

ANDREWS, ET AL., and  
BONNIE P. ROCKE, ET AL.

Appellants

v.

HOWARD COUNTY  
BOARD OF EDUCATION,

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 03-28

### OPINION

In these consolidated appeals, Appellants challenge the local board's decision adopting new attendance boundary lines for certain elementary and middle schools for the 2003-2004 school year. The boundary line adjustments were necessitated by the opening of two new schools, Bellows Spring Elementary and Folley Quarter Middle, for the 2003-04 school year. Part of the redistricting plan included the redistricting of 91 students from Talbot Springs Elementary to Stevens Forest Elementary. This was a November 21, 2002 revision to earlier proposals presented in October 2002, which had originally called for a redistricting of 120 students from Jeffers Hill Elementary to Stevens Forest Elementary.<sup>1</sup> Another part of the redistricting plan included the redistricting of students from Caravan Court in the Patuxent Run neighborhood in Columbia from Clarksville Middle to Wilde Lake Middle. This would affect a projected six students who live on Caravan Court in 2003-2004; eight in 2004-2005; and four in 2005-2006.

In accordance with State Board practice in school redistricting appeals, the appeals were transferred to the Office of Administrative Hearings for review by an Administrative Law Judge (ALJ). Following a hearing on the issues, the ALJ has issued a proposed decision recommending dismissal of the case of *Andrews, et al.* and the granting of a motion for summary decision in favor of the local board in the case of *Bonnie P. Rocke, et al.* A copy of the proposed decision is attached as Exhibit 1. The parties subsequently waived their opportunity for oral argument before the State Board.

In the case of *Andrews, et al.* Appellants asserted that the November 21 plan impacting Stevens Forest Elementary was unlawful because the public and communities affected were not given an adequate opportunity to comment on the plan. The ALJ found, however, that the local board's policy did not require an additional hearing in this instance; that there was sufficient opportunity for public comment on the revised plan; and that Ms. Ruggiero, one of the Appellants, had in fact communicated her opposition to the plan on three separate occasions.

---

<sup>1</sup>The local board held public hearings at the Board of Education of Howard County on October 30, November 7, and November 13, 2002 for comment on any issue. The board also held public work sessions regarding the boundary line adjustment plans on October 29, November 6, November 12, and November 19, 2002.

ALJ Proposed Decision at 7.

The ALJ conducted a full evidentiary hearing in the case of *Bonnie P. Rocke, et al.*, in which Appellants challenged that aspect of the local board's decision concerning the redistricting of students who live in Caravan Court in the Patuxent Run neighborhood from Clarksville Middle to Wilde Lake Middle. At the end of Appellants' case the ALJ granted the local board's motion for summary decision, finding no genuine dispute of material fact and that the local board did not act arbitrarily, unreasonably, or illegally in revising the attendance zones. In his proposed decision, the ALJ stated in part:

None of the evidence submitted by the Appellant's addressed the issue of whether the action taken by the BOE was arbitrary, capricious or illegal.<sup>2</sup> COMAR 13A.01.01.03E(1)(a). The Appellants offered no expert testimony to address the issue of whether the action taken by the BOE [Howard County Board of Education] was contrary to sound educational policy. In fact the most generous characterization that can be attributed to the evidence and arguments of the Appellants is that the Appellants strongly disagree with certain provisions of the BOE plan adopting new attendance boundary lines. At best the evidence presented by the Appellants shows that some of [the] citizens of Howard County disagree, at least in part, with the BOE plan. In other words, the Appellants have shown that some people disagree with the BOE decision . . . . However, mere disagreement with a county board decision is insufficient. The scope of appeals in redistricting matters is explained in *Bernstein v. Board of Education of Prince George's County*, 245 Md. 464, 226 A.2d 243 (1967). In *Bernstein*, the Court held that the test is not whether there were other plans that would have worked as well or even better than the plan adopted by the local board, but whether the action taken was arbitrary, capricious or illegal. That standard is codified at COMAR 13A.01.01.03E(1)(a).

ALJ Proposed Decision at 10.

## CONCLUSION

Based upon our review of the record in this matter, we adopt the Findings of Fact and

---

<sup>2</sup>The ALJ explained that the testimony presented by the Appellants consisted of only three witnesses, all of whom were Appellants in the case. ALJ Proposed Decision at 10.

Conclusions of Law of the Administrative Law Judge. For the reasons stated by the ALJ, we affirm the boundary line decisions made by the Board of Education of Howard County.

Edward L. Root  
President

JoAnn T. Bell  
Vice President

Philip S. Benzil

Dunbar Brooks

Calvin D. Disney

Clarence A. Hawkins

Walter S. Levin, Esquire

Karabelle Pizzigati

Maria C. Torres-Queral

John L. Wisthoff

July 28, 2003