

C.H.,

Appellant

v.

HARFORD COUNTY
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 26-15

OPINION

INTRODUCTION

C.H. (“Appellant”) appeals the decision of the Harford County Board of Education (“local board”) finding her children, Students A & B, ineligible for continued enrollment in Harford County Public Schools (“HCPS”) based on Appellant’s residency. The local board filed a response. Appellant responded, and the local board replied.

FACTUAL BACKGROUND

This appeal stems from a longstanding and ongoing residency dispute between Appellant and HCPS that began in March 2025. At the beginning of the 2024-2025 school year, Student A was enrolled in a HCPS middle school and Student B was enrolled in a HCPS elementary school. Appellant has been a homeowner at an address located at Kirby Circle in Bel Air, Harford County “Harford County Address” since 2009. Documentary evidence, including real property data, confirms the property is designated as her principal residence and that she remains responsible for property taxes and utilities. Appellant also maintained her Harford County Address for employment records, driver's license, and local tax remittances throughout the period in question. (R. 1 – 15).

In March 2025, HCPS initiated a residency investigation after reports of excessive lateness – totaling 117 tardies for Student A and 30 for Student B. One of the students also shared that the family was living with Appellant’s mother at a Rosehill Court address located in Baltimore County (“Baltimore County Address”) and that there was no running water at the Harford County Address. Appellant admitted the family was staying in Baltimore County to care for her elderly mother and to support Student A during a severe and ongoing mental health crisis. She asserted that temporary relocation to her mother’s home was necessary for support as Student A needed 24-hour supervision during a serious mental health crisis and Appellant’s mother had on-going medical issues requiring assistance. Appellant asserts she checked on the Harford County Address regularly and never intended to move permanently. (R. 1 – 7, 154-156, 164 – 166, 187, 193-195).

HCPS Local Board Procedure *Assignment of Students*, (“the Procedure”) governs admissions, enrollment, and the assignment of students. The Procedure requires that students establish a *bona fide* residence via proof of domicile. Section II(D) of the Procedure defines “Domicile” as:

the place of residence of a person with an intent to continue to reside there and which is his or her true, fixed permanent home, habitation and principal establishment without any present intention of moving therefrom. It does not include a temporary or superficial residence established for the purpose of free school attendance in HCPS.

(R. 172). Section III(A)(1)(a) provides a student may only be admitted to HCPS if “[t]he child is residing with a parent or legal guardian who is domiciled in Harford County.” (R. 173). Section III(B)(2)(g) places the burden of proof on the parent to establish a student’s eligibility and submit necessary residency documentation. (R. 176). If a violation of the Procedure is suspected, the school is to contact the Pupil Personnel Worker (“PPW”) to investigate and a noncompliant parent or student will be notified of the results of the investigation, which may lead to the termination of admission into HCPS. (R. 177). Section III(B)(4) allows for on-site domicile inspection to establish proof of domicile. *Id.*

HCPS originally granted a residency exception for the remainder of the 2024-2025 school year on the condition that Appellant provide proof of domicile in Harford County by August 1, 2025. The deadline was later extended to September 30, 2025, to allow for a required on-site home inspection by a Pupil Personnel Worker. However, Appellant repeatedly postponed or cancelled these visits, citing she was uncomfortable with the visit. (R. 21, 194).

In late September 2025, HCPS conducted surveillance at both addresses which revealed:

- Appellant’s car was not at the Harford County Address during early morning or evening hours.
- Appellant’s car was observed at the Baltimore County Address at 10:08 PM and 6:30 AM on consecutive days.
- Appellant was observed driving the children from the Baltimore County Address toward Harford County in the morning.
- A neighbor reported the Harford County residence appeared “abandoned”.

(R. 159 - 161).

Based on this evidence, HCPS terminated the students’ enrollment on October 2, 2025 effective October 14, 2025. (R. 159 – 161). The local board upheld this decision on December 22, 2025, by a 6-1 vote. (R. 193 – 195).

On January 19, 2026, Appellant submitted this appeal to the State Board. As part of her appeal and response, she submitted new evidence including updated utility bills, medical records,

and employer correspondence dated after the local board decision supporting her argument that she returned to the Harford County residence full-time in October 2025.

STANDARD OF REVIEW

Decisions of a local board involving a local policy or a controversy and dispute regarding the rules and regulations of the local board shall be considered *prima facie* correct, and the State Board may not substitute its judgment for that of the local board unless the decision is arbitrary, unreasonable, or illegal. COMAR 13A.01.05.06A.

LEGAL ANALYSIS

Domicile

Under Maryland State law, local boards maintain the authority to determine the geographical boundaries of the schools in their jurisdiction. Md. Code Ann., Educ., §4-109(c). Each student is required to attend a public school in the county where the child is “domiciled with the child’s parent, guardian or relative, providing informal kinship care.” Md. Code Ann., Educ., §7-101(b). In Harford County, decisions about admissions, enrollment, and the assignment of students are governed by the HCPS Admission Procedure. HCPS Procedure defines “domicile” as a person’s “true, fixed permanent home” with an “intent to continue to reside there.”

Appellant argues that her ownership of the Harford County property, payment of local taxes, and utility bills should suffice to establish residency. However, the local board correctly noted that domicile is a function of consistent presence rather than mere property ownership. The record contains significant evidence—including surveillance and Appellant’s own admissions—that the family resided in Baltimore County for a portion of the 2024-2025 school year and the beginning of the 2025-2026 year. While this Board is sympathetic to the medical and mental health stressors detailed by Appellant, these hardships do not exempt a family from established residency requirements.

Appellant’s failure to cooperate with the on-site domiciliary investigations required by HCPS Procedure §III(B)(4) further undermined her claim. Under HCPS Procedure, an on-site inspection is a standard component of the verification process when a parent’s domicile is in question. Given the surveillance findings and the lack of successful home visits, it is understandable that the local board would conclude that Appellant was not a resident of Harford County at the time of its decision.

New Evidence

Before the State Board, Appellant argues that while the family was temporarily away due to relentless medical and mental health crises, they never intended to move permanently and have been sleeping at the Harford County Address full-time since October 2025 resulting in an improved student attendance record for the children. To support her appeal to this Board, Appellant submitted new evidence including updated utility bills, medical records, and employer correspondence dated after the local board's decision. *See* Appellants Response Exhibits 1 – 4.

The local board contends this new evidence should not be considered because it was not presented during the local proceedings.

Under COMAR 13A.01.05.04(C)(1), the State Board may “remand the appeal to the local board for the limited purpose of receiving additional evidence upon conditions the State Board considers proper” if the new evidence is material and there were good reasons for the failure to offer it previously. *Leslie P. v. Anne Arundel Cnty. Bd. of Educ.*, MSBE Op. No. 19-04 (2019). We conclude that Appellant’s evidence regarding a return to the Harford County residence in October 2025 is material to the children’s current eligibility for enrollment. We also find the comprehensive documentation regarding the family’s ongoing mental health and medical crises provides good reason for the delayed submission.

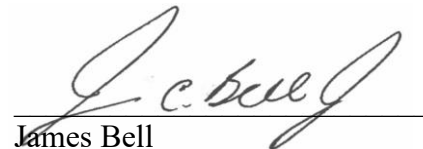
The new evidence directly impacts whether the family re-established a *bona fide* domicile at the Harford County Address. Accordingly, we remand this matter to the local board to receive the additional evidence. We also impose the condition upon Appellant to cooperate fully with an on-site domicile inspection required by HCPS Procedure §III(B)(4) within 30 days of the date of this Decision so that the additional evidence can be reviewed by the local board with a complete record upon remand. Failure to permit such inspection may constitute grounds for the local board to maintain its finding of non-residency.

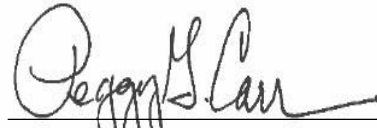
CONCLUSION

For the reasons stated above, we do not find the local board’s decision upholding the October 2, 2025 determination of lack of residency to be arbitrary, unreasonable or illegal based on the evidence that was before it when it made its decision. Nevertheless, based on the new evidence submitted by the Appellant in her appeal to the State Board, we remand this case back to the local board to determine the current eligibility for enrollment. We also Order Appellant to cooperate fully in the on-site domicile inspection within 30 days of the date of this Decision.

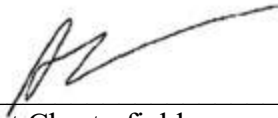

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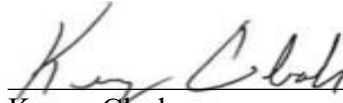

James Bell



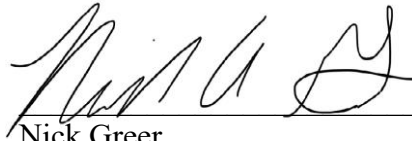
Peggy Carr



Chet Chesterfield



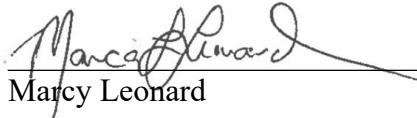
Kenny Clash



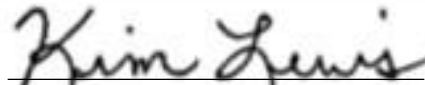
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April 28, 2026