

KELLY URBANIAK,

Appellant

v.

HARFORD COUNTY
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 26-14

OPINION

INTRODUCTION

Appellant appeals the final decision of the Harford County Board of Education (“local board”) dated October 28, 2025, affirming her termination of employment as a bus attendant and overturning the local board’s previous September 5, 2025 decision. The local board responded that its decision was not arbitrary, unreasonable, or illegal. Appellant responded and the local board replied.

FACTUAL BACKGROUND

The Appellant was employed as a bus attendant for students starting in 2017. On March 19, 2025, an incident occurred on a school bus involving a struggle between the Appellant and a student who did not have a safety vest on correctly. The incident was captured on the school bus camera, and the matter was reported to Child Protective Services (“CPS”).

On March 21, 2025, Appellant was placed on administrative leave pending the outcome of an investigation. (R. 34). While external investigations by the Harford County Sheriff’s Office and CPS did not result in criminal charges or substantiated findings of abuse, Harford County Public Schools (“HCPS”) conducted an internal investigation following the conclusion of the external investigations. (R. 36, 38).

The HCPS Human Resources Department conducted a comprehensive internal investigation of the incident including interviewing Appellant and three other witnesses; reviewing the video footage; reviewing the CPS and police investigative summaries; and other evidence. (R. 39). On April 30, 2025, the HCPS Coordinator of Investigations issued a final written report and concluded that Appellant’s misconduct was substantiated by a preponderance of the evidence. The report concluded that when the Appellant discovered that the student’s arm was not properly in the vest, she did not first ask the student to place his arm back in the vest but grabbed the student’s arm, began yelling to the bus driver, and continued to struggle with the student. The report also stated that the evidence also established that Appellant did not use courtesy or respect, was not a model of good behavior, and did not reflect the values of HCPS in violation of local board professional conduct policy. (R. 38 – 42).

On May 28, 2025, Appellant received notice of possible disciplinary action for misconduct in violation of the Statement of Professional Conduct in the Employee Handbook. A pre-disciplinary hearing was scheduled for June 6, 2025. (R. 8). Appellant participated in her due process hearing with her union representative. By letter dated June 9, 2025, Cathy Bendis, Assistant Superintendent for Operations and the Superintendent's Designee, notified Appellant that her employment with the HCPS was terminated effective June 9, 2025 for misconduct when Appellant had an "inappropriate and aggressively physical struggle with a student who did not have his safety vest on appropriately." (R. 9-10).

On June 9, 2025, the HCPS Director of Transportation notified Appellant that she was decertified as a bus attendant as a result of her unprofessional actions and in violation the HCPS Transportation Instruction Manual, which requires attendants to conduct themselves professionally and convey a positive image. (Appeal, Ex. 5). The decertification was issued pursuant to COMAR 13A.06.07.08 which gives the HCPS Director of Transportation the sole discretion to certify bus attendants. (R. 83).

On July 1, 2025, Appellant appealed the Superintendent's Designee's termination decision to the local board. On September 5, 2025, the local board initially overturned the termination, finding it "arbitrary or unreasonable." (R. 79-81). The local board placed Appellant on one year of probation and ordered a remedial path, requiring Appellant to complete training for dealing with special needs students and anger management and also required Appellant to be assigned to a different bus to avoid future interactions with the student involved in the incident. *Id.*

On September 17, 2025, the Superintendent's Designee filed a Motion for Reconsideration ("Motion") with exhibits. (R. 82-97). This Motion clarified that Appellant had already completed the specific de-escalation and special needs trainings that the local board had ordered as conditions for her return and provided exhibits listing the trainings completed by Appellant. (R. 87-97). The Motion also clarified that following the incident, Appellant was decertified at the discretion of the Supervisor of Transportation because Appellant no longer met the qualifications as she was not "able to successfully discharge the duties of the position, and able to command the respect of others" as mandated by COMAR 13A.06.07.08.A(2). (R. 82-83).

On October 7, 2025, Appellant filed a Motion to Strike and Opposition of Motion to Reconsider. (R. 98- 102). Appellant argued to the local board that there is no provision within COMAR to allow a local board to reconsider its own decision and that the only appeal rights of the September 5 local board decision were to the State Board. On October 9, 2025, the Superintendent's Designee filed a Reply. (R. 103 – 104).

Section 5(q) of HCPS Rules of Board Procedure in Appeals and Hearings provides for a party who is aggrieved by a local board decision to apply for a rehearing within thirty (30) calendar days of the date of the decision. The local board met on October 22, 2025 to review the parties' submissions and, by a vote of 4-0 with one abstention, issued its decision on October 28, 2025 to grant the Motion, thereby overturning the earlier decision and affirming Appellant's termination. (R. 105-107). The local board relied upon its rules regarding rehearing and considered the evidence submitted by the parties following its initial decision. The local board noted that the Appellant had received training on how to support special needs students and

training in deescalating situations during the 2024-2025 school year. The local board also stated that it was not aware of the material fact that Appellant had been decertified and concluded that the additional evidence is “directly related to Appellant’s status and will be admitted as evidence in this appeal.” (R. 106).

This appeal followed.

STANDARD OF REVIEW

Decisions of a local board involving a local policy or a controversy and dispute regarding the rules and regulations of the local board shall be considered *prima facie* correct, and the State Board may 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 contrary to sound educational policy, or if a reasoning mind could not have reasonably reached the conclusion of the local board. COMAR 13A.01.05.06B. The Appellant has the burden of proof by a preponderance of the evidence. COMAR 13A.01.05.06D.

LEGAL ANALYSIS

Motion for Reconsideration

Appellant argues that the local board acted illegally because there is no express statutory authority in the Education Article for a "Motion for Reconsideration." We disagree. A local board has the authority to adopt rules of procedure to govern its quasi-judicial functions.

The Harford County Board of Education’s "Rules of Procedure in Appeals and Hearings" explicitly provides for a rehearing. Section 5(q) states:

- A party aggrieved by the decision and order rendered in the particular case may apply for rehearing within 30 calendar days after the date of the decision and order.
- Action on any application shall lie in the sole discretion of the Board.
- The Board, on rehearing, may consider facts not presented in the original hearing... and may, by new order, abrogate, change, or modify its original order.

In this case, the Superintendent’s Designee filed the Motion on September 17, only twelve days after the initial ruling, well within the 30-day window. While Appellant emphasizes the label "Motion for Reconsideration," the Motion functioned as an application for rehearing as contemplated by the local board's own procedures. *See T.A. v. Montgomery Cnty. Bd. of Educ.*, MSBE Op. No. 25-27 (2025)(Local Board Policy does not contain a provision for a motion for reconsideration and the local board treated Appellant’s motion as a motion for a rehearing). The local board’s October 28, 2025 decision specifically stated it considered the documentary evidence submitted by the parties under Section 5(q) of its Rules of Board Procedure. (R. 105).

Due Process Violations

Appellant also contends that the local board’s October decision was illegal because it cited her decertification—an issue she claims was not part of the original termination grounds

and for which she was not afforded a separate hearing. We find that Appellant has failed to establish a due process violation. The record indicates that while the termination and decertification are distinct administrative actions, they both flow from the same underlying misconduct which occurred on March 19, 2025. The decertification was a discretionary action by the Director of Transportation based on the same incident of unprofessional conduct.

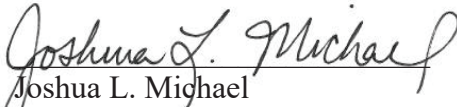
Appellant was aware of her decertified status as early as mid-June 2025. The local board's initial September decision actually acknowledged the need for "rehabilitation" so she could "continue employment around students," implying an understanding that her current status precluded immediate return to duty. The clarification provided during the reconsideration process simply highlighted that Appellant was no longer legally qualified to serve as a bus attendant due to this decertification. Because Appellant had a full opportunity to contest the underlying facts of the misconduct during her June 6 hearing and the subsequent briefing process before the local board, her due process rights regarding the basis for her termination were satisfied.

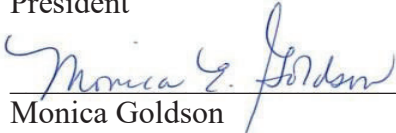
Arbitrary and Unreasonable

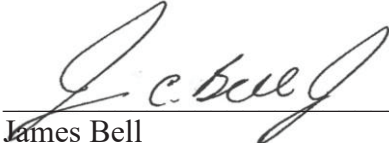
Appellant also argues that the October local board decision was arbitrary and unreasonable. The local board originally sought to rehabilitate the Appellant. However, upon learning that Appellant had already received the very training intended to prevent such incidents, yet the aggressive struggle occurred anyway, the local board determined that termination was the only appropriate safeguard for student safety. We find that a reasoning mind could certainly conclude that an employee who fails to apply de-escalation techniques after being specifically trained in them is appropriately subject to termination.

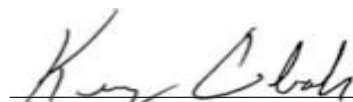
CONCLUSION

The local board followed its adopted procedures for rehearing and reached a conclusion supported by a clarified record. The Appellant has failed to meet the burden of proving that the board's action was illegal, arbitrary, or unreasonable.

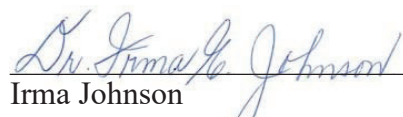

Joshua L. Michael
President

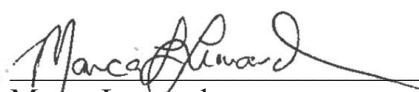

Monica Goldson
Vice-President

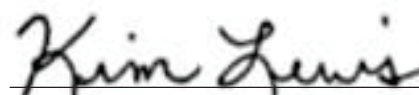

James Bell


Kenny Clash


Nick Greer


Irma Johnson


Marcy Leonard


Kim Lewis

Abstained:
Chet Chesterfield

Absent:
Chuen-Chin Bianca Chang
Xiomara Medina
Samir Paul

March 24, 2026