

VELMA TABOADA,

Appellant,

v.

BALTIMORE CITY BOARD
OF SCHOOL
COMMISSIONERS,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 26-26

OPINION

INTRODUCTION

Appellant appeals a decision of the Baltimore City Board of School Commissioners (“local board”), which adopted a Hearing Examiner’s Recommendation to deny Appellant’s challenge to her 2023–2024 annual performance evaluation. Appellant argues that the local board erred by sustaining a “Default Effective” rating rather than recalculating her evaluation to include her second formal classroom observation. The matter has been fully briefed by the parties.

FACTUAL BACKGROUND

Appellant has been employed as a teacher with Baltimore City Public Schools (“BCPS”) since August 22, 2007, and was assigned to Liberty Elementary School (“Liberty”) during the 2023–2024 school year. (R. 47; 52-53). BCPS employee evaluations are governed by Board Policy GCO (Employee Evaluations), its accompanying administrative regulations, and guidance issued by the Office of Human Capital (“OHC”).

Under the 2023-2024 evaluation framework, teachers were required to undergo at least two formal classroom observations conducted by a qualified observer to support an annual evaluation rating. These observations constitute one of four core measures of teacher effectiveness and account for 40% of a teacher’s overall annual evaluation rating. (R. 55-58; 78-79). Central to this framework was the Online Performance Management System (“OPMS”). OPMS was the BCPS online system for documenting the Teacher Effectiveness Evaluation process through which administrators uploaded observation data and evaluations for review and acknowledgment by teachers.

For the 2023-2024 cycle, BCPS disseminated guidance to evaluators and teachers regarding evaluation component tasks and the electronic system deadlines. (R. 78-79). The guidance mandated that second formal observations be conducted by April 5, 2024, with the electronic window for OPMS entry and teacher acknowledgement closing on April 15, 2024. *Id.*; R.80.

On March 21, 2024, Liberty Assistant Principal Martina Cooper conducted Appellant's second formal observation. (R. 81-82). That same day, Ms. Cooper scored Appellant using the BCPS Instructional Framework Rubric and emailed the completed evaluation, scores, and rating to Appellant. *Id.* Ms. Cooper asserts that she uploaded the observation data into OPMS on that date for Appellant's review and acknowledgement in the system. *Id.* R. 18.

On April 12, 2024, three days prior to the OPMS closure deadline, Appellant texted Ms. Cooper indicating that she had not received her second formal observation score. (R. 95-96). Ms. Cooper responded that she had emailed Appellant the information on March 21, and Ms. Cooper then resent the documentation via email that day. *Id.*

On April 15, 2024, the final day of the submission window, Ms. Cooper texted Appellant to remind her to review and acknowledge the appraisal in OPMS after noticing that Appellant had not acknowledged her second formal observation score. *Id.* Appellant replied that no score was visible in the OPMS system and attached a screenshot confirming the absence of visible data for the observation. *Id.* Ms. Cooper attempted to provide technical troubleshooting, advising Appellant to access the system through "self service" and to click on the "pencil" icon to accept the rating. (R. 97-98). Appellant indicated that despite following those instructions the data was still not visible. *Id.* Ms. Cooper then requested that Appellant transfer the component back to her as the main appraiser, to which Appellant agreed. *Id.* Despite the prompt to transfer back the component, Ms. Cooper was unable to access it in OPMS and complete the task because it remained in Appellant's queue. There was no further communication between Appellant and Ms. Cooper that day. (R. 81-82). On April 16, 2024, Appellant texted Ms. Cooper that the second formal evaluation component window had closed. (R. 98-99). No further communication regarding the rating occurred between Appellant and Ms. Cooper for the remainder of the school year. (R. 81-82).

Administrative Regulation GCO-RF (Employee Evaluation Review and Update Requests) outlines the correction process for electronic evaluation data. (R. 66-67). It establishes that "[i]t is the supervisor, evaluator, and/or qualified observer's responsibility to ensure that performance information is entered accurately and with fidelity," while the "employee is responsible for reviewing and acknowledging receipt of ratings and feedback they receive from the evaluator." *Id.* at II.A.1 and 2. It further provides that "[w]hen performance information is not entered into the appropriate electronic evaluation system accurately, a request to update this information must be sent to the Office of Human Capital by either the employee or the supervisor within 30 calendar days of the communicated evaluation component deadline...." *Id.* at II.B.3. BCPS also provided employees with guidance regarding the entry correction process for the spring evaluation component tasks. (R. 80). Because the OPMS window for entry of the second formal observation component closed on April 15, 2024, a request to change the information had to be submitted to OHC by Appellant or Ms. Cooper by May 15, 2024.

Because Appellant's second formal observation score was never finalized in OPMS, BCPS policy and regulation triggered a "Default Effective" performance rating, which Appellant received on June 6, 2024. (R. 6-11).

On July 30, 2024, Appellant contacted Miaesha Blackwell, Evaluation and Training Specialist, who confirmed that no data was visible in the second formal observation slot within OPMS. (R. 15-18). Ms. Blackwell advised Appellant that because the administrative deadline for data correction had passed, her sole recourse was to file a grievance through the Baltimore

Teachers Union (“BTU”). *Id.* Ms. Cooper, who was included on the email thread, reiterated that she had uploaded the data to OPMS on March 21, 2024. *Id.*

On August 12, 2024, Appellant appealed her annual performance evaluation to the local board, requesting that her second formal observation rating be entered into OPMS, her year-end scores be recalculated to reflect a “Highly Effective” rating, and that she be granted oral argument and an evidentiary hearing. (R. 1-37). The Chief Executive Officer (“CEO”) responded to the appeal on October 31, 2024. (R. 38-99). The local board referred the matter to a Hearing Examiner.

On April 30, 2025, the Hearing Examiner recommended that the local board deny the appeal, concluding that BCPS complied with all administrative regulations and that Appellant failed to navigate her data obligations. (R. 100-107). The Hearing Examiner reasoned:

[BCPS] Regulation GCO-RD provides that employees shall receive formative feedback based on observations within a reasonable amount of time of being observed. The Appellant received Cooper’s observation notes, feedback, rubric, and the observation score by email on March 21, 2024, the same day of the observation. Cooper also complied with Regulation GCO-RD in GCO-RG (sic), which outlines the evaluation process. Indeed, the Appellant was responsible for reviewing and acknowledging receipt of the ratings and feedback Cooper timely provided. Despite subsequent communication regarding the observation scores and the required review of the rubric on April 12th and April 15, 2024, Appellant failed to timely review, acknowledge receipt, or seek additional assistance in assessing the form when experiencing technical difficulties.

There is no evidence to support Appellant’s claims that Cooper failed to enter her second formal observation rating in OPMS. According to Cooper’s Affidavit submitted as CEO Exhibit 11, the email correspondence and text messages submitted into evidence by both parties, Cooper entered the formal observation ratings in the system and continued to direct the Appellant to review and approve same.

(R. 106-107).

Appellant filed exceptions to the recommendation on May 13, 2025, and the CEO filed an opposition on June 3, 2025. (R. 108-110; 114-118). On October 16, 2025, the local board subsequently adopted the Hearing Examiner’s Findings of Fact, Conclusions of Law, and Recommendation, and denied Appellant’s requests for oral argument and an evidentiary hearing. (R. 120). This timely appeal to the State Board followed.

STANDARD OF REVIEW

Decisions of a local board involving a local policy or a controversy regarding the rules and regulations of the local board are considered *prima facie* correct. The State Board will not substitute its judgment for that of the local board unless the decision is shown to be arbitrary, unreasonable, or illegal. COMAR 13A.01.05.06A. A decision is arbitrary or unreasonable if it is contrary to sound educational policy or if a reasoning mind could not have reasonably reached the same conclusion. The appellant bears the burden of proving the local board’s decision meets these thresholds by a preponderance of the evidence. COMAR 13A.01.05.06D.

LEGAL ANALYSIS

The crux of Appellant's argument is that BCPS acted arbitrarily by penalizing her for an OPMS system error outside her control. She contends that Administrative Regulation GCO-RF is inapplicable to scenarios where data is entirely invisible or unrecorded, and notes that the local board has previously granted re-calculations to other teachers facing missing evaluations components. She also raised some due process issues related to her request for an evidentiary hearing and oral argument.

We reject Appellant's narrow interpretation of Administrative Regulation GCO-RF. The regulation explicitly states its purpose is to correct the record "[w]hen performance information is not entered into the appropriate electronic evaluation system accurately...." (R. 66-67 at II.B.3). The absence of completed observation scores in a teacher's formal profile constitutes a critical inaccuracy. Furthermore, the affidavit of Jessica Papia, Director of Employee Effectiveness, undermines Appellant's argument, reinforcing that the change-request process is routinely utilized for this exact scenario. She cites that over a three-year period, 426 out of 656 submitted change requests specifically cited missing evaluation component data as the rationale. (Local Bd. Reply, Ex. 1). To address such occurrences, GCO-RF provides a definitive, 30-day window from the component deadline to petition OHC for data updates, which BCPS strictly enforces to maintain the integrity of its district-wide evaluation schedule. *Id.* Under GCO-RF, Appellant or her supervisor had until May 15, 2024, to file a formalized change request. Neither did so.

Nevertheless, we find that the local board's decision is fundamentally flawed because it relies on a selective reading of the record that omits critical context. The local board concluded that Appellant failed to timely review her second observation data or seek corrective assistance, and that no evidence showed Ms. Cooper failed to enter the data into OPMS. While Ms. Cooper initially attempted to troubleshoot the OPMS issue with Appellant, the uncontroverted text messages establish that Appellant explicitly alerted her supervisor to the system failure, providing photographic proof of the empty data screen before the final deadline. To facilitate a solution, Appellant agreed to transfer the evaluation component back to Ms. Cooper within OPMS. Crucially, the record is devoid of evidence that Ms. Cooper ever responded or followed up with Appellant after prompting this action to alert her that she was unable to access the evaluation component in her OPMS queue. This represents a breakdown in administrative communication and guidance by a management-level agent of the local board. Because Ms. Cooper was the supervisor, it was reasonable for Appellant to infer that management would take the necessary administrative steps to rectify the data issue once it had been identified by Appellant and brought to management's attention.

In *Bingham v. Baltimore City Bd. of Sch. Comm'rs*, MSBE Op. No. 17-33 (2017), the State Board recognized that while strictly applied, clear rules are generally reasonable, an evaluation decision may be arbitrary when the governing rules are "not fully explained or understood by those who apply them or are affected by them." Here, Administrative Regulation GCO-RF permits *either* the employee or the supervisor to submit an update request. We infer from the record evidence that there was confusion as to who was required to initiate the request to OHC after Appellant flagged the missing data for Ms. Cooper. Ms. Cooper did not communicate further with Appellant, failed to respond to Appellant's final texts, and, at no point directed Appellant to initiate the GCO-RF corrective process, nor did she do so herself.

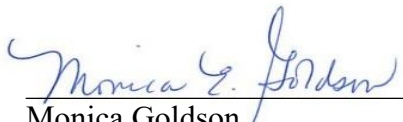
Likewise, Appellant took no further action, having last heard from Ms. Cooper that she would look at the matter in OPMS.

Given the unique factual circumstances of this case, we find that penalizing the employee for relying on a supervisor to resolve an administrative data issue is arbitrary and unreasonable.¹ See *Tylia Worthington v. Baltimore City Bd. of Sch. Comm'rs*, MSBE Op. No. 20-23 (2020) (granting a recalculation of an evaluation rating where a supervisor and employee failed to understand the procedural consequences of an observation scheduling delay until after the OPMS data entry window closed).

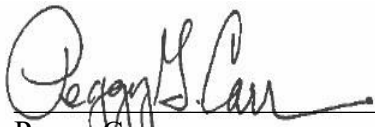
We reject the local board's assertion that granting relief in this scenario undermines the standardized evaluation framework or the 30-day correction window. While the local board attempts to distinguish its own cases cited by Appellant as precedent, *Matter of J.T.D.* and *Matter of M.W.* (Appeal, Exs. 9A and 9B), in which the local board allowed correction of evaluation component data that had been appropriately scored but omitted from the online platform by arguing those cases involved explicit supervisor upload omissions which are absent here, the technical distinction is immaterial in this case. Regardless of whether the missing data stemmed from user entry error, an inherent technical glitch, or a system anomaly, the fact remains that the data was not visible in the OPMS portal to Appellant or to Ms. Blackwell, the Evaluation and Training Specialist, and Appellant had alerted her supervisor that it was not visible. Under the specific facts of this case, the systemic failure cannot be leveraged to deprive the employee of an earned evaluation metric.

CONCLUSION

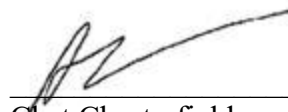
For the reasons stated herein, we find the local board's decision is arbitrary and unreasonable. We therefore reverse the decision of the local board and direct the local board to recalculate the Appellant's 2023-2024 year-end evaluation using the completed results of her second formal observation.



Monica Goldson
Vice-President



Peggy Carr



Chet Chesterfield

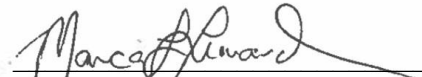
¹ Because we find the local board's decision to be arbitrary and unreasonable, we need not address Appellant's due process argument.



Nick Greer



Irma Johnson



Marcy Leonard



Kim Lewis



Nicole Murray-Lewis



Xiomara Medina



Samir Paul

Abstained:
Joshua Michael, President

Absent:
James Bell
Kenny Clash

June 23, 2026