

P. H.

Appellant

v.

PRINCE GEORGE'S COUNTY BOARD
OF EDUCATION

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 07-7

OPINION

INTRODUCTION

This is an appeal of the local board's denial of Appellant's request to transfer her daughter from Parkdale High School to Eleanor Roosevelt High School. The local board filed a Motion for Summary Affirmance maintaining that its decision was not arbitrary, unreasonable or illegal.

FACTUAL BACKGROUND

In April 2006, Appellant filed a Student Transfer Request asking that her daughter, T.H.,¹ be granted a transfer from Parkdale High School (Parkdale) to Eleanor Roosevelt High School (Roosevelt) for the 2006-2007 school year. (Student Transfer Request). Appellant's reason for the request was that she was dissatisfied with Parkdale. She believed that T.H. would be treated inappropriately because of her brother's history there. (*Id.*) By letter dated June 12, 2006, Shirley Robinson, Supervisor of the Office of Student Transfers, denied Appellant's request due to severe overcrowding at Roosevelt and because the reasons given for the transfer request did not meet the requirements for approval set by the local board. (Letter to Appellants, 6/12/06).

On June 14, 2006, Appellant filed an appeal of the transfer denial. She stated that her daughter "is a very bright student and makes good grades" and that Parkdale "is not the school that is on [her] daughter's level." She stated her opinion that the teachers at Roosevelt are better than the ones at Parkdale based on her experiences from when her other two children attended those schools. (Letter from Holmes).

On June 29, 2006, Dorothy Stubbs, Special Assistant for Appeals, issued a decision denying Appellant's transfer request. Ms. Stubbs noted that Roosevelt was overcrowded and that student transfers are not based upon school preference. (Letter from Stubbs). She directed

¹Appellant's daughter is referred to as T.H. throughout this memorandum.

Appellant to discuss her concerns with the administration and guidance at Parkdale.

Appellant appealed the denial of her transfer request to the local board on July 12, 2006, giving the same reasons she had previously advanced. Appellant made a further request that T.H. be allowed to attend Northwestern High School (Northwestern) if Roosevelt were not available.

Ms. Stubbs submitted a recommendation to the local board that the transfer request be denied. That document reveals that although Parkdale, Roosevelt, and Northwestern were all projected to be overcrowded for the 2006-2007 school year, Parkdale was the least overcrowded with a utilization rate of 110%. Roosevelt was the most overutilized at 132% and Northwestern had a utilization rate of 125%. Ms. Stubbs gave the following reasons for the denial: (1) Parkdale offers the County approved high school curriculum which offers challenging college preparatory courses which T.H. can access; (2) all teachers must meet teacher certification standards established by the State and the local board; (3) the transfer policy allows for transfers for various reasons, including programmatic reasons, if the requested school has available space, but in this case the schools are overcrowded and the basis of the request was school preference rather than a specific program; (4) the parent was asked to discuss her concerns with personnel at the assigned school; (5) students are expected to attend their assigned school; and (6) T.H. is a highly motivated student who will continue to achieve success. (Transfer Recommendation).

On August 4, 2006, Roger Thomas, General Counsel to the Prince George's County Public Schools, notified Appellant that the local board declined to reverse the decision of the Special Assistant, thus, denying Appellant's transfer request. (Letter to Appellant, 8/4/06).

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.

ANALYSIS

Prince George's County Public Schools' Administrative Procedure 5110.3 on student transfers provides that the Office of Student Transfers may approve student transfers solely upon one of the following grounds:

- 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;
- 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 the 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 parents 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;
- The children of school based employees who are eligible to attend Prince George's County Public Schools may be assigned to the school at which the parent/guardian is stationed;
- Transfer requests for siblings of special education students to attend the same school in the regular education program may be granted pursuant to existing guidelines and procedure;
- Transfer requests for siblings to attend the same school of transferred elementary, middle and high school, regular education students may be granted pursuant to the established guidelines;
- Transfers are permitted pursuant to the laws of the State of Maryland or the United States of America.

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 did not advance any specific reason set forth in the Administrative Procedure to support her transfer request. Rather, she made the request based on her preference for her daughter to attend one school over another. As Ms. Robinson and Ms. Stubbs explained, the transfer request was denied because none of the reasons that Appellant offered for the transfer request met the requirements for approval and because the requested schools were overcrowded. We find nothing in the procedure which would require the school system to grant the transfer in this case.

The Court of Appeals has ruled that there is no right to attend a particular school. *See Bernstein v. Board of Education of Prince Georges County*, 245 Md. 464, 472 (1967); *cf. Dennis v. Board of Education of Montgomery County*, 7 Op. MSBE 953 (1998) (desire to participate in particular courses does not constitute unique hardship sufficient to override utilization concerns);

Marshall v. Board of Education of Howard County, 7 Op. MSBE 596 (1997) (no entitlement to attend four-year communications program offered at Mount Hebron); *Slater v. Board of Education of Montgomery County*, 6 Op. MSBE 365 (1992) (denial of transfer to school alleged to better serve student's abilities and welfare); *Williams v. Board of Education of Montgomery County*, 5 Op. MSBE 507 (1990) (denial of transfer to program offering advanced German); *Sklar v. Board of Education of Montgomery County*, 5 Op. MSBE 443 (1989) (denial of request to attend school offering four years of Latin, note taking/study skills course, and piano).

CONCLUSION

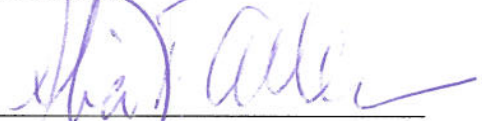
Because we find that the Prince George's County Board of Education's decision is not arbitrary, unreasonable or illegal, we uphold the local board decision denying Appellant's transfer request.



Edward L. Root
President



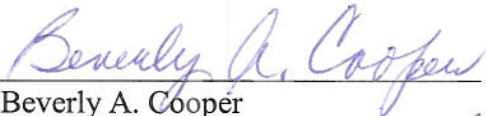
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Vice President



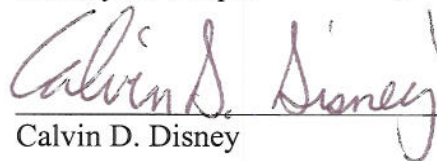
Lelia T. Allen



J. Henry Butta



Beverly A. Cooper

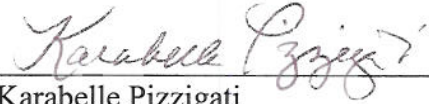
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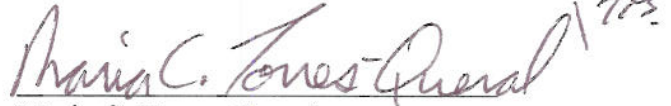
Richard L. Goodall



Tonya Miles



Karabelle Pizzigati



Maria C. Torres-Queral



David F. Tufaro

February 27, 2007