

Bond Case Briefs

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Neal v. Baltimore City Board of School Commissioners

Court of Appeals of Maryland - February 28, 2020 - A.3d - 2020 WL 967425

Students brought action against school board and school police officer, alleging, inter alia, that officer violated their due process rights under Maryland Declaration of Rights by verbally and physically assaulting them without provocation.

School board moved for summary judgment, asserting, among other things, statutory immunity. The Circuit Court granted motion and dismissed with prejudice all claims against school board. Following trial, jury found that officer violated each student's rights and awarded damages to each student. Students moved to enforce judgment against school board. The Circuit Court granted motion. School board appealed. The Court of Special Appeals reversed. Students petitioned for writ of certiorari and petition was granted.

The Court of Appeals held that:

- Under the statute governing tort claims against employees of county education boards, even if a board is entitled to substantive dismissal from a case, by summary judgment or otherwise, the plaintiffs are required to maintain the board as a party—or request that it be brought back into the case—to indemnify an employee, and
- Students waived right to force indemnification from board, under statute governing tort claims against employees of county education boards.