

Maryland State Board of Education
200 West Baltimore Street
Baltimore, MD 21201-2595

December 11, 2014

To the Esteemed Members of the Maryland State Board of Education:

This letter appeals the November 17th, 2014, decision of the Montgomery County Board of Education (**Local Board**) to approve Agenda Items 2.6 and 2.7 of that date. (See Attachments A and B). These agenda items pertain to:

2.6: The proposed relocation of the Blair G. Ewing Center (formerly the Mark Twain School on Avery Road in Rockville, MD) to the former English Manor Elementary School site (on Bestor Road in Aspen Hill, MD). The Blair G. Ewing Center houses the Alternative Education Programs (AEPs) that serve middle and high school-age students.

2.7: The proposed relocation of the Shady Grove Transportation Depot (currently on Crabbs Branch Way in Rockville, MD) to the site of the current Blair G. Ewing Center (on Avery Road in Rockville, MD), and the demolition of the current Blair G. Ewing Center. The transportation depot is where MCPS parks and maintains a significant number of school buses.

Both agenda items call for feasibility studies, which would cost \$100,000 for agenda item 2.7. The cost of the feasibility study for agenda item 2.6 is not known to the Appellants at this time.

This appeal is made by David Rowden, Jessica Rowden, and Jamison Adcock (**Appellants**) to the Maryland State Board of Education (**State Board**) as state and county residents (the Appellants all reside in Montgomery County, Maryland). Mr. Adcock is also the vice president of the Aspen Hill Civic Association, which is a civic association representing the residents and businesses of Aspen Hill, Maryland.

The State Board has authority to hear this appeal pursuant to the Code of Maryland and by the standard of review as outlined in Code Section 13A.01.05. The State Board can substitute its judgment for that of the County Board because this decision was arbitrary, unreasonable, and illegal. The decision was contrary to sound educational policy and is an abuse of discretionary powers. A reasonable mind could not have reasonably reached the decision reached by the Local Board.

The Appellants believe this decision is arbitrary, unreasonable and possibly illegal, and thus make their appeal on the following grounds:

1. The Superintendent of Schools (Joshua P. Starr) released the details of the 2016 Capital Improvements Program (CIP) on October 28, 2014. This was one(1) week prior to Election Day, and less than three(3) weeks prior to the Local Board's November 17th vote on

the CIP.

2. Neither the Superintendent nor the Local Board appropriately notified, let alone consulted with, the communities that would be affected by the proposed relocation of the Blair G. Ewing Center and the demolition of the current Blair G. Ewing Center site. The Aspen Hill Civic Association was only made aware of these proposals by the Long-Range Planning Staff (in particular, by Mr. Bruce Crispell) on Monday, November 10th, 2014. Similarly, the Aspen Hill Homeowners Group was only notified on Tuesday November 11th, 2014. The current resident of the English Manor school site, The School for Tomorrow, was made aware of these proposals around this same time. This was less than three(3) days prior to the Local Board's Thursday November 13th hearing, where the Local Board heard testimony on the CIP proposals, and one(1) week prior to the Local Board's November 17th vote on the CIP.

3. There was no open and transparent site selection process for moving the Shady Grove Transportation Depot to the current Blair G. Ewing site.

4. Relocating the Shady Grove Transportation Depot to the current Blair G. Ewing site would require a change in zoning for the property, which could be a very lengthy process. Additionally, the site is adjacent to Rock Creek Park, an environmentally sensitive area, and is within 500' of the creek. This could further complicate any rezoning process, and might expose MCPS and/or the County to litigation from environmental and community organizations.

5. There was no open and transparent site selection process for moving the Blair G. Ewing Center to the English Manor site, a fact that was underscored by comments made by both board members and staff of the Local Board on the night of the November 17th vote on the CIP.

6. The CIP states that the "Shady Grove Transportation Depot needs to vacate the current [i.e., Crabbs Branch Way] site by January 2017." The Shady Grove Master Plan, which has prompted this relocation, was finalized in 2006. This was more than adequate time for the appropriate procedures and reasonable deliberations, including notifying and consulting with the affected communities.

7. Demolishing the current Blair G. Ewing Center to make way for a school bus parking lot would remove a school building from the County's inventory, at a time of severe county-wide school overcrowding (including severe overcrowding in Aspen Hill schools) and serious budgetary issues on both the county and state levels.

8. Demolishing the current Blair G. Ewing Center ignores the interests that the State of Maryland has in educational facilities, especially given the fact that the State of Maryland largely funds new school construction, as it did when the Blair G. Ewing Center (formerly the Mark Twain School) was first built.

9. Locating the Blair G. Ewing Center and the AEPs at the English Manor site would have negative impacts to the surrounding community, as approximately 20 buses from all over Montgomery County would be converging twice per day at a school that was originally designed to be a local neighborhood elementary school. When the English Manor Elementary School was open, it served the local community, and most students were able to

walk to the school.

10. Locating the Blair G. Ewing Center and the AEPs at the English Manor site would create potential safety issues for the residents of the neighborhood. According to the CIP (Chapter 4, re: "Other Educational Facilities"), the AEP programs serve students who have "...behavior and/or attendance problems, as well as students who have been involved in a serious disciplinary action that warrants a recommendation for expulsion..." and students who have had "...involvement with controlled substances, serious bodily injury, and/or weapons." It is worth pointing out that during the 2012-2013 school year, there were approximately 212 students at the Blair G. Ewing Center, and there were 47 incidents requiring calls to the police. During the same year, Rockville High School had fewer such incidents (29 required police intervention), despite a population that was far greater (1242 students). Incidents requiring police involvement at elementary schools are practically unheard of.

11. The current location of the Blair G. Ewing Center on Avery Road is away from residential neighborhoods (it borders Rock Creek Park and the Redgate Golf Course), is surrounded by nature, and is still easily accessible by buses. This was no doubt by design. In contrast, the English Manor site is located on a tertiary road in the heart of a quiet residential neighborhood. It was never sited or designed to handle AEPs serving middle and high school-aged students.

12. Funds amounting to \$16.6 million for renovating the current Blair G. Ewing site have already been allocated, but not spent. Reallocating those funds to modify the English Manor site makes little sense, as the English Manor school is over fifty(50) years old, and is more than a decade older than the current Blair G. Ewing Center. Moreover the cost of modifying the English Manor site may well be more expensive than \$16.6 million, which is anticipated in Agenda Item 2.6. Additionally, the CIP requests funds of at least \$100,000 from the previously allocated \$16.6 million for two feasibility studies (one regarding relocating the Blair G. Ewing Center and making renovations to the English Manor site, and the other regarding the demolition of the current Blair G. Ewing site to make way for a new transportation depot). This is an extravagant waste of money, especially in the current budgetary climate, and depletes funds previously allocated directly for the benefit of the AEP students.

13. Because of the accelerated schedule anticipated by agenda items 2.6 and 2.7, the feasibility study required for determining the scope of facility improvements required to relocate the AEPs to the English Manor school would have to be performed during the 2014 – 2015 school year. This means the feasibility study would have to be performed before the County Council could vote to allow any requested expenditure.

14. Because of the accelerated schedule anticipated by agenda items 2.6 and 2.7, and the direct linkage between both agenda items, the feasibility studies appear to be merely pro forma in nature, and would thus not be a real opportunity for community input, and the AEP students' and the community's interests would moreover not be properly taken into account.

15. Funds for the feasibility study called for by agenda item 2.7 would be pulled from the \$16.6 million that was previously earmarked for improving and upgrading the current Blair G. Ewing Center. Those funds were intended to benefit the AEP students, and were never

intended for a study on demolishing the very school which houses them.

16. The CIP earmarks \$32 million to redevelop the current Blair G. Ewing site into a new transportation depot. This strikes the Appellants as an extravagant waste of money, given both the high costs of required new school construction, and the limited funds in both the County and State governments.

17. The issue of relocating the Blair G. Ewing Center appears to have nothing to do with the best interests of the AEP students, and everything to do with MCPS's desire for a new school bus depot. Both MCPS and Montgomery County own numerous other properties throughout Montgomery County, and doubtless other sites could be identified that would be more economical, would cause little or no harm to local neighborhoods, have fewer environmental impacts, and would better serve as a transportation depot or depots.

The Appellants therefore humbly request that:

1. The Alternative Education Programs (AEPs) remain at the current Blair G. Ewing Center on Avery Road.
2. The funds of \$16.6 million previously earmarked for improvements to the current Blair G. Ewing Center on Avery Road, be spent to improve that school, thereby benefiting the AEP students, as originally intended.
3. The funds requested by agenda items 2.6 and 2.7 not be spent on feasibility studies, but instead be spent for the benefit of the AEP students, as originally intended.
4. The County Council and the Local Board work together immediately to find a new site for a transportation depot or depots to replace the Shady Grove Transportation Depot.
5. If the English Manor school is to be reopened at all, it should serve the purpose for which it was originally sited and designed, namely as a neighborhood elementary school. Such a reopening would help alleviate the overcrowding that currently exists in Aspen Hill, and make the school site an asset to the community.

Most Respectfully,

David Rowden

Jessica Rowden

Jamison M. Adcock