

MARY T.,

Appellant

v.

MONTGOMERY COUNTY BOARD OF
EDUCATION,

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 07-37

OPINION

INTRODUCTION

Appellant, mother of A.G., has appealed the denial of her request to transfer her son from Frances Scott Key Middle School (“Frances Scott Key”) to White Oak Middle School (“White Oak”). The Montgomery County Board of Education (“local board”) filed a Motion for Summary Affirmance maintaining that the reasons advanced by Appellant in support of the appeal do not constitute a hardship under local policy and regulation governing student transfers and, therefore, the local board’s decision is not arbitrary, unreasonable or illegal.

FACTUAL BACKGROUND

A.G. lives in the attendance area of Frances Scott Key Middle School. On or about March 5, 2007, his parents submitted a “Request for Change of School Assignment” seeking to transfer their son from Frances Scott Key to either White Oak or Briggs Chaney Middle School because of the negative experiences they had had with staff at Frances Scott Key when their older sons attended the school. They stated that they had difficulty maintaining cooperation and coordination with school staff, particularly with regard to student safety issues. The Field Office Supervisor denied the request on April 23, 2007 for failure to meet guidelines. (*See* Motion, Exhibits 2, 2a).

On May 15, 2007, the Chief Operating Officer (“COO”), acting as the Superintendent’s designee, recommended that the local board deny the transfer request. The COO adopted the recommendations of the hearing officer who concluded that there was a lack of unique hardship sufficient to justify the transfer. (*See* Motion, Exhibits 4, 4a).

At its meeting on July 17, 2007, the local board voted unanimously to uphold the Superintendent’s decision. In its written decision, the local board stated as follows:

The Board agrees with the superintendent that the materials submitted by the parents did not document hardship; rather the materials supported a finding that the request for a change of school assignment was based on a preference of one school over another. While the Board believes it is unfortunate that [Appellant] views the experience of her older sons at Francis Scott Key Middle School as negative, the Board does not believe that [A.G.'s] experience is in any sense pre-ordained to be negative. The Board believes that [A.G.] can receive not only a quality education at that school but have a positive, enriching experience as well

(Motion, Exhibit 7).

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

Pursuant to local board policies, students are assigned to the schools in the areas in which they live. In order to transfer to a different school, there must be evidence of hardship. We agree with the local board that there is not sufficient evidence here of a hardship that would warrant a transfer.

Appellant would like her son to attend a school other than Frances Scott Key where she had prior negative experiences while her older sons were in attendance there. We return to the oft quoted statement 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 (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 (2005).

CONCLUSION

Accordingly, we affirm the decision of the local board denying Appellant's transfer request because it is not arbitrary, reasonable or illegal.



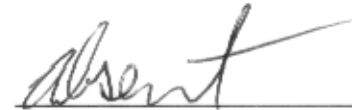
Dunbar Brooks
President



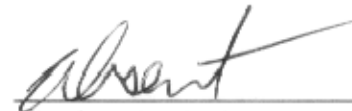
Beverly A. Cooper
Vice President



Lelia T. Allen



J. Henry Butta



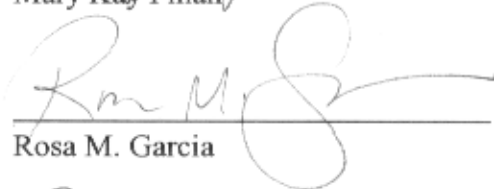
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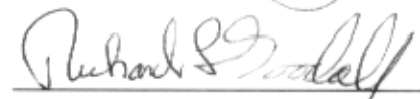
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Mary Kay Finan

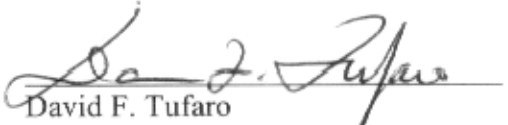


Rosa M. Garcia



Richard L. Goodall


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October 30, 2007