

J.W. and K.Y.,

Appellants,

v.

MONTGOMERY COUNTY
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR24-22

ORDER

The Appellants challenge the September 13, 2024 decision of the Montgomery County Board of Education (“local board”) which resulted in denial of their request to have their child enrolled in Algebra in the 6th grade rather than Accelerated Math 7. The local board was unable to attain the votes necessary to either affirm or reverse the decision of the Superintendent’s Designee, thus the decision of the Superintendent’s Designee stood. (R. 393-394). Since the time the State Board appeal was initially filed, Montgomery County Public Schools (“MCPS”) approved the student for placement in Algebra for the 6th grade. (Local Bd. Reply at 1-2). The Appellants report that the student was slated to begin class for the second quarter of the 2024-2025 school year, which started November 6, 2024. (App. Response at 1).

The local board requests dismissal of the appeal maintaining that the case is moot. We agree this matter 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.’” *Mallardi v. Carroll Cnty. Bd. of Educ.*, MSBE Op. No. 00-07 (2000) (quoting *In Re Michael B.*, 345 Md. 232, 234 (1997)). Because the student is partaking in the requested class there is no longer an existing controversy and no longer any effective remedy that this Board can provide. *See Sachs v. Howard Cnty. Bd. of Educ.*, MSBE Op. No. OR03-16 (2003) (finding sports ineligibility appeal moot because student met eligibility requirements and was participating in sports); *Pickett v. Montgomery Cnty. Bd. of Educ.*, 7 Op. MSBE 1302 (1998) (finding extracurricular activity ineligibility appeal moot because student was eligible for school sponsored extracurricular activities).

The Appellants have asked the State Board to order MCPS to investigate the handling of the 6th grade math eligibility assessment process by the student’s 5th grade principal and provide a disciplinary response. (Apps’. Response at 6). The State Board has long held that parents lack standing to request that a school system take personnel action against school system employees. *See S.R. v. Montgomery Cnty. Bd. of Educ.*, MSBE Op. No. 20-18 (2020); *S.K. v. Montgomery Cnty. Bd. of Educ.*, MSBE Op. No. 19-14 (2019); *Thompson v. Montgomery Cnty. Bd. of Educ.*, MSBE Op. No. 12-43 (2012). Accordingly, the State Board’s authority does not extend to this request.

The Appellants also ask the State Board to require that MCPS perform an annual review of their child’s math assessment and other data to assess eligibility for math acceleration in subsequent school years. This request is well within MCPS’s responsibility and the request for a future remedy of this nature is not ripe for our review.

Accordingly, it is this 3rd day of December 2024, by the Maryland State Board of Education, ORDERED, that the appeal is hereby dismissed for the reasons stated above. *See* COMAR 13A.01.05.03B.

MARYLAND STATE BOARD OF EDUCATION

Signatures on File:

Joshua L. Michael
President