J.L.,	BEFORE THE
Appellant	MARYLAND
v.	STATE BOARD
MONTGOMERY COUNTY BOARD OF EDUCATION,	OF EDUCATION
Appellee.	Opinion No. 25-26

OPINION

INTRODUCTION

Appellant appeals the decision of the Montgomery County Board of Education ("local board") denying door-to-door transportation services for his child to attend [redacted] Elementary School ("School A"), declining to establish a multiyear transportation plan for his child to remain with the School A cohort and cluster for middle and high school, directing the administration to provide Appellant with his child's complete education record, and declining to hold the Chief of Staff accountable for her alleged refusal to execute the local board's prior Decision and Order regarding an administrative transfer for his child. The local board responded to the appeal maintaining that its decision is not arbitrary, unreasonable, or illegal. Appellant responded, and the local board replied.

FACTUAL BACKGROUND

The complex factual background of this dispute involves two interrelated appeals to the local board across the 2023-2024 and 2024-2025 school years leading to this appeal to the State Board. Appellant is the parent of Student X, a student with autism who attended [redacted] Elementary School ("School B") during the 2023-2024 school year and received home instruction from 2021-2023. (R. 101). The student attended the fifth grade at School A for the 2024-2025 school year.

2023-2024 School Year

In January 2024, of the 2023-2024 school year, Appellant filed multiple complaints with the school system involving School B concerning (1) the handling of bullying of Student X; (2) the handling of a traumatic event involving Student X in which she was left alone without supervision; (3) Student X's inability to eat breakfast prior to the start of instruction for the day; (4) how infrequently Student X was able to eat lunch; (5) combative lunch staff; and (6) providing Student X peanut candy despite knowledge of her severe peanut allergy. (R. 75-76). School B granted most of the Appellant's requested remedies.

Despite the responses from School B, Appellant appealed the decisions on February 7, 2024. The appeal was referred to Hearing Officer Natasha Jones for review. (R. 2). Dr. Jones issued a memorandum recommending that the appeal be denied. (R. 22).

On April 16, 2024, the former Chief Operating Officer, acting as the former Interim Superintendent's Designee, concurred with Dr. Jones' findings and adopted the recommendation to deny the Appellant's request. (R. 93).

On May 16, 2024, Appellant appealed the decision to the local board seeking an administrative placement for Student X at the Center for Enriched Studies ("CES") at School A and a restorative conversation between School B and the family, and that the board draft and implement a comprehensive policy and regulations regarding the receipt and processing of employee misconduct complaints. *Id*.

In a decision issued August 19, 2024, the local board granted the administrative placement with transportation, but it declined to direct placement at a specific school or program. (R. 2-4). The local board directed the administration "to effectuate an administrative placement for [Student X] to a school with an appropriate learning environment." *Id*. The local board denied the other relief requested by Appellant as an inappropriate remedy. *Id*.

According to the Superintendent, Peter Moran, Chief of School Support and Improvement, spoke with Appellant and offered several administrative placement options with appropriate environments with door-to-door transportation for Student X for the 2024-2025 school year. (R. 67). The options did not include placement at School A or in the CES program at School A as requested by Appellant. *Id*. According to Dr. Moran, Appellant declined the offered administrative placements and Dr. Moran then offered a Change of School Assignment ("COSA") to the general program at School A (not CES) without transportation. *Id*. Dr. Moran communicated the information to Steven Neff, Director of the Division of Pupil Personnel and Attendance Services. *Id*.

2024-2025 School Year

On August 22, 2024, Mr. Neff advised Appellant that Student X would be granted Change of School Assignment ("COSA") into the general program at School A, not into the CES program. (R. 8-9). Mr. Neff explained that his office was charged with implementing the local board's August 19, 2024 decision granting Student X an administrative placement with transportation, but after various discussions in which Appellant "refused placement options that include door -to-door transportation," he was granting a COSA to School A instead. *Id*. Mr. Neff reminded Appellant that he was made aware that door-to-door transportation could not be provided to School A, but that Student X could access a bus at a central magnet stop. *Id*. Mr. Neff also advised Appellant that Student X would return to her home school assignment at the end of her elementary school tenure and would have to apply for a COSA to remain in that feeder pattern for middle school because no student is guaranteed automatic articulation to their COSA feeder pattern. *Id*. Although Appellant did not sign the COSA forms, on August 23, 2024, Appellant enrolled Student X at School A and transported her for the entirety of the school year. (R. 20; Appeal).

On September 5, 2024, Appellant submitted an appeal letter to Dana Edwards, Chief of District Operations, through the Division of Appeals, alleging that MCPS failed to implement the terms of the local board's August 19, 2024 decision. (R. 15-19). Appellant alleged that MCPS failed to effectuate the administrative placement with transportation to a school with an appropriate learning environment and requested that Student X be placed in the CES program at School A with transportation. *Id*. Ms. Edwards, acting as the Superintendent's Designee, referred the matter to Hearing Officer Jones for review.

On September 30, 2024, Dr. Jones issued a memorandum to Dr. Edwards recommending that the appeal be denied. (R. 20-24). She stated:

> Four elementary schools, with an appropriate learning environment, were identified as possible administrative placement options, with transportation services, for [Student X]. However, [Appellant] remained steadfast that he wanted [Student X] to attend School A and declined an administrative placement to those schools. [Appellant] has suggested that in order for [Student X] to receive an appropriately ambitious educational program, she must be placed in the CES program at [School A].
>
> There is evidence that [Student X] has received, and continues to receive an ambitious educational program. In addition to being granted early entrance to kindergarten, [Student X] was accelerated into Grade 4 for FY24. She received accelerated compacted mathematics instruction and an enriched literacy curriculum during Grade 4 and Grade 5.

Id. Dr. Jones also noted that Student X would be assessed through the gifted and talented identification process this school year as a Grade 5 student. *Id*. By letter dated September 30, 2024, Ms. Edwards advised Appellant that she adopted the recommendation of Dr. Jones and denied the appeal. (R. 23).

Appellant appealed Ms. Edward's decision to the local board on October 30, 2024. (R. 24-52). In that appeal, Appellant requested four remedies: (1) require the Superintendent to effectuate the local board's August19, 2024 decision by requiring him to "produce appropriate paperwork" to execute an administrative placement and provide Student X with transportation to School A; (2) establish a multiyear plan for Student X's transportation to and from schools within the School A feeder pattern; (3) direct the Superintendent to comply with the record production; and (4) hold the Chief of Staff accountable for her refusal to effectuate the local board's August 19 decision. (R. 27-28). The Superintendent submitted a memorandum to the local board in opposition to the appeal and requested that his decision be upheld. (R. 66-70).

On December 19, 2024, Appellant responded to the Superintendent's memorandum. (R. 72-90). Most notably, Appellant denied that Mr. Neff offered four appropriate placement options with transportation and that Appellant declined them. (R. 80). He also denied that he agreed to a COSA and that he only acknowledged receipt of the COSA letter. *Id*. In addition, Appellant requested production of Student X's complete education record and correction of certain inaccuracies. (R. 88-90).

On February 20, 2025, the local board issued its Decision and Order agreeing with the Chief of District Operations and affirming her decision. (R. 91). The local board found that the "administration met the intent of the Board's August 19, 2024, Decision and Order" by offering multiple placement options for Student X that Appellant declined. (R. 94-95). The local board declined Appellant's request for transportation for the current and future school years to allow Student X to remain with her current cohort and within the School A cluster. *Id.* The local board explained that after Appellant declined the offered placements, Student X was offered a COSA to attend School A based on the understanding that no transportation would be provided if the COSA were accepted. *Id*. Appellant was advised of these terms in Mr. Neff's August 22, 2024

letter. *Id*. Appellant was also advised that Student X would have to apply for a COSA for high school to remain in the same feeder pattern as School A. *Id*. In addition, the local board directed the administration to provide a complete copy of Student X's educational file to the Appellant. *Id*. Finally, the local board denied Appellant's request regarding the Chief of Staff because, in addition to the relief being inappropriate in an appeal, the local board had already determined that the administration fulfilled the August 19, 2024decision. *Id*.

On March 22, 2025, Appellant appealed the local board's decision to the State Board.

STANDARD OF REVIEW

Decisions of a local board involving a local policy or a controversy and dispute regarding the rules and regulations of the local board shall be considered *prima facie* correct. The State Board may not substitute its judgment for that of the local board unless the decision is arbitrary, unreasonable, or illegal. COMAR 13A.01.05.06A.

LEGAL ANAYLSIS

In the appeal before us, Appellant seeks to overturn the local board's February 20, 2025 decision related to its previous August 19, 2024 decision. Appellant makes numerous allegations that can be categorized broadly as (1) refusing to execute the local board's August 19, 2024 decision to provide Student X an appropriate administrative placement with transportation and instead improperly imposing a COSA to School A without transportation; and (2) refusing to produce Student X's academic record and correct alleged record inaccuracies.[1]

Placement at School A Without Transportation

The Appellant makes various arguments that MCPS failed to execute the local board's August 19, 2024 decision "to effectuate an administrative placement for [Student X] to a school with an appropriate learning environment" with the provision of transportation. Collectively, these arguments essentially amount to a claim that the placement at School A without door-to-door transportation was improper and inconsistent with the local board's directive.

The local board already determined in its February 20, 2025 decision that MCPS's actions were consistent with the local board's August 19, 2024 directive, and we agree. Notwithstanding Appellant's specific request for placement at the CES program at School A, the local board did not mandate assignment to any specific school but rather allowed the administration the discretion to identify an appropriate school for Student X's learning needs. The administration took appropriate and timely action in compliance with the board's directive. MCPS offered Appellant multiple administrative placements to schools with appropriate learning environments and door-to-door transportation, but Appellant declined. Appellant's rejection of viable school placement options does not render MCPS's response insufficient or a violation of local policy, nor does it reflect a refusal to execute the local board's decision.

[1] Appellant makes clear that his appeal does not challenge matters pertaining to special education. (Appeal at 10; Appellant's Response). State Board appeal is not appropriate avenue to resolve special education disputes. *See Jon N. v. Charles Cnty. Bd. of Educ*., MSBE Op. No. 17-19 (2017).

Given Appellant's refusal to accept any of the offered administrative placements, MCPS then granted Student X a COSA to the general program at the Appellant's preferred school, School A. Consistent with COSA requirements, the option was offered without door-to-door transportation, but with transportation available for access at a central magnet stop, and only for the duration of the Student X's elementary school attendance. *See* Local Board Policy JEE(C)(2) and *V.B. and H.B. v. Montgomery Cnty. Bd. of Educ.,* MSBE Op No. 24-12 (2024) (Parents accepting a COSA assume responsibility for transportation). Appellant enrolled Student X in School A knowing the parameters of the placement and Student X attended School A for the duration of the 2024-2025 school year. Despite Appellant's claims about how administrative transfers and COSAs are supposed to be administered by MCPS, we find no violation of local board policy or regulation here.

The Appellant maintains that MCPS did not offer appropriate school placements with door-to-door transportation as stated in Mr. Neff's letter of August 22, 2024 and the Superintendent's memorandum of December 4, 2024. *See* Appeal and Appellant's Reply. Although Appellant characterizes and interprets the events that occurred differently from the school system, this does not negate the fact that MCPS believed Appellant rejected the offered administrative placements. Given the representations regarding MCPS's understanding of the events that transpired as set forth in Mr. Neff's letter, Appellant could have at any time sought clarification of the administrative placement offers with door-to-door transportation and accepted one of them. There is no evidence in the record that any offered school placement was not an appropriate learning environment.

Instead, Appellant chose to enroll Student X at School A for the 2024-2025 school year, his preferred school, with full knowledge of the terms for Student A's assignment as a COSA that were explicitly stated by Mr. Neff; specifically, no door-to-door transportation and only for the duration of elementary school. Appellant cannot now reasonably claim that he did not agree to the terms set forth in Mr. Neff's letter when he enrolled Student X at School A and had the benefit of her attending his school of choice for the school year simply because Appellant did not initially submit or sign the COSA paperwork. To accept such an argument would grant Appellant all of the benefits of a COSA without any of the obligations imposed. *See L.S. v. Howard Cnty. Bd. of Educ*., MSBE Op. No. 24-15 (2024)(Appellant could not receive all of the benefits of multiple family residence enrollment without any of the obligations of such enrollment, despite fact that Appellant did not personally sign the school system's multiple family disclosure paperwork.).

Student Records

In its February 20, 2024 decision, the local board directed the administration to provide a complete copy of Student X's educational file to Appellant. (R. 94). Appellant maintains that the Superintendent has refused to produce Student X's complete academic record as directed by the local board in violation of COMAR 13A.08.02.13 and seeks to have the record transmitted electronically and provided as scanned documents in a searchable/readable pdf file. (Appellant's Response). Appellant also maintains that the Superintendent has refused to correct inaccurate test results and academic records in violation of COMAR 13A.08.02.14.[2] Specifically, Appellant

[2] Appellant also alleges these violations of the Family Education Rights and Privacy Act ("FERPA"), a federal law over which the State Board has no jurisdiction. *See S.K. v. Montgomery Cnty. Bd. of Educ*., MSBE Op. No. 19-14 (2019) at p. 4.

maintains that there is an inaccurate/modified version of Student X's report card from her former school in another state; fabricated data for a Maryland state test for a year in which Student X lived and attended school in another state; and excused absences that were retroactively changed to unexcused by Student X's former principal the week Appellant reported the principal for misconduct. *Id*. The local board does not address this issue other than to say that there is no dispute to appeal because the local board directed the administration to provide a copy of the records to Appellant. (Local Bd. Response at 10-11).

Because it is unclear to us that Student X's complete education record was provided, we reaffirm the local board's directive that the administration provide a copy of Student X's complete education record to Appellant. The directive is an obligation on the administration to produce the copies and not a burden on Appellant to seek them out. As to the format of records requested by Appellant, that matter is left to the discretion of the administration as neither COMAR 13A.08.02.13 nor the local board require any specific format.

As to Appellant's request to correct alleged inaccuracies in the record, this issue is not addressed in the local board's decision or by the local board in its State Board appeal filings. Thus, we remand that matter to the local board to direct the proper handling of Appellant's claim.

CONCLUSION

As to all matters raised in the appeal except for Appellant's claim regarding correction of alleged inaccuracies of Student X's education record, we find that the local board's decision is not arbitrary, unreasonable, or illegal and affirm. As to record correction claims, we remand that matter back to the local board to determine proper handling.

Joshua L. Michael
President

Monica Goldson
Vice-President

Chuen-Chin Bianca Chang

Chet Chesterfield

Kenny Clash

Clarence Crawford

Nick Greer

Irma Johnson

Kim Lewis

Samir Paul

Absent:
Joan Mele-McCarthy
Rachel McCusker
Xiomara Medina

June 24, 2025