

CHARANN WHITE,

Appellant

v.

MONTGOMERY COUNTY
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 26-20

OPINION

INTRODUCTION

In this appeal, Appellant challenges the decision of the Montgomery County Board of Education ("local board") to suspend her without pay for ten days for misconduct in office. We transferred the appeal to the Office of Administrative Hearings ("OAH"), where an Administrative Law Judge ("ALJ") conducted a hearing. On January 8, 2026, the ALJ issued a Proposed Decision concluding that the Appellant committed misconduct in office but recommended reducing the ten-day suspension issued by the local board to a reprimand.

The local board filed Exceptions to the ALJ's recommended disciplinary sanction. Appellant filed a Response accepting the ALJ's finding of misconduct but urging the State Board to affirm the proposed reprimand. The State Board heard oral argument on the exceptions on April 28, 2026.

FACTUAL BACKGROUND

The comprehensive factual background in this case is contained in the ALJ's Proposed Decision, Findings of Fact, pp. 5-13, and is incorporated herein by reference. We highlight the following salient facts:

The Appellant has been a teacher in Montgomery County Public Schools since 1998 and began teaching at Francis Scott Key Middle School in 2013. (LBR. 25). On September 18, 2023, incidents occurred in the Appellant's classroom involving two sixth-grade students. Nine students provided written statements indicating that the Appellant had aggressively grabbed books from the hands of Student 1 and later grabbed the cheeks or face of Student 2. (LBR. 28-30).

Child Protective Services ("CPS") investigated the incident and ruled out physical child abuse. (LBR. 26). MCPS's Department of Compliance and Investigations ("DCI") subsequently conducted an internal investigation, concluding that the Appellant violated the MCPS Employee Code of Conduct and policies regarding positive behavior interventions. (LBR. 23).

The Superintendent recommended a ten-day suspension. (LBR. 82-84). The local board's hearing examiner recommended upholding the ten-day suspension, noting the Appellant had been previously directed on multiple occasions not to place her hands on students. (LBR. 505-

529). The local board adopted the hearing examiner's recommendation on May 22, 2025. (LBR. 611-613).

In his *de novo* review, ALJ Levin found the student accounts to be reliable and concluded that the Appellant forcibly removed books from Student 1's hands and grabbed Student 2's face. (Proposed Decision at 42). The ALJ found this constituted misconduct in office. *Id.* at 42-43. However, he found the ten-day suspension to be "unduly severe" and recommended a reprimand, citing the CPS "ruled out" finding, dismissing the relevance of prior disciplinary warnings, and noting the incidents were brief lapses in self-control in a challenging classroom. *Id.* at 43-44.

STANDARD OF REVIEW

The standard of review for certificated employee suspension actions is *de novo*. COMAR 13A.01.05.06F(1). The State Board exercises its independent judgment on the record before it to determine whether to sustain the suspension of a certificated employee and may, in its discretion, modify a penalty imposed. COMAR 13A.01.05.06F(2) & (4). The local board bears the burden of proof by a preponderance of the evidence. COMAR 13A.01.05.06F(3).

When a case is transferred to the OAH for proposed findings of fact and conclusions of law, the State Board may affirm, reverse, modify or remand the ALJ's proposed decision. The State Board's final decision, however, must identify and state reasons for any changes, modifications or amendments to the proposed decision. *See* Md. Code Ann., State Gov't §10-216(b).

LEGAL ANALYSIS

Because the Appellant did not file exceptions to the ALJ's finding that Appellant committed misconduct in office, we adopt the ALJ's Findings of Fact and Conclusions of Law regarding the misconduct itself. Our analysis focuses on the local board's four Exceptions regarding the ALJ's proposed reduction of the penalty.

Exception 1: Reliance on the CPS "Ruled Out" Finding

The local board argues that the ALJ improperly relied on the CPS finding of "ruled out" for physical child abuse to conclude that the Appellant's misconduct fell on the "less severe end of the spectrum of teacher misconduct." The local board asserts that CPS standards differ entirely from the MCPS Code of Conduct, which prohibits inappropriate physical contact regardless of whether it meets the statutory definition of child abuse. The Appellant counters that the "ruled out" finding is highly relevant to the sanction because it confirms the students were not harmed or placed at substantial risk of harm.

While the ALJ correctly noted that CPS and MCPS investigations are not coterminous, relying on a lack of criminal or statutory child abuse to mitigate a policy violation undermines the school system's authority to enforce its own safety and behavioral standards. As we have previously held, any physical contact with a student to stop bad behavior that presents no risk of harm to others violates explicit employer expectations and warrants strong action by the local board. *See Price v. Baltimore City Bd. of Sch. Comm'rs.*, MSBE Op. No. 14-35 (2014); *McGill v. Baltimore City Bd. of Sch. Comm'rs.*, MSBE Op. No. 14-22 (2014); *McKee v. Baltimore City Bd. of Sch. Comm'rs.*, MSBE Op. No. 13-64 (2013). We understand the reason for the ALJ's reliance on the CPS finding (Proposed Decision at 43-44), however, a ten-day suspension, as opposed to

a suspension of greater length or a termination, already reflects that Appellant's conduct was not in the most severe range. We find that a mere reprimand in this instance is insufficient for accountability and behavior modification purposes when Appellant has previously received warnings for similar behavior yet continued to repeat the conduct.

Exception 2: The "Challenging Classroom" Defense

The local board takes exception to the ALJ discounting the severity of the misconduct because the Appellant was "dealing with a challenging classroom in which students disliked her and laughed at her." The local board argues that disruptive student behavior does not excuse a teacher's physical contact with a student. The Appellant responds that the classroom dynamics contextualize the event as a spontaneous lapse in judgment rather than a malicious act.

As to the classroom dynamics, there is no record evidence that the Appellant ever raised any concerns about the conduct of students in her class to her supervisor, or that she complained of a disruptive or challenging classroom environment. Even if the class was challenging because of disruptive student behaviors, we concur with the local board that this does not allay the severity of the misconduct. A teacher must maintain professional composure regardless of student behavior. Disrespectful or out-of-control students in the classroom do not mitigate a teacher's decision to engage in inappropriate physical contact. *See Price, supra; Brown v. Baltimore City Bd. of Sch. Comm'rs*, MSBE Op. No. 09-31 (2009). A challenging classroom environment cannot serve as a mitigating factor for a teacher grabbing a student's face or prying objects from their hands. Appropriately and effectively managing such dynamics is a core professional responsibility and failure to effectively manage the classroom in the way exhibited here justifies the suspension.

Exception 3: Progressive Discipline and Prior Warnings

The local board takes exception to the ALJ's dismissal of the Appellant's prior disciplinary history that resulted in admonishments or reprimands in recommending a reprimand instead of a ten-day suspension. Appellant's disciplinary history included a 2006 incident of grabbing a student's "bubble blowing pen" causing an injury; a 2014 incident of blocking a student with her hands to prohibit entry to a restroom; and a February 2023 incident of attempting to grab a soccer ball from a student. We do not find that these incidents are too remote to support a suspension. Nor does the fact that the Appellant may have contested them discount them in any way as the resultant warnings are part of her employment history and establish a pattern of behavior.

The local board correctly points out that the Appellant was given explicit directives on multiple occasions to not place her hands on students. In 2006, she was told "never grab or forcibly attempt to take anything from a student." (LBR. 45). In 2014, she was directed "not to place your hands on any student." (LBR. 47). Just months before the September 2023 incidents, a February 27, 2023 memorandum directed the Appellant: "not to place your hands on any students. This includes, but is not limited to attempting to, attempting to grab items from students." (LBR 54-55).

Appellant's argument that long gaps between incidents show she "learns from her reprimands" is unpersuasive, particularly given the February 2023 directive that preceded the September 2023 misconduct. On the contrary, the multiple warnings over a period of years should have resulted in the Appellant learning from her mistakes and correcting her behavior.

When prior written warnings and non-disciplinary counseling fail to correct behavior, escalating to a suspension is the cornerstone of progressive discipline.

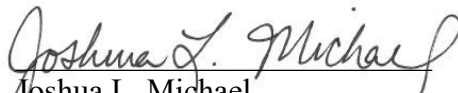
Exception 4: Severity of the Sanction

Finally, the local board argues that the ten-day suspension is not "unduly severe". The Appellant argues that the suspension is excessive compared to precedents where teachers were terminated or suspended for far more egregious, sustained, or malicious behavior.

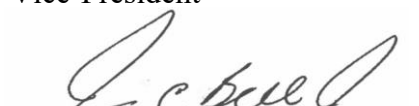
The State Board has consistently upheld significant suspensions, and even terminations, for teachers who violate clear rules regarding physical contact with students, especially when they have been warned previously. *See Price, supra; McGil, supra; McKee, supra.* Given the Appellant's prior history and her repeated failure to heed explicit directives regarding physical contact with students, a ten-day unpaid suspension is not unduly severe. It is a reasonable and appropriate measure to ensure student safety and enforce school system behavioral expectations.

CONCLUSION

We adopt the ALJ's Proposed Decision determining that the Appellant committed misconduct in office. However, as explained above, we modify the ALJ's Proposed Decision to the extent it discusses and recommends reducing the penalty to a reprimand. We affirm the local board's decision to suspend the Appellant for ten days without pay.

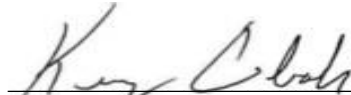

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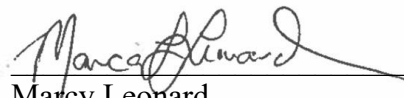

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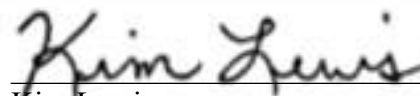

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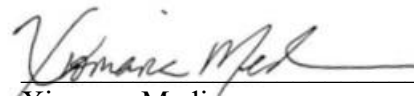

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April 28, 2026

*Board Member Nicole Murray-Lewis did not participate in this appeal.