

M.T. AND N.A.,

Appellants

v.

MONTGOMERY COUNTY
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR23-21

ORDER

Appellants challenge the decision of the local board to uphold the decision to deny Appellants' Change of School Assignment ("COSA") request for their daughter, Student X. Student X is eligible to attend kindergarten in Montgomery County Public Schools ("MCPS") for the 2023-2024 school year. The student was new to MCPS and assigned to attend ██████ Elementary School ("██████"). However, before she was enrolled and attending ██████ the Appellants applied for Student X to participate in the Rock Creek Forest Elementary School Spanish Immersion Program ("Rock Creek") lottery and Student X was not selected to participate and was placed on the waitlist. Appellants then submitted a COSA request to transfer Student X from ██████ to Rock Creek so that Student X could join her older brother at Rock Creek who is enrolled in the immersion program. The Appellants requested the transfer to avoid transporting their children to two different schools and juggling two aftercare programs as they have demanding careers. The transfer request was denied pursuant to local board policy because Rock Creek does not have the available space or staffing allocation needed to approve the transfer request.

After being denied the COSA, Appellants did not enroll Student X in MCPS for the 2023-2024 school year. The local board argues that because the Appellants did not enroll Student X in MCPS, this matter is now moot as there is no longer an existing controversy between the parties and the State Board is not able to provide an effective remedy. The Appellants did not respond to the mootness argument or provide any reason why this appeal is not moot.

We agree with the local board. 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" to be provided. *State v. Neiswanger Mgmt. Servs., LLC*, 457 Md. 441, 455 (2018) (quoting *Frazier v. Castle Ford, Ltd.*, 430 Md. 144, 162-63 (2013)); *Merci I. v. Howard County Bd. of Educ.*, MSDE Op. No. 18-15 (2018). There is no longer an existing controversy between the parties in this case and no effective remedy that the State Board can provide because Student X is not enrolled in any MCPS school. *D.J. v. Baltimore City Bd. of Sch. Comm'rs.*, MSBE Order No. OR 16-16 (2016) (dismissing appeal as moot in transfer case because the student is no longer attending Friendship and is not enrolled in a Baltimore City public school).

Accordingly, it is this 5th day of December 2023, by the Maryland State Board of Education, ORDERED, that the request for reconsideration is dismissed because it is moot. *See* COMAR 13A.01.05.03(B)(1)(b).

MARYLAND STATE BOARD OF EDUCATION

Signature on File:

Clarence C. Crawford
President