

EUGENE SPELLMAN,

Appellant

v.

PRINCE GEORGE'S
COUNTY BOARD OF
EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 26-19

OPINION

INTRODUCTION

Eugene Spellman (“Appellant”) appeals the decision of the Prince George’s County Board of Education (“local board”) affirming his termination as an at-will substitute teacher for misconduct and willful neglect of duty after students reported observing Appellant watching pornographic material during class time. The local board responded that its decision was not arbitrary, unreasonable, or illegal.

FACTUAL BACKGROUND

During the 2023-2024 school year, Appellant was employed as a temporary, at-will employee as a substitute teacher assigned to a Prince George’s County Public School System (“PGCPS”) high school. (R. 76). Appellant had no prior disciplinary record during his approximate 10 years of employment with PGCPS as a substitute teacher. (Appeal, p. 2). On May 22, 2024, two students reported to PGCPS staff that they observed Appellant watching a pornographic video on his personal tablet during class. (R. 13-14, 17-18). By letter dated May 28, 2024, the Human Resources Employee Services Center notified Appellant that he was:

- the subject of a Special Investigation by the Office of Safety and Security Services (“OSSS”) into events that took place at school on/around May 22, 2022;
- suspended without pay from substitute teaching pending investigation;
- prohibited from accepting any substitute assignments; and
- prohibited from entering any PGCPS property unless for the purpose of an investigative meeting.

(Appeal, Ex. 1).

On or about May 29, 2024, Appellant submitted a written statement to OSSS to explain “an UNFORTUNATE/HAPHAZARD incident that took place during my assignment” as a substitute teacher explaining that “INAPPROPRIATE MATERIAL showed up as a POP UP on my personal tablet screen. I spent at least several minutes trying to figure out how this happened and tried to DELETE it from the screen, simply because I knew this type of material has NO

PLACE in an educational environment...It is my hope and prayer that your office will accept my plea of apology for an unfortunate incident in violation of the policy that caught me blind sighted.” (Appeal, Ex. 2).

The incident was referred to Prince George’s County Child Protective Services for an external investigation, which “screened out” the matter for abuse. (R. 76). The incident was also referred to the OSSS for an internal investigation and assigned to Investigator Edward Truesdale. As part of his investigation, Mr. Truesdale interviewed three staff witnesses, the two students who reported seeing the pornographic material, and Appellant. On or about November 14, 2024, Mr. Truesdale interviewed Appellant about the incident and Appellant admitted to having inappropriate nude images on his tablet and he explained his nephew had borrowed his tablet and previously accessed pornographic material that appeared as a pop-up and he had tried to remove it from his screen several times. (R. 30 - 33).

As part of the investigation, Student A stated that while approaching Appellant’s desk to request a restroom pass, she observed him scrolling through a pornographic website that displayed multiple images of naked women and men. She further alleged that Appellant had previously made her uncomfortable by staring at her legs and engaging only in "weird" or "stranded" conversations with female students while ignoring male students. (R. 12 – 13). Student B corroborated the primary allegation, stating that she walked behind the desk and clearly saw Appellant watching a video of girls taking their clothes off on his device. (R. 16 – 17).

On March 26, 2025, OSSS issued an investigative report and sustained the allegation of inappropriate conduct. (Report, R. 3 - 8, plus attachments, R. 9 - 41). On April 16, 2025, a virtual meeting was held with Appellant to allow Appellant to dispute the findings of the OSSS report. (R. 76). In a letter dated July 14, 2025, Kristi Murphy Baldwin, Chief Human Resources Officer, notified Appellant that his at-will employment as a substitute teacher was being terminated effective July 14, 2025 on the grounds of misconduct and willful neglect of duty for watching inappropriate pornographic material during school hours and in view of students in violation of Administrative Procedure 4219 – Inappropriate Interactions Among Students and Employees, Independent Contractors, and Volunteers and the Employee Code of Conduct.¹ (R. 76 – 77). The letter also informed Appellant that his name would be submitted for disqualification as a substitute teacher in the State of Maryland.²

On July 25, 2025, Appellant appealed the termination decision to the Superintendent’s Designee, the Office of Appeals and Hearings. (R. 79 – 82). By decision dated September 4, 2025, the Office of Appeals and Hearings found no basis to reverse the termination. The decision stated that although no reason was needed for the termination due to Appellant’s at-will employment status, the termination letter relied upon Appellant’s violation of Administrative

¹ The Employee Code of Conduct prohibits employees from engaging in misconduct or willful neglect of duty; requires all employees to maintain professional relationships with students and to provide an atmosphere conducive to learning through the maintenance of physical and emotional boundaries with students; and prohibits the viewing of pornography on PGCPs property. (R. 54- 56). The Employee Code of Conduct also provides that lack of knowledge of applicable policies and procedures is not a defense to a charge of misconduct and that PGCPs is not obligated to use any specific level of progressive discipline and that a serious violation may warrant termination for a first-time offense. (R. 59 – 60).

² COMAR 13A.07.12.01B vests the State Superintendent of Schools to decide any appeal of the Appellant’s disqualification; and this issue is not properly before the State Board.

Procedure 4219 and the Employee Code of Conduct and Appellant's failure to deny that he had pornographic images on his personal tablet and that students saw the images during class time. (R. 84-85). The Office of Appeals and Hearing affirmed the termination.³ *Id.*

On September 28, 2025, Appellant appealed the Superintendent's Designee's decision to the local board pursuant to Md. Code Ann., Educ. §4-205. The local board considered the appeal on the record and by Order dated December 12, 2025, affirmed the decision to terminate Appellant on the grounds of misconduct in office and willful neglect of duty. (R. 174).

This appeal followed.

STANDARD OF REVIEW

The substitute teacher termination and finding of misconduct and willful neglect of duty appeal arises out of a decision of the local board under Md. Code Ann., Educ. §4-205. 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

Appellant argues that his termination was illegal and arbitrary because PGCPs misapplied policy intent requirements, violated his due process rights, and failed to apply progressive discipline.

Illegal and Arbitrary Finding of Misconduct

Appellant does not dispute that he was an at-will employee. Under Maryland law, an employer can terminate an at-will relationship for any reason—good or bad, fair or unfair—so long as the motivation does not violate a clear mandate of public policy or a statutory prohibition. *See Charlene King v. Baltimore City Bd. of Sch. Comm'rs.*, MSBE Op. No. 14-19 (2014). As an at-will employee, PGCPs was not required to establish "cause" for termination. However, the local board ultimately terminated Appellant for misconduct which may serve as a basis for disqualification from serving as a substitute teacher in any local school system pursuant to COMAR 13A.07.12.01.A(1)(c).

Appellant maintains that this finding of misconduct is arbitrary and unlawful because he was attempting to view a video of his granddaughter's recital when an unsolicited pornographic pop-up appeared. He claims that his lack of technological fluency caused him to struggle for several minutes to close the material and that he was entirely unaware students had viewed his

³ The decision also noted that the final decision regarding substitute teaching disqualification would be decided pursuant to COMAR 13A.07.12.01.

screen. Appellant also suggested that a family member who previously used the tablet may have visited the websites responsible for the pop-ups. While Child Protective Services "screened out" the matter for abuse, the OSSS investigator sustained the charges of inappropriate conduct based on Appellant's admission that the material was present on his device and the detailed eyewitness accounts provided by the students who saw the inappropriate material.

While Appellant argues that the local board misconstrued its Employee Code of Conduct and Administrative Procedure 4219 by ignoring his lack of "intent" the local board is responsible for interpreting its own policies. The record reflects Appellant immediately admitted that he engaged in conduct "for an unfortunate incident in violation of the policy that caught me blind sighted." *See* Appeal, Ex. 2. The investigator did not find Appellant's assertion that he was merely trying to close a pop up credible. The record contains student eyewitness statements asserting that Appellant was observed sitting and watching pornographic material during class. We find that a reasoning mind could certainly conclude that an employee who was caught watching pornographic material during class time and in view of students is appropriately subject to termination.

Due Process Violations

Appellant argues he was denied due process because he did not receive a pre-termination hearing and full access to investigative materials. However, at-will employment does not constitute a property interest for the purposes of due process protections. Because at-will employees may be terminated without cause, employers are generally not required to provide the protections sought by Appellant. *Stafford v. Baltimore City Bd. of Sch. Comm'rs.*, MSBE Op. No. 20-37 (2020) (A hearing was not required to terminate Appellant as an at-will substitute teacher because there is no constitutional or statutory basis to hold an evidentiary hearing or oral argument).

Appellant further contends that the threat of statewide disqualification based upon the misconduct finding creates a "stigmatizing" liberty interest requiring a *Loudermill* hearing. We note that the disqualification process itself is a separate matter for the Maryland State Department of Education to address under COMAR 13A.07.12.01. Even if Appellant could establish entitlement to a pretermination hearing, the record demonstrates that Appellant had notice and an opportunity to respond to the charges against him. *See Goines v. Prince George's Cnty. Bd. of Educ.*, MSBE Op. No. 17-16 at 1 (2017) ("A *Loudermill* conference, also known as a pre-termination hearing, is a conference where employees are given notice of the charges against them and provided with an opportunity to respond"). The record reflects that Appellant was immediately aware that he was subject to disciplinary action due to his viewing pornographic material during class time and he had numerous opportunities to refute the charges against him at each stage of the disciplinary process.

We find no due process violations.

Progressive Discipline

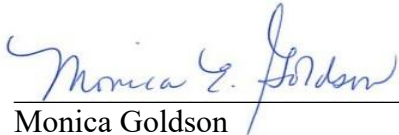
Appellant argues that his long-standing unblemished record should have mitigated the sanction of termination. The Employee Code of Conduct states that PGCPs is not obligated to use any specific level of progressive discipline and that a serious violation may warrant termination even for a first-time offense. The local board determined that viewing pornography in the presence of students is a sufficiently serious offense to warrant immediate termination.

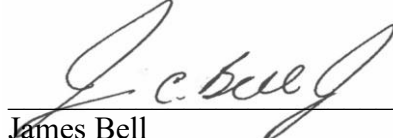
We will not substitute our judgment for that of the local board on this

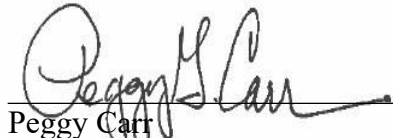
CONCLUSION

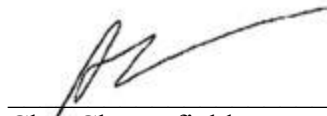
Appellant has failed to meet the burden of proving that the local board's action was arbitrary, unreasonable, or illegal.

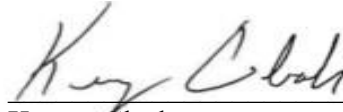

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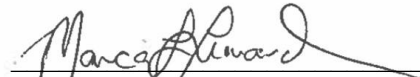

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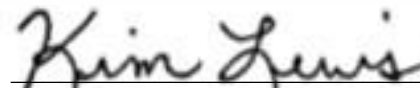
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April 28, 2026