

REGINALD W.,

Appellant

v.

HOWARD COUNTY BOARD
OF EDUCATION

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 16-07

OPINION

INTRODUCTION

Reginald Whitlock, the Appellant and father of two children in Howard County Public Schools, has appealed the decision of the Howard County Board of Education finding no violation of Board policies and denying him the relief he requested. The local board filed a Motion for Summary Affirmance to which the Appellant replied and the local board responded. Other filings concern requests to strike certain documents from the record.

FACTUAL BACKGROUND

This case centers on the timely provision of breakfast or lunch to the Appellant's children and the Appellant's concern that hand washing before and after lunch is not a regular practice at Bollman Bridge Elementary School. According to the Appellant, on August 26, 2014, his son and daughter arrived at school on the bus shortly before breakfast time would be ending. They were given breakfast, minus milk, and told to put it into their book bags. They were not afforded an opportunity to eat breakfast when their bus arrived late or had very little time for breakfast due to no fault of their own. His children returned home with their breakfast in their book bags.

On March 23, 2015, his daughter returned home from school hungry and with a headache. Her lunch was still in her lunch box uneaten. His daughter told him that when she arrived in the cafeteria to eat her lunch, the lunch cart for students who bring their own lunch was not in the cafeteria so she and her classmates sat and waited for their lunch to arrive in the cafeteria. When their lunch cart finally arrived, it was too late for them to eat their lunch and they were rushed out of the cafeteria. As the Appellant continued to ask more questions as to what happened that day, he discovered that his daughter and her classmates go directly to the cafeteria after recess to eat lunch without washing their hands with soap and water beforehand and do not wash after lunch.

On April 8, 2015, two days after returning from spring break, Appellant's son stated his lunch cart arrived ten minutes late to the cafeteria and that the students were not washing their hands with soap and water before and after lunch. His son stated he rushed to eat his lunch because he was afraid of being disciplined.

On April 27, 2015, Appellant's daughter returned home again hungry and with a headache because of late arriving lunch. She said the students were not washing their hands with soap and water before and after lunch.

On May 21, 2015, Appellant's son asked Ms. Johnson, cafeteria assistant, for additional time to finish his lunch. Ms. Johnson allegedly denied additional time, therefore, Appellant's son was not able to finish his lunch, and returned home with his lunch and a headache. He reported the students were not washing their hands with soap and water before and after lunch.

For the purpose of deciding this appeal, we will accept the facts as set forth above as true.¹ We also accept as true the local board's assertion that hand sanitizers are available for students to use before and after lunch.²

STANDARD OF REVIEW

Local board decisions involving a local policy or a controversy and dispute regarding the rules and regulations of the local board are considered *prima facie* correct. The State Board will not substitute its judgement for that of the local board unless the decision is arbitrary, unreasonable, or illegal. COMAR 13A.01.05.05A.

LEGAL ANALYSIS

It is the Appellant's argument that the late breakfast and lunch occurrences, as well as the students' report about lack of hand washing, prove that the Howard County Public Schools' personnel have violated certain policies and thus have engaged in a pattern of child abuse and neglect. We do not agree.

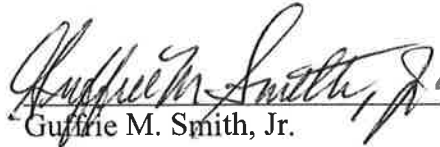
While we understand and respect the Appellant's concern for the health and welfare of his children, we cannot conclude that five late or rushed school meals over the course of a year constitutes child abuse or neglect. We presume that HCPS takes seriously the timely provision of lunch to its students. We emphasize that there is a relationship between hunger and attention to learning. Moreover, based on the response from the local board, it appears that students are given an opportunity to wash their hands or use a hand sanitizer before and after lunch. There is no Center for Disease Control mandate that school personnel ensure that every child washes his hands with soap and water before and after lunch.

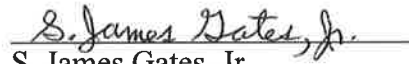
CONCLUSION

For all the reasons stated, we find that the local board's decision is neither arbitrary, unreasonable, or illegal. Thus, we affirm.

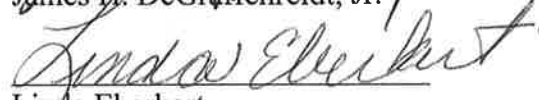
¹ The Appellant also alleges that his children were disciplined, but there is no evidence in the record to support the allegation and the local board has submitted an affidavit contradicting that allegation. (Motion at 7).

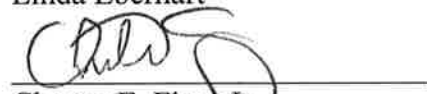
² We decline to strike documents from the record and have given them the weight they deserve.

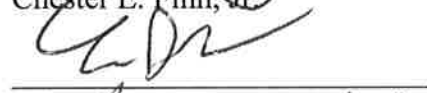

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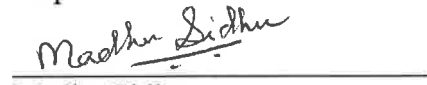

Linda Eberhart

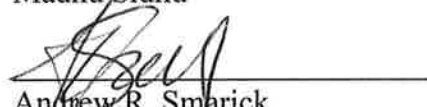

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February 23, 2016