

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 - MCP*

Luisa Montero-Diaz

*Sayed M. Naved*

Sayed M. Naved

*Madhu Sidhu*

Madhu Sidhu

*Donna Hill Staton*

Donna Hill Staton

*Guffrie M. Smith, Jr. - MCP*

Guffrie M. Smith, Jr.

*Linda Eberhart*

Linda Eberhart

April 23, 2013

CINDA ANTHONY, *et. al*

APPELLANTS<sup>1</sup>

v.

QUEEN ANNE'S COUNTY

BOARD OF EDUCATION,

RESPONDENT

\* BEFORE DANIEL ANDREWS

\* AN ADMINISTRATIVE LAW JUDGE

\* OF THE MARYLAND OFFICE OF

\* ADMINISTRATIVE HEARINGS

\* OAH CASE NO.: MSDE-BE-09-12-30784

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\* \* \* \* \*

**RECOMMENDED RULING ON THE RESPONDENT'S  
MOTION FOR SUMMARY DECISION**

STATEMENT OF THE CASE  
ISSUE  
SUMMARY OF THE EVIDENCE  
UNDISPUTED FACTS  
DISCUSSION  
CONCLUSIONS OF LAW  
ORDER

**STATEMENT OF THE CASE**

On April 4, 2012, the Queen Anne's County Board of Education (Respondent or Local Board) made a decision to move the fifth grade classes at Church Hill Elementary School (CHES) and Sudlersville Elementary School (SES) into Sudlersville Middle School (SMS). On May 4, 2012, the Appellants appealed the Local Board's decision to the Maryland State Board of Education (MSDE). On August 2, 2012, the MSDE transmitted the matter to the Office of Administrative Hearings (OAH) for a contested case hearing. COMAR 13A.01.05.07A.

On September 18, 2012, I held a prehearing conference (Conference), at the OAH, for the purpose of scheduling the matter for hearing and determining other procedural matters, including the filing of a motion for summary decision and responses thereto. On October 10, 2012, the

<sup>1</sup> The Appellants include: Cinda Anthony, Suzanne Covington, Whitney Covington, Brenda Riggleman, and other affected parents from Church Hill Elementary School and Sudlersville Elementary School.

Local Board filed a Motion for Summary Decision (Motion) and an attached Memorandum. On October 23, 2012, the Appellant's filed a Response to the Motion (Response) with an attached Memorandum. On November 5, 2012, the Local Board filed a Reply to the Appellant's Response.

On December 10, 2012, I held a hearing on the Local Board's Motion and the Appellant's Response. The Local Board was represented by Rochelle Eisenberg, Esquire. The Appellant's were represented by David W. Gregory, Esquire.

### **ISSUE**

Should the Local Board's Motion for Summary Decision be granted?

### **SUMMARY OF THE EVIDENCE**

#### **Exhibits**

In support of its Motion, the Local Board relied upon an affidavit and several documentary exhibits, which are identified as:

1. Affidavit of Carol Williamson, Superintendent of Queen Anne's County Public Schools (QACPS)
2. Local Board Budget Work Session, January 18, 2012
3. Local Board Regular Session, January 26, 2012
4. Local Board Meeting, February 1, 2012
5. Email from Roberta Leaverton containing notes of a February 15, 2012 meeting with school staff from CHES, SES, and SMS
6. Summary of Meeting with affected fourth grade CHES and SES Parents, held at SMS, February 21, 2012
7. Email from Leigh Veditz, February 9, 2012
8. Local Board Meeting, March 7, 2012
9. Notes of meeting with CHES parents, March 12, 2012

10. Local Board Meeting, March 21, 2012
11. Local Board letter to kindergarten through eighth grade parents from CHES, SES, and SMS, April 2, 2012
12. School Messenger records
13. Local Board Meeting, April 4, 2012
14. MSDE Order, undated
15. Appellants Prehearing Statement

In support of the Appellants' Response, the following exhibit was submitted:

App. #1. QACPS Master Plan, Districting and Redistricting Procedures

#### Stipulations

At the hearing, the Parties submitted thirty-one written stipulations of fact and added one additional stipulation of fact. Each stipulation of fact has been recited in my findings of fact.

#### **UNDISPUTED FINDINGS OF FACT**

Based on the stipulated facts presented during the Motion hearing, I find the following facts to be undisputed:<sup>2</sup>

1. On April 4, 2012, the [Local Board] voted during its regular open session meeting to move the fifth grade classes in fall 2012 from [CHES] and [SES] to the new [SMS], which opened in April 2012.
2. At the January 18, 2012 Open Board meeting, which addressed the budget, the Superintendent, Dr. Carol Williamson, proposed relieving some of the population pressure on the elementary schools in the northern part of Queen Anne's County ([CHES and SES]) by moving the fifth grade classes to the new [SMS].

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<sup>2</sup> Any references contained in a bracket were made for purposes of clarity and consistency, without making any substantive changes. Further, since these are the facts stipulated to by the parties, I made no other attempt to modify the facts in any other way.

3. At the January 18, 2012 Open Board meeting, Dr. Williamson explained she reviewed the concept with the three principals, who thought the plan could be successful.
4. Moving the fifth grades to [SMS] would eliminate the need for portables<sup>3</sup> at the two elementary schools and avoid a lease payment for the portables.
5. [SMS] had the extra space for the fifth grades.
6. When [SMS] was planned, county planners projected there would be new developments in the region which required a new larger middle school.
7. Due to the recession and the deterioration of the housing market, the homes were not built and [SMS] remains under-populated.
8. At the January 18, 2012 Open [Board] meeting, the [Local Board] discussed the move of the fifth grades.
9. At the January 18, 2012 Open [Board] meeting, Dr. Williamson said she intended to meet with the fourth grade parents at the two elementary schools.
10. At the January 26, 2012 Open [Board] meeting, the Board was updated by Dr. Williamson on the status of the fifth grades. [Dr. Williamson] reviewed her meeting with the principals. [Dr. Williamson] advised she was scheduled to meet with the PTA to review the proposed model and to hold a meeting at [SMS], with the fourth grade parents from both schools so they could view the facility and discuss the plan.
11. At the January 26, 2012 Open [Board] meeting, Dr. Williamson said the extra fifth grade teacher who was needed at [CHES] due to its population growth would not be needed if the fifth grades were moved to [SMS]. She explained that the portables

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<sup>3</sup> This is a reference to a temporary classroom structure which is portable or moveable.

could be removed from [CHES] and [SES] and as a result, the entire Pre-kindergarten to fourth grade programs could be held within the school buildings.

12. At the February 1, 2012, Open [Board] meeting, the Board discussed how transportation would work if the fifth grades moved to [SMS]. The Board also discussed rising costs, including the loss of \$455,000.00 from the State.
13. At the February 1, 2012 Open [Board] meeting, Dr. Williamson stated that the recommended move of the fifth grade could take place in Fall 2012.
14. At each Open meeting of the Board of Education, the Board sets aside time for citizen participation. Citizens have spoken at each Open meeting of the Board in 2012.
15. At the March 7, 2012 Open [Board] meeting, citizens spoke to the Board about the proposed move of the fifth grades to [SMS].
16. At the March 7, 2012 Open [Board] meeting, the Board discussed the impact of a new school transportation system on the proposed move of the fifth grades to [SMS].
17. At the March 7, 2012 Open [Board] meeting, [Dr. Williamson] reported on her meeting with the fourth grade parents. She said she set up a meeting with [CHES] parents.
18. At the March 21, 2012 Open [Board] meeting, Dr. Williamson reported on her meetings with the [SES] PTA, the combined fourth grade parents of [CHES] and [SES], the [CHES] PTA, and teachers at each of the three schools. She provided the Board with the summary of notes from each meeting.
19. At the March 21, 2012 Open [Board] meeting, the Board announced its intent to vote on the proposed move of the fifth grade classes at the April 4, 2012 Open [Board] meeting.

20. [Dr. Williamson] sent a letter on April 2, 2012, to the parents of every student enrolled in the school system between kindergarten and eighth grade about the proposed move and a roto (sic)-call was also made to each family, which included information about the April 4, 2012 Board meeting.
21. At the April 4, 2012 Open [Board] meeting, citizens spoke about the proposed move of the fifth grade classes. Appellants Cinda Anthony and Suzanne Covington spoke at the meeting, along with other citizens.
22. At the April 4, 2012 Open [Board] meeting, the Board and [Dr. Williamson] spoke about the proposed move of the fifth grade classes, including: the parent's tour of [SMS], the "top dog" issue, correspondence sent to the parents at [CHES], [SES], and [SMS], that Pre-kindergarten students would need to be taught in the basement of [SMS] unless the fifth grade moved, that [SMS] was half-full, the transportation of the fifth grade students, and that by moving the fifth grades, the Judy Center (in which educational services are provided to students) could be moved out of the portable.
23. At the April 4, 2012 Open [Board] meeting, the Board voted to move the fifth grades to [SMS].
24. The fifth grades moved into [SMS] in August 2012. The Judy Center moved into the school building at [SES] and the fourth grade at [CHES] was moved out of the portable.
25. The Board posted information (sic) its website and QACTV7 about the proposed move of the fifth grades to [SMS].
26. All Board meetings are televised by QACTV7.



27. The Board provides its schedule of Board meetings to the local media. Additionally, the dates of all Board meetings are published one year in advance.
28. Minutes of the Board meetings are published on the Board's website.
29. Minutes of the meetings held at the schools about the proposed move were published on the Board's website.
30. The SMS fifth grade transition committee was established and three Appellants served on the Committee.
31. The County Commissioners have only provided Maintenance of Effort funding to the Board of Education, which means that the Board has been unable to offer its employees any raises or step increases. Due to change in the State's Maintenance of Effort law, the Board (sic) the County cut \$4.5 million from the Board's budget, resulting in a lower Maintenance of Effort budget.
32. The second Board meeting of the month does not provide for citizen participation because it is a work session; but it is an open meeting to the public, minutes are kept and it is televised on QACTV7.<sup>4</sup>

## **DISCUSSION**

### Legal Framework

#### *Motion for Summary Decision*

COMAR 28.02.01.012D governs motions for summary decision. It provides as follows:

#### D. Motion for Summary Decision.

(1) Any party may file a motion for summary decision on all or part of an action, at any time, on the ground that there is no genuine dispute as to any material fact and that the party is entitled to judgment as a matter of law. Motions for summary decision shall be supported by affidavits.

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<sup>4</sup> This stipulation was not contained in the parties' submitted written stipulation of facts. It was added orally during the hearing held on December 7, 2012.

(2) The response to a motion for summary decision shall identify the material facts that are disputed.

(3) An affidavit supporting or opposing a motion for summary decision shall be made upon personal knowledge, shall set forth the facts that would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated in the affidavit.

(4) The judge may issue a proposed or final decision in favor of or against the moving party if the motion and response show that there is no genuine dispute as to any material fact and that the party in whose favor judgment is entered is entitled to judgment as a matter of law.

Maryland appellate cases on motions for summary decision under the Maryland Rules of Civil Procedure (Maryland Rules) are instructive regarding similar motions under the procedural regulations of the OAH. In a motion for summary judgment or a motion for summary decision, a party goes beyond the initial pleadings, asserting that no genuine issue exists as to any material fact and that the party filing the motion is entitled to prevail as a matter of law. *Compare* COMAR 28.02.01.12D *and* Maryland Rule 2-501(a); *see Davis v. DiPino*, 337 Md. 642, 648 (1995).

A party may move for summary decision “on any appropriate issue in the case” or as to the case as a whole. COMAR 28.02.01.12D(1). The principal purpose of summary disposition, whether it is for summary decision or summary judgment, is to isolate and dispose of litigation that lacks merit. Only a genuine dispute as to a material fact is relevant in opposition to a motion for summary judgment or summary decision. *Seaboard Sur. Co. v. Kline, Inc.*, 91 Md. App. 236, 242 (1992).

When a party has demonstrated grounds for summary judgment, the opposing party may defeat the motion by producing affidavits, or other admissible documents, which establish that material facts are in dispute. *Beatty v. Trailmaster Products, Inc.*, 330 Md. 726, 737-738 (1993).

In such an effort, an opposing party is aided by the principle that all inferences that can be drawn from the pleadings, affidavits, and admissions on the question of whether there is a dispute as to a material fact must be resolved against the moving party. *Honacker v. W.C. & A.N. Miller Dev. Co.*, 285 Md. 216, 231 (1979).

Even where there is no dispute as to material facts, the moving party must demonstrate that it is entitled to judgment as a matter of law.

*Standard of Review*

The standard of review applicable to school redistricting is set forth in COMAR

13A.01.05.05A, as follows:

Decisions of a local board involving a local policy or a controversy and dispute regarding the rules and regulations of the local board shall be considered prima facie correct, and the State Board may not substitute its judgment for that of the local board unless the decision is arbitrary, unreasonable, or illegal.

COMAR 13A.01.05.05B defines “arbitrary or unreasonable” as follows:

A decision may be arbitrary or unreasonable if it is one or more of the following:

- (1) It is contrary to sound educational policy; or
- (2) A reasoning mind could not have reasonably reached the conclusion the local board or the superintendant reached.

COMAR 13A.01.05.05C defines “illegal” as satisfying one or more of the following six criteria:

- (1) Unconstitutional;
- (2) Exceeds the statutory authority or jurisdiction of the local board;
- (3) Misconstrues the law;
- (4) Results from an unlawful procedure;
- (5) Is an abuse of discretionary powers; or
- (6) Is affected by any other error of law.

Should this matter go to a full merits hearing, the Appellants have the burden of proof by a preponderance of the evidence. COMAR 13A.01.05.05D. However, as noted earlier, the Local Board, as the moving party, has the burden to establish it is entitled to a summary decision.

### Analysis

In its Motion, the Local Board relies on the Affidavit of Dr. Carol Williamson, the Superintendent for Queen Anne's Public Schools, and several attached exhibits. Additionally, in the Motion and the attached Memorandum, the Local Board recited several alleged undisputed facts. In its Response, the Appellants stated that they "largely agree with the statement of facts set forth in the [Local Board's] Memorandum." By agreeing with the Local Board's alleged undisputed facts, the Appellants referred to pages one through eleven of the Local Board's Memorandum as containing the facts which are undisputed. Essentially, the undisputed facts presented by the Local Board in its Memorandum and acknowledged by the Appellants in their Response are also outlined by the Stipulation of Facts. After considering the undisputed facts and the applicable law, I conclude that there are no material undisputed facts and that the Local Board is entitled to a summary decision as a matter of law. COMAR 28.02.01.012D.

The Appellants contend that that Local Board's decision to move the fifth grades from CHES and SES into SMS was arbitrary or unreasonable. In support of this position the Appellants argue that the Local Board's decision was based on fiscal concerns as opposed to sound educational policy. Perhaps the Appellants are partly right. The Local Board was concerned about the cost of maintaining temporary portable classrooms, having to hire an extra fifth grade teacher, and a reduction in educational funding from the State. However, the Local Board was also concerned with alleviating the overcrowded student population at CHES and SES. As a result, the Local Board considered the opportunity found at the SMS, which was a

brand new school facility that was without the expected student population that it was intended to serve. By moving the fifth grades from CHES and SES into the SMS, the fifth grades were able to be taught within a permanent school structure, which ostensibly is a better educational environment than temporary classrooms. While the Local Board may have had a fiscal concern to address, the undisputed facts also indicate that the Local Board sought to provide a better educational environment for the fifth grades, which is consistent with sound educational policy. COMAR 13A.01.05.05B(1).

The Appellants also argue that the Local Board failed to provide adequate notice and opportunity for comment about the proposed move of the fifth grades to all parents of students at CHES, SES, and SMS. In support of their Response, the Appellants assert that the Local Board did not invite the parents of first through third grade at CHES or SES to join in the discussion about the proposed move. Additionally, the Appellants minimize the impact of providing notice of the Local Board activity through cable television, specifically QACTV7, because not everyone in northern Queen Anne's County has access to cable television. Further, the Appellants argue that the Local Board's letter to QACPS parents, dated April 2, 2012, which notified parents that the Local Board intended to vote on the proposed move of the fifth grades at the Local Board's meeting on April 4, 2012, was an inadequate notice. Based on these foregoing reasons, the Appellants contend that the Local Board's action resulted in an unlawful procedure rendering the decision illegal.

In *Bernstein v. Board of Education*, 245 Md. 464 (1967), the Court of Appeals addressed the adequacy of notice and opportunity to be heard in a school redistricting case. In *Bernstein*, the Court considered the adequacy of a six-day-notice the school provided parents about a proposed relocation of students to a different school. On this specific issue, the *Bernstein* Court

stated “[i]n some situations that notice might be deemed inadequate in point of time, but the adequacy of the notice must be determined in the light of the particular circumstances.” *Id.* at 474.

In this case, the notice was only a two-day notice; however, contextually, the notice was not the beginning of the process but was much closer toward the end of a more involved process. In this case, the notice was preceded by several Open Board meetings during which the Local Board discussed the merits of moving the fifth grades. At these meetings, citizens, including parents of school children and the Appellants, were able to discuss issues or concerns with the proposed move. The Superintendent, Dr. Williamson, held meetings with parents of the fourth grade parents from CHES and SES, and parents from SMS to discuss the proposed move. Each of the Local Board meetings were televised on a local cable television channel. Minutes of the Local Board meetings were placed on the Board’s website. Finally, the Local Board announced during its March 21, 2012, meeting that it intended to vote on the proposed move fourteen days later, during the April 4, 2012 Board meeting. Based on these undisputed facts, I conclude that that the Local Board provided adequate notice, both directly and constructively, and an opportunity to be heard to all concerned parents and citizens of the Board’s intention to vote on the proposed move.

Statutes or regulations concerning a local board’s decision-making related to school redistricting do not define the timeliness or adequacy of a notice. Nevertheless, the Appellants draw support from Maryland Code Annotated, Education Article, Section 4-116 (2008). Under this statute, when a local school board chooses land for a new school site and if a local board gives preliminary approval for a school site, then, if the local board considers it desirable, it shall hold a public hearing by providing at least ten days of notice, published at least once in a

newspaper. Based on this statute, the Appellants argue the two-day notice in this case was illegal. However, the argument is fatally flawed because the statute relied upon has no relevancy to school redistricting. Additionally, even if this statute had instructive value, the type of notice it requires is constructive notice through the newspaper. In this case, there was similar constructive notice, through cable television and publishing of Board meeting minutes on its website. Further, in addition to the constructive notice, there was also the direct notice mailed to all concerned parents. Thus, I find unpersuasive the Appellants' argument based on Education Article, Section 4-116.

The Appellants argue that the Local Board's vote on April 4, 2012 and the subsequent movement of the fifth grade classes on August 27, 2012 was in violation of the Local Board's Master Plan related to districting and redistricting of schools. Thus, the Appellants conclude the Local Board's action was illegal. As it relates to districting and redistricting, the Local Board's Master Plan provides:

In the event that the Board approves any plan which adjusts the existing boundary lines of a school attendance area, such plan *shall* not become effective until at least 180 days after the Board's decision except and unless the implementation of the plan is required due to emergency circumstances.

QACPS, Master Plan, Districting and Redistricting, paragraph G., Appellants' Response exhibit no. 1. (emphasis provided).

In this case, the Appellants argue that, after the Local Board's vote to approve the fifth grade move, the Local Board implemented the move in less than 180 days. As a result, the Appellant's argue that the Local Boards action violates the Master Plan.

Initially, the Appellant's legal argument appears to be correct. However, based on the portion of the Local Board Master Plan related to Districting and Redistricting of schools and submitted with the Appellants Response, I conclude that the term "shall," as used in paragraph G

of the Local Board's Master Plan fails to provide any sanction or other remedy when the Local Board fails to comply with this portion of the Master Plan. For this reason, I conclude that the term is not mandatory language and is instead permissive. *See, MVA v. Shrader*, 324 Md. 454 (1991).

In *Shrader*, the Court addressed whether the Motor Vehicle Administration's (MVA) failure to comply with a statute containing the term "shall" required dismissal of a case involving the suspension of a driver's license. After finding the statute was silent as to sanctions, the Court held that dismissal of the MVA's case was not mandatory for its failure to comply with the statute. In rendering its opinion, the Court considered other factors like the purpose and intent of the statute and that Shrader's proposed interpretation, dismissal, would be unreasonable.

In the present case, the bulk of the Local Board's Master Plan relating to redistricting of schools, addresses a requirement that a study and evaluation of relevant information on any proposed redistricting occur and having at least one public hearing to receive comment on the proposed plan occur. The evidence in this case established that the process to move the fifth grades was a deliberate process involving an evaluation of several factors and did involve public comment. Thus, I find that a major purpose of the Master Plan was satisfied.

The Appellants do not assert what if any sanction should be undertaken for not complying with the Master Plan. Nevertheless, the Appellants contend that the Local Board should have waited at least 180 days from April 4, 2012 to move the fifth grades. However, if the Board had waited 180 days, then the students would have moved sometime after the new school year began or perhaps later in the same school year. Such a requirement is unreasonable because moving students during the school year would have been more disruptive to parents, teachers, and students than making the move effective at the beginning of the following school



year. For these reasons, I find that any failure of the Local Board to comply with its Master Plan did not render its action to move the fifth grades illegal because under the circumstances the Board's action was reasonable.

**CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact and Discussion, I conclude as a matter of law that the Board's Motion for Summary Decision should be granted because, based upon the undisputed facts, it has shown that it is entitled to prevail as a matter of law. COMAR 28.02.02.12D(4).

Based on the undisputed facts, I conclude as a matter of law, that the Local Board's decision to move the fifth grades from CHES and SES to SMS was not arbitrary, unreasonable, or illegal. COMAR 13A.01.05.05A.

**RECOMMENDED ORDER**

**I RECOMMEND** that the Motion for Summary Decision filed by the Queen Anne's County Board of Education is **GRANTED**.

**I FURTHER RECOMMEND** that the Queen Anne's County Board of Education's decision to move fifth grades from CHES and SES to SMS be **AFFIRMED**.

January 9, 2012  
Date decision mailed

#139557  
DA/ch

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Daniel Andrews  
Administrative Law Judge

## **NOTICE OF RIGHT TO FILE EXCEPTIONS**

Any party adversely affected by this Proposed Decision has the right to file written exceptions within fifteen days of receipt of the decision; parties may file written responses to the exceptions within fifteen days of receipt of the exceptions. Both the exceptions and the responses shall be filed with the Maryland State Department of Education, Maryland State Board of Education, 200 West Baltimore Street, Baltimore, Maryland 21201-2595, with a copy to the other party or parties. COMAR 13A.01.05.07F. The Office of Administrative Hearings is not a party to any review process.

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**CINDA ANTHONY, et. al**  
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**v.**  
**QUEEN ANNE'S COUNTY**  
**BOARD OF EDUCATION,**  
**RESPONDENT**

**\* BEFORE DANIEL ANDREWS**  
**\* AN ADMINISTRATIVE LAW JUDGE**  
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**\* OAH CASE NO.: MSDE-BE-09-12-30784**  
**\***

\* \* \* \* \*

**FILE EXHIBIT LIST**

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14. MSDE Order, undated
15. Appellant's Prehearing Statement

In support of the Appellants Response, the following exhibit was submitted:

App. #2. QACPS Master Plan, Districting and Redistricting Procedures

Stipulations

At the hearing, the Parties submitted the thirty-one written stipulations of fact and added one additional stipulation of fact during the Motion hearing. Each stipulation of fact has been recited in my findings of fact.