

TONYIA S.,

Appellant

v.

MONTGOMERY COUNTY BOARD OF
EDUCATION,

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 07-05

ORDER OF DISMISSAL

In this appeal, Appellant requests that the Montgomery County Board of Education (Local Board) grant her request for a transfer so that her daughter can finish out her elementary school years at Cold Spring Elementary School (Cold Spring). This would include both the 2007-2008 school year (4th grade) and the 2008-2009 school year (5th grade).

A.C. has attended Cold Spring since kindergarten. During the 2006-2007 school year (3rd grade), she was reassigned to Rosemont Elementary School based on the family's move to a new geographic attendance area. A.C. was permitted to finish out the 3rd grade at Cold Spring.

On April 16, 2007, Appellant requested that A.C. be allowed to finish the 4th and 5th grades at Cold Spring as well. The Local Board decided to not make a final decision on the request for the 2007-2008 school year pending the monitoring of A.C.'s school attendance and promptness for the remainder of 3rd grade. Appellant appealed the Local Board's decision to the State Board. While this appeal was pending, in June 2007, the Chief Operating Officer approved A.C.'s continued assignment to Cold Spring for the 2007-2008 school year. The Local Board has now requested that this appeal be dismissed for mootness because the requested relief was granted.

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 Board of Education*, MSBE Opinion No. 99-41 (September 22, 1999); *Farver v. Carroll County Board of Education*; MSBE Opinion No. 99-42 (September 22, 1999); *Chappas v. Montgomery County Board of Education*, 7 Op. MSBE 1068 (1998).

With regard to Appellant's request for a transfer to Cold Spring for the 2007-2008 school year, the matter is clearly moot as that request has been granted. A.C. is currently attending 4th grade at Cold Spring.

With regard to Appellant's request for a transfer for the 2008-2009 school year, the issue is not yet ripe for review. Appellant must submit her request for a change of school assignment for the 2008-2009 school year to the school system between February 1 and April 1 of 2008, in accordance with the Montgomery County Public Schools' "Transfer of Students" regulation. See JEE-RA(IV.C.1). Thus, Appellant's request that A.C. be permitted to finish out the 5th grade at Cold Spring is premature at this point.

Therefore, it is this 31 day of October, 2007, by the Maryland State Board of Education,

ORDERED, that Appellant's request to transfer her daughter to Cold Spring Elementary for the 2007-2008 school year be dismissed because it is moot; and

ORDERED, that Appellant's request to transfer her daughter to Cold Spring Elementary for the 2008-2009 school year be dismissed because it is not ripe for review.

MARYLAND STATE BOARD OF EDUCATION
By:



Dunbar Brooks
President