

RITA H.

Appellants

v.

MONTGOMERY COUNTY
BOARD OF EDUCATION,

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 09-40

OPINION

In this appeal, Appellant challenges the decision of the Montgomery County Board of Education (local board) denying her request for a student transfer for her son to attend Rockville High School (Rockville) instead of John F. Kennedy High School (Kennedy) beginning with the 2009-2010 school year.

FACTUAL BACKGROUND

On February 24, 2009, Appellant requested that her son, I.H., be permitted to transfer to Rockville for the start of his 9th grade year. Appellant requested the transfer so that I.H. could attend school near his father's place of work, which would be convenient for drop off and pick up after school. (Exh.1a). The Field Office Director denied the appeal because it did not meet the transfer guidelines. (Exh.1).

Appellant appealed to the Superintendent's Designee, Larry A. Bowers. Appellant explained that she does not allow I.H. to ride the school bus due to a lack of safety at their apartment complex and a prior bullying incident with one of the students on the bus that took place while I.H. attended Parkland Middle School. I.H. has not taken the school bus since that occurrence. Because Appellant does not drive, I.H.'s father takes him to and from school and supervised I.H. after school. (Exh.4a). Based on the recommendation of Hearing Officer, Laurence E. Jeweler, Mr. Bowers denied the transfer request due to a lack of compelling hardship. (Exh.4).

On appeal to the local board, Appellant also noted I.H.'s desire to take a journalism course at Rockville as another basis for the transfer request. (Exh.5). The local board denied the appeal due to a lack of documented hardship. (Exh.8). This appeal to the State board followed.

STANDARD OF REVIEW

In a student transfer case, 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 Breads v. Bd. of Educ. of Montgomery County*, 7 Ops. MSBE 507 (1997).

ANALYSIS

Subject to several exceptions, under local board policy students may only transfer to a school other than their assigned school if there is evidence of a unique hardship. (Exh.2, JEE-RA). Because none of the listed exceptions apply to this case, Appellant must document a hardship situation in order to receive a transfer for her son.

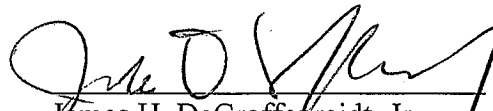
Based on the record in this case, we do not believe that there is a hardship that would warrant a transfer.

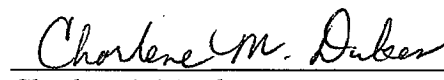
Appellant claims that there is a safety issue regarding I.H. taking the school bus but she has not presented any evidence of this. Although Appellant claims that she worked with Parkland's principal to address the alleged bullying incident in middle school, school administrators and security have no documentation or recollection of the matter. (Exh.6).

With regard to I.H.'s father taking care of him after school, the supervision of students before and after school is a matter common to every family and does not constitute a hardship. See *Jamei and Esmaili v. Bd. of Edu. of Montgomery County*, MSBE Op. No. 01-31 (2001); *Hall v. Bd. of Education of Montgomery County*, MSBE Op. No. 00-49 (2000); *Sullivan v. Bd. of Educ. of Montgomery County*, MSBE Op. No. 00-22 (2000); *Gutierrez and Finn v. Bd. of Educ. of Montgomery County*, MSBE Op. No. 00-1 (2000); *Gelber v. Bd. of Educ. of Montgomery County*, 7 Ops. MSBE 616 (1997); *Marbach v. Bd. of Educ. of Montgomery County*, 6 Ops. MSBE 351 (1992).

Further, concerning I.H.'s desire to take a specific journalism course at Rockville, the State Board has long held that there is no right to attend a particular school or take a particular class. See *Bernstein v. Bd. of Educ. of Prince George's County*, 245 Md. 464 (1967); *Goldberg v. Montgomery County Bd. of Educ.*, MSBE Op. No. 05-35 (2005); *Chacon v. Montgomery County Bd. of Educ.*, MSBE Op. No. 01-39 (2001); *Marshall v. Board of Education of Howard County*, 7 Ops. MSBE 596 (1997); *Williams v. Bd. of Educ. of Montgomery County* 5 Ops. of MSBE 507 (1990).

The decision of the Montgomery County Board of Education is hereby affirmed.


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October 27, 2009