

## Table of Contents

### Matter: Jeff Sukkasem

Birth Certificate.....	1
Passport Photo.....	2
Letter from Mostow to Johnson (9-4-07) .....	3
Guardianship Order.....	4
Letter from Bowers with Report.....	5
Letter from Weast to BOE (8-25-08) .....	6
BOE Decision and Order.....	7
PHLO Letter to Bresler (11-19-08) .....	8
PHLO Letter to Grasmick (11-19-08) .....	9
PHLO Letter to DeGraffenreidt (11-21-08) .....	10
Letter from Asst. Attorney General to PHLO (1-12-09) .....	11
<b>PHLO Letter to Mostow (1-30-09) .....</b>	<b>12</b>
PHLO Letter to Mostow (3-10-09) .....	13
Signed Affidavit of Legal Guardian .....	14
Letter from Mostow (3-27-09) .....	15
<b>Letter from members of MD Gen. Assembly to Weast (5-13-09) .....</b>	<b>16</b>
<b>PHLO Letter to Mostow (6-4-09) .....</b>	<b>17</b>
Signed Statement from Legal Guardian.....	18
<b>PHLO Letter to Bowers (6-11-09) .....</b>	<b>19</b>

CERTIFICATION OF VITAL RECORD

COUNTY of SANTA CLARA  
PUBLIC HEALTH

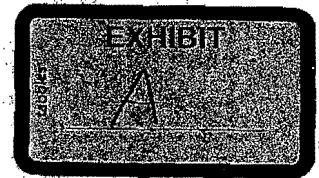
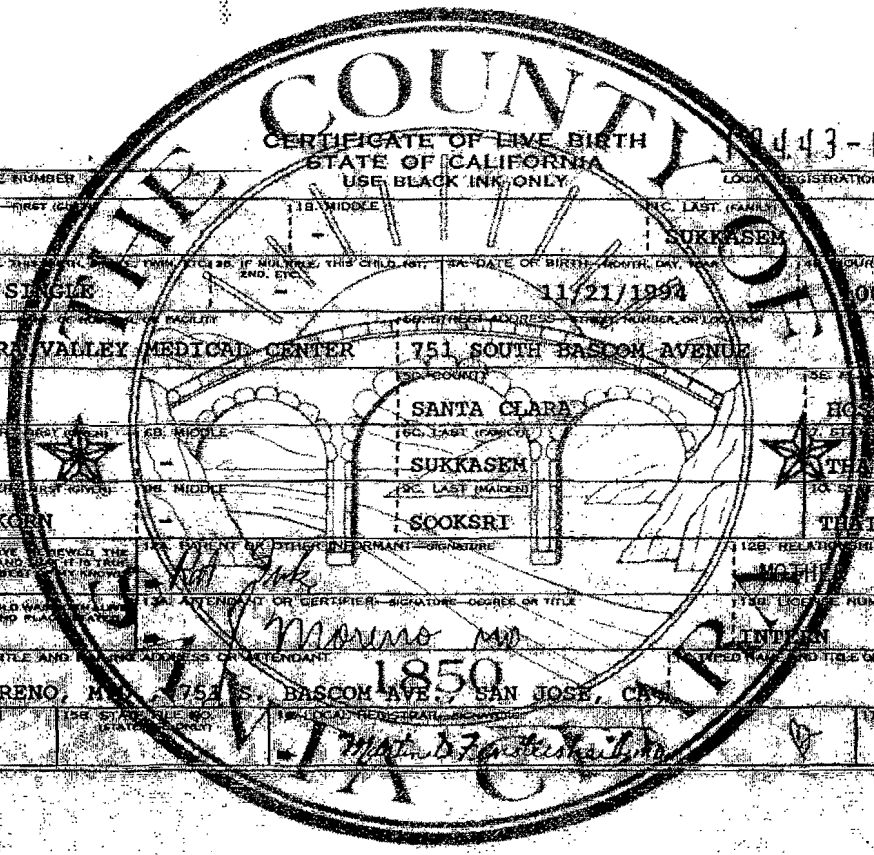
2220 MOORPARK AVE., SAN JOSE, CALIFORNIA 95128

104-

CERTIFICATE OF LIVE BIRTH  
STATE OF CALIFORNIA  
USE BLACK INK ONLY

443-025493

STATE FILE NUMBER		LOCAL REGISTRATION DISTRICT AND CERTIFICATE NUMBER	
THIS CHILD	1A. NAME OF CHILD - FIRST (LAST)	1B. MIDDLE	1C. LAST (FAMILY)
	JEFF		SUKKASEM
	2. SEX	3A. SINGLE, MARRIED, DIVORCED, WIDOW, ETC. IF MULTIPLE, THIS CHILD, 1ST, 2ND, ETC.	3B. DATE OF BIRTH - MONTH, DAY, YEAR (24 HOUR CLOCK TIME)
	MALE	SINGLE	11/21/1994 0000
PLACE OF BIRTH	4A. PLACE OF BIRTH - FACILITY	4B. STREET ADDRESS - STREET NUMBER OR BOX NUMBER	
	SANTA CLARA VALLEY MEDICAL CENTER	751 SOUTH BASCOM AVENUE	
	5C. CITY	5D. COUNTY	5E. ATTENDED PLACE OF BIRTH
	SAN JOSE	SANTA CLARA	HOSPITAL
FATHER OF CHILD	6A. NAME OF FATHER - FIRST (LAST)	6B. MIDDLE	6C. LAST (FAMILY)
	ORAN		SUKKASEM
MOTHER OF CHILD	7A. NAME OF MOTHER - FIRST (LAST)	7B. MIDDLE	7C. LAST (FAMILY)
	RATCHANEKORN		SOOKSRI
PARENT'S CERTIFICATION	I CERTIFY THAT I HAVE REVIEWED THE STATED INFORMATION AND BELIEVE IT TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.		12B. RELATIONSHIP TO CHILD
	SIGNATURE OF FATHER OR MOTHER OR ATTENDANT		12C. DATE SIGNED
CERTIFICATION OF BIRTH	I CERTIFY THAT THE CHILD WAS BORN ALIVE AT THE DATE, HOUR AND PLACE STATED.		12D. DATE SIGNED
	SIGNATURE OF ATTENDANT OR CERTIFIER - SIGNATURE - DEGREE OR TITLE		12E. DATE SIGNED
	13D. PRINTED NAME, TITLE AND ADDRESS OF ATTENDANT		13E. LICENSE NUMBER
	JESSICA MORENO, MD, 1850 S. BASCOM AVE., SAN JOSE, CA		13F. DATE SIGNED
LOCAL REGISTRAR	15A. DATE OF DEATH	15B. STATE WHERE DEATH OCCURRED	15C. MEDICAL CERTIFICATE NUMBER
			17. DATE ACCEPTED FOR REGISTRATION
			11/30/1994



H  
742783

STATE OF CALIFORNIA }  
COUNTY OF SANTA CLARA } SS

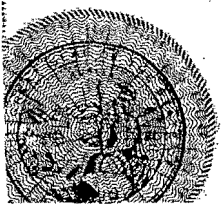
CERTIFIED COPY OF VITAL RECORDS

DATE ISSUED DEC 02 1994  
BY

This is a true and exact reproduction of the document officially registered and placed on file in the VITAL RECORDS SECTION, DEPARTMENT OF PUBLIC HEALTH.

*Martin O. Fensterherb MD*  
MARTIN O. FENSTERHERB  
HEALTH OFFICER AND LOCAL REGISTRAR  
OF BIRTHS AND DEATHS

This copy not valid unless prepared on engraved border displaying seal and signature of Registrar.







Residency Compliance Office  
Montgomery County Public Schools  
850 Hungerford Drive, Room 200  
Rockville, Maryland 20850  
(301) 315-7324

September 4, 2007

Mrs. Boonyawee Johnson  
10949 Deborah Drive  
Potomac, MD 20854

Dear Mrs. Johnson:

Re: Jeff Sukkasem

The Residency Compliance Office has denied your request for a tuition waiver for the following reason(s):

- Parents are currently residing in Thailand
- Student is here for school purposes
- Documents submitted do not justify a tuition waiver

If you wish to appeal this decision, you may do so within 10 days by submitting your request along with new documents to this office. If you wish to appeal at a higher level, you may do so by calling 301-279-3997 to schedule a hearing, or by writing to:

Mr. Larry Bowers  
Chief Operating Officer  
850 Hungerford Drive  
Rockville, MD 20850

Please do not hesitate to call our office if we can be of further assistance

Sincerely,

Anita S. Mostow, Ed.D.  
Residency Compliance Office

ASM:swp  
Copy to:  
Financial  
Registrar  
File

21ome  
AK pan

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

In the Matter of  
Jeff Sukkasem  
(Name of minor or alleged disabled person)

Case No. 68221-FL

**ORDER APPOINTING GUARDIAN OF THE PERSON OF A MINOR**

Upon consideration of the Petition for Appointment of a Guardian of the Person of Jeff Sukkasem, a Minor Child, and having conducted a hearing and determined that neither parent of the minor is serving as guardian and no testamentary appointment of a guardian of the person of the minor has been made, and finding that it is in the minor's best interest to appoint a guardian of the person of the minor, it is this 21 day of

April, 2008, by the Circuit Court for Montgomery County, Maryland

**ORDERED**, that pending further Order of Court, Kanya Amornpimonkul,  
whose address is [REDACTED], <sup>North</sup> Bethesda, MD 20852, and

whose telephone number is 202-247-7459 shall be appointed Guardian of the Person of Jeff Sukkasem, provided that such appointment shall not be considered a

waiver of any tuition that may be assessed by the Montgomery County Public Schools, and provide further that such appointment shall not be used to determine any requested school transfer within the Montgomery County Public School System; and it is further,


**ORDERED**, that the requirement for a guardian's bond is waived; and it is further,

**ORDERED**, that the Clerk of the Court is hereby authorized to furnish two (2) true test copies of this Order to the petitioner(s).

**ENTERED**

APR 24 2008

Clerk of the Circuit Court  
Montgomery County, Md.

  
JUDGE  
Circuit Court for Montgomery County, Maryland



# MONTGOMERY COUNTY PUBLIC SCHOOLS

www.montgomeryschoolsmd.org

MARYLAND  
301-279-3997

April 25, 2008

Ms. Kanya Amornpimonkul

[REDACTED]  
North Bethesda, Maryland 20852

Re: Jeff Sukkasem

Dear Ms. Amornpimonkul:

On March 26, 2008, you met with Mrs. Elaine B. Lessenco, hearing officer for tuition waiver appeals. I have designated to Mrs. Lessenco the responsibility of meeting with parents/guardians who are appealing tuition waivers. Following the hearing, Mrs. Lessenco provides me with information and recommendations. A copy of her report is enclosed.

I have reviewed Mrs. Lessenco's report, concur with her findings, and adopt her recommendations. I am denying your request for Jeff to attend North Bethesda Middle School on a tuition-free basis. The Department of Financial Service has been advised of my decision. If you wish to pay the required tuition, you may contact Mrs. Lessenco at 301-517-5981, and she will assist you in locating schools that have available space for Jeff. Once the availability of space has been determined, you will need to contact the Department of Financial Services at 301-279-3628, and that office will work out a payment schedule with you. After the initial payments are made, you may enroll Jeff.

If you wish to appeal my decision, you may do so by writing to Ms. Nancy Navarro, president, Board of Education, 850 Hungerford Drive, Rockville, Maryland 20850, within 30 days of the date of this letter.

Sincerely,

Larry A. Bowers  
Chief Operating Officer

LAB:sn  
Enclosure  
Copy to:

Dr. Weast	Mrs. Lessenco	Ms. Akpan
Dr. Lacey	Dr. McStow	
Dr. Brown	Mr. Sumner	



April 23, 2008

MEMORANDUM

To: Mr. Larry A. Bowers, Chief Operating Officer  
From: Elaine B. Lessenco, Hearing Officer  
Subject: Tuition Waiver Appeal: Jeff Sukkasem; DOB: 11/21/94;  
North Bethesda Middle School; Grade 7

Facts Regarding the Appeal:

On Wednesday, March 26, 2008, I met with Jeff Sukkasem, Ms. Zionne Akpan, his attorney, and Ms. Kanya Amornpimongkul, his guardian petitioner, regarding their appeal of the denial of a tuition waiver. The Residency Compliance Office had sent a letter of denial, dated September 4, 2007, because Jeff's parents are residents of Thailand. The Residency Compliance Office determined that the student is here for school purposes; and the documents submitted do not justify a tuition waiver.

At our meeting, Jeff reported that he had come to Montgomery County, Maryland, from Thailand, in March 2007, in order to go to school here. He reported that his mother could not afford to send him to school in Thailand. He stated that he has one sister, who is 17 years old, attending school in Thailand. Jeff further reported that he had spent time visiting Thailand from June until August 2007, and has been a resident in this county since that time.

Ms. Akpan reported that Jeff's parents are divorced, and that Jeff's mother has physical custody of his sister, who spends time with both parents. Jeff's father is employed; his mother is not and spends her time caring for her elderly mother, who is not well. Ms. Akpan reported that Jeff was born in the United States when his parents were living here, and that Jeff attended school in California from Kindergarten through Grade 4. He attended school in Thailand for Grades 5 and 6, but did not do well because of language and cultural difficulties.

Ms. Akpan provided a copy of the *Petition for the Appointment of a Guardian of the Person of a Minor*, which has been filed with the Circuit Court of Montgomery County, Maryland. I noted that guardianship alone would not be sufficient to grant a tuition waiver, since there must be a documented crisis that would prevent the child from living with his biological parent. Ms. Akpan stated her belief that a tuition waiver should be granted for Jeff on the basis of the family's financial difficulties, and Jeff's cultural difficulties.

I explained that there was no documentation of the family's financial situation that would allow Montgomery County Public Schools (MCPS) to waive tuition. In addition, I explained that Jeff had done sufficiently well in school in Thailand for the International Student Admissions Office to recommend his placement in Grade 7. I provided copies of the MCPS Policy JED, *Residency, Tuition, and Enrollment*, and Regulation JED-RA, *Residency and Tuition*, which clarify the school

Mr. Larry A. Bowers

2

April 23, 2008

system's position with respect to tuition waivers. Ms. Akpan requested that I delay my report on the case until documentation of the financial situation could be obtained from Thailand.

Findings and Recommendation:

Nearly a month has elapsed since I met with Ms. Akpan, Ms. Amornpimonkul, and Jeff, regarding their tuition waiver appeal. I am concerned that Jeff has not been in school since he arrived in the United States in March 2007. However, since no information has been received to document a crisis that would prevent Jeff from living with his parents in Thailand, I recommend that a tuition waiver be denied in this case.

EBL:sn

Copy to:

Dr. Weast

Dr. Lacey






Office of the Superintendent of Schools  
MONTGOMERY COUNTY PUBLIC SCHOOLS  
Rockville, Maryland

August 25, 2008

MEMORANDUM

To: Members of the Board of Education  
From: Jerry D. Weast, Superintendent of Schools   
Subject: Board Appeal No. 2008-14—Jeff Sukkasem

Zionne Akpan, Esq. is appealing the denial of a tuition waiver on behalf of Ms. Kanya Amornpimonkul, who was approved as Jeff Sukkasem's legal guardian by the Circuit Court of Montgomery County, Maryland, on April 21, 2008, with the proviso that the appointment of a guardian should not be considered a waiver of tuition.

Mrs. Elaine Lessenco, hearing officer, met with Ms. Akpan, Ms. Amornpimonkul, and Jeff on March 26, 2008. Her report to Mr. Larry A. Bowers, chief operating officer, dated April 23, 2008, recommended denial of a tuition waiver because there was no documentation of a crisis that would justify a waiver of tuition. Mr. Bowers accepted this recommendation in his letter to Ms. Amornpimonkul dated April 25, 2008. In her letter of June 12, 2008, Ms. Akpan appealed to the Board of Education and forwarded documents from Jeff's mother regarding her rationale for requesting a tuition waiver. The documents forwarded from Thailand had been scanned and were so difficult to read that clear copies were requested, as Ms. Akpan had suggested in her letter. Despite several telephone calls and electronic messages, no clear copies have been received.

With the opening of the new school year, I would like to resolve this case. It is my belief that the documents forwarded, as best as I can read them, do not document a crisis that would prevent Jeff from living with his mother and attending school in Thailand. Jeff's father's monthly salary of 4700 baht is about average in Bangkok, according to the Thai National Statistical Office. Jeff's mother's letter refers to her financial situation, but also emphasizes Jeff's desire to live and study in the United States, where he is more comfortable with the language and the culture.

It is my opinion that there is insufficient documentation of a crisis that would warrant a tuition waiver. I believe that this is a matter of Jeff's desire to live and to study in the United States. Therefore, I recommend that the Board of Education uphold the decision of the chief operating officer to deny this appeal.

LAB:etc

Copy to:

Mr. Bowers	Dr. Mostow	Ms. Bresler
Dr. Lacey	Mr. Sumner	Mr. Clancy
Dr. Brown	Ms. Akpan	Ms. King
Mrs. Lessenco	Ms. Amornpimonkul	

BEFORE THE BOARD OF EDUCATION OF MONTGOMERY COUNTY

IN THE MATTER OF  
JEFF SUKKASEM

: BOE APPEAL NO.  
: 2008-14

**DECISION AND ORDER**

This matter is an appeal of a denial of a tuition waiver for Jeff Sukkasem. Jeff's parents, who are divorced, live in Thailand. Jeff was born in the United States at a time when his parents lived here and Jeff attended school in California from kindergarten through Grade 4. Jeff attended school in Thailand for grades 5 and 6. Jeff has since returned to the United States and is now living with Ms. Kanya Amornpimonkul, who was appointed as his guardian. Jeff, who is now 13 years old, resides with Ms. Amornpimonkul in Bethesda.

The Residency Compliance Office denied the request for a tuition waiver. The compliance office cited as reasons for the denial that Jeff's parents currently reside in Thailand, that Jeff is in Montgomery County for purposes of attending school, and that the documents submitted do not justify a tuition waiver.

Through an attorney, the decision of the Residency Compliance Office was appealed to Mr. Larry A. Bowers, chief operating officer, acting as the designee of the superintendent. Mr. Bowers referred the matter to Ms. Elaine B. Lessenco to act as a hearing officer to prepare and submit a report to him with recommendations. As part of her review, Ms. Lessenco met with Jeff, Ms. Zionne Akpan, his attorney, and Ms. Amornpimonkul. According to Ms. Lessenco, Jeff stated that he had come to Montgomery County from Thailand in March of 2007 in order to attend school here. He stated that his mother could not afford to send him to school in Thailand. His attorney reported that Jeff's parents are divorced and that Jeff's sister resides with Jeff's mother. Jeff's mother is not employed and spends her time caring for her elderly mother. Jeff's father is employed in Thailand. The attorney also submitted a petition for appointment of Ms. Amornpimonkul as guardian (which was later granted by the Circuit Court of Montgomery County). The attorney asserted that a tuition waiver should be granted for Jeff on the basis of his family's financial difficulties and Jeff's cultural difficulties when he attended school in Thailand.

In her report, Ms. Lessenco stated that she explained that the appointment of guardianship alone is not sufficient to grant a tuition waiver and that there must be a documented crisis that would prevent the child from living with his biological parent. She states she further explained that there was no documentation in this case of a family financial situation that would warrant a tuition waiver. Jeff's attorney requested that Ms. Lessenco's report be delayed until documentation of the financial situation could be obtained. In her report, dated nearly a month after the conference, Ms. Lessenco stated

that she still had not received any documentation of a financial crisis, and recommended that the tuition waiver be denied. By letter of April 25, 2008, Mr. Bowers informed Ms. Amornpimonkul that he concurred with Ms. Lessenco's findings and adopted her recommendation that the tuition waiver be denied.

By letter dated June 12, 2008, through her attorney, Ms. Amornpimonkul (whose petition for guardianship had by this time been granted) appealed the decision of the chief operating officer to the Board of Education. In that appeal, the attorney reiterated the basis for the earlier request. She stated that Jeff had been born in California but moved to Thailand with his parents after the third grade. Jeff attended school in Thailand but had difficulty because of the language and cultural differences. According to the attorney, Jeff had to repeat the third grade in Thailand. The attorney stated that Jeff's parents divorced and his mother became his primary caretaker. Jeff's sister also lives with the mother, as does the maternal grandmother. The attorney represents that the maternal grandmother has serious health problems that require Jeff's mother to care for the grandmother.

The attorney asserts that Jeff's mother has financial problems that prevent her from taking care of Jeff in light of her other obligations. The attorney attached several documents that she contends support the argument of financial hardship (the documents were later resubmitted in a more legible form).

In response, the superintendent contends that the documents do not document a crisis that would prevent Jeff from living with his mother and attending school in Thailand. The superintendent asserts that Jeff's father's salary is about average in Bangkok, according to the Thai National Statistical Office. The superintendent also notes that the letter in support of the request for a waiver also emphasizes Jeff's desire to attend school in the U.S. The superintendent states his belief that the matter is one of a desire to live and attend school in the United States, and, thus, not suitable for a waiver of tuition.

The matter was considered by the Board of Education in closed session on September 9, 2008. After consideration of the materials submitted by the parties, the Board concluded that the matter could be decided without the conduct of an evidentiary hearing, referral to a hearing examiner, or oral argument.

The Board finds that the denial of the waiver of tuition in this matter was appropriate. Under Policy JED, *Residency, Tuition, and Enrollment*, qualified school-age individuals who have established bona fide residence in Montgomery County are to be admitted free to Montgomery County Public Schools. Bona fide residence is defined as ones "principal residence, maintained in good faith, and does not include a residence established for convenience or the purpose of free school attendance in the Montgomery County Public Schools."

Policy JED also provides that “. . . a qualified student residing with a court-appointed guardian who has an established bona fide residence in Montgomery County shall be presumed to be a resident student provided that the guardianship was obtained for reasons concerning the child and not for the primary purpose of attending school or for the convenience of the persons involved.”

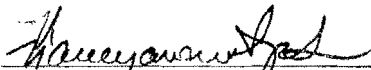
In this matter, the Board finds that the evidence in the record establishes that the guardianship and, consequently, the student's residence in Montgomery County, was established for the purpose of attending school in the United States, and more particularly, in Montgomery County. The record contains numerous references to the desire to have the student resume and continue his education in this country. Moreover, the record does not demonstrate a financial or other crisis that requires the student to live with his court-appointed guardian in Montgomery County. While the student apparently was in the custody of his mother in Thailand, the student's father appears to have steady and gainful employment in that country.


The Board also observes that, although the petition for guardianship was granted, the order specifically states that it will not be considered a waiver of tuition that may be assessed by MCPS.

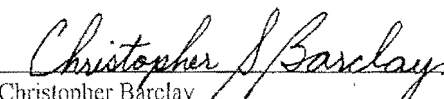
For the foregoing reasons, the decision of the chief operating officer is hereby affirmed.

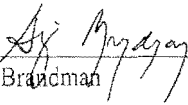
In a public session immediately following the closed session, the Board of Education voted to affirm the decision of the chief operating officer for reasons set forth in this written decision and order.

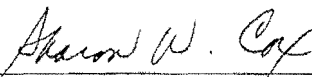
September 22, 2008

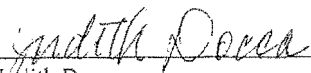
  
\_\_\_\_\_  
Nancy Navarro, President

  
\_\_\_\_\_  
Stephen Abrams

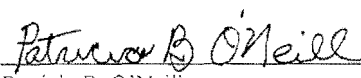
  
\_\_\_\_\_  
Christopher Barclay

  
\_\_\_\_\_  
Shirley Brudman

  
\_\_\_\_\_  
Sharon W. Cox

  
\_\_\_\_\_  
Judith Docca

  
\_\_\_\_\_  
Quratul-Ann Malik

  
\_\_\_\_\_  
Patricia B. O'Neill



Phone:  
(301) 424-5777

Fax:  
(301) 217-9297

E-mail:  
info@hooverlaw.com

Web:  
www.hooverlaw.com

# Patrick Hoover

Law Offices

600 Jefferson Plaza  
Suite 308

Rockville, Maryland 20852 Practicing in Maryland & Washington, D.C. \_ Of Counsel: David C. Gardner

November 19, 2008

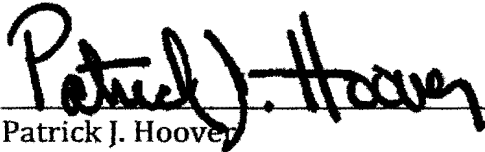
Judith S. Bresler, Esq.  
10715 Charter Drive, Suite 200  
Columbia, MD 21044

Re: Jeff Sukkasem 11/21/94

Dear Judith Bresler,

This letter is meant to bring to your attention that we have recently been hired by Jeff Sukkasem. He is a U.S. Citizen and resident of Montgomery County but was denied public school entitlement by his high school and the MCPS Board of Education on appeal. I would like to discuss the facts with you surrounding this fascinating legal case regarding our new young client. We intend to later supplement this letter with a legal authority memorandum to outline our client's position. Please let us know if there are any forms or fees to perfect our appeal for our client's denial of public school entitlement.

Sincerely yours,  
PATRICK HOOVER LAW OFFICES

  
Patrick J. Hoover

PJH/cc





Phone:  
(301) 424-5777

Fax:  
(301) 217-9297

E-mail:  
info@hooverlaw.com

Web:  
www.hooverlaw.com

# Patrick Hoover

Law Offices

600 Jefferson Plaza  
Suite 308

Rockville, Maryland 20852 Practicing in Maryland & Washington, D.C. \_ Of Counsel: David C. Gardner

November 19, 2008

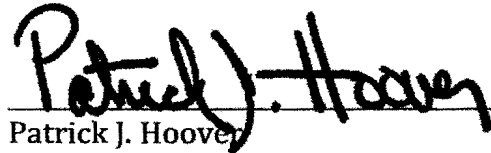
Nancy S. Grasmick, Ph.D.  
Office of State Superintendent  
State Department of Education  
Nancy S. Grasmick State Education Building  
200 West Baltimore Street  
Baltimore, MD 21201-2595

Re: Jeff Sukkasem 11/21/94

Dear Nancy Grasmick,

This letter is meant to bring to your attention that we have recently been hired by Jeff Sukkasem. He is a U.S. Citizen and resident of Montgomery County but was denied public school entitlement by his high school and the MCPS Board of Education on appeal. We were recently retained and are now taking over the case from previous counsel. We will be corresponding with Montgomery County Public Schools to get a copy of the file proceedings. This letter is to note our client's intention to attend public schooling as a Montgomery County resident. We intend to later supplement this letter with a legal authority memorandum to outline our client's position. Please let us know if there are any forms or fees to perfect our appeal for our client's denial of public school entitlement.

Sincerely yours,  
PATRICK HOOVER LAW OFFICES

  
Patrick J. Hoover

PJH/cc

CC: Judith S. Bresler



# Patrick Hoover

Law Offices

Phone:  
(301) 424-5777  
Fax:  
(301) 217-9297  
E-mail:  
info@hooverlaw.com  
Web:  
www.hooverlaw.com

600 Jefferson Plaza  
Suite 308  
Rockville, Maryland 20852 Practicing in Maryland & Washington, D.C. c Of Counsel: David C. Gardner

November 21, 2008

James H. DeGraffenreidt, Jr., President  
Maryland State Board of Education  
State Department of Education  
200 West Baltimore Street  
Baltimore, MD 21201-2595

Re: Appeal for client: Jeff Sukkasem 11/21/94

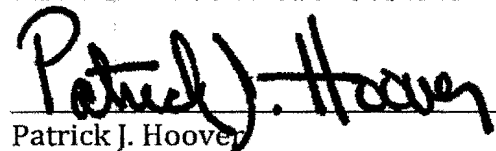
Dear Mr. DeGraffenreidt:

My office has recently been retained by a young man of 14, living for some time here in Montgomery County, Jeff Sukkasem. Jeff is a U.S. Citizen and legal resident of Montgomery County, yet he was denied enrollment in his local public school by MCPS at all levels, including the Board appeal filed on his behalf through prior counsel. This unbelievable decision was made in spite of his being a resident in Montgomery County. Our young client has therefore been effectively denied the free public school education to which he is entitled, for a period of several months at this point.

This letter is to inform your office that we are noting our appeal to the State Board of Education and that we intend to supplement this letter with a following memorandum of legal authority to outline our client's position at law and under the facts of the case. We will be also be corresponding with Montgomery County Public Schools to get a copy of our client's file proceedings, something I have been unable to accomplish despite repeated attempts to do so through prior counsel in the matter.

Please let us know if there are any applicable deadlines, forms or fees to perfect our appeal from our client's denial of his public school educational entitlement.

Sincerely yours,  
PATRICK HOOVER LAW OFFICES

  
Patrick J. Hoover

PJH/cc  
CC: Judith S. Bresler



# Maryland State Board of Education

200 ST. PAUL PLACE / BALTIMORE, MARYLAND 21202 / (410) 576-6465

January 12, 2009

Patrick J. Hoover, Esquire  
Patrick Hoover Law Offices  
600 Jefferson Plaza, Suite 308  
Rockville, MD 20852

Re: *Jeff Sukkasem v. Montgomery County Board of Education*

Dear Mr. Hoover:

I am writing on behalf of the Maryland State Board of Education in response to your request for an appeal to the State Board that was received by regular mail on January 5, 2009.

Procedures of the Maryland State Board of Education require that a written appeal be forwarded to the State Board of Education within 30 days of the local board's decision and include the following information: the parties to the appeal; a copy of the decision from which an appeal is being taken if the copy is available; and a statement of the facts and issues upon which the appeal is based. A copy of COMAR 13A.01.05.01 which contains all the regulations concerning appeals to the State Board of Education is enclosed.

Your letter of appeal does not contain the required statement of the facts and issues upon which you base the appeal. Please provide the additional information by Thursday, January 22, 2009, or 30 days from the date of the local board's decision, whichever is later.

I hope this information is helpful to you.

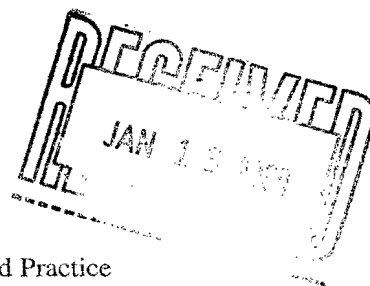
Sincerely,

A handwritten signature in cursive script that reads "Jackie La Fiandra".

Jackie La Fiandra  
Assistant Attorney General  
Maryland State Department of Education

Enclosure

c: State Board File  
Judy Bresler, Esquire  
G:\SANITIZED\DATA\EX APPEALS\ReqMoreInfo\Sukkasem.wpd





**Phone:**  
(301) 424-5777  
**Fax:**  
(301) 217-9297  
**E-mail:**  
info@hooverlaw.com  
**Web:**  
www.hooverlaw.com

# Patrick Hoover

Law Offices

600 Jefferson Plaza  
Suite 308  
Rockville, Maryland 20852    Practicing in Maryland & Washington, D.C.    **Of Counsel:** David C. Gardner

January 30, 2009

SENT BY FAX, EMAIL AND REGULAR POST

Dr. Anita S. Mostow  
Montgomery County Public Schools  
850 Hungerford Drive  
Rockville, MD 20852

Re:    My Client: Jeff Sukkasem; Age 14

Dear Dr. Mostow,

I am writing to re-acquaint you with the basic facts of my 14 year old client, Jeff Sukkasem, and on his behalf, I once again ask that your office review the file in this case and reconsider Jeff's application to enroll in his local public school here in Montgomery County. The basic facts remain the same as those you may find in the file when originally investigated by your office, however, at this point, Jeff has been living continuously in Montgomery County with no interruption; he has received no support from his parents in Thailand and he has been not attended any school, public or private, in the nearly two years in which he has been living in our community, since he first sought tuition waiver and enrollment in MCPS. Your file will also reflect and you may recall that Jeff is a U.S. citizen living with his guardian in Montgomery County. I can provide affidavits of uninterrupted and continuous residence in the county, should this be necessary.

Thankfully Jeff's guardian is yet providing him with basic shelter and care, but for all intents and purposes, he has been legally abandoned by his parents who remain in Thailand to my knowledge and refuse to provide for the tuition required of your office for this young man. Therefore, the regulations asserted in the original application by MCPS requiring a showing of hardship, parental inability to care for my minor client, are at this point entirely inapposite in the case of Jeff Sukkasem. As such, it is now high time for MCPS to move quickly to do all that is necessary to complete what I'll call the re-investigation or other administrative red tape involved in making its speedy determination of tuition free public school eligibility.

Plainly, no 14 year old, and certainly not this 14 year old, can be expected to provide MCPS with tuition absent help from a responsible adult. His guardian, who is a single working mom with another child of her own, is entirely unable to provide the tuition required by your office, nor is she legally obligated to provide for private tuition for her ward. Jeff is literally a boy without a school, something very like the better known Man Without a Country written by Edward Everett Hale, in the *Atlantic Monthly* in 1863.

I am available to speak with you or to meet with you, as is my client at your earliest opportunity. For the record, I spoke yesterday with the principle's staff at Cabin John Middle school, Jeff's local school,

and was once again told that I would have to contact your office for a determination of eligibility before my client would be allowed to attend school. I am in hopes that a further review of my client's enrollment request, now that it is plain he is not going away and is, I assert, the responsibility of MCPS to educate, just as MCPS does for so many other undocumented children living in our towns and communities, will at this time with the passage of years, be favorably considered. Jeff Sukkasem has by now been living in Montgomery County continuously for almost two years time. It has been two years since he first applied for enrollment in MCPS. He has not returned to his parent's residence in Thailand; received support from his parents, nor has he been enrolled in any school since coming to live in Montgomery County. Surely, by this time MCPS will realize that for all intents and purposes Jeff has been legally abandoned by his parents and is now a bonafide resident child "grandfathered" into the posture of eligibility for free county public school enrollment.

Please reply at you earliest opportunity. Jeff will be turning 16 in another few months and he has no time to waste. Accordingly, I ask that your office expedite this matter and proceed with all speed.

Sincerely yours,  
PATRICK HOOVER LAW OFFICES

A handwritten signature in black ink that reads "Patrick J. Hoover". The signature is written in a cursive style and is positioned above a horizontal line.

Patrick J. Hoover

PJH/ cc

CC: Judith Bresler

03

Phone:  
(301) 424-5777  
Fax:  
(301) 217-9297  
E-mail:  
info@hooverlaw.com  
Web:  
www.hooverlaw.com

# Patrick Hoover

Law Offices

600 Jefferson Plaza  
Suite 308  
Rockville, Maryland 20852    Practicing in Maryland & Washington, D.C.    c Of Counsel: David C. Gardner

March 10, 2009

Dr. Anita S. Mostow  
Montgomery County Public Schools  
850 Hungerford Drive  
Rockville, MD 20852

Re:    My Client: Jeff Sukkasem; Age 14

Dear Dr. Mostow:

I would like you to reconsider your decision regarding my client, Jeff Sukkasem, in his application to receive a tuition-free education in Montgomery County, Maryland. Please contact me as soon as you are in receipt of this letter at my office phone number 301-424-5777. This request is made also on behalf of Jeff's guardian, Kanya Amornpimonkul.

I have no doubt that you will recall our lengthy telephone conference several weeks past in which I promised to pin down the issues of any frequent international travel to and from Thailand by my client, the question of any financial support made to provide help to Jeff Sukkasem and/or his guardian from any outside sources, including his parents, and lastly, the question of my client's and his guardian's ability, if any, to finance private school education for my young client.

I am sorry it has taken me so long to respond, but I am now in the position to fully refute any suggestion that Jeff Sukkasem has engaged in frequent international travel. Furthermore, I am also in the position to refute the allegation that my client or his guardian has ever received financial support from any third party.

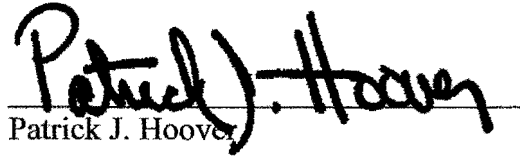
Enclosed, please find the affidavit of Kanya Amornpimonkul, who states, under the penalty of perjury, that neither she nor her young ward, my client, has ever received financial support and that she is also unable to afford private education for my client. Finally, I also enclose a copy of Jeff Sukkasem's passport, in which it is clear that he has not travelled out of the United States, his home country, since September of 2007, which is hardly the regular international travel to and from his parent's home that would certainly call into question his bona fides.

Please contact me upon receipt of the enclosed documents. I will gladly show you the original passport proving my previous assertion. I expect a response in the near future as my young client has not been in school for far too long. Thank you for your consideration regarding this case and my client, Jeff Sukkasem.



Sincerely yours,

**PATRICK HOOVER LAW OFFICES**

  
Patrick J. Hoover

PJH/ cc

CC: Jeff Sukkasem

Enclosure(s): Affidavit of Kanya Amornpimonkul  
Copy of Jeff Sukkasem's Passport



### AFFIDAVIT OF KANYA AMORNPIMONKUL

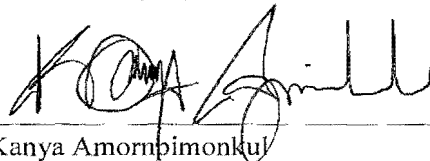
I, Kanya Amornpimonkul, a person over the age of eighteen, of sound mind and having personal knowledge of the facts contained herein, state the following:

1. My name is Kanya Amornpimonkul. I am a family friend and the legal guardian of fourteen year old Jeff Sukkasem as ordered by the Circuit Court for Montgomery County, Maryland on the 21<sup>st</sup> of April, 2008.
2. I reside at [REDACTED], North Bethesda, MD 20852.
3. Jeff Sukkasem is a United States Citizen, who was born and raised in the State of California, by his natural parents, Oran and Sarita Sukkasem.
4. When he was approximately eight years old, Jeff and his family moved to Thailand. Jeff remained there until March 2007, when Jeff, alone, returned to the United States of America and settled in Montgomery County, Maryland, where he lived for a short time with the Johnsons.
5. Jeff Sukkasem no longer lives with his parents, Oran and Sarita Sukkasem, who are currently divorced and continue to live in Thailand.
6. Instead, as of September 2007, Jeff has been living in my home and under my care. Neither I, nor Jeff, have ever received any monetary support from either of his parents, or any other source.
7. Since his return to his home country, the United States, on September 2007, Jeff Sukkasem has been unable to attend school due to the denial by Montgomery County Public Schools, in regard to waive tuition in our report for Jeff's schooling.
8. Jeff Sukkasem has not left the United States of America, the State of Maryland, or Montgomery County since September 2007, except for some few and rare occurrences in which he travelled within the Metropolitan region.
9. Without a tuition waiver, neither I, nor Jeff, have the means to afford private education where Jeff may continue his schooling.
10. Jeff Sukkasem is a permanent member of my home in Montgomery County with no financial ties to any other person will to care for his needs.

I SOLEMNLY AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE FOREGOING AFFIDAVIT ARE TRUE.

3/9/09

Date



Kanya Amornpimonkul



Residency Compliance Office  
Montgomery County Public Schools  
850 Hungerford Drive, Room 200  
Rockville, Maryland 20850

(301) 315-2003

March 27, 2009

Patrick J. Hoover, Esq.  
600 Jefferson Plaza, Suite 308  
Rockville, Maryland 20852

Re: Jeff Sukkasem

Dear Mr. Hoover:

This is in response to your letter dated March 10, 2009. As you are aware, your client was denied, by this office, a tuition waiver to attend a Montgomery County Public School. Your client has appealed this decision on two other levels, to the Chief Operating Officer and at the Montgomery County Board of Education. At both levels it was determined that in order to attend a Montgomery County Public School, Jeff would have to pay tuition.

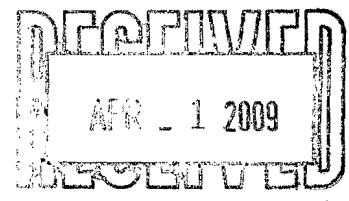
It is unfortunate that Jeff has not continued his education, but the documents that have been presented to date to our office do not qualify him for a tuition waiver. We will be happy to assist his guardian in finding a school that will accept him as a paying student if she so desires.

Please contact me if you have any further questions about our procedures.

Sincerely,

Anita S. Mostow, Ed.D.  
Residency Compliance Unit

Copy to:  
File



SENATOR BRIAN E. FROSH  
DELEGATE WILLIAM A. BRONROTT  
DELEGATE C. WILLIAM FRICK  
DELEGATE SUSAN C. LEE



Member Senate Office Building  
11 Biaden Street, Suite 2 East  
Annapolis, Maryland 21401  
410-841-3124 · 201-856-3123  
800-492-7122 Ext. 3124

THE MARYLAND GENERAL ASSEMBLY  
16TH LEGISLATIVE DISTRICT  
MONTGOMERY COUNTY

May 13, 2009

Dr. Jerry Weast  
MCPS Superintendent  
850 Hungerford Drive  
Rockville, MD 20850

Dear Dr. Weast:

We have received the enclosed email from Janis Sartucci regarding J ■■■  
S ■■■■ and enrollment in North Bethesda Middle School. Would you please look into  
this matter and provide us with a complete report.

We appreciate your assistance with this constituent concern. Best regards

Sincerely,

Handwritten signature of Brian E. Frosh.

Brian E. Frosh

Handwritten signature of William A. Bronrott.

William A. Bronrott

Handwritten signature of C. William Frick.

C. William Frick

Handwritten signature of Susan C. Lee.

Susan C. Lee

BEF/WAB/CWF/SCL/lcs  
Enclosure



Phone:  
(301) 424-5777  
Fax:  
(301) 217-9297  
E-mail:  
info@hooverlaw.com  
Web:  
www.hooverlaw.com

# Patrick Hoover

Law Offices

600 Jefferson Plaza  
Suite 308  
Rockville, Maryland 20852 Practicing in Maryland & Washington, D.C. c **Of Counsel:** David C. Gardner

June 4, 2009

SENT VIA E-MAIL, FAX AND REGULAR MAIL

Dr. Anita S. Mostow  
Montgomery County Public Schools  
850 Hungerford Drive  
Rockville, MD 20852

Fax: 301-279-8549

Re: My Client: Jeff Sukkasem; Age 14

Dear Dr. Mostow:

It is clear to me at this point that we have come to an impasse about Jeff Sukkasem's eligibility for a tuition-free education in the Montgomery County Public Schools. While I will continue to pursue every avenue to obtain for my client the tuition-free education for which his guardian, like every other taxpayer in the county, has already paid, I appeal to you at this time to allow Jeff to enroll in school immediately and allow this tuition dispute to continue independent of Jeff's ability to gain an education. Indeed, his enrollment is required by Maryland state law and is supported by Montgomery County Public Schools (MCPS) Regulations.

Section III.A. of the MCPS Regulations JEA-RB states as follows:

All qualified students whose parents/guardians have bona fide residency within a school area must be accepted for enrollment unless excused from school attendance according to the provisions of Section 7-301 (Compulsory Attendance Law) of the *Annotated Code of Maryland* or Section 7-305(d)(5) (denial of enrollment to a student who is currently expelled or suspended from another school system). Enrollment of students will be considered temporary until such time as the records show there has been no expulsion.

According to MCPS Regulation JEA-RB, Section II.A., a "qualified student is defined as "a student 5 years old or older and under 21." "Bona fide residency" is established by a parent or guardian, according to Section II.F if the residence "is one's actual or true residence, maintained in good faith, and does not include a temporary residence or superficial residence established for convenience or for the purpose of free school attendance in the Montgomery County Schools." Clearly, Jeff is a qualified student, since he is 14 years of age. Just as clearly, Jeff's legal guardian, Kanya Amornpimonkul, has long established bona fide residency in Montgomery County, where her natural-born son attends Montgomery County Public Schools for that very reason. Therefore, Montgomery County Public Schools' own regulations require that Jeff, a resident of Montgomery County whose legal guardian is a bona fide resident of Montgomery County, attend the appropriate school in his area.

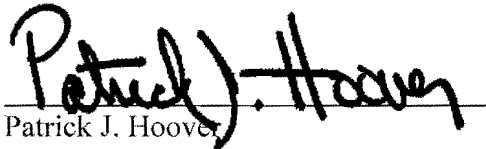
The MCPS Regulations are in keeping with state law regarding compulsory attendance. Specifically, the Annotated Code of Maryland, Education Article, Section 7-301 states that every child residing in Maryland shall attend a public school unless he is receiving his education from another source. As you know, Jeff Sukkasem has been residing in Montgomery County for nearly two full school years without receiving any formal schooling, either private or public. This exceptional 14 year old boy has been tutoring himself by spending his days in a public library, creating a situation directly contradicted by Maryland state law. His current legal guardian has now twice attempted to enroll Jeff in public school, but MCPS have prevented her from complying with state law by turning him away. State law requires Jeff's attendance in school, but the MCPS's actions have hindered him from getting an education.

Finally, I would point out that whether or not Jeff is allowed to attend school, I will continue to insist that Jeff has the right to attend MCPS without paying tuition. If your office continues to deny Jeff a free education, I will again appeal to the Montgomery County School Board, arguing that Jeff, as a US citizen and legal ward of a Montgomery County resident, must be allowed this education. I am willing to appeal to the Maryland State Board of Education and will resort to court action if necessary to get this young man the education to which he has a right. This process has the potential of leaving Jeff unschooled for months and years to come if your office does not allow him to attend school immediately. Jeff's guardian, unsupported by Jeff's parents, does not have the means to educate him through private means, leaving Jeff to continue the solitary self-education he has been pursuing for the past two school years. He will continue to be not only a student without a school, but a symbol of a governmental bureaucracy too intransigent to make appropriate decisions for the benefit of the greater societal - and state constitutional - goal of providing an education for its residents.

I once again ask you to reconsider your decision not to allow Jeff Sukkasem to attend his local Montgomery County Public School free of tuition. However, barring that, I ask you to allow Jeff to enroll in school immediately according to MCPS Regulations so that he can continue his education in earnest while the tuition dispute continues.

Please contact me upon receipt of this letter so we can discuss enrollment procedures for Jeff. Thank you for your consideration in this matter.

Sincerely yours,  
**PATRICK HOOVER LAW OFFICES**

  
Patrick J. Hoover

PJH/sg

CC: Jeff Sukkasem



**Statement from Legal Guardian of Jeff Sukkasem**

I am Kanya Amornpimonkul, the legal guardian of Jeff Sukkasem. It is part of my job as guardian to ensure Jeff attends school and does not violate truancy laws. I live and pay taxes in Montgomery County, and I send my natural child to Montgomery County Public Schools. Because I am a resident of Montgomery County, I believe Jeff should attend Montgomery County Public Schools tuition free, just as my son does.

Jeff is a United States citizen, 14 years of age. He is most fluent and comfortable in English. He was born in California and attended school there for most of his childhood. He has lived with me for nearly two years and is covered by my health insurance. Jeff's birth parents live in Thailand and do not contribute to his financial and physical well-being. Two years ago Jeff's parents sent him to the United States to live first with another guardian and then with me. They did this because they could not afford to care for him properly in Thailand and could not therefore ensure a proper upbringing and education there. Jeff's father is a police officer in Bangkok with a modest salary, and he is divorced from Jeff's mother, who cared for Jeff until he was sent back to the United States. She is currently unemployed and spending all her time and resources caring for a sick parent.

Jeff's birth family's financial situation, however, is irrelevant. They sent him to Maryland two years ago and will not or cannot pay for him to return to Thailand. Jeff has, for all intents and purposes, been abandoned into my care. While Jeff's mother does contact him once or twice a week, she does not send money. Since the Montgomery County Public Schools have previously denied his requests to attend school tuition free in Montgomery County, and since I do not have money to pay tuition, Jeff has spent the past two school years attempting to educate himself in the local public library. He has few friends and has no meaningful way to meet other children his own age. He is isolated and frequently feels lonely. This situation has become a crisis for Jeff.

Jeff has for nearly two years been a resident of Maryland. He is a bright child and has previously shown promise as a student. I am his guardian, a resident of Montgomery County, and I believe Jeff should be accorded the right to attend the tuition-free public schools in our home county.

Signed Kanya Amornpimonkul

Date 6/5/09

Notarized M. Grogan

*My commission exp. 12/01/2012*

MAGUETTE MAREME GROGAN  
NOTARY PUBLIC  
MONTGOMERY CO.  
MARYLAND



Phone:  
(301) 424-5777

Fax:  
(301) 217-9297

E-mail:  
Phoover@

hooverlaw.com

Web:  
<http://www.Hooverlaw.com>

# Patrick Hoover

Law Offices

600 Jefferson Plaza  
Suite 308  
Rockville, Maryland 20852

Practicing in Maryland & Washington, DC • **Of Counsel:** David C. Gardner

June 11, 2009

SENT VIA REGULAR MAIL

Mr. Larry Bowers  
Montgomery County Board of Education  
Chief Operating Officer  
850 Hungerford Drive  
Rockville, MD 20850

Re: My Client: Jeff Sukkasem; Age 14

Dear Mr. Bowers:

The purpose of this letter is to note an appeal of Dr. Anita Mostow's recent decision regarding my client, Jeff Sukkasem. Dr. Mostow's office recently determined, upon referral from the International Students Admissions Office (ISAO), that Jeff should not be allowed to enroll at Bethesda Middle School or at any other school within the Montgomery County Public Schools (MCPS) system. She made her recent decision despite the following facts: (1) Jeff's legal guardian, Kanya Amornpimonkul, is a bona fide resident of Montgomery County whose natural born son attends Montgomery County Public Schools; (2) Jeff is a US citizen whose natural parents live abroad and do not support him financially; and (3) Jeff has been compelled - contrary to the Maryland truancy statute - to stay home from school for the past two school years and study on his own. Dr. Mostow has made it clear that she will not permit Jeff to enroll unless he first agrees to pay tuition.

On Monday, May 18, Jeff and his legal guardian, Ms. Amornpimonkul, attempted to enroll at Bethesda Middle School, providing all required documents. Jeff was told he would be enrolled pending placement exams, and he and his guardian were referred to the ISAO. This was ostensibly because Jeff has not attended school in the United States (nor in any other country, for that matter) in the past two years, making him an "international student" by MCPS's definition. The ISAO assigned Jeff an appointment to take the placement exams on Tuesday, May 26. When Jeff arrived on May 26, no tests were administered, and Jeff was not enrolled at that time. Instead, he and his guardian were told that his case would be referred to Residency Compliance Services (RCS). I then spoke to Dr. Mostow in that office, who indicated that Jeff would not be allowed to enroll or attend school tuition free.

Since Jeff's legal guardian is a bona fide resident of Montgomery County, and since Jeff clearly has no other option for formal schooling, he should be permitted to attend MCPS on the same

tuition-free basis as any other resident of Montgomery County. Jeff is a United States Citizen, born and raised for most of his life in the United States. While Jeff spent approximately two years in school in Thailand, where his natural parents currently live, he is clearly not an international student and should not be considered as such by the MCPS. In addition to being a US citizen, Jeff speaks fluent English and does not speak his natural parents' language fluently. Meanwhile, his legal guardian resides and pays taxes in Montgomery County, where her natural son attends school tuition-free. Jeff's natural parents provide no financial support and have financially abandoned him to Ms. Amornpimonkul's care. Ms. Amornpimonkul does not have the financial ability to pay tuition at MCPS or any private school, nor should she be required to, since she is a bona fide, taxpaying resident of Montgomery County. Because Jeff's natural parents do not support him and because his legal guardian cannot afford school tuition, Jeff has been forced to keep up with his studies during the past two school years by going to the public library and studying from whatever books he is able to find there. This is an unacceptable situation, especially given the Maryland statutory requirement that every child in the state must attend public school unless alternative provisions are made for an education from another source such as private school or home schooling. See *Annotated Code of Maryland*, Education Article, Section 7-301.

Even if MCPS continues to dispute Jeff's residency, MCPS regulations and Maryland law require Jeff to attend school while the dispute is pending. Section III.A. of the MCPS Regulations JEA-RB states as follows:

All qualified students whose parents/guardians have bona fide residency within a school area must be accepted for enrollment unless excused from school attendance according to the provisions of Section 7-301 (Compulsory Attendance Law) of the *Annotated Code of Maryland* or Section 7-305(d)(5) (denial of enrollment to a student who is currently expelled or suspended from another school system). Enrollment of students will be considered temporary until such time as the records show there has been no expulsion.

According to MCPS Regulation JEA-RB, Section II.A., a "qualified student is defined as "a student 5 years old or older and under 21." "Bona fide residency" is established by a parent or guardian, according to Section II.F if the residence "is one's actual or true residence, maintained in good faith, and does not include a temporary residence or superficial residence established for convenience or for the purpose of free school attendance in the Montgomery County Schools." Clearly, Jeff is a qualified student, since he is 14 years of age. Just as clearly, Jeff's legal guardian, Kanya Amornpimonkul, has long established bona fide residency in Montgomery County, where her natural-born son attends Montgomery County Public Schools for that very reason. Therefore, Montgomery County Public Schools' own regulations require that Jeff, a resident of Montgomery County whose legal guardian is a bona fide resident of Montgomery County, attend the appropriate school in his area.

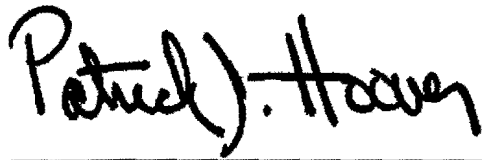
The MCPS Regulations are in keeping with the state law regarding compulsory attendance, as cited above. Jeff Sukkasem has been residing in Montgomery County for nearly two full school years without receiving any formal schooling, either private or public. This remarkable 14 year old boy has been tutoring himself by spending his days in a public library. His current legal guardian has diligently attempted to enroll Jeff in school, but MCPS have prevented her from complying with state

law by turning him away. In short, state law requires Jeff's attendance in school, but MCPS have blocked his required attendance.

I have contacted your office to arrange a hearing regarding this matter. In the meantime, I request that you review the enclosed documents and allow my client to enroll in school immediately according to MCPS Regulation JEA-RB, Section III.A. as stated above. Jeff has been out of school for too long and must be allowed to join his peers immediately.

Thank you for your consideration in this matter.

Sincerely yours,  
PATRICK HOOVER LAW OFFICES

A handwritten signature in black ink that reads "Patrick J. Hoover". The signature is written in a cursive style with a large initial "P".

---

Patrick J. Hoover

PJH/aca