

KAREN CHAVIS-MURPHY, ET AL.,

Appellant

v.

BOARD OF EDUCATION OF
CHARLES COUNTY,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 13-25

OPINION

INTRODUCTION

Appellants filed this appeal challenging the April 10, 2012 redistricting decision of the Charles County Board of Education (local board) which moved students residing in enrollment block 3751 (the Bensville Corridor) from Davis Middle School to Henson Middle School. Appellants' primary arguments contesting the decision allege faulty enrollment projections and safety concerns about transporting students from the Bensville corridor along Billingsley Road.

We referred this case to the Office of Administrative Hearings (OAH) as required by COMAR 13A.01.05.07A(1). The local board filed a motion for summary decision and the Appellants opposed. After conducting a hearing on the motion, on October 15, 2012, the Administrative Law Judge (ALJ) issued a recommended order denying the motion for summary decision because the few undisputed facts that existed did not demonstrate that the local board was entitled to judgment as a matter of law.

The case proceeded to a contested case hearing for the development of a full record. The local board moved for judgment in its favor after the close of the Appellants' case. On February 11, 2012, the ALJ issued a proposed decision recommending that the local board's motion be granted because the Appellants had failed to demonstrate that the redistricting decision was arbitrary, unreasonable or illegal.

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

FACTUAL BACKGROUND

The factual background in this case is set forth in the ALJ's proposed decision, Findings of Fact, pp. 3 — 4.

STANDARD OF REVIEW

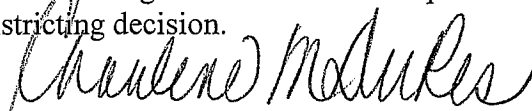
This appeal involves a redistricting decision of the local board. Decisions of a local board involving a local policy or a controversy or dispute regarding the rules and regulations of

the local board are considered *prima facie* correct. The State Board may not substitute its judgment for that of the local board unless the decision is arbitrary, unreasonable or illegal. See COMAR 13A.01.05.05A.

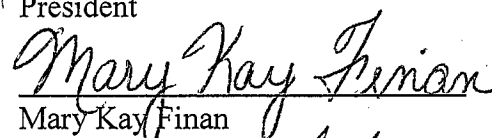
The State Board referred this case to OAH for proposed findings of fact and conclusions of law by an ALJ. In such cases, the State Board may affirm, reverse, modify or remand the ALJ's proposed decision. The State Board's final decision, however, must identify and state reasons for any changes, modifications or amendments to the proposed decision. See Md. Code Ann., State Gov't §10-216.

CONCLUSION

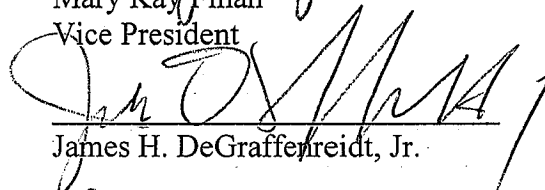
The Appellant offers no exceptions to the ALJ's decision. We concur with the ALJ that the local board's decision is not arbitrary, unreasonable or illegal. We therefore adopt the ALJ's proposed decision and affirm the local board's redistricting decision.



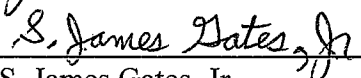
Charlene M. Dukes
President



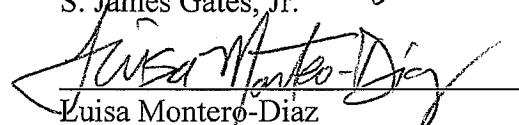
Mary Kay Finan
Vice President



James H. DeGraffenreidt, Jr.



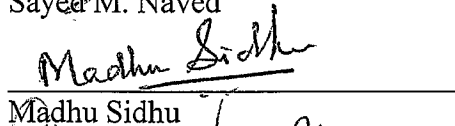
S. James Gates, Jr.



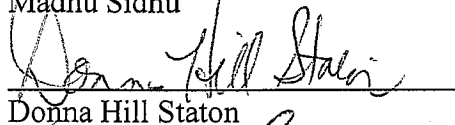
Luisa Montero-Diaz



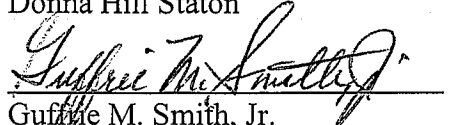
Sayed M. Naved



Madhu Sidhu



Donna Hill Staton



Guffie M. Smith, Jr.

Linda Eberhart
Linda Eberhart

May 21, 2013