

TRACY AND KEITH M.

Appellant

v.

PRINCE GEORGE'S COUNTY BOARD
OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 12-55

OPINION

INTRODUCTION

The Appellants appealed the decision of the Prince George's County Board of Education (local board) denying their request to transfer their daughter to another school. The local board filed a Motion for Summary Affirmance. The Appellants have not responded to the Motion.

FACTUAL BACKGROUND

The Appellants' daughter is a sixth grade student. When she was in kindergarten, her parents applied for and received the approval for a transfer of their daughter to Heather Hills Elementary School where she was identified as talented and gifted (TAG).

Heather Hills Elementary School offers services to students identified as TAG. Heather Hills is also the site of a TAG Center, for which admission is gained exclusively through a lottery process. The Appellants' daughter did not participate in the lottery process, and therefore, was not admitted to the TAG Center at Heather Hills. She did, however, receive TAG services.

Effective school year 2012-2013, Heather Hills Elementary became a TAG Center school, only, for students from second through fifth grade who are accepted through the lottery process. Sixth grade students residing in the Heather Hills attendance area now must attend their boundary middle school unless they entered Heather Hills TAG Center through the lottery process. Those students who entered through the lottery have the option to attend their boundary middle school or a TAG Center. Because the Appellants' daughter neither resides in the Heather Hills attendance area nor entered the TAG Center through the lottery process, the local school system informed the Appellants that their daughter would attend Bradbury Heights Elementary School for the 2012-2013 school year.

After receiving the assignment to Bradbury Heights, the Appellants participated in the lottery process to gain admission to the TAG Center at Walker Mill Middle School for the 2012-2013 school year. Their daughter is 8th on the waiting list. The Appellants also sought a transfer

to Samuel Ogle Middle School, which serves students from sixth through eighth grades. The Superintendent's designee by letter dated May 23, 2012 denied the Appellants' request to transfer their daughter directly to the TAG Center at Walker Mill, or, alternatively, to Samuel Ogle. They appealed the decision of the Superintendent's Designee to the local board, which upheld the decision. This appeal ensued.

STANDARD OF REVIEW

A decision of a county board of education involving a local policy or a controversy and dispute regarding the rules and regulations of the county board shall be considered *prima facie* correct, and the State Board may not substitute its judgment for that of the county board unless the decision is arbitrary, unreasonable, or illegal. COMAR 13A.01.05.05A.

ANALYSIS

The Appellants want their daughter to attend sixth grade at Walker Mill because it is a "TAG middle school." They argue that Walker Mill is the appropriate school for their daughter because: (1) it is "her in-boundary school"; (2) it is a much better school than Bradbury Heights Elementary; (3) she is entitled to TAG continuity placement; and (4) their daughter won't get TAG services at Bradbury Heights Elementary. We address each argument.

(1) In-boundary School

The Appellants state in their appeal that Walker Mill is their in-boundary school. The local school system asserts in Footnote 3 of their brief that Bradbury Heights is the Appellants' in-boundary school for sixth grade. For seventh grade, the in-boundary school would be Drew Freeman Middle School. We have reviewed the school boundary areas set forth at <http://schools.pgcps.org/SchoolFinder/findschool.asp> and agree that Bradbury Heights, a Pre-K thru 6th grade school, is the Appellants' in-boundary school for 6th grade.

(2) Better School

Appellants seek a good school for their daughter. That is the worthy goal of most parents. It may be that Walker Mill is a better school than Bradbury Heights. The rule of law is, however, there is no right to attend your public school of preference. The State Board has long held that there is no legal right to attend a particular school or enroll in a particular program. *See, Haibel v. Board of Educ. of Montgomery County*, 7 Op. MSBE 1163 (1998) (denial of entry to magnet program); *Dennis v. Board of Educ. of Montgomery County*, 7 Op. MSBE 953 (1998) (denied participation in particular courses); *Slater v. Board of Educ. of Montgomery County*, 6 Op. MSBE 365 (1992) (denial of transfer to school alleged to better serve student's abilities and welfare.)

(3) TAG Continuity

The Appellants argue that their daughter should have been afforded continuity, *ie.*, an automatic right to participate in a middle school TAG Center because she participated in TAG services at Heather Hills.

In PGCPS, continuity is provided for students enrolled in the Talented and Gifted Program and the French Immersion program. Administrative Procedure 6148 (F) sets forth the procedures for continuous enrollment/continuity. (Motion, Exh. 6). It states that students who gained admission by lottery to a specialty program may be offered admission to a specialty program at the entry grade for the next education level. Continuity may be offered to in-boundary TAG students who are in the terminal year at a school hosting a TAG Center and have one or more years of participation in the TAG Center. (Motion, Exh. 5). The continuity provisions, however, are inapplicable to Appellants' daughter because she did not gain admission to the TAG Center at Heather Hills, nor does she reside in either the Heather Hills or Walker Mill attendance areas. Accordingly, Appellants' daughter is not automatically entitled to enter the TAG Center at Walker Mill, despite her receipt of TAG services as a transfer student to Heather Hills.

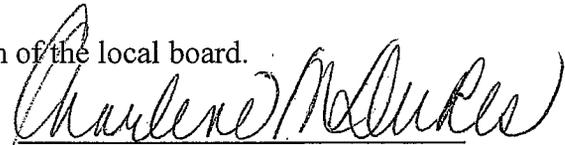
(4) No TAG Services

The Appellants appear to assert that TAG services will not be available to their daughter at Bradbury Heights. Throughout its brief, however, the local board states that TAG services are available in every elementary and middle school. Therefore, although Bradbury Heights is not a TAG Center school, Appellants' daughter should receive TAG services there.

Like the local board we applaud the Appellants' daughter's academic and musical success. With the support of her parents and the teachers at Bradbury Heights, we look for her continued success.

CONCLUSION

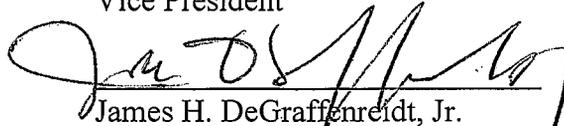
For all these reasons, we affirm the decision of the local board.



Charlene M. Dukes
President



Mary Kay Finan
Vice President



James H. DeGraffenreidt, Jr.

absent
S. James Gates, Jr.

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December 17, 2012