

E.M. AND C.M.,

Appellants

v.

MONTGOMERY COUNTY
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR26-12

ORDER

Appellants request that the State Board reconsider its February 24, 2026, decision in *E.M. and C.M. v. Montgomery Cnty. Bd. of Educ.*, MSBE Op. No. 26-06, which affirmed the Montgomery County Board of Education's ("local board") decision denying their request for a Change of School Assignment ("COSA") for their child. The local board filed a response.

A decision by the State Board on a request for reconsideration is discretionary except that a decision may not be disturbed unless there is sufficient indication in the request that: (1) The decision resulted from mistake or error of law; or (2) New facts material to the issues have been discovered or have occurred subsequent to the decision. COMAR 13A.01.05.10.

Appellants ask the Board to reconsider the case by looking at all the facts "holistically without just assessing whether the MCPS board were illegal in their decision." They assert that the State Board arrived at the wrong decision by relying on incorrect assumptions regarding the location of the requested school, the extent of the student's attendance at a summer program, and by focusing primarily on childcare and commute times rather than on the student's autism. Finally, Appellants assert that their child has experienced a "drastic decline" in progress at the assigned school.

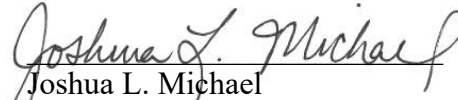
The local board argues that the Appellants are disputing the evidence already considered and rehashing their previous evidentiary arguments, which does not constitute a valid basis for reconsideration. The local board also argues that the State Board lacks jurisdiction to rule on Appellants' claims regarding the implementation of the student's IEP, as those are matters governed by the Individuals with Disabilities Education Act ("IDEA"). Furthermore, the local board notes that Appellants failed to present any new evidence demonstrating that only the requested school can meet the student's educational needs.

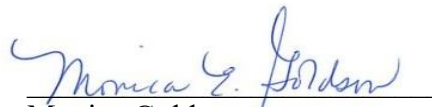
Appellants have failed to demonstrate that the State Board's decision resulted from a mistake or error of law. In its opinion, the State Board analyzed the record related to the student's educational and medical needs, including the autism diagnosis and IEP. As the local board correctly points out, a disagreement with the conclusions reached by the State Board is not a basis for reconsideration. Moreover, the State Board lacks jurisdiction to resolve complaints under the IDEA regarding the appropriateness or implementation of a student's IEP. *See D.C.*

and *N.C. v. Carroll Cnty. Bd. of Educ.*, MSBE Op. No. 24-08 (2024). Disputes regarding special education services are matters for the special education process, not grounds to overturn a previously determined school transfer request under the local board's unique hardship policy.

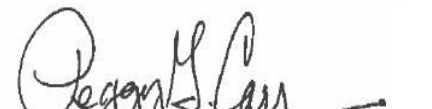
Because the Appellants have failed to provide an adequate basis for reconsideration of Opinion No. 26-06, it is this 28th day of May, ORDERED, by the Maryland State Board of Education, that the request for reconsideration is denied.

MARYLAND STATE BOARD OF EDUCATION


Joshua L. Michael
President


Monica Goldson
Vice-President

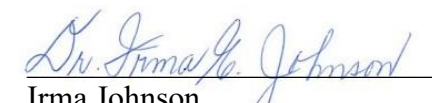

James Bell

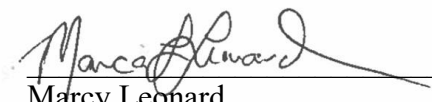

Peggy Carr


Chet Chesterfield


Kenny Clash

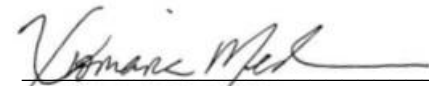

Nick Greer

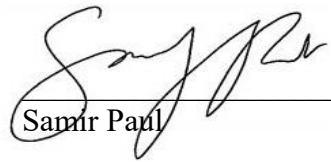

Irma Johnson


Marcy Leonard


Kim Lewis


Nicole Murray-Lewis


Xiomara Medina


Samir Paul