

THELMA W.,

Appellant

v.

PRINCE GEORGE'S COUNTY BOARD
OF EDUCATION,

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 08-14

OPINION

INTRODUCTION

In this appeal, Appellant challenges the decision of the Prince George's County Board of Education (Local Board) to deny her request to transfer her daughter to Benjamin Tasker Middle School (Tasker). The Local Board filed a Motion for Summary Affirmance maintaining that its decision is not arbitrary, unreasonable or illegal.

FACTUAL BACKGROUND

During the 2006-2007 school year, Appellant's daughter, L.W., was a fifth grade student at Kenilworth Elementary School (Kenilworth). Because Kenilworth serves students through fifth grade only, L.W. was slated to return to Gladys Noon Spellman Elementary School (Spellman), the elementary school serving Appellant's attendance area, to complete the sixth grade.¹ After one year at Spellman, L.W. would then have to matriculate to William Wirt Middle School (Wirt) for the seventh grade through the completion of middle school.²

On June 18, 2007, Appellant submitted a request to transfer her daughter to Benjamin Tasker Middle School, a school that serves students from grades six through eight. Appellant requested the transfer for purposes of school stability so that her daughter would not have to transition to an elementary school for one year and then move on to a different middle school the following year. Appellant designated Tasker as the requested school because it is across the

¹L.W. was attending Kenilworth due to an earlier transfer from Spellman. The school system initiated the move for academic reasons. (Letter of Appeal to Local Board).

²Wirt serves students in grades six through eight. Students in Appellant's attendance area, however, complete the sixth grade at Spellman and then start at Wirt in the seventh grade.

street from Kenilworth, where L.W. was attending school. (Transfer Request and Attachment).

By letter dated June 18, 2007, Shirley C. Robinson, Supervisor of the Office of Student Transfers, advised Appellant that her request to transfer L.W. to Tasker was denied because the reasons advanced by Appellant did not meet the requirements for approval, and due to lack of space at Tasker. Nevertheless, a transfer to William Wirt was approved because it is the middle school the serves Appellant's attendance area. (Robinson Letter).

Appellant appealed to the Office of Appeals, reiterating the need for her daughter to have school stability. She stated her desire to have L.W. attend Tasker because it is a high performing middle school. The request was again denied because the stated reasons did not meet the criteria for a transfer. Appellant was again offered the option to have L.W. attend Wirt beginning in grade six based on the need for stability. (Stubbs Letter).

On further appeal to the local board, Appellant stated her desire to have that her daughter placed at Tasker because it is a high achieving school. She stated that placing L.W. at Wirt would not be in her best interest and that it "might retard the academic, social and emotional achievements she has made in elementary school." (Letter of Appeal to Local Board). In response to the appeal, Dorothy Stubbs, Special Assistant for Appeals, recommended that the Local Board deny the request stating that there is no programmatic reason for L.W. to attend Tasker. She stated that transfers are not granted for the perceived superiority of one school over another. The Local Board denied the transfer request. This appeal to the State Board followed.

STANDARD OF REVIEW

The standard of review that the State Board applies in reviewing a student transfer decision is that the State Board will not substitute its judgment for that of the local board unless the decision is shown to be arbitrary, unreasonable, or illegal. COMAR 13A.01.05.05; *See, e.g., Breads v. Board of Education of Montgomery County*, 7 Op. MSBE 507 (1997).

LEGAL ANALYSIS

Prince George's County Public Schools' Administrative Procedure 5110.3 governs student transfers. The Administrative Procedure lists the circumstances which may warrant a transfer to an out-of-boundary school. The circumstances are as follows:

- The necessity for the student to have a change in his or her then existing educational environment for reasons at the school from which the transfer is sought, which is initiated by a school official;
- The inability of the student to either continue or obtain a

program of instruction at the student's present school and evidence is given to the effect that a student's desired program at another school would be to the student's educational advantage;

- The medical or psychological condition of the student;
- The bona fide change in residence of the student's parent or legal guardian;
- Cases of extreme hardship where it is clearly evident to the Office of Student Transfers that the student will obtain an additional educational benefit by virtue of the transfer;
- Children of school-based employees who are eligible to attend Prince George's County Public Schools may be assigned to the school where the parent or guardian is stationed;
- For siblings of special education students to attend the same school in the regular education program;
- For siblings to attend the same school of a transferred elementary, middle, or high school regular education student; and
- Transfers permitted pursuant to the laws of the State of Maryland or the United States of America.

Administrative Procedure 5110.3(III.A). The student transfer policy is permissive and not mandatory, giving the school system discretion in balancing the interests of the students and the schools.

Appellant claims that she wants her daughter to attend Tasker to provide her with school stability so that she transitions to one school instead of attending two different schools in two years. The school system offered Appellant the opportunity to have her daughter start in the sixth grade at Wirt, the Middle School serving her area, so that L.W. would only have to change schools one time. But Appellant does not want her daughter to attend Wirt. She wants her to attend Tasker because she perceives it as a high achieving school that will best serve L.W.'s interests. Appellant, however, has provided no evidence to support a valid basis for the transfer to Tasker under the applicable Administrative Procedure. Rather, she merely states a preference for one school over another.

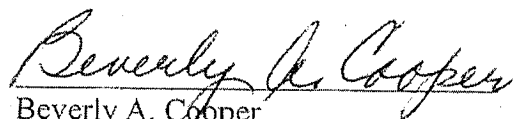
The State Board has long held that there is no right to attend a particular school or a particular class. See *Bernstein v. Board of Education of Prince George's County*, 245 Md. 464 (1967); *Chacon v. Montgomery County Board of Education*, Opinions of MSBE, No. 01-39 (December 5, 2001); *Williams v. Board of Education of Montgomery County* 5 Opinions of MSBE 507 (1990); *Goldberg v. Montgomery County Board of Education*, Opinions of MSBE, No. 05-35 (October 26, 2005). Because none of the exemptions in Administrative Procedure 5110.3 apply, we find that the Local Board's decision is not arbitrary, unreasonable or illegal.

CONCLUSION

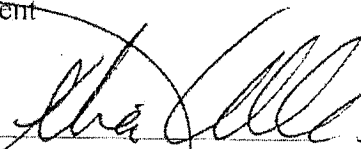
For all these reasons, we affirm the decision of the Local Board denying Appellant's request to have her daughter attend Benjamin Tasker Middle School.



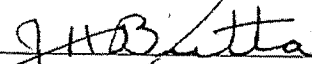
Dunbar Brooks
President



Beverly A. Cooper
Vice President

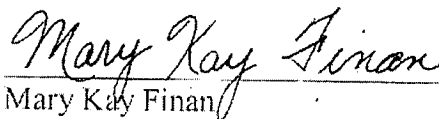


Lelia T. Allen

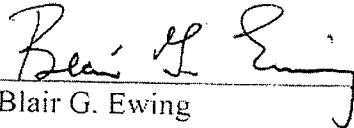


J. Henry Butta


Charlene M. Dukes

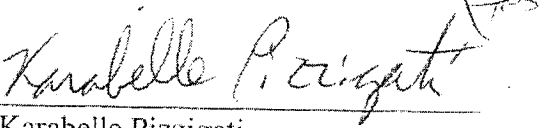


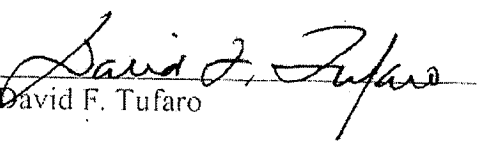
Mary Kay Finan


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February 27, 2008