

CARROLL COUNTY MASK
APPEALS,

Consolidated Appellants

v.

CARROLL COUNTY
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR 21-11

ORDER

Commencing on or about August 13, 2021, numerous individuals filed appeals to the State Board requesting that the State Board require masks to be worn in Carroll County Public Schools (“CCPS”).¹ We consolidated the cases based on the common nature of the issues. The local board filed a motion to dismiss the appeals based on mootness and several other grounds.

Since the time that the consolidated cases were filed, events have occurred that impact the consolidated cases. On August 25, 2021, the State Board adopted an emergency regulation imposing a statewide mask mandate in Maryland’s public schools. On September 14, 2021, the Administrative, Executive, and Legislative Review Committee approved the emergency regulation, COMAR 13A.01.07, and the regulation became effective immediately upon its approval. Thus, all Maryland public schools must comply with the regulation, which has the force and effect of law. In its motion, the local board stated that CCPS is complying with the State Board’s regulation.

“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.’” *Mallardi v. Carroll County Bd. of Educ.*, MSBE Op. No. 00-07(2000) (quoting *In Re Michael B.*, 345 Md. 232, 234 (1997)). The State Board’s emergency regulation requiring masks in Maryland’s public schools renders the consolidated appeals moot. There is no remedy that the State Board can provide because the remedy is in place by virtue of the emergency regulation.

Recognizing that the appeal is currently moot, several Appellants have requested the ability to refile when the emergency regulation expires or is discontinued by this Board. The emergency regulation remains in effect for up to 180 days, unless the State Board withdraws it

¹Some of the Appellants have withdrawn their appeals. The remaining Appellants are: Andrea St. Clair; Cheryl Balchunas; Daniel and Logan Garland; Daniel Mican; Dee Six; Gail and Gregory Montgomery; Genie Grimes; Jamie Neith; Jessica Hill; Jessica Murphy; Jodi and Timothy Layton; Joseph Hamilton; Karen McLaren; Kathleen Hajduk; Kristen Stanley Morinelli and Patrick Morinelli; Kristin Pantoja; Laura Mettee; Lindsay Jensen; Mary and Ralph Stanley; Meagan Miller Simonsen; Melissa Hall; Michelle and Bob Banks; Nick and Kristen Cook; Nicole Glaser-George; Patrick McCauley; Ryan and Kim Sands; Sarah Gajewski; Steven Balchunas; Steven McLean; Tobias and Margaret Hasse and Heather Holsey.

prior to that time. If such circumstances occur and the Appellants wish to revive their appeals, they may do so at that time.

Accordingly, it is this 26th day of October 2021, by the Maryland State Board of Education, ORDERED, that the consolidated appeals are dismissed without prejudice based on mootness. *See* COMAR 13A.01.05.03B.

MARYLAND STATE BOARD OF EDUCATION

Signature on File:

Clarence C. Crawford
President