

PRINCESS A.

Appellant

v.

MONTGOMERY COUNTY  
BOARD OF EDUCATION

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR14-07

ORDER

The State Board received an appeal challenging the decision of the Montgomery County Board of Education (local board) to withdraw Appellant's three children from Montgomery County Public Schools (MCPS) based on a determination that they did not reside within the county.

The record indicates that MCPS began investigating the residency of Appellants' children in October 2013 after mail was returned undelivered from a Silver Spring address on Schubert Place. When Appellant's tenth-grade daughter was questioned about her address, she stated she lived on Harbour Town Drive in Prince George's County. MCPS officials heard her tell her mother that she gave the Harbour Town Drive address because she did not want to lie. Further investigation by MCPS indicated that Appellant did not live at the Schubert Place address in Silver Spring that was listed in her children's records. Appellant identified the Harbour Town Drive address as belonging to the children's father.

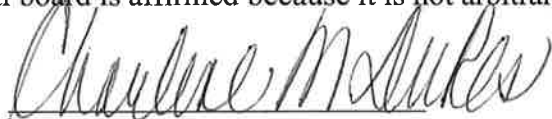
On November 6, 2013, Appellant presented evidence of a shared housing arrangement with the owner of the home on Fairland Road in Silver Spring. Thus, her children were allowed to continue to attend school in Montgomery County so long as Appellant submitted additional evidence to verify her residency by January 17, 2014. Between December 4, 2013, and January 13, 2014, MCPS investigators visited the Fairland Road home on approximately 19 occasions on various days and at various times and never once saw Appellant's car there, nor did they see the children. During a January 18, 2014 observation, Appellant arrived and parked near the Fairland Road address, waited until the school bus arrived to pick up her son, and then departed for Harbour Town Drive. The vehicle was observed at the Harbour Town Drive residence in Prince George's County on several other occasions and two of the children were seen arriving there after school on another visit.

Appellant provided explanations to MCPS for her absences at the Fairland Road home. The local board concluded that Appellant's explanations for her absences could account for some, but not all, of the days in which the vehicle was not present. In addition, the local board found some of Appellant's explanations as to her schedule were inconsistent. The local board concluded, based on the evidence before it, that Appellant and her children did not live at the Fairland Road home.

After reviewing the local board's decision, we conclude that the decision to withdraw Appellant's children was not arbitrary, unreasonable, or illegal. The observations of investigators, the statement from Appellant's daughter, and the inconsistencies in Appellant's evidence provided the local board with sufficient evidence to support its decision.

We issue this expedited decision today in the form of an order because the school year has begun and, based on Appellant's communications with State Board counsel, it appears her three children are not yet enrolled in school. We are committed to the proposition that all children should be enrolled in school timely. Thus, because we have concluded that Appellant has not proved that she and her children reside in Montgomery County and because it appears that they reside on Harbour Town Drive in Prince George's County, the Appellant should immediately seek to enroll her children in the Prince George's County school system.

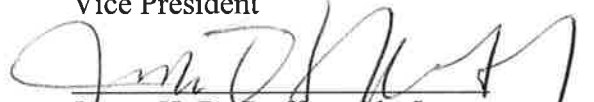
Accordingly, it is this 26<sup>th</sup> day of August, 2014, by the Maryland State Board of Education, ORDERED, that the decision of the local board is affirmed because it is not arbitrary, unreasonable, or illegal.



Charlene M. Dukes  
President

*Absent*

Mary Kay Finan  
Vice President



James H. DeGraffenreidt, Jr.



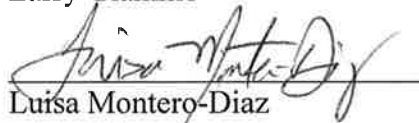
Linda Eberhart

*Absent*

S. James Gates, Jr.

*Abstained*

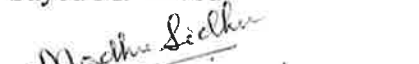
Larry Giammo



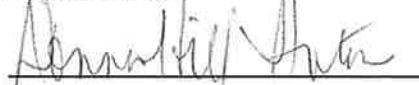
Luisa Montero-Diaz



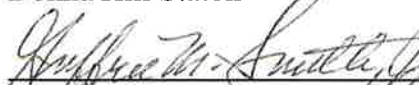
Sayed M. Naved



Madhu Sidhu



Donna Hill Staton



Guffie M. Smith, Jr.