

JENNIFER HOOVER,

Appellant

v.

MONTGOMERY COUNTY
BOARD OF EDUCATION

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR19-09

ORDER

Jennifer Hoover, an employee of Montgomery County Public Schools (MCPS) filed an appeal earlier this year challenging MCPS's response to two administrative complaints she made: (1) a bullying complaint about her supervisor and (2) a challenge to a reprimand issued against her. We affirmed the local board's decision. *See Hoover v. Montgomery County Bd. of Educ.*, MSBE Op. 19-03 (2019). Appellant requested reconsideration of our decision and submitted several documents in support. We denied the request for reconsideration because there was no mistake or error of law and no facts material to the issues had been discovered subsequent to our earlier decision. *See Hoover v. Montgomery County Bd. of Educ.*, MSBE Op. No. 19-12 (2019) (reconsideration).

Appellant filed a second request for reconsideration, arguing that the State Board made an error in describing one piece of evidence (Exhibit 13). In our reconsideration, we stated:

Exhibit 13 consists of emails that Appellant either sent or received in November 2016. Because Appellant was a part of this email chain, these documents could have been used in her appeal previously. (Hoover, MSBE Op. No. 19-12).

Appellant argues that Exhibit 13 actually consisted of an email between her supervisor and another school employee that also included excerpts from emails that Appellant sent or received. She maintains that Exhibit 13 was not, therefore, previously available to her in her appeal. In reviewing Appellant's request, we agree with her that our previous characterization of Exhibit 13 was inaccurate. Although the undated email collects excerpts from e-mails sent or received by Appellant, it also includes information sent by another MCPS employee to Appellant's supervisor regarding Appellant.

The local board argues Exhibit 13 would not have changed its decision because the information contained in the email relates to the reprimand complaint filed by Appellant. Appellant agreed not to appeal the reprimand complaint to the local board and the local board declined to further consider any issues related to Appellant's reprimand. In *Hoover*, we affirmed the local board's decision on that point. *See Hoover*, MSBE Op. 19-03. The local board argues that Exhibit 13, therefore, provides no grounds to reconsider our previous opinions.

We agree with the local board. The information in Exhibit 13 may have further supported Appellant's arguments regarding the reprimand, but the local board was already familiar with her arguments and concluded that she had waived her right to raise issues regarding her reprimand. Our decision to deny reconsideration therefore stands. We shall, however, correct the error in MSBE Op. No. 19-12 by replacing the language cited above with the following:

Exhibit 13 consists of an email between an MCPS employee and Appellant's principal that included excerpts from e-mails that Appellant either sent or received in November 2016. Because this information related to the reprimand complaint, and Appellant waived her right to appeal the reprimand, this information would not have altered the local board's decision.

Therefore, it is this 25th day of June 2019 by the Maryland State Board of Education, ORDERED, that the reconsideration decision be corrected as indicated in this order.

MARYLAND STATE BOARD OF EDUCATION

Signature on File:

Justin M. Hartings
President