

BAYANI LIBIT
Appellant

v.

BALTIMORE CITY BOARD OF
SCHOOL COMMISSIONERS
Appellee

BEFORE THE
MARYLAND
STATE BOARD
OF EDUCATION
Order No. OR16-06

ORDER

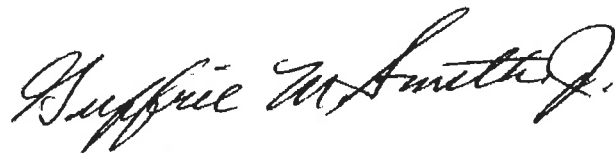
In *Libit v. Baltimore City Board of School Commissioners*, MSBE Opinion No. 14-33, issued June 27, 2014, the Maryland State Board of Education affirmed the decision of the Baltimore City Board of School Commissioners to uphold the decision of the Chief Executive Officer to terminate the Appellant from his teaching position without following the pre-termination procedures set forth in §6-202 of the Education Article. On Petition for Judicial Review, the Circuit Court affirmed the State Board's decision upholding the termination. The Circuit Court held that the Appellant was an at-will employee who was not entitled to the procedural protections afforded under §6-202.

On further appeal, the Court of Special Appeals reversed the judgment of the Circuit Court and remanded the case to the State Board for further proceedings consistent with the Court's Opinion. The Court of Appeals found that the Appellant was entitled to the procedural protections afforded under §6-202 because he was employed as a teacher with the school system for over three years, and that Appellant's status as an H-1 visa holder did not exempt the local board from following that process. The procedural protections require that prior to removal, the local board provide the individual a copy of the charges against him and an opportunity for a hearing before the local board. Md. Code Ann., Educ. §6-202(a)(2). The Court found, therefore, that the CEO's termination of the Appellant without adhering to those procedural safeguards was a violation of the statute.

Therefore, it is this 28th day of April, 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 Court of Special Appeals.

MARYLAND STATE BOARD OF EDUCATION



Guffrie M. Smith, Jr.
President