

ROCK CREEK HILLS CITIZENS
ASSOCIATION, ET AL.

Appellants

v.

MONTGOMERY COUNTY
BOARD OF EDUCATION

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR12-01

ORDER

The State Board received an appeal challenging the April 28, 2011 decision of the Montgomery County Board of Education (local board) identifying Rock Creek Hills Local Park as the site of a new middle school for the Bethesda-Chevy Chase (B-CC) Cluster and authorizing a feasibility study for construction of the school at the site. The local board's decision is set forth in local board Resolution No. 221-11.

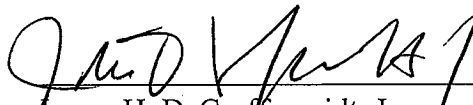
On November 17, 2011, the local board rescinded Resolution No. 221-11 and decided to conduct a new site selection process for the school's location. Thereafter, the local board filed a Motion to Dismiss the case maintaining that the appeal is moot. Appellants do not oppose that motion.

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 Wayne and Michelle J. v. Anne Arundel County Bd. of Educ.*, MSBE Order No. OR11-04 (2011); *J.H. v. Baltimore County Bd. of Educ.*, MSBE Order No. OR07-03 (2007). There is no existing controversy between the parties.

Accordingly, it is this 24 day of January, 2012, by the Maryland State Board of Education,

ORDERED, that the appeal be and the same is hereby dismissed because it is moot.

MARYLAND STATE BOARD OF EDUCATION



James H. DeGraffenreidt, Jr.
President