

MONICA JONES,

Appellant

v.

BALTIMORE CITY BOARD
OF SCHOOL
COMMISSIONERS

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR16-17

ORDER

In *Monica Jones v. Baltimore City Bd. of Sch. Comm'rs*, MSBE Opinion No. 15-05 (1/27/15), the State Board found that Ms. Jones lost her tenure due to a lapse in her teaching certification and that, at the time of the local board's decision not to rehire her for the 2013-2014 school year, she was in probationary status. The result was that Ms. Jones was not entitled to the termination for cause due process protections afforded by §6-202 of the Education Article and that the local board could non-renew her for any reason so long as it was not an illegal or discriminatory one. Because Ms. Jones had alleged retaliation, which the local board failed to address in its decision, the State Board remanded the case to the local board for a determination on that issue. Thereafter, in an appeal of the remand decision, the State Board affirmed the local board's nonrenewal, finding that its decision was not motivated by retaliation. *Monica Jones v. Baltimore City Bd. of Sch. Comm'rs*, MSBE Opinion No. 15-33 (10/27/15).

On Petition for Judicial Review, the Circuit Court agreed with the State Board that the reasons given by the local board for its decision not to rehire Ms. Jones were not pretext for discrimination. The Circuit Court, however, rejected the State Board's view that Ms. Jones lacked tenure at the time her contract was not renewed. Rather, the Court found that Ms. Jones continued to be employed under the regular teacher's contract following the lapse in certification and that the local board could not end her employment without first following the procedural protections afforded by §6-202. Therefore, the Circuit Court reversed the State Board's decision with the direction that Ms. Jones be reinstated to her former position and be compensated for loss of salary and benefits caused by the non-renewal of her contract in May 2012. The Court further remanded the case to the State Board for additional proceedings to determine the compensation due Ms. Jones.

It is our view that the local board, as the employer, is best suited to make the compensation determination. Accordingly, it is this 5th day of December, 2016, by the Maryland State Board of Education,

ORDERED, that the appeal referenced above is hereby remanded to the Baltimore City Board of School Commissioners for further proceedings consistent with the decision of the Circuit Court for Baltimore County.

Signature on File:

MARYLAND STATE BOARD OF EDUCATION

Andrew R. Smarick
President