

CHARLES AND CHRISTINE D.

Appellants

v.

CHARLES COUNTYBOARD OF EDUCATION

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR14-09

ORDER

The State Board received an appeal challenging the decision of the Charles County Board of Education (local board) denying Appellants' request to have their daughter transferred back to Maurice J. McDonough High School (McDonough) after she was rezoned from McDonough to St. Charles High School (St. Charles). Appellants maintain that their daughter qualifies for a transfer under Superintendent's Rule 5126 which allows transfers so that the student can participate in "an academic course of study not offered within the student's zoned school."

This Board considered the appeal at its August 26, 2014 meeting and issued MSBE Op. No. 14-49 remanding the case to the local board for further explanation of its rationale that the academic course of study exception did not apply in this case. In response to the remand, the local board submitted a Motion to Dismiss the case based on mootness because the student had moved into the McDonough attendance area and is now attending school there. The Appellants opposed the Motion stating that the case is not moot because only the student and her father moved into the McDonough district, and they would like to reunite with the rest of the family and live outside the McDonough attendance area if the transfer is granted. The local board responded.

We need not reach the mootness issue because this Board has simultaneously issued a decision in a similar case, *Brioni B. v. Charles County Board of Education*, MSBE Op. No. 14-53. In *Brioni B.* we upheld the local board's application of the "academic course of study" transfer provision in denying a student's request to transfer from St. Charles back to McDonough to participate in choir courses being offered there. We noted in *Brioni B.* that deference was owed to the local board's decision that the provision permits transfers only in cases in which the student seeks to participate in a program of study at the requested school but not offered at the assigned school, rather than when the student seeks to take a specific class not offered at the assigned school. The analysis in *Brioni B.* is equally applicable here and renders the same result in this case.

Accordingly, it is this 23rd day of September, 2014, by the Maryland State Board of Education, ORDERED, that the decision of the local board is affirmed because it is not arbitrary, unreasonable or illegal.

MARYLAND STATE BOARD OF EDUCATION

By: 

Dr. Charlene M. Duker
President