

E.W.,

Appellant,

v.

HARFORD COUNTY
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR26-18

ORDER

This matter comes before the Maryland State Board of Education on the appeal filed by Appellant, the parent of a fifth-grade student (“Student X”), challenging the Harford County Public Schools’ (“HCPS”) Title IX determination. The Harford County Board of Education (“local board”) filed a motion to dismiss for lack of jurisdiction, pursuant to COMAR 13A.01.05.03(B)(1). The local board argues that because Appellant is appealing a decision rendered by HCPS’s designated decision-maker following the local board’s Procedures Relating to Title IX of The Education Amendments of 1972 and its Implementing Regulations (“Title IX Procedures”), there is no superintendent action or local board decision to invoke State Board appellate jurisdiction granted under Md. Code Ann., Educ. § 4-205(c).

Following a formal complaint of sexual harassment filed by Student X’s teacher under Title IX, Buzz Williams, Certified Hearing Official, Pupil Personnel Supervisor and Title IX Responsibility Decision-Maker, gave Student X a two-day out-of-school suspension for sexual harassment. The suspension was based upon Student X’s admission to yelling a vulgar sexual comment, the hearing officer’s finding that Student X intended to “be disruptive and create some sort of shock within the classroom,” and Student X’s history of saying inappropriate sexual statements since 3rd grade. (R. 21).¹ Mr. Williams’ decision also stated that the violation would be included in Student X’s discipline record as a violation of “MSDE code 602 Sexual Harassment.” (R. 22).

Appellant appealed the decision and the appeal was denied at the next level of review. (R. 26). Title IX Procedures provide an internal appeal based upon limited grounds including procedural irregularity, new evidence, or bias/conflict of interest to a designated decision-maker within the school system. (R. 19). Here, the decision-maker presiding over the appeal was Bernard Hennigan. Mr. Hennigan was assigned by the Title IX Coordinator to serve as the Appeal Decision-Maker under the Title IX Procedures. He acted solely in that capacity, consistent with the federal regulations’ requirement that recipients identify “a decision-maker on appeal,” and not as an agent of the superintendent exercising the superintendent’s statutory authority.² The Title IX Procedures provide that the decision concludes the appellate and formal process of the Title IX Formal Complaint for HCPS. (R. 19). Consistent with this policy, no

¹ Pursuant to the Title IX Procedures, the Title IX Coordinator may assign a person “to perform a specific duty or a role as it relates to the Title IX grievance process.” (R. 2). Accordingly, the Coordinator assigned the determination on the initial finding of responsibility to the “Responsibility Decision-Maker Buzz Williams.” (R. 21).

² Title IX federal regulations “offer both parties an appeal from a determination regarding responsibility.” *See* 34 C.F.R. § 106.45(b)(8).

person within HCPS was designated to issue decisions on behalf of the local superintendent in this matter.

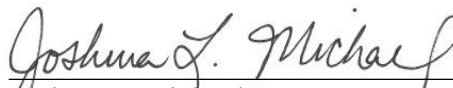
The State Board's appellate jurisdiction under Education Article § 4-205(c) extends to appeals from quasi-judicial decisions of local boards following decisions of local superintendents. Because the internal Title IX process concluded with a decision by a designated decision-maker and did not provide for, or result in, a decision by the superintendent or the local board, there is no decision to invoke § 4-205 appellate jurisdiction. We agree with the local board that this appeal is not subject to our review under Md. Code Ann., Educ. § 4-205 as it does not involve a matter decided by the local superintendent then appealed to the local board. *Beverly G. Kelley v. Queen Anne's Cnty. Bd. of Educ.*, MSBE Op. No. 18-24 (2018). The local board has not made a final decision and COMAR 13A.01.05.03B(1)(a) requires dismissal. *See Harvest Foundation Group v. Baltimore Cnty. Bd. of Educ.*, MSBE Op. No. OR19-11 (2019)(dismissing appeal because there is no local board decision for the State Board to review).

In addition, we decline to exercise our grant of original jurisdiction through Md. Code Ann., Educ. § 2-205 to decide all cases and controversies that arise under the Education Article and State Board rules and regulations. *See Sartucci v. Montgomery Cnty. Bd. of Educ.*, MSBE Op. No. 10-31 (2010). We exercise this jurisdiction only in a narrow category of cases to address State education law, regulations, or a policy that implicates State education law or regulations on a statewide basis. *R.G. and E.G. v. Howard Cnty. Bd. of Educ.*, MSBE Op. No. OR26-06 (2026). Not all matters decided at the local level are reviewable by the State Board. *Id.*

Finally, Title IX provides distinct grievance procedures within recipient institutions and separate forums and processes for addressing alleged violations under federal law. Appellant may pursue available federal remedies, consistent with applicable law. The State Board has routinely declined to extend jurisdiction to appeals involving claims under federal law where a separate forum exists to address grievances. *See, e.g., Richard C. v. Anne Arundel Cnty. Bd. of Educ.*, MSBE Op. No. 19-27 (2019); *Ellen Z. and Assya P. v. Montgomery Cnty. Bd. of Educ.*, MSBE Op. No. 20-19 (2020); *Richard C. v. Anne Arundel Cnty. Bd. of Educ.*, MSBE Op. No. 19-27 (2019); and *Phil N. v. Anne Arundel Cnty. Bd. of Educ.*, MSBE Op. No. 18-42 (2018).

For the reasons stated above, it is this 23rd day of June 2026, by the Maryland State Board of Education, ORDERED that the appeal is dismissed pursuant to COMAR 13A.01.05.03B(1)(a) & (d).

MARYLAND STATE BOARD OF EDUCATION


Joshua L. Michael
President