

Rock Creek Hills Citizens Association
9616 Old Spring Road
Kensington, MD 20895
Local - 301-949-5452
Office - 202-502-6808
Cell - 240-997-4447

jmarkrobinson@verizon.net

November 30, 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**

**Appellants' Response to the Montgomery
County Board of Education's Motion to
Dismiss dated November 24, 2011**

Dear Ms. La Fiandra:

The Appellants in the captioned proceeding are in receipt of the Montgomery County Board of Education's (County Board) November 23, 2011 Motion to Dismiss in the captioned proceeding. Appellants concur in the facts as stated paragraphs one through three of the County Board's motion, including that as of this date there are no official minutes or adopted resolutions supporting the County Board's November 17, 2011 rescission of Resolution No. 221-11. It was that resolution that selected the Rock Creek Hills Local Park as the site for a new middle school for the Bethesda Chevy-Chase Cluster. The Appellants agree that rescission of the Resolution No. 221-11 will moot the instant proceeding. While Appellants took immediate steps to inform your office of the County Board's November 17 action, they were not prepared to withdraw their complaint until such time as Appellants could review the official minutes containing the adopted resolution. This would have preserved an opportunity to comment on the County Board's action if that should prove necessary. However, given the draft minutes submitted with the County Board's November 23 Motion to Dismiss, it appears at this point Appellants

will not be required to comment further in this proceeding.

Of particular importance to the Appellants is the fact that the County Board's resolution appears to incorporate Superintendent Starr's November 8, 2011 memorandum into the County Board's November 17, 2011 resolution. Dr. Starr's November 8, 2011 memorandum not only contains the procedures for a new site selection process, but equally important, the substantive standards for selecting a site in response to the County Board's November 17 resolution. Appellants also note that Appellant RCHCA was requested today to nominate a primary and alternative member to the new Site Selection Advisory Committee pursuant to Dr. Starr's November 11 memorandum and has done so. This resolved the remaining outstanding issue with which the Appellants were concerned regarding the County Board's April 28 resolution. Therefore, assuming that the minutes of County Board's November 17 are in form and substance similar to the draft minutes attached to the County Board's November 23 Motion to Dismiss, the Appellants do not oppose that motion. In closing, I wish to state my appreciation of the professionalism displayed by your office in handling this difficult proceeding.

John M. Robinson
/s/
Rock Creek Hills
Citizens Association

Counsel to the Named
Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of November, 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

