

CINDA ANTHONY, ET AL.,

Appellant

v.

QUEEN ANNE'S COUNTY BOARD  
OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 13-21

OPINION

Appellants filed this appeal challenging the April 4, 2012 decision of the Queen Anne's County Board of Education (local board) to move the fifth grade classes from Church Hill Elementary School and Sudlersville Elementary School to Sudlersville Middle School for the start of the 2012-2013 school year. In Order No. OR12-13, the State Board decided to treat this case in the same manner as a redistricting case and transferred the case to the Office of Administrative Hearings for review by an Administrative Law Judge (ALJ). (Attached).

The parties stipulated to the facts in the case as set forth on pages 3 – 7 of the ALJ's proposed decision. The local board filed a Motion for Summary Affirmance. On January 9, 2012, the ALJ issued a proposed decision concluding that the local board's decision was consistent with sound educational policy, noting that the local board provided a better educational environment to the fifth grade students by relieving overcrowding at the elementary schools and housing the students in a school building rather than in temporary portable classrooms.

The ALJ also found that, prior to its final vote, the school system had provided sufficient notice and opportunity for comment about the proposed move. The local board's discussion of the plan to move the fifth grade students began at its January 18, 2012 meeting and was the subject of discussion at the board meetings leading up to the April 2012 vote. At its March 21<sup>st</sup> meeting, the local board announced that it would make a decision on the fifth grade plan at the April 4<sup>th</sup> board meeting. The local board minutes posted on the school system website capture that discussion. The school system also sent out notice of the vote on the issue on cable television. In addition, the Superintendent sent out written notice and a phone call of the April 4<sup>th</sup> meeting vote to the parents of every Queen Anne's County public school student in grades K – 8. Members of the public testified regarding the plan at the April meeting.

The ALJ found further that it was not unreasonable or illegal for the local board to implement the school change at the start of the 2012-2013 school year rather than waiting the 180 days required by the school system's Master Plan whenever the board "approves any plan which adjusts the existing boundary lines of a school attendance area."

Appellants did not file exceptions to the ALJ's proposed decision.

We concur with the ALJ that the local board's decision is not arbitrary, unreasonable or illegal. Accordingly, we adopt the ALJ's proposed decision as the opinion of the Board and affirm the Queen Anne's County Board of Education's decision to move the 5<sup>th</sup> grade students from Church Hill and Sudlersville Elementary Schools to Sudlersville Middle School.

*Absent*

---

Charlene M. Dukes  
President

*Mary Kay Finan*

---

Mary Kay Finan  
Vice President

*James H. DeGraffenreidt, Jr.*

---

James H. DeGraffenreidt, Jr.

*S. James Gates, Jr.*

---

S. James Gates, Jr.

*Luisa Montero-Diaz* <sup>-MCP</sup>

---

Luisa Montero-Diaz

*Sayed M. Naved*

---

Sayed M. Naved

*Madhu Sidhu*

---

Madhu Sidhu

*Donna Hill Staton*

---

Donna Hill Staton

*Guffrie M. Smith, Jr.* <sup>-MCP</sup>

---

Guffrie M. Smith, Jr.

*Linda Eberhart*

---

Linda Eberhart

April 23, 2013