

DENISE G.

Appellant

v.

PRINCE GEORGE'S COUNTY BOARD  
OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 13-08

OPINION

INTRODUCTION

Denise G., the Appellant, appeals the decision of the Prince George's County Board of Education (local board) denying her daughter a transfer. The local board filed a Motion for Summary Affirmance to which the Appellant replied. The local board responded.

FACTUAL BACKGROUND

Appellant's daughter attended Berwyn Heights Elementary school during the 2011-2012 school year when she received Talented and Gifted (TAG) services. Berwyn Heights, as all elementary schools in Prince George's County, offers both put-out and in-class services to TAG identified students. Berwyn Heights is not a TAG Center, however. For her seventh grade year, Appellant's daughter was assigned to her boundary school, William Wirt Middle School. It is not a TAG Center.

Appellant entered the lottery process at the end of the 2011-2012 school year so that her daughter could participate in the TAG Center Program at Greenbelt Middle School for her seventh grade year. The Greenbelt TAG Center is available only to Talented and Gifted students residing within the Greenbelt boundary (which Appellant does not) and to those who enter through the lottery process.

Appellant's daughter was not chosen by lottery to enter the TAG Center at Greenbelt, but she was instead placed on the waiting list. Thirty-nine students who also entered the lottery were placed on the waiting list ahead of her. Dissatisfied with the lottery result, the Appellant wrote to Superintendent Hite on May 25, 2012, requesting that her daughter be placed at the Greenbelt TAG Center. On June 7, 2012, Johndel Jones Brown, Director of Pupil Accounting and School Boundaries, wrote to the Appellant explaining that it would be inequitable to place her daughter in the Greenbelt TAG Center ahead of the thirty-nine other students on the waiting list. The Appellant appealed the decision to the Office of Appeals on June 12, 2012. She requested that her daughter be placed in the TAG Center, notwithstanding her wait list status, explaining that

William Wirt Middle School would not be able to offer her daughter the same rigorous program of instruction.

The Office of Appeals issued a decision on June 18, 2012 denying Ms. G.'s request to override the lottery process and place her daughter at Greenbelt. On June 27, 2012, she appealed the decision of the Superintendent to the local board. On August 27, 2012, the local board upheld the decision of the Superintendent's designee.

Appellant's daughter now attends William Wirt Middle School. Although not a TAG Center, William Wirt offers TAG services to identified students within its boundary. Ms. G. alleges, however, that as of November 16, 2012, her daughter has yet to receive TAG services at William Wirt. She strongly believes that William Wirt cannot give her daughter what she needs to grow and advance.

### STANDARD OF REVIEW

Because this appeal involves a decision of a local board concerning 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 13A.01.05.05A.

### ANALYSIS

This appeal has one primary issue - - the request to transfer to the Greenbelt TAG Center - - and one secondary issue - - provision of TAG services at William Wirt.

#### *Transfer to Greenbelt*

Appellant is seeking placement of her daughter in the TAG Center Program at Greenbelt Middle. Administrative Procedure 6148 governs lottery admission to choice programs, including the Talented and Gifted Centers. The Procedure addresses eligibility criteria as follows:

Placement into Talented and Gifted (TAG) centers is only available to applicants meeting the Talented and Gifted identification criteria established by Administrative Procedure 6142.2. Students who attain said identification may attain entry to the centers via submission of a lottery application and subsequent placement into a center. TAG identified students who reside within the comprehensive boundary of a school, which hosts a TAG Center, are automatically eligible for participation in the TAG classes held at that TAG Center. Continuity will be offer to in-boundary TAG students who are in their last year and have one or more years of participation in the TAG center. Access to this program by transfer into the school is not permitted.

In short, placement in a TAG Center Program is through the lottery process only, unless a student resides in the boundary of a school where a TAG Center is located. See Administrative Procedure 6142.2

The lottery process is designed to provide a fair and equitable means to access to the TAG Center Programs. As Johndel Jones Brown states in his letter dated June 7, 2012, "to place your daughter into the TAG Program ahead of thirty-nine students who received a lower wait-list number as you requested would violate the administrative guidelines for admission to the program, devalue the interest of those students and also undermine the principles of equity which underlie the admission process."

We agree with the local board that it followed its policy and the decision to deny the transfer request was not arbitrary, unreasonable, or illegal.

*Provision of TAG Services at William Wirt*

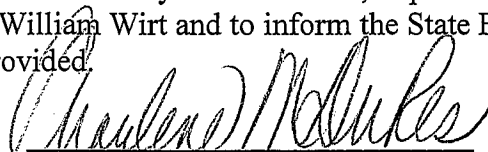
We understand that the Appellant wants the best educational program for her daughter. For the time being, she must work with William Wirt teachers and administrators to obtain TAG services for her daughter. To the extent that TAG services have not yet been arranged, we direct the school system and local board to evaluate Ms. G.'s daughter's TAG abilities and provide TAG services in compliance with COMAR 13A.01.05.05A which states:

- A. Each school system shall provide different services beyond those normally provided by the regular school program in order to develop the gifted and talented students' potential. Appropriately differentiated programs and services shall accelerate, extend, or enrich instructional content, strategies, and products to demonstrate and apply learning.

We commend Ms. G. for her tenacity, her attention to her daughter's education, and her advocacy for gifted and talented services for her daughter. We commend Ms. G.'s daughter for her excellent MSA scores and grades. We encourage both of them to persevere in seeking excellence in the education program.

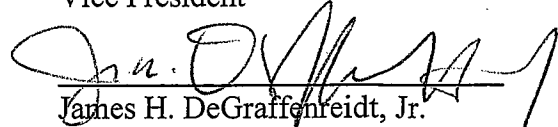
CONCLUSION

For all these reasons, we affirm the decision of the local board to deny the transfer to Greenbelt Middle. We also order the local board, within 20 days of this Order, to provide appropriate TAG services to Ms. G.'s daughter at William Wirt and to inform the State Board by February 21, 2013 of the services that are being provided.

  
Charlene M. Duker  
President

absent

Mary Kay Finan  
Vice President



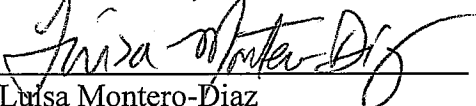
James H. DeGraffenreidt, Jr.



Linda Eberhart



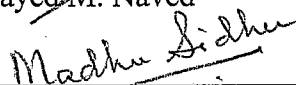
S. James Gates, Jr.



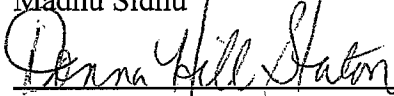
Luisa Montero-Diaz



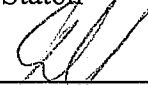
Sayed M. Naved



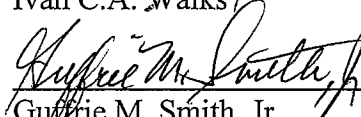
Madhu Sidhu



Donna Hill Staton



Ivan C.A. Walks



Guffie M. Smith, Jr.

January 22, 2013