

LAURA MICHELLE JOHNSON

Appellants

v.

QUEEN ANNE'S COUNTY
BOARD OF EDUCATION,

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR 16-02

ORDER

The Appellant is the parent of children who attend Queen Anne's County public schools. She appeals the April 6, 2016 decision of the local board to retain the services of Susanne Henley as an attorney for the Queen Anne's County Board of Education (local board).

On April 6, 2016, the local board voted 3 to 2 to hire Ms. Henley to provide certain legal advice to the board. The Board President stated that she did not wish to "fire" their previous attorney, but rather wanted her to continue to represent the school system in other legal matters. The two board members who voted against hiring Ms. Henley stated that they were concerned about her connections to the local board's ethics panel. Although Ms. Henley does not serve as a member of the ethics panel, she is listed on the local board's web site as the person to whom ethics complaints should be sent. After being asked whether hiring Ms. Henley was legal, the local board's attorney stated that the decision rests with the local board.

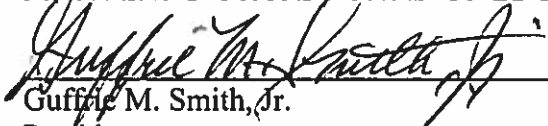
We are aware that significant contention exists between the members of the local board and the community in Queen Anne's County to the point where even deciding on legal counsel has become controversial. But the role of this Board in intervening in local decisions is exceedingly limited. Over the course of many years, we have ruled that the only person who has legal standing to challenge a personnel decision, such as the decision to retain or dismiss an attorney, is the employee who has been adversely affected by the decision. *See Kristina E. v. Charles County Bd. of Educ.*, MSBE Op. No. 15-27 (2015) (citing previous cases). We are constrained by the legal doctrine of standing and by general principles of local autonomy in this arena.

The proper remedy for the relief that Appellant seeks lies with the electoral process.

It is this 26th day of April, 2016 by the Maryland State Board of Education,

ORDERED, that the appeal referenced above be dismissed because the Appellant lacks standing to bring the appeal.

MARYLAND STATE BOARD OF EDUCATION


Guffie M. Smith, Jr.
President

Board member Madhu Sidhu dissents from this order.

Board member Andrew R. Smarick recused himself from consideration of this appeal.