

**From:** [Mark Blom](#)  
**To:** [Mavis Ellis](#); [Kirsten Coombs](#); [Christina Delmont-Small](#); [Vicky Cutroneo](#); [Chao Wu](#); [Sabina Tai](#); [Jennifer Mallo](#); [Michael Martirano](#)  
**Cc:** [Kathleen V. Hanks](#)  
**Subject:** Fwd: [External] Case No.: C-13-CV-19-001201  
**Date:** Thursday, December 12, 2019 6:00:19 PM  
**Attachments:** [Emergency Hearing Request.pdf](#)  
[ATT00001.htm](#)  
[Motion to Shorten Time.pdf](#)  
[ATT00002.htm](#)  
[Rule 1-351 cert.pdf](#)  
[ATT00003.htm](#)

---

Attached you will find additional pleadings that were just filed in the previously forwarded petition concerning the board's redistricting vote after the recess. [REDACTED]

Mark

Sent from my iPhone

Begin forwarded message:

**From:** "Shavina Mukesh" <[shavina@mukeshlaw.com](mailto:shavina@mukeshlaw.com)>  
**To:** "Mark Blom" <[Mark\\_Blom@hcpss.org](mailto:Mark_Blom@hcpss.org)>, "[mavis.ellis@hcpss.org](mailto:mavis.ellis@hcpss.org)" <[mavis.ellis@hcpss.org](mailto:mavis.ellis@hcpss.org)>  
**Subject:** [External] Case No.: C-13-CV-19-001201

**! CAUTION: This email originated from outside of HCPSS. Do not click links or open attachments, unless you recognize the sender and know the content is safe.**

Dear Mr. Blom and Ms. Ellis:

Without a response to Plaintiff Martin Dimitrov's Petition for Injunctive and Other Relief Pursuant to the Open Meetings Act, and no Entry of Appearance, in an abundance of caution, I am sending to both of you a courtesy copy of the attached 3 pleadings filed with the Court via MDEC a few moments ago.

Sincerely,

Mukesh Law Office, LLC  
Shavina Kumar Mukesh, Esquire  
10630 Little Patuxent Parkway  
Suite 301  
Columbia, Maryland 21044  
Ph: (410) 370-4411

CONFIDENTIALITY NOTICE. The information contained in this e-mail message and any

attachments is ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION intended only for the use of the individual or entity named herein. If you are not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is prohibited. If you have received this communication in error, please immediately notify Shavina Kumar Mukesh by reply e-mail and delete the original message and any attachments or by calling (410) 370-4411. Thank you in advance for your cooperation.

|                              |   |                             |
|------------------------------|---|-----------------------------|
| MARTIN VASSILEV DIMITROV     | * | IN THE CIRCUIT COURT        |
| Plaintiff,                   | * | FOR                         |
| vs.                          | * | HOWARD COUNTY,              |
| BOARD OF EDUCATION OF HOWARD | * | MARYLAND                    |
| COUNTY                       | * |                             |
| Defendant.                   | * | Case No.: C-13-CV-19-001201 |
| * * * * *                    |   |                             |

**IMMEDIATE REQUEST FOR EMERGENCY HEARING**

Plaintiff, Martin Dimitrov, by and through counsel, Shavina Kumar Mukesh, Esquire and Edward Tayter, Esquire, pursuant to Maryland Rule 1-351 requests an Immediate Emergency Hearing and in support thereof, states as follows:

1. On or about December 11, 2019 Plaintiff filed a Petition for Permanent and Other Injunctive Relief Pursuant to the Open Meetings Act (hereinafter referred to as “Petition”).
2. Defendant was served with a Writ of Summons and Petition on or about December 12, 2019, see Affidavit of Service attached hereto as Exhibit A.
3. Plaintiff’s underlying complaint in the Petition is that the votes taken in redistricting of Howard County Public Schools were in willful and flagrant violation of the Open Meetings Act; specifically, when Defendant closed the session, meeting to discuss “the impacts of that last failed motion” on November 21, 2019.
4. On December 11, 2019 Defendant amended its Quarterly Agenda (attached hereto as Exhibit B) to include “Ratification of Vote on Redistricting” as an additional agenda item for the December 17, 2019 Regular Board Meeting – Administrative Meeting. Upon information and belief, Defendant in doing so in an attempt to revisit the voting of redistricting schools. Furthermore, Defendant has started to implement actions such as putting large contracts into place based on their illegal votes.
5. That Defendant may further attempt to damage the public’s trust in their democratically elected institutions by “authorizing” the previously identified illegal votes at the December 17, 2019 meeting of the Defendant Board of Education. “Violations of those [OMA] mandates are not ‘technical’ in nature, nor are they ever harmless.” *Floyd v. Baltimore City Council, et al.*, 241 Md. App. 199 (2019)

The policies encapsulated within the OMA statute are “essential to the maintenance of a democratic society” and “ensure the accountability of government to the citizens of the State.” *Floyd*.

6. To wait to set a hearing on the temporary injunction herein until after the Defendant takes yet another step to endanger its “accountability... to the citizens of the State” and thus our democratic institutions, would be to embolden the Defendant in its illegal actions and cause irreparable damage to an important democratic institution of our County.

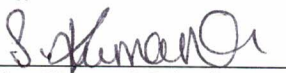
7. The Court must act swiftly to hear the issues involved and make its determination on Plaintiff’s requested temporary restraining order before further harm is wrought by the Defendants in their bullish attempt to sweep their OMA violation under the proverbial rug.

**WHEREFORE**, Plaintiff Martin Dimitrov requests that this Court:

- A. Issue a hearing on this matter for the morning of December 17, 2019;
- B. Issue a temporary restraining order to prevent Defendant taking any steps to implement any actions related to the school redistricting votes taken on November 21, 2019;
- C. Issue a temporary restraining order to prevent Defendant from taking any further votes on redistricting or anything related to it until such times as this Honorable Court has had the opportunity to set the matter for a Preliminary Injunction hearing and issues its decision thereon; and
- D. Such other and further relief as the nature of his cause may require.

Dated: 12/12/19

Respectfully submitted,  
**Martin Dimitrov**  
*Plaintiff*

By:   
Shavina Kumar Mukesh, Esquire  
CPF #: 1506160224  
Edward Tayter  
CPF #: 0712120336  
Attorneys and Counselors  
One Thousand Century Plaza Building  
10630 Little Patuxent Parkway  
Suite 301  
Columbia, Maryland 21044  
Direct Dial: (410) 370-4411  
Email: [shavina@mukeshlaw.com](mailto:shavina@mukeshlaw.com)  
*Attorneys for Plaintiff*



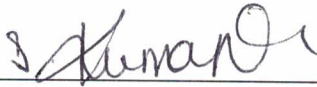
**Certificate of Service**

**I HEREBY CERTIFY** that on this 12<sup>th</sup> day of December 2019, a copy of foregoing  
“Immediate Request for Emergency Hearing” was electronically submitted via MDEC and emailed to:

Mark C. Blom, Esquire

General Counsel for Board of Education for Howard County

Mark\_bloom@hcpss.org

A handwritten signature in black ink, appearing to read 'Shavina', is written over a horizontal line.

Shavina Kumar Mukesh, Esquire

# EXHIBIT A

Circuit Court for Howard County, MD

Case No. C-13-CV-19-001201

Submission Date: 12/12/2019

Plaintiff

Martin Vassilev Dimitrov  
6172 Wooded Run Drive  
Columbia, Maryland 21044

vs

Defendant

Board of Education of Howard County  
10910 Clarksville Pike  
Ellicott City, MD 21042  
Ms. Mavis Ellis, Chairman

**AFFIDAVIT OF SERVICE**

(Private Process)

I certify that I served the following documents:

1. SCHEDULING ORDER
2. PETITION for PERMANENT INJUNCTIVE and OTHER RELIEF PURSUANT to the OPEN MEETINGS ACT

Which were previously filed with this Court. Attached is a copy of any summons ("process") Issued by the Court, the original of which I served upon the person served. Service was made in the following manner: Hand Delivery

The Person I left the papers with acknowledged being (1) a resident of the above-listed address: or (2) suitable age and discretion in that the relationship to the Defendant is: Secretary of Records, Board of Education Howard County, Maryland - Deborah Summers Employee ID [REDACTED]. Description of Recipient: Sex: [REDACTED] Race: [REDACTED] Height: [REDACTED] Weight: [REDACTED] Hair: [REDACTED]. Service was completed at: Board Education of Howard County, MD 10910 Clarksville Pike Ellicott City, MD 21042 on 12/12/2019 at 12:06 p.m. The above-listed address is the defendant's residence or usual place of abode.

I certify that I am over eighteen (18) years of age and I am not the Plaintiff or Defendant.

I SOLEMNLY AFFIRM under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information, and belief.

12/12/2019 12:06 P.M.  
Date

William J. Nutter, Sr.  
Name of Server (signature)  
William J. Nutter, Sr.  
7769 Patuxent Drive  
Saint Leonard, MD 20685  
Telephone: 443-771-2719

## EXHIBIT B

**QUARTERLY AGENDA – October-December 2019**  
 (Working Document–Subject to Change)  
 Meeting agenda is finalized one week before each meeting.

| Date/Time   | Agenda Item   | Type         | Division         |
|---|---|--------------|------------------|
| <b>TUESDAY, OCTOBER 1, 2019 – REGULAR BOARD MEETING - ADMINISTRATIVE MEETING</b><br><i>(Documents due: <u>Tuesday, September 24, 2019, at 9 a.m.</u>)</i> |   |              |                  |
| 4 PM  | <u>OPENING ITEMS</u><br>ATTENDANCE AREA ADJUSTMENT ANNOUNCEMENT   |              |                  |
|   | <u>REPORTS</u> – Superintendent, Student Representative (Mt. Hebron HS), Student Board Member   |              |                  |
|   | <u>PUBLIC FORUM</u>   |              |                  |
|   | <u>CONSENT AGENDA (Restricted*)</u>   |              |                  |
|   | Staff Personnel (Nicole Carter)   | A            | CHRPD            |
|   | School Construction Monthly Report (Jahantab Siddiqui /Daniel Lubeley)  | R            | CADMO/COO        |
|   | <del>Closed Meeting Minutes</del>   | <del>A</del> | <del>BOE</del>   |
|   | <u>CONSENT AGENDA</u>   |              |                  |
|   | Donations (Anissa Dennis)   | A            | CSMIL            |
|   | <del>Meeting Minutes</del>  | <del>A</del> | <del>BOE</del>   |
|   | <u>ADMINISTRATIVE AGENDA</u>  |              |                  |
|   | Proclamation: Learning disAbility Month (Terrell Savage)  | A            | CAO              |
|   | Proclamation: Substance Abuse Prevention Month (Caroline Walker)  | A            | CAO              |
|   | Proclamation: LGBTQ+ History Month (Kevin Gilbert)  | A            | CHRPD            |
|   | Proclamation: National School Lunch Week (Brian Ralph)  | A            | COO              |
|   | *Bids and Contracts (Douglas Pindell)   | A            | COO              |
|   | Comprehensive Maintenance Program (Herb Savje)  | A            | COO              |
|   | <u>POLICY</u>   |              |                  |
|   | Policy 1040 Safe and Supportive Schools (Thomas McNeal/Kevin Gilbert)   | R/A          | DS               |
|   | Policy 7020 Nepotism (Camille Bell-Jones/Nicole Carter)   | R            | DS               |
|   | <del>Policy 7040 Alcohol and Noncontrolled Substance Abuse by Employees</del><br><del>(Jennifer Sifuentes/Charlene Allen)</del>                             | <del>R</del> | <del>DS</del>    |
|   | <del>Policy 7050 Drug Use by Employees: Illegal Drugs, Drug Paraphernalia</del><br><del>and Controlled Substances (Jennifer Sifuentes/Charlene Allen)</del> | <del>R</del> | <del>DS</del>    |
| 7 PM  | <u>PUBLIC FORUM</u>   |              |                  |
|   | <del>ADMINISTRATIVE AGENDA (Continued)</del>  |              |                  |
|   | <del>Proclamation: Learning disAbility Month (Terrell Savage)</del>   | <del>A</del> | <del>CAO</del>   |
|   | <del>Proclamation: Substance Abuse Prevention Month (Caroline Walker)</del>   | <del>A</del> | <del>CAO</del>   |
|   | <del>Proclamation: LGBTQ+ History Month (Kevin Gilbert)</del>   | <del>A</del> | <del>CHRPD</del> |
|   | <u>REPORTS (Continued)</u><br>Board Members   |              |                  |



## *No Evening Session*

---

**OCTOBER 2-4, 2019** – Maryland Association of Boards of Education (MABE) Conference, Annapolis, MD

---

**MONDAY, OCTOBER 7, 2019, 6 PM - Attendance Area Adjustment Overflow Public Hearing I - Region III**  
(Glenelg HS, Marriotts Ridge HS, Reservoir HS, River Hill HS and feeders)

Location: Boardroom, 10910 Clarksville Pike, Ellicott City

---

**TUESDAY, OCTOBER 8, 2019, 6 PM – Attendance Area Adjustment Overflow Public Hearing III – Region III**

(Glenelg HS, Marriotts Ridge HS, Reservoir HS, River Hill HS and feeders)

Location: Boardroom, 10910 Clarksville Pike, Ellicott City

---

**THURSDAY, OCTOBER 10, 2019, 6 PM Attendance Area Adjustment Overflow Public Hearing II - Region III**  
(Glenelg HS, Marriotts Ridge HS, Reservoir HS, River Hill HS and feeders)

Location: Boardroom, 10910 Clarksville Pike, Ellicott City **6:30 PM Attendance Area Adjustment Work Session I, Boardroom, 10910 Clarksville Pike, Ellicott City**

---

**MONDAY, OCTOBER 14, 2019, 7:30 PM** Board meets with PTA Presidents and Community Advisory Council  
Boardroom, 10910 Clarksville Pike, Ellicott City

---

**MONDAY, OCTOBER 14, 2019, 6 PM Attendance Area Adjustment Overflow Public Hearing III - Region III**  
(Glenelg HS, Marriotts Ridge HS, Reservoir HS, River Hill HS and feeders)

Location: Boardroom, 10910 Clarksville Pike, Ellicott City

---

**TUESDAY, OCTOBER 15, 2019, 6 PM Attendance Area Adjustment Overflow Public Hearing IV - Region III**  
(Glenelg HS, Marriotts Ridge HS, Reservoir HS, River Hill HS and feeders)

Location: Boardroom, 10910 Clarksville Pike, Ellicott City

---

**THURSDAY, OCTOBER 17, 2019 – REGULAR BOARD MEETING - PROGRAM MEETING**  
(Documents due: Thursday, October 10, 2019, at 9 a.m.)

4 PM      REPORTS – Superintendent, Student Representative Report (Marriotts Ridge HS), Student Board Member

### PUBLIC FORUM

#### CONSENT AGENDA (Restricted\*)

Legal Fees Monthly Report (Mark Blom)

R

SUPT

Composition of Negotiating Teams (Pamela Murphy)

A

CHRPD

HCPSS/HC Lease Agreement for Roving Radish Kitchen (Herbert Savje)

A

COO

Closed Meeting Minutes

A

BOE

#### CONSENT AGENDA

Donations (Anissa Dennis)

A

CSMIL

Policy 1040 Safe and Supportive Schools (Thomas McNeal/Kevin Gilbert)

A

DS

Meeting Minutes

A

BOE

ADMINISTRATIVE AGENDA

|   |              |                   |
|---|--------------|-------------------|
| Proclamation: National Native American Heritage Month (Kevin Gilbert)   | A            | SUPT              |
| <del>Proclamation: National School Lunch Week (Brian Ralph)</del>   | <del>A</del> | <del>COO</del>    |
| *Bids and Contracts (Douglas Pindell)   | A            | COO               |
| <del>ESSA Consolidated Strategic Plan (Timothy Guy)</del>   | <del>A</del> | <del>DS</del>     |
| <del>Extended Year Programs (Caroline Walker/Terrell Savage)</del>  | <del>R</del> | <del>CAO</del>    |
| <del>STOP School Violence: Prevention and Mental Health Training Program Grant (Caroline Walker/Cynthia Schulmeyer, John Ridgely)</del> | <del>A</del> | <del>CAO/DS</del> |
| <del>*Hammond HS Construction Documents (Daniel Lubeley)</del>  | <del>A</del> | <del>COO</del>    |

PROGRAM AGENDA

Curriculum and Instructional Resources – 2019 Update  
(Ebony Langford-Brown/Jennifer Novak/Caroline Walker)

R/A CAO

7 PM PUBLIC FORUM

APPOINTMENT

Community Advisory Council

PUBLIC HEARING

2020-2021 Proposed Academic Calendar (Ron Morris)

PH AS

WORK SESSION

Attendance Area Adjustment Work Session I

WS COO

REPORTS (Continued)

Board Members

INFORMATION ITEMS

Food and Nutrition Service Financial Report (Brian Ralph)

I COO

~~SAT Results for the Class of 2019 (Ebony Langford Brown/Eva Yiu)~~

~~I CAO~~

Post-Acceptance Evaluation Reports (Daniel Lubeley)

I COO

---

**MONDAY, OCTOBER 28, 2019 THURSDAY, OCTOBER 24, 2019, 6:30 PM – Attendance Area Adjustment Work Session II – Boardroom, 10910 Clarksville Pike, Ellicott City**

---

**WEDNESDAY, OCTOBER 30, 2019, 6:30 PM – Attendance Area Adjustment Work Session III – Boardroom, 10910 Clarksville Pike, Ellicott City**

---

**TUESDAY, NOVEMBER 5, 2019, 6:30 PM - Attendance Area Adjustment Work Session IV – Boardroom, 10910 Clarksville Pike, Ellicott City**

---



**THURSDAY, NOVEMBER 7, 2019**

**1 PM – ATTENDANCE AREA ADJUSTMENT WORK SESSION IV**

**REGULAR BOARD MEETING - ADMINISTRATIVE MEETING**

*(Documents due: Thursday, October 31, 2019, at 9 a.m.)*

4 PM REPORTS – Superintendent, Student Representative Report (Howard HS), Student Board Member

PUBLIC FORUM

APPOINTMENT

Howard County Education Association (HCEA)

CONSENT AGENDA (Restricted\*)

|   |              |                |
|---|--------------|----------------|
| Staff Personnel (Nicole Carter)   | A            | CHRPD          |
| School Construction Monthly Report (Jahantab Siddiqui /Daniel Lubeley)        | R            | CADMO /COO     |
| <del>HCPSS/HC Lease Agreement for Roving Radish Kitchen (Herbert Savje)</del> | <del>A</del> | <del>COO</del> |
| Closed Meeting Minutes  | A            | BOE            |

CONSENT AGENDA

|  |   |       |
|--|---|-------|
| Donations (Anissa Dennis)  | A | CSMIL |
| Resolution: Recognizing National Education Support Professionals |   |       |
| Day (Jahantab Siddiqui)  | A | SUPT  |
| Meeting Minutes  | A | BOE   |

ADMINISTRATIVE AGENDA

|   |              |                  |
|---|--------------|------------------|
| *Bids and Contracts (Douglas Pindell)                                 | A            | COO              |
| <del>*Talbot Springs Design Development Report (Daniel Lubeley)</del> | <del>A</del> | <del>COO</del>   |
| <del>*Operating Budget Financial Report (Jahantab Siddiqui)</del>     | <del>R</del> | <del>CADMO</del> |
| *FY 2019 Audit Report (Jahantab Siddiqui)                             | R/A          | CADMO            |
| *FY 2020 Categorical Budget Transfer (Darin Conforti)                 | A            | CADMO            |
| County Administration Data Request MOU (Jahantab Siddiqui)            | A            | CADMO            |
| *Employee Child Care Program (David Lerner)                           | A            | CHRPD            |
| 2020-2021 Proposed Academic Calendar (Ron Morris)                     | A            | DS               |
| <del>ESSA Consolidated Strategic Plan (Timothy Guy)</del>             | <del>A</del> | <del>DS</del>    |
| *STOP School Violence: Prevention and Mental Health Training Program  |              |                  |
| Grant (Caroline Walker/Cynthia Schulmeyer, John Ridgely)              | A            | CAO/DS           |

7 PM PUBLIC FORUM

APPOINTMENT

PTA Council of Howard County

PUBLIC HEARING

|   |               |               |
|---|---------------|---------------|
| Policy 7020 Nepotism (Camille Bell-Jones/Nicole Carter)                         | PH            | DS            |
| <del>Policy 7040 Alcohol and Noncontrolled Substance Abuse by Employees</del>   | <del>PH</del> | <del>DS</del> |
| <del>(Jennifer Sifuentes/Charlene Allen)</del>                                  | <del>PH</del> | <del>DS</del> |
| <del>Policy 7050 Drug Use by Employees: Illegal Drugs, Drug Paraphernalia</del> | <del>PH</del> | <del>DS</del> |
| <del>and Controlled Substances (Jennifer Sifuentes/Charlene Allen)</del>        | <del>PH</del> | <del>DS</del> |

POLICY

|   |                |               |
|---|----------------|---------------|
| Policy 8050 Teaching Controversial Issues (Renee Bos/John Krownapple)     | R              | DS            |
| Policy 5100 Health Services (Kerrie Wagaman)                              | R/A            | DS            |
| Policy 5120 Communicable Diseases-Prevention and Control (Kerrie Wagaman) | R/A            | DS            |
| <del>Policy 5200 Pupil Transportation (Thomas McNeal/David Ramsay)</del>  | <del>R/A</del> | <del>DS</del> |
| <del>Policy 10020 Use of School Facilities (Jason McCoy)</del>            | <del>A</del>   | <del>DS</del> |

ADMINISTRATIVE AGENDA (Continued)

|  |   |    |
|--|---|----|
| ESSA Consolidated Strategic Plan (Timothy Guy) | A | DS |
|--|---|----|

REPORTS (Continued)

Board Members

INFORMATION ITEMS

|   |   |     |
|---|---|-----|
| Policy 1030 Child Abuse and Neglect - Annual Report (Restia Whitaker) | I | CAO |
| Ombudsman Report (Trudy Grantham)                                     | I | BOE |

---

**TUESDAY, NOVEMBER 12, 2019, 4 PM 6:30 PM - Attendance Area Adjustment Work Session VI –**  
Boardroom, 10910 Clarksville Pike, Ellicott City

---

**WEDNESDAY, NOVEMBER 13, 2019, 1 PM - Attendance Area Adjustment Work Session VII –**  
Boardroom, 10910 Clarksville Pike, Ellicott City

---

**THURSDAY, NOVEMBER 14, 2019, 1 PM and 6:30 PM - Attendance Area Adjustment Work Session VIII**  
~~VII~~ – Boardroom, 10910 Clarksville Pike, Ellicott City

---

**MONDAY, NOVEMBER 18, 2019, 1 PM and 6:30 PM - Attendance Area Adjustment Work Session IX**  
~~VIII~~ – Boardroom, 10910 Clarksville Pike, Ellicott City

---

**THURSDAY, NOVEMBER 21, 2019 - REGULAR BOARD MEETING - PROGRAM MEETING**  
(Documents due Thursday, November 14, 2019, at 9 a.m.)

4 PM PERSONNEL AGENDA

|   |   |      |
|---|---|------|
| **Appointments and Promotions (Michael Martirano) | A | SUPT |
|---|---|------|

REPORTS – Superintendent, Student Representative Report (Centennial HS), Student Board MemberPUBLIC FORUMCONSENT AGENDA (Restricted\*)

|                                       |   |      |
|---------------------------------------|---|------|
| Legal Fees Monthly Report (Mark Blom) | R | SUPT |
| Closed Meeting Minutes                | A | BOE  |

CONSENT AGENDA

|                           |   |       |
|---------------------------|---|-------|
| Donations (Anissa Dennis) | A | CSMIL |
| Meeting Minutes           | A | BOE   |

ADMINISTRATIVE AGENDA

|  |              |                  |
|--|--------------|------------------|
| *Bids and Contracts (Douglas Pindell)  | A            | COO              |
| <del>*Hammond HS Construction Documents (Daniel Lubeley)</del>                       | <del>A</del> | <del>COO</del>   |
| <del>*HCPSS Musgrove Farms Community Shared Septic System</del>                      |              |                  |
| <del>(Bruce Gist/Herb Savje)</del>   | <del>A</del> | <del>COO</del>   |
| <del>Class of 2019 SAT &amp; ACT Participation, Performance, Three Year Trends</del> |              |                  |
| <del>SAT Results for the Class of 2019 (Ebony Langford Brown/Eva Yiu)</del>          | <del>R</del> | <del>CAO</del>   |
| <del>*Operating Budget Financial Report (Jahantab Siddiqui)</del>                    | <del>R</del> | <del>CADMO</del> |

PROGRAM AGENDA

|  |              |                      |
|--|--------------|----------------------|
| Extended School Year Programs (Robert Cole/Sheree Whitby/Janice Yetter <del>Caroline Walker/Terrell Savage</del> ) | R            | CAO                  |
| <del>Middle School Schedule Report (Anissa Dennis/William Barnes)</del>  | <del>R</del> | <del>CSMIL/CAO</del> |

7 PM PUBLIC FORUMAPPOINTMENT

Community Advisory Council

ADMINISTRATIVE AGENDA (Continued)

|   |   |     |
|---|---|-----|
| *Approval of Attendance Area Adjustment Plan (Scott Washington/Renee Kamen) | A | COO |
|---|---|-----|

REPORTS (Continued)

Board Members

INFORMATION ITEMS

|  |              |                |
|--|--------------|----------------|
| Food and Nutrition Service Financial Report (Brian Ralph)                            | I            | COO            |
| Success of the Athletic Trainer and Teams (John Davis)                               | I            | CSMIL          |
| <del>Class of 2019 SAT &amp; ACT Participation, Performance, Three Year Trends</del> |              |                |
| <del>SAT Results for the Class of 2019 (Ebony Langford Brown/Eva Yiu)</del>          | <del>I</del> | <del>CAO</del> |

***NO EVENING SESSION***


---

**THURSDAY, DECEMBER 5, 2019 – REGULAR BOARD MEETING - ADMINISTRATIVE MEETING**  
*(Documents due Tuesday, November 26, 2019, at 9 a.m. due to Thanksgiving Holiday)*

12:30 PM Board meets with Student Leaders

4 PM ELECTION OF BOARD CHAIRMAN AND VICE CHAIRMAN

REPORTS – Superintendent, Student Board MemberPUBLIC FORUMAPPOINTMENT

Howard County Education Association (HCEA)



CONSENT AGENDA (Restricted\*)

|   |   |            |
|---|---|------------|
| Staff Personnel (Nicole Carter)   | A | CHRPD      |
| School Construction Monthly Report (Jahantab Siddiqui/Daniel Lubeley/Thomas Yetter) | R | CADMO /COO |
| Closed Meeting Minutes  | A | BOE        |

CONSENT AGENDA

|                           |   |       |
|---------------------------|---|-------|
| Donations (Anissa Dennis) | A | CSMIL |
| Meeting Minutes           | A | BOE   |

ADMINISTRATIVE AGENDA

|   |                   |                     |
|---|-------------------|---------------------|
| *Bids and Contracts (Douglas Pindell)   | A                 | COO                 |
| <del>*Operating Budget Financial Report (Jahantab Siddiqui)</del>               | <del>R</del>      | <del>CADMO</del>    |
| <del>*FY 2021 Capital Budget and FY 2022-2026 Capital</del>                     |                   |                     |
| <del>Improvement Program Follow-up Discussion (Michael Martirano)</del>         | <del>DISC/A</del> | <del>SUPT/COO</del> |
| *HCPSS Musgrove Farms Community Shared Septic System<br>(Bruce Gist/Herb Savje) | A                 | COO                 |
| Indoor Environmental Quality (Christopher Madden)                               | R                 | COO                 |
| *Hate Bias Crimes Grant (TBD)   | A                 | DS                  |
| Class of 2019 SAT & ACT Participation, Performance, and Three-Year Trends       |                   |                     |
| SAT Results for the Class of 2019 (Ebony Langford-Brown/Eva Yiu)                | R                 | CAO                 |
| 2020 January-March Quarterly Agenda (Kathy Hanks)                               | R/A               | BOE                 |
| <del>*Operating Budget Financial Report (Jahantab Siddiqui)</del>               | <del>R</del>      | <del>CADMO</del>    |

POLICY

|   |                |               |
|---|----------------|---------------|
| <del>Policy 1030 Child Abuse and Neglect (Pamela Murphy/Restia Whitaker)</del>  | <del>R/A</del> | <del>DS</del> |
| <del>Policy 3020 Trespassing or Willful Disturbance (Theo Cramer)</del>         | <del>R/A</del> | <del>DS</del> |
| <del>Policy 7020 Nepotism (Camille Bell-Jones/Nicole Carter)</del>              | <del>A</del>   | <del>DS</del> |
| <del>Policy 7040 Alcohol and Noncontrolled Substance Abuse by Employees</del>   |                |               |
| <del>(Jennifer Sifuentes/Charlene Allen)</del>                                  | <del>A</del>   | <del>DS</del> |
| <del>Policy 7050 Drug Use by Employees: Illegal Drugs, Drug Paraphernalia</del> |                |               |
| <del>and Controlled Substances (Jennifer Sifuentes/Charlene Allen)</del>        | <del>A</del>   | <del>DS</del> |

7 PM PUBLIC FORUMAPPOINTMENT

Special Education Citizens Advisory Committee (SECAC)

PUBLIC HEARING

|   |    |    |
|---|----|----|
| Policy 8050 Teaching Controversial Issues (Renee Bos/John Krownapple) | PH | DS |
|---|----|----|

POLICY

|   |              |               |
|---|--------------|---------------|
| Policy 1030 Child Abuse and Neglect (Pamela Murphy/Restia Whitaker)             | R/A          | DS            |
| Policy 3020 Trespassing or Willful Disturbance (Theo Cramer)                    | R/A          | DS            |
| Policy 7020 Nepotism (Camille Bell-Jones/Nicole Carter)                         | A            | DS            |
| <del>Policy 7040 Alcohol and Noncontrolled Substance Abuse by Employees</del>   |              |               |
| <del>(Jennifer Sifuentes/Charlene Allen)</del>                                  | <del>A</del> | <del>DS</del> |
| <del>Policy 7050 Drug Use by Employees: Illegal Drugs, Drug Paraphernalia</del> |              |               |
| <del>and Controlled Substances (Jennifer Sifuentes/Charlene Allen)</del>        | <del>A</del> | <del>DS</del> |

REPORTS (Continued)  
Board Members

---

**MONDAY, DECEMBER 9, 2019, 9:30 a.m.** – Board of Education and County Council Quarterly Meeting  
3430 Court House Drive, Ellicott City, MD

---

**WEDNESDAY, DECEMBER 11, 2019 – WORK SESSION**

4-6 p.m. – **Bullying, Cyberbullying, and Harassment Report Work Session**

---

**THURSDAY, DECEMBER 12, 2019 – COMMUNITY MEETING** – Boardroom, 10910 Clarksville Pike, EC

7-8 p.m. – Jewish Federation of Howard County

8-9 p.m. – PTA Council Board of Directors

---

**MONDAY, DECEMBER 16, 2019, 7:30-9 PM – BOE meets with PTA Presidents and CAC**

Boardroom, 10910 Clarksville Pike, EC

---

**TUESDAY, DECEMBER 17, 2019 – REGULAR BOARD MEETING - ADMINISTRATIVE MEETING**

*(Documents due: Tuesday, December 10, 2019, at 9 a.m.)*

4 PM ELECTION OF BOARD CHAIRMAN AND VICE CHAIRMAN

REPORTS – Superintendent, Student Representative Report (Hammond HS), Student Board Member

PUBLIC FORUM

CONSENT AGENDA (Restricted\*)

|   |   |      |
|---|---|------|
| Legal Fees Monthly Report (Mark Blom)                                       | R | SUPT |
| HCPSS/HC Lease Agreement for Roving Radish Kitchen (Bruce Gist)             | A | COO  |
| Ethics Panel Findings of Fact, Conclusions of Law and Recommendations (BOE) | A | BOE  |
| Closed Meeting Minutes  | A | BOE  |

CONSENT AGENDA

|   |   |       |
|---|---|-------|
| Donations (Anissa Dennis)   | A | CSMIL |
| Resolution: Honoring Alpha Phi Alpha Fraternity, Inc. (Caroline Walker) | A | CAO   |
| Meeting Minutes   | A | BOE   |

ADMINISTRATIVE AGENDA

|   |        |             |
|---|--------|-------------|
| Proclamation: Recognizing Maryland Reading Month (Ebony Langford-Brown)                                       | A      | CAO         |
| *Ratification of Vote on Redistricting (BOE)  | A      | BOE         |
| *Bids and Contracts (Douglas Pindell)   | A      | COO         |
| *Operating Budget Financial Report (Jahantab Siddiqui)  | R      | CADMO       |
| Class Size Report 2019-2020 (Anissa Dennis /David Lerner)   | R      | CSMIL/CHRPD |
| *FY 2020 Capital Budget Transfer (Daniel Lubeley)   | A      | COO         |
| *Cable Channel Discussion (Justin Benedict)   | A      | DS          |
| *FY 2021 Capital Budget and FY 2022-2026 Capital Improvement Program Follow-up Discussion (Michael Martirano) | DISC/A | SUPT/COO    |

PROGRAM AGENDA

|  |   |           |
|--|---|-----------|
| Middle School Schedule Report (Kendra Johnson/Jennifer Peduzzi/Anissa Dennis/William Barnes) | R | CSMIL/CAO |
| Student Achievement and Equity Programming (Caroline Walker)                                 | R | CAO       |



**7-PM PUBLIC FORUM**

APPOINTMENT

Community Advisory Council

PRESENTATION

\*Presentation of the Superintendent's Proposed FY21 Operating Budget

(Michael Martirano)

R

SUPT

REPORTS (Continued)

Board Members

INFORMATION ITEMS

Food and Nutrition Service Financial Report (Brian Ralph)

I

COO

Proposed Instructional Materials and Review Schedule (Ebony Langford-Brown)

I

CAO

***No Evening Session***

**Agenda Items To Be Scheduled:**

- World Language Program
- Graduation rates - disparity between groups, schools, and interventions
- Bullying, Cyberbullying, and Harassment Report Work Session —~~Scheduled December 11, 2019~~
- Diversity Curriculum Report

**For additional information regarding the Board Meeting Schedule, go to [www.hcpss.org](http://www.hcpss.org) → About → Board Docs or call the Board Office at 410-313-7194.**

\*Under Section 3-701 of the Education Article of the *Annotated Code of Maryland*, the Student Member may not vote on these matters. Passage of a motion by the Board on these matters requires the affirmative vote of four (4) Board members.

**To access the agenda and supporting documents through Board Docs, go to:  
[www.hcpss.org](http://www.hcpss.org) → About → Board Docs**

- (1) Zoning Board petitions will be reviewed as appropriate.
- (2) The Planning and Construction Department will add items to the agenda after project planning schedules have been determined.
- (3) School bus contract awards/transfers/terminations will be submitted as needed.
- (4) Easements.

A – Action Item    R – Report Item    I – Information Item    PH – Public Hearing    WS – Work Session    UR – Update Report

BOE    Board of Education

SUPT    Superintendent's Office

DS    Deputy Superintendent

CHRPD    Chief Human Resources and Professional Development Officer

CSMIL    Chief School Management and Instructional Leadership Officer

CAO    Chief Academic Officer

CADMO    Chief Administrative Officer

COO    Acting Chief Operating Officer

(Dr. Michael J. Martirano)

(Karalee Turner-Little)

(David Larner)

(Anissa B. Dennis)

(William Barnes)

(Jahantab Siddiqui)

(Scott Washington)

MARTIN VASSILEV DIMITROV

Plaintiff,

vs.

BOARD OF EDUCATION OF HOWARD  
COUNTY

Defendant.

\*

\*

\*

\*

\*

\*

IN THE CIRCUIT COURT

FOR

HOWARD COUNTY,

MARYLAND

Case No.: C-13-CV-19-001201

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

### **MOTION TO SHORTEN TIME**

Plaintiff Martin Dimitrov by and through counsel, Shavina Kumar Mukesh, Esquire and Edward Tayter, Esquire, pursuant to Maryland Rule 1-204 hereby moves this Honorable Court to shorten time for Defendant to respond to Plaintiff's Petition for Injunctive and Other Relief Pursuant to the Open Meetings Acts as well as Plaintiff's Immediate Request for Emergency Hearing and in further support states:

1. That simultaneous with the filing of this Motion, the Plaintiff is filing "Immediate Request for Emergency Hearing".
2. On or about December 11, 2019, Plaintiff filed "Plaintiff's Petition for Injunctive and other Relief Pursuant to the Open Meetings Act".
3. On December 11, 2019 Defendant amended its Quarterly Agenda (attached hereto as Exhibit B) to include "Ratification of Vote on Redistricting" as an additional agenda item for the December 17, 2019 Regular Board Meeting – Administrative Meeting. Upon information and belief, Defendant in doing so is attempting to revisit the voting of redistricting schools.
4. Furthermore, Defendant has started to implement actions such as putting large contracts into place based on their illegal votes.
5. That it is imperative before further actions are taken by the Board in implementing their illegal votes, for example, the Board ratifies their votes or enters into contracts to prepare for the next school year, that the Court shortens the time for response by the Defendant to allow the Court to consider the underlying Petition in an expedited manner.

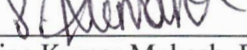
**WHEREFORE**, the Plaintiff respectfully requests that this Honorable Court grant him the following relief:

- A. That the Plaintiff's Motion to Shorten Time be granted;
- B. That Defendant be ordered to file an Answer to Plaintiff's Petition for Permanent Injunctive and other Relief Pursuant to the Open Meetings Act and Plaintiff's Immediate Request for Emergency Hearing by Monday December 16, 2019; and
- C. That the Plaintiff be granted such other and further relief as the nature of his case may require.

Respectfully submitted,

**Martin Dimitrov**  
*Plaintiff*

Dated: 12-12-19

By:   
Shavina Kumar Mukesh, Esquire  
CPF #: 1506160224  
Edward Tayter  
CPF #: 0712120336  
Attorneys and Counselors  
One Thousand Century Plaza Building  
10630 Little Patuxent Parkway  
Suite 301  
Columbia, Maryland 21044  
Direct Dial: (410) 370-4411  
Email: [shavina@mukeshlaw.com](mailto:shavina@mukeshlaw.com)  
*Attorneys for Plaintiff*

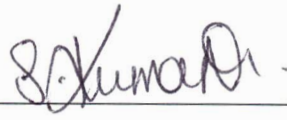
**Certificate of Service**

**I HEREBY CERTIFY** that on this 12<sup>th</sup> day of December 2019, a copy of foregoing "Motion to Shorten Time" was electronically submitted via MDEC and emailed to:

Mark C. Blom, Esquire

General Counsel for Board of Education for Howard County

[Mark\\_bloom@hcpss.org](mailto:Mark_bloom@hcpss.org)

  
Shavina Kumar Mukesh, Esquire



MARTIN VASSILEV DIMITROV

Plaintiff,

vs.

BOARD OF EDUCATION OF HOWARD  
COUNTY

Defendant.

\* IN THE CIRCUIT COURT

\* FOR

\* HOWARD COUNTY,

\* MARYLAND

\*

\* Case No.: C-13-CV-19-001201

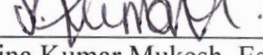
\* \* \* \* \*

**RULE 1-351 CERTIFICATION**

I, Shavina Kumar Mukesh, Counsel for Plaintiff, Martin Dimitrov, hereby certify that on this 12<sup>th</sup> day of December, 2019, I called counsel for Defendant Mark C. Blom (410-XXX-6605) at 4:28 pm as well as his paralegal Kim Claire (410-XXX-6604) at 4:26 pm. Unable to reach Mr. Blom nor Ms. Clare, undersigned counsel left a detailed voicemail on both numbers that Plaintiff would be filing via MDEC Plaintiff's Immediate Request for Emergency Hearing and Motion to Shorten Time to Respond to Plaintiff's Petition for Permanent Injunctive and other Relief Pursuant to the Open Meetings Act. Both pleadings were also emailed to: Mark Blom, Esquire, General Counsel for Howard County Public School System at [mark\\_bloom@hcpss.org](mailto:mark_bloom@hcpss.org) and Ms. Mavis Ellis, Chairman for Board of Education for Howard County at [mavis\\_ellis@hcpss.org](mailto:mavis_ellis@hcpss.org).

Respectfully submitted,

**Martin Dimitrov***Plaintiff*Dated: 12/12/19

By:   
 Shavina Kumar Mukesh, Esquire  
 CPF #: 1506160224  
 Edward Tayter  
 CPF #: 0712120336  
 Attorneys and Counselors  
 One Thousand Century Plaza Building  
 10630 Little Patuxent Parkway  
 Suite 301  
 Columbia, Maryland 21044  
 Direct Dial: (410) 370-4411  
 Email: [shavina@mukeshlaw.com](mailto:shavina@mukeshlaw.com)  
*Attorneys for Plaintiff*

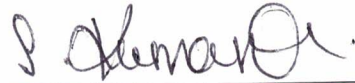
**Certificate of Service**

**I HEREBY CERTIFY** that on this 12<sup>th</sup> day of December 2019, a copy of foregoing  
“Immediate Request for Emergency Hearing” was electronically submitted via MDEC and emailed to:

Mark C. Blom, Esquire

General Counsel for Board of Education for Howard County

Mark\_blom@hcpss.org

A handwritten signature in black ink, appearing to read "Shavina Kumar Mukesh", is written over a horizontal line.

Shavina Kumar Mukesh, Esquire

**From:** [Mark Blom](#)  
**To:** [jsb@carneykelehan.com](mailto:jsb@carneykelehan.com)  
**Cc:** [Mavis Ellis](#)  
**Subject:** Fwd: [External] Case No.: C-13-CV-19-001201  
**Date:** Thursday, December 12, 2019 5:45:05 PM  
**Attachments:** [Emergency Hearing Request.pdf](#)  
[ATT00001.htm](#)  
[Motion to Shorten Time.pdf](#)  
[ATT00002.htm](#)  
[Rule 1-351 cert.pdf](#)  
[ATT00003.htm](#)

---

Judy,  
Please see below. [REDACTED]

Thanks, Mark

Sent from my iPhone

Begin forwarded message:

**From:** "Shavina Mukesh" <[shavina@mukeshlaw.com](mailto:shavina@mukeshlaw.com)>  
**To:** "Mark Blom" <[Mark\\_Blom@hcpss.org](mailto:Mark_Blom@hcpss.org)>, "[mavis.ellis@hcpss.org](mailto:mavis.ellis@hcpss.org)"  
<[mavis.ellis@hcpss.org](mailto:mavis.ellis@hcpss.org)>  
**Subject:** [External] Case No.: C-13-CV-19-001201

**! CAUTION: This email originated from outside of HCPSS. Do not click links or open attachments, unless you recognize the sender and know the content is safe.**

Dear Mr. Blom and Ms. Ellis:

Without a response to Plaintiff Martin Dimitrov's Petition for Injunctive and Other Relief Pursuant to the Open Meetings Act, and no Entry of Appearance, in an abundance of caution, I am sending to both of you a courtesy copy of the attached 3 pleadings filed with the Court via MDEC a few moments ago.

Sincerely,

Mukesh Law Office, LLC  
Shavina Kumar Mukesh, Esquire  
10630 Little Patuxent Parkway  
Suite 301  
Columbia, Maryland 21044  
Ph: (410) 370-4411

CONFIDENTIALITY NOTICE. The information contained in this e-mail message and any attachments is ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION intended only for the use of the individual or entity named herein. If you are not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are

hereby notified that any dissemination, distribution or copying of this communication is prohibited. If you have received this communication in error, please immediately notify Shavina Kumar Mukesh by reply e-mail and delete the original message and any attachments or by calling (410) [370-4411](tel:370-4411). Thank you in advance for your cooperation.

**From:** [Mark Blom](#)  
**To:** [Judy Bresler](#)  
**Cc:** [Kathleen V. Hanks](#); [Mavis Ellis](#); [Kirsten Coombs](#); [Sabina Taj](#); [Chao Wu](#); [Christina Delmont-Small](#); [Jennifer Mallo](#); [Vicky Cutroneo](#); [Michael Martirano](#)  
**Subject:** Re: [External] RE: Statement for December 17 Board Meeting  
**Date:** Thursday, December 12, 2019 4:27:08 PM

---

[REDACTED] Mark

Sent from my iPhone

On Dec 12, 2019, at 4:20 PM, Judy Bresler <[jsb@carneykelehan.com](mailto:jsb@carneykelehan.com)> wrote:

Thanks. [REDACTED]

---

**From:** Mark Blom [[mailto:Mark\\_Blom@hcpss.org](mailto:Mark_Blom@hcpss.org)]  
**Sent:** Thursday, December 12, 2019 3:17 PM  
**To:** Judy Bresler; Kathleen V. Hanks; Mavis Ellis; Kirsten Coombs; Sabina Taj; Chao Wu; Christina Delmont-Small; Jennifer Mallo; Vicky Cutroneo; Michael Martirano  
**Subject:** RE: [External] RE: Statement for December 17 Board Meeting

A copy of the petition, served today, is attached.

---

**From:** Judy Bresler <[jsb@carneykelehan.com](mailto:jsb@carneykelehan.com)>  
**Sent:** Thursday, December 12, 2019 1:37 PM  
**To:** Kathleen V. Hanks <[Kathleen\\_Hanks@hcpss.org](mailto:Kathleen_Hanks@hcpss.org)>  
**Cc:** Mark Blom <[Mark\\_Blom@hcpss.org](mailto:Mark_Blom@hcpss.org)>  
**Subject:** [External] RE: Statement for December 17 Board Meeting

**! CAUTION: This email originated from outside of HCPSS. Do not click links or open attachments, unless you recognize the sender and know the content is safe.**

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

Judy

---

**From:** Kathleen V. Hanks [[mailto:Kathleen\\_Hanks@hcpss.org](mailto:Kathleen_Hanks@hcpss.org)]  
**Sent:** Thursday, December 12, 2019 12:25 PM  
**To:** Judy Bresler  
**Subject:** Fw: Statement for December 17 Board Meeting

FYI

Kathy Hanks



Administrator  
Board of Education of Howard County  
Phone: 410-313-7194  
Fax: 410-313-6833

---

**From:** Kirsten Coombs <[Kirsten\\_Coombs@hcpss.org](mailto:Kirsten_Coombs@hcpss.org)>  
**Sent:** Thursday, December 12, 2019 12:18 PM  
**To:** Kathleen V. Hanks <[Kathleen\\_Hanks@hcpss.org](mailto:Kathleen_Hanks@hcpss.org)>; Vicky Cutroneo <[Vicky\\_Cutroneo@hcpss.org](mailto:Vicky_Cutroneo@hcpss.org)>  
**Cc:** Board Member's Email <[restrictedboard@hcpss.org](mailto:restrictedboard@hcpss.org)>; Michael Martirano <[Michael\\_Martirano@hcpss.org](mailto:Michael_Martirano@hcpss.org)>; Mark Blom <[Mark\\_Blom@hcpss.org](mailto:Mark_Blom@hcpss.org)>; Karalee Turner-Little <[Karalee\\_TurnerLittle@hcpss.org](mailto:Karalee_TurnerLittle@hcpss.org)>  
**Subject:** Re: Statement for December 17 Board Meeting

This is the case number - C-13-CV-19-001201  
<http://casesearch.courts.state.md.us/casesearch/inquiryByCaseNum.js>

**Regards,**

**Kirsten Coombs  
Vice Chair  
Howard County Board of Education**

**667-786-3867**

---

**From:** Kathleen V. Hanks <[Kathleen\\_Hanks@hcpss.org](mailto:Kathleen_Hanks@hcpss.org)>  
**Sent:** Thursday, December 12, 2019 12:06 PM  
**To:** Kirsten Coombs <[Kirsten\\_Coombs@hcpss.org](mailto:Kirsten_Coombs@hcpss.org)>; Vicky Cutroneo <[Vicky\\_Cutroneo@hcpss.org](mailto:Vicky_Cutroneo@hcpss.org)>  
**Cc:** Board Member's Email <[restrictedboard@hcpss.org](mailto:restrictedboard@hcpss.org)>; Michael Martirano <[Michael\\_Martirano@hcpss.org](mailto:Michael_Martirano@hcpss.org)>; Mark Blom <[Mark\\_Blom@hcpss.org](mailto:Mark_Blom@hcpss.org)>; Karalee Turner-Little <[Karalee\\_TurnerLittle@hcpss.org](mailto:Karalee_TurnerLittle@hcpss.org)>  
**Subject:** Re: Statement for December 17 Board Meeting

Hello again,

I have spoken with Judy and no injunction has been filed at this time.

Kathy Hanks  
Administrator  
Board of Education of Howard County  
Phone: 410-313-7194  
Fax: 410-313-6833

---

**From:** Kirsten Coombs <[Kirsten\\_Coombs@hcpss.org](mailto:Kirsten_Coombs@hcpss.org)>

**Sent:** Thursday, December 12, 2019 12:04 PM

**To:** Kathleen V. Hanks <[Kathleen\\_Hanks@hcpss.org](mailto:Kathleen_Hanks@hcpss.org)>; Vicky Cutroneo <[Vicky\\_Cutroneo@hcpss.org](mailto:Vicky_Cutroneo@hcpss.org)>

**Cc:** Board Member's Email <[restrictedboard@hcpss.org](mailto:restrictedboard@hcpss.org)>; Michael Martirano <[Michael\\_Martirano@hcpss.org](mailto:Michael_Martirano@hcpss.org)>; Mark Blom <[Mark\\_Blom@hcpss.org](mailto:Mark_Blom@hcpss.org)>; Karalee Turner-Little <[Karalee\\_TurnerLittle@hcpss.org](mailto:Karalee_TurnerLittle@hcpss.org)>

**Subject:** Re: Statement for December 17 Board Meeting

Does anyone have info on the injunction that was supposedly filed in Howard County yesterday? [REDACTED]

**Regards,**

**Kirsten Coombs  
Vice Chair  
Howard County Board of Education**

**667-786-3867**

---

**From:** Kathleen V. Hanks <[Kathleen\\_Hanks@hcpss.org](mailto:Kathleen_Hanks@hcpss.org)>

**Sent:** Thursday, December 12, 2019 11:59 AM

**To:** Kirsten Coombs <[Kirsten\\_Coombs@hcpss.org](mailto:Kirsten_Coombs@hcpss.org)>; Vicky Cutroneo <[Vicky\\_Cutroneo@hcpss.org](mailto:Vicky_Cutroneo@hcpss.org)>

**Cc:** Board Member's Email <[restrictedboard@hcpss.org](mailto:restrictedboard@hcpss.org)>; Michael Martirano <[Michael\\_Martirano@hcpss.org](mailto:Michael_Martirano@hcpss.org)>; Mark Blom <[Mark\\_Blom@hcpss.org](mailto:Mark_Blom@hcpss.org)>; Karalee Turner-Little <[Karalee\\_TurnerLittle@hcpss.org](mailto:Karalee_TurnerLittle@hcpss.org)>

**Subject:** Re: Statement for December 17 Board Meeting

Hi,

[REDACTED]

Kathy Hanks  
Administrator  
Board of Education of Howard County  
Phone: 410-313-7194  
Fax: 410-313-6833

---

**From:** Kirsten Coombs <[Kirsten\\_Coombs@hcpss.org](mailto:Kirsten_Coombs@hcpss.org)>

**Sent:** Thursday, December 12, 2019 11:46 AM

**To:** Kathleen V. Hanks <[Kathleen\\_Hanks@hcpss.org](mailto:Kathleen_Hanks@hcpss.org)>; Vicky Cutroneo <[Vicky\\_Cutroneo@hcpss.org](mailto:Vicky_Cutroneo@hcpss.org)>

**Cc:** Board Member's Email <[restrictedboard@hcpss.org](mailto:restrictedboard@hcpss.org)>; Michael Martirano <[Michael\\_Martirano@hcpss.org](mailto:Michael_Martirano@hcpss.org)>; Mark Blom <[Mark\\_Blom@hcpss.org](mailto:Mark_Blom@hcpss.org)>; Karalee Turner-Little <[Karalee\\_TurnerLittle@hcpss.org](mailto:Karalee_TurnerLittle@hcpss.org)>

**Subject:** Re: Statement for December 17 Board Meeting

Get [Outlook for Android](#)

---

**From:** Kathleen V. Hanks <[Kathleen\\_Hanks@hcpss.org](mailto:Kathleen_Hanks@hcpss.org)>

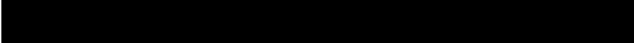

**Sent:** Thursday, December 12, 2019 10:54:59 AM

**To:** Vicky Cutroneo <[Vicky\\_Cutroneo@hcpss.org](mailto:Vicky_Cutroneo@hcpss.org)>; Kirsten Coombs <[Kirsten\\_Coombs@hcpss.org](mailto:Kirsten_Coombs@hcpss.org)>

**Cc:** Board Member's Email <[restrictedboard@hcpss.org](mailto:restrictedboard@hcpss.org)>; Michael Martirano <[Michael\\_Martirano@hcpss.org](mailto:Michael_Martirano@hcpss.org)>; Mark Blom <[Mark\\_Blom@hcpss.org](mailto:Mark_Blom@hcpss.org)>; Karalee Turner-Little <[Karalee\\_TurnerLittle@hcpss.org](mailto:Karalee_TurnerLittle@hcpss.org)>

**Subject:** Re: Statement for December 17 Board Meeting

Hello again,

I have spoken with Judy.   


Kind regards,

Kathy Hanks  
Administrator  
Board of Education of Howard County  
Phone: 410-313-7194  
Fax: 410-313-6833

---

**From:** Vicky Cutroneo <[Vicky\\_Cutroneo@hcpss.org](mailto:Vicky_Cutroneo@hcpss.org)>

**Sent:** Thursday, December 12, 2019 7:25 AM

**To:** Kirsten Coombs <[Kirsten\\_Coombs@hcpss.org](mailto:Kirsten_Coombs@hcpss.org)>; Kathleen V. Hanks <[Kathleen\\_Hanks@hcpss.org](mailto:Kathleen_Hanks@hcpss.org)>

**Cc:** Board Member's Email <[restrictedboard@hcpss.org](mailto:restrictedboard@hcpss.org)>; Michael Martirano

<[Michael\\_Martirano@hcpss.org](mailto:Michael_Martirano@hcpss.org)>; Mark Blom <[Mark\\_Blom@hcpss.org](mailto:Mark_Blom@hcpss.org)>; Karalee Turner-Little <[Karalee\\_TurnerLittle@hcpss.org](mailto:Karalee_TurnerLittle@hcpss.org)>

**Subject:** Re: Statement for December 17 Board Meeting

All,

[REDACTED]

Regards  
Vicky Cutroneo  
Howard County Board of Education  
Get [Outlook for iOS](#)

---

**From:** Kirsten Coombs <[Kirsten\\_Coombs@hcpss.org](mailto:Kirsten_Coombs@hcpss.org)>  
**Sent:** Wednesday, December 11, 2019 1:34:16 PM  
**To:** Kathleen V. Hanks <[Kathleen\\_Hanks@hcpss.org](mailto:Kathleen_Hanks@hcpss.org)>  
**Cc:** Board Member's Email <[restrictedboard@hcpss.org](mailto:restrictedboard@hcpss.org)>  
**Subject:** RE: Statement for December 17 Board Meeting

Kathy,

[REDACTED]

[REDACTED]

---

**From:** Kathleen V. Hanks <[Kathleen\\_Hanks@hcpss.org](mailto:Kathleen_Hanks@hcpss.org)>  
**Sent:** Wednesday, December 11, 2019 1:07 PM  
**To:** Kirsten Coombs <[Kirsten\\_Coombs@hcpss.org](mailto:Kirsten_Coombs@hcpss.org)>  
**Cc:** Board Member's Email <[restrictedboard@hcpss.org](mailto:restrictedboard@hcpss.org)>  
**Subject:** Statement for December 17 Board Meeting

Hi Kirsten:



I have spoke with Ms. Bresler. [REDACTED]

Please contact me if you have any questions, and thank you.

Kind regards,

Kathy Hanks  
Administrator  
Board of Education of Howard County  
Phone: 410-313-7194  
Fax: 410-313-6833

Martin Vassilev Dimitrov  
6172 Wooded Run Drive  
Columbia, Maryland 21044

Plaintiff,

v.

BOARD OF EDUCATION OF HOWARD  
COUNTY  
10910 Clarksville Pike  
Ellicott City, MD 21042

Defendant.

SERVE ON:

Ms. Mavis Ellis, Chairman

\* CIRCUIT COURT OF HOWARD COUNTY

\*

\*

\*

\* Case No.: C-13-CV-19-001201

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

\*

Served  
12/12/2019

---

**Petition for Permanent Injunctive and Other Relief Pursuant to the Open Meetings Act**

Plaintiff Martin Dimitrov by and through counsel, Shavina Kumar Mukesh, Esquire and Edward Tayter, Esquire, brings forth the following causes of action and alleges the following:

**PARTIES**

1. Plaintiff Martin Dimitrov is an individual and resident of Howard County, Maryland. Plaintiff is a resident of Polygon 1132 and has a child currently attending Clemens Crossing Elementary School in second grade.
2. Defendant BOARD OF EDUCATION OF HOWARD COUNTY is a "Public body" as defined in MD Code Ann., GP Title 3 (hereinafter "the Open Meetings Act") under §3-101(h)(1)).
3. Defendant moved Plaintiff's Polygon from Clemens Crossing Elementary School to Bryant Woods Elementary School in a vote immediately following a secretive, closed-door meeting that violated the Open Meetings Act.

### **JURISDICTION AND VENUE**

4. This Court has subject-matter jurisdiction over Dimitrov's claims pursuant to the Open Meetings Act, MD Code Ann., GP § 3-401(b)(1), and MD Code Ann., Educ. § 3-104(b)(2).

5. Venue in this Court is proper under MD Code Ann., Cts. & Jud. Proc. § 1-501 because all defendants reside and work in the judicial district and the events giving rise to this claim have occurred in this district as part of the official business of the Board of Education of Howard County.

### **BACKGROUND FACTS**

6. On or about January 25, 2018, Board chair Mavis Ellis completed a required Open Meetings Act training.

7. On or about January 24, 2019, Defendant Board of Education of Howard County directed the Superintendent to begin the "system wide school boundary review, due to population growth that resulted in overcrowding at many schools, while others are underutilized."<sup>1</sup> Howard County Public School System ("HCPSS") website. The accuracy of this statement has not been established by any reliable data.

8. On or about August 22, 2019, the Superintendent presented his proposed redistricting plan, which included his goal of evening out the socioeconomic disparities in HCPSS schools.

9. The Board held seven public hearings on redistricting between September 17, 2019 and October 15, 2019.

10. The Board held nine public work sessions on redistricting between October 17, 2019 and November 18, 2019.

11. During the November 7, 2019 public work session, community members were audibly upset by a discussion over a particular proposed move. Board member Jennifer Mallo admonished the audience by saying: "We have chosen to support each other as Board members. We are not denigrating to each other. We do not raise our voices to each other... We don't intimidate each other and we don't bully each other. You are allowed in these meetings through the Open Meetings Act. Your behavior must conform to HCPSS Policy 1000 Civility." This further emphasizes that the Board is very familiar with the requirements of the Open Meetings Act.

12. On November 21, 2019 the Defendant Board took a series of public votes to effectuate redistricting of the HCPSS. One of the votes taken was to move Polygons 132, 1132 and 2132 from Clemens Crossing Elementary School to Bryant Woods Elementary School. This vote failed by a 3 to 4 margin, with Board Chair Ellis, Board member Mallo and Board member Taj voting to move the Polygons, while the remainder of the Board voting against the move. As soon as this vote failed, Board member Mallo immediately stated "I move that we go into recess to consider the impacts of that last failed motion." This motion was seconded by Board member Taj. Board chair Ellis also stated "We will go into recess." Board member Wu asked "Do we need a vote?" and Board administrator Hanks and Board chair Ellis stated "No."

13. The Board then went into a Closed Session in direct and willful violation of Open Meetings Act §3-305(c).

14. The Open Meetings Act §3-305(d) states:

"unless a majority of the members of a public body present and voting vote in favor of a closed meeting session, the board may not meet in closed session."



15. The Board returned from their Closed Session and voted again on the failed motion. This time, the motion to move Polygons 132, 1132, and 2132 passed with a 4 to 3 margin. Board member Coombs changed her vote and, visibly shaken and crying, stated "otherwise the whole plan will fail."

16. The Open Meetings Act §3-102(a) states:

"In general. -- It is essential to the maintenance of a democratic society that, except in special and appropriate circumstances:

- (1) public business be conducted openly and publicly; and
- (2) the public be allowed to observe:
  - (i) the performance of public officials; and
  - (ii) the deliberations and decisions that the making of public policy involves. "

17. The Open Meetings Act §3-301 states:

"Except as otherwise expressly provided in this title, a public body shall meet in open session."

18. The Open Meetings Act §3-305(c) further states:

"A public body that meets in closed session under this section may not discuss or act on any matter not authorized under subsection (b) of this section."

19. The Board's Closed Session during the November 21, 2019 vote does not fit within any of the exceptions defined in Open Meetings Act §3-305(b). Therefore, the Board failed to comply with the substantive requirements of the Open Meetings Act.

20. The Board failed to comply with the procedural requirements of the Open Meetings Act §3-305(d) which states:

- "(1) Unless a majority of the members of a public body present and voting vote in favor of closing the session, the public body may not meet in closed session.
- (2) Before a public body meets in closed session, the presiding officer shall:
  - (i) conduct a recorded vote on the closing of the session; and
  - (ii) make a written statement of the reason for closing the meeting, including a citation of the authority under this section, and a listing of the topics to be discussed.

21. The Board also failed to comply with its own policy which in pertinent part states:

“However, at no time shall any group of Board members, whose number would satisfy quorum requirements, meet privately on any issue that requires a public meeting.”<sup>2</sup>

22. The Closed Session was used by certain board members to attempt to persuade Board Member Coombs to change her vote, a subject that should have only been addressed in an Open Session.

23. The public did not have access to the deliberations related to this important topic, as mandated by the Open Meetings Act.

24. Allowing the Board to change its initial vote in clear and willful violation of the Open Meetings Act will affect approximately 60 children from Polygons 132, 1132 and 2132 who will be required to change their current school in their local community. Changing schools is highly disruptive to young children, who will be uprooted from their community, friends and established after-school activities. It also necessitates additional travel time to a school that is much farther away, requiring bussing and preventing children from walking to a school that is less than a mile away for many children in the Polygons.

25. Plaintiff's eight year old child, as well as many other children as young as five years old, will suffer imminent and irreparable harm. These young children will be required to move to a school that is 2.4 miles away from their home; their current school is 0.5-0.7 miles away, well within walking distance. This commute will take at least an additional two (2) hours per week of the childrens time, thereby allowing less time for extra-curricular activities, homework, family time and even rest time. The minor children, on a daily basis will have to wake up earlier and get

---

<sup>2</sup> Page 13 of Board of Education Howard County Handbook. Page 33 of the Handbook also states “Board members should always remember that the educational process and Board leadership must always move forward. Tough votes are taken, and once they're taken, you move on.”

home later so that they can commute to a school that is across town, crossing many major intersections during rush hour. The minor children being on the school bus for an additional two (2) hours per week will also expose them to more chances of traffic accidents, bullying as well as the added fatigue caused by this additional unnecessary commute. The injury is evident and cannot be quantified or remedied monetarily. Moreover, the passage of time does not render this harm less severe – in fact it does the opposite.

26. Furthermore, the HCPSS is currently putting into place budgets and plans to support the new redistricting plan. At some point, it is simply impossible for these plans to be undone because of the time it takes to plan for the next school year.

27. The harm to the education and lives of these children significantly outweighs any harm to Defendant, which runs one of the best operated school systems in the state of Maryland.

28. Plaintiff has a high likelihood of prevailing on the merits of this case. Board member Mallo announced her intention of violating the Open Meetings Act when she stated after the failed vote that “I move that we go into recess to consider the impacts of that last failed motion.” The Open Meetings Act expressly prohibits just that – public bodies in the state of Maryland from moving a meeting into recess to conduct official business. After Ms. Mallo announced her intention, the board members recessed to deliberate and make a decision behind closed doors, and then came back to revote, which resulted in a sudden approval vote. Such a dramatic change of heart makes it extremely likely that Defendant continued to discuss public affairs behind closed doors.

29. Given the legislature’s strong support for open and public discourse, resolution of this matter goes to the heart of our Democratic ideals and is therefore in the public’s interest.



30. All decisions reached by the Board subsequent to the Open Meetings Act violation are tainted by the improper move to Closed Session in order to discuss matters that were required to be discussed in Open Session.

31. As the Board has already taken a final action in this redistricting decision, the only adequate remedy for the Board's willful failure to comply with both the letter of §3-301 and the spirit of the entire Open Meetings Act is for this Court to declare the Final Action of the Board in moving Polygons 132, 1132, and 2132 from Clemens Crossing Elementary School to Bryant Woods Elementary School to be void.

### **CLAIM FOR RELIEF**

32. Plaintiff Dimitrov incorporates and re-alleges the averments contained in paragraphs 1 through 31.

33. Faced with opposition in enacting its redistricting plan, Defendant held a closed session meeting, in willful and flagrant violation of § 3-305 of the Open Meetings Act. This illegal and covert meeting pushed one board member to change her vote, which flipped the decision to approve the redistricting plan in contravention of the letter and spirit of the Open Meetings Act, which establishes that it is "essential" that "public business be conducted openly and publicly" and that "the public be allowed to observe (i) the performance of public officials; and (ii) the deliberations and decisions that the making of public policy involves."

### **RELIEF SOUGHT**

Plaintiff Martin Vassilev Dimitrov requests that this Court:

(a) Issue an injunction to prevent the Board from moving forward with any and all redistricting while this matter is decided, as provided by Open Meetings Act § 3-401(d)(2);



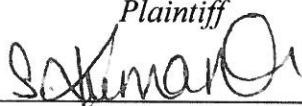
- (b) Declare the Final Action of the Board of Education in regard to moving Polygons 132, 1132, and 2132 to be void as the Board willfully failed to comply with §3-301 of the Open Meetings Act and that no other remedy is adequate, as provided by Open Meetings Act § 3-401(d)(4).
- (c) Declare the Final Action of the Board of Education in regard to **all** votes taken subsequent to the violation of the Open Meetings Act to be void as the Board willfully failed to comply with §3-301 of the Open Meetings Act and that no other remedy is adequate, as provided by Open Meetings Act § 3-401(d)(4).
- (d) Hold a hearing immediately on this instant Petition;
- (e) Award Plaintiff his costs in this action as provided by Open Meetings Act § 3-401(d)(5)(i);
- and
- (f) Grant such other and further relief as this Court may deem just and proper.

Respectfully submitted,

**Martin Dimitrov**

*Plaintiff*

Dated: 12/11/19

By:   
Shavina Kumar Mukesh, Esquire  
CPF #: 1506160224  
Edward Tayter  
CPF #: 0712120336  
Attorneys and Counselors  
One Thousand Century Plaza Building  
10630 Little Patuxent Parkway  
Suite 301  
Columbia, Maryland 21044  
Direct Dial: (410) 370-4411  
Email: [shavina@mukeshlaw.com](mailto:shavina@mukeshlaw.com)  
*Attorneys for Plaintiff*

MARTIN VASSILEV DIMITROV

Plaintiff,

vs.

BOARD OF EDUCATION OF HOWARD  
COUNTY

Defendant.

\* IN THE CIRCUIT COURT

\* FOR

\* HOWARD COUNTY,

\* MARYLAND

\*

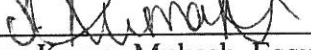
\* Case No.:

\* \* \* \* \*

**REQUEST FOR AN IMMEDIATE HEARING**

COMES NOW, Plaintiff Martin Vassilev Dimitrov, hereby requests an immediate hearing on the  
“Petition for Injunctive and Other Relief Pursuant to the Open Meetings Act”.

Respectfully submitted,  
**Martin Dimitrov**  
*Plaintiff*

By:   
Shavina Kumar Mukesh, Esquire  
CPF #: 1506160224  
Edward Tayter  
CPF #: 0712120336  
Attorneys and Counselors  
One Thousand Century Plaza Building  
10630 Little Patuxent Parkway  
Suite 301  
Columbia, Maryland 21044  
Direct Dial: (410) 370-4411  
Email: [shavina@mukeshlaw.com](mailto:shavina@mukeshlaw.com)  
*Attorneys for Plaintiff*



8360 COURT AVENUE

ELLCOTT CITY, MARYLAND 21043

Main: 410-313-2111 Civil: 410-313-3844 Criminal: 410-313-3822 Juvenile: 410-313-3827 Land Records: 410-313-5850 Calendar Office: 410-313-3575 Family Law: 410-313-2225

Case Number:

C-13-CV-19-001201

Other Reference Numbers:

Martin Dimitrov vs. Board of Education of Howard County

Entered: Clerk, Circuit Court for  
Howard County, MD  
December 12, 2019**SCHEDULING ORDER**

This Order is your official notice of dates established pursuant to this Courts Differentiated Case Management Plan. The above case has been assigned to the EXPEDITED TRACK. ANY MODIFICATIONS OF THIS SCHEDULING ORDER MUST BE REQUESTED BY WRITTEN MOTION AND FILED BEFORE THE COMPLIANCE DATE(S). The motion must provide good cause to justify the requested modification. Stipulations between the parties and/or their counsel shall not change any deadline in this Scheduling Order absent Court approval.

- It is hereby ORDERED that the following events shall occur by the following dates:
- Plaintiff's Experts shall be identified by 05/11/2020. Pursuant to Md. Rule 2-402(g), any designation shall include the following: (i) the subject matter on which the expert is expected to testify at trial; (ii) the substance of the findings and the opinions to which the expert is expected to testify and a summary of grounds for each opinion; and (iii) the production of any written report made by the expert concerning those findings and opinions.
  - Defendant's Experts shall be identified by 06/10/2020. Pursuant to Md. Rule 2-402(g), any designation shall include the following: (i) the subject matter on which the expert is expected to testify at trial; (ii) the substance of the findings and the opinions to which the expert is expected to testify and a summary of grounds for each opinion; and (iii) the production of any written report made by the expert concerning those findings and opinions.
  - Rebuttal expert witnesses shall be identified by 06/24/2020. Pursuant to Md. Rule 2-402(g), any designation shall include the following: (i) the subject matter on which the expert is expected to testify at trial; (ii) the substance of the findings and the opinions to which the expert is expected to testify and a summary of grounds for each opinion; and (iii) the production of any written report made by the expert concerning those findings and opinions.
  - All discovery shall be commenced so as to be concluded by 07/10/2020. The filing of a motion to compel or a motion for protective order will not result in a general extension of the discovery deadline. All parties are advised that this Court will enforce the Discovery Guidelines of the State Bar as set forth in the Maryland Rules when resolving discovery disputes. Extensions of time to answer specific discovery must be approved by Court Order for good cause shown. Failure to timely respond to discovery fully and completely because the discovery deadline is not imminent, or for any other reason lacking merit, will subject the offending party to sanctions, including attorney's fees.
  - All amended pleadings must be filed by 07/19/2020.
  - All motions (except motions in limine), including dispositive motions, must be filed by 07/29/2020.
  - Objections to portions of testimony on videotape, (including de bene esse depositions), for which a party seeks ruling by the Court for purposes of trial shall be submitted no later than 30 days prior to trial. Any opposition should be submitted within 10 days thereafter. Failure to timely follow these requirements may result in any such objection being considered waived.



8. Notice of intent to use computer-generated evidence at trial must be given 30 days prior to trial.
9. Parties are to exchange draft pretrial statements on or before 07/05/2020. A final joint pretrial statement, witness list and list of exhibits shall be filed with the court on or before 07/15/2020.
10. In cases when a jury trial has been prayed, a joint pretrial statement, requested voir dire, motions in limine, proposed jury instructions and proposed verdict sheet shall be submitted one week prior to trial. If using Maryland Pattern Jury Instructions (MPJI), it is only necessary to submit the MPJI numbers. The text of any other proposed jury instructions(s) must be provided to the Court as well as the legal authority for such instructions.
11. Suitable cases will be referred to Facilitation or Settlement Conference by 07/29/2020. An Order for Facilitation OR Pretrial Settlement Conference will be mailed to all counsel and unrepresented parties. If the parties are not ordered to attend Facilitation or Settlement Conference, the case will be scheduled for trial. If settlement is not reached in Facilitation or Settlement Conference, counsel and any unrepresented parties will be directed to the Calendar Management Department to obtain a trial date.

Failure to abide by this order will subject the non-complying counsel, party, or both to appropriate sanctions.

12/12/2019

Date

*William V. Tucker*

William V. Tucker

County Administrative Judge

cc: Martin V Dimitrov  
Board Of Education Of Howard County

**Need for Accommodation or Interpreter:** If any attorney or party who is required to appear before the Court is in need of an accommodation under the Americans with Disability Act or needs an interpreter, please contact the Court at 410-313-2028 or the Administrative Judge's Office at 410-313-2143.



**From:** [Kathleen V. Hanks](#)  
**To:** [Board Member's Email](#)  
**Subject:** CONFIDENTIAL: December 10 Closed Meeting Minutes are attached for your review  
**Date:** Thursday, December 12, 2019 3:05:37 PM  
**Attachments:** [12 10 2019 Confidential Closed Minutes for approval.docx](#)  
[12 10 2019 Official Closed Minutes for approval.docx](#)

---

Hi,

Paper copies of the official minutes will be at your place on the dais Tuesday.

Please contact me if you have any edits. Thank you!

Take care,

Kathy Hanks  
Administrator  
Board of Education of Howard County  
Phone: 410-313-7194  
Fax: 410-313-6833

OFFICIAL MINUTES OF THE  
BOARD OF EDUCATION OF HOWARD COUNTY  
CLOSED MEETING

December 10, 2019

The Board of Education of Howard County met in closed session on Tuesday, December 10, 2019, at 4:30 p.m., in the Board Planning Room of the Department of Education, 10910 Clarksville Pike, Ellicott City, MD 21042. A motion was made in public in the Board Room by Ms. Coombs that the Board go into closed session pursuant to Section 3-305 of the General Provisions Article of the Annotated Code of Maryland to discuss the Open Meetings Act Complaint 20-15; Personnel-An Individual Matter; Personnel-Ethics Panel Findings-Complaint #2-2019; Personnel-Ethics Panel Findings-Complaint #3-2019; Personnel-Ethics Panel Findings-Complaint #4-2019; and Chesney, et al. vs Howard County Board of Education. The motion was seconded by Mrs. Mallo and approved 5/0. Persons present: Board members, Mavis Ellis, Chair; Kirsten A. Coombs, Vice Chair (left 7:30 p.m.); Vicky Cutroneo; Christina Delmont-Small (arrived at 4:43 p.m. after the vote to close); Jennifer Mallo; and Chao Wu, Ph.D.

**ITEMS CONSIDERED, ACTION TAKEN, AND RECORDED VOTES:**

Also present: Michael J. Martirano, Ed.D., Superintendent (left at 5:25 and joined at 5:38 p.m.); Judith S. Bresler, Esq. and Patricia Ursprung of Carney, Kelehan, Bressler, Bennett, and Scherr, LLP (left at 5:25 p.m.) Trudy Grantham, Executive Assistant for the Board of Education (joined 5:32 p.m. and left 5:38 p.m.) Mark Blom (joined 5:38 p.m.), Suzanne W. Decker, Esq. and Sasha E. Hodge-Wren, Esq. of Miles & Stockbridge (joined at 6:13 p.m.); and Kathleen Hanks, Administrator

1. To discuss with legal counsel the open meetings act and complaint filed with the open meetings compliance board.

Board members provided information to legal counsel regarding the matter. Ms. Bresler and Ms. Ursprung gave legal advice. The Board had in-depth discussion, asked clarifying questions, and were in agreement on how to proceed. Counsel stated they would provide information to the Board, and the matter would be an agenda item on the next regularly scheduled Board meeting scheduled for Tuesday, December 17, 2019.

2. To discuss employment related matters concerning an individual.

The Board discussed an individual's employment and voted regarding employment.

3. To address the Ethics Complaint #3-2019.

Mrs. Grantham reviewed the ethics complaint and the Ethics Panel recommendation. The Board discussed the complaint and voted on the matter.

4. To address the Ethics Complaint #4-2019.

Ms. Ellis and Mrs. Mallo recused themselves and left the meeting at 5:36 p.m.

Mrs. Grantham reviewed the ethics complaint and the Ethics Panel recommendation. The Board discussed the complaint and voted on the matter.

Ms. Ellis returned at 5:38 p.m. Mrs. Mallo returned at 5:43 p.m.

5. To address the Ethics Complaint #2-2019.

Mr Blom reviewed the ethics complaint and the Ethics Panel recommendation. The Board discussed the complaint and voted on the matter. Board members requested staff to provide additional information for any future complaints.

6. To consult with legal counsel regarding a pending lawsuit.

The Board was provided an update of the lawsuit, received legal counsel, and voted on next steps.

Adjourned: 8:24 p.m. Submitted by: \_\_\_\_\_  
Mavis Ellis, Chair  
Board of Education

**From:** [Michelle Power](#)  
**To:** [Kirsten Coombs](#)  
**Subject:** [External] [Free Guide] Welcome new members onto your board effectively  
**Date:** Monday, December 9, 2019 2:00:51 PM

---

**! CAUTION: This email originated from outside of HCPSS. Do not click links or open attachments, unless you recognize the sender and know the content is safe.**

Diligent-logo



## Welcome new members onto your board effectively

---

Hi Kirsten,

Being elected to the local school board is a major accomplishment and a huge honor – but it comes with a set of critical roles and responsibilities. As a board member, the community is putting its trust in you to oversee the quality of education in the district and improve student achievement. Often times, new board members will hit many snags before properly learning the rules, procedures and laws that pertain to their position and duties. In order to help create the smoothest transition possible, we've put together a New School Board Member Orientation Kit with key strategies and tips to follow.

[Download your guide now](#)

In this Kit, you will find:

- Practical Strategies for New School Board Members
- Quick Tips to Avoid Open Meeting Violations
- Governance that Makes a Difference

If you'd like to chat about some of the challenges your board might be facing this school year and how certain technologies can help, simply reply to this email with "I'm interested!" and I'll gladly get some time on the calendar.

Talk soon,

Michelle Power  
Demand Generation Manager  
mpower@diligent.com  
778-655-2152

LINKEDIN  
FACEBOOK  
TWITTER

111 West 33rd St. 16th Floor, New York, NY 10120

This email was sent to kirsten\_coombs@hcpss.org. If you no longer wish to receive these emails you may [unsubscribe](#) at any time.



**From:** [Vicky Cutroneo](#)  
**To:** [Danielle Lueking](#); [Mavis Ellis](#); [Kirsten Coombs](#); [Christina Delmont-Small](#); [Sabina Taj](#); [Chao Wu](#); [Jennifer Mallo](#); [Michael Martirano](#)  
**Cc:** [Karalee Turner-Little](#); [Kathleen V. Hanks](#); [Mark Blom](#)  
**Subject:** Re: [External] Preservation of BOE Central Office Recordings  
**Date:** Friday, December 6, 2019 4:42:38 PM  
**Attachments:** [image001.png](#)

---

Danielle and Mark,  
I have notes of what transpired during the recess that I wrote up when I arrived home from the meeting. [REDACTED]

Please advise.

Vicky Cutroneo

Howard County Board of Education

Get [Outlook for iOS](#)

---

**From:** Danielle Lueking <[Danielle\\_Lueking@hcpss.org](mailto:Danielle_Lueking@hcpss.org)>  
**Sent:** Friday, December 6, 2019 2:40:15 PM  
**To:** Mavis Ellis <[Mavis\\_Ellis@hcpss.org](mailto:Mavis_Ellis@hcpss.org)>; Kirsten Coombs <[Kirsten\\_Coombs@hcpss.org](mailto:Kirsten_Coombs@hcpss.org)>; Christina Delmont-Small <[Christina\\_Delmont-Small@hcpss.org](mailto:Christina_Delmont-Small@hcpss.org)>; Sabina Taj <[Sabina\\_Taj@hcpss.org](mailto:Sabina_Taj@hcpss.org)>; Chao Wu <[Chao\\_Wu@hcpss.org](mailto:Chao_Wu@hcpss.org)>; Vicky Cutroneo <[Vicky\\_Cutroneo@hcpss.org](mailto:Vicky_Cutroneo@hcpss.org)>; Jennifer Mallo <[Jennifer\\_Mallo@hcpss.org](mailto:Jennifer_Mallo@hcpss.org)>; Michael Martirano <[Michael\\_Martirano@hcpss.org](mailto:Michael_Martirano@hcpss.org)>  
**Cc:** Karalee Turner-Little <[Karalee\\_TurnerLittle@hcpss.org](mailto:Karalee_TurnerLittle@hcpss.org)>; Kathleen V. Hanks <[Kathleen\\_Hanks@hcpss.org](mailto:Kathleen_Hanks@hcpss.org)>; Mark Blom <[Mark\\_Blom@hcpss.org](mailto:Mark_Blom@hcpss.org)>  
**Subject:** RE: [External] Preservation of BOE Central Office Recordings

Good afternoon,

As I know this went out right before the holiday last week, if you haven't reached out already please let me know by this coming Monday if you have any responsive records for the request below so that I can determine the volume and how to obtain.

Thank you,

**Danielle Lueking**

Legislative and Legal Affairs Officer  
Howard County Public School System

[Danielle\\_Lueking@hcpss.org](mailto:Danielle_Lueking@hcpss.org)

410-313-6820



---

**From:** Danielle Lueking  
**Sent:** Wednesday, November 27, 2019 10:23 AM

**To:** Mavis Ellis <Mavis\_Ellis@hcpss.org>; Kirsten Coombs <Kirsten\_Coombs@hcpss.org>; Christina Delmont-Small <Christina\_Delmont-Small@hcpss.org>; Sabina Taj <Sabina\_Taj@hcpss.org>; Chao Wu <Chao\_Wu@hcpss.org>; Vicky Cutroneo <Vicky\_Cutroneo@hcpss.org>; Jennifer Mallo <Jennifer\_Mallo@hcpss.org>; Michael Martirano <Michael\_Martirano@hcpss.org>

**Cc:** Karalee Turner-Little <Karalee\_TurnerLittle@hcpss.org>; Kathleen V. Hanks <Kathleen\_Hanks@hcpss.org>; Mark Blom <Mark\_Blom@hcpss.org>

**Subject:** RE: [External] Preservation of BOE Central Office Recordings

Good morning,

I spoke with the requester on the MPIA below and we have clarified the request in the following manner:

For the purposes of this request, he is particularly interested in records regarding what happened during the initial recess of the Board following the failed motion related to polygons 132, 1132 and 2132 as well as the subsequent discussion between the Board Chair and Superintendent during a later recess. Specific records/parameters include:

- Video – seeking recordings of either Board members and/or the Superintendent during the above recesses/discussions.
- Communications – seeking emails/texts or other communications sent during the timeframe of 6-10pm that evening, specifically from a Board member or the Superintendent (can exclude external communications to the Board or Sup during that timeframe).
- Handwritten notes – seeking notes made by Board members and/or the Superintendent during the timeframe of 6-10pm that evening, specifically regarding polygons 132, 1132, 2132 or the above recesses/discussions and the related vote.

I will work with our security staff regarding footage within the building if that exists. For communications, I will conduct a search of @hcpss emails – if you have other communications you sent during that timeframe related to HCPSS business please reach out next week so we can determine the volume. Same for handwritten notes.

Thank you and I hope everyone has a nice holiday!

**Danielle Lueking**

Legislative and Legal Affairs Officer  
Howard County Public School System

[Danielle\\_Lueking@hcpss.org](mailto:Danielle_Lueking@hcpss.org)

410-313-6820



---

**From:** Mark Blom <[Mark\\_Blom@hcpss.org](mailto:Mark_Blom@hcpss.org)>

**Sent:** Friday, November 22, 2019 8:12 AM

**To:** Mavis Ellis <[Mavis\\_Ellis@hcpss.org](mailto:Mavis_Ellis@hcpss.org)>; Kirsten Coombs <[Kirsten\\_Coombs@hcpss.org](mailto:Kirsten_Coombs@hcpss.org)>; Christina Delmont-Small <[Christina\\_Delmont-Small@hcpss.org](mailto:Christina_Delmont-Small@hcpss.org)>; Sabina Taj <[Sabina\\_Taj@hcpss.org](mailto:Sabina_Taj@hcpss.org)>; Chao Wu <[Chao\\_Wu@hcpss.org](mailto:Chao_Wu@hcpss.org)>; Vicky Cutroneo <[Vicky\\_Cutroneo@hcpss.org](mailto:Vicky_Cutroneo@hcpss.org)>; Jennifer Mallo <[Jennifer\\_Mallo@hcpss.org](mailto:Jennifer_Mallo@hcpss.org)>; Michael Martirano <[Michael\\_Martirano@hcpss.org](mailto:Michael_Martirano@hcpss.org)>

**Cc:** Karalee Turner-Little <[Karalee\\_TurnerLittle@hcpss.org](mailto:Karalee_TurnerLittle@hcpss.org)>; Kathleen V. Hanks <[Kathleen\\_Hanks@hcpss.org](mailto:Kathleen_Hanks@hcpss.org)>; Danielle Lueking <[Danielle\\_Lueking@hcpss.org](mailto:Danielle_Lueking@hcpss.org)>; Jahantab Siddiqui <[Jahantab\\_Siddiqui@hcpss.org](mailto:Jahantab_Siddiqui@hcpss.org)>; Brian W. Bassett <[Brian\\_Bassett@hcpss.org](mailto:Brian_Bassett@hcpss.org)>; Thomas McNeal <[Thomas\\_McNeal@hcpss.org](mailto:Thomas_McNeal@hcpss.org)>

**Subject:** Fw: [External] Preservation of BOE Central Office Recordings

Please read the Public Information Act request below. Danielle will be following up with the requestor to get greater clarity, and then with individuals as necessary to respond to the request.

Mark

---

**From:** Ross Laidig <[rlaidig@gmail.com](mailto:rlaidig@gmail.com)>

**Sent:** Friday, November 22, 2019 7:48 AM

**To:** Thomas McNeal <[Thomas\\_McNeal@hcpss.org](mailto:Thomas_McNeal@hcpss.org)>; Cathleen Mascaro <[Cathleen\\_Mascaro@hcpss.org](mailto:Cathleen_Mascaro@hcpss.org)>; Mark Blom <[Mark\\_Blom@hcpss.org](mailto:Mark_Blom@hcpss.org)>; Kimberly Clare <[Kimberly\\_Clare@hcpss.org](mailto:Kimberly_Clare@hcpss.org)>; Danielle Lueking <[Danielle\\_Lueking@hcpss.org](mailto:Danielle_Lueking@hcpss.org)>

**Subject:** [External] Preservation of BOE Central Office Recordings

**! CAUTION: This email originated from outside of HCPSS. Do not click links or open attachments, unless you recognize the sender and know the content is safe.**

Hello,

In accordance with the Maryland Public Information Act and the Maryland Open Meetings Act, I am writing to formally request the Howard County Board of Education and any associated employees, officers, agents and contractors identify, retain and preserve all records related to interactions and/or discussions about school redistricting that took place outside of the public meeting at the Central Office located at 10910 Clarksville Pike, Ellicott City, MD 21042 on Thursday, November 21, 2019. This includes all handwritten, typed, electronic, audio and video records and recordings made by, of, or about Board Members or the topic of school redistricting that occurred outside of the public meeting between 6:00pm Eastern Time and 10:00 pm Eastern Time.

These recordings include but are not limited to security footage and any other means to record audio and/or video throughout the entire Central Office building, as well as Board Member notes, emails, texts, social media app or website messages, or other documentation regarding interactions and discussions that took place outside of the public meeting room.

Further, in accordance with the Maryland Public Information Act and the Maryland

Open Meetings Act, I formally request that these records be provided to me.

Please let me know if you have any questions.

Thank you,

Ross Laidig

[REDACTED]

[REDACTED]

[REDACTED]

[rlaidig@gmail.com](mailto:rlaidig@gmail.com)



**From:** [Jennifer Mallo](#)  
**To:** [jsb@carneykelehan.com](mailto:jsb@carneykelehan.com)  
**Subject:** memorandum for the record  
**Date:** Wednesday, December 4, 2019 6:15:00 PM  
**Attachments:** [Memorandum for the Record--Redistricting.docx](#)

---

Ms. Bresler,

[REDACTED]

Regards,  
Jennifer Mallo

Jennifer Swickard Mallo  
Howard County Board of Education Member  
410-355-7043 Direct  
410-313-7194 Office

## Memorandum for the Record—11/22/2019

At the Board meeting of 11/21/2019, when the Board was voting on the school attendance areas, a motion (motion #4) failed. Upon its failure, I motioned/called for a recess to allow me the opportunity to consider the impact of the vote failure.

As had happened previously in the evening, when we were presented new information, I requested and was granted a 15 minute recess and review to consider new information. During this earlier time, I took my paperwork of new information with me and retreated first to the Board Planning Room and then to a semi-private space at the desk of one of the Board's administrative personnel to evaluate the information.

With the failure of the vote, I knew that the cascading effects of the vote would be critically impactful to the whole structure of the redistricting plan.

I picked up my packet of information and retreated into the Board Planning Room. Ms. Coombs and Ms. Taj were already in the room. Ms. Taj asked what happened not fully understanding the implications of the motion's failure to pass. I expressed my thinking that the whole elementary plan fell apart. I expressed to both Coombs and Taj that I believed we would have to walk back all of West Columbia. Ms. Taj expressed that we could not possibly do that. I informed her that I believed it was our only option in light of the vote failure. I then set my packet of papers on the far end of the conference table.

At some point, we were joined by Board Administrator Kathy Hanks.

Ms. Taj remarked that only the prevailing side could reconsider the vote. Directing her comments to Ms. Coombs, She pleaded with Ms. Coombs to reconsider the vote.

Ms. Coombs responded that she was being bullied by the left and the right because she was the swing vote [referring, I believe, to the political spectrum].

At that point, I left to return to the dais in order to get additional materials for my consideration. As I left, Ms. Coombs was crying about the situation.

When I returned to the Board Planning Room, the room was filled with Board members and the Superintendent entered expressing that an administrative session could only be called to explain the impact of the moves, but that Board members could not ask questions or deliberate.

At that point, Chair Ellis informed the Superintendent that we were ready to return to the dais and the vote would be reconsidered. Ms. Coombs expressed that she would be bringing the motion #4 up for reconsideration. According to the time stamp on the video recording, the amount of time of the recess was less than four minutes.

I remarked to the Deputy Superintendent that I would like to hear what the Superintendent might have said with regards to the impact, but at that point, the Board and Administration had begun to file into the Board Room.

Chair Ellis reconvened the meeting and inadvertently called it an administrative session. Ms. Coombs brought the motion back up for reconsideration while crying. She also expressed that she did it because otherwise the whole plan fell apart.

At some point later, the Superintendent asked to consult privately with Chair Ellis. At that point, Chair Ellis corrected the record to reflect that an administrative session did not occur.

At no point did a closed meeting occur. Nor did the Board willfully circumvent the sunshine laws or Open Meetings Act.

To my knowledge, the Board did not deliberate on the actions to be taken when we returned to public session, nor did Board members direct Ms. Coombs as to her actions.

My sole intent in calling for the recess was to allow me the opportunity to evaluate the impact that might occur with this unexpected motion failure, given the opposite had occurred in the straw vote 3 days earlier (Monday 11/18/19).

**From:** [Kathleen V. Hanks](#)  
**To:** [Jennifer Mallo](#); [Vicky Cutroneo](#); [Mark Blom](#); [Mavis Ellis](#); [Kirsten Coombs](#); [Christina Delmont-Small](#); [Chao Wu](#); [Sabina Taj](#); [Michael Martirano](#)  
**Cc:** [Karalee Turner-Little](#)  
**Subject:** RE: Urgent OMA Complaint  
**Date:** Tuesday, December 3, 2019 5:07:50 PM

---

Hi,

Your attorney will advise in closed session. I have emailed Ms. Bresler.

Take care,

Kathy Hanks  
Administrator  
Board of Education  
Phone: 410-313-7194  
Fax: 410-313-6633  
Email: [kathleen\\_hanks@hcpss.org](mailto:kathleen_hanks@hcpss.org)

---

**From:** Jennifer Mallo <[Jennifer\\_Mallo@hcpss.org](mailto:Jennifer_Mallo@hcpss.org)>  
**Sent:** Tuesday, December 3, 2019 12:36 PM  
**To:** Vicky Cutroneo <[Vicky\\_Cutroneo@hcpss.org](mailto:Vicky_Cutroneo@hcpss.org)>; Mark Blom <[Mark\\_Blom@hcpss.org](mailto:Mark_Blom@hcpss.org)>; Mavis Ellis <[Mavis\\_Ellis@hcpss.org](mailto:Mavis_Ellis@hcpss.org)>; Kirsten Coombs <[Kirsten\\_Coombs@hcpss.org](mailto:Kirsten_Coombs@hcpss.org)>; Christina Delmont-Small <[Christina\\_Delmont-Small@hcpss.org](mailto:Christina_Delmont-Small@hcpss.org)>; Chao Wu <[Chao\\_Wu@hcpss.org](mailto:Chao_Wu@hcpss.org)>; Sabina Taj <[Sabina\\_Taj@hcpss.org](mailto:Sabina_Taj@hcpss.org)>; Michael Martirano <[Michael\\_Martirano@hcpss.org](mailto:Michael_Martirano@hcpss.org)>  
**Cc:** Kathleen V. Hanks <[Kathleen\\_Hanks@hcpss.org](mailto:Kathleen_Hanks@hcpss.org)>; Karalee Turner-Little <[Karalee\\_TurnerLittle@hcpss.org](mailto:Karalee_TurnerLittle@hcpss.org)>  
**Subject:** Re: Urgent OMA Complaint

Kathy,

[REDACTED]

Thanks,  
Jen

Jennifer Swickard Mallo  
Howard County Board of Education Member  
Direct 443-355-7043  
Office 410-313-7194

---

**From:** Vicky Cutroneo <[Vicky\\_Cutroneo@hcpss.org](mailto:Vicky_Cutroneo@hcpss.org)>  
**Sent:** Tuesday, December 3, 2019 10:41:32 AM  
**To:** Mark Blom <[Mark\\_Blom@hcpss.org](mailto:Mark_Blom@hcpss.org)>; Mavis Ellis <[Mavis\\_Ellis@hcpss.org](mailto:Mavis_Ellis@hcpss.org)>; Kirsten Coombs <[Kirsten\\_Coombs@hcpss.org](mailto:Kirsten_Coombs@hcpss.org)>; Christina Delmont-Small <[Christina\\_Delmont-Small@hcpss.org](mailto:Christina_Delmont-Small@hcpss.org)>; Chao Wu <[Chao\\_Wu@hcpss.org](mailto:Chao_Wu@hcpss.org)>; Sabina Taj <[Sabina\\_Taj@hcpss.org](mailto:Sabina_Taj@hcpss.org)>; Jennifer Mallo



<[Jennifer\\_Mallo@hcpss.org](mailto:Jennifer_Mallo@hcpss.org)>; Michael Martirano <[Michael\\_Martirano@hcpss.org](mailto:Michael_Martirano@hcpss.org)>  
**Cc:** Kathleen V. Hanks <[Kathleen\\_Hanks@hcpss.org](mailto:Kathleen_Hanks@hcpss.org)>; Karalee Turner-Little  
<[Karalee\\_TurnerLittle@hcpss.org](mailto:Karalee_TurnerLittle@hcpss.org)>  
**Subject:** Re: Urgent OMA Complaint

Colleagues,

Following up on my email below, sent 11/22. Requesting opportunities to discuss not only the OMA complaint but board member interactions during the recess.

Regards,  
Vicky Cutroneo  
Howard County Board of Education  
Mobile: 443-394-0008  
[vicky\\_cutroneo@hcpss.org](mailto:vicky_cutroneo@hcpss.org)

---

**From:** Vicky Cutroneo <[Vicky\\_Cutroneo@hcpss.org](mailto:Vicky_Cutroneo@hcpss.org)>  
**Sent:** Friday, November 22, 2019 7:41 AM  
**To:** Mark Blom <[Mark\\_Blom@hcpss.org](mailto:Mark_Blom@hcpss.org)>; Mavis Ellis <[Mavis\\_Ellis@hcpss.org](mailto:Mavis_Ellis@hcpss.org)>; Kirsten Coombs <[Kirsten\\_Coombs@hcpss.org](mailto:Kirsten_Coombs@hcpss.org)>; Christina Delmont-Small <[Christina\\_Delmont-Small@hcpss.org](mailto:Christina_Delmont-Small@hcpss.org)>; Chao Wu <[Chao\\_Wu@hcpss.org](mailto:Chao_Wu@hcpss.org)>; Sabina Taj <[Sabina\\_Taj@hcpss.org](mailto:Sabina_Taj@hcpss.org)>; Jennifer Mallo <[Jennifer\\_Mallo@hcpss.org](mailto:Jennifer_Mallo@hcpss.org)>; Michael Martirano <[Michael\\_Martirano@hcpss.org](mailto:Michael_Martirano@hcpss.org)>  
**Cc:** Kathleen V. Hanks <[Kathleen\\_Hanks@hcpss.org](mailto:Kathleen_Hanks@hcpss.org)>; Karalee Turner-Little <[Karalee\\_TurnerLittle@hcpss.org](mailto:Karalee_TurnerLittle@hcpss.org)>  
**Subject:** Re: Urgent OMA Complaint



Regards  
Vicky Cutroneo  
Howard County Board of Education

Get [Outlook for iOS](#)

---

**From:** Mark Blom <[Mark\\_Blom@hcpss.org](mailto:Mark_Blom@hcpss.org)>  
**Sent:** Thursday, November 21, 2019 10:04:23 PM  
**To:** Mavis Ellis <[Mavis\\_Ellis@hcpss.org](mailto:Mavis_Ellis@hcpss.org)>; Kirsten Coombs <[Kirsten\\_Coombs@hcpss.org](mailto:Kirsten_Coombs@hcpss.org)>; Christina Delmont-Small <[Christina\\_Delmont-Small@hcpss.org](mailto:Christina_Delmont-Small@hcpss.org)>; Chao Wu <[Chao\\_Wu@hcpss.org](mailto:Chao_Wu@hcpss.org)>; Sabina Taj <[Sabina\\_Taj@hcpss.org](mailto:Sabina_Taj@hcpss.org)>; Jennifer Mallo <[Jennifer\\_Mallo@hcpss.org](mailto:Jennifer_Mallo@hcpss.org)>; Vicky Cutroneo <[Vicky\\_Cutroneo@hcpss.org](mailto:Vicky_Cutroneo@hcpss.org)>; Michael Martirano <[Michael\\_Martirano@hcpss.org](mailto:Michael_Martirano@hcpss.org)>  
**Cc:** Kathleen V. Hanks <[Kathleen\\_Hanks@hcpss.org](mailto:Kathleen_Hanks@hcpss.org)>; Karalee Turner-Little <[Karalee\\_TurnerLittle@hcpss.org](mailto:Karalee_TurnerLittle@hcpss.org)>  
**Subject:** Urgent OMA Complaint

Attorney-client privileged

Attached is a copy of a complaint that has been filed with the Open Meetings Compliance Board concerning the Board's recess. [REDACTED]

[REDACTED]

Mark

Barbara Krupiarz

barbkrap@verizon.net

Date: 11/21/2019

To: Open Meetings Compliance Board

CC: HCPSS General Counsel

Subject: Open Meeting Act complaint against the Howard County Board of Education

Justification:

The Howard County Board of Education met on November 21, 2019 to vote on redistricting motions at the close of a very contentious process that divided the community and even made national news. Upon the failure of two motions moving specific polygons, Board member Mallo "moved that the Board go into recess to consider the impacts of the failure of [those] motions." The community has been very involved in the process for public hearings, work sessions, and attendance at the meeting to vote on the decisions. The Board did not mention any exception to the Open Meetings Act when they went into closed session to strong arm a Board member into changing her vote. The Board came back from their private meeting during this open meeting and immediately voted to reconsider their previous vote. The community did not get to hear the justifications for why one Board member, Coombs, changed her vote which made the motion pass. Nor was there a justification of one of the exceptions to go into a closed meeting. One Board member, Wu, asked if a vote was needed after Board member Mallo "moved to go into recess" and he was told no. After the Board realized their violation of the Open Meetings Act, they took a recess and the Chair came back to state that she may have inadvertently stated that they went into closed meeting for administrative function, but they did not.

The Open Meetings Act manual introduction states:

The ability of the public, its representatives, and the media to attend, report on, and broadcast meetings of public bodies and to witness the phases of the deliberation, policy formation, and decision making of public bodies ensures the accountability of government to the citizens of the State.

This "recess" to discuss the impacts of a vote is the worst kind of action by a public body, voting on a very public matter in an open session, and then hiding in secret because some members did not like the outcome, without the public being able to witness the deliberation. The Board had a large number of work sessions to deliberate on these matters and to then secretly discuss a failed vote after months of public meetings is clearly a violation of the Open Meetings Act and a significant deterioration of the public trust.

Sincerely,

*Barbara Krupiarz*

**From:** [Jennifer Mallo](#)  
**To:** [Mark Blom](#); [Mavis Ellis](#); [Kirsten Coombs](#); [Sabina Taj](#); [Chao Wu](#); [Vicky Cutroneo](#); [Christina Delmont-Small](#); [Michael Martirano](#)  
**Cc:** [Kathleen V. Hanks](#)  
**Subject:** Re: [External] OMCB Complaint 20-15  
**Date:** Tuesday, December 3, 2019 12:31:22 PM

---

[REDACTED]

Regards,  
Jen

Jennifer Swickard Mallo  
Howard County Board of Education Member  
Direct 443-355-7043  
Office 410-313-7194

---

**From:** Mark Blom <Mark\_Blom@hcpss.org>  
**Sent:** Tuesday, December 3, 2019 11:24:29 AM  
**To:** Mavis Ellis <Mavis\_Ellis@hcpss.org>; Kirsten Coombs <Kirsten\_Coombs@hcpss.org>; Sabina Taj <Sabina\_Taj@hcpss.org>; Chao Wu <Chao\_Wu@hcpss.org>; Vicky Cutroneo <Vicky\_Cutroneo@hcpss.org>; Christina Delmont-Small <Christina\_Delmont-Small@hcpss.org>; Jennifer Mallo <Jennifer\_Mallo@hcpss.org>; Michael Martirano <Michael\_Martirano@hcpss.org>  
**Cc:** Kathleen V. Hanks <Kathleen\_Hanks@hcpss.org>  
**Subject:** FW: [External] OMCB Complaint 20-15

Board members,

[REDACTED]

Mark

---

**From:** OpenGov <opengov@oag.state.md.us>  
**Sent:** Friday, November 22, 2019 1:00 PM  
**To:** Mavis Ellis <Mavis\_Ellis@hcpss.org>  
**Cc:** barbkup@verizon.net; Mark Blom <Mark\_Blom@hcpss.org>; Michael Martirano <Michael\_Martirano@hcpss.org>; Kathleen V. Hanks <Kathleen\_Hanks@hcpss.org>  
**Subject:** [External] OMCB Complaint 20-15

**! CAUTION: This email originated from outside of HCPSS. Do not click links or open attachments, unless you recognize the sender and know the content is safe.**

November 22, 2019

Mavis Ellis  
Chair  
Board of Education



Howard County Public School System  
10910 Clarksville Pike  
Ellicott City, MD 21042  
[mavis\\_ellis@hcpss.org](mailto:mavis_ellis@hcpss.org)

Dear Ms. Ellis,

The Open Meetings Compliance Board (Compliance Board) has received the attached complaint alleging violations of the Open Meetings Act by the Howard County Board of Education.

Under §3-206 of the General Provisions Article of the Maryland Code, the Commission is to file a written response to the open meetings allegations in the complaint within 30 days of its receipt of this letter (December 23, 2019). The Compliance Board also requests that Ms. Krupiarz be provided with a copy of your response. You can get his email address from this email, on which he has been copied. The Compliance Board's procedures are posted at <http://www.marylandattorneygeneral.gov/Pages/OpenGov/OpenMeetings/complaint.aspx>.

Generally, the Compliance Board is able to issue an opinion within 30 days of its receipt of the public body's response and any supplemental papers. Thank you for your attention to this matter. Please feel free to contact me if you have any questions.

Janice Clark  
Administrative Officer  
Open Meetings Compliance Board  
c/o Office of the Attorney General  
Public Access Unit  
410-576-7033

- cc. Complainant, Barbara Krupiarz, [barbkrup@verizon.net](mailto:barbkrup@verizon.net)  
General Counsel, Mark Blum, [mark\\_blom@hcpss.org](mailto:mark_blom@hcpss.org)  
School Superintendent, Michael Martirano, [Michael\\_martirano@hcpss.org](mailto:Michael_martirano@hcpss.org),  
Administrator Kathleen Hanks, [kathleen\\_hanks@hcpss.org](mailto:kathleen_hanks@hcpss.org)

Confidentiality Notice:

This e-mail, including any attachment(s), is intended for receipt and use by the intended addressee(s), and may contain confidential and privileged information. If you are not an intended recipient of this e-mail, you are hereby notified that any unauthorized use or distribution of this e-mail is strictly prohibited, and requested to delete this communication and its attachment(s) without making any copies thereof and to contact the sender of this e-mail immediately. Nothing contained in the body and/or header of this e-mail is intended as a signature or intended to bind the addressor or any person represented by the addressor to the terms of any agreement that may be the subject of this e-mail or its attachment(s), except where such intent is expressly indicated.

---

Barbara Krupiarz

barbkrap@verizon.net

Date: 11/21/2019

To: Open Meetings Compliance Board

CC: HCPSS General Counsel

Subject: Open Meeting Act complaint against the Howard County Board of Education

Justification:

The Howard County Board of Education met on November 21, 2019 to vote on redistricting motions at the close of a very contentious process that divided the community and even made national news. Upon the failure of two motions moving specific polygons, Board member Mallo "moved that the Board go into recess to consider the impacts of the failure of [those] motions." The community has been very involved in the process for public hearings, work sessions, and attendance at the meeting to vote on the decisions. The Board did not mention any exception to the Open Meetings Act when they went into closed session to strong arm a Board member into changing her vote. The Board came back from their private meeting during this open meeting and immediately voted to reconsider their previous vote. The community did not get to hear the justifications for why one Board member, Coombs, changed her vote which made the motion pass. Nor was there a justification of one of the exceptions to go into a closed meeting. One Board member, Wu, asked if a vote was needed after Board member Mallo "moved to go into recess" and he was told no. After the Board realized their violation of the Open Meetings Act, they took a recess and the Chair came back to state that she may have inadvertently stated that they went into closed meeting for administrative function, but they did not.

The Open Meetings Act manual introduction states:

The ability of the public, its representatives, and the media to attend, report on, and broadcast meetings of public bodies and to witness the phases of the deliberation, policy formation, and decision making of public bodies ensures the accountability of government to the citizens of the State.

This "recess" to discuss the impacts of a vote is the worst kind of action by a public body, voting on a very public matter in an open session, and then hiding in secret because some members did not like the outcome, without the public being able to witness the deliberation. The Board had a large number of work sessions to deliberate on these matters and to then secretly discuss a failed vote after months of public meetings is clearly a violation of the Open Meetings Act and a significant deterioration of the public trust.

Sincerely,

*Barbara Krupiarz*

## Addendum

The full redistricting process can be found here:

<https://www.hcps.org/school-planning/boundary-review/process/>

The Howard County Board of Education held public hearings on this redistricting process on the following dates:

Tuesday, September 17, 7 p.m.  
Tuesday, September 24, 7 p.m.  
Thursday, September 26, 6 p.m. (NOTE: Time changed from 7 p.m.)  
Monday, October 7, 6 p.m.  
October 7 order of testimony  
Thursday, October 10, 6 p.m.  
Monday, October 14, 6 p.m.  
Tuesday, October 15, 6 p.m.

The Howard County Board of Education held public work sessions on this redistricting process on the following dates:

Thursday, October 17, 7 p.m.  
Monday, October 28, 6:30 p.m.  
Wednesday, October 30, 6:30 p.m.  
Tuesday, November 5, 6:30 p.m.  
Thursday, November 7, 1 p.m.  
Tuesday, November 12, 4 p.m.  
Wednesday, November 13, 1 p.m.  
Thursday, November 14, 1 and 6:30 p.m.  
Monday, November 18, 1 and 6:30 p.m.

During the November 21, 2019 public vote by the Board of Education, the following transpired at these approximate timestamps: <https://hcpsstv.new.swagit.com/videos/38244>

4:01 Board member Coombs responds to other Board members who were questioning the validity of the data "Would any of these changes make a difference in your vote?"

4:11 After one motion fails (3-4 vote) for moves of certain neighborhoods, Board member Mallo states "I move that we go into recess to consider the impacts of that last failed motion"

Board member Taj "second"

Board Chair Ellis "We will go into recess..."

Board member Wu "Do we need a vote?"

Board administrator Hanks and Board Chair Ellis "No"

4:15 video resumes after an apparent motion to which Mallo states "Can I second that?"

Coombs (crying) "because otherwise the whole plan falls apart"

Board votes again on the failed motion and it passes (4-3) with Coombs changing her vote.

Upon information and belief, Board members bullied Coombs into changing her vote. The public had no ability to witness the deliberations which resulted in a change in whether a group of students who are currently walkers would be bused to a school farther away from their homes.

**From:** [Al Sprenger](#)  
**To:** [Jennifer Mallo](#); [BoE Email](#); [Kirsten Coombs](#); [Mavis Ellis](#); [Chao Wu](#)  
**Cc:** [Superintendent](#)  
**Subject:** [External] As School District Implements Busing Over Near-Unanimous Opposition, Chinese Immigrants See Communism  
**Date:** Sunday, November 24, 2019 10:30:10 AM

---

**! CAUTION: This email originated from outside of HCPSS. Do not click links or open attachments, unless you recognize the sender and know the content is safe.**

Ref.:

1. <https://dailycaller.com/2019/11/23/howard-school-busing-crying-socialism/>
2. <https://www.facebook.com/groups/2481593048731404/permalink/2545275365696505/>

School Board Members,

This article/expose' certainly doesn't seem to bode well for Howard County. I wouldn't be surprised that a class action lawsuit from the parents doesn't appear in your near-future. The board is getting national attention from this for all of the WRONG reasons.

From the article:

1. **"After one vote failed, members went into a back room, and when they came out, one of the members who voted "no" was crying. They did a do-over and she changed her vote."** *Are you kidding me? You brow beat/intimidated a member to change her vote? Yep, I see parental legal action in your future. I saw this on the web site: "Wednesday, December 12, 4 p.m. – Work Session: Bullying, Cyberbullying, and Harassment Report"....I'm guessing Ms. Mallo missed this meeting based on her behavior.*
2. **"Board member Jennifer Mallo lectured to constituents who voiced displeasure, saying it was a "privilege" that they got to witness the meeting, admonishing them not criticize her on social media, and complaining about her salary."** *Good Lord, you've got to be kidding me? Ms. Mallo certainly needs to start the "apology process" to parents.*
3. **"Immigrants from China and the former Soviet Union said that what they were witnessing reminded them of the totalitarian regimes where they grew up."** *I think this sums it up real well.*
4. **"A Howard County, Maryland, school board voted Thursday to implement a busing initiative opposed by the vast majority of the public."** *Certainly doesn't sound like the board is connected to the parents/community.*
5. **"Board member Kirsten Coombs voted "no" after board member Jennifer Mallo motioned to move a swath of children out of their schools to try to balance poverty rates. It failed 4-3, and people clapped.** "I move that we go into recess to consider the impact of the failure of that last motion," Mallo said.

Coombs appeared to be [crying](#) (facebook video link supplied per the Ref. article) when they came out of the back room and said the board should vote again “because otherwise the entire plan falls apart.”

The board redid the vote, with Coombs’ voice cracking as she said “yes.” The vote was part of a series taken by the board that, together, resulted in the large-scale moving of children to different schools based on their parents’ income, effective in 2020.” *Ms. Coombs: I am very sorry that your fellow board members drove you to tears and I regret even more that it worked and you changed your vote. Ms. Mallo: Your, and your complicit board member’s, behavior was totally reprehensible and brings the phrase “power unchecked” comes to mind. You have an agenda in mind and you push it through no matter that the “VAST MAJORITY” at the meeting opposed it. The audacity and sheer gall.....*

6. “Residents of the center-left county are in shock that the board passed a busing plan will move about 5,300 children from their neighborhood schools to balance poverty, ***despite almost unanimous opposition in the testimony the board heard, and the school system’s own data showing no connection between equal demographics of schools and more equal performance of demographic groups.***” *What more proof did you need to tell you YOUR WERE WRONG about this agenda.*

7. “Mallo spent four minutes [scolding the public](#) (see #2 above) on Nov. 7 for noisily voicing their opposition to the plan and lamenting that the Open Meetings Act gave them the right to be there.”

8. ““Our community is watching you. We have chosen to support each other as board members,” Mallo said. “We are not denigrating to each other. We do not raise our voices to each other.”” *And may I add, Ms. Mallo, that “your community is watching you!” Actually, the entire country is now, after this expose’, watching YOU!*

9. “Mallo added: **We do not call each other names. We don’t intimidate each other and we don’t bully each other. Unfortunately, our community has chosen to do the opposite. You are allowed in this meetings through the Open Meetings Act. Your behavior must conform with the [civility policy]. It has not done that. Many of you have had side conversations that cannot continue. ... That will stop today. ...**

**The Open Meetings Act allows you to be here. We expect you to take that privilege and respect your fellow audience members. From here on out, all signs must be displayed no higher than your chin. ... They will not be waved. If they are waved, if they are above your chin, if the side conversations continue, you will be asked to leave. ... We are public servants, some of the board members make \$15,000 a year and the ones most recently elected make \$16,000 a year. ... So on social media, please stop attacking us.”** *Why was Ms. Mallo chairing this meeting? She is neither Chair or Vice-Chair. If she wasn’t, her dominance of this meeting would certainly lead one to surmise she did.*

10. “Chao Wu, the school board’s only immigrant member, wrote on his website Friday that he “met and talked to many community members. My notes filled 2 large notebooks. The key message from the community has been: Don’t move my kids. We love our community school. As elected BOE members, we are obligated to listen to our constituents.” *There wouldn’t be a PR nightmare for the board if ALL members would have shared Mr. Wu’s attitude.*

“We made a crisis by placing balancing FARM rate as the highest priority for this redistricting,” he [wrote](#), calling it a tornado. “Under a tornado, everyone gets hurt,” he said.”



*Thank you Mr. Wu....You reached out to the community and fulfilled your obligation. Now please proceed on rescinding this "tornado" and reconnect with try to get the community's confidence back.*

Al S.

**From:** [Jennifer Mallo](#)  
**To:** [Mark Blom](#)  
**Subject:** attorney client privileged  
**Date:** Saturday, November 23, 2019 7:53:00 PM  
**Attachments:** [Memorandum for the Record--Redistricting.docx](#)

---

Mark,

[REDACTED]

Thank you,  
Jen

Jennifer Swickard Mallo  
Howard County Board of Education Member  
410-355-7043 Direct  
410-313-7194 Office

## Memorandum for the Record—11/22/2019

At the Board meeting of 11/21/2019, when the Board was voting on the school attendance areas, a motion (motion #4) failed. Upon its failure, I motioned/called for a recess to allow me the opportunity to consider the impact of the vote failure.

As had happened previously in the evening, when we were presented new information, I requested and was granted a 15 minute recess and review to consider new information. During this earlier time, I took my paperwork of new information with me and retreated first to the Board Planning Room and then to a semi-private space at the desk of one of the Board's administrative personnel to evaluate the information.

With the failure of the vote, I knew that the cascading effects of the vote would be critically impactful to the whole structure of the redistricting plan.

I picked up my packet of information and retreated into the Board Planning Room. Ms. Coombs and Ms. Taj were already in the room. Ms. Taj asked what happened not fully understanding the implications of the motion's failure to pass. I expressed my thinking that the whole elementary plan fell apart. I expressed to both Coombs and Taj that I believed we would have to walk back all of West Columbia. Ms. Taj expressed that we could not possibly do that. I informed her that I believed it was our only option in light of the vote failure. I then set my packet of papers on the far end of the conference table.

At some point, we were joined by Board Administrator Kathy Hanks.

Ms. Taj remarked that only the prevailing side could reconsider the vote. Directing her comments to Ms. Coombs, She pleaded with Ms. Coombs to reconsider the vote.

Ms. Coombs responded that she was being bullied by the left and the right because she was the swing vote [referring, I believe, to the political spectrum].

At that point, I left to return to the dais in order to get additional materials for my consideration. As I left, Ms. Coombs was crying about the situation.

When I returned to the Board Planning Room, the room was filled with Board members and the Superintendent entered expressing that an administrative session could only be called to explain the impact of the moves, but that Board members could not ask questions or deliberate.

At that point, Chair Ellis informed the Superintendent that we were ready to return to the dais and the vote would be reconsidered. Ms. Coombs expressed that she would be bringing the motion #4 up for reconsideration. According to the time stamp on the video recording, the amount of time of the recess was less than four minutes.

I remarked to the Deputy Superintendent that I would like to hear what the Superintendent might have said with regards to the impact, but at that point, the Board and Administration had begun to file into the Board Room.

Chair Ellis reconvened the meeting and inadvertently called it an administrative session. Ms. Coombs brought the motion back up for reconsideration while crying. She also expressed that she did it because otherwise the whole plan fell apart.

At some point later, the Superintendent asked to consult privately with Chair Ellis. At that point, Chair Ellis corrected the record to reflect that an administrative session did not occur.

At no point did a closed meeting occur. Nor did the Board willfully circumvent the sunshine laws or Open Meetings Act.

To my knowledge, the Board did not deliberate on the actions to be taken when we returned to public session, nor did Board members direct Ms. Coombs as to her actions.

My sole intent in calling for the recess was to allow me the opportunity to evaluate the impact that might occur with this unexpected motion failure, given the opposite had occurred in the straw vote 3 days earlier (Monday 11/18/19).

**From:** [Pretlow II, Larry](#)  
**To:** [Sandy Cederbaum](#); [Amy Carpenter](#); [William R. McCormack Jr.](#); [Virginia \(Ginny\) Thomas](#); [Jonathan Edelson](#); [Lynn-Steven Engelke](#); [Paul Verchinski](#); [Bag Verma](#); [Rebecca Bryant](#); [Larry Pretlow II](#); [Mavis Ellis](#); [Kirsten Coombs](#); [Vicky Cutroneo](#); [Christina Delmont-Small](#); [Jennifer Mallo](#); [Sabina Taj](#); [Chao Wu](#); [Student Board Member](#); [Kathleen V. Hanks](#); [Trudy M. Grantham](#); [EWalsh@howardcountymd.gov](#); [OJones@howardcountymd.gov](#); [CRigby@howardcountymd.gov](#); [DJung@howardcountymd.gov](#); [DYungmann@howardcountymd.gov](#); [DJJones@howardcountymd.gov](#); [RRegner@howardcountymd.gov](#); [Rebecca Bryant](#)  
**Subject:** [External] Corrected: [Larry Pretlow II] Statement on Education & Community Advocacy in OM  
**Date:** Saturday, November 23, 2019 12:13:37 PM

---

**! CAUTION: This email originated from outside of HCPSS. Do not click links or open attachments, unless you recognize the sender and know the content is safe.**

Correction to statement: Do your jobs down there in the George Howard Building and at the Board of Education **OR** get out the way!

## **Call to Action: A Statement on Education & Community Advocacy in Oakland Mills**

(November 23, 2019, Columbia, Maryland) I've long called for all hands on deck from all our local officials to help families where they are. We need intervention, investment, and resources for vibrant communities to counter, reduce, and end the challenges and circumstances that have left many families to depend on free and reduced meals, more specifically in Oakland Mills.

No Oakland Mills is not a poor community. Yet we are a community that has been left without resources to assist an economic and socially diverse population that needs intervention (for example our residents whose first language is Spanish or parents who cannot help with homework)

We have a high concentration of specific demographics (including section 8 voucher holders) that impact the FARMS rates. To me, this has never justified any attempts to balance poverty; however, it has been my continued effort to call for lifting these families, keeping them in their neighborhoods without the disruption of others and ending their FARMS dependencies.

Upgrade the schools, where families who depend on FARMS live, in their vibrant communities (a holistic learning environment). I believe it was never the Board of Education's job to address poverty. Also, the BOE was scapegoated by other county elected officials - whose duties are to reduce poverty and create opportunities.

In OM, we hear a lot about SFES [REDACTED] and that the schools are segregated by socio-economic status. Let's be honest; that's not what the concern is. Many in OM (opposed to our community looking like the ghetto) don't want to be associated with a school that looks like high poverty on paper, so they supported a lousy plan (with faulty data) to "balance" poverty and struggle.

Next, there is also the oppressive race-baiting tactics being peddled by particular religious leaders who believe that black American students cannot unlock their high intellectual potentials amongst one another in their community classrooms without unjustly busing in students from wealthier households "to balance the numbers."

Let's be clear; You don't adjust (balance) poverty -- you reduce it by providing new and



expanded employment opportunities with community programs to assist households in their productivity to gradually end dependency while increasing their skills to be self-sufficient. We find the money to do every darn thing else in this county.

The approved redistricting plan uses socio-economic status to address overcrowding - yet it does nothing for the families that are experiencing economic hardships; while creating new socio-economic challenges in now newly disrupted communities.

In doing the jobs of others, the Board of Education has created more problems than they are not tasked with fixing (by statue) or alone cannot fix (without all hands on deck from all levels of our local government).

Do your jobs down there in the George Howard Building and at the Board of Education **OR** get out the way!

Respectfully,  
Larry Pretlow II  
2020 Board of Education Candidate  
[www.LarryPretlow.com](http://www.LarryPretlow.com)

# # #

**From:** [Pretlow II, Larry](#)  
**To:** [Sandy Cederbaum](#); [Amy Carpenter](#); [William R. McCormack Jr.](#); [Virginia \(Ginny\) Thomas](#); [Jonathan Edelson](#); [Lynn-Steven Engelke](#); [Paul Verchinski](#); [Bag Verma](#); [Rebecca Bryant](#); [Larry Pretlow II](#); [Mavis Ellis](#); [Kirsten Coombs](#); [Vicky Cutroneo](#); [Christina Delmont-Small](#); [Jennifer Mallo](#); [Sabina Taj](#); [Chao Wu](#); [Student Board Member](#); [Kathleen V. Hanks](#); [Trudy M. Grantham](#); [EWalsh@howardcountymd.gov](#); [OJones@howardcountymd.gov](#); [CRigby@howardcountymd.gov](#); [DJung@howardcountymd.gov](#); [DYungmann@howardcountymd.gov](#); [DJones@howardcountymd.gov](#); [RRegner@howardcountymd.gov](#); [Rebecca Bryant](#)  
**Subject:** [External] [Larry Pretlow II] Statement on Education & Community Advocacy in OM  
**Date:** Saturday, November 23, 2019 10:47:26 AM

---

**! CAUTION: This email originated from outside of HCPSS. Do not click links or open attachments, unless you recognize the sender and know the content is safe.**

## **Call to Action: A Statement on Education & Community Advocacy**

(November 23, 2019, Columbia, Maryland) I've long called for all hands on deck from all our local officials to help families where they are. We need intervention, investment, and resources for vibrant communities to counter, reduce, and end the challenges and circumstances that have left many families to depend on free and reduce meals, more specifically in Oakland Mills.

No Oakland Mills is not a poor community. Yet we are a community that has been left without resources to assist an economic and socially diverse population that needs intervention (for example our residents whose first language is Spanish or parents who cannot help with homework)

We have a high concentration of specific demographics (including section 8 voucher holders) that impact the FARMS rates. To me, this has never justified any attempts to balance poverty; however, it has been my continued effort to call for lifting these families, keeping them in their neighborhoods without the disruption of others and ending their FARMS dependencies.

Upgrade the schools, where families who depend on FARMS live, in their vibrant communities (a holistic learning environment). I believe it was never the Board of Education's job to address poverty. Also, the BOE was scapegoated by other county elected officials - whose duties are to reduce poverty and create opportunities.

In OM, we hear a lot about SFES [REDACTED] and that the schools are segregated by socio-economic status. Let's be honest; that's not what the concern is. Many in OM (opposed to our community looking like the ghetto) don't want to be associated with a school that looks like high poverty on paper, so they supported a lousy plan (with faulty data) to "balance" poverty and struggle.

Next, there is also the oppressive race-baiting tactics being peddled by particular religious leaders who believe that black American students cannot unlock their high intellectual potentials amongst one another in their community classrooms without unjustly busing in students from wealthier households "to balance the numbers."

Let's be clear; You don't adjust (balance) poverty -- you reduce it by providing new and expanded employment opportunities with community programs to assist households in their productivity to gradually end dependency while increasing their skills to be self-sufficient. We find the money to do every darn thing else in this county.

The approved redistricting plan uses socio-economic status to address overcrowding - yet it does nothing for the families that are experiencing economic hardships; while creating new socio-economic challenges in now newly disrupted communities.

In doing the jobs of others, the Board of Education has created more problems than they are not tasked with fixing (by statue) or alone cannot fix (without all hands on deck from all levels of our local government).

Do your jobs down there in the Howard Building and at the Board of Education are get out the way!

Respectfully,  
Larry Pretlow II  
2020 Board of Education Candidate  
[www.LarryPretlow.com](http://www.LarryPretlow.com)

# # #

**From:** [Baltimore Sun](#)  
**To:** [Kirsten Coombs](#)  
**Subject:** [External] The Morning Sun: Edmondson Village, damaged by fire, was once the Harborplace of its era | History of fighting corruption | Howard schools redistricting  
**Date:** Saturday, November 23, 2019 9:17:41 AM

**! CAUTION: This email originated from outside of HCPSS. Do not click links or open attachments, unless you recognize the sender and know the content is safe.**

[Baltimore Sun](#)



[VIEW IN BROWSER](#)

NOVEMBER 23, 2019

[BALTIMORESUN.COM](#)

## THE MORNING SUN



ADVERTISEMENT

Edmondson Village, heavily damaged by fire again, was once the Harborplace of its era



A brief history of Baltimore's Edmondson Village, among the East Coast's first suburban shopping centers, that was heavily damaged in a fire Friday.



[READ MORE](#)

From Spiro Agnew to Catherine Pugh,  
Baltimore's federal prosecutors have tradition of  
fighting corruption





Baltimore's police commissioner. The cops from a rogue squad. Even the mayor herself. All of them convicted or put away this year by assistant U.S. attorneys in Baltimore.



[READ MORE](#)

Howard County school board violated state open meetings law during redistricting vote, complaint alleges



The Howard County Board of Education violated the Maryland Open Meetings Act during its controversial vote on school redistricting Thursday night, according to a complaint submitted to the Maryland Open Meetings Compliance Board.



[READ MORE](#)

Howard County schools superintendent reflects on redistricting process day after final vote



Howard County schools Superintendent Michael Martirano speaks about the contentious redistricting process, day after final vote.



**READ MORE**



ADVERTISEMENT

**Towson University student arrested after allegedly threatening mass violence**



Eric Barker, 20, of Mount Airy, was arrested Wednesday and charged with making a threat of mass violence.



[READ MORE](#)

**Baltimore mayor tells agencies to anticipate cuts as city prepares to fund statewide plan to improve schools**



Baltimore City would be required to spend roughly \$330 million more per year on schools by 2030, while receiving \$500 million more in education aid from the state. Young has pledged to go “all in” on Kirwan and find a way to fund it, despite the city’s limited resources.



[READ MORE](#)

## Horse’s death at Laurel Park renews calls for racing industry reform





The death of a horse after a race at Laurel Park Race Track on Thursday has added to concerns about a sport that has been under scrutiny across the country for a staggering number of equine fatalities.



**READ MORE**

**Baltimore man sentenced to 55 years for 2018 shooting outside a downtown nightclub**



A Baltimore man who shot a 24-year-old outside a downtown nightclub last year was sentenced to 55 years in prison Friday as the victim's family packed the courtroom.



**READ MORE**



ADVERTISEMENT

**Maryland State Police: No, mannequins do not**

## count as passengers in HOV lanes



Troopers posted a photo of the prop, which appears to be a legless dummy seated in the rear of a vehicle, complete with curly hair, a sweatshirt and a floral skirt.



[READ MORE](#)

**No. 6 Maryland follows familiar script to fifth straight victory, 86-63, over previously unbeaten George Mason**



Anthony Cowan Jr. and an equally dormant Jalen Smith led Maryland on a 19-2 run to take a 12-point halftime lead and cruise to a 86-63 victory over the previously unbeaten Patriots.



[READ MORE](#)

Senior day game against Nebraska gives struggling Maryland a chance to win and build for the future



What remains of the Maryland 2019 season are two potentially winnable — and losable — games against teams struggling nearly as much as Maryland.



**READ MORE**



advertisement



[UNSUBSCRIBE](#) | [NEWSLETTERS](#) | [PRIVACY POLICY](#) | [TERMS OF SERVICE](#)

---

Copyright © 2019 | Baltimore Sun | Baltimore 300 E. Cromwell Street Baltimore 21230

**ABOUT THIS EMAIL** You received this email because you are following the The Morning Sun newsletter.



**From:** [Mavis Ellis](#)  
**To:** [Kathleen V. Hanks](#)  
**Subject:** Fw: [External] OMCB Complaint 20-15  
**Date:** Friday, November 22, 2019 2:48:46 PM  
**Attachments:** [OMA\\_Krupiarz\\_11.21.19.docx](#)

---

Please copy for me. I think I will be sending you a lot of stuff to copy for me and place in a file for me on my return.

Mavis

---

**From:** Mark Blom <Mark\_Blom@hcpss.org>  
**Sent:** Friday, November 22, 2019 2:17 PM  
**To:** Mavis Ellis <Mavis\_Ellis@hcpss.org>; Kirsten Coombs <Kirsten\_Coombs@hcpss.org>; Christina Delmont-Small <Christina\_Delmont-Small@hcpss.org>; Sabina Taj <Sabina\_Taj@hcpss.org>; Chao Wu <Chao\_Wu@hcpss.org>; Vicky Cutroneo <Vicky\_Cutroneo@hcpss.org>; Jennifer Mallo <Jennifer\_Mallo@hcpss.org>; Michael Martirano <Michael\_Martirano@hcpss.org>  
**Cc:** Kathleen V. Hanks <Kathleen\_Hanks@hcpss.org>; Karalee Turner-Little <Karalee\_TurnerLittle@hcpss.org>  
**Subject:** FW: [External] OMCB Complaint 20-15

The official transmittal of the OMA complaint from the Compliance Board.

---

**From:** OpenGov <opengov@oag.state.md.us>  
**Sent:** Friday, November 22, 2019 1:00 PM  
**To:** Mavis Ellis <Mavis\_Ellis@hcpss.org>  
**Cc:** barbkrap@verizon.net; Mark Blom <Mark\_Blom@hcpss.org>; Michael Martirano <Michael\_Martirano@hcpss.org>; Kathleen V. Hanks <Kathleen\_Hanks@hcpss.org>  
**Subject:** [External] OMCB Complaint 20-15

**! CAUTION: This email originated from outside of HCPSS. Do not click links or open attachments, unless you recognize the sender and know the content is safe.**

November 22, 2019

Mavis Ellis  
Chair  
Board of Education  
Howard County Public School System  
10910 Clarksville Pike  
Ellicott City, MD 21042  
[mavis\\_ellis@hcpss.org](mailto:mavis_ellis@hcpss.org)

Dear Ms. Ellis,

The Open Meetings Compliance Board (Compliance Board) has received the attached complaint alleging violations of the Open Meetings Act by the Howard County Board of Education.

Under §3-206 of the General Provisions Article of the Maryland Code, the Commission is to file a written response to the open meetings allegations in the complaint within 30 days of its receipt of this letter (December 23, 2019). The Compliance Board also requests that Ms. Krupiarz be provided with a copy of your response. You can get his email address from this email, on which he has been copied. The Compliance Board's procedures are posted at <http://www.marylandattorneygeneral.gov/Pages/OpenGov/OpenMeetings/complaint.aspx>.

Generally, the Compliance Board is able to issue an opinion within 30 days of its receipt of the public body's response and any supplemental papers. Thank you for your attention to this matter. Please feel free to contact me if you have any questions.

Janice Clark  
Administrative Officer  
Open Meetings Compliance Board  
c/o Office of the Attorney General  
Public Access Unit  
410-576-7033

cc. Complainant, Barbara Krupiarz, [barbkrup@verizon.net](mailto:barbkrup@verizon.net)  
General Counsel, Mark Blum, [mark\\_blom@hcpss.org](mailto:mark_blom@hcpss.org)  
School Superintendent, Michael Martirano, [Michael\\_martirano@hcpss.org](mailto:Michael_martirano@hcpss.org),  
Administrator Kathleen Hanks, [kathleen\\_hanks@hcpss.org](mailto:kathleen_hanks@hcpss.org)

**Confidentiality Notice:**

This e-mail, including any attachment(s), is intended for receipt and use by the intended addressee(s), and may contain confidential and privileged information. If you are not an intended recipient of this e-mail, you are hereby notified that any unauthorized use or distribution of this e-mail is strictly prohibited, and requested to delete this communication and its attachment(s) without making any copies thereof and to contact the sender of this e-mail immediately. Nothing contained in the body and/or header of this e-mail is intended as a signature or intended to bind the addressor or any person represented by the addressor to the terms of any agreement that may be the subject of this e-mail or its attachment(s), except where such intent is expressly indicated.

---

**From:** [Mark Blom](#)  
**To:** [Mavis Ellis](#); [Christina Delmont-Small](#); [Jennifer Mallo](#); [Kirsten Coombs](#); [Sabina Taj](#); [Chao Wu](#); [Vicky Cutroneo](#); [Michael Martirano](#)  
**Cc:** [Kathleen V. Hanks](#); [Karalee Turner-Little](#)  
**Subject:** Fwd: [External] Re: Open Meetings Act Complaint  
**Date:** Friday, November 22, 2019 10:15:40 AM  
**Attachments:** [OMA\\_Krupiarz\\_11.21.19.docx](#)  
[ATT00001.htm](#)

---

I am forwarding an amended open meetings complaint that we received. Mark

Sent from my iPhone

Begin forwarded message:

**From:** Barb Krupiarz <[barbkrap@verizon.net](mailto:barbkrap@verizon.net)>  
**Date:** November 22, 2019 at 8:32:32 AM EST  
**To:** "[OpenGov@oag.state.md.us](mailto:OpenGov@oag.state.md.us)" <[OpenGov@oag.state.md.us](mailto:OpenGov@oag.state.md.us)>  
**Cc:** Mark Blom <[Mark\\_Blom@hcpss.org](mailto:Mark_Blom@hcpss.org)>  
**Subject:** [External] Re: Open Meetings Act Complaint

**! CAUTION: This email originated from outside of HCPSS. Do not click links or open attachments, unless you recognize the sender and know the content is safe.**

Please see this amended complaint, which contains more detailed information to assist the OMCB.

Thank you.

Barb Krupiarz

On 11/21/2019 8:06 PM, Barb Krupiarz wrote:

Please see the attached complaint against the Howard County Board of Education.

Thank you.

Barb Krupiarz

Barbara Krupiarz

barbkrap@verizon.net

Date: 11/21/2019

To: Open Meetings Compliance Board

CC: HCPSS General Counsel

Subject: Open Meeting Act complaint against the Howard County Board of Education

Justification:

The Howard County Board of Education met on November 21, 2019 to vote on redistricting motions at the close of a very contentious process that divided the community and even made national news. Upon the failure of two motions moving specific polygons, Board member Mallo "moved that the Board go into recess to consider the impacts of the failure of [those] motions." The community has been very involved in the process for public hearings, work sessions, and attendance at the meeting to vote on the decisions. The Board did not mention any exception to the Open Meetings Act when they went into closed session to strong arm a Board member into changing her vote. The Board came back from their private meeting during this open meeting and immediately voted to reconsider their previous vote. The community did not get to hear the justifications for why one Board member, Coombs, changed her vote which made the motion pass. Nor was there a justification of one of the exceptions to go into a closed meeting. One Board member, Wu, asked if a vote was needed after Board member Mallo "moved to go into recess" and he was told no. After the Board realized their violation of the Open Meetings Act, they took a recess and the Chair came back to state that she may have inadvertently stated that they went into closed meeting for administrative function, but they did not.

The Open Meetings Act manual introduction states:

The ability of the public, its representatives, and the media to attend, report on, and broadcast meetings of public bodies and to witness the phases of the deliberation, policy formation, and decision making of public bodies ensures the accountability of government to the citizens of the State.

This "recess" to discuss the impacts of a vote is the worst kind of action by a public body, voting on a very public matter in an open session, and then hiding in secret because some members did not like the outcome, without the public being able to witness the deliberation. The Board had a large number of work sessions to deliberate on these matters and to then secretly discuss a failed vote after months of public meetings is clearly a violation of the Open Meetings Act and a significant deterioration of the public trust.

Sincerely,

*Barbara Krupiarz*

## Addendum

The full redistricting process can be found here:

<https://www.hcps.org/school-planning/boundary-review/process/>

The Howard County Board of Education held public hearings on this redistricting process on the following dates:

Tuesday, September 17, 7 p.m.  
Tuesday, September 24, 7 p.m.  
Thursday, September 26, 6 p.m. (NOTE: Time changed from 7 p.m.)  
Monday, October 7, 6 p.m.  
October 7 order of testimony  
Thursday, October 10, 6 p.m.  
Monday, October 14, 6 p.m.  
Tuesday, October 15, 6 p.m.

The Howard County Board of Education held public work sessions on this redistricting process on the following dates:

Thursday, October 17, 7 p.m.  
Monday, October 28, 6:30 p.m.  
Wednesday, October 30, 6:30 p.m.  
Tuesday, November 5, 6:30 p.m.  
Thursday, November 7, 1 p.m.  
Tuesday, November 12, 4 p.m.  
Wednesday, November 13, 1 p.m.  
Thursday, November 14, 1 and 6:30 p.m.  
Monday, November 18, 1 and 6:30 p.m.

During the November 21, 2019 public vote by the Board of Education, the following transpired at these approximate timestamps: <https://hcpsstv.new.swagit.com/videos/38244>

4:01 Board member Coombs responds to other Board members who were questioning the validity of the data "Would any of these changes make a difference in your vote?"

4:11 After one motion fails (3-4 vote) for moves of certain neighborhoods, Board member Mallo states "I move that we go into recess to consider the impacts of that last failed motion"

Board member Taj "second"

Board Chair Ellis "We will go into recess..."

Board member Wu "Do we need a vote?"

Board administrator Hanks and Board Chair Ellis "No"

4:15 video resumes after an apparent motion to which Mallo states "Can I second that?"

Coombs (crying) "because otherwise the whole plan falls apart"

Board votes again on the failed motion and it passes (4-3) with Coombs changing her vote.

Upon information and belief, Board members bullied Coombs into changing her vote. The public had no ability to witness the deliberations which resulted in a change in whether a group of students who are currently walkers would be bused to a school farther away from their homes.

**From:** [Ross Laidig](#)  
**To:** [BoE Email](#)  
**Subject:** [External] Fwd: Preservation of BOE Central Office Recordings  
**Date:** Friday, November 22, 2019 8:08:00 AM

---

**! CAUTION: This email originated from outside of HCPSS. Do not click links or open attachments, unless you recognize the sender and know the content is safe.**

See below. Thank you

----- Forwarded message -----

**From:** Ross Laidig <[rlaidig@gmail.com](mailto:rlaidig@gmail.com)>  
**Date:** Fri, Nov 22, 2019, 7:48 AM  
**Subject:** Preservation of BOE Central Office Recordings  
**To:** <[thomas\\_mcnear@hcpss.org](mailto:thomas_mcnear@hcpss.org)>, <[cathleen\\_mascaro@hcpss.org](mailto:cathleen_mascaro@hcpss.org)>, <[mark\\_blom@hcpss.org](mailto:mark_blom@hcpss.org)>, <[Kimberly\\_Clare@hcpss.org](mailto:Kimberly_Clare@hcpss.org)>, <[danielle\\_lueking@hcpss.org](mailto:danielle_lueking@hcpss.org)>

Hello,

In accordance with the Maryland Public Information Act and the Maryland Open Meetings Act, I am writing to formally request the Howard County Board of Education and any associated employees, officers, agents and contractors identify, retain and preserve all records related to interactions and/or discussions about school redistricting that took place outside of the public meeting at the Central Office located at 10910 Clarksville Pike, Ellicott City, MD 21042 on Thursday, November 21, 2019. This includes all handwritten, typed, electronic, audio and video records and recordings made by, of, or about Board Members or the topic of school redistricting that occurred outside of the public meeting between 6:00pm Eastern Time and 10:00 pm Eastern Time.

These recordings include but are not limited to security footage and any other means to record audio and/or video throughout the entire Central Office building, as well as Board Member notes, emails, texts, social media app or website messages, or other documentation regarding interactions and discussions that took place outside of the public meeting room.

Further, in accordance with the Maryland Public Information Act and the Maryland Open Meetings Act, I formally request that these records be provided to me.

Please let me know if you have any questions.  
Thank you,

Ross Laidig



[rlaidig@gmail.com](mailto:rlaidig@gmail.com)



**From:** [Mark Blom](#)  
**To:** [Vicky Cutroneo](#)  
**Cc:** [Mavis Ellis](#); [Kirsten Coombs](#); [Christina Delmont-Small](#); [Chao Wu](#); [Sabina Taj](#); [Jennifer Mallo](#); [Michael Martirano](#); [Kathleen V. Hanks](#); [Karalee Turner-Little](#)  
**Subject:** Re: Urgent OMA Complaint  
**Date:** Friday, November 22, 2019 7:48:37 AM

---

[REDACTED]  
Mark

Sent from my iPhone

On Nov 22, 2019, at 7:41 AM, Vicky Cutroneo <[Vicky\\_Cutroneo@hcpss.org](mailto:Vicky_Cutroneo@hcpss.org)> wrote:

[REDACTED]  
[REDACTED]  
Regards  
Vicky Cutroneo  
Howard County Board of Education

Get [Outlook for iOS](#)

---

**From:** Mark Blom <[Mark\\_Blom@hcpss.org](mailto:Mark_Blom@hcpss.org)>  
**Sent:** Thursday, November 21, 2019 10:04:23 PM  
**To:** Mavis Ellis <[Mavis\\_Ellis@hcpss.org](mailto:Mavis_Ellis@hcpss.org)>; Kirsten Coombs <[Kirsten\\_Coombs@hcpss.org](mailto:Kirsten_Coombs@hcpss.org)>; Christina Delmont-Small <[Christina\\_Delmont-Small@hcpss.org](mailto:Christina_Delmont-Small@hcpss.org)>; Chao Wu <[Chao\\_Wu@hcpss.org](mailto:Chao_Wu@hcpss.org)>; Sabina Taj <[Sabina\\_Taj@hcpss.org](mailto:Sabina_Taj@hcpss.org)>; Jennifer Mallo <[Jennifer\\_Mallo@hcpss.org](mailto:Jennifer_Mallo@hcpss.org)>; Vicky Cutroneo <[Vicky\\_Cutroneo@hcpss.org](mailto:Vicky_Cutroneo@hcpss.org)>; Michael Martirano <[Michael\\_Martirano@hcpss.org](mailto:Michael_Martirano@hcpss.org)>  
**Cc:** Kathleen V. Hanks <[Kathleen\\_Hanks@hcpss.org](mailto:Kathleen_Hanks@hcpss.org)>; Karalee Turner-Little <[Karalee\\_TurnerLittle@hcpss.org](mailto:Karalee_TurnerLittle@hcpss.org)>  
**Subject:** Urgent OMA Complaint

Attorney-client privileged

Attached is a copy of a complaint that has been filed with the Open Meetings Compliance Board concerning the Board's recess. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Mark

**From:** [Luke Rosiak](#)  
**To:** [Kirsten Coombs](#)  
**Subject:** [External] Media request  
**Date:** Thursday, November 21, 2019 10:43:08 PM

---

**! CAUTION: This email originated from outside of HCPSS. Do not click links or open attachments, unless you recognize the sender and know the content is safe.**

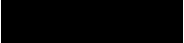
Hi Kirsten,

I'm a reporter with the Daily Caller News Foundation. I am writing a story about how you changed your vote after being taken into a back room (in apparent violation of the open meetings act) where you came out crying, and then voted against what residents wanted.

What did they say to you back there?  
Can we talk on Friday (or tonight)?

Here is my previous coverage including data analysis that found no connection whatsoever between demographics of schools and individual student outcomes:

<https://dailycaller.com/2019/11/04/school-busing-achievement-gap-data/>

Thanks,  
Luke Rosiak  


**From:** [Mavis Ellis](#)  
**To:** [Mark Blom](#)  
**Subject:** Fwd: [External] violation of the open meetings act  
**Date:** Thursday, November 21, 2019 9:27:04 PM

---

Sent from my iPhone

Begin forwarded message:

**From:** Martin Dimitrov <[martin.dimitrov@gmail.com](mailto:martin.dimitrov@gmail.com)>  
**Date:** November 21, 2019 at 8:13:33 PM EST  
**To:** [mavis\\_ellis@hcpss.org](mailto:mavis_ellis@hcpss.org)  
**Subject:** [External] violation of the open meetings act

**! CAUTION: This email originated from outside of HCPSS. Do not click links or open attachments, unless you recognize the sender and know the content is safe.**

Lawsuit coming up.

**From:** [Martin Dimitrov](#)  
**To:** [Jennifer Mallo](#)  
**Subject:** [External] violation of the open meetings act  
**Date:** Thursday, November 21, 2019 8:12:06 PM

---

**! CAUTION: This email originated from outside of HCPSS. Do not click links or open attachments, unless you recognize the sender and know the content is safe.**

Lawsuit coming up.

**From:** [Mark Blom](#)  
**To:** [Mavis Ellis](#)  
**Subject:** Re: [External] Notice of Violations and Notice of Appeal  
**Date:** Thursday, November 21, 2019 7:20:15 PM

---

[REDACTED]

Sent from my iPhone

On Nov 21, 2019, at 2:54 PM, Mavis Ellis <[Mavis\\_Ellis@hcpss.org](mailto:Mavis_Ellis@hcpss.org)> wrote:

FYI

Get [Outlook for Android](#)

---

**From:** Shavina Mukesh <[shavina@mukeshlaw.com](mailto:shavina@mukeshlaw.com)>  
**Sent:** Thursday, November 21, 2019 2:50:39 PM  
**To:** Mavis Ellis <[Mavis\\_Ellis@hcpss.org](mailto:Mavis_Ellis@hcpss.org)>; [kristen\\_coombs-small@hcpss.org](mailto:kristen_coombs-small@hcpss.org)  
<[kristen\\_coombs-small@hcpss.org](mailto:kristen_coombs-small@hcpss.org)>; [Vicky\\_curtoneo@hcpss.org](mailto:Vicky_curtoneo@hcpss.org)  
<[Vicky\\_curtoneo@hcpss.org](mailto:Vicky_curtoneo@hcpss.org)>; Sabina Taj <[Sabina\\_Taj@hcpss.org](mailto:Sabina_Taj@hcpss.org)>; Christina Delmont-  
Small <[Christina\\_Delmont-Small@hcpss.org](mailto:Christina_Delmont-Small@hcpss.org)>; Chao Wu <[Chao\\_Wu@hcpss.org](mailto:Chao_Wu@hcpss.org)>  
**Subject:** [External] Notice of Violations and Notice of Appeal

**! CAUTION: This email originated from outside of HCPSS. Do not click links or open attachments, unless you recognize the sender and know the content is safe.**

Dear Board of Education Members:

Please see attached correspondence for your immediate attention.

Sincerely,  
Mukesh Law Office, LLC  
Shavina Kumar Mukesh, Esquire  
10630 Little Patuxent Parkway  
Suite 301  
Columbia, Maryland 21044  
Ph: (410) 370-4411

**CONFIDENTIALITY NOTICE.** The information contained in this e-mail message and any attachments is ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION intended only for the use of the individual or entity named herein. If you are not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is prohibited. If you have received this communication in error, please immediately notify Shavina Kumar Mukesh by reply e-mail and delete the original message and any attachments or by calling (410) 370-4411. Thank you in advance for your cooperation.

<Notice of Violation and Appeal 112119.pdf>

November 21, 2019

Via E-mail

**Mavis Ellis**

Board of Education for Howard County, Chair

[Mavis\\_ellis@hcpss.org](mailto:Mavis_ellis@hcpss.org)

**Kristen A. Coombs**

Board of Education for Howard County, Vice Chair

[Kristen\\_coombs@hcpss.org](mailto:Kristen_coombs@hcpss.org)

**Vicky Cutroneo**

[Vicky\\_cutroneo@hcpss.org](mailto:Vicky_cutroneo@hcpss.org)

**Sabina Taj**

[Sabina\\_taj@hcpss.com](mailto:Sabina_taj@hcpss.com)

**Christina Delmont-Small**

[Christina\\_delmont-small@hcpss.org](mailto:Christina_delmont-small@hcpss.org)

**Chao Wu**

[Chao\\_wu@hcpss.org](mailto:Chao_wu@hcpss.org)

***RE: Redistricting Polygon 1132  
Notice of Violations and Notice of Appeal***

---

Dear Board of Education Members:

Our office has been retained by members of Polygon 1132 (hereinafter referred to as “Polygon 1132”) to assist them in this redistricting process. It is our position that you, members of the Board of Education, have violated the following:

Policy 2000 and COMAR 13A.01.05.06 B. (1): The board has failed to come up with a sound education policy and failed to meet the interest of the school system. By way of example, the board voted to move Polygons 132, 1132 and 2132 from Clemens Crossing Elementary School to Bryant Woods Elementary School.

Busing children in Polygons 132, 1132, and 2121, who live less than a mile away from Clemens Crossing ES, to Bryant Woods ES, which is nearly four times farther away, is not sound educational policy unless the costs of this move are outweighed by its benefits.

**One Thousand Century Plaza Building  
10630 Little Patuxent Parkway, Suite 301  
Columbia, Maryland 21044  
Office: (410) 730-5016  
Direct Line: (410) 370-4411**



The costs include:

- Additional busing of 76 children from the above Polygons, which will cost the school system approximately \$35 thousand dollars a year (average costs from the U.S. Department of Education, National Center for Education Statistics). Converting the Polygons listed above to a walk zone has been discussed with the Director of Pupil Transportation, Mr. David Ramsay and a walker survey will take place if these Polygons remain at Clemens Crossing ES.
- Additional time for all children involved – an additional 2 hours/ week spent on the bus for every student which reduces time for sleep, homework, and community involvement.
- Disruption of school and community for children which, according to the MacAuthor Foundation, has been shown to disrupt children's "academic skills as well as emotional functioning." This is especially applicable to the special needs children in our neighborhood.
- Reduction in family participation with the school community given the increased distance and loss of established relationships.
- Overcrowding of Bryant Woods ES. Bryant Woods ES has a small and older building that is lacking in the resources that newer facilities enjoy. The condition of this building, along with the higher levels of need of many of the students, would indicate that moving additional students to the school would be harmful to all students involved.

The benefits include:

- Decrease in the FARMs rates of Bryant Woods by approximately 4% (depending on the data set in use). A decrease in FARMs rates by 4% has not been shown to have any appreciable benefit to children experiencing poverty. In addition, please note that this move does not actually decrease the number of FARM eligible children or the resources that they require. It simply adds additional children who will reduce the overall resources available for each individual child.

Given that there are substantial costs associated with moving children to Bryant Woods ES and no appreciable benefits, this move violates sound education policy. The board could have achieved the same result, while maintaining its agenda, by using many other available alternative plans, such as:

- Reducing the number of children transferred from Swansfield ES to Clemens Crossing ES by only transferring either Polygons 53 and 2135 OR 2174 from Swansfield ES to Clemens Crossing ES and allowing 132, 1132 and 2132 to remain at Clemens Crossing. This alternative is beneficial for the entire community due to 1) reduced bus times/commute distances, 2) fewer educational and community disruptions, 3) better

**One Thousand Century Plaza Building  
10630 Little Patuxent Parkway, Suite 301  
Columbia, Maryland 21044  
Office: (410) 730-5016  
Direct Line: (410) 370-4411**

utilization of Swansfield ES facility, 4) avoiding overcrowding at Bryant Woods ES. This plan achieves similar benefits to the BoE plan in that 1) the FARMs rate at Swansfield ES is still reduced by 15% from its current rate, 2) Bryant Woods ES has a smaller total number of FARM eligible children.

Data Inaccuracies COMAR 13A.01.05.06 B. (1): The board has also failed to come up with a sound education policy because it has relied on inaccurate data. The data that the BOE relied upon to form their consolidated redistricting plan contains significant inaccuracies which warrant further investigation to correct the proposed Polygon moves that may have been made based on this flawed data. A substantial amount of FARMs data has changed between the data that Dr. Maritano's provided to the BoE eight weeks ago and the current data in use. The following data points and supporting images at the end of this document reveal the unexplained changes and the questionable validity of the data.

- Capacity and FARM percentages data – data was significantly altered in November, indicating that one or more data sets used in this process are inaccurate.
- Calculation errors resulted from Suppressed data Polygons with Zero students - Bryant Woods ES Percent of Suppressed Polygons is at 35.29% and contributes to large calculation errors regarding its already over capacity utilization.

COMAR 13A.01.05.06 B (4): The Board's decisions have resulted from an unlawful procedure violating the members due process rights. While some Howard County residents have had notice of the intent to move their specific Polygons since June 2019, when feasibility studies and resulting redistricting options were released, others, specifically residents of Polygons 132, 1132 and 2132 have had less than 40 hours of actionable notice.

The first mention of a potential move for these Polygons was made on Tuesday, November 12<sup>th</sup> at the end of the working session. These Polygons had until Thursday, November 14<sup>th</sup> at 1pm to express their concerns to the BoE. During this time, no public testimony was allowed.

On Thursday, November 14<sup>th</sup>, a motion was made to move Polygon 1132 from CCES to Bryant Woods ES and this motion failed 4:3. However, during the last work session on Monday November 18<sup>th</sup>, the BOE declared the November 14<sup>th</sup> motion was invalid and determined that these Polygons had been moved to Bryant Woods in accordance with the consolidated redistricting plan. Because of the inaccurate wording of the motion, Polygon 1132 was moved even though this was clearly counter to the intention of the board at the time.

The BOE vote and decision on an "erroneous" motion on November 14<sup>th</sup> caused the community to suspended advocacy efforts that would have been continued had accurate information on the status of the BoE's redistricting plan been available. The revelation of this error on November 14<sup>th</sup>, the day of the final vote, gave the community no opportunity to timely submit testimony or

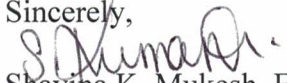


advocate further. Therefore, residents of these Polygons were not afforded an equal opportunity to testify, advocate and contribute to the redistricting process. The Board's decisions have resulted from procedural mishaps violating the member's right to due process.

Before your final vote today, we respectfully ask you to reconsider your proposal of moving Polygon 1132 from Clemens Crossing ES to Bryant Woods ES in order to allow the community to remain intact and avoid a lengthy appeal.

You are advised to govern yourself accordingly.

Sincerely,

  
Shavina K. Mukesh, Esquire

**One Thousand Century Plaza Building  
10630 Little Patuxent Parkway, Suite 301  
Columbia, Maryland 21044  
Office: (410) 730-5016  
Direct Line: (410) 370-4411**

Table 1: Capacity and FARM percentages data Changes

| Elementary School     | Capacity | Superintendent Plan |                |                |
|-----------------------|----------|---------------------|----------------|----------------|
|                       |          | FARM<br>Aug 22      | FARM<br>Nov 19 | FARM<br>Change |
| Atholton ES           | 424      | 25%                 | 23%            | (2.40)         |
| Bellows Spring ES     | 726      | 18%                 | 19%            | 1.24           |
| Bollman Bridge ES     | 666      | 51%                 | 50%            | (1.00)         |
| Bryant Woods ES       | 361      | 48%                 | 54%            | 5.55           |
| Bushy Park ES         | 725      | <5%                 | <5%            | -              |
| Centennial Lane ES    | 647      | 6%                  | 6%             | (0.28)         |
| Clarksville ES        | 543      | 17%                 | 14%            | (2.52)         |
| Clemens Crossing ES   | 521      | 10%                 | 9%             | (0.75)         |
| Cradlerock ES         | 398      | 51%                 | 53%            | 2.37           |
| Dayton Oaks ES        | 700      | 5%                  | 6%             | 0.65           |
| Deep Run ES           | 750      | 53%                 | 57%            | 4.05           |
| Ducketts Lane ES      | 650      | 49%                 | 46%            | (2.73)         |
| Elkridge ES           | 760      | 32%                 | 30%            | (2.05)         |
| Forest Ridge ES       | 713      | 34%                 | 31%            | (2.78)         |
| Fulton ES             | 826      | 5%                  | 6%             | 0.66           |
| Gorman Crossing ES    | 735      | 18%                 | 17%            | (0.84)         |
| Guilford ES           | 465      | 43%                 | 45%            | 2.15           |
| Hammond ES            | 653      | 25%                 | 23%            | (2.05)         |
| Hanover Hills ES      | 810      | 37%                 | 33%            | (3.63)         |
| Hollifield Station ES | 732      | 24%                 | 23%            | (0.90)         |
| Ilchester ES          | 584      | <5%                 | <5%            | -              |
| Jeffers Hill ES       | 421      | 34%                 | 34%            | 0.16           |
| Laurel Woods ES       | 609      | 49%                 | 48%            | (1.47)         |
| Lisbon ES             | 527      | 12%                 | 12%            | (0.25)         |
| Longfellow ES         | 512      | 52%                 | 52%            | 0.46           |
| Manor Woods ES        | 681      | 8%                  | 7%             | (0.51)         |
| Northfield ES         | 700      | 11%                 | 10%            | (1.09)         |
| Phelps Luck ES        | 597      | 36%                 | 35%            | (1.13)         |
| Pointers Run ES       | 744      | <5%                 | <5%            | -              |
| Rockburn ES           | 584      | 6%                  | 5%             | (0.65)         |
| Running Brook ES      | 515      | 51%                 | 49%            | (2.07)         |
| St Johns Lane ES      | 612      | 10%                 | 9%             | (0.79)         |
| Stevens Forest ES     | 380      | 54%                 | 57%            | 2.86           |
| Swansfield ES         | 694      | 44%                 | 46%            | 2.02           |
| Talbott Springs ES    | 377      | 46%                 | 47%            | 0.67           |
| Thunder Hill ES       | 509      | 37%                 | 38%            | 1.16           |
| Triadelphia Ridge ES  | 606      | <5%                 | <5%            | -              |
| Veterans ES           | 799      | 22%                 | 19%            | (2.62)         |
| Waterloo ES           | 603      | 44%                 | 48%            | 3.98           |
| Waverly ES            | 788      | <5%                 | <5%            | -              |
| West Friendship ES    | 414      | 6%                  | 5%             | (0.67)         |
| Worthington ES        | 515      | 6%                  | 6%             | (0.12)         |



Table 2: Calculation errors resulted from Suppressed data Polygons with Zero students

ES data slice showing suppressed polygons which skew calculations used for decision making

BOE Updated Polygon Enrollments Min/Max Student Projections

| Schooling             |                      |  | 2020 Minimum Possible Students | Total # of Polygons | Total # Suppressed Polygons | % of Polygons Suppressed | 2020 Maximum Students Possible | Difference between Max and Min Students | County School Capacity | Possible County State School Capacity % | Possible State Capacity % |
|-----------------------|----------------------|--|--------------------------------|---------------------|-----------------------------|--------------------------|--------------------------------|---|------------------------|---|---------------------------|
| School Name           | Type (HS, MS, or ES) | Polygon List   |                                |                     |                             |                          |                                |   |                        |   |                           |
| Atholton ES           | ES                   | 13,14,15,16,56,57,1014,1016,1056,1057,2056,2057,3056   | 461                            | 13                  | 1                           | 7.69%                    | 470                            | 9                                       | 424                    | 419                                     | 111%                      |
| Bellevue Spring ES    | ES                   | 77,82,298,1077,1082,1298,2077,2082,3035  | 639                            | 9                   | 2                           | 22.22%                   | 657                            | 18                                      | 726                    | 720                                     | 90%                       |
| Bollman Bridge ES     | ES                   | 20,21,22,23,24,25,260,1020,1022,1023,1025,1260,2022,2023,3023,4047   | 675                            | 16                  | 4                           | 25.00%                   | 711                            | 36                                      | 666                    | 694                                     | 107%                      |
| Bryant Woods ES       | ES                   | 137,1137,2137,2268,3137,4133,136,204,1136,1204,2133,2136,3133,4136,1132,1132,2132  | 384                            | 17                  | 6                           | 35.29%                   | 438                            | 54                                      | 361                    | 362                                     | 121%                      |
| Bushy Park ES         | ES                   | 211,212,213,215,216,220,235,234,238,239,280,282,290,291,293,294,1215,1216,1220,1233,1234,1238,1280,1293,2215,2220,2233,2238,2238                         | 555                            | 29                  | 8                           | 27.59%                   | 627                            | 72                                      | 647                    | 544                                     | 86%                       |
| Centennial Lane ES    | ES                   | 19,97,147,156,173,184,1019,1147,1156,1173,1184,2147,2156,2173,2184,3147,4147,5147  | 710                            | 18                  | 5                           | 27.78%                   | 755                            | 45                                      | 543                    | 581                                     | 117%                      |
| Clarksville ES        | ES                   | 28,185,186,187,188,2028,1176,1185,1186,1187,1188,2028,1140,141,142,1142  | 550                            | 16                  | 1                           | 6.25%                    | 559                            | 9                                       | 521                    | 544                                     | 103%                      |
| Clemens Crossing ES   | ES                   | 61,66,130,131,134,1066,1130,1131,1134,2131,2134,3131,4131,53,2135,2174   | 585                            | 16                  | -                           | 0.00%                    | 585                            | -                                       | 521                    | 544                                     | 112%                      |
| Cradlerock ES         | ES                   | 45,54,58,139,1045,1054,1058,1139,2054,2058,2139,3139   | 435                            | 12                  | 2                           | 16.67%                   | 453                            | 18                                      | 398                    | 536                                     | 114%                      |
| Dayton Oaks ES        | ES                   | 119,193,194,195,196,197,198,199,200,201,202,203,205,206,207,208,235,1119,1193,1194,1195,1196,1198,1199,1200,1201,1202,1205,1206,1207,1208,1235,2198,2205 | 638                            | 34                  | 5                           | 14.71%                   | 683                            | 45                                      | 700                    | 910                                     | 98%                       |
| Deep Run ES           | ES                   | 78,79,80,81,1079,1080,1081,2081  | 682                            | 8                   | 2                           | 25.00%                   | 700                            | 18                                      | 750                    | 740                                     | 93%                       |
| Ducketts Lane ES      | ES                   | 37,266,1033,1037,1266,2037,2043,36   | 660                            | 8                   | 2                           | 25.00%                   | 678                            | 18                                      | 650                    | 785                                     | 104%                      |
| Elkridge ES           | ES                   | 38,39,40,41,42,43,124,300,1058,1059,1040,1041,1042,1043,1124,1300,2038,2040,2041,2042,3041,3042,4041,4042,5041   | 794                            | 25                  | 5                           | 20.00%                   | 839                            | 45                                      | 760                    | 819                                     | 110%                      |
| Forest Ridge ES       | ES                   | 1,4,12,46,47,116,267,272,1003,1004,1046,1047,1116,1272,2046,2047,3046,3047   | 662                            | 18                  | 2                           | 11.11%                   | 680                            | 18                                      | 713                    | 660                                     | 99%                       |
| Fulton ES             | ES                   | 8,112,115,256,259,263,1008,1112,1227,1256,1259,1263,2112,2263  | 806                            | 14                  | 4                           | 28.57%                   | 842                            | 36                                      | 826                    | 564                                     | 102%                      |
| Gorman Crossing ES    | ES                   | 3,5,6,297,1003,1005,1006,1297,2005   | 826                            | 9                   | 2                           | 22.22%                   | 844                            | 18                                      | 735                    | 618                                     | 115%                      |
| Guilford ES           | ES                   | 26,27,48,49,50,1026,1027,1048,1050,2048,2050,3048,18,3018  | 479                            | 14                  | 2                           | 14.29%                   | 497                            | 18                                      | 465                    | 522                                     | 107%                      |
| Hammond ES            | ES                   | 9,10,11,17,270,273,1009,1010,1011,1015,1017,2010,2011,7,221,1007,1221,2221   | 704                            | 18                  | 3                           | 16.67%                   | 731                            | 27                                      | 653                    | 525                                     | 112%                      |
| Hanover Hills ES      | ES                   | 30,32,33,35,1030,1032,1035,1036,2030,2035,4035   | 720                            | 11                  | 5                           | 45.45%                   | 765                            | 45                                      | 810                    | 780                                     | 94%                       |
| Hollifield Station ES | ES                   | 107,108,109,262,306,307,1107,1108,1109,1306,2107,2306,3107   | 806                            | 13                  | 3                           | 23.08%                   | 833                            | 27                                      | 732                    | 564                                     | 114%                      |
| Richester ES          | ES                   | 84,85,88,89,90,1085,1088,1089,1090,2085,2088,3085,76   | 566                            | 13                  | -                           | 0.00%                    | 566                            | -                                       | 584                    | 564                                     | 97%                       |
| Jeffers Hill ES       | ES                   | 60,71,1060,1071,1075,2060,2071,3071  | 387                            | 8                   | 3                           | 37.50%                   | 414                            | 27                                      | 421                    | 435                                     | 98%                       |
| Laurel Woods ES       | ES                   | 2,121,1002,1012,1121,2002,2012,3012  | 556                            | 8                   | 1                           | 12.50%                   | 565                            | 9                                       | 609                    | 544                                     | 93%                       |
| Lisbon ES             | ES                   | 236,240,241,243,244,245,247,248,249,250,281,1236,1240,1243,1244,1245,1247,1248,1249,1250,2256,2245,2247,2248,2250,3147,3248,3250                         | 419                            | 28                  | 11                          | 39.29%                   | 518                            | 99                                      | 512                    | 504                                     | 98%                       |
| Longfellow ES         | ES                   | 138,143,144,175,177,1141,1143,1144,1175,1177,2143,2175,3143,3138,268,1268  | 464                            | 16                  | 4                           | 25.00%                   | 500                            | 36                                      | 681                    | 564                                     | 98%                       |
| Manor Woods ES        | ES                   | 31,157,164,167,168,170,214,303,306,1031,1157,1164,1168,1170,1303,1304,1305,2170,3159,1159  | 740                            | 20                  | 3                           | 15.00%                   | 767                            | 27                                      | 700                    | 544                                     | 113%                      |
| Northfield ES         | ES                   | 149,150,152,153,154,155,219,271,1148,1150,1152,1153,1154,1155,5,2148,2150,2154,3150,4150,191,1191,3191   | 823                            | 22                  | 3                           | 13.64%                   | 850                            | 27                                      | 597                    | 578                                     | 112%                      |
| Phelps Luck ES        | ES                   | 68,70,264,1068,1070,2068,2069,2070,3068,3069,74,98,1074,1098,2074,261,1261,65,1065,2065  | 643                            | 20                  | 3                           | 15.00%                   | 670                            | 27                                      | 744                    | 564                                     | 112%                      |
| Pointers Run ES       | ES                   | 114,117,118,120,122,123,125,126,127,128,189,190,295,296,1114,1115,1117,1120,1123,1125,1128,1189,1190,1192,1296,2114,2115,2118,3115                       | 693                            | 29                  | 10                          | 34.48%                   | 783                            | 90                                      | 584                    | 847                                     | 105%                      |
| Rockburn ES           | ES                   | 44,83,86,87,91,92,299,1063,1086,1087,1091,1299,2087,2091,3087,3091,4067  | 580                            | 17                  | 2                           | 11.76%                   | 596                            | 18                                      | 584                    | 847                                     | 102%                      |

**From:** [Shavina Mukesh](#)  
**To:** [Kirsten Coombs](#)  
**Subject:** [External] Notice of Violations and Notice of Appeals  
**Date:** Thursday, November 21, 2019 2:56:06 PM  
**Attachments:** [Notice of Violation and Appeal 112119.pdf](#)

---

**! CAUTION: This email originated from outside of HCPSS. Do not click links or open attachments, unless you recognize the sender and know the content is safe.**

Dear Ms. Coombs:

Please see attached correspondence for your immediate attention.

Sincerely,

Mukesh Law Office, LLC  
Shavina Kumar Mukesh, Esquire  
10630 Little Patuxent Parkway  
Suite 301  
Columbia, Maryland 21044  
Ph: (410) 370-4411

CONFIDENTIALITY NOTICE. The information contained in this e-mail message and any attachments is ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION intended only for the use of the individual or entity named herein. If you are not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is prohibited. If you have received this communication in error, please immediately notify Shavina Kumar Mukesh by reply e-mail and delete the original message and any attachments or by calling (410) 370-4411. Thank you in advance for your cooperation.

**From:** [Shavina Mukesh](#)  
**To:** [Mavis Ellis](#); [kristen\\_coombs-small@hcpss.org](mailto:kristen_coombs-small@hcpss.org); [Vicky\\_curtoneo@hcpss.org](mailto:Vicky_curtoneo@hcpss.org); [Sabina Taj](#); [Christina Delmont-Small](#); [Chao Wu](#)  
**Subject:** [External] Notice of Violations and Notice of Appeal  
**Date:** Thursday, November 21, 2019 2:50:58 PM  
**Attachments:** [Notice of Violation and Appeal 112119.pdf](#)

---

**! CAUTION: This email originated from outside of HCPSS. Do not click links or open attachments, unless you recognize the sender and know the content is safe.**

Dear Board of Education Members:

Please see attached correspondence for your immediate attention.

Sincerely,  
Mukesh Law Office, LLC  
Shavina Kumar Mukesh, Esquire  
10630 Little Patuxent Parkway  
Suite 301  
Columbia, Maryland 21044  
Ph: (410) 370-4411

CONFIDENTIALITY NOTICE. The information contained in this e-mail message and any attachments is ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION intended only for the use of the individual or entity named herein. If you are not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is prohibited. If you have received this communication in error, please immediately notify Shavina Kumar Mukesh by reply e-mail and delete the original message and any attachments or by calling (410) 370-4411. Thank you in advance for your cooperation.