly thereafter, Appellant and Ms. Allen met to discuss equity issues. (R. 18). In November 2022, Appellant claims that Ms. Allen disrespected her when she refused to let her leave a faculty meeting early in a “snippy and firm” tone despite Ms. Allen having previously given her permission to do so. (R. 19).

In December 2022, Appellant, who is the primary caregiver for her elderly aunt, took leave to care for her. Appellant alleges that Ms. Allen contacted her about lesson plans and failed to acknowledge her aunt’s health or express concern. (R. 21). Upon her return, Appellant alleges that Ms. Allen ignored her. (R. 22). At a subsequent meeting with Ms. Allen, Appellant discussed Ms. Allen’s hiring of “her people” and that it led to a perception of preferential treatment. (R. 23). Appellant also alleges that Ms. Allen “set a precedent of informing me of incidents involving racially biased language use in the building ‘as the equity lead’ but had not made her aware of subsequent incidents.” (R. 24). Appellant perceived this as another attempt of Ms. Allen to do things her way. (R. 25). Appellant addressed these incidents in

¹ The record does not specifically outline the duties and responsibilities of the Equity Lead. However, from the documents submitted it appears the Equity Lead is responsible for leading the school’s Equity Team made up of various teachers who meet regularly throughout the school year to discuss and address equity concerns at the school as well as plan and implement equity activities/sessions for the staff. (R. 341-43).

an email to which she claims Ms. Allen “clearly took offense” and Ms. Allen “first implied a threat to [Appellant’s] role as the equity lead.” (R. 25).

In January 2023, Appellant and Ms. Allen exchanged emails about various school related issues – follow-up for racially biased language, revisiting relationship building initiatives, and progress on equity focused activities. (R. 26). Appellant and Ms. Allen subsequently met but the meeting was cut short due to a disturbance at the school which Ms. Allen needed to handle. (R. 27). When Ms. Allen returned, Appellant contends that Ms. Allen was “curt” and “rude” and said the meeting would have to be continued another time. (R. 27).

Appellant’s and Ms. Allen’s communications continued to deteriorate. Appellant contends that Ms. Allen “essentially stopped speaking” to her so she discussed her concerns about Ms. Allen with the Equity Team who suggested that she reach out to the regional contact at the time, Bill Goodman, Regional Assistant Superintendent for AACPS. (L.R. 28). Appellant requested mediation. (R. 28). On January 25, 2023, Ms. Allen attended the Equity Team meeting of which Appellant claims it was the only meeting Ms. Allen attended. (R. 29). Appellant contends that Ms. Allen was “detached, disinterested, worked on her laptop, and texted on her cell phone.” (R. 29). In February 2023, Appellant claims that Ms. Allen cut her winter concert performance short, was “aloof” and did not recognize her or her students. (R. 31).

On March 1, 2023, Appellant and Ms. Allen had their first meeting with Mr. Goodman. (R. 31). Appellant and Ms. Allen both expressed their feelings as to why and how their working relationship deteriorated. (R. 31). Mr. Goodman suggested that Appellant and Ms. Allen have “15 minute bi-weekly meetings on Fridays for the remainder of the year to discuss equity concerns.” (R. 33). On March 29, 2023, the final Equity Professional Development meeting was held and Appellant addressed complaints received about the meetings. (R. 34). Appellant claims that Ms. Allen arrived at the meeting late and failed to hold any of the staff accountable for not participating in an activity during the meeting. (R. 35). Appellant and Ms. Allen disagreed about the cause of staff disengagement and lack of investment. (R. 35).

In April 2023, Appellant and Ms. Allen had a meeting to debrief the last Equity Professional Development meeting. (R. 36). Appellant shared with Ms. Allen the numerous reasons for the lack of staff involvement in the Equity Professional Development meetings, primarily that she does not hold the staff accountable for their lack of participation. (R. 36). Appellant also had a meeting with the Equity Team about the last Equity Professional Development. Appellant asserts that this was a “difficult” meeting because she shared that the team was not presenting as a “united front.” (R. 37). Appellant again expressed her concern that Ms. Allen did not discuss what she described as a “racially charged” incident involving a Hispanic student with her. (R. 38).

Over the next several weeks, Appellant communicated with Mr. Goodman about her concerns regarding Ms. Allen. (R. 39). She claimed that Ms. Allen refused to celebrate her work or accomplishments while giving “abundant accolades” to several other staff members. (R. 40). At the end of May 2023, Appellant, who felt that her complaints were not being adequately addressed by Mr. Goodman, reached out to Dr. Dawn Lucarelli, Regional Superintendent. (R. 41). Dr. Lucarelli directed Appellant back to Mr. Goodman who scheduled a meeting with Appellant and Ms. Allen for June 12, 2023. (R. 41). Appellant felt the meeting was not productive and not handled as a mediation. (R. 41). Appellant claimed that Mr. Goodman sided with Ms. Allen and made her feel “outnumbered and unsupported.” (R. 41). She claimed that Mr. Goodman referred to her as “hostile” and “aggressive” and attempted to use “intimidation tactics” against her. (R. 41).

On August 8, 2023, ten days prior to returning to for the 2023-24 school year, Ms. Allen advised Appellant that she would no longer serve in the role as Equity Lead at Belle Grove. (R. 43). Appellant

contends that “while I know it’s at the discretion of the principal to select whomever s/he chooses for the [Equity Lead] role, there was no reason to remove me from this role except as a vindictive and spiteful act against me.” (R. 43). Immediately thereafter, Appellant filed her complaint with the Anne Arundel County Public Schools (“AACPS”) Office of Employee Relations in which she alleged that Ms. Allen subjected her to mistreatment and unprofessional conduct. (R. 285).

Melisa Rawles, Esquire, acting as the Superintendent’s Designee, met with the Appellant and Jason Fahie, a representative from the Teachers Association of Anne Arundel County on December 15, 2023 and January 31, 2024. (R. 286). Appellant argued that Ms. Allen was unprofessional and unethical. (R. 286, 329). Appellant included email correspondence between her and Ms. Allen, a timeline of events with her complaint outlining her interactions with Ms. Allen beginning in September 2022 through the date she filed her complaint in August 2023 as well as other documents. (R. 295-322).

Appellant advised Ms. Rawles that she would provide additional information. (R. 286). On May 22, 2024, Mr. Fahie advised that no new information would be forthcoming. (R. 286). In a decision issued on June 20, 2024, Ms. Rawles found that there was insufficient evidence to support that Ms. Allen’s actions constitute unprofessional conduct or violate an AACPS policy or regulation. (R. 286-288).

Appellant appealed Ms. Rawles’ decision to the local board on July 18, 2024. (R. 6-15). Appellant claimed that Ms. Rawles’ decision was unreasonable for a number of reasons, including that the evidence submitted supported her claims and that the decision did not adequately address her complaint. (R. 6-15). In support of her appeal, Appellant submitted numerous documents which included email correspondence and school bulletins.

The Superintendent submitted a memorandum in response to Appellant’s appeal. (R. 276-282). The Superintendent argued that the appeal should be denied as Ms. Rawles’ decision was not arbitrary, unreasonable or illegal and that the Appellant “has presented no evidence to support the finding” different than that of the Superintendent. (R. 282). The Superintendent reasoned that “the record is rife with support for a disagreement between Ms. Allen and [Appellant] but it is void of illegality, arbitrariness, or unlawful actions” by Ms. Allen. (R. 282).

The local board considered Appellant’s appeal including the documents and arguments submitted and concluded that it was not persuaded by a preponderance of the evidence that Ms. Rawles’ decision was arbitrary, unreasonable, or illegal. (R. 340-47). The local board concluded that “it was not arbitrary or unreasonable for [Ms. Rawles] to find based on [the record before her] that Ms. Allen’s actions do not rise to the level of unprofessional conduct or violate an AACPS policy or regulation, including the related provisions of the AACPS Employee Handbook.” (R. 346).

This appeal followed.

STANDARD OF REVIEW

Because this is an appeal of a decision of the local board involving a local policy or a controversy and dispute regarding the rules and regulations of the local board, the local board’s decision is considered *prima facie* correct. The State Board will not substitute its judgment for that of the local board unless the decision is arbitrary, unreasonable or illegal. COMAR 13A.01.05.06A. A decision may be arbitrary or unreasonable if it is (1) contrary to sound educational policy or (2) a reasoning mind could not have reasonably reached the conclusion the local board or superintendent reached. COMAR 13A.01.05.06B. A decision may be found illegal if it is: (1) unconstitutional; (2) exceeds the statutory authority or jurisdiction of the local board; (3) misconstrues the law; (4) results from an unlawful procedure; (5) is an abuse of discretionary powers; or (6) is affected by any other error or law. COMAR 13A.01.05.06C.

Appellant has the burden of proving by a preponderance of the evidence that the local board's decision was arbitrary, unreasonable or illegal. COMAR 13A.01.05.06D.

LEGAL ANALYSIS

Appellant argues that the local board erred in upholding the Superintendent's Designee's decision finding she was not subjected to mistreatment and unprofessional conduct by Ms. Allen. Appellant maintains there is substantial evidence to support her myriad listing of claims, that can be grouped in the following categories: 1) being disrespected in front of staff; 2) receiving an email that was hostile in nature and threatening; 3) being snubbed and ignored in front of staff, students, and parents; 4) being removed from her role as Equity Lead; and 5) witnessing Ms. Allen create a perception of preferential treatment or favoritism towards others. (R. 286-88). We address these allegations in turn.

Appellant submitted a *Timeline of Events* document in which she sets forth 44 paragraphs outlining events that transpired between her and Ms. Allen. (R. 16-43). The local board argues that "not each of the 44 paragraphs is, itself, a complaint." (R. 280). We agree. The timeline simply highlights events that are part of the history between Appellant and Ms. Allen and tells a story that helps inform us of the strained relationship between the two. Thus, it was not necessary for the Superintendent's designee or the local board to address each of the 44 incidents outlined in Appellant's timeline.

Disrespected in front of staff

Appellant contends that Ms. Allen disrespected her in front of the school staff and "made [her] to feel embarrassed and humiliated[.]" (R. 7). Appellant argues that Ms. Allen violated AACPS policy and guidelines and that this constitutes evidence of improper and inappropriate conduct. (R. 7). The local board argues that "the fact that unpleasant interactions occur, or that these cause distress, does not mean that there has been actionable misconduct." (R. 347). We agree. As her supervisor, it is not inappropriate or unreasonable for Ms. Allen to address Appellant during a meeting. Appellant's perception of and reaction to interactions with her supervisor does not make such interactions improper. The Appellant has not presented any evidence to show that this determination by the local board was arbitrary, unreasonable or illegal.

Receiving an email that was hostile in nature and threatening

Appellant maintains that a December 21, 2022 email from Ms. Allen regarding biased language incidents at the school was hostile and threatening in nature. (R. 8). The email states in relevant part:

As the principal, I am responsible for all incidents at school. Therefore, I often take the lead on solution-oriented strategies. These may or may not include you. I value your input; however I may not always choose to seek you out or inform you of every incident....Me reaching out to [Katara] is not a reflection on your effectiveness, rather simply an informed colleague offering suggestions....Again, as the principal it is my prerogative to contact whomever I see fit to help remedy a situation. If that is seen as not including you, then perhaps we need to discuss your role as the Equity Lead at Belle Grover. It seems to me that this is one of many times when you have gotten offended by my decisions. Perhaps a separate discussion about the parameters of your role would be helpful for both of us as it doesn't seem as if we are on the same page and our only focus should be about what is best for kids no matter how we get to that goal.

(R. 110). This email is Ms. Allen's response to a prior email from Appellant in which Ms. Allen clarifies her actions as principal and raises an issue of concern regarding the parameters of Appellant's role as Equity Lead. Despite Appellant's perception of the tenor of the email, the communication is not hostile or threatening and there is nothing improper or actionable here.²

Snubbed and ignored in front of staff

Appellant argued that Ms. Allen "snubbed" and ignored her in front of staff, students and parents on numerous occasions. Appellant further argued that Ms. Allen failed to recognize her work and contributions to the school but did so for others. However, there are a number of acknowledgements of Appellant's work in the record. (R. 148, 150, 164, 168, 169, 173).

The local board states that "strained relations between employees, including between a supervisor and subordinate, can happen in the workplace." (R. 346-47). It is evident that is the case here. Again, Appellant's perception of Ms. Allen's actions does not make them actionable. Appellant has not submitted any evidence that decision of the local board is unreasonable.

Removed from role as Equity Lead

Appellant argues that her removal from the role of Equity Lead, ten days before the return to school was done with "malice and with intent to harm Appellant." (R. 11). The Superintendent's Designee explained in her decision that it was within Ms. Allen's purview to select the Equity Lead as well as her discretion to select someone other than Appellant. (R. 287). While Appellant agreed with both of these propositions, she argued that when viewed in conjunction with the other incidents occurring at the time, her removal was improper. (R. 11).

The Superintendent's designee found that "as the principal, it was within Ms. Allen's purview to select the ... Equity Lead each year" and that there was insufficient evidence presented to support that Appellant was inappropriately removed from the Equity Lead role. (R. 287). The local board concurred, finding that Ms. Allen's actions do not rise to the level of unprofessional conduct. Based on the record, it is clear that the working relationship between Appellant and Ms. Allen was challenging. Ms. Allen had already noted issues with Appellant in terms of the parameters of the position. (R. 110). It was within Ms. Allen's discretion to make a change to the position if she so desired. Appellant has simply not presented any evidence to support a claim that Ms. Allen's selection of someone other than Appellant as Equity Lead was improper or done to intentionally harm Appellant. While Appellant may disagree with Ms. Allen's decision to identify another teacher as the Equity Lead, the disagreement alone does not make the local board's decision arbitrary, unreasonable, or illegal. *Evans v. Prince George's Cnty. Bd. of Educ.*, MSBE Op. No. 24-17 (2024); *Coleman v. Howard Cnty. Bd. of Educ.*, MSBE Op. No. 01-40 (2001).

Additional allegations

The decision of the Superintendent's Designee categorized a number of allegations made by Appellant under "additional allegations." (R. 287-88). Chief among these are the allegations that Ms. Allen hired "her people" when she moved to Belle Grove which was perceived as creating "preferential treatment, favoritism" and caused a "divide in the school." (R. 287). The Superintendent's Designee concluded that "while there was information to support that [this] occurred, there was insufficient evidence that supports that Ms. Allen did anything improper, or that her actions constitute unprofessional conduct or violate an AACPS policy or regulation." (R. 288). We concur.

² In addressing this issue, the Superintendent's Designee's decision appears to incorrectly reference an email received by Appellant from Ms. Allen on December 5, 2022, while Appellant was on leave taking care of her ill aunt. (R. 286-87). Despite this reference, the record contains all of the emails submitted by Appellant, including the December 21 email, none of which can be reasonably viewed as improper. (R. 55, 286).

Appellant also argues that the decision of the Superintendent's Designee does not accurately address her complaint and confuses it with other events. (R. 12). We do not find that to be the case. The Appellant submitted significant documentation in support of her complaint, all of which was available to the Superintendent's Designee and the local board, including the *Timeline of Events* and emails. The claims were properly addressed by the Superintendent's Designee and local board, and the decisions are supported by the record. What this appeal demonstrates is a strained relationship between Appellant and Ms. Allen that has negatively influenced Appellant's perception of Ms. Allen's actions. The conduct described is not actionable and does not support the claim that the local board's decision is arbitrary, unreasonable, or illegal.

Other arguments

For the first time in this appeal, counsel for Appellant raises several arguments that were not presented to the local board:

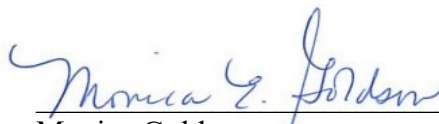
- 1) Appellant was subjected to a hostile work environment;
- 2) Appellant was subjected to harassment based on a protected characteristic;
- 3) Appellant was retaliated against while engaged in protected activity; and
- 4) The local board's decision was based on an incomplete record because AACPS did not interview Ms. Allen or ask her for a written statement in response to Appellant's allegations.

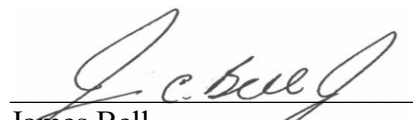
None of these arguments were raised in the local board proceedings. The State Board has long held that it will not consider arguments on appeal that were not raised before the local board. See *Nikol E. v. Montgomery County Bd. of Educ.*, MSBE Op. No. 19-18 (2019)(citing cases). Thus, we decline to consider the Appellant's arguments because it would be inappropriate for us to rule on issues that the local board did not first have the opportunity to address.

CONCLUSION

For all of these reasons, we find that the local board's decision is not arbitrary, unreasonable or illegal. Accordingly, we affirm the decision upholding the decision of the Superintendent's Designee to deny Appellant's complaint.


Joshua L. Michael
President


Monica Goldson
Vice-President

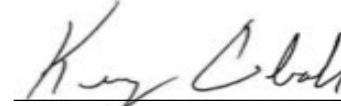

James Bell



Chuen-Chin Bianca Chang



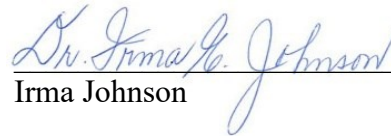
Chet Chesterfield



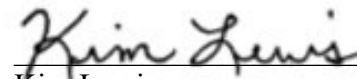
Kenny Clash



Nick Greer



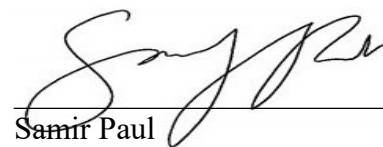
Irma Johnson



Kim Lewis



Rachel McCusker



Samir Paul

Absent:
Xiomara Medina

July 29, 2025