

LEONDREA MACK,

Appellant

v.

PRINCE GEORGE'S COUNTY
BOARD OF EDUCATION,

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 99-21

OPINION

This appeal contests the denial of a student transfer request for LeonDrea Mack from Lord Baltimore Middle School to Eugene Boroughs Middle School in Prince George's County. Appellant claims that the local board's decision is "unfair" and that LeonDrea's "academic growth is not being given any consideration." The local board has filed a Motion for Summary Affirmance maintaining that the local board's decision should be upheld because it is not arbitrary, unreasonable or illegal.

BACKGROUND

LeonDrea is an eighth grade student at Lord Baltimore Middle School in Prince George's County. On October 30, 1998, LeonDrea's mother requested that LeonDrea be transferred to Eugene Boroughs Middle School beginning November 1998, for the remainder of the 1998-99 school year. In her transfer request, Appellant indicated that LeonDrea "is not performing to her full academic potential due to lack of care from the teachers and the stronghold that her peers have on her," and that LeonDrea has little motivation to do her work. Appellant requested the transfer based on her belief that LeonDrea needed a "fresh start with new teachers and surroundings."

By letter dated November 19, 1998, the Office of Student Transfers advised Appellant that her transfer request was denied. The letter stated that "the reasons given for the transfer request do not meet the requirements for approval which have been established by the Board of Education." It also stated that "the motivation to do well in any school must come from LeonDrea." Appellant challenged the decision of the Office of Student Transfers, reiterating her desire to have LeonDrea attend Eugene Boroughs based on problems with the environment at Lord Baltimore, and Appellant's belief that her daughter would benefit from a "fresh start." Appellant also indicated that LeonDrea's teachers had suggested that a change of schools might help her daughter. The Administrative Assistant for Appeals reviewed the information involved in the case and denied Appellant's transfer request.

Appellant appealed the denial to the local board. By letter dated December 22, 1998, Appellant was advised that the local board affirmed the denial of her transfer request.

ANALYSIS

Because this is a dispute involving the application of the Prince George's County Public School System policy on student transfers, the standard that the State Board applies in reviewing the student transfer decision upheld by the local board is that the State Board will not substitute its judgment for that of the local board unless the local board decision is shown to be arbitrary, unreasonable, or illegal. COMAR 13A.01.01.03E(1)(a); *see, e.g., Michael and Barbara Breads v. Montgomery County Board of Education*, MSBE Op. No. 97-1 (January 29, 1997). The Prince George's County Board of Education Policy 5110.3 on student transfers provides that the Office of Student Transfers and Records may approve pupil transfers on several grounds including the following:

The necessity for the pupil to have a change in his or her then existing educational environment for reasons other than the racial balance at the school from which transfer is sought, provided such transfer proceeding is initiated by the appropriate school official, in accordance with enabling procedures of the Department of Pupil Personnel, after conference with the pupil's parents or legally constituted guardian, and permitted for the sole reason that the transfer would serve an educational advantage for the pupil.

(Policy No. 5110.3, ¶A(1)).

In this case, LeonDrea's mother has asserted that "[i]n a conference with LeonDrea's teachers they also suggested that a change of school would help her." (Mack letter dated December 1, 1998). Ms. Mack has also submitted copies of LeonDrea's report card for the first and second quarters of this school year. In the first quarter her grades consisted of two failures, one B, and two C's; in the second quarter she received three failures, one D, and two C's. The report cards support Ms. Mack's contention that her daughter's academic performance is declining. In our view, Ms. Mack is asserting that the student transfer request that she has made on behalf of her daughter is for the sole reason that the transfer would serve an educational advantage for LeonDrea.

In reviewing the school system's responses to the transfer requests, we note that neither the local board nor the administrative assistant for appeals explained the basis for denying the transfer request. The only comment is found in the letter from the Office of Student Transfers that "the motivation to do well in any school must come from LeonDrea." We therefore find insufficient evidence in the record to determine whether the local board acted consistently with its student transfer policy and not in an arbitrary, unreasonable, or illegal manner. *See Rand Gelber v. Montgomery County Board of Education*, Op. No. 97-13 (March 20, 1997), remanding a student transfer appeal to the local board for further review and clarification of the basis for the local board decision.

CONCLUSION

For these reasons, we are remanding this matter to the Board of Education of Prince George's County for an expedited review of all relevant evidence to determine whether the transfer should be permitted in accordance with the board policy on student transfers for the reason that the transfer would serve an educational advantage for LeonDrea.

Walter Sondheim, Jr.
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JoAnn T. Bell

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George W. Fisher, Sr.

Morris Jones

Marilyn D. Maultsby

Judith McHale

Adrienne L. Ottaviani

DISSENT

Because I do not believe based on my review of the record that the local board acted arbitrarily, unreasonably, or illegally in this matter, I would affirm the denial of the student transfer request.

John Wisthoff

April 8, 1999