

SUE PROFILI,
Appellant

v.

CARROLL COUNTY
BOARD OF EDUCATION,
Appellee

BEFORE THE
MARYLAND
STATE BOARD
OF EDUCATION
Opinion No. 02-12

OPINION

This is an appeal of the local board's decision upholding the revocation of a student's school parking privileges. The local board has submitted a Motion for Summary Affirmance maintaining that its decision is not arbitrary, unreasonable, or illegal. Although requested to do so, Appellant has not submitted a reply to the local board's Motion.

FACTUAL BACKGROUND

Appellant's son Timothy is a senior at North Carroll High School. On Monday, September 24, 2001, Timothy drove onto the school parking lot with two other students in his car at approximately 7:50 a.m.¹ Because Timothy had an upset stomach, he drove out of the parking lot with his friends and returned home to use the bathroom. Timothy returned to school during Mod 2 which begins at 9:28 a.m.² Upon his return to school, Timothy received a one day in school suspension³ and revocation of his parking permit for the remainder of the school year for violating school parking regulations.

Later that day, Appellant met with Dr. Gary Dunkleberger, Principal of North Carroll High School, who affirmed the revocation of Timothy's permit.

Appellant appealed to Dr. Gregory C. Eckles, Director of Secondary Schools for Carroll County, serving as the Superintendent's designee. Dr. Eckles conducted a conference with Appellant on September 28. By letter of October 2, 2001, Dr. Eckles advised Appellant that he was upholding Dr. Dunkleberger's decision to revoke Timothy's parking privileges. Dr. Eckles found that Timothy had violated the school parking regulations by leaving school property without permission after arriving at school; by transporting students off of school property

¹Appellant notes that the specified time is not an exact time, rather it is an approximation. She maintains that her son arrived before the start of the school day. Mod 1 begins at 7:50 a.m.; the warning bell rings at 7:45 a.m.

²Appellant indicates that Timothy called her from home and told her he had returned home to use the bathroom but would be returning to school in time for Mod 2.

³The suspension is not at issue in this appeal.

without permission during the school day; and by parking on the school parking lot on September 28, after his parking privileges were revoked.

Appellant appealed to the local board. In upholding the revocation of Timothy's parking privileges, the local board stated:

Having arrived at school, Timothy should have entered the building and proceeded to class. If he was feeling ill, he should have asked to see the nurse. He should not have taken it upon himself to leave school property without permission, and he should not have transported his friends away from school. Although Timothy's friends are also at fault for leaving school property with Timothy, it was Timothy who drove the car enabling these other students the opportunity to leave school and cut their first mod class.

Local Board Decision at 4.

ANALYSIS

Because this is a controversy over a decision of a local board involving a local policy, the standard of review is that the decision 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.01.01.03E(1).

The local board asserts that its decision is consistent with the North Carroll High School Parking Regulations⁴ and the North Carroll High School Student-Parent Handbook (2001-2001) ("Handbook"). The Parking Regulations clearly indicate that parking at North Carroll is a privilege for students; that "[l]eaving school and/or transporting student from campus during the school day (truancy) will not be tolerated and will result in loss of the driver's parking permit permanently;" *see* Section VIII.C.; and that "[u]pon arrival at school, student drivers are to park and lock their cars and enter the building. Students are not to congregate at cars or elsewhere on the parking lot." *See* Student Driving/Parking Section VII.C. The Handbook states that "[u]pon arriving at school, students are not permitted to leave the school grounds during the school day without proper permission from the administration." (Handbook at 9). Finally, both the regulations and the Handbook indicate that the administration reserves the right to revoke the parking privilege of a student who fails to comply with the parking regulations. Section IX; Handbook at 15.

Appellant maintains that Timothy did not violate the parking regulations because he arrived at school before the start of the school day. She notes that the specified time of arrival at

⁴Both the Appellant and her son signed a copy of the Parking Regulations acknowledging that they "have read, understand, and agree to support the parking regulations . . ."

approximately 7:50 a.m. is not an exact time, however she fails to state what she believes was Timothy's exact arrival time. Appellant also feels the punishment is unfair because Timothy acted responsibly by going home when he felt ill and returning to school when he felt better. She further claims that Timothy is not responsible for his friends' decision to leave school.

Based upon our review, we find the record discloses that Timothy arrived at school at approximately 7:50 a.m. While this is not an exact time, it is the only evidence of the time of Timothy's arrival time by those observing the event. There is no evidence to support the claim that Timothy left before the school day began.

As the local board has noted, Timothy was aware of the school rules concerning parking. He had options available to him other than returning home to use his own rest room. He could have used the rest room at school and reported to the school nurse. The most troubling aspect of this case is Timothy's decision to leave school grounds without permission, taking his two friends with him in his vehicle. Timothy may not be responsible for the actions of those two students and their decision to leave school, but he is responsible for his decision to aid them in that endeavor, in contravention of school policy. Based on the above, we do not find that the local board's decision was arbitrary, unreasonable, or illegal. It is consistent with provisions contained in the North Carroll's Parking Regulations and Handbook as noted above.

CONCLUSION

For all of these reasons, we affirm the decision of the Board of Education of Carroll County to revoke Timothy's parking privileges.

Marilyn D. Maultsby
President

Reginald L. Dunn
Vice President

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Clarence A. Hawkins

Walter S. Levin, Esquire

Karabelle Pizzigati

Edward L. Root

Walter Sondheim, Jr.

John L. Wisthoff

March 27, 2002