

WALTER S.

Appellant

v.

ANNE ARUNDEL COUNTY

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR11-09

ORDER OF DISMISSAL

The State Board received an appeal challenging the decision of the Anne Arundel County Board of Education (local board) that the Appellant's children reside in Baltimore City and not in the Brooklyn Park Elementary School attendance area in Anne Arundel County. In his appeal, the Appellant asks that his children be allowed to finish their last months of the 2010-2011 school year at Brooklyn Park. In his appeal, the Appellant does not contest that he owns the Baltimore City property or that his children will be attending elementary school in Baltimore City for the 2011-2012 school year.


Two days after Appellant filed the appeal, the school system granted the Appellant's request that his children be allowed to finish the school year at Brooklyn Park. The local board asks, therefore, that the appeal be dismissed as moot. Although the Appellant was provided the opportunity to respond in writing to the local board's request, he has not done so.

It is well established that a question is moot when "there is no longer an existing controversy between the parties, so that there is no longer any effective remedy which the courts [or agency] can provide." *In Re Michael B.*, 345 Md. 232, 234 (1997); *See also Farver v. Carroll County Bd. of Educ.*, MSBE Op. No. 99-42 (1999); *Arnold v. Carroll County Bd. of Educ.*, MSBE Op. No. 99-41 (1999); *Chappas v. Montgomery County Bd. of Educ.*, 7 Ops. MSBE 1068 (1998). Because the school system permitted the Appellant's children to attend Brooklyn Park Elementary School through the end of the school year, the Appellant has received the relief he was requesting in the appeal. Thus, there is no existing controversy between the parties and no effective remedy that the State Board can provide. *See Wayne and Michelle J. v. Anne Arundel County Bd. of Educ.*, MSBE Order No. OR11-04 (2011).

Accordingly, it is this 19<sup>th</sup> day of July, 2011, by the Maryland State Board of Education,

ORDERED, that the appeal be and the same is hereby dismissed because it is moot.

MARYLAND STATE BOARD OF EDUCATION

  
James H. DeGraffenreidt, Jr.  
President