

Rock Creek Hills Citizens Association
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September 19, 2011

Office of the Attorney General
Maryland State Department of Education
Attn: Jackie C. La Fiandra - State Board of Appeals
200 St. Paul Place, 19th Floor
Baltimore, Maryland 21202

**Re: Rock Creek Hills Citizens
Association, *et al.*, Appellants
v.
Montgomery County Board of
Education, Respondents**

**Motion of the Rock Creek Hills Citizens
Association, *et al.* to lodge decision of the
Maryland Open Meetings Compliance Board
Holding that the Montgomery County Board
of Education violated the Open Meetings Act**

Dear Ms. La Fiandra:

This is a motion of Rock Creek Hills Citizens Association (RCHCA), *et al.* to lodge in this proceeding a copy of the September 15, 2011, opinion of the State of Maryland Open Meetings Compliance Board (Compliance Board).¹ This opinion concludes that the Montgomery County Board of Education (County Board) violated the Open Meetings Act (1) by its conduct of closed session on April 28, 2011, during which, it addressed the middle school site selection that is the subject of this appeal, and (2) by the proceedings of its Site Selection Advisory Committee (SSAC) that recommended Rock Creek Hills Local Park as the alternative site for new Bethesda-Chevy Chase Cluster middle school.

¹ The cited September 15, 2011 opinion is included as Attachment A.

Appellants recognize that the Compliance Board's opinion does not address the merits of appellants' assertions that the selection process was arbitrary and unreasonable, that the selection of the Rock Creek Hills Local Park was unreasonable and imprudent, and that RCHCA and its residents were deprived of a reasonable opportunity to participate at the April 28, 2011 County Board meeting at which the site selection was made. The opinion, however, contains conclusions by an entity of this State and can be read as demonstrating the County Board's casual attitude toward its statutory obligations regarding public participation and transparency in making the site selection decision.

In particular, the County Board did not keep minutes of the two closed sessions of the SSAC that led to the Site Selection Advisory Committee Recommendation for Bethesda-Chevy Chase Middle School #2 dated March 8, 2011 (the SSAC Report). These two closed sessions represented the only proceedings of the SSAC. The County Board's failure to do so thus makes it much harder for the State Board to review the reasonableness of the County Board's actions or for the Appellants to comment thereon if afforded a confidential opportunity to do so. This limitation severely exacerbates the cursory nature of the SSAC Report. Finally, Appellants respectfully suggest that the fact that the Open Meetings Act was violated throughout the site selection process calls into question the credibility of the entire decision to select the Rock Creek Hills Local Park as the site for a new middle school for the B-CC cluster.

Therefore Appellants respectfully moves to lodge in this proceeding a copy of the September 15, 2011 opinion of the State of Maryland Open Meetings Compliance Board.

Sincerely yours,

/s/

John M. Robinson

President, Rock Creek
Hills Citizens Association

Counsel to the Appellants.

Phone: 240-997-4447

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of September, 2011, I mailed a copy of the forgoing, postage prepaid, to: Judith S. Bresler, Esq., Carney, Kelehan, Bresler, Bennet & Scherr, LLP, 10715 Charter Drive, Suite 200, Columbia, MD 21044.

/s/

John M. Robinson