MARY W.,

Appellant

v.

PRINCE GEORGE'S COUNTY BOARD OF EDUCATION,

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 08-29

OPINION

INTRODUCTION

This is an appeal of the denial of Appellant's request to allow her daughter to remain at Charles Herbert Flowers High School for her senior year. The Prince George's County Board of Education (local board) has filed a Motion for Summary Affirmance maintaining that its decision is not arbitrary, unreasonable or illegal. Appellant has submitted a reply to the local board's Motion.

FACTUAL BACKGROUND

Appellant's daughter, A.G., is a high school senior. She participated in the Science and Technology Program at Charles Herbert Flowers High School since her ninth grade year.

At the beginning of the 2007-2008 school year, A.G. failed to complete a Research Practicum Research Practicum that was required of all Science and Technoloy Program students. A.G.'s failure to complete the Research Practicum stemmed from a scheduling conflict that caused the Practicum to be dropped inadvertently from her course schedule. A.G. missed more than 20 days of the course and had difficulty trying to make up missed work. (Transfer Request). Despite being offered assistance from the school, A.G. ultimately decided not to complete the Research Practicum and was withdrew from the Science and Technology program for failure to complete a program requirement. (Office of Appeals' Memorandum). In accordance with local procedures that require students to return to their boundary school after withdrawing from the academic program for which their transfer was granted, A.G. was directed to register at Dr. Henry Wise High School, the comprehensive high school that serves her attendance area. *See* Administrative Procedure 5110.3(III)(B)(2)(c).

On October 19, 2007, Appellant requested that her daughter be transferred from Henry A. Wise High School to Charles Flowers High School so that she could finish out her senior year

there and graduate with her friends. In her request, Appellant explained the circumstances that led to her daughter's failure to complete the Research Practicum and acknowledged and "accepted" that her daughter would no longer be participating in the Science and Technology Program. Nevertheless, she requested that her daughter remain at Charles Herbert Flowers as a "regular comprehensive student." (Transfer Request). Appellant sent a letter to the local board on October 22, 2007 requesting the same.[1]

The Office of Student Transfers denied the transfer request on October 26, 2007. Shirley C. Robinson, Supervisor of the Office of Transfers, advised that local policy and administrative procedures require students who withdraw from a program to which they have transferred to immediately enroll in the school assigned to the address at which they reside. She stated that the reasons given for the transfer request did not meet the established requirements for approval. (Robinson Letter). On further appeal to the Office of Student Appeals, Dorothy B. Stubbs, Special Assistant for Appeals, acting as the superintendent's designee, advised Appellant that her transfer request was denied. (Stubbs' Letter).

Appellant appealed the denial to the local board. The Office of Student Appeals responded to the appeal by memorandum, listing the following reasons as the basis for the denial of the transfer request:

- Students in the Science and Technology program sign a contract that indicates their knowledge of program requirements, including that of the research project requirement. When students withdraw from programs for which they were granted special transfers, the students are to return to the school that serves the address of their parents/guardians. The decision for A.G. to return to her boundary school is consistent with procedure and decisions made for other seniors who have not been on track to complete their Science and Technology programs.

- The school stated that A.G. was given the opportunity to complete the research project, an integral summative project for Science and Technology students. The coordinator offered to work with her and mentor her on the project. A.G. was also given the opportunity to expand on a project from the prior school year to satisfy the requirement. She chose not to avail herself of these

[1]Appellant did not appeal her daughter's withdrawal from the Science and Technology Program.

> opportunities. The school met with the parent to try to resolve the issue but was advised that A.G., would not do the project. It was this choice by the student not to comply with program requirements that caused her withdrawal from the program and, ultimately, her withdrawal from Charles Herbert Flowers.

(Office of Appeals' Memorandum). The local board accepted the recommendations of the Office of Appeals and denied Appellant's appeal.

This appeal to the State Board ensued.[2]

STANDARD OF REVIEW

The standard of review in 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).

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;

---

[2]Although Appellant makes several complaints about the Science and Technology Program and the problems that led to her daughter's withdrawal in her appeal to the State Board, this case is an appeal of the local board's decision to deny Appellant's request for a transfer from Henry Wise to Charles Herbert Flowers. Appellant did not contest her daughter's withdrawal from the program and has not asked to be reinstated in that program.

- 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. *See D.D. v. Prince George's County Board of Education*, MSBE Opinion No. 06-35.

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, and on the circumstances that led to her daughter's withdrawal from the program. The transfer request was denied because none of the reasons that Appellant offered for the transfer request met the requirements for approval.

In support of her appeal, Appellant references an e-mail from William Ritter, Regional Superintendent of the High School Consortium, which states that in similar cases students have been allowed to remain with their peers and graduate from the requested school. (Ritter e-mail). Mr. Ritter, however, made no decision in Appellant's case. Rather, he appropriately deferred on the issue to the Office of Student Transfers. That Office denied the request based on local procedure. That decision was upheld by the superintendent and the local board.

The local board's decision is consistent with Prince George's County Public Schools' Administrative Procedure. While it is clear that Appellant's daughter would prefer to remain at

Charles Herbert Flowers to finish out her senior year with her friends, a student has no right to attend a particular school. *See Bernstein v. Board of Education of Prince Georges County*, 245 Md. 464, 472 (1967); *Slater v. Board of Education of Montgomery County*, 6 Op. MSBE 365 (1992). In addition, this Board has previously upheld cases in which the local board deemed the desire to remain with a particular peer group insufficient to support a student transfer. *See, e.g, Skardis v. Montgomery County Board of Education,* 7 Op. MSBE 1055 (1998)(desire to attend high school with middle school peer group not sufficient to approve transfer); *Diehl v. Montgomery County Board of Education,* 7 Op. MSBE 589 (1997)(desire to join peer group not sufficient to warrant student transfer).

CONCLUSION

The local board's decision is not arbitrary, unreasonable or illegal. Accordingly, we affirm the local board decision denying Appellant's transfer request.

Dunbar Brooks
President

Beverly A. Cooper
Vice President

Absent
Lelia T. Allen

J. Henry Butta

Dissents
Charlene M. Dukes

Mary Kay Finan

Blair G. Ewing

Rosa M. Garcia

Richard L. Goodall

Absent

Karabelle Pizzigati

David F. Tufaro

May 28, 2008