

ELIZABETH GALAIDA, ET AL.

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ORDER OF STATE

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SUPERINTENDENT

v.

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OF SCHOOLS

CARROLL COUNTY BOARD  
OF EDUCATION

\*

ORDER NO. 16-02

\* \* \* \* \*

ORDER

On March 30, 2016, several individuals filed with the State Board of Education a motion to stay the decision of the Carroll County Board of Education (local board) to close New Windsor Middle School. These individuals are some of the same individuals that are appellants in the consolidated State Board appeals concerning the closing decision, which involved two other schools and several other appellants. The individuals maintain that they will suffer irreparable harm absent the stay because students "will be forced into other schools that cannot accommodate them, provide fewer services and opportunities, will disrupt their extracurricular activities and separate them from their peers and teachers, and require major changes to families' transportation and childcare plans and schedules." They argue that if the closing decision is reversed after students begin attending their new schools, the result will be "turmoil." They request that the stay remain in effect until its appeal of the closure decision to the State Board is resolved.

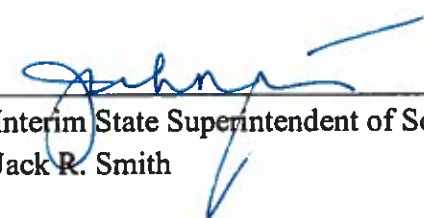
Pursuant to COMAR 13A.01.02.01B, the State Superintendent of Schools has the authority, either on the request of the President of the State Board or on his or her own motion, to order a stay of an action taken by a local board of education. The stay, however, may not exceed 60 days in duration. Thus, the State Board has forwarded the stay request to me for consideration.

On January 19, 2016, the State Board referred the appeal to the Office of Administrative Hearings (OAH), as required by COMAR 13A.01.0507(A)(1) for cases involving a school closing. The local board filed a Motion for Summary Affirmance at OAH. On April 11, 2016, the parties argued the Motion before Administrative Law Judge (ALJ), Harriet C. Helfand. Judge Helfand has not yet issued a ruling on the Motion. If the Judge grants the local board's Motion, the Appellants may file exceptions to the ALJ's decision and have oral argument before the State Board. If the ALJ denies the local board's Motion, the case will progress to a hearing at OAH which is scheduled to begin May 31, 2016 and last three weeks. Thus, the date for resolution of the State Board appeal is difficult to predict.

The regulation limits the time period of the stay to 60 days duration. A 60 day stay would not accomplish the purposes that the individuals seek to accomplish here. It would not stop the closure process for a sufficient period of time while this case is being resolved.

For this reason, I deny the request for stay.

April 20, 2016  
Date

  
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Interim State Superintendent of Schools  
Jack R. Smith