

STEPHEN PRICE,

Appellant

v.

HOWARD COUNTY
BOARD OF EDUCATION,
Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR25-13

ORDER

Stephen Price (“Appellant”) and the Howard County Board of Education (“local board”) request that the State Board reconsider its April 29, 2025, Order in *Stephen Price v. Howard Cnty. Bd. of Educ.*, MSBE OR25-08, which extended the stay of Appellant’s appeal to the State Board until such time that all appeals stemming from the decision of the United States District Court for the District of Maryland in *Price v. Board of Educ. of Howard Cnty.*, Civil Action No: MJM-22-541 (March 31, 2025) are complete.

This matter has a long procedural history starting with the appeal filed by Appellant in August of 2021. In *Stephen Price v. Howard Cnty. Bd. of Educ.*, MSBE Op. No. 22-12 (2021), Appellant appealed the decision of the Howard County Board of Education to terminate him from his teaching position for reasons stated under §6-202(a) of the Education Article. Appellant claimed in his appeal that the local board terminated him in violation of §6-202(a) of the Education Article and his rights for accommodation under the Americans with Disabilities Act (“ADA”) of 1990. The State Board remanded this matter back to the local board for a full evidentiary hearing before a local hearing examiner on Appellant’s termination.

Following remand, the local board convened an evidentiary hearing on September 14, 22, and 29, 2022. On December 21, 2022, Hearing Examiner Roger Thomas issued his recommendation to the local board in which he recommended that the termination of Appellant’s employment be adopted. On March 27, 2023, the local board reviewed the hearing examiner’s recommendation and adopted the recommendation to terminate Appellant.

On April 25, 2023, Appellant appealed the termination to the State Board which referred the matter to the Office of the Administrative Hearings (“OAH”) for a hearing. The hearing at OAH occurred on August 21, 2023 and was conducted by Administrative Law Judge H. David Leibensperger. On November 17, 2023, ALJ Leibensperger issued his recommendation to the State Board to uphold the local board’s decision to terminate Appellant. On December 5, 2023, Appellant filed exceptions to the ALJ’s recommendation. On December 14, 2023, the local board responded. Pursuant to COMAR 13A.01.05.07F, the filings before the State Board were complete as of December 14, 2023, and the parties are not entitled to file any additional filings with the State Board, therefore, the Appellant’s recently submitted additional filings will not be considered. The parties shall have the opportunity for oral argument before the State Board.

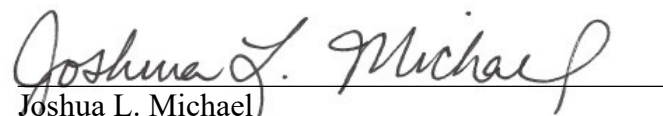
On February 27, 2024, the State Board stayed this appeal because it learned that the federal district court had asserted its jurisdiction over the matter in *Price v. Board of Educ. of Howard Cnty.*, Civil Action No: MJM-22-541, which involved the same parties and issues related to those before the State Board. *Stephen Price v. Howard Cnty. Bd. of Educ.*, MSBE OR25-04.

On March 31, 2025, the United States District Court for the District of Maryland granted summary judgment in favor of the local board finding that Mr. Price had failed to establish a *prima facie* case of failure to accommodate under the ADA. *Price v. Board of Educ. of Howard Cnty.*, Civil Action No: MJM-22-541, Memorandum (3/31/2025). Mr. Price has filed an appeal to the United States Court of Appeals for the Fourth Circuit. *Stephen Price v. Board of Educ. of Howard Cnty.*, Case No. 25-1487 (4th Cir. 5/1/2025).

On April 29, 2025, the State Board continued the stay of this matter pending resolution until such time that all appeals stemming from the decision of the United States District Court for the District of Maryland are complete. *Stephen Price v. Howard Cnty. Bd. of Educ.*, MSBE OR25-08 (2025). Since we extended the stay of Appellant's termination appeal, both parties have notified the State Board that the issues pending before the State Board regarding the termination are separate and distinct from the allegations of discrimination in Appellant's pending federal lawsuit and request that the State Board lift the stay so that State Board may proceed on the termination matter given the unusual circumstances that this appeal has been pending since August 2021.

Therefore, given the agreement between the parties and the length of time this matter has been pending before the State Board, it is this 29th day of May 2025, by the Maryland State Board of Education, ORDERED that the stay of the appeal referenced above is hereby lifted and this matter will be scheduled for oral argument regarding the exceptions filed to the ALJ's proposed decision.

MARYLAND STATE BOARD OF EDUCATION


Joshua L. Michael
President