District of Columbia
Court of Appeals

No. 19-CV-1254

JOANNE TAYLOR-COTTEN,
Appellant,

v.

2018 CAP 1462

DISTRICT OF COLUMBIA
PUBLIC SCHOOLS,
Appellee.

BEFORE: Glickman and Thompson, Associate Judges, and Fisher, Senior Judge.

JUDGMENT

On consideration of appellee's motion for summary affirmance and supplemental appendix; appellant's brief and appendix; appellant's lodged reply, construed as a supplement to her brief; and the record on appeal; it is

ORDERED, *sua sponte*, that the lodged supplement to appellant's brief is filed. It is

FURTHER ORDERED that the motion for summary affirmance is granted. *See Oliver T. Carr Mgmt., Inc. v. Nat'l Delicatessen, Inc.*, 397 A.2d 914 (D.C. 1979). Appellant argues the Office of Employee Appeals (OEA) erred in finding appellee complied with its employee evaluation process because it failed to schedule and conduct her required post-evaluation conference. Upon review of the record, we conclude substantial evidence supports OEA's finding that appellee complied with the evaluation process when it made multiple attempts to schedule a post-evaluation conference with appellant to no avail. *See Stevens v. D.C. Dep't of Health*, 150 A.3d 307, 312 (D.C. 2016) ("'[W]e review the OEA's decision, not the decision of the Superior Court, and we must affirm the OEA's decision so long as it is supported by substantial evidence in the record and otherwise in accordance with law.'") (citation omitted). Appellant failed to preserve her argument that OEA wrongly applied the 2015-16 evaluation requirements to her 2014-15 evaluation; however, reviewing her argument on the merits, we must reject her claim because the evaluation process for both school years did not differ in any material respect and the 2014-15 evaluation form notified appellant that her evaluation would be valid as long as appellee made

two attempts to schedule a post-evaluation conference. *See Baldwin v. D.C. Office of Emp. Appeals*, 226 A.3d 1140, 1143 n.5 (D.C. 2020) ("[W]e will not 'consider contentions not presented before OEA at the appropriate time.'") (brackets and citation omitted); *accord Goodman v. District of Columbia Rental Hous. Comm'n*, 573 A.2d 1293, 1301 (D.C. 1990) ("The question is whether the circumstances of this case are sufficiently exceptional to warrant our consideration of an issue which [appellant] has failed meaningfully to preserve."). Finally, we conclude that OEA did not err in declining to consider appellant's discrimination and workplace complaints because, based on the parties' collective bargaining agreement, these claims are outside the scope of OEA's review of appellant's termination, which is limited to adherence to the evaluation process only. *Cf. Battle v. District of Columbia*, 80 A.3d 1036, 1038 (D.C. 2013) ("The CMPA authorizes the [Public Employees Relation Board (PERB)] to '[d]ecide whether unfair labor practices have been committed and issue an appropriate remedial order.'") (citation omitted); *El-Amin v. D.C. Dep't of Pub. Works*, 730 A.2d 164, 165 (D.C. 1999) ("We do not decide the question whether [appellant's retaliation claim] before the OEA was sufficient to warrant a hearing, for the appeal must be dismissed on jurisdictional grounds."). It is

FURTHER ORDERED and ADJUDGED that the order on appeal is affirmed.

ENTERED BY DIRECTION OF THE COURT:

Julio A. Castillo

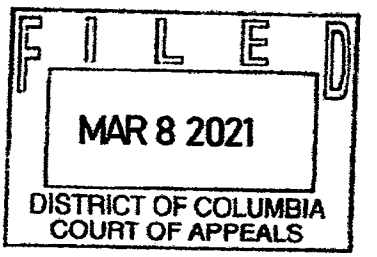
JULIO A. CASTILLO
Clerk of the Court

Copies e-mailed to:

Honorable Yvonne Williams

QMU – Civil Division

District of Columbia
Court of Appeals



No. 19-CV-1254

JOANNE TAYLOR-COTTEN,
Appellant,

v.

2018 CAP 1462

DISTRICT OF COLUMBIA
PUBLIC SCHOOLS,
Appellee.

BEFORE: Glickman and Thompson, Associate Judges, and Fisher, Senior Judge.

ORDER

On consideration of appellant's motion to recall the mandate, it is

ORDERED that the motion to recall the mandate is denied. Appellant did not identify any specific error in this court's opinion and reiterates the arguments the court previously considered in affirming the Superior Court order. To the extent appellant attaches a lodged petition for rehearing and a motion for an extension of time that raise the same claims raised in the motion to recall the mandate, even if properly filed, the requests would be denied for the same reason we deny the motion to recall the mandate.

PER CURIAM

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No. 19-CV-1254

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Assistant Attorney General

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cml

THE DISTRICT OF COLUMBIA

BEFORE

THE OFFICE OF EMPLOYEE APPEALS

In the Matter of:	
JOANNE TAYLOR-COTTEN, Employee	OEA Matter No. 1601-0072-16
v.	Date of Issuance: January 30, 2018
D.C. PUBLIC SCHOOLS, Agency	

OPINION AND ORDER
ON
PETITION FOR REVIEW

Joanne Taylor-Cotton ("Employee") worked as a School Counselor with D.C. Public Schools ("Agency"). On June 27, 2016, Agency issued a notice of termination to Employee. The notice provided that under IMPACT, Agency's assessment system for school-based personnel, an employee who received a final IMPACT rating that declines between two consecutive years from "Developing" to "Minimally Effective," was subject to separation. Employee was rated "Developing" for the 2014-2015 school year, and her final IMPACT rating for the 2015-2016 school year was "Minimally Effective." As a result, she was terminated effective August 5, 2016.[1]

Employee filed a Petition for Appeal with the Office of Employee Appeals ("OEA") on

[1] *Petition for Appeal,* p. 5 (August 1, 2016).

August 1, 2016. She argued that she was wrongfully terminated and discriminated against. Specifically, Employee alleged that she was not provided with a private office or telephone; she did not receive assignments; and she was not allowed to attend trainings. Moreover, she explained that she received excellent previous evaluation ratings and that ninety-five percent of her ninth grade students were promoted with above-average test scores. Accordingly, she requested that her termination be investigated and that she be reinstated to a permanent position.[2]

Agency filed its Answer to Employee's Petition for Appeal on September 1, 2016. It asserted that it properly followed the IMPACT process. Agency explained that Employee was terminated because of a "Developing" rating for the 2014-2015 school year and a "Minimally Effective" rating for the 2015-2016 school year. As for Employee's discrimination claims, Agency argued that OEA was not the proper forum to address these issues.[3] Therefore, it is Agency's position that Employee was properly terminated under IMPACT.[4]

On September 14, 2016, the OEA Administrative Judge ("AJ") conducted a Status Conference and ordered that the parties file Pre-hearing Statements. In Employee's Pre-hearing Statement, she provided that she did not meet with the Principal ("Evaluator") regarding her IMPACT score of "Developing." She also alleged that she did not receive a meeting or a performance plan to discuss her score. Further, Employee provided that the working conditions were unsatisfactory. She noted that there were cement holes in the parking lot; that a ceiling collapsed; and that there were rodents in the building. Therefore, she requested a hearing, back pay, reinstatement, attorney's fees, and the removal of her last two evaluations from her record.[5]

Agency filed its Pre-hearing Statement on September 27, 2016. It maintained that the

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[2] *Id.* 2 and 8-10.
[3] Moreover, it provided that Employee filed an Equal Employment Opportunity Commission ("EEOC") complaint to address these allegations.
[4] *District of Columbia Public Schools' Answer to Employee's Petition for Appeal,* p. 1-5 (September 1, 2016).
[5] *Pre-Conference Hearing Submissions,* p. 3-5 (September 22, 2016).

IMPACT policies and procedures were properly followed. Agency explained that Employee was evaluated twice during her assessment cycles for the 2014-2015 and 2015-2016 school years. It contended that the assessments were pursuant to IMPACT based on the following components: Counselor standards, Teacher-Assessed Student Achievement Data, Commitment to the School Community, and Core Professionalism. Thus, Agency asserted that it properly terminated Employee as a result of her "Developing" and "Minimally Effective" ratings.[6]

On April 7, 2017, the AJ issued his Initial Decision. He ruled that pursuant to *Brown v. Watts,*[7] the Court of Appeals held that OEA is not jurisdictionally barred from considering claims that a termination violated the express terms of an applicable collective bargaining agreement ("CBA"). He opined that OEA's jurisdiction over this matter is limited to Agency's adherence to the IMPACT *process* it instituted at the beginning of the school year (emphasis added). The AJ found that Chapter 5-E of D.C. Municipal Regulation ("DCMR") §§1306.4, 1306.5 gave the superintendent of Agency the authority to set procedures for evaluating its employees.[8] Further, he explained that while Employee maintained that her scores were unfair, she did not provide any evidence to support her claim that the IMPACT evaluation process had not been followed; nor did she specify that the Evaluator's comments were untrue. He asserted that Employee did not proffer any credible evidence that controverted any of the Evaluator's comments. Moreover, the AJ found that Employee's work performance was evaluated in accordance with the IMPACT rules. The AJ held that the Evaluator made two unsuccessful attempts to have a second conference with Employee. Accordingly, he provided that because

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[6] *District of Columbia Public Schools' Pre-hearing Statement,* p.-1-5 (September 27, 2016).
[7] 933 A.2d 529 (April 15, 2010).
[8] 5-E DCMR § 1306 provides in pertinent parts as follows:

> 1306.4- Employees in grades ET 6-15 shall be evaluated each semester by the appropriate supervisor and rated annually, prior to the end of the school year, under procedures established by the Superintendent.
> 1306.5- The Superintendent shall develop procedures for the evaluation of employees in the B schedule, EG schedule, and ET 2 through 5, except as provided in § 1306.3.

Employee's final IMPACT score resulted in a "Developing" rating one year and a "Minimally Effective" rating the subsequent year, Employee was appropriately terminated from her position. As it related to Employee's complaints regarding her work conditions, the AJ ruled that the complaints were not relevant to her IMPACT evaluations, nor were they legal grounds for overturning Agency's action. Accordingly, he upheld Agency's termination action.[9]

Employee disagreed with the Initial Decision and filed a Petition for Review with OEA's Board on April 20, 2017. She contends that Agency failed to adhere to the IMPACT process by not conducting a conference with the Evaluator. Employee again argues that she was not provided with a telephone or private office. Additionally, she outlines all of the resources and tutoring opportunities that she provided to Agency. Therefore, she requests that she be reinstated; receive back pay and damages; have her last two evaluations rescinded; and provided attorney's fees.[10]

Agency filed a Response to Employee's Petition for Review on May 19, 2017. It maintains that Employee was properly evaluated. Agency explains that during both school years, Employee was either provided post-evaluation conferences or attempts were made to schedule them, as required by the IMPACT guidelines. As it relates to Employee's alleged work conditions, Agency provides that Employee was evaluated on her role as a Counselor. Accordingly, it states that its actions to terminate Employee are proper and requests that the OEA Board deny Employee's request to remand the matter to the AJ because there is no new material facts or erroneous application of law or fact presented in the appeal.[11]

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[9] *Amended Initial Decision,* p. 4-6 (April 7, 2017). The Amended Initial Decision was issued to correct the date of issuance and the spelling of Employee's last name.
[10] *Employee's Petition for Review* (April 20, 2017). On May 5, 2017, a request to supplement Employee's brief was filed by Stephanie Rones, Esq. However, there is no indication in the record that the supplemental brief was filed. *Request for an Extension of Time to Supplement Respondent's Brief* (May 5, 2017).
[11] *District of Columbia Public Schools' Response to Employee's Petition for Review,* p. 1-7 (May 19, 2017).

The Superior Court for the District of Columbia recently issued a decision addressing the IMPACT evaluation process. In *Lauren Jones v. District of Columbia Public Schools, et al.*, Case No. 2015 CA 005054 P(MPA)(August 31, 2016), the Court explained that "the CBA established the extent to which the teacher evaluation process may be subject to grievance in §§ 15.3 and 15.4. Under the grievance process, OEA can only evaluate whether Agency followed the evaluation process it established and had just cause to terminate Petitioner."

Employee was a member of the Washington Teacher's Union ("WTU"). As a result, OEA is governed by the terms of the CBA between the WTU and Agency. Specifically, Section 15.4 of the CBA provides that "the standard for separation under the evaluation process shall be 'just cause', which shall be defined as adherence to the evaluation process only." Thus, as the AJ ruled, OEA could only determine if Agency adhered to the evaluation process.

The Superior Court provided in *Jones* that the responsibility of the AJ is to review the evaluation process in place and ensure that the Employee was not arbitrarily removed from her position. As the *Jones* Court noted, given the broad latitude that Agency had to create and implement the system of its choosing for evaluating employees, OEA has limited discretion to review the system it has established. *See Washington Teachers Union Local #6 v. Rhee,* 2009 CA 007482 B, 2012 D.C. Super. Ct., September 7, 2012) (acknowledging that "it is not for the Court to second-guess the judgments of the Mayor and the Chancellor regarding how to manage DCPS, when those judgments were made in the exercise of the Mayor and the Chancellor's lawful authority.").

The AJ outlined the IMPACT process in great detail, and he accurately held that Agency did comply with the process. In accordance with the IMPACT guidelines, Employee was properly removed from her position because she received a "Developing" then a "Minimally

Effective" rating.[12] Moreover, she was assessed by the Principal according to IMPACT guidelines. The guidelines provide the following:

> . . . As part of each assessment cycle, you will have a conference with your administrator. . . . If your administrator makes at least two attempts to schedule a conference with you prior to the Cycle deadline [,] and you are unable to meet or unresponsive, the assessment will be valid without the conference. Valid attempt methods include, but are not limited to, phone calls, text messages, emails, notes in your school inbox, and/or in-person conversations.[13]

Agency provided email and calendar notes to establish its attempts to assess Employee.[14] Given OEA's limited scope of review, we agree with the AJ's determination that the IMPACT process was properly followed. Accordingly, we must deny Employee's Petition for Review.

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[12] *District of Columbia Public Schools' Answer to Employee's Petition for Appeal,* Tab #5, p. 29 (September 1, 2016).
[13] *Id.,* Tab #6, p. 8.
[14] *District of Columbia Public Schools' Response to Employee's Petition for Review,* Tab #1 (May 19, 2017).

ORDER

Accordingly, it is hereby **ORDERED** that Employee's Petition for Review is **DENIED**.

FOR THE BOARD:

Sheree L. Price, Chair

Vera M. Abbott

Patricia Hobson Wilson

P. Victoria Williams

Jelani Freeman

Either party may appeal this decision on Petition for Review to the Superior Court of the District of Columbia. To file a Petition for Review with the Superior Court, the petitioning party should consult Superior Court Civil Procedure Rules, XV. Agency Review, Rule 1.

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION

JOANNE TAYLOR-COTTEN, **Petitioner,** **v.** **DISTRICT OF COLUMBIA, et al.,** **Respondents.**	**2018 CA 001462 P(MPA)** **Judge Yvonne Williams**

ORDER GRANTING PETITION FOR REVIEW AND AFFIRMING AGENCY DECISION

Before the Court is Petitioner Joanne Taylor-Cotten's Petition for Review of Agency Decision, filed on March 2, 2019. Petitioner filed her brief on February 22, 2019. Respondent The District of Columbia Public Schools' ("DCPS") filed its opposition brief on March 25, 2019. Petitioner did not file a reply brief.[1] For the following reasons, the Petition for Review shall be **GRANTED**, and the Agency Decision shall be **AFFIRMED**.

I. BACKGROUND

Petitioner seeks review of the District of Columbia Office of Employee Appeals ("OEA") decision to uphold DCPS' termination of Petitioner. Petitioner worked as a DCPS School Counselor. Record ("R.") at 1106. On June 27, 2016, DCPS issued a notice of termination to Petitioner. *Id.* Under IMPACT, the DCPS personnel performance evaluation system, an employee is subject to termination when their final IMPACT rating declines over two consecutive years from "Developing" to "Minimally Effective." *Id.* Petitioner received a "Developing" rating for the 2014-2015 academic year, and a "Minimally Effective" rating for the 2015-2016 academic year. *Id.* DCPS terminated Petitioner effective August 5, 2016, because of

[1] On May 1, 2019, the Petitioner moved for an extension of time to file her reply brief, which the Court granted in an order entered on May 9, 2019. However, Petitioner failed to file a reply.

her declining IMPACT ratings. *Id.* Petitioner filed an agency appeal with the OEA on August 1, 2016. *Id.* Petitioner argued that she was wrongfully terminated and discriminated against because she was not provided with a private office or telephone; she did not receive assignments; and she was not allowed to attend trainings. *Id.*at 1107. Furthermore, she argued that the IMPACT process was not properly followed because she did not have a meeting with the Evaluator to discuss her performance score. *Id.* On September 1, 2016, DCPS filed its Agency Answer to her Petition for Appeal, stating that it properly followed the IMPACT process, and that the OEA did not have jurisdiction over the discrimination claims. *Id.*

On April 7, 2017, the OEA Administrative Judge ("AJ") issued his Initial Decision, and he ruled that OEA's jurisdiction over the matter is limited to reviewing DCPS' adherence to the IMPACT process. *Id.* at 1108 (citing to *Brown v. Watts*, 933 A.2d 529 (D.C. 2010)(holding that the OEA is not jurisdictionally barred from considering claims that a termination violated the express terms of an applicable collective bargaining agreement)). The AJ found that the DCPS Evaluator twice attempted to have a conference with Petitioner and was unsuccessful both times because Petitioner was non-responsive to the meeting requests. R. at 1108. As such, the AJ upheld the DCPS termination of Petitioner. *Id.* at 1109.

Petitioner filed a Petition for Review of the Initial Decision with the OEA Board on April 20, 2017, reiterating that DCPS failed to comply with the IMPACT process because no conference was conducted with the Evaluator. *Id.* In its Opinion and Order for Petition of Review, the OEA upheld the AJ decision, finding that "[t]he AJ outlined the IMPACT process in great detail, and he accurately held that [DCPS] did comply with the process." *Id.* Furthermore, the OEA found that the IMPACT guidelines specifically provide:

> . . . As part of each assessment cycle, you will have a conference with your administrator . . . . If your administrator makes at least two attempts to schedule a

> conference with your prior to the Cycle deadline [,] and you are unable to meet or unresponsive, the assessment will be valid without the conference. Valid attempt methods include, but are not limited to, phone calls, text messages, emails, notes in your school inbox, and/or in-person conversations.

Id. at 1110 (quoting the IMPACT guidelines, DCPS Response Tab #6, p. 8). Accordingly, the OEA upheld the AJ Initial Decision and denied the Petition for Review. *Id.*

On March 2, 2018, Petitioner filed this Petition for Review, seeking a review of the OEA's Opinion and Order issued on January 30, 2018. Specifically, Petitioner argues that the AJ erred by not finding an IMPACT process violation because the required conference was not held and that the 2015-2016 IMPACT evaluation of "Minimally Effective" was a result of retaliation. Petitioner filed her brief on February 22, 2019. Respondent filed its opposition brief on March 25, 2019, arguing that the Petition for Review should be denied because the Petitioner did not cite to the agency record,[2] DCPS followed the IMPACT process, and OEA lacks jurisdiction over any alleged retaliation. Petitioner did not file a reply brief.

II. STANDARD OF REVIEW

The Superior Court has jurisdiction to review a final decision of an agency of the District of Columbia pursuant to Superior Court Agency Review Rule 1. "This Court shall base its decision exclusively upon the administrative record and shall not set aside the action of the agency if supported by substantial evidence in the record as a whole and not clearly erroneous as a matter of law." D.C. Super. Ct. Agency Rev. R. 1(g); *see also Walsh v. D.C. Bd. of Appeals & Review*, 826 A.2d 375, 378 (D.C. 2003)(acknowledging that "[u]pon review of an administrative decision, deference is properly accorded an agency's interpretation of the administrative regulation it enforces unless it is plainly erroneous or inconsistent with the regulation.").

[2] D.C. Super. Ct. Agency Review R. 1(e) requires specific references to the pages of the agency record that support the averments relied upon by the parties. The Court notes that the Petitioner failed to comply with this requirement, but will nevertheless grant the petition for review.

"Substantial evidence is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." *Smallwood v. Metro. Police Dep't*, 956 A.2d 705, 707 (D.C. 2008)(internal quotations and citations omitted). Evidence is not substantial if it is so highly questionable in the light of common experience and knowledge that it is unworthy of belief. *See Metro. Police Dep't v. Baker*, 564 A.2d 1155 (D.C. 1989). However, if there is substantial evidence to support the agency's decision, then the Court must affirm the decision even if there is substantial evidence to support a contrary conclusion. *Scott v. Police & Fireman's Retirement & Relief Bd.*, 447 A.2d 447 (D.C. 1982); *see Ferreira v. D.C. Dep't of Employment Servs.*, 667 A.2d 310, 312 (D.C. 1995). An agency's legal conclusions "must be sustained unless they are '[a]rbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." *Smallwood*, 956 A.2d at 707 (internal quotations and citations omitted).

III. ANALYSIS

Petitioner presents two issues: (1) whether the OEA AJ erred by not finding a process violation because there was no conference held relating to her 2014-2015 IMPACT Evaluation; and (2) whether the Petitioner's 2015-2016 IMPACT evaluation rating of "Minimally Effective" was retaliatory. Pet. Br. at 1. Because both Petitioner's brief and the OEA opinion do not address any claims of retaliation, the Court declines to address that issue.

Upon a review of the OEA record, the Court finds that there is substantial evidence that the Evaluator twice attempted to schedule a conference with Petitioner. More specifically, the Evaluator sent meeting invitations on both June 8 and June 11, 2015, as well as a follow-up meeting request. R. at 1101. Because DCPS attempted to comply with the IMPACT process, and in fact, the 2015-2016 guidelines contemplate two attempts as sufficient for complying with the requirement, the DCPS complied with the IMPACT process. Although Petitioner argues that the

2014-2015 guidelines do not contemplate two attempts at meeting, and an alternative inference in favor of Petitioner could be drawn, the Court still finds there is substantial evidence for an inference upholding the OEA decision. As such, the Court must affirm the OEA decision.

IV. CONCLUSION

Upon a review of the agency record, the Court finds that the record contains substantial evidence such that the OEA decision is affirmed.

Accordingly, it is on this 8th day of October, 2019, hereby,

ORDERED that the Petition for Review shall be **GRANTED**; and it is further

ORDERED that the OEA's Decision is **AFFIRMED**; and it is further

ORDERED that this case is **CLOSED**.

IT IS SO ORDERED.

Judge Yvonne Williams

Date: October 8, 2019

Copies to:

Stephanie K. Rones
Counsel for Petitioner

AG Conner P. Finch
Counsel for Respondents

other reason that justifies relief." "[N]either Rule 59(e) nor Rule 60(b) is designed to enable a party to complete presenting its case after the court has ruled against it," and any motion for reconsideration of a final order "may not be used to raise arguments or present evidence that could have been raised prior to the entry of judgment." *See District No. 1 – Pacific Coast District v. Travelers Casualty & Surety Co.*, 782 A.2d 269, 278 (D.C. 2001) (quotations, brackets, ellipses, and citations omitted).

Petitioner has not raised any mistake, inadvertence, surprise or excusable neglect such that the Court should reconsider its order affirming the OEA's decision. As Petitioner points out in her motion, all briefs had been fully submitted prior to the Court's ruling. The Court considered all evidence and arguments presented to it, along with the OEA's record of its decision. No newly discovered evidence or law was presented to the Court. Additionally, Petitioner's inability to contact her counsel is not a reason that would justify the Court reopening the case and ruling in her favor. As such, the Motion to Reconsider Opening Case shall be **DENIED**.

Accordingly, it is on this 2nd day of December, 2019, hereby

ORDERED that the Motion to Reconsider Opening Case shall be **DENIED**.

Judge Yvonne Williams

Date: December 2, 2019

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SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION

JOANNE TAYLOR-COTTEN Petitioner, v. DISTRICT OF COLUMBIA PUBLIC SCHOOLS, and DISTRICT OF COLUMBIA OFFICE OF EMPLOYEE APPEALS Respondents.	2018 CA 001462 P(MPA) HON. YVONNE M. WILLIAMS

ORDER DENYING PETITIONER'S MOTION FOR RECONSIDERATION

Upon consideration of the Motion for Reconsideration of Joanne Taylor Cotton and the opposition thereto, it is by the Court this _____ day of _____, 2019; hereby

ORDERED that the motion be, and the same is hereby, DENIED.

_____
Judge Yvonne M. Williams
Superior Court of the District of Columbia

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Stephanie Kristina Rones, Esq.
Counsel for Petitioner

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SUPERIOR COURT
OF THE DISTRICT OF COLUMBIA
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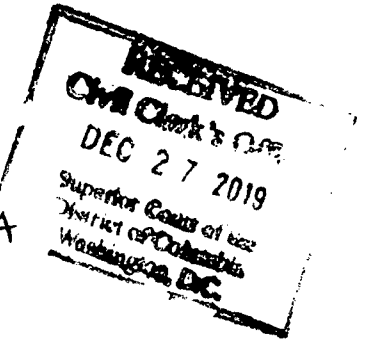

District of Columbia
Court of Appeals

No. 19-CV-1254

JOANNE TAYLOR-COTTEN,

Appellant,

v. **CAP1462-18**

D.C. PUBLIC SCHOOLS,

Appellee.

ORDER

On consideration of appellee's motion for an extension of time within which to file the brief, to which no opposition has been filed, it is

ORDERED that appellee's motion is granted and appellee's brief shall be filed on or before December 9, 2020. Any further requests for extensions of time will be looked upon with disfavor and granted only upon a showing of good cause.

Julio A. Castillo

Julio Castillo
Clerk of the District of Columbia Court of Appeals

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Additional material from this filing is available in the Clerk's Office.