

KRISTA KURTH, ET AL.,

Appellant

v.

MONTGOMERY COUNTY BOARD OF  
EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR11-12

ORDER

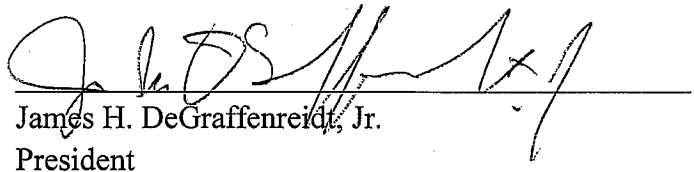
Various Montgomery County citizens have appealed the decision of the Montgomery County Board of Education (local board) to lease a parcel of land, known as the Brickyard Road site, to Montgomery County for the creation of soccer fields. A preliminary issue has arisen pertaining to the record of the case before the State Board. In a State Board appeal, the local board must transmit to the State Board "the record of the local proceedings." COMAR 13A.01.05.03E(1). Appellants dispute that the local board has submitted the entire record in this case.

After carefully reviewing the submissions by the parties on the issue, on this 6<sup>th</sup> day of December, 2011, we hereby Order that the record of proceedings in this matter contains the following items:

- The recording, transcript, and minutes of those portions of the March 8, 2011 local board meeting during which the local board discussed and voted on the lease of the Brickyard Road site to Montgomery County, as well as the public comment portion of the meeting pertaining to the matter. (We note that Appellant Maravell has provided a transcript of the selected portions of the local board's meeting. The State Board appeal procedures do not require the local board to provide a transcript of the meeting in a case such as this. Rather, COMAR 13A.01.05.03E(2)(a) requires the local board to provide a transcript of a stenographic record of an evidentiary hearing before the local board or its designee. There was no evidentiary hearing in this case.)
- The Resolution that was adopted by the local board regarding the lease on March 8, 2011.

- The non-privileged and non-confidential documents provided to the local board by the school system in preparation of the board's consideration of action item 4.2.5 – Lease Agreement-Brickyard Road Site at the March 8 meeting. The local board represents that this consists of the following: (1) Superintendent's memorandum and proposed resolution; (2) written testimony on the Brickyard Road lease issue submitted by speakers during the public comment portion of the meeting; (3) letter from County Executive regarding site; and (4) the amendment to the Superintendent's proposed resolution distributed by Ms. O'Neil during the meeting.

MARYLAND STATE BOARD OF EDUCATION



James H. DeGraffenreid, Jr.  
President

Appeals2011/Orders/kurthrecord