

NATASHA WHITE,

Appellant

v.

MONTGOMERY COUNTY
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 26-23

OPINION

INTRODUCTION

Dr. Natasha White, previously known as Dr. Natasha Jones, ("Appellant") challenges two decisions by the Montgomery County Board of Education ("local board"). The first appeal arose from the local board's October 30, 2025 decision affirming Montgomery County Public School System's ("MCPS's) denial of her administrative complaint challenging the hiring process for a central office position and other issues. The second appeal challenges the local board's February 6, 2026 decision which denied her allegations of workplace bullying, harassment, and retaliation by Superintendent Dr. Thomas Taylor and executive leadership. The State Board consolidated these appeals into a single action.

The local board filed responses to both appeals, maintaining that its decisions were not arbitrary, unreasonable, or illegal. Appellant filed responses and the local board filed replies.

FACTUAL BACKGROUND

In September 2022, Appellant, with approximately 27 years of experience at five different Maryland local school systems was hired by MCPS as the Director (I), Division of Appeals ("Director I"). This position is a member of the Montgomery County Association of Administrative and Principals and subject to the terms of the collective bargaining agreement ("MCAAP Agreement"). Upon her arrival, the local board issued a directive emphasizing the critical need for improved timeliness and more thorough written analysis in the adjudication of student appeals. Appellant successfully addressed this directive, receiving "meets standards" evaluations in June 2023 and June 2024. (R2. 12).¹ During her tenure, she also became a vocal advocate for student rights and fair disciplinary practices noting that Black students and students receiving special education services were being disproportionately recommended for expulsion. *Id.*

On July 1, 2024, Dr. Thomas Taylor ("Superintendent") was appointed superintendent of schools for MCPS. The Superintendent's leadership focused on prioritizing support for school-based staff in general, and school principals in particular. (R2. 14). The record reflects that there was friction between Appellant and executive leadership regarding the autonomy of the hearing officer role. The Superintendent's view of how disciplinary action should be dispensed differed from what Appellant experienced under prior leadership.

¹ R refers to the record filed by the local board in response to Appeal I. R2 refers to the record filed by the local board in response Appeal II.

Two examples of such conflicts occurred in the fall of 2024. In October 2024, Appellant advised a principal on legal steps for a student with disability, only to be overruled by Chief of Schools Peter Moran. (R. 32). A similar conflict occurred in December 2024 when the Superintendent's Chief of Staff relayed a directive to ensure involved students did not return to school following a serious high profile high school incident before a formal investigation could be concluded. (R. 32-33). The decisions of the Director I were supposed to reflect the positions of the Superintendent and the Superintendent had a right to emphasize his opinion during the appeal process. (R2. 17).

In tandem with these operational disagreements, as part of the MCPS FY26 budget, MCPS announced a significant central office reorganization that would eliminate 81 positions. The budget process and resulting staff reductions presented enormous challenges for MCPS Human Resources staff. (R2. 15). On December 16, 2024, Appellant received formal notification that her Director I position would be eliminated and restructured into a higher-level Director II, Student Conduct and Appeals position, ("Director II") resulting in her placement on the involuntary transfer list. (R. 28). The letter outlined her rights as an employee under the MCAAP Agreement, including guaranteed placement in a position for which she was certified and qualified should she not secure a role through the regular hiring process. The letter also informed Appellant that if she was not placed by the end of March 2025 hiring window, she would be considered a priority placement. The letter also notified her in alignment with the MCAAP Agreement that Appellant would retain her current salary and years of service even if placed in a lower grade role. The letter also encouraged all employees notified of involuntarily transfers to apply for vacancies, with the assurance of receiving guaranteed interviews for positions aligned with their qualifications. (R. 18, 28, 40).

In January of 2025, because Appellant did not apply for any other MCPS positions, she was notified by her supervisor that she would be placed on the involuntary transfer list, and she was encouraged to apply for open positions for which she would be guaranteed interviews. Despite the fact that thirty-seven assistant principal positions were posted between May 1 and late July of 2025, Appellate did not apply for any of them. (R2. 23).

By letter dated April 28, 2025, Appellant was notified she was involuntarily reassigned as an assistant principal at North Bethesda Middle School. (R. 29). Between April and July 2025, Appellant pursued several avenues to remain in leadership, including applying for the newly created Director II position and an Executive Director of Equity role. On May 22, 2025, Appellant sent a joint email to the MCPS Chief of Staff, Ms. Essie McGuire. (R2. 20). In this email, Appellant requested that she be considered for placement in one of the new coordinator positions that would be operating under the Director II position. Although Ms. McGuire responded that she would consider the request, Appellant did not hear anything further. Appellant never applied for the coordinator position. (R2. 21).

On or around May 28, 2025, Appellant interviewed for the Director II position. The Director II position had broader responsibilities than her Director I position, while 60% of the new position compromised duties from the Director I position, 40% of the duties were new. (R2. 13). On or about June 6, 2025, Appellant was notified that she was not selected for Director II position.

Appellant's Appeal I – Administrative Complaint

On June 10, 2025, Appellant filed an administrative complaint challenging the central office reorganization, the interview process for the Director II position, and the involuntary transfer to North Bethesda Middle School. Specifically, Appellant's complaint alleged violations of Local Board Policy GEA, *Board Appointment of MCPS Leaders* and Regulation GEA-RA, *Selection and Appointment of Administrators, Supervisors and Interns*. Appellant also requested the ability to accrue cost-of-living adjustments and negotiated increases; input into involuntary transfer placement; and the option to be placed into one of the positions in the newly created office of student conduct. (R. 38, 99).

MCPS Regulation GKA-RA, *Administrative Complaints* outlines the process for review of Appellant's complaint. The administrative complaint was reviewed by coordinators within the Division of Human Resources and Talent Management ("DHRTM"). On July 1, 2025, they denied the complaint, concluding that the hiring process for the Director II position conformed with Policy GEA stating, "while the hiring process extended slightly beyond the ideal two-month timeframe outlined in the Policy GEA Section E.2, the policy allows for flexibility whenever possible" and the extension was necessary due to organizational changes. (R. 39-41). DHRTM also concluded that hiring process complied with all relevant provisions of Policy GEA finding the "process was transparent, inclusive, and rigorous, and maintained the integrity, fairness, and responsiveness that the policy is designed to ensure." (R. 40). DHRTM also concluded that the involuntary transfer and placement process complied with the procedural expectations and protections outlined in the MCAAP Agreement. (R. 40).

Appellant appealed the level one decision, adding a claim for retaliation specifically claiming that she was not selected for the Director II position in retaliation for her "refusal to participate in violations of student rights, [her] advocacy for fair and lawful disciplinary practices and [her] role in revising the Student Code of Conduct." (R. 46-47). In her Level II appeal, Appellant argued that the "Level I response failed to address [her] primary concern: that executive leadership bypassed performance-based interview process to select a candidate who was demonstrably less qualified than two internal employees." (R. 46). The former Chief Talent Management Officer, Kaylan Connally, met with Appellant on July 22 to discuss the administrative complaint and issued a denial of Appellant's complaint on July 29, 2025. (R. 46-47).

Ms. Connally's written decision concluded that the hiring process was conducted in accordance with MCPS hiring process and "reflected a comprehensive evaluation of the candidates' alignment to the role's expectations." (R. 46-47). The decision explained to Appellant, "[T]he panel's feedback suggests that while you bring relevant experience, there were opportunities to more clearly demonstrate the strategic leadership, systems thinking, and cross-functional collaboration needed in this role" and these considerations informed the final hiring decision. (R. 46). The decision also stated MCPS follows a consistent practice regarding cost-of-living adjustments and salary increases for all employees and the same guidelines apply to all similarly situated employees and no individual assurances beyond the contract provisions will be issued. (R. 47). During this phase, a settlement was offered—reassignment to an alternate assistant principal position at a school closer to Appellant's home or an instructional specialist role in the Division of Specialized Support Services—contingent upon the withdrawal of the complaint. Appellant declined both options and appealed the level two decision to the department of labor relations. *Id.*

On July 30, 2025, Appellant filed a request for level three review with the Director of the Department of Labor Relations. The level three administrative complaint review was assigned to a hearing officer, Donald Kopp. On August 13, 2025, the hearing officer attempted to schedule a meeting with Appellant, but Appellant elected to go directly to the local board and stated "in lieu of a timely decision by the director of DLR, I am submitting my complaint to" the local board. (R. 11). Mr. Kopp conducted a review based upon the written record. On August 20, 2025, Mr. Kopp denied Appellant's complaint determining there was an impartial and efficient interview process and no evidence supported Appellant's arguments that the selection process for the Director II position failed to comply with local board Policy GEA and local board Regulation GEA-RA. (R. 48-51). He further informed Appellant that her concerns raised pursuant to the negotiated MCAAP Agreement were "required to be addressed through the grievance procedures in the [MCAAP Agreement] and cannot be addressed through the administrative complaint process." *Id.* Furthermore, he concluded that Local Board Regulation GKA-RA IV.A.2 excludes allegations of bullying, harassment, retaliation, and grievances under the MCAAP Agreement for review under the administrative complaint process. (R. 175).

Before Mr. Kopp issued the level three decision, Appellant appealed to the local board asserting that she was entitled to pursue her appeal because MCPS administration missed the deadline for the level three decision. (R. 11). The local board accepted the appeal and reviewed the supporting documentation on the written record at its October 16, 2025 closed session meeting. (R. 53-55). On October 30, 2025, by decision and order, the local board affirmed by a unanimous vote the denial of the administrative complaint, finding “no evidence to suggest that the hiring process was not conducted in compliance with Board Policy GEA....and MCPS Regulation GEA-RA....” *Id.* The local board concluded that although Appellant disagrees with the evaluative aspects of the hiring decision, there was no evidence to support that the hiring of another candidate for the Director II position was arbitrary or unreasonable.

On November 28, 2025, Appellant appealed the local board’s decision to the State Board and asserted that MCPS “failed to adhere to its established policies concerning the appointment of leadership positions and the involuntary transfer process.” (R2. 62-69). Appellant claimed that the local board erred when it found that MCPS complied with Board Policy GEA with respect to interview and selection process for the Director II role because the local board failed to explain what evidence it relied upon to reach its decision. (R. 63). Appellant also raised concerns regarding MCPS’ compliance with the provisions of the MCAAP Agreement that govern the involuntary transfer process. *Id.* The appeal referenced alleged delays in the administrative complaint process and her confusion regarding the discrimination complaint process. (R. 66-67). Appellant requested the following remedies in order to resolve her appeal: 1) new involuntary transfer assignment; 2) salary adjustment; and 3) reimbursement for sick days caused by alleged work-related stress. (R. 67-68).

Appellant’s Appeal II – Discrimination, Harassment, and Workplace Bullying Complaint

On July 7, 2025, Appellant submitted a discrimination, harassment, and workplace bullying complaint against the Superintendent and executive leadership alleging harassment, workplace bullying, and retaliation after she was not selected for the Director II position.² (R2. 1-5). Appellant alleged that she was unfairly targeted and subjected to retaliation, specifically the decision not to select her for the Director II position, due to her “steadfast advocacy for fair and lawful disciplinary practices,” her efforts to comply with federal, state, and MCPS regulations concerning the rights of Black students and students receiving special education services, and her refusal to participate in what she alleged were violations of student rights. (R2. 4-5).

Appellant argued that she was unable to receive a cost-of-living adjustment and salary increase and was assigned to a position that was located nearly two hours from her home as a result of the alleged retaliatory behavior. (R2. 3). Appellant sought several remedies, including reconsideration for the Director II position, additional input and reconsideration regarding her transfer to the assistant principal position at North Bethesda, placement in a different position within the Department of Student Conduct and Appeals, and cost-of-living adjustments. *Id.*

Because Appellant specifically alleged harassment and retaliation by the Superintendent, the complaint was routed directly to the local board. On September 8, 2025, the local board engaged Argus Resources, LLC (“Argus”) to conduct an impartial, objective and independent investigation of the allegations contained in the complaint and to issue a report on its findings. Under the local board’s direction, Argus was granted complete discretion on how to conduct the investigation and all personnel deemed relevant to the matter were made available and interviewed. (R2. 10). In addition to its review of materials provided by Appellant and MCPS personnel, Argus conducted interviews with thirteen current

² Appellant also filed a charge of discrimination with the Maryland Commission on Civil Rights and a grievance under the MCAAP Agreement. Those claims are not properly before us for review and we will not address them in this decision.

or former MCPS employees including Appellant regarding the allegations made in the complaint. (R2. 11).

The Argus Independent Investigation

On December 17, 2025, Argus issued a comprehensive 19-page report (the “Argus Investigation”) (R2. 6–25) to the local board concluding:

There is no evidence that [Appellant] was bullied or harassed in the performance of her duties. That said it is indisputable that decision emanating from [Appellant’s] office created some tension between school-based staff and with Dr. Thomas Taylor, the new Superintendent. MCPS has legitimate non-pretextual reasons for the actions it took. And while [Appellant] may have felt tension from direction being given by the new administration, those tensions do not meet the definition of bullying, harassment as articulated in MCPS policies.

As to the claims of retaliation, there is no evidence to support the claim that the reformulation of [Appellant’s] Director I job, the requirement that she must apply for and interview for the new Director II position, her failure to successfully interview for the new position, the decision not to consider her for the Coordinator role, and assigning her to an Assistant Principal position at North Bethesda Middle School were acts of retaliation. MCPS has supplied legitimate business reasons for all the decisions/actions taken and has produced evidence showing that [Appellant] was treated no differently than other similarly situated employees.

(R2. 9-10).

The Argus Investigation contained a detailed analysis of the hiring for the Director II position. Appellant was one of seven individuals interviewed. Ms. McGuire was in charge of the Appointments Committee and sat in on the interviews for the Director II position which included seven candidates for the position. According to Ms. McGuire, the Superintendent shared his vision to fill the spot with a candidate who had experience as a principal in MCPS because the position would require regular interaction with school principals and he wanted to ensure that the candidate could understand the tension school-based leaders experienced when dealing with student disciplinary issues. (R2. 13). While Appellant interviewed well and was confidentially told that many panelists ranked her first or second in the selection process, Ms. McGuire noted that her interview responses relating to collaborative decision making and cross-functional work were questionable. Ms. McGuire’s decided not to advance Appellant further in the selection process because MCPS administrators wanted someone with stronger leadership and collaboration skills. She described Appellant’s experience as more narrowly focused and her collaborative soft skills were not at the level needed for the position. (R2. 19-20).

The Argus Investigation found that there is no evidence that Dr. Taylor’s rationale – and Ms. McGuire’s implementation of it, had any relations to Appellant’s advocacy and concluded that the process and selection criteria were rooted in legitimate business considerations and supported by the experience and history of prior incumbents. The successful candidate was selected because of his temperament and experience as a principal met the criteria the Superintendent and Ms. McGuire sought and concluded the “reasons he was selected over [Appellant] are legally valid and not pretextual or retaliatory.” (R2. 20).

The Argus Investigation also found that Appellant was not considered for the coordinator role because she never applied for this position and because “it would have created a ‘difficult dynamic’ with her assuming a lower-level position within the same department that she previously worked.” (R2. 15). The Argus Investigation concluded that Appellant was not considered for the coordinator role for legitimate reasons based on sound human resources considerations. *Id.*

Appellant and the Superintendent received copies of the Argus Investigation, and they were provided with an opportunity to respond to its findings. In her response, Appellant reaffirmed her claims of workplace bullying and retaliation. (R2. 43- 48). She asserted that the “subjective nature” of the selection process allowed MCPS leadership to select another candidate for the Director II position despite her prior experience which, she stated, “made [her] more qualified than other applicants.” *Id.* She referenced an additional example of personal interactions that she asserted were evidence of retaliation by MCPS leadership. In October 2025, Dr. Moran questioned staff in the Department of Student Conduct and Appeals regarding a disciplinary decision involving a student attending North Bethesda Middle School and related to a MCPS employee who works closely with Dr. Moran. Dr Moran then reassigned the student to a different administrator other than Appellant. Appellant alleges this conduct undermined her professionalism and represents a conflict of interest. (R2. 46). She also asserted that the stress resulting from these events had caused her to experience significant physical illness. *Id.*

The local board considered the matter in closed session on January 22, 2026. The local board voted to adjudicate the appeal on the written record and, after reviewing the record found that there was insufficient evidence to support Appellant’s claims of bullying, harassment, and retaliation. On February 5, 2026, the local board rendered by unanimous vote a decision and order that explained the local board’s rationale in reaching its decision. (Appeal II, Ex. 1.)

Regarding Appellant’s bullying and harassment claims, the local board found that the decisions and statements made by the Superintendent and other members of MCPS leadership reflected a viewpoint on the administration of student discipline that differed from what Appellant experienced under prior leadership, but the communication of these decisions and statements did not render Appellant “the victim of harassment or bullying.” *Id.* at 3. The local board found “no other statements or conduct in the record that were intended to ridicule, demean, or offend Appellant with regard to her personal characteristics, that is threatening or intimidating, or that is severe and pervasive.” *Id.* at 4. Therefore, it found the harassment and bullying allegations in the complaint to be without merit. *Id.* The local board agreed with the Independent Investigation’s finding that Appellant failed to establish the Superintendent and MCPS leadership retaliated against her by restructuring the Director I position, selecting another candidate for the Director II position, and reassigning Appellant to the assistant principal position at North Bethesda. *Id.* The local board noted that the Superintendent has the authority to select the individuals who will fill key roles in his administration based on his view of the needs of the position and the experience and strengths of the candidates. *Id.*

Furthermore, the local board found that there was nothing in the record to suggest that the process for filling the Director II position was inconsistent with local board policies or regulations and that Appellant had not demonstrated that her reassignment to North Bethesda, as well as the alleged increase to her commute, was inconsistent with the standard reassignment process for involuntary transfers or was otherwise retaliatory. *Id.* at 4–5.

On March 7, 2026, Appellant appealed the local board’s decision to the State Board.

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 a reasoning mind could not have reasonably reached the conclusion the local board or the local superintendent reached. 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

New Evidence

In her Appeal II and Response II, Appellant attempts to introduce additional evidence relevant to her allegations that the Chief of Division of School Leadership engaged in alleged harassment and bullying behavior based upon his involvement in a student discipline incident at North Bethesda Middle School in October 2025. The local board objects to the introduction of any new evidence as Appellant failed to offer any reasons as to why this information was not included in her appeal to the local board when she raised this issue. *See*, R2. 46. We will not consider this new evidence as the record does not contain any good reasons for the failure to include this evidence before the local board as required by COMAR 13A.01.05.04C. *C.C. v. Montgomery Cnty. Bd. of Educ.*, MSBE Op. No. 26-05 (2026). We find this issue was fully briefed and considered by the local board.

Director II Position and Coordinator Position in the Division of Appeals

In her appeal to the State Board, Appellant argues that the Superintendent's decision to hire another candidate for the Director II position was arbitrary and unreasonable because she believes she was the more qualified candidate based upon her prior experience and performance in the Director I position. Appellant argues that the local board decision was lacking in "an impartial and efficient interview process that ensures transparency, due diligence and effective communication with all candidates" as required by Local Board Policy GEA. R. 63. She takes issue with the subjective nature of the interview process and the appointments committee's decision not to advance her to the final interview round for the Director II position. She argues that the successful candidate must have been pre-selected and his selection was not based upon a fair and performance-based process, as required by MCPS Regulation GEA-RA.

The State Board has long recognized and upheld the Superintendent's broad authority to assign and transfer school personnel under §6-201(b) of the Education Article, stating that school personnel have "no entitlement to any position within the school system" and their assignment and transfer to another position, whether lateral or one of lower rank, is solely within the discretion of the Superintendent. *Colemen v. Howard Cnty. Bd. of Educ.*, MSBE Op. Np. 01-40 (2001). Regulation GEA-RA implements this process for the Superintendent to assign personnel and establishes procedures for the adequate consideration of applicants and "establishes procedures for identifying available positions, processing applications, and selecting candidates" to be recommended by the Superintendent to the local board for appointment. (R. 163). The local board's interpretation of its own policy is given due deference on appeal. *Sullivan v. Montgomery Cnty. Bd. of Educ.*, MSBE Op. No. 01-10 (2010)(In analyzing the meaning and intent of the regulation, the local board's interpretation of its own regulation is entitled to deference).

The record before us demonstrates that the hiring process was conducted in accordance with MCPS policy and procedures and "reflected a comprehensive evaluation of the candidates' alignment to

the role's expectations." (R. 46-47). All of the witnesses interviewed for the Argus Investigation confirmed historically that when a position is eliminated everyone affected is required to apply and interview for a new position. Many of the witnesses interviewed also had to apply and interview for positions because of the restructuring. (R2. 19). For this position, the Superintendent wanted someone with experience as a MCPS principal who could understand the tension school-based leaders experienced when dealing with disciplinary issues. Ultimately, the Superintendent is responsible to the local board for the administration of MCPS operations. It is within his responsibility to ensure that the Director II position was offered to the candidate he felt was most qualified for the role following the interviews.

Moreover, the independent Argus Investigation confirmed that the decision-making processes for Director II position were based on legitimate non-pretextual reasons. Appellant's collaborative decision making and cross-functional work were in question and Appellant was not advanced to the second round of interviews because MCPS administrators wanted someone with stronger leadership and collaboration skills. The Argus Investigation also established that the successful candidate was selected because of his experience and temperament as a principal and he met the criteria set out for the newly created role.

Appellant's disagreement over the assessment of her and the successful candidate's experience and qualifications does not render the local board's decision arbitrary or unreasonable.

Due Process – Administrative Complaint Review

Appellant also argues that the local board's decision and the review of her administrative complaint was lacking in due process because there was no independent review of the interview process and the local board's decision regarding her administrative complaint was deficient because it provided no explanation of the evidence reviewed to support the decision. The record before us demonstrates that Appellant's administrative complaint was reviewed in accordance with MCPS Regulation GKA-RA. The Appellant's administrative complaint was reviewed at three levels by different individuals. At level three, Appellant was provided with the opportunity to engage with the hearing officer but declined to do so and instead elected to take her appeal directly to the local board.

Furthermore, the local board is not required to address each piece of evidence as requested by Appellant in its decision. *N.Z. v. Montgomery Cnty. Bd. of Educ.*, MSBE Op. No. 18-36 (2018) (A review of the cited documents shows that they are detailed and address with specificity the Appellant's arguments in support of his appeal and the basis for its decision). The local board's decision contains sufficient rationale for the State Board finding "no evidence to suggest that the hiring process was not conducted in compliance with Board Policy GEA...and MCPS Regulation GEA-RA..." (R. 53-55). The local board concluded that although Appellant disagrees with the evaluative aspects of the hiring decision, there was no evidence to support that the hiring of another candidate for the Director II position was arbitrary or unreasonable. *Id.*

MCPS Policy BLB requires each local board decision to include "written findings of facts, conclusions of law, and a specific description of the disposition of the case." (R. 153). The local board decision before us is comprehensive and complies with all policy requirements. Finally, although the local board procedures do not require an independent review of the interview process, ultimately one was conducted based upon her allegations of harassment, bullying and retaliation via the Argus Investigation.

We do not find any due process violations.

Involuntary Transfer

The record reflects that Appellant filed a grievance under the MCAAP Agreement with respect to the process MCPS used to determine Appellant's transfer to North Bethesda Middle School. Accordingly,

we decline to address any allegations that the involuntary transfer resulted in a violation of the MCAAP Agreement as these issues are not properly before us on appeal. We do not find that the involuntary transfer was in violation of State or local policy or regulations as the Superintendent has broad statutory authority to assign and transfer school personnel pursuant to §6-201(b) of the Education Article. *Handte v. Caroline Cnty. Bd. of Educ.*, MSBE Op. No. 26-11 (2026)(Affirming reassignment of principal to teacher.). School personnel are not employees of a specific school or entitled to a specific position, rather they are employees of the school system subject to transfer at the discretion of the superintendent. *See Id.* and Md. Code Ann., Educ. §4-103 and §6-201. We fully address below Appellant's allegation that the involuntary transfer to North Bethesda was unlawfully retaliatory.

Harassment and Bullying Complaint

Appellant argues that directives from leadership that overrode her disciplinary recommendations were evidence of harassment and bullying behavior by the administration. MCPS Regulation ACH-RA defines workplace bullying as repeated, deliberate mistreatment that is threatening, intimidating, or severe enough to alter working conditions.³ The definition of harassment is similar as defined in the policy that applies to students.⁴

The record supports the local board's finding that these types of interactions do not constitute harassment or bullying behavior. There is no evidence of verbal, physical or otherwise repeated, deliberate, hurtful mistreatment conducted by one or more employees against Appellant. Moreover, the Argus Investigation determined that communicating a perspective or providing input on disciplinary cases is a standard function of leadership. There is no evidence in the record of conduct intended to "offend, ridicule, or demean" Appellant based on personal characteristics. Tension resulting from organizational change is common and does not equate to bullying or harassment. We agree with the local board that the Superintendent is responsible to the local board for the administration of MCPS operations, and changes in the school system's operational approach are his to make.

We find that Appellant has failed to demonstrate any unlawful harassment or bullying behavior.

Retaliation

Appellant argues that she was unlawfully retaliated against by the Superintendent when she was not promoted to the Director II position or the coordinator position in her former department because of her advocacy. To establish a claim of retaliation, Appellant must show "that the school system took a

³ Regulation ACH-RA provides that workplace bullying is unacceptable and is inconsistent with the *Culture of Respect Compact* and diverts organizational energy from the core values of the local board. (Section II). *See* R2 69 – 74). Regulation ACH-RA provides:

Workplace bullying means repeated, deliberate, hurtful mistreatment, either direct or indirect, whether verbal, physical, or otherwise, conducted by one or more employees against another employee or employees, and that is otherwise, conducted by one or more employees against another employee or employees, and that is –

1. motivated by any individual's actual or perceived personal characteristics, as defined in in Board of Education Policy ACA, *Nondiscrimination Equity, and Cultural Proficiency*; or
2. threatening or intimidating; and that occurs at the workplace or in the course of employment; and
3. sufficiently severe or pervasive so as to alter the conditions of the individual's working environment....

Examples of workplace bullying may include acts of humiliation, intimidation, or sabotage of work performance. Workplace bullying may adversely impact an individual's physical or psychological well-being or work performance and advancement opportunities.

⁴ Harassment means actual or perceived negative actions that meet the criteria for prohibited conduct.....and offend, ridicule, or demean another individual with regard to an individual's actual or perceived personal characteristics, as defined in Board Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*, or are sexual in nature... (R2. 15).

materially adverse action against the [Appellant]; and a causal connection existed between the protected activity and the materially adverse action.” *Jones v. Baltimore City Bd. of Sch. Comm’rs*, MSBE Op. No. 15-33 at 8 (2015)(citing *Burlington N. & Santa Fe Ry. Co. v. White*, 584 U.S. 53, 68 (2006)). The school system may then rebut the prima facie case by showing that there was a legitimate non-discriminatory reason for the adverse action. *Hartwell v. Calvert Cnty. Bd. of Educ.*, MSBE Op. No. 25-16 (2025).

The Argus Investigation concluded that Appellant engaged in protected activity. However, the Argus Investigation found that Appellant has failed to identify any evidence that the hiring process for the Director II position or her reassignment was motivated by the disagreements over student discipline with the Superintendent and other administrators. We agree. The record does not support any finding of a causal connection. Numerous high-level positions were restructured to meet a clear budgetary objective to reduce central office staff. The change to Appellant’s position was budget driven and not a reprisal for her advocacy. The record establishes that the successful candidate was selected because executive leadership deemed him more qualified for the position.

Appellant has also failed to establish that she suffered a materially adverse employment action. “An adverse employment action is a discriminatory act that ‘adversely affect[s] the terms, conditions, or benefits of the plaintiff’s employment.’” *Roberts v. Glenn Indus. Grp., Inc.*, 998 F.3d 111, 122-23 (4th Cir. 2021). An adverse action constitutes a “significant change in employment status, such as hiring, firing, failing to promote, reassignment with significantly different responsibilities, or a decision causing a significant change in benefits.” *Hoyle v. Freightliner, LLC*, 650 F.3d 321, 337 (4 Cir. 2011)(quoting *Burlington Indus., Inc. v. Ellerth*, 524 U.S. 742 761 (1981)). However, although actions short of termination may constitute an adverse action, “not everything that makes an employee unhappy is an actionable adverse action.” *Lockheed Martin Corp. v. Balderrama*, 227 Md. App. 476, 508 (2016).

Appellant has failed to meet her burden to establish that she suffered a discriminatory materially adverse employment action because another candidate was selected for the Director II position. The record before us demonstrates that Appellant was considered for the new role in accordance with local board policy and regulation, Appellant had no material interest in the Director II position, and the Superintendent and the appointments committee had the discretion and authority to select the candidate they felt was best suited for the job.

We also find that the Appellant failed to satisfy her burden to demonstrate that her involuntary transfer to North Bethesda was the result of unlawful retaliation. The record supports the local board’s conclusion that her reassignment was consistent with the standard reassignment process for involuntary transfers and was not retaliatory as she received the same notifications and opportunities as other similarly situated individuals engaged in the reassignment process at that time. The local board also noted that Appellant’s commute to North Bethesda is a shorter distance than the distance to the Director I position from her home and that Appellant could have applied to 37 other assistant principal positions including 12 of which were closer to her home but failed to do so. *See*, Appeal II, Ex. 1 at 4-5.

We also conclude the MCPS administrators did not engage in unlawful retaliation when Appellant was not selected for the coordinator position. Although Appellant inquired about the possibility of filling the vacancy, she never actually applied for the position. (R2. 21).

Appellant was offered a settlement of reassignment to an alternate assistant principal position at a school closer to Appellant’s home or an instructional specialist role in the Division of Specialized Support Services. Appellant declined both options. (R. 47). We also do not find that the contingent settlement offer was retaliatory in any way.

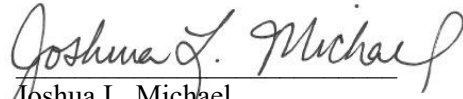
Following her involuntary transfer, Appellant continues to receive the same salary and benefits as she did in her previous role and thus suffers no materially adverse employment action. The State Board

has no authority to award Appellant's request for a monetary remedy, salary adjustment, a cost-of-living adjustments and the reinstatement of sick leave as she requested. *See Gabrielle G. v. Montgomery Cnty. Bd. of Educ.*, MSBE Op. No. 17-14 (2017) (Denying Appellant's request for monetary damages).

Finally, even if Appellant could demonstrate that she was treated differently because of her advocacy, the local board has articulated legitimate non-discriminatory reasons for its actions. Accordingly, we do not find the record before us supports Appellant's claim of retaliation.

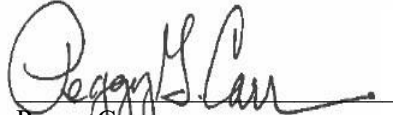
CONCLUSION

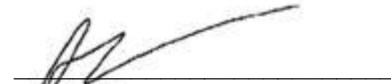
For the reasons stated above, we find that the local board's decisions were not arbitrary, unreasonable or illegal. Accordingly, we affirm the local board decisions.

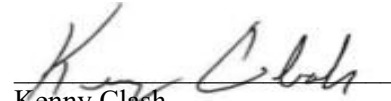

Joshua L. Michael
President


Monica Goldson
Vice-President

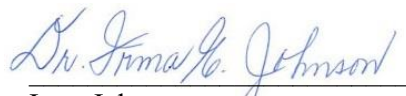

James Bell

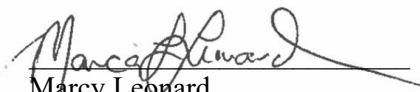

Peggy Carr

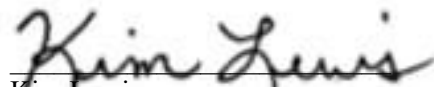

Chet Chesterfield

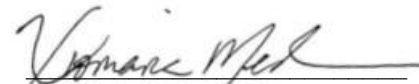

Kenny Clash


Nick Greer


Irma Johnson


Marcy Leonard


Kim Lewis


Xiomara Medina


Samir Paul

Abstained:
Nicole Murray-Lewis

May 28, 2026