

D.J.

Appellant

v.

BALTIMORE CITY BOARD  
OF SCHOOL COMMISSIONERS

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR16-16

ORDER

This case is an appeal following a remand to the Baltimore City Board of Education (“local board”) in *D.J. v. Baltimore City Board of School Commissioners*, MSBE Op. No. 16-17 issued May 24, 2016. (Attached). In its Opinion, the State Board considered the local board’s decision upholding D.J.’s extended suspension from Excel Academy at Francis M. Wood High School for striking a teacher, as well as D.J.’s transfer at the conclusion of the extended suspension to the Friendship Preparatory Academy at Calverton Elementary/Middle School (“Friendship”).<sup>1</sup> This Board determined that the local board had violated the disciplinary regulations set forth in COMAR 13A.08.01.11, but found that no further remedy on the suspension could be ordered because the local board had rescinded the extended suspension and expunged it from D.J.’s record. The State Board remanded the issue of D.J.’s transfer to Friendship to the local board to provide a rationale for the transfer decision.

On remand, the local board issued an Opinion and Order upholding D.J.’s transfer to Friendship. (See Local Bd. Opinion and Order, Case No. 16-17, 6/14/16). In its decision, the local board described the reason for the transfer as follows:

In this instance, the Board determines that the administrative transfer and reassignment of D.J. to Friendship were necessary to protect school safety and to avoid the negative impact on school environment for staff, including the teacher who was assaulted, and students, which would occur if the student was permitted to return to the same school where he physically attacked a teacher by striking the teacher in the face. As presented and stated in the CEO’s Brief, returning D.J. to Excel would create concerns among teachers and staff around safety, and would send an incorrect message to students regarding expectations for positive student conduct and respect towards teachers.

Appellant has appealed that decision.

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<sup>1</sup> The incident upon which this case is based took place on September 21, 2015. D.J. punched a teacher in the face. D.J. asserted that the teacher had kicked him.

The local board filed a Motion to Dismiss maintaining that the appeal is moot because the 2015-2016 school year is now over. In addition, the local board has indicated that as of May 6, 2016, D.J. was no longer attending Friendship and is not enrolled in a Baltimore City public school. 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 Arnold v. Carroll County Bd. of Educ.*, MSBE Op. No. 99-41 (1999); *Farver v. Carroll County Bd. of Educ.*, MSBE Op. No. 99-42; *Chappas v. Montgomery County Bd. of Educ.*, 7 Op. MSBE 1068 (1998). Because D.J. no longer attends Friendship, the appeal of his transfer is moot. There is no longer an existing controversy between the parties and no effective remedy that the State Board can provide.

Accordingly, it is this 25<sup>th</sup> day of October, 2016, by the Maryland State Board of Education, ORDERED, that the appeal is hereby dismissed because it is moot.

MARYLAND STATE BOARD OF EDUCATION

By:

  
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Andrew R. Smarick  
President