

CHARLES AND CHRISTINE D.,

Appellant

v.

CHARLES COUNTY BOARD
OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 14-49

OPINION

INTRODUCTION

Appellants have appealed the decision of the Charles County Board of Education (local board) denying their request to have their daughter transferred back to Maurice J. McDonough High School (McDonough) after she was rezoned from McDonough to St. Charles High School (St. Charles) based on a recent redistricting. The local board has filed a Motion for Summary Affirmance maintaining that its decision was not arbitrary, unreasonable, or illegal. Appellants responded to the local board's Motion, to which the local board replied.

FACTUAL BACKGROUND

The Appellants' daughter, S.D., attended McDonough during her freshmen and sophomore years of high school, 2012-2013 and 2013-2014. During that time, S.D. became involved in the choral and drama programs. (Appeal). Specifically, S.D. was active in Show Choir and Chamber Choir, both elective classes in which credit is received as part of the music curriculum. *Id.*

Because of a redistricting in Charles County, S.D.'s home address was rezoned for St. Charles for the 2014-2015 academic year. (Appeal). On March 10, 2014, the Appellants submitted a School Change Request to the Office of Student Services seeking to transfer S.D. back to McDonough based on the Appellants' claim that McDonough offers a Show Choir program while St. Charles does not. (*See* Local Bd. Motion). By letter dated March 17, 2014, the Director of Student Services, Patricia Vaira, denied the request because it did not meet the guidelines established by the transfer policy. (Motion, Ex.5). Specifically, Show Choir is not an approved course of study that would permit a transfer. (Motion, Ex.4).

The Appellants appealed the decision to the Office of School Administration. (Motion, Ex.6). Appellants explained that S.D. has excelled in the programs at McDonough and is very interested in the performing arts courses offered there, especially the choral program. *Id.* In particular, they noted that S.D. wishes to continue her involvement in the Show Choir, an elective that St. Charles will not offer. *Id.* Appellants also stated their belief that a change in schools at this point in time will negatively affect S.D.'s college and scholarship opportunities because S.D. will be starting programs anew rather than continuing further in programs in which

she was already established. *Id.* By letter dated April 7, 2014, Sylvia Lawson, Assistant Superintendent of School Administration, advised that she was upholding Ms. Vaira's decision because the request did not meet the transfer guidelines. (Motion, Ex.7).

Appellants appealed the decision to the local board, reiterating their prior concerns. They explained further that S.D. is interested in pursuing performing arts in college and possibly as a career. They noted the fact that S.D. wants to continue at McDonough where she is already in the Show Choir and Chamber Choir, and where she has a close connection to the director of the choral program. (Motion, Ex.8).

On May 20, 2014, the local board affirmed the Superintendent's decision denying the transfer. (Motion, Ex.1). The local board stated as follows:

Superintendent's Rule 5126 does not allow for transfers to take any specific course or activity except for academic courses of study not offered at the student's zoned school. The Rule defines academic courses of study to exclude courses offered at each school even if there is a difference in academic focus among schools. Even though the show choir program will not specifically be offered at St. Charles High School, the school will still offer music instruction and extracurricular activities. The Appellant offered no other justification allowed by Superintendent's Rule 5126 for the transfer, and therefore it was appropriately denied.

Id. This appeal to the State Board followed.

STANDARD OF REVIEW

Because this appeal involves a decision of the local board involving a local policy, the local board's decision is considered *prima facie* correct, and the State Board may not substitute its judgment for that of the local board unless the decision is arbitrary, unreasonable, or illegal. COMAR 13.A.01.05.05A.

LEGAL ANALYSIS

The Appellants requested that S.D. be transferred back to McDonough so that she could continue to participate in the choral programs there, specifically Show Choir. They argue that the local board should have granted the transfer under the "course of study" provision because Show Choir will not be offered at St. Charles. Appellants also claim that because Show Choir is an honors class for which students receive honors credit, S.D.'s overall grade point average will be negatively affected at St. Charles where she will be unable to participate in a comparable honors class. (Appeal).

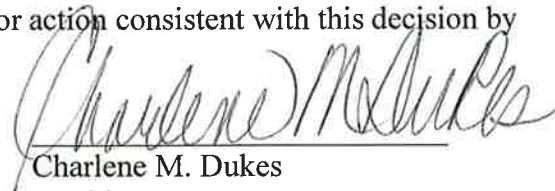
The Appellant seeks the transfer under the provision of Superintendent's Rule 5126 which allows students to transfer to schools with adequate space so that the student can

participate in "an academic course of study not offered within the student's zoned school." A transfer under this provision is not allowed, however, for participation in "JROTC, World Languages, and other courses offered at each school in which there may be differences in academic focus among the schools."

We have reviewed the local board's decision to understand the rationale that supports its conclusion that a transfer based on the "academic course of study" exception is not allowed in this case. The concept of "differences in academic focus among the schools," we believe, needs to be fully explained.

CONCLUSION

For the reasons stated above, we remand for action consistent with this decision by September 10, 2014.


Charlene M. Dukes

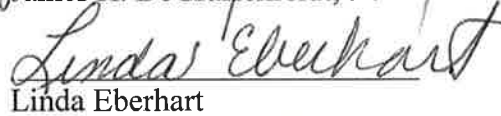
President

Absent

Mary Kay Finan
Vice President


James H. DeGraffenreidt, Jr.

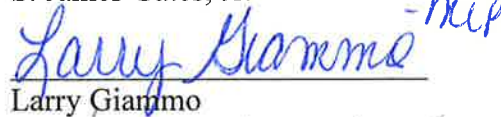
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Linda Eberhart

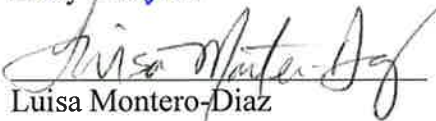
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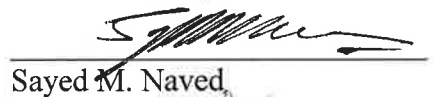
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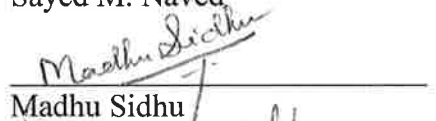
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Luisa Montero-Diaz

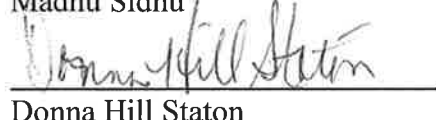
Luisa Montero-Diaz


Sayed M. Naved

Sayed M. Naved


Madhu Sidhu

Madhu Sidhu


Donna Hill Staton

Donna Hill Staton

August 26, 2014

Abstained

Guffrie M. Smith, Jr.