

**BEFORE THE BOARD OF EDUCATION
FOR PRINCE GEORGE’S COUNTY, MARYLAND**

IN THE MATTER OF)
)
ROBIN BREEDON) EA39 - 2011
)

ORDER

Pursuant to Section 4-205 of the Education Article, Annotated Code of Maryland, the Appellant, Robin Breedon, appealed the decision made by the Superintendent of Schools for Prince George’s County Public Schools, Dr. William R. Hite, Jr., to uphold a reprimand provided to her on February 23, 2011 and to eliminate her position, Director, Television Resources and Web Services, effective School Year 2011/2012. Ms. Breedon timely appealed this matter to the Board of Education.

The parties presented oral arguments to the Board of Education of Prince George’s County, Maryland, (the “Board of Education”), on September 22, 2011.

After considering the complete record of these proceedings, IT IS this 27th day of October, 2011, by the Board of Education of Prince George’s County,

ORDERED, that the Superintendent’s decision to uphold the reprimand provided to Ms. Breedon on February 23, 2011, and eliminate her position effective School Year 2011/2012 is affirmed for the following reasons:

1. Ms. Breedon was provided with a reprimand by the Superintendent

after she privately submitted packets of information to each Board Member on February 16, 2011, challenging the portion of the Superintendent's budget proposal for School Year 2011/2012 that would impact the Communications Department, where Ms. Breedon was assigned to work. This was done despite the fact Ms. Breedon had provided similar information to the Superintendent's budget staff on February 2, 2011. The Superintendent had considered the information in creating the budget and making his decision regarding what he would recommend to the Board regarding the budget for the Communications Department.

2. Although Ms. Breedon understood that the Superintendent did not agree with her position, she alleges that in order to meet her "ethical obligation" she had to provide the Board with complete and truthful information that she believed the Superintendent would not provide to the Board. She further alleges that the reprimand was issued because she voiced her objections to the budget to the Board, which was her right to do so, and because she had filed a claim of discrimination against the school system prior to receiving the reprimand.

3. The issuance of the reprimand was appropriate. Ms. Breedon's objection to the budget proposed for the Communications Department was a personal issue for her as the budget proposal clearly impacted her job. In accordance with *Garcetti v. Ceballos*, 547 U.S. 410 (2006), the information submitted privately by Ms. Breedon to the Board regarding the proposed budget was done pursuant to her official duties as a school system employee and as such, her speech may be regulated. The Superintendent has the right to enforce his own protocols established for employees to express their concerns to him and to

the Board regarding his budget proposal. This is particularly true where the Superintendent had allowed Ms. Breedon to submit her information to staff in the Budget Office and he considered the information as part of the budget review process. Further, Ms. Breedon did not present this information in a public hearing although the Board conducted several public hearings on the budget nor did she submit the information to the Board via the public access e-mail established for employees and members of the public to communicate with the Board.

4. Ms. Breedon argues that her job was not eliminated in accordance with the applicable collective bargaining agreement because it was actually a reduction in force action. She also alleges that that the Superintendent created a new position that is essentially her former position and hired another individual to fill the new position. She asserts that the job elimination was retaliatory. Ms. Breedon provided no information to support her assertion that her position is covered by a collective bargaining agreement and the Superintendent indicated that her position is not covered. Regardless of whether the position is covered, it is clear that the elimination of Ms. Breedon's job was the result of a reorganization of the Communications Department. Further, Ms. Breedon's assertion of retaliation is not supported by the record.

5. The Superintendent eliminated 245 positions in the central office budget, which included positions within the Communications Department. The elimination of positions was directly related to a reduction in the operating budget for School Year 2011/2012. The Superintendent took the action to reduce more central office positions so that schools would not be unduly impacted by the

loss of positions. The Board was fully briefed by the Superintendent on the reasons for eliminating positions within the Communications Department and for reorganizing that Department to include new positions and voted to support the reorganization. There is nothing in the record that suggests that Ms. Breedon was denied the opportunity to apply and compete for the newly created positions in the Communications Department or that the Superintendent simply changed the title of her job description and hired another individual to perform the same duties she performed.

6. The Superintendent's actions in issuing Ms. Breedon a reprimand and eliminating her position as part of a reorganization of the Communications Department were not arbitrary, illegal or unreasonable.

By: BOARD OF EDUCATION
OF PRINCE GEORGE'S COUNTY



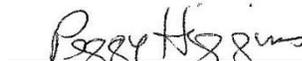
DONNA HATHAWAY BECK
Vice-Chair


HENRY P. ARMWOOD, Jr.

CAROLYN M. BOSTON



PATRICIA EUBANKS



PEGGY HIGGINS



ROSALIND A. JOHNSON

Dissent:



EDWARD BURROUGHS, III

Absent

VERJEANA M. JACOBS, ESQ.
Chair

Absent

AMBER P. WALLER

NOTICE OF RIGHT TO APPEAL

In accordance with the provisions of Section 4-205 (c) (3) of the Education Article, Annotated Code of Maryland, Robin Breedon is hereby notified that she may appeal the decision of the County Board to the Maryland State Board of Education, provided such appeal is timely taken within thirty (30) days from the date of this Order.



VERJEANA M. JACOBS, Esq.
Chair