

IN THE MATTER OF:
SCOTT JONES

BEFORE THE
MARYLAND
STATE BOARD
OF EDUCATION
Opinion No. 13-62

OPINION

INTRODUCTION

The Baltimore City Board of School Commissioners initiated this case by filing a Petition for a Declaratory Ruling that the State Board has jurisdiction over this matter. Mr. Scott Jones responded to the Petition.

FACTUAL BACKGROUND

Scott A. Jones is a Postal Delivery Worker for Baltimore City Public Schools. On March 13, 2012, the Chief Executive Officer (CEO) suspended Mr. Jones for a period of three days for willful neglect of duty and insubordination related to his failure to deliver mail on March 9, 2012. Mr. Jones appealed the decision of the CEO to the local board pursuant to §4-205 of the Education Article and an evidentiary hearing was held. The Hearing Examiner issued findings of fact and conclusions of law recommending that the suspension be upheld. On January 8, 2013, the local board voted to adopt the recommendations of the Hearing Examiner.

Shortly before the local board rendered its decision, Mr. Jones filed two complaints with the Public School Labor Relations Board (PSLRB). On January 18, 2013, the local board filed this Petition for a Declaratory Ruling that the State Board, not the PSLRB, has jurisdiction over this suspension case. On February 13, 2013, Mr. Jones filed some papers in response.

PSLRB ruled on March 13, 2013 that it did not have jurisdiction over the two complaints that Mr. Jones filed. On March 28, 2013, the local board filed with the State Board a Motion for Summary Affirmance of the local board's decision of January 8, 2013.

STANDARD OF REVIEW

In a case in which the State Board is asked to declare the intent and meaning of an education law, the State Board exercises its independent judgment on the record before it in the explanation and interpretation of the public school laws and State Board regulations. COMAR 13A.01.05.05(D).

LEGAL ANALYSIS

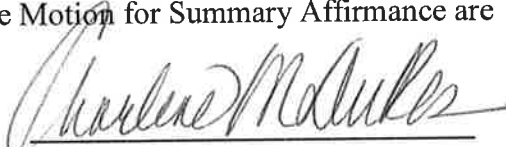
The local board's procedural posturing in this case is confusing at best. Specifically, the local board filed a Petition for Declaratory Ruling before any appeal of the local board's decision


was filed with this Board. Indeed, Mr. Jones has never appealed the local board's decision. Then once the PSLRB dismissed Mr. Jones' complaints, the local board, in a confounding move, asked for summary affirmance of the local board's January 8, 2013 decision – a decision that has not ever been appealed.

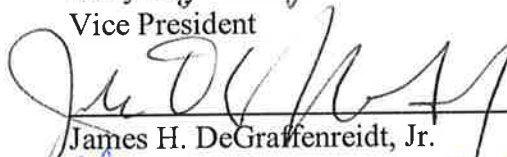
For obvious reasons, there is no need to declare that the State Board has jurisdiction to decide an appeal when there has been no appeal. Likewise, we refrain from summarily affirming a case that is not before us on appeal.

CONCLUSION

The Petition for Declaratory Ruling and the Motion for Summary Affirmance are dismissed.


Charlene M. Dukes
President

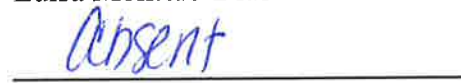

Mary Kay Finan
Vice President

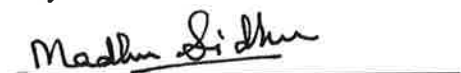

James H. DeGraffenreidt, Jr.

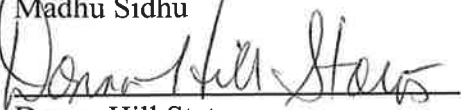

Linda Eberhart

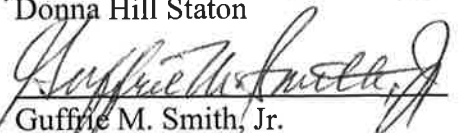

S. James Gates, Jr.


Luisa Montero-Diaz


Sayed M. Naved


Madhu Sidhu


Donna Hill Staton


Guffie M. Smith, Jr.

December 16, 2013