

ROBERT M.,

Appellant

v.

CALVERT COUNTY BOARD  
OF EDUCATION,

Appellee

BEFORE THE

MARYLAND

STATE BOARD

Opinion No. 09-15

### OPINION

#### INTRODUCTION

This is an appeal of the denial of Appellant's request to transfer his daughter from Northern High School (Northern) to Huntingtown High School (Huntingtown). The Calvert 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

On May 26, 2008, Appellant submitted a Student Transfer Request asking that his daughter, B.M-M., be granted a transfer to Huntingtown because of health-related problems.<sup>1</sup> (Student Transfer Request). On the form for medically substantiating the transfer, his daughter's doctor cited spastic colon and peptic ulcer disease (PUD) as the medical diagnosis. The doctor stated that a change in schools would allow for more effective learning. (Transfer Request Treatment Plan for Health-Related Problems).

By letter dated May 30, 2008, Kimberly Roof, Director of Student Services for Calvert County Public Schools (CCPS), denied the transfer request because it did not meet the criteria set forth in the local board's transfer policy. Furthermore, Ms. Roof stated that B.M-M.'s health issues could be managed at Northern. (Roof letter, 5/30/08).

Appellant appealed the denial to the Superintendent. (Appellant's Letter, 6/8/08). The Superintendent's Designee denied the appeal. She advised Appellant of steps he can take to ensure that his daughter's health needs are met at Northern. She also stated that she would

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<sup>1</sup>Appellant also submitted at this time a request for his older daughter, E.M-M., to transfer to Huntingtown. Although Appellant originally sought to appeal to the State Board the local board's denial of the request for E.M-M. as well, he is no longer appealing that decision.

arrange for the Supervisor of Health Services to work with Appellant on the medical issue. (Grinnage-Pulley Letter, 7/8/08).

Appellant appealed to the local board. In his letter of appeal, he stated his belief that a change in school might help his daughter with her stomach ailment. (Appellant's Letter, 7/12/08). The Superintendent responded to the appeal, stating that there is no evidence that B.M-M.'s health needs had not been met. The Superintendent also highlighted the fact that B.M-M.'s attendance and grades had improved during her 9<sup>th</sup> grade year at Northern, as compared to her 8<sup>th</sup> grade year at Windy Hill Middle School, and that B.M-M. had received several awards in class in the 9<sup>th</sup> grade at Northern. (Superintendent's Memorandum, 8/12/08).

The local board denied Appellant's request for a transfer because it failed to meet the criteria for a health-related needs transfer as set forth in the CCPS transfer policy. (Local Board Decision).

This appeal to the State Board ensued.

#### 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.

#### ANALYSIS

Appellant asks that the State Board reverse the decision of the local board and grant his transfer request based on his daughter's medical condition.

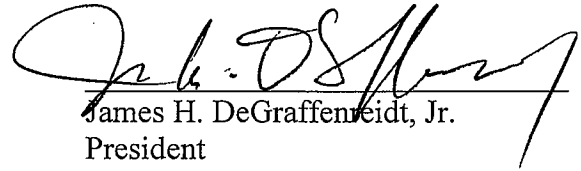
The school system's procedures governing student transfers specify that health-related needs will be considered as a circumstance for granting a transfer when a "documented health condition would be severely compromised due to the attendance in the assigned school in the established school district." (Administrative Procedure #3925, IV.C.1).

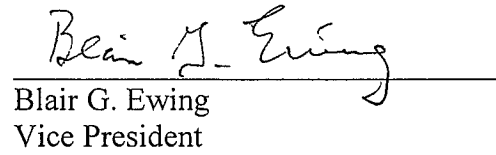
We concur with the local board that Appellant has not presented sufficient evidence to satisfy the health need criterion in this case. B.M-M.'s doctor provides no explanation of the nexus between B.M-M.'s medical condition and her attending Huntingtown, other than the conclusory and unsupported statement that Huntingtown would provide a more effective learning environment. The doctor does not specify how B.M-M.'s attendance at Northern severely compromises her stomach ailment. Nor does he explain how B.M-M.'s condition would improve if she attended Huntingtown.

Appellant has failed to satisfy his burden of proving that the transfer request was justified under the medical exception. Thus, we find that the local board's decision is consistent with the CCPS student transfer procedures.

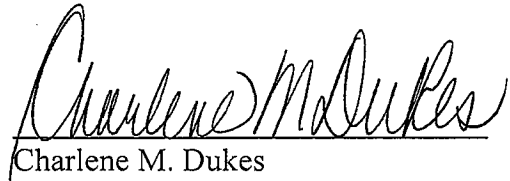
CONCLUSION

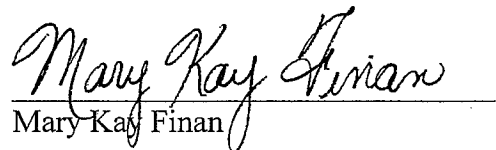
For these reasons we find that the local board's decision is not arbitrary, unreasonable or illegal. Accordingly, we affirm the local board's denial of Appellant's transfer request.

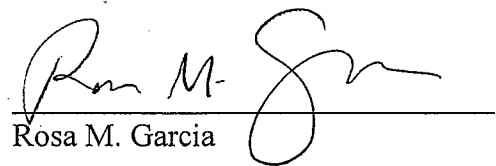
  
James H. DeGraffenheidt, Jr.  
President

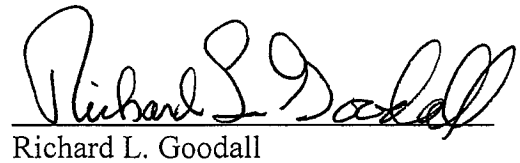
  
Blair G. Ewing  
Vice President

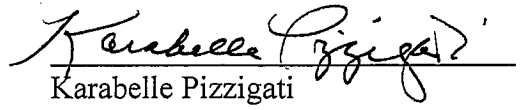
  
Dunbar Brooks

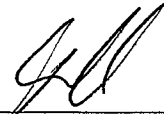
  
Charlene M. Dukes

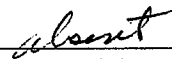
  
Mary Kay Finan

  
Rosa M. Garcia

  
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Ivan C.A. Walks

  
Kate Walsh

April 28, 2009