

9f, j, n, o: This artifact highlights my on-going professional learning regarding school laws, policies and ethics. This paper was written to demonstrate understanding of an aspect of Maryland school law.

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## Reflection Paper

### Role model vs. Fitness as it applies to *Showell v. Wicomico County Board of Education*

- 1. Given the evolution from “role model” to “fitness” as the foundation of terminations for “misconduct,” do you believe that this case was properly decided?**

In the state of Maryland, according to 6-202(a)(1) of the Education Article of the Annotated Code of Maryland a teacher can be suspended or dismissed by the county board for a variety of factors including: immorality, misconduct in office, insubordination, incompetency or willful neglect of duty. Before *Morrison v. State Board of Education*, a teacher could be suspended or dismissed if they simply exhibited any one of those five factors, whether while teaching, at school, or even outside of school. After the ruling of *Morrison v. State Board of Education*, the suspension or dismissal of a teacher requires that a nexus of one of those five factors with the impact of that factor on the teacher’s ability to teach; rendering the teacher “unfit to teach.” This marked a change in the foundation of terminations requiring that the superintendent or county board show proof that the teacher is “unfit to teach” based on one of those five factors.

In the case of *Showell v. Wicomico County Board of Education*, the appellant, Mr. Isaiah Showell, was suspended for three days without pay for misconduct during a post-observation meeting with his vice-principal (during which the principal was present). Essentially when the vice-principal made a recommendation that the appellant needed to work collaboratively with the special education teacher at the school, the appellant

laughed excessively and proceeded to go on a tirade about the incompetency of his vice-principal and eventually storm out of the office where the meeting was being held. The Maryland State Board of Education upheld the Administrative Law Judge's decision affirming the right of the local board's suspension decision (although for different reasons).

Looking at this case with the mindset of determining if there was a nexus between "fitness" of the appellant and his misconduct during the meeting, the decision to suspend the appellant without pay was valid and the court's decision to affirm the suspension is also valid. Through his conduct at the meeting, the appellant did not take the advice of the vice-principal to change his practice. This directly affects his "fitness" since the feedback given at the post-observation was meant to help him teach his students. If the appellant had simply voiced his opinion about how the vice-principal did his job at a time when the vice-principal was not giving him advice about his practice, then the suspension would not have been valid. However, the conduct of the appellant during the meeting prevented him from receiving feedback about his practice, which therefore affects his ability to teach.

**2. Is there still room in the analysis of teacher misconduct for "role modeling" as a factor in determining fitness?**

Since fitness requires a nexus of conduct with impact on student behavior, it would appear that "role modeling" could only impact fitness of a teacher if it was tied to immorality of the teacher. That is to say, the other four reasons for possible suspension or termination only make sense in a school setting, and as a result are directly tied to the fitness of a teacher. However immorality is tied to the acts of a teacher, no matter

the setting. It would appear that *Morrison v. State Board of Education* would require the superintendent or state board show that there was a nexus between the immoral act of the teacher with students, hence a “fitness” argument. “Role-modeling” would simply require a teacher act “immoral” (according to what society generally deems “immoral”) no matter the circumstance. However one could imagine a scenario where there is some gray area here. For example, a female teacher choosing to strip at a local nightclub would not affect her fitness, once she keeps up with her duties as a teacher and employee of the county school system. However, if word were to get out that the teacher was a stripper, and students became aware of this fact, this might undermine the teacher’s ability to lead her students in the classroom and now her fitness is compromised. In a large city, that might not be a problem. But in a smaller town where word could spread faster, this might be a reality. Therefore there is room for role modeling to play a role as a factor in determining fitness.

**3. If you were the principal in this situation, what would you do differently, if anything, to de-escalate the situation?**

If I were the principal, I would have let Mr. Showell leave the meeting. The next day, I would have re-engaged him and asked him what could have led him to act in the matter that he did. If he were to deny my assistance the second time, I would have taken action to have him suspended without pay. This would have shown that he is absolutely refusing my help or the help of my vice-principal to change his practice to better help him teach his students. To base his fitness off of one outburst, seems a bit harsh, although fully acceptable by the law. I would prefer to reach out to teachers a second time before assessing any punitive damage to the teacher. It breeds an

environment of inhospitality and any punitive measure should be taken as a resort, not an initial step.

**4. Was the punishment appropriate for the offense? If so, why? If not, why not?**

I do think a suspension without pay is appropriate for misconduct that affects fitness of the teacher. If the teacher is generally unwilling to take advice regarding his or her practice simply because they disagree with the administrator, then that does not warrant a suspension without pay. Rather an administrator has to be creative with how they approach helping that teacher, and must provide the proper remediation. This is of course easier said than done, but that is what an administrator signs up for when they take that job. However, to act in the manner Mr. Showell did indicates that he, for that time being, was absolutely unwilling to possibly change his practice. Also, who is to say that Mr. Showell might not act this way when confronting a student in the classroom? His track record showed he had great rapport with students, but it also showed he generally had good reviews. If this was one of the few times he had a bad review and he acted this way, who is to say that if something were to go wrong in the classroom he would not act accordingly with students? A suspension without pay ensures that Mr. Showell understands the severity of his actions and that there are repercussions for misconduct that potentially hurts students.