

IN THE MATTER OF

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BEFORE THE  
BOARD OF EDUCATION OF  
CARROLL COUNTY

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**DECISION OF THE BOARD OF EDUCATION OF CARROLL COUNTY**

This is an appeal before the Board of Education of Carroll County (the "Board") pursuant to Section 4-205(c) of the Education Article to the Annotated Code of Maryland concerning the denial of transportation to [redacted] following his voluntary transfer from [redacted] High School ( [redacted] ) to [redacted] High School ( [redacted] ) as a result of his involvement in a serious fight with a fellow [redacted] student that resulted in an extended suspension for the remainder of the 2007-2008 school year. The [redacted] have not appealed the extended suspension decision. However, they did appeal that portion of the decision rendered by Mr. Richard Simmons, serving as the Superintendent's Designee, that denied the provision of transportation to [redacted] for [redacted]. It was the contention of [redacted] and his family that the Carroll County Public Schools should provide bus transportation for [redacted] to [redacted] despite the fact that the [redacted] reside within the [redacted] attendance area and despite the fact that the transfer to [redacted] was voluntary on their part.

Following the submission of this appeal to the Board, an agreement was reached between the Superintendent and the [redacted] pursuant to which the Superintendent has agreed to allow [redacted] to ride on a school bus from a school bus stop that services [redacted]. On their end, the [redacted] have agreed to transport [redacted] to the nearest bus stop servicing Century. The [redacted] are working with the Carroll County Public Schools Transportation Services Department to identify the appropriate bus stop for [redacted]. Accordingly, there is nothing further for this Board to

decide in this appeal, and the appeal is dismissed as moot. An appeal is moot when there is no possibility of any relief that can be provided by the Board. The Maryland State Board of Education explained the concept of mootness in the case of Smoot v. Charles County Board of Education, MSBE Op. No. 03-27, at 3 (2003), as follows:

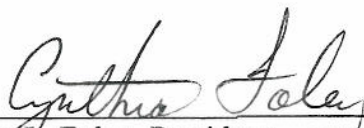
It is a well established principle that a question is moot when “there is no longer an existing controversy between the parties, so that there is no longer any effective remedy which the courts [or agency] can provide.” *In Re Michael B.*, 345 Md. 232, 234 (1997); *See also Arnold v. Carroll County Board of Education*; MSBE Opinion No. 99-41 (September 22, 1999); *Farver v. Carroll County Board of Education*, MSBE Opinion No. 99-42 (September 22, 1999); *Chappas v. Montgomery County Board of Education*, 7 Op. MSBE 1068 (1998).

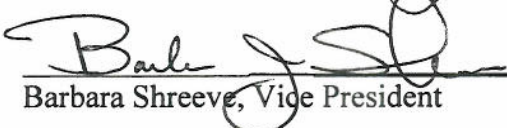
In this case, because an agreement has been reached between the Superintendent and the with respect to the provision of transportation, there is no existing controversy between the parties. There is no further relief that this Board can provide. As such, the appeal is moot.

**DECISION**

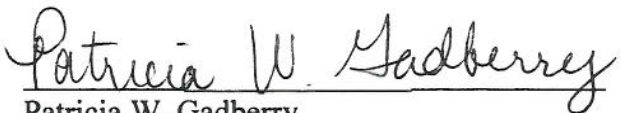
For the reasons discussed above, this Board has dismissed this appeal on the grounds of mootness. Should the choose to do so, they may appeal this Decision to the Maryland State Board of Education, 200 W. Baltimore Street, Baltimore, Maryland 21201, if taken in writing within thirty days of the date of this Decision.

7/21/08  
Date

  
Cynthia L. Foley, President

  
Barbara Shreeve, Vice President

  
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Gary W. Bauer

  
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Patricia W. Gadberry

  
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Virginia R. Harrison