

CINDA ANTHONY, ET AL.

Appellant

v.

QUEEN ANNE'S COUNTY
BOARD OF EDUCATION

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR12-13

ORDER

INTRODUCTION

On May 4, 2012, Cinda Anthony and three other parents filed an appeal challenging the April 4, 2012 decision of the Queen Anne's County Board of Education (local board) to move all of the fifth grade classes (125 students) in Church Hill Elementary School and Sudlersville Elementary School to Sudlersville Middle School. The local board filed an Answer. The Appellant filed a Response to the Answer, and on June 18, 2012, the local board filed a final Response, completing the briefing in this case.

Transfer to the Office of Administrative Hearings

The decision to move fifth graders from two elementary schools to the middle school will go into effect at the beginning of the new school year. Both parties view that decision as a redistricting. The State Board regulations require the Board to "transfer [a redistricting] appeal to the Office of Administrative Hearings" for a hearing. Although we have some questions whether this is a classic "redistricting case", the local board argues that the re-assignment of students is redistricting. The Appellants attached to their Response the local board's Educational Facilities Master Plan which states:

DISTRICTING AND REDISTRICTING

The decision to either district or redistrict school boundaries for purposes of balancing student instructional programs begins primarily with projected student enrollment data. This information and other demographic data provided through State and local-planning offices are used as the basis for determining facility needs.

...

Adjustment of School Attendance Boundary Lines

A. The Board, with advice of the Superintendent, will establish schools, and determine the attendance boundaries of all schools.


In this case, it appears that the local board is establishing new attendance boundaries for 5th graders in Sudlersville and Church Hill. Therefore, we agree with the local board that this is a redistricting case.

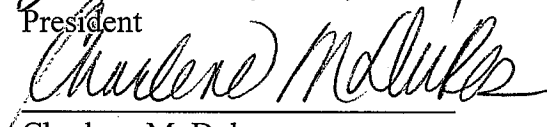
We emphasize that under our standard of review, the local board's decision is considered presumptively correct. COMAR 13A.01.05.05 A. In transferring this case to OAH, we want to assure that a smooth transition to the middle school occurs, and that sending this case to OAH for a hearing and proposed decision (a process that will likely take months) will not disrupt the re-assignment process.

Therefore, because the new school year will begin shortly, we direct the re-assignment to go forward, pending the outcome of the decision-making process which includes a hearing, the Administrative Law Judge's proposed decision, exceptions filed with the State Board, and a final decision of the State Board.


It is so Ordered this _____ day of July 2012.

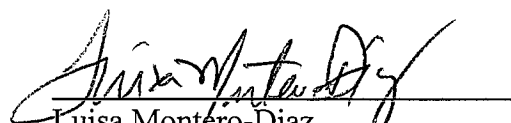
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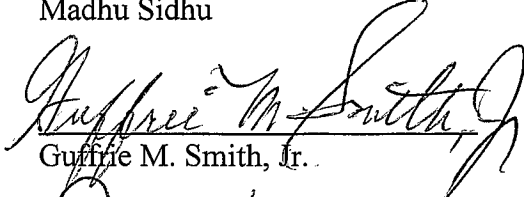

Luisa Montero-Diaz


absent

Sayed M. Naved

absent

Madhu Sidhu


Guffie M. Smith, Jr.


Donna Hill Staton


Ivan C.A. Walks


Kate Walsh