

MONICA D.

Appellant

v.

MONTGOMERY COUNTY

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR12-04

ORDER

The State Board received an appeal challenging the decision of the Montgomery County Board of Education (local board) denying Appellant's request that her son be allowed early entrance into kindergarten. Appellant stated that she was appealing the decision not only for herself "but for all the parents seeking early entrance to kindergarten for their child". Appellant disputes the results of her son's assessment and claims that the test is unreliable because it is conducted with a stranger in an unfamiliar setting and the child cannot prepare for it.

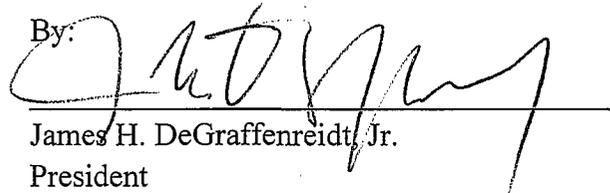
The local board filed a Motion for Summary Affirmance maintaining that its decision is not arbitrary, unreasonable or illegal. In Appellant's response to the motion, she states that she is "no longer trying to get [her] son into kindergarten." She instead asks that the State Board allow her son into the school system's pre-kindergarten program that is currently available to income eligible families only, stating that she would be willing to help offset the additional cost.

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 J.H. v. Baltimore County Bd. of Educ.*, MSBE Order No. OR07-03 (2007). Because Appellant is no longer seeking early kindergarten entry for her son, the appeal of the local board's decision is moot as there is no existing controversy between the parties and no effective remedy that the State Board can provide.<sup>1</sup> With regard to Appellant's new request concerning entry into pre-kindergarten, that is a matter she must first raise with the local school system.

Accordingly, it is this 28<sup>th</sup> day of February, 2012, by the Maryland State Board of Education, ORDERED, that the appeal is hereby dismissed because it is moot.

MARYLAND STATE BOARD OF EDUCATION

By:



James H. DeGraffenreidt, Jr.  
President

<sup>1</sup> To the extent Appellant seeks improvements to the early entry process and assessments for children who may seek early kindergarten entry in the future, that is an administrative policy matter that is not properly the subject of a quasi-judicial appeal under §4-205 of the Education Article.