

CATHERINE H.,

Appellant

v.

PRINCE GEORGE'S
COUNTY BOARD OF
EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR17-03

ORDER

On January 24, 2017, this Board issued an Opinion in *Catherine H. v. Prince George's County Bd. of Educ.*, MSBE Op. No. 17-02 (student transfer appeal), remanding the case to the local board for it to provide a rationale addressing the safety issue raised by the Appellant because the local board failed to address it in its decision. In response to the remand, legal counsel for the local board filed a Supplemental Response to Appellant's Appeal, presuming to set forth the local board's rationale on the safety issue. While we acknowledge that counsel filed the Supplemental Response on behalf of the local board, it cannot serve as a proxy for the local board's decision. The role of the State Board in the appeal is to determine if the local board's decision was arbitrary, unreasonable or illegal. COMAR 13A.01.05.05A. In order to do that, the local board's rationale must be included in its decision based on an affirmative vote sufficient to take action. It is the local board's decision that is to be reviewed, not counsel's filing.

Therefore, it is this 28th day of February, 2017 by the Maryland State Board of Education,

ORDERED, that the appeal referenced above is hereby remanded to the local board for it to issue a decision containing a rationale addressing the safety issue raised by the Appellant. The local board shall transmit its decision to the State Board within 15 days of the date of this decision.

MARYLAND STATE BOARD OF EDUCATION

Signature on File:

Andrew R. Smarick
President