

JENNIFER K.

Appellant

v.

ANNE ARUNDEL COUNTY BOARD
OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 12-22

OPINION

INTRODUCTION

In this appeal, Appellant challenges the decision of the Anne Arundel County Board of Education (local board) denying her request to allow her child, K.K., to re-enroll at Ridgeway Elementary School (Ridgeway) to finish the 4th grade. The local board has filed a Motion for Summary Affirmance maintaining that its decision is not arbitrary, unreasonable or illegal. The Appellant has filed a response to the local board's motion and the local board has filed a reply.

FACTUAL BACKGROUND

At the beginning of the 2011-2012 school year, K.K. was enrolled in 4th grade at Ridgeway, an elementary school that serves the attendance area where K.K.'s grandparents reside, 2102 Blackpine Court, Severn, Maryland. (Local Board Opinion). After the school system conducted an investigation concerning K.K.'s residency in Anne Arundel County, it began removal proceedings of K.K. on January 17, 2012.¹ Appellant submitted a letter in support of K.K.'s continued attendance at Ridgeway as she believed it was in the child's best interest. (Local Board Opinion). K.K. is a child with a disability. (*Id.*). Appellant explained that continuing K.K.'s "educational environment is important in order to maintain stable mental health." (Appellant's Appeal). She also stated that she and K.K. are "in the process of finishing our move to my parents' home [2102 Blackpine Court, Severn, Maryland] and will be re-locating out of state [Texas] at the end of the school year." (*Id.*).

The Superintendent's office submitted information to the local board indicating that K.K. and the Appellant did not live in Anne Arundel County but rather in Baltimore City. (Local

¹ The school system did not provide information on the removal proceedings in the record that was submitted to the State Board.

Board Opinion). On January 18, 2012, the local board upheld the decision of the Superintendent's designee and determined that K.K. and the Appellant resided in Baltimore City.

On January 27, 2012, the school system withdrew K.K. from Ridgeway based on the local board's determination.

This appeal to the State Board followed.

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, and the State Board may not substitute its judgment for that of the local board unless the decision is arbitrary, unreasonable, or illegal. COMAR 13A.01.05.05A.

LEGAL ANALYSIS

Although the substance of this case revolves around residency and enrollment in Ridgeway, a school in the Anne Arundel County Public School system, we question whether there is a continuing case or controversy here. We note that the school year is over. The record reflects that the Appellant intends to move to Texas at the end of the 2011-2012 school year. The Appellant also states in the record that if she does not move to Texas then she "will determine where K.K. will attend school" next year. (Appellant's Appeal).

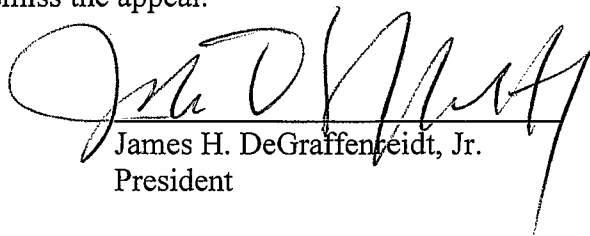
It is well established that a question is moot when "there is no longer an existing controversy between the parties, so that there is no longer any effective remedy which the courts [or agency] can provide". *In Re Michael B.*, 345 Md. 232, 234 (1997); *See also Arnold v. Carroll County Bd. of Educ.*, MSBE Op. No. 99-41 (1999); *Farver v. Carroll County Bd. of Educ.*, MSBE Op. No. 99-42 (1999); *Chappas v. Montgomery County Bd. of Educ.*, 7 Op. MSBE 1068 (1998).

This appeal is based on the Appellant's request to have her child attend Ridgeway for the remainder of the 2011-2012 school year. The school year is complete. Appellant has made it clear that she intends to relocate after the school year is over. Thus, there is no existing controversy between the parties and no effective remedy that the State Board can provide.

Given that the appeal is moot, we will not decide the merits of the residency dispute.

CONCLUSION

For the reasons stated herein, we dismiss the appeal.


James H. DeGraffenheidt, Jr.
President

Charlene M. Dukes

Charlene M. Dukes

Vice President

Mary Kay Finan

Mary Kay Finan

absent

S. James Gates, Jr.

Luisa Montero-Diaz

Luisa Montero-Diaz

absent

Sayed M. Naved

absent

Madhu Sidhu

Donna Hill Staton

Donna Hill Staton

Ivan C.A. Walks

Guffrie M. Smith

Guffrie M. Smith, Jr.

Kate Walsh

Kate Walsh

July 24, 2012