

MELANIE C.,  
Appellant  
v.  
CARROLL COUNTY  
BOARD OF EDUCATION,  
Appellee

BEFORE THE  
MARYLAND  
STATE BOARD  
OF EDUCATION  
Opinion No. 10-04

OPINION

INTRODUCTION

In this appeal, the Appellant challenges the decision of the Carroll County Board of Education ("local board") denying her transfer request for her daughter. The local board has submitted a Motion for Summary Affirmance arguing that its decision was not arbitrary, unreasonable or illegal and should be upheld.

FACTUAL BACKGROUND

The Appellant's daughter, K.C., was assigned to attend North Carroll High School for the 2009-2010 school year. In February 2009, the Appellant submitted an out of district transfer request for K.C. to attend Manchester Valley High School instead of her assigned school.

The transfer request was based on K.C.'s excellent academic record and the fact that most of her friends were assigned to Manchester Valley. K.C. also submitted a letter, indicating that staying with her peer group was particularly important because she was previously redistricted and developed important friendships that she wanted to maintain. In addition, the Appellant included letters of support from K.C.'s friend who was recently diagnosed with type 1 diabetes, and the friend's mother, asking that K.C. be allowed to attend Manchester Valley with her friend in order to provide medical assistance by monitoring her friend's blood sugar, particularly after playing sports together. (Local Bd. Motion, Exh. 2-5.)

In April 2009, the Supervisor of Pupil Personnel denied the transfer request because it did not meet criteria for out of district placement under local board policy. (Local Bd. Motion, Exh. 6.) The Appellant next appealed to the local superintendent's designee, basing her transfer request entirely on K.C.'s need to provide medical assistance to her diabetic friend.<sup>1</sup> The Appellant included another letter of support from the mother of K.C.'s friend, who indicated that

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<sup>1</sup> The appeal letter was signed by K.C. and another student, T.G., who also appealed her out of district denial. T.G. is not a party to this appeal.

K.C. was included in a proposed emergency diabetes treatment plan for her daughter. (Local Bd. Motion, Exh. 7-9.)

The local superintendent's designee, Barbara Guthrie, agreed that the Appellant's transfer request did not meet the local board's criteria for out of district placement. While she commended K.C.'s dedication to her friend, Ms. Guthrie explained that coaches and other school personnel are trained on emergency medical procedures and the school system would not designate a student responsible for another student's health and welfare. Ms. Guthrie also concluded that K.C.'s desire to remain with her peer group after being re-districted previously did not justify a transfer under the local board's policy. (Local Bd. Motion, Exh. 10.)

In her appeal to local board, the Appellant challenged the flawed feeder system that placed K.C. at a school farther from their home and which separates K.C. from her friends. The Appellant also alleged for the first time that they were being discriminated against because individuals from another community successfully petitioned to have the school boundary changed, which allowed children from that community to remain together at Manchester Valley. (Local Bd. Motion, Exh. 11.)

On August 12, 2009, the local board issued its written decision upholding the local superintendent designee's decision. The board concluded that the reasons advanced by the Appellant did not meet the criteria of local policy or constitute a hardship sufficient to overturn the transfer decision. (Local Bd. Motion, Exh. 12.)

This appeal to the State Board followed.

#### STANDARD OF REVIEW

The standard of review in a student transfer case 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.01.05.05A.

#### LEGAL ANALYSIS

Local policy JEA provides that out-of-district transfers may be granted in rare and unusual circumstances involving a significant documented hardship. (Local Bd. Motion, Exh. 1.) The policy further provides that "problems that are common to large families do not constitute a hardship, absent additional compelling factors. Exceptions will not be made for redistricting, family convenience..., or the student's desire to remain with the same peer group/at the same school." *Id.*

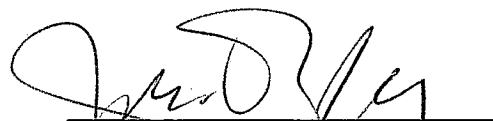
The Appellant challenges the local board's decision because its "flawed feeder system" assigned K.C. to a school where she did not know anyone. In her State Board appeal, the Appellant did not include arguments raised earlier in her appeal before the local board regarding K.C.'s need to provide medical assistance to her diabetic friend, or alleged discriminatory

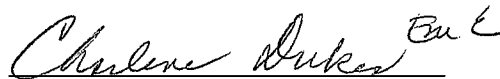
treatment. The Appellant solely cites K.C.'s desire to remain with her peer group at Manchester Valley.


The State Board has consistently held that a desire to attend a school with a particular peer group does not constitute a unique hardship. *Tom & Judy M. v. Montgomery County Bd. of Educ.*, MSBE Op. No. 09-37 (2009); *Iglesias v. Montgomery County Bd. of Educ.*, MSBE Op. No. 02-50 (2002); *Skardis v. Montgomery County Bd. of Educ.*, 7 Op. MSBE 1055 (1998); *Diehl v. Montgomery County Bd. of Educ.*, 7 Op. MSBE 589 (1997). The local board's policy clearly provides that a transfer request on this basis will not be granted because it does not constitute a significant, documented hardship. (See Local policy JEA, sect. IV.G.) Therefore, in our view, the local board's decision was not arbitrary, unreasonable or illegal.

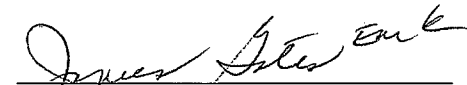
CONCLUSION

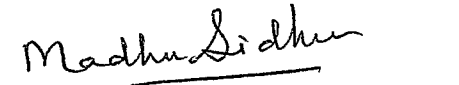
For all these reasons, we affirm the decision of the Carroll County Board of Education.

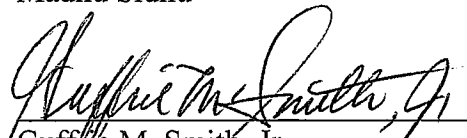
  
James H. DeGraffenreidt, Jr.  
President

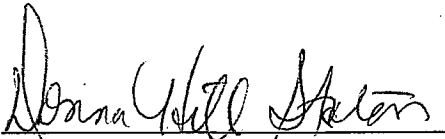
  
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Vice President

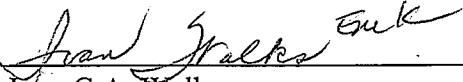
  
Mary Kay Finan


  
S. James Gates, Jr.

  
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Donna Hill Staton

  
Ivan C.A. Walks

  
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January 26, 2010