

Z.V.,

Appellant

v.

BALTIMORE CITY BOARD OF
SCHOOL COMMISSIONERS

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR 23-06

ORDER

Appellant challenges the decision of the Baltimore City Board of School Commissioners (“local board”) affirming the Chief Executive Officer’s and Chief Human Capital Officer’s decision to reassign Appellant from her position of Director – Education Pipeline and Induction to another yet to be determined position. The local board argues that the reassignment was necessary for the effective functioning of the Office of Human Capital and consistent with the broad state statutory authority and in accordance with local board policy and regulations.

The notice of reassignment was issued on December 10, 2021. Absent in the record before us is the identification of Appellant’s new position following the reassignment. In the interests of judicial economy, we hold that this matter is not ripe for review until the reassignment to another position has occurred.

Section 6-201(b)(2)(ii) of the Education Article provides that a local Superintendent may transfer employees as “the needs of the school require.” It is well established in Maryland that this grant of statutory authority is broad. Numerous State Board opinions and the Court of Appeals in *Hurl v. Board of Education of Baltimore County*, 6 Op. MSBE 602, 605 (1993), *aff’d*, 107 Md. App. 286 (1995), affirm that a transfer of a teacher to a lateral position or to a position of lower rank is within the discretion of the local superintendent. *See, e.g., Coleman v. Howard County Bd. of Educ.*, MSBE Op. No. 01-40 (2001)(transfer from registrar to instructional assistant); *Mayhorne v. Harford County Bd. of Educ.*, MSBE Op. No. 00-17 (2000)(transfer from principal to teacher); *Hart v. St. Mary’s Bd. of Educ.*, 7 Op. MSBE 740 (1997)(transfer from assistant principal to classroom teacher); *Chenowith v. Bd. of Educ. of Baltimore County*, 7 Op. MSBE 192 (1995)(transfer from assistant principal to director of recruitment). Implicit in our decisions is the principle that a reassignment involves the transfer of an employee from one position to another position.

We find that the local Superintendent’s broad statutory power to transfer employees has limits. It exceeds the limits of the local Superintendent’s authority to place a transferred employee into a “yet to be determined position” for an indefinite waiting period. In this case, the employee’s transfer to another position has been on hold for 14 months, over two school years. We find that the employee transfer statute does not permit an indefinite waiting period for the reassignment to occur.

Therefore, it is this 28th day of February 2023, by the Maryland State Board of Education,

ORDERED, that the local board shall identify a new position for the Appellant within 45 school days of the date of this order. The employee may exercise any rights available to her regarding her transfer after she is placed into another position.

Signatures of File:

Clarence C. Crawford
President

Susan J. Getty
Vice-President

Chuen-Chin Bianca Chang

Charles R. Dashiell, Jr.

Vermelle D. Greene

Jean Halle

Rachel McCusker

Lori Morrow

Warner I. Sumpter

Abstained:
Shawn D. Bartley

Absent:
Gail H. Bates
Joan Mele-McCarthy
Holly Wilcox