

**CONSTANCE JEANNE SAMMARCO**

BEFORE THE MARYLAND

STATE BOARD

of

EDUCATION

APPELLANT

(PRO SE)

V.

**BOARD of EDUCATION**

**OPINION No. 15-01**

of

**PRINCE GEORGE'S COUNTY**

APPELLEE

**OPINION**

**INTRODUCTION**

CONSTANCE JEANNE SAMMARCO *pro se, Appellant*, uses her first amendment U.S. constitutional rights to offer her opinion to expose the **Incompetency of The Prince George's County Board of Education (PGCPS BOE)** in their deliberate ***deceptiveness***, in their deliberate ***failure to state pertinent facts***, and in their deliberate ***untrue statements*** that supported their false allegations of her unsatisfactory evaluations issued by **Principal Nakia Nicholson** of Fairmont Heights High (FHHS) for two consecutive years that ruined her credibility and caused her job dismissal... The following is the APPELLANT'S "feedback" (*which is 50% of effective of all communication*) on The Maryland State Board of Education's Opinion No. 15-01:

The Appellant was discouraged to pursue a Hearing of her case (*Appellant had issued three separate briefs*) before The Office of Administrative Hearings of The Maryland State Board of Education. **Judge Michael W. Burns** (*Administrative Law Judge*) systematically rendered the same decision supported by The Maryland State Board of Education to uphold the

decision of their local PGCPs Board of Education to terminate the Appellant on their illogical charge of incompetence . . . The Appellant filed exceptions to the proposed decision of the ALJ Michael W. Burns that **Lawyer Shani Whisonant** responded to on 8/11/2014 in defense of The Administrative Law Judge's Proposal Decision to affirm his Proposed Order of 7/8/2014 in support of PGCPs BOE of dismissing the Appellant for her alleged incompetence of teaching duties. . . The APPELLANT was granted **10 minutes** to present her objections to The Maryland State Board of Education (*as video-taped by MSDE during her recitation on December 16, 2015.*)

### **FACTUAL BACKGROUND**

The Maryland State Board of Education deliberately "**omitted crucial facts**" of their **OPINION No. 15-01 summary** (*January 27, 2015*) such as:

(1.) Principal Nakia Nicholson was an African American and was 35 years old when she assumed the title of principal at Fairmont Height High School.

(2.) Principal Nakia Nicholson had never been a principal before, and she had never been an assistant principal in the past.

(3.) The students at Fairmont Heights High School were 99% African Americans.

(4.) Only one Caucasian individual was a member of PGCPs Board of Education.

(5.) Only two of The Prince George's County Board of Education were college educated.

(6.) The Appellant was a Caucasian woman.

(7.) The Appellant was terminated at the age of 64.

(8.) The Appellant was an **Advanced Certified teacher**. According to **Comar 13A.07.04** , she had a "*special status as an advanced expert teacher*" and was required only to be evaluated two times by the third year within a five year span of her certification, and she had met that requirement with the prior **Principal Peggy Nicholson's** satisfactory evaluations in 2007-2008 to 2008-2009, and her accuser, **Principal Nakia Nichoson's** satisfactory evaluation in 2009-2010 . . . "*COMAR 13A.07.04: (2) Advanced Professional Certificate (a.) An individual holding an Advanced Professional Certificate shall receive an evaluation at least twice during the validity*

*period of each certificate. The first evaluation shall occur during the initial year of the certificate.”*

(9.) The Appellant had taught at FHHS for 10 years.

(10.) The MSDE did not state that Fairmont Heights High School had a definite history of HSA inadequate test scores being the lowest rated school in the county and had a low graduation rate; yet, they illogically had complained that only four students had scored college level credit from The College Board’s honor’s course taught by the Appellant . . . Furthermore, The MD. St. Bd. of Ed. presented the “**irrelevant year of 2009-2010**” as a year of one low HSA test score under the Appellant even though students could take the HSA test in 9<sup>t</sup>, 10<sup>th</sup>, 11<sup>th</sup>, and 12<sup>th</sup> grade until they passed it, and teachers were not held responsible. Nevertheless, the Appellant had received a satisfactory evaluation from her accuser, Principal Nakia Nicholson for that particular year of 2009-2010. . . Principal Nakia Nicholson did NOT submit any grades or test scores for the relevant two years of 2010-2011 to 2011-2012.

(11.) In PGCPSS, being under The MD. St. Bd. of Ed., it is only the principal who can make the two year evaluations that allege incompetence. Assistant principals and Dr. Robert Papineau, the outside of the school educational specialist can only observe and can only offer suggestions.

(12.) All of Principal Nakia Nicholson’s supporters were PGCPSS subordinates and PGCPSS colleagues that were still employed within the PGCPSS system.

(13.) Three witnesses appeared in support of the principal who had never been in the Appellant’s classroom and unknown to her.

(14.) In an attempt to protect herself from the principal’s negative evaluations, the Appellant enrolled in **The FIRST Program** that stressed evidence-based lesson plans and classroom structure. . . She had never received negative feedback by Assistant Principal **Donna Daniel** who became certified to follow the FIRST Program’s agenda and criteria.

(15.) The Appellant’s serious deficiencies consisted of check marks made by Principal Nakia Nicholson on a generic form.

(16.) All action plans issued were generic, and the Appellant was without input or feedback that was a violation of The FIRST Program . . . The difference between the principal’s generic action plan, and Ms. **Jane**

**Spence's** action plan was that one was printed horizontally, and the other was printed vertically.

(17.) The Appellant, while she taught advanced placement English, was directed by the principal to observe a newly hired special education teacher who had only seven specially challenged students in her classroom.

(18.) The Appellant was issued a mentor, **Mr. Johnathan Wemple** in 2011-2012. . . The mentor never had taught any advanced placement courses . . . The mentor had never attended any advanced placement workshops. . . The mentor was a new hire as indicated by MD. St. Bd. of Ed. since the mentor program had been dissolved in the past . . . The mentor had not actively been teaching in the past three years and had never suggested or implemented any technological input or AP course work. . . The Appellant e-mailed a letter to The College Board concerning his deviation from her AP guide books of which he did not possess . . . The Appellant had higher academic credentials and teaching experience than the mentor had. . . The mentor only visited the class to observe the APPELLANT one time and had arrived late.

(19.) The Appellant attended all Professional Development Workshops, and pursued three extra courses presented through The FIRST Program and Professional Development courses that had enabled her to renew her teaching certification as an advanced teacher during the same time her credentials were being attacked by PGCPs BOE.

(20.) The only full time courses that the Appellant taught during the two years of 2010-2011 to 2011-2012 were Advanced Placement English.

(21.) **Superintendent William Hite** systematically, rubber-stamped the principal's declaration of incompetence in 2010-2011 based on her sole evaluation and lowered the Appellant's advanced status to second class; evidentially, he had ignored the Appellant's **20 page rebuttal** that complained of the principal's *unfair evaluations* and a *hostile work environment*.

- ⌘ To understand The Maryland State Board of Education's illogicality that is accented with rhetoric and inappropriate citations that charge the Appellant with teacher incompetence, a chronology of happenstance is analyzed below that clearly substantiates MSDE's deliberate **deceptiveness**, their deliberate **failure to state pertinent facts**, and their deliberate **untrue statements** that supported their false allegations of the Appellant's unsatisfactory

evaluations issued by **Principal Nakia Nicholson**, for two consecutive years of 2010-2011 to 2011-2012 at FHHS.

7x The following is a rebuttal to the summary issued by The Maryland State Board of Education's Administrative **Law Judge, Michael W. Burns**. His data was compiled from the *four day Loudermill Appeal proceedings*. **Lawyer Leslie Stelman** and **Arbitrator Robert Troll**, along with the court reporter who were hired by The PGCPs Board of Education. The PGCPs lawyer was switched to **Shani Whisonant, Esq.** during The Administrative Hearings and the 15 minute argument by the APPELLANT that was allowed by local PGCPs Board of Education.

## **2010-2011 School Year**

### **September 2, 2010**

**Assistant Principal Donna Daniel** conducted a formal evaluation instead of an informal evaluation. It was only the second week of school, and students were still making schedule changes, and the Appellant was still learning their names; yet, Ms. Daniel documented the observation as *formal*. The Appellant followed The Maryland State Department of Education's (MSDE) guide book curriculum and executed the lesson under the PGCPs standard of excellence criteria. Ms. Daniel cited poor classroom management pertaining to the students' pair n' share lesson, taken from the MSDE suggested lesson plan that involved using a microphone to recite a poem then using a microphone to analyze the meaning . . . The Appellant recorded the lesson with a 81 % proficiency rating when she had checked the students' activity exercise that students had handed in after they had departed.

### **September 15, 2010**

The Appellant religiously followed The MSDE curriculum guide book, the PGCPs Standard of Excellence, and employed *reciprocal teaching* methods; yet, Assistant Principal Donna Daniel continued to document negativities. . . Ms. Daniel was extremely over-weight, an African American, and had been a former PGCPs principal who was now demoted to assistant principal at FHHS.

### **September 17, 2010**

Assistant Principal Daniel did e-mail the Appellant to take a professional development evening course that she had already taken as she had e-mailed her comment to the principal. . . The Appellant did feel extremely persecuted

in the fact that she was deliberately being over-observed and was *treated differently* compared to the other English teachers. She documented specific examples with e-mail dated evidence as a part of her **Loudermill Appeal hard submission of her 69 exhibits** and documented it in her **126 page Loudermill Appeal Summary brief** that were ignored. Also, to confirm this activity, ***two witnesses' had rendered affidavits' at The Loudermill Appeal proceedings, at the administrative hearing, and to federal court. Their testimony never appeared in the records.*** (All witnesses who appeared and testified against the APPELLANT during The Loudermill Appeal proceedings were African Americans except for the mentor, Jonathan Wemple who was the only Caucasian. . .

Furthermore, the APPELLANT had presented *e-mail evidence* that the principal and assistant principal Daniel had both observed her at separate times within an hour. At times, observations were conducted two or three times a week. Ms. Daniel even had conducted a *formal* observation on the last day of Christmas vacation.

### **October 8, 2010**

Principal Nakia Nicholson continued to document untrue statements. She copied only half of the objectives and wrote derogatory comments. . . She chastised the Appellant for calling the main office to remove students using cellphones in class; on the other hand, she documented on occasions that alleged the Appellant had allowed students cellphone use. . . Misbehaved twins, who had been the Appellant's students for two consecutive years were habitual cellphones users and rule breakers; yet, the principal did not discipline them. In fact, their mother (*PGCPS vice president*) visited the class and used her phone in the Appellant's class then held it up in the air so the Appellant and students saw her deliberate violation. The Appellant verbalized the encounter, and the principal did not comment, and the problem of cellphones use increased in that particular class . . . When a twin talked over the Appellant's voice, the principal refused to remove him from class; a substitute teacher was in the room to witness this lack of support that the Appellant documented on a referral. During the proceedings, the Appellant presented over a **dozen referrals**, during this two year period that she issued for the misbehavior of the same particular students who were not disciplined and their misbehavior continued because of lack of administrative support. ***The referrals were not mentioned in all of the records.***

### **November 15, 2010**

Principal Nakia Nicholson continued to establish a case of negativity that would support her allegations of teacher incompetence. Her interim evaluation consisted of unsatisfactory check marks before generic statements that were accepted as true evidence that targeted the Appellant as being deficient based on her unmeasurable cognitions. The generic action plan was accented with rhetorical statements taken from The PGCP Standards of Excellence expectations in learning climate, instruction and professionalism.

### **December 1, 2010**

**Assistant Principal Austin** arrived after the class was in session. The class was overcrowded of more than 30 students. This AP English class was highly structured and class rules were constantly re-enforced to maintain order. The teacher budgeted her time in order to execute her timed lesson plan. The students were use to an agenda of warm-ups, review, a structured lesson that involved reciprocal teaching, group work, recitation of groups, questioning and probing, individual worksheet, essay, quiz, feedback, lesson closure, then homework assignment. . . Like the principal, Mr. Austin cognitively made statements limited to his personal perceptions that were immeasurable . . . It was ridiculous, on "*a reasonable person standard,*" that he documented that not excusing a student to visit the restroom was *communicating negativity and lowering expectations*. Mr. Austin was not acquainted with a particular pestering student who always had asked to be excused. It had been 10 minutes after the class had returned from their lunch break to class when this particular student had requested over and over again to be excused to the restroom. The class laughed when the teacher said, "*No, did I stutter*" because they were use to his routine. Mr. Austin documented his negative statement concerning the teacher because he was not aware of the context of the situation . . . It was noted that Mr. Austin told the Appellant to adhere to the principal's action plan that she had provided. This presents illogicality: How could her action plan be the same for every class when every lesson and every class was different, and when the principal's dictations were made in the past and outside of the classroom?

### **January 19, 2011**

The Appellant met with **Consortium Director William Barnes**, a substitute administrator and educational specialist, **Dr. Robert Papineau** who also had been the director who sponsored *The New Leaders Program* that enabled Nakia Nicholson to transcend from being just a business teacher to becoming

a full- fledged principal in one year . . . The meeting consisted of intimation in attacking the Appellant's credentials and securing her signature on a detrimental document. Afterwards, the Appellant began issuing *notarized statements* of disagreements for self-serving purposes of taking PGCP Board to court in the future. **The notarized affidavits were not mentioned in all of the record.** Nevertheless, Lawyer Shani Whisonant documented and verbally reiterated before Judge Michael W. Burns that the Appellant did not dispute the genuine evidence as a matter of fact of law.

### **February 23, 2011**

Principal Nakia Nicholson continued to document derogatory remarks on her observations as to continually build her case against the Appellant. She documented deliberate untrue remarks that two students made who were failing the course. She cultivated relationships with problem students like the twins and welcomed their criticism of the Appellant then documented situations as mentioned with the twins and would not offer support to the Appellant or provide open-communication in conjunction with her other subordinators . . . The Appellant was NEVER paired with English teacher, **Robert Caldwell** (*who was less qualified academically*) in 2010-2011, but it was documented in Superintendent Hite's decision that lowered her teacher status in 2010-2011 school year. Also, The Office of Administrative Hearing Judge or also referred to as the Administrative Law **Judge Michael W. Burns** denied the Appellant's requested subpoena to summon Mr. Caldwell's as a witness . . . In 2011-2012, the Appellant did request a mentor as sarcasm.

### **April 11, 2011**

During the last week in March, the principal ordered the Appellant to switch her 11<sup>th</sup> grade low lever class with Mr. Caldwell's low level 12<sup>th</sup> grade class. The seniors were angry about being transferred because they wanted to finish their last year with Mr. Caldwell who had been their teacher for the entire year. The principal up-rooted these students, and the majority purposely misbehaved during **Dr. Robert Papineau's** unannounced visit. Also, they were angry about the Appellant's constant reminder of submitting a term paper at the end of the year that was demanded by Mr. Caldwell . . . The principal deliberately orchestrated the class exchange knowing the students would be disgruntled. . .The Appellant's objective was presented on her LCD; therefore, **Dr. Papineau** did not see it when he appeared . . . When the Appellant informed Dr. Papineau that she did not have these



students all year and was still learning their names, he was surprised but said that he had already typed out his report so he couldn't make changes . . . The lesson involved using poetic sources from the internet since the Appellant was a strong believer in implementing technology into the classroom which was never suggested by Dr.Papineau, the principal, or the mentor.

### **May 27, 2011**

Principal Nakia Nicholson issued an unsatisfactory end of the year evaluation that was based solely on her untrue statements. Superintendent Hite offered systematic support to her false statements and reclassified the Appellant's advanced certificate to a second class status in a form letter as mentioned.

### **2011-2012 School Years**

The Appellant was issued a mentor, **Jonathan Wemple** who was less academically qualified, less experienced, and never had taught an advanced placement course. He did not have any AP guide books, or any AP material that was being covered in class. He attended the class one time then met with the Appellant on her lunch break or planning period every one to two weeks. For the majority of the time, both indulged in trivial conversation unrelated to the AP course although each meeting time, the mentor copied the Appellant's AP lesson objective from the blackboard and kept a log of the times and dates . . . Mr. Wemple's seldom suggestions were too elementary for an AP class so the Appellant e-mailed his suggestions and a complaint about the burdensome and unqualified mentor to **The College Board** . . . Also, the Appellant telephoned The College Board and talked to their representative in Princeton, New Jersey. The representative insisted that they do not and never have appointed AP mentors . . . PGCPs is under The MSDE and grants high school credit to PGCPs students. The College Board is NOT under The MSDE because it grants college level credit to high school honor students who pass their high stakes AP test that is not set to MSDE high school standards. . . The Appellant forwarded a letter to the mentor's supervisor, Ms. Sharon Hodgess about the unnecessariness of the mentor but said that she would comply to his presence rather than be charged with insubordination . . . Indeed, it was an embarrassment/humiliation and a direct attack on the Appellant's credibility to be assigned a mentor after she had been at the school for nine years and had advanced standing. **The Appellant was the most qualified teacher in the English department;** all other teachers were new hires, including the department head, African

American, Eleanor Conwell who lacked tenure in PGCPs, except Mr. Robert Caldwell who did not possess a Master's degree as she did.

### **October 4, 2011**

**Assistant Principal Michael Austin**, an African American, kept postponing observing the Appellant under The FIRST Program criteria. The third time, he offered the excuse that her AP objective was faulty so he could not conduct the observation. Laughingly, the Appellant responded elatedly that her AP objective was copied directly from the AP guide book. Not having a response, Mr. Austin quickly walked away from her. There were not any students in the classroom since it was during lunch time . . . Assistant Principal Austin issued a letter of warning to the Appellant for unprofessional behavior . . . Later, the Appellant had to contact The FIRST Program representative, **Ms. Blue**, and her director to convince Mr. Austin to finally observe the Appellant as dictated by The FIRST Program.

### **October 11, 2011**

Assistant Principal Austin did not honestly document that students arrived late or discussed unrelated topics. Furthermore, the first of the year observation was supposed to consist of diagnostically observing and not written documentation according to The FIRST Program. He did not appear at the Loudermill Appeal proceedings to testify against the Appellant and left the PGCPs system.

### **October 12, 2011**

Principal Nakia Nicholson did NOT submit or witness any quiz grades of students scoring less than 70%. This is a complete and deliberate **lie** presented by the MSDE since the principal did NOT submit any grades, essays, midterms, final grades, tests as a matter of fact. On the other hand, the Appellant had kept a portfolio of student quarter grades, (*from September to June*) midterm grades, simulation tests, charts, graphs, essays and final exam grades that showed a positive progression. . . It was ignored that **The Anastasi Rule** was violated in that PGCPs Board failed to set specific test proficiency or standards and adequate mentoring. Of course, this would be impossible because the honors AP English course was taught on a college level and not on a high school level which makes this a frivolous case. **The Anastasi Rule was never mentioned.** *Avery v. Baltimore County v. Anastasi, 77md.app, 137-138,549 a3d 753 1988 then Easton v. Rosewood 86, md. App 366,375,585 a 2d 804 1991- Board exercised*

*arbitrary authority. -The Board must present a county code and provide adequate assistance . . . that was impossible since the two full times subjects in school years 2010 to 2012, were advanced placement English, on a college level under The College Board and not MSDE.*

### **October 25, 2011**

A parent, who had been the vice president of FHHS PTA, (*as mentioned*) apparently, e-mailed the principal that the Appellant told her son that the principal was out to get him and his twin brother out of school if he continued to misbehave. The Appellant had only repeated what the principal had told her in order to warn him about changing his behavior. Nevertheless, the principal illogically issued her an official reprimand letter for inappropriate dialogue with a student. . . For two years, the parent's twin boys had been behavior problems for the Appellant as mentioned. The principal failed to discipline them, and they even appeared in cameos at school assemblies. The Appellant had presented copies of the many referrals that she had written for a two year period (*as mentioned.*) **The referrals were not mentioned.**

### **January 11, 2012**

The Appellant was in The FIRST Program (*a two year evaluation program that started in 2011-2012*) that is highly structured and evidence based with pre conferences and post conferences between the teacher and administrator. Action plans are NOT relevant to this program since FIRST stresses their own agenda. **Jane Spence** (*vacated PGCPs*) and the principal (*vacated PGCPs*) ignored the fact that the Appellant was in The FIRST Program and summoned her to an intimidating meeting to receive the same generic action plan that she had already received at FHHS. . .

**Note:** Both of these administrators were not qualified to advise advanced placement English courses because courses were based on The College Board criteria whose AP guide material was structured to higher level thinking skills than The PGCPs school level curriculum under The MSDE. Bloom's taxonomy was always implemented into the suggested AP leaning objectives during group assignments.

### **February 27, 2012**

The Appellant employed Socratic dialogue or reciprocal teaching methods. Higher level questioning and probing was always initiated before, during, and at the closure of the structured AP lesson.

## **March 16, 2012**

Principal Nakia Nicholson stated, "*Critical class time was wasted on a trade school presentation.*" She misinterpreted the objection of the lesson which was to analyze the presentation of the guest speaker. Each student was equipped with a critique sheet in order to analyze, to assess and to evaluate the speaker . . . *On another occasion, the principal had complained that the Appellant was still teaching Macbeth for two consecutive days and failed to recognize that Macbeth was a five Act play . . .* Nevertheless, when the Appellant noted that the principal appeared agitated, she asked the speaker to leave even though he had been invited by the FHHS guidance department . . . The speaker never appeared for the AP English class but a class that she was co-teaching with Eleanor Conwell. . . The principal continued to document untrue statements about the Appellant's classroom management, objections, and teaching methods . . . Daily assessments were made of the students by the Appellant that she charted and displayed on her wall. Simulated AP tests were given in intervals that showed an elevated progression by mid - term AP simulated exams to the AP simulated final exams and were presented to Assistant Principal Daniel in the form of a graph. Essays, quizzes, and tests were returned within two days with student model papers discussed and taped to the honor's wall. Also, the Appellant made an electronic record of student assessments. **Hard-copies of the Appellant's AP grades from September to June were ignored, along with AP essays, AP charts, AP graphs, AP mid- terms, and AP finals.**

## **May 4, 2012**

The Appellant enforced class rules which included being on time for class, attentiveness, uniforms, and no cell phones. At times, students who were failing or disliked the teacher would deliberately display their cellphone, and the principal would immediately document the violation as teacher inefficiency.

## **May 16, 2012**

Appellant had unfairly received her second end of the year unsatisfactory evaluation on May 16, 2012 after she had filed her age discrimination and race discrimination charge against Principal Nakia Nicholson on behalf of PGCP Board of Education in The Maryland Federal District Court on April 26, 2012. The Appellant contended that Principal's quest to evaluate her as an incompetent teacher was a facade that enabled her to have a preference for **"African American Teachers and teachers under age 40."** Also, The

PGCPS Board of Education received financial incentives from such programs as **American Choice** to employ teachers who were under the age of 40 . . . At the Loudermill Appeal proceedings; the APPELLANT cited that the principal willfully committed perjury. **This was omitted from the records.**

### **June 7, 2012**

The Appellant had her own assortment of keys that could open two English classroom doors, the book storage room, and the ladies' restroom. She had collected keys from since childhood and presented pictures of her collection during The Loudermill Appeal proceedings. **The Evidence was ignored.**

The Appellant wore her keys around her neck on a lariat. At times, other English teachers, even the principal, and security would borrow her matching keys to open doors. The keys did NOT belong to the FHHS but belonged to her collection; during her Loudermill Appeal proceedings, **English Department Head Eleanor Conwell** said that she saw the Appellant at one time with about 60 keys when the Appellant was trying to find a match for Ms. Conwell's storage room door. Nevertheless, when the principal demanded her keys, she instantly gave all of her keys that she had around her neck which even included her house and car keys . . . The Appellant had always kept her lap-top computer in her car trunk after the third period of the day since she had one computer stolen from her at FHHS. This incident was another example of the principal's deliberate documented **deceitfulness**. Nevertheless, this would be *alleged disciplinary charge* and is unrelated to the charge of classroom teacher incompetence.

When the Appellant had a conference with the principal and was given an unsatisfactory during her interim assessment, she went back to the African American class that she had been co-teaching with an African American, under age 40, a new hire and resident teacher. The APPELLANT had cried in class because of her negative experience with the principal. A few students in that class, had laughed at her for crying, and she was greatly humiliated. When she returned to her shared room with co-teacher, Eleanor Conwell, which was during lunch break, no one else was in the room. Being emotionally upset, the Appellant privately blunted out that she hated the principal and hoped that she would die a painful death. The Appellant had a right to her private feelings that she shared confidentially with Eleanor Conwell whom she thought was her friend. **The MSDE deliberately placed the accusation of Eleanor Conwell's words out of context.**

### **August 17, 2012**

**Superintendent William Hite** systematically rubber-stamped his recommendation for the Appellant's termination in support of PGCP BOE **Arbitrator, Robert Troll** who had ignored the Appellant's allegation of the **Principal Nakia Nicholson's** perjury, the absence of any tests or academic proof and her misstatements. Also, the APPELLANT made allegations concerning PGCP BOE **lawyer, Leslie Stellman** in citing a HIPAA violation and his deliberate documented misstatements. **This was ignored and omitted from the record.**

### **STANDARD of REVIEW**

The four day Loudermill Appeal record is the only data presented by lawyer Leslie Stellman, the court reporter and Arbitrator Robert Troll that recommended Dr. Hite's decision to terminate the Appellant to The PGCP BOE; all of whom were paid by The PGCP BOE. The newly appointed PGCP BOE lawyer, **Shani Whisonant**, the **OAH Judge W. Michael Burns**, and **THE MSDE** piggy-backed off this alleged faulty, one-sided and deceitful documentation. The Appellant had presented a 126 page Loudermill Appeal summary brief and 69 items of hard-copy evidence to support her teacher competence. On "*a reasonable person standard*" it is illogical to assume credence to this case.

The MD. St. Bd. of Ed. proposed to consider the evidence *de nova* when in fact, they were only 3<sup>rd</sup> party interpreters merely accepting written or hear-say negative statements of the principal and her supporters', and the OAH judge's negative opinion in summation that supported their local PGCP BOE.

### **ANALYSIS:**

The MD. St. Bd. of Ed. attempts to scrutinize a record based on omissions, deceptions, untrue statements, hierarchal titles, citations, rhetoric, and a paper trail of repetitive and false statements as an attempt to purport credibility to the illogicality of the Appellant's teacher incompetence in support of their OAH Judge Michael W. Burns. MD. St. Bd. of Ed. proceeds to treat a **frivolous case** based on detrimental opinions and not any facts as a legitimate case that they pursue by citing law policy and appropriate procedures in order to support their local PGCP BOE in terminating the *Appellant who has refused to resign or retire from her teaching position.*

### **1. THE EVALUATION WAS NOT FAIR AND NOT IMPARTIAL**

The APPELLANT was observed by the Principal Nakia Nicholson and supported by her assistant principals at FHHS. In the past, Dr. Robert

Papineau was her sponsor for *The New Leaders Program* that enabled Nakia Nicholson to become a principal through only an internship program. Ms. Nicholson had never been an assistant principal before and did not have prior experience as a principal. Mr. Johnathan Wemple at times, did report to the principal's office for conferences with her. Every person who supported the principal was a PGCPs BOE employee.

**During the 2010-2011** school year, the Appellant was aware of being over-observed, harassed and treated differently compared to other English teachers.

**September 2, 2010:** Assistant Principal had given her a formal observation when it was only the second week of school and students were still changing schedules and assimilating to school procedures. Ms. Daniel was *multi-tasking* and concerned with counting the APPELLANT's cordiality and documented an exaggerated number of the teacher's pleasantries instead of concentrating on the lesson plan and citing the specific objective and methodology.

**October 8, 2010:** The Appellant religiously followed The MSDE curriculum and implement PGCPs Standards of Excellence in her lesson plans at all times. At The Loudermill Appeal proceedings, Department Head Eleanor Conwell testified that the APPELLANT was a teacher who strictly followed the curriculum, but she taught skills (*The APPELLANT had complained that Ms. Conwell was three months behind the MSDE curriculum pace guide and anonymously send a letter to The MSDE.*)

**NOTE:** To reinforce the incredibility of Dr. Papineau's assessment, it is important to note that when the APPELLANT met with Principal Nakia Nicholson and **Tameka Wray** at the preliminary **Loudermill Procedure Process**, the APPELLANT alleged that Tameka Wray confiscated from her, outstanding observations that were issued by **Dr. Papineau** that rated the APPELLANT as being *outstanding in six different areas*. Tameka Wray denied confiscating the two observations during the meeting alleged by the APPELLANT. Afterwards, the APPELLANT had discovered the copies; nevertheless, the **OAH Judge Michael W. Burns** refused to accept the evidence that was signed and dated by Dr. Papineau. **The APPELLANT'S denied request was never mentioned.**

**During 2011-2012 school year:** The APPELLANT had forwarded her 20 page rebuttal to the superintendent and e-mailed a copy to the principal during the summer of 2011. When she first appeared at FHHS that year, her

name was removed from her mailbox; she was not assigned a classroom but directed to share; and was detained from entering the faculty meeting by an assistant principal. The APPELLANT was habitually and negatively treated differently as testified by her **two witnesses who presented their affidavits, but they were not mentioned by OAH Judge Michael W. Burns; either were her hard copy cited examples.**

### **October 11, 2011**

**Assistant Principal Austin** continued to be unsupportive and negative as were the rest of the principal's subordinators.

### **November 28, 2011**

Unqualified mentor, **Johnathan Wemple** only once had observed the APPELLANT teaching her AP English class. He only appeared once in the class to interact with the students and only met with the APPELLANT during her lunch break or planning period in the classroom where he would copy her objective from the blackboard. He was totally unaware of what was going on her AP English class. He had never possessed any AP material and had never taught any AP courses as mentioned.

### **April 26, 2012**

**Principal Nakia Nicholson** continued to document untrue statements on observations.

### **May 4, 2012**

A problematic student purposely displayed a cell phone in front of the principal who documented that the APPELLANT allowed many students to use cell phones in her classroom.

**The MSDE** uses rhetoric depicted in *PGCPS Standards of Excellence* to assert their case of teacher incompetence is valid in stating that there are two consecutive years of traceable unsatisfactory ratings (*OBSERVATIONS*) even though they are untrue, deceitful and conspired to support the principal.

- a. **Principal Nakia Nicholson made untrue evaluations . . . OAH Judge Michael W. Burns was in direct support of The PGCPS principal for the following reasons:** (1.) He does not accept the copies of Dr.Papineau's observations that the APPELLANT alleged that Tameka Wray took from her. (2.) He does not allow the APPELLANT to



subpoena Robert Caldwell to testify to the fact that he had never been her mentor, or even taught with her, and he had exchanged classes with her at the end of the year as ordered by the principal. (3.) He ignored the two affidavits issued by her witnesses. (4.) He ignored the hard copy evidence that cited specific examples that the APPELLANT was treated differently as compared to other African American English teachers and who were under the age of 40. (5.) He ignored The **Anastasi Doctrine**. (6.) He ignored The **Accardi Rule**. (7.) He never stated that the APPELLANT was an advanced certified teacher. (8.) He ignored **COMAR** citation of giving special status to advanced certified teachers. (9,) He ignored the fact that the principal never presented any grades or test scores for the two years in question. (10.) He ignored the fact that the mentor is not qualified. (11.) He ignored the notarized documents that the APPELLANT does not agree with the principal's evaluations.

MD. St. Bd. of Ed. agrees with Principal Nakia Nicholson's judgement purely based on her title. **MD. St. Bd. of Ed.** states, "*Teacher competency is an area in which school officials must remain free to exercise their judgment and discretion.*" This is **unfair and Fascist**. The principal's administrative power has made it possible to ruin the APPELLANT's credentials. Also, MD. St. Bd. of Ed. has facilitated the practice of **moral corruption** that is obvious to The FHHS students who had been taught by the APPELLANT.

The observation notes taken by Principal Nakia Nicholson are her negative **opinions** unsupported by factual evidence.

The work product of conspiring PGCPs officials is their documented statements that reek of unprofessionalism and should not be accepted as valid just because of their titles.

The MD. St. Bd. of Ed. does not recognize the APPELLANT as a professional educator even though they have given her advanced certification until 2018. **They are a contradiction to themselves.**

*"On a reasonable person standard,"* there is not any evidence that supports any unsatisfactory teacher performance by the APPELLANT who had taught to the MSDE curriculum and the proposed criteria of The College Board.

- b. Principal Nakia Nicholson used her unsatisfactory evaluations of the APPELLANT as a subterfuge to discredit her and exercise a preference for age and race.**

The APPELLANT gave specific examples of the principal treating her differently as compared to younger English teachers and African American English teachers that were ignored; so did her two witnesses who were also ignored. There is not any logical legitimate reason for terminating the APPELLANT.

## **II. The Teacher Did Not Have Any Deficiencies**

The APPELLANT never had any deficiencies in learning climate or classroom management. This is MD. St. Bd. of Ed. attempts to use rhetoric again to make their allegations of unsatisfactory opinions sound believable.

### **December 1, 2010**

Assistant Principal Michael Austin, Principal Nakia Nicholson, Assistant Principal Donna Daniel, and the mentor were not familiar with the agenda of the class and higher level questioning/probing were routine. **There was a pronounced conspiracy to devalue the teacher.** Their cognitive perception is immeasurable. The facts are that the students showed above average rates of proficiencies that were well-documented by the APPELLANT.

### **The APPELLANT Always Exhibited Professionalism**

#### **September 17, 2010**

The APPELLANT had been observed twice by Ms. Daniel that day. When she returned from lunch, a negative comment, about still being on Macbeth was written on her blackboard. She mistakenly inferred that Ms. Daniel had written the comment when it had been the principal. Although she apologized, she was still issued a warning letter and was reprimanded by both the principal and assistant principal at the same time in the principal's office, after school. Afterwards, she was observed even more.

The APPELLANT did feel that she was being treated like a witch at the *Salem Witch Trials* for the fact that she was over-observed and being treated differently, and her reputation was being damaged unfairly.

## **October 4, 2011**

Assistant Principal Austin's ego was bruised because the APPELLANT provided a logical response that he could not dispute.

The interaction between the APPELLANT and twin brothers were deliberately taken out of context in documentation by the principal. The APPELLANT was giving a friendly warning and not threatening. The boys' mother had presented herself as unstable in her actions as demonstrated when she used her cellphone in the APPELLANT'S AP classroom.

- a. **The APPELLANT only taught two AP English classes full time in 2010-2011 to 2011-2012. The honor Students were graded on their AP course work.**

All AP quizzes, AP standard essays, and simulated AP tests were indicators of student competency. It is impossible to measure student engagement since this is a cognitive process . . . Once again, The MSDE mentioned the insignificant year of 2009-2010 **to delude from the fact** that Principal Nakia Nicholson *DID NOT PRESENT any grades or tests for the 2010-2011 to 2011 to 2012, the years in question.* The principal never submitted hard copy evidence of grade/test assessments for October 12, 2011, or April 26, 2012 but it was accepted as truth. The Appellant had been a teacher at FHHS for five years before African American, Eleanor Connor came to the school and was appointed the English Department head in the same year that she had arrived at the school. By The MSDE stating that Ms. Conwell claimed that the Appellant was given the English AP honors classes, for two consecutive years, because the students were easier to manage; just confirmed that the principal was not concerned with a focus of academic achievement with the advanced students in her school. In fact, in September, she had all computers removed from the AP class and transferred to make an HSA computer lab for the lower grade student . . . Also, The MD. St. Bd. of Ed. complained that only about five AP students had received college credit for scoring on the AP test that definitely showed their misunderstanding of an AP class where students are not held accountable for passing a high stakes college-level test. It was an honor's subject where students had to be above grade average to participate in the rigorous college - level course work so their grades were based on the AP class work through the year and not on passing the AP test that awarded college

credit to high school students. On a national level, AP teachers are not held responsible if the students pass or fail the high stakes college-level test; yet, The MD. St. Bd. of Ed. held the Appellant responsible . . . To reiterate, FHHS was the lowest scoring high school in PGCPs whose students struggled to pass the HSA that was given in the 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>, and 12<sup>th</sup> grades until they passed it with the help of tutors and classes after school.

**b. The Appellant was always professional with students, co-workers and administrators.**

It is ludicrous that The MD. St. Bd. of Ed. cited insignificant situations out of context as did the documentations of the principal and her subordinates in order to present derogatoriness that were their negative perceptions without fact or logic and insinuated that this was real evidence. . . The Appellant never made inappropriate remarks to students but only repeated what the principal had stated about poor behavior. There was not any negative learning climate except the complaints from the students concerning administrators interrupting their classroom routine with their over-kill of observations.

Actually, the principal, administrators, and the mentor did not have knowledge of what the Appellant was teaching in her AP classes since they did not possess AP material or attend any of the workshops. . . To reiterate, the mentor, **Johnathan Wemple** was not AP qualified and the Appellant notified The College Board by e-mail and telephoned their representative in Princeton, New Jersey.

**111. The Appellant Was Falsely Portrayed as though She Needed Assistance in Order to Suggest That She Had a Teaching Problem**

During the 2010-2011 to 2011-2012, the Appellant was treated differently from other African American teachers and those who were younger. The Appellant was over-observed and given extra work by the principal. She documented specific examples, dates that were consistently ignored in the record that was documented at her The Loudermill Appeal . . . The principal told her to observe a special education teacher to insult her ability. There was not any other AP English teacher at FHHS but the Appellant. The principals continued to document her false statements.

The MD. St. Bd. of Ed. is persistent in repeating the same statements as to establish a long paper trail of believability that is in fact, bogus. To reiterate again, Mr. Johnathan Wemple was Not AP qualified. **The MSDE ignored COMAR, The Anastasi Rule and The Accardi Doctrine.** . . . It is illogical in their continued suggestion that the Appellant needed to be mentored in an AP course too. ***"The MD. St. Bd. of Ed. tries to manufacture a case that is frivolous from the beginning."***

#### **NOTE FACT:**

It was impossible for The MD. St. Bd. of Ed. to set AP expectations because the AP English course was under The College Board. . . The Appellant wasn't just a teacher, but she was an *Advanced Certified Teacher*. She was more qualified by academics and experience to be the mentor than the mentor was. To reiterate, the mentor was not sponsored by The College Board but under The MSDE curriculum.

- a. The **Accardi Doctrine** was violated since the PDCPS BOE did not set standards or follow their own rules of providing an **adequate/qualified AP mentor for 2011-2012** that was trained for AP English. . . *Board of Schools Commissioners of Baltimore City v. James & Davis, 96 Md. Appeal 401 (1993)*

The Appellant's mentor was inadequate and not AP trained, the action plans were generic; there was not any set standard or code, and PGCPs officials only went through procedure to terminate her.

In 2011-2012, the Appellant had joined The FIRST Program which devised their own agenda where the principal's generic action plan was not applicable although the Appellant acquiesced to her implication rather than be insubordinate to her.

Indeed, The PGCPs BOE was just going through the procedures to terminate the Appellant; her **126 page Loudermill Summary Brief** was ignored, and her **69 items of hard copy evidence** was ignored. The local PGCPs BOE gave her 15 minutes to argue her case with the new lawyer, **Shani Whisonant** (*The MD. St. Bd. of Ed. spelled her name wrong*) who was not even the lawyer for the four day Loudermill Appeal proceedings. Mr. Leslie Stellman had presided during four day Loudermill Appeal proceedings.

The Appellant was never deficient in her teaching proficiency.

## **CONCLUSION:**

- ⌘ On “a reasonable person standard” this case was frivolous. . .
- ⌘ To paraphrase a propaganda strategist, “If you say (document) a lie long enough, then get others to confirm the lie again and again; the lie will eventually become believable.” This was the technique employed The Prince George Public School System.
- ⌘ If there had been a camera in the Appellant’s classroom, this case would never had materialized. Principal Nakia Nicholson and other’s immeasurable opinions are not measurable facts.
- ⌘ The students at Fairmont Heights High School of PGCPs know that the Appellant was a dedicated and an effective teacher. The Maryland State Board of Education sends them a message that you do not to have “**morals**” if you have a powerful title within the public school system. The Maryland State Board of Education have systematically supported The Prince George’s County Public School Board’s preference for a particular race and an age of under 40.

I, the Appellant, **Constance Jeanne Sammarco**, pro se, practicing my first amendment U.S. Constitutional rights, have **exposed the incompetency of The Prince George’s County Board of Education** (PGCPS BOE) supported by The Maryland State Board of Education in their deliberate ***deceptiveness***, in their deliberate ***failure to state pertinent facts***, and in their deliberate ***untrue statements*** that supported their false allegations of the unsatisfactory evaluations issued by **Principal Nakia Nicholson** of Fairmont Heights High (FHHS) for two consecutive years of 2010-2011 to 2011-2012 . . .

The MD. St. Bd. of Ed. has illogically succeeded unfairly terminating **Constance Jeanne Sammarco**, the Appellant and has illogically ruined her credentials which makes them part of the **CORRUPTION** that exists in their local PGCPS BOE.

/s/ **Constance Jeanne Sammarco**, pro se

Date: May 10, 2015

M.A. in Communication

Paralegal

Advanced Certified Teacher (2018)

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