

ERICA P.,

Appellant

v.

HOWARD COUNTY BOARD  
OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 11-28

## OPINION

### INTRODUCTION

The Appellant, E.P. , a teacher in the Howard County Public School System (HCPSS), appeals the decision of the Howard County Board of Education (local board) denying a waiver of tuition related to the attendance of E.P.'s daughter in the HCPSS. The local board filed a Motion for Summary Affirmance. The Appellant did not respond.

### FACTUAL BACKGROUND

In the summer of 2008, E.P.'s daughters were living with their father in an apartment in Howard County on Town and Country Boulevard. E.P. and her husband had separated, and she was living with her mother in Baltimore County. The children lived half of the time with their mother and half the time with their father. In the fall of 2008, the girls' father enrolled his school age daughter in kindergarten in Hollifield Station Elementary School (Hollifield Station) within the HCPSS.<sup>1</sup>

In November 2009, during his daughter's first grade year, he suddenly decided to quit his job, cease paying rent. He left the country to go back to Brazil, his home country. With her father's sudden departure, the first grader became a non-resident student. Non-resident students must pay tuition to remain in the HCPSS.

The Appellant did not inform the school system of her daughter's non-resident status. In March, 2010, the school system discovered that the child's father no longer lived in Howard County. The school system notified E.P. that her daughter would be withdrawn effective March 31, 2010. The Appellant appealed the withdrawal to Ms. Pamela Blackwell, Director of Student Services, who is the Superintendent's Designee on student appeal matters. Following a conference on April 13, 2010, Ms. Blackwell issued a decision summarizing the circumstances. The decision explained that E.P.'s daughter could continue to attend Hollifield Station for the remainder of the 2009-2010 school year upon payment of tuition; could also attend Swansfield

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<sup>1</sup>The other child was not yet school age.

Elementary School as long as the Appellant remained a teacher there upon payment of a reduced tuition rate as permitted by Policy 9000 and the Collective Bargaining Agreement<sup>2</sup>; or the Appellant could withdraw her from the HCPSS and enroll her in Baltimore County Public Schools. The Appellant emailed Ms. Blackwell on April 15, 2010 stating that she would be withdrawing her daughter because she could not afford tuition. It was agreed that the child's last day would be April 16, 2010.

On May 12, 2010, the Appellant appealed the tuition portion of Ms. Blackwell's decision to the Howard County Board of Education. The full tuition total was \$3,558.23, based on the time period of 69 school days between January 2 and April 16, 2010, at the cost of \$51.56 per day. Since the Appellant was an employee of the HCPSS, the school system extended her a 25% discount on the applicable tuition. Therefore, the amount due totaled \$2,667.83. Ms. Blackwell informed the Appellant that the Finance Department would be in touch with her to set up a payment schedule. In her appeal, the Appellant asked the local board to waive the tuition based on the financial hardship provisions of its policy.

The Howard County Board of Education initially considered the appeal on July 22, 2010, but was unable to make a determination regarding financial hardship because it only had information about the Appellant's expenses and had no information on Appellant's income or assets. The matter was continued and the board counsel was asked to request additional information from the Appellant. The Appellant responded with a complete financial statement that included the necessary information. The local board considered the matter at an August meeting. After reviewing all of the documents and facts, the board upheld the Superintendent's Designee's decision denying the waiver of tuition. The Appellant thereafter appealed the local board's decision to the State Board.

#### STANDARD OF REVIEW

Because this appeal involves a decision of the local board involving a local policy, the local board's decision is considered *prima facie* correct. The State Board will not substitute its judgment for that of the local board in this case unless the decision was arbitrary, unreasonable, or illegal. COMAR 13A.01.05.05A.

#### LEGAL ANALYSIS

The Appellant states in her appeal that she cannot afford the \$2,667 tuition payment. She has presented no argument that the local board's decision was arbitrary, unreasonable, or illegal. We have reviewed the local board's decision. It is based on a thoughtful review of the Appellant's finances. Under our standard of review, absent any indication or argument that the

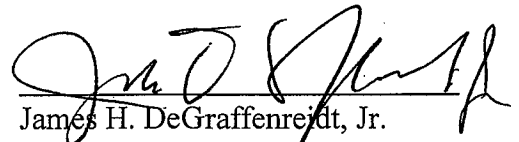
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<sup>2</sup>That Collective Bargaining Agreement provides that a teacher residing out of county who is a parent of a child enrolled in HCPSS shall receive a 25% discount on tuition. Article 20, note C.

decision is arbitrary, unreasonable, or illegal, we consider the local board's decision *prima facie* correct.

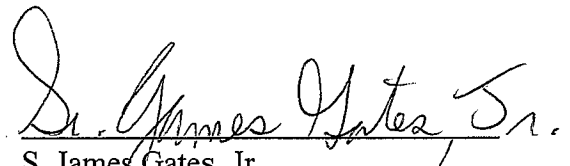
CONCLUSION

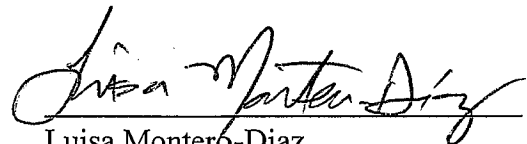
For the reasons stated, we affirm the decision of the local board.

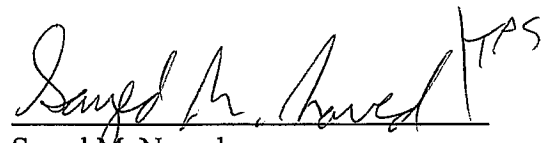
  
James H. DeGraffenreidt, Jr.  
President

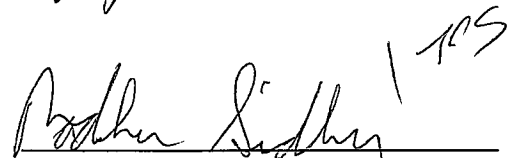
  
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May 24, 2011