

DION & WAL-LETRA W.

Appellants

v.

CARROLL COUNTY
BOARD OF EDUCATION

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR14-06

ORDER

The State Board received an appeal challenging the decision of the Carroll County Board of Education (local board) denying Appellants' request that the record of their son's referral to the school principal for a disciplinary incident on September 26, 2013 be expunged. The record of the disciplinary referral originally named the offense as "bullying" and stated that the "[Appellant's son] repeatedly sang a song to irritate another student, knowing this would result in a negative response." (Motion, Ex.1). The principal advised, however, that he would expunge the record of the disciplinary referral if Appellants' son did not repeat the behavior for the rest of the school year. (Motion, Ex.3). The only disciplinary consequence imposed on Appellants' son was a conference with the principal in which the principal spoke to him about his behavior.

Appellants appealed the principal's decision to the local superintendent, which resulted in the record of the offense being changed from "bullying" to "student/student conflict." (Motion, Ex.5). On further appeal, the local board affirmed the disciplinary decision.

This appeal followed. On June 6, 2014, the local board provided a signed affidavit from the school principal stating that as of June 13, 2014, the disciplinary referral would be expunged from B.W.'s record because he had not repeated the behavior at issue. (Local Bd. Response, Affidavit). We have confirmed that the principal expunged the record.

The local board has requested that the appeal be dismissed pursuant to COMAR 13A.01.05.03C because it is moot by virtue of the record being expunged. 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 J.H. v. Baltimore County Bd. of Educ.*, MSBE Order No. OR07-03 (2007). Because the record of the disciplinary referral was expunged as of June 13, the remedy sought by the Appellants has already been granted. Thus, there is no existing controversy between the parties and no effective remedy that the State Board can provide.

Accordingly, it is this 22nd day of July, 2014, by the Maryland State Board of Education, ORDERED, that the appeal is hereby dismissed because it is moot.

MARYLAND STATE BOARD OF EDUCATION

By:

 Mary Kay Finan -ALP

Mary Kay Finan

Vice President