

P■■■■ M.,
Appellant

v.

PRINCE GEORGE'S COUNTY
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR21-04

ORDER

On April 20, 2021, the Appellant appealed the decision of the Prince George's County Board of Education ("local board") denying her request to have her son transferred from ■■■■ High School to ■■■■ High School ("■■■HS") for the 2020-2021 school year. She sought the transfer under the terminal grade completion exception, which allows transfers for students to attend their final grade in a school outside of their attendance area if the student is eligible for promotion or graduation during the requested school year. (Memorandum-Email Stream, 9/2020; PGCPs Administrative Procedure 5110.3(III.E & IV.A.9)). Appellant's son had previously attended ■■■HS for 9th and 10th grades during the 2017-2018 and 2018-2019 school years, but the school withdrew him in October 2019 based on updated residency documentation.¹ The Appellant sought the transfer so that her son could complete his credits for graduation at ■■■HS with his peers.

Although the local board upheld the decision of the Chief Executive Officer's Designee denying the transfer to ■■■HS for the 2020-2021 school year, it granted the transfer for the 2021-2022 school year for Appellant's son to complete his graduation requirements there. (Memorandum-Local Bd. Decision). The local board based its decision on the fact that Appellant's son did not have sufficient credits to satisfy graduation requirements by the end of the 2020-2021 school year;² ■■■HS was over its State-rated capacity for the 2020-2021 school year; and students were receiving on-line learning for the 2020-2021 school year and would not be returning to in-person learning until the spring. *Id.*

Despite expediting our review of the case, due to the timing of the appeal this decision will be issued after the end of the 2020-2021 school year. Thus, the matter of the transfer for the 2020-2021 school year is now moot. 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 Dion B. v. Baltimore County Bd. of Educ.*, MSBE Order No. OR 19-13 and cases cited therein. There is no longer an existing controversy between the parties in this case and no effective remedy that the State Board can provide. Moreover, the local board granted the

¹ Although the Appellant maintains that her son should not have been withdrawn from ■■■HS in October 2019 claiming he was entitled to remain there under the McKinney-Vento Homeless Assistance Act provisions, the Appellant did not appeal that decision and that matter is not before this Board for review.

² Appellant disputes this claiming that her son has sufficient credits to graduate in June 2021 but she did not provide any evidence to support that claim.

Appellant's son a transfer to ■■■HS for the 2021-2022 school year in order for him to complete his graduation credits there.

Accordingly, it is this 22nd day of June, 2021 by the Maryland State Board of Education,

ORDERED, that the appeal referenced above is hereby 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