

R.D.,

Appellant

v.

MONTGOMERY COUNTY
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 25-49

OPINION

INTRODUCTION

Appellant challenges the decision of the Montgomery County Board of Education (“local board”) denying her request for a Change of School Assignment (“COSA”) for her son to attend Albert Einstein High School instead of his assigned home school. The local board responded to the appeal maintaining that its decision was not arbitrary, unreasonable, or illegal. Appellant responded, and the local board replied.

FACTUAL BACKGROUND

Appellant’s son, Student X, resides within the Downcounty Consortium (“DCC”), where students may be assigned to one of five high school campuses: Montgomery Blair, Albert Einstein, Northwood, John F. Kennedy, or Wheaton. (Local Board Response at 2, R. at 214). Student X was assigned to [REDACTED] High School (“home school”) in January 2025. (R. at 6). In February, Appellant submitted a request seeking a change in Student X’s placement, (R. at 5), and Student X was again assigned to his home school. (R. at 4). Appellant appealed to the Division of Consortia Choice and Application Program Services (“DCCAPS”). (R. at 1). On April 4, 2025, DCCAPS denied the request under the local board’s Policy JEE, *Student Transfers*. (R. at 10).

On May 12, 2025, Appellant appealed the denial of a COSA by DCCAPS. (R. at 11-16). In that appeal, Appellant made three primary arguments. She argued that, first, the home school is not the right fit for her son. She stated that “only Einstein offers the kind of program that feed[s] his passions” is “the place where [he] can truly thrive ... [the home school] does not meet his academic needs nor aligns with his educational goals. (R. at 13-14, 19). Second, Appellant argued that Student X could not attend the home school because of her other son’s experiences there. She stated that her “older son encountered bullying and unsafe school conditions that took a toll on his mental health” and that she was worried that Student X “could face similar challenges.” (R. at 11-21). Third, Appellant argued that the assignment at the home school presented unreasonable childcare challenges. She stated that, as a single mother and emergency medical technician, she worked “long shifts [that left her] with limited time to ensure [her son’s] academic success, and [that she relied] on his school environment to provide the support he needs to succeed.” (R. at 15). Further, she explained that it would be a challenge to get her son to

and from the home school, as she often worked long shifts overnight as an EMT and “whenever duty calls.” (R. at 13, 16).

The Department of Student Conduct and Appeals initially dismissed the appeal as untimely because it was filed after the deadline. (R. at 17). The Appellant then communicated with the Superintendent’s Chief of Staff to contest the dismissal and was subsequently permitted to file an appeal. (R. at 17). After receiving a written denial of her COSA request from the Chief of Staff, Appellant appealed to the local board on July 3, 2025. (R. at 23-74).

In her appeal to the local board, Appellant elaborated on each of her arguments. She argued that Einstein was “the only viable option where [her son’s] burgeoning academic progress and delicate emotional recovery can continue uninterrupted.” (R. at 38). She stated that her older son “endured four years of unaddressed torment,” the pain of which had “seeped into [her second son’s] own childhood. (R. at 25, 27). As a result, Student X had “often expressed a quiet fear about what happened to his brother, and a deep-seated apprehension about attending the same school.” (R. at 27-28). Appellant believed that attendance at the home school “would inevitably trigger a severe regression in emotional resilience, academic participation, and overall self-esteem.” (R. at 32).

With regards to childcare challenges, Appellant explained that she had two jobs that offered no flexibility working from 7:15 a.m. to 3:30 p.m., and then again from 10:30 p.m. to 6:30 a.m.” (R. at 28). She relies on her son’s aunt as an “invaluable secondary caregiver, residing within immediate walking distance of [Einstein and who] provides essential after-school care, diligent supervision, and serves as an indispensable emotional anchor and emergency contact during [her] working hours and when [she is] resting between shifts.” (R. at 28-29). Appellant states that as a “Black immigrant single-parent household” with a small, tightly knit circle of trusted individuals, her son’s aunt is the lynchpin of their family support network. (R. at 35).

Appellant also discussed additional concerns about transportation. She asserted that transportation between her home and the home school “would demand multiple bus routes and transfers, culminating in a grueling 90-minute commute each way” while Student X is unsupervised. (R. at 29).

The local superintendent responded to the appeal asking the local board to uphold the denial. (R. at 214-217). In a memorandum, the local superintendent shared the following findings and recommendations:

- a. Extenuating circumstances must be extremely significant to justify a COSA for students beyond the elementary level because while there is liability for leaving children younger than 8 years old unsupervised under Family Law § 5-801, Student X was 14 years old;
- b. Appellant presented no medical documentation to support the mental health claims;
- c. Appellant presented no evidence of issues at the home school impacting Student X;
- d. Appellant did not show that the home school, located about 3.3 miles from her home and to which Student X would be provided free transportation, is a worse fit than Einstein, which is located 4.6 miles from her home;

- e. Einstein's student enrollment for the 2025-2026 school year exceeds the building capacity by more than 300 students, and Student X could submit a COSA to request placement at Einstein for the 2026-2027 school year;
- f. The home school offers various programs, including athletics, and Student X was eligible to participate fully in August tryouts; and
- g. The home school's administrative and counseling teams were available to explore supports to address safety and school-parent communication concerns, which could include weekly counseling, daily check-ins and -outs with a trusted adult, a safety plan, or a supportive measures plan.

Id.

On September 4, 2025, the local board affirmed the denial of a COSA. (R. at 302-305). The local board concluded that Appellant's concerns were not "sufficient to establish a unique hardship for which a COSA can be granted" under the local board's policy and that Appellant failed to provide documentation to substantiate her claims, particularly with regard to child care needs and the potential mental health impact from attendance at the assigned school. The local board also noted that consideration was given to the overcrowding at the requested school, Einstein, where enrollment exceeds the building's capacity. *Id.*

This appeal followed.

STANDARD OF REVIEW

The standard of review in a student transfer decision is that the decision of the local board shall be considered prima facie correct. The State Board will not substitute its judgment for that of the local board unless the decision is arbitrary, unreasonable, or illegal. COMAR 13A.01.05.06A. A local board decision is arbitrary or unreasonable if "it is contrary to sound educational policy" or if "a reasoning mind could not have reasonably reached the conclusion of the local board or local superintendent reached." COMAR 13A.01.05.06B. The appellant has the burden of proof by a preponderance of the evidence. COMAR 13A.01.05.06D.

LEGAL ANALYSIS

Preliminary Issues

New Evidence

In her State Board appeal, the Appellant submitted additional information that was not before the local board at the time of its decision. This additional information consists of testimonial evidence and signed affidavits of several individuals who are coworkers, friends, and family members.

The State Board may consider additional evidence or remand the appeal to the local board for consideration of the additional evidence if the evidence is material to the case and the Appellant offers good reason for failing to present the information to the local board. COMAR 13A.01.05.04C. To be material, the evidence must be "of such a nature that knowledge of the

item would affect a person's decision-making." *Shervon D. v. Howard Cnty Bd. of Educ.*, MSBE Op. No. 17-10 (2017).

The new evidence is offered to illustrate the hardship that Appellant faces daily. Appellant provides no explanation why this information was not presented in her appeal before the local board. Accordingly, we decline to consider the new evidence because there is no good reason why it was not offered in the proceedings below.

Excessive Briefing

In her reply to the local board's response, Appellant submits a six-page document referenced as a "Final Rebuttal," along with several attachments that include additional factual and legal arguments. These attachments consist of: (1) Exhibit B – a 15-page "Caregiver Availability Report"; (2) Exhibit D – a five-page "Procedural Misrepresentation Summary"; and (3) Exhibit E – a 10-page "Commute, Supervision & Safety Analysis," all of which were prepared by Appellant.¹ When considered collectively, these materials exceed the 15-page limit for reply filings established by COMAR 13A.01.05.04E(6). While the regulation excludes attachments from the page limitation, it does not permit parties to circumvent the rule by embedding substantive argument within attachments. Accordingly, the State Board will consider only the six-page Final Rebuttal and the first nine pages of Exhibit B as Appellant's reply. The remaining portions of the attachments that contain additional factual and legal argument beyond the permitted page limit will not be considered.

Due Process

During briefing in this case, the local board submitted, as a part of the record of the proceedings, numerous email communications between Appellant and MCPS employees. Appellant asserts that this was an abuse of discretion and violated her right to privacy and due process. This claim is without merit. The State Board appeal procedures require the local board to submit to the State Board the record of local proceedings with the local board's response to the appeal. COMAR 13A.01.05.03D(1). None of Appellant's cited legal authorities support her argument that the information is protected from submission in response to her appeal.²

Case Merits

Appellant reiterates her arguments previously presented to the local board, asserting that a placement other than the assigned home school is necessary to address concerns related to supervision, transportation, and Student X's mental health and academic development. In her appeal to the State Board, Appellant now contends that Wheaton High School, rather than Einstein High School, is the most appropriate placement for Student X. However, this change in preferred school does not alter the underlying analysis. The local board maintains that it thoroughly reviewed all of the information submitted by Appellant and reasonably concluded

¹ The Appellant labeled the attachments in two different ways and the PDF titles do not match the identifying headers at the top of each document.

² Some of Appellant's citations do not exist. For example, she cites to "In re Student X, MSBE No. 23-09." (Appellant's Reply at 4).

that the circumstances presented do not constitute a unique hardship to justify a COSA under applicable policy. Accordingly, the local board maintains that its decision should be affirmed.

Thousands of students every year seek to transfer between schools in Montgomery County. For this reason, the MCPS has developed criteria to guide its process for determining which students are eligible to change schools. MCPS Policy JEE – *Student Transfers* allows students to apply for a COSA based on a “unique hardship” when there are “extenuating circumstances related to their specific physical, mental, or emotional well-being or their personal situation that could be mitigated by a change of school environment.” (R. at 311). “However, problems that are common to large numbers of families do not constitute a unique hardship, absent other compelling factors.” *Id.* Policy JEE requires the submission of documentation that can be independently verified to support the hardship request, or the COSA will be denied. *Id.*

Transportation and Supervision

Appellant’s primary arguments in her State Board appeal center around her transportation and supervision issues due to her having a single parent household and employment at two different jobs. Appellant maintains that these circumstances prevent her from providing meaningful supervision of Student X after dismissal from high school and that she relies on her sister for after-school assistance.

Appellant’s concern about Student X being home without parental supervision and her desire to have his aunt supervise him is a childcare issue. The State Board has repeatedly ruled that “[c]hildcare issues are common to many families who are faced with balancing the demands of work and children,” and that another placement would be convenient does “not mean that a unique hardship exists.” *Shahla F. v. Montgomery Cnty. Bd. of Educ.*, MSBE Op. No. 18-22 (2018) (upholding denial of a COSA where the parent’s new job in Virginia “require[d] her to leave in the mornings before her son leaves for school and [caused her to return] home in the evenings around 6:00.”).

Furthermore, Student X is a high school student. In MCPS, for students beyond the elementary level, childcare issues will only meet the “unique hardship” standard if the circumstances are considered extremely significant.” This is a threshold that is difficult to meet. Given the record in this case, we cannot find that the local board’s decision denying the COSA for lack of a unique hardship was arbitrary, unreasonable, or illegal.

Appellant also raises concerns regarding the distance of the assigned school from her home. In general, we have consistently held that concerns about the distance from school or the time it takes to get to a student’s assigned school is not a unique hardship. *See A.A. v. Howard Cnty. Bd. of Educ.*, MSBE Op. No. 20-39 (2020); *John and Carolann M. v. Charles Cnty. Bd. of Educ.*, MSBE Op. No. 14-48 (2014); *Chicherio v. Montgomery Cnty. Bd. of Educ.*, MSBE Op. No. 06-03 (2006). Appellant has not established that her concerns about the transportation services and supervision of Student X are a unique hardship under local board policy. Specifically, the local superintendent represented that the home school is closer to Appellant’s home than Einstein and that Student X would receive free transportation. Appellant did not rebut these representations nor provide evidence showing that Student X would be on multiple buses each day or that he would suffer a prolonged and dangerous commute to the home school.

Academic Programming

Appellant also argues that her son's academic needs can best be met through the curriculum of Wheaton's Academy of International Global and Cultural Studies or Einstein's Renaissance Academy. Policy JEE – *Student Transfers* does not permit transfers based on the desire to participate in a particular program of study because it is an issue common to large numbers of families who may prefer the course offerings of one school over another. *Karina D. v. Montgomery Cnty. Bd. of Educ.*, MSBE Op. No. 19-01 (2019). The State Board has consistently upheld denials of COSA requests seeking participation in particular classes or programs. *See Christine C. v. Montgomery Cnty. Bd. of Educ.*, MSBE Op. No. 14-59 (2014); *Richard and Nadia S. v. Harford Cnty. Bd. of Educ.*, MSBE Op. No. 07-41 (2007); *Kee v. Montgomery Bd. of Educ.*, MSBE Op. No. 00-50 (2000). Appellant has not shown that Student's academic needs cannot be met at his assigned school. There is no justification for a COSA on this basis.

Mental Health

Appellant also claims that the COSA is needed to address mental health concerns related to the environment at the assigned school and alleged trauma due to bullying and harassment experienced there by Student X's older brother. Policy JEE(C)(1)(a)(2) requires that when there are extenuating circumstances involving the mental or emotional well-being of the student, the COSA must include documentation of (1) ongoing treatment by a health provider of issues related to the student's mental or emotional well-being that are directly related to or impacted by the school environment; and/or (2) a significant health issue with unique care requirements (e.g., frequent medical appointments far from the student's home school and/or the parent/guardian's work.) (R. at 312).

Similarly, the State Board has held that to show a unique hardship based on a medical condition, an appellant must demonstrate a link between the student's medical condition and the necessity for a transfer to the requested school. *Linda C. v. Montgomery Cnty. Bd. of Educ.*, MSBE Op. No. 15-30 (2015). Also, the fact that a documented medical condition exists is not itself sufficient to grant approval of a transfer. *See Timothy and Michelle W. v. Howard Cnty. Bd. of Educ.*, MSBE Op. No. 09-18 (2009). An appellant must establish that health professionals at the assigned school cannot support the student's medical condition. *Carolyn B. v. Anne Arundel Cnty. Bd. of Educ.*, MSBE Op. No. 15-20 (2015).

Here, Appellant did not establish that Student X has a documented medical condition that professionals at the home school cannot support. Although Appellant claims the environment at the home school is not emotionally safe for Student X and she references past events experienced by her older son there, which she maintains has impacted Student X's mental health, Appellant did not submit any medical documentation to support her claims. Accordingly, Appellant did not establish a unique hardship based on concerns regarding Student X's mental health.

Overcrowding

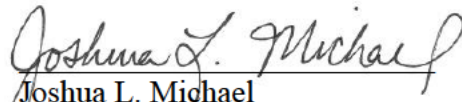
In addition to considering whether a unique hardship exists, Policy JEE allows the local board to approve or deny a COSA request after considering "school capacity, including grade

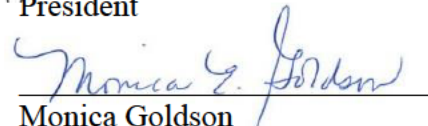
level and cluster capacity, and other issues that implicate the ability of the school to admit new students.” (R. at 315). We have consistently held that overcrowding concerns are a valid justification for denying a transfer request. *See Catherine H. v. Prince George’s Cnty. Bd. of Educ.*, MSBE Op. No. 17-25 (2017) (“[L]imiting student transfers based on school utilization and over-capacity concerns is a legitimate and reasonable justification for denying transfer requests.”); *Julie and Kevin D. v. Anne Arundel Cnty. Bd. of Educ.*, MSBE Op. No. 09-39 (2009). Here, the local board found that Einstein’s enrollment exceeded the building’s capacity. Appellant has not rebutted this finding. Thus, overcrowding was a valid consideration for the local board’s denial of the COSA.

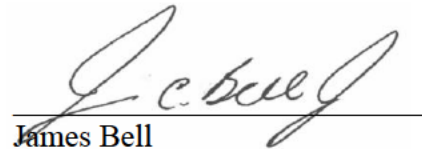
It is well established that there is no right or privilege to attend a particular school. *See Bernstein v. Bd. of Educ of Prince George’s Cnty.*, 245 Md. 464, 472 (1967); *J.D. v. Montgomery Cnty. Bd. of Educ.*, MSBE Op. No. 20-32 (2020); *Carolyn B. v. Anne Arundel Cnty. Bd. of Educ.*, MSBE Op. No. 15-20 (2015). While Appellant has presented a range of arguments to support her request for a COSA for Student X, she has not met her burden of demonstrating that these reasons, whether considered individually or collectively, rise to the level of a unique hardship as required under applicable local policy and State Board precedent.

CONCLUSION

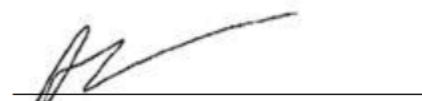
For all of these reasons, we affirm the decision of the local board denying the COSA because it was not arbitrary, unreasonable, or illegal.

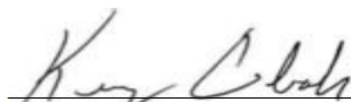

Joshua L. Michael
President

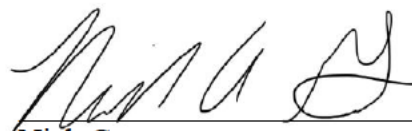

Monica Goldson
Vice-President

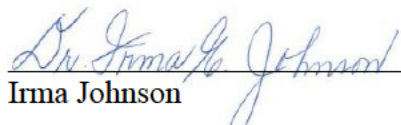

James Bell

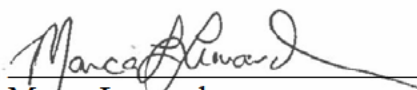

Chuen-Chin Bianca Chang

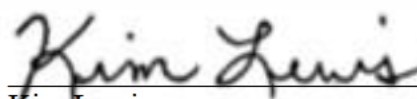

Chet Chesterfield

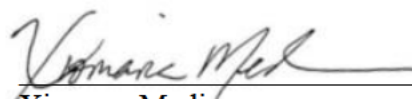

Kenny Clash

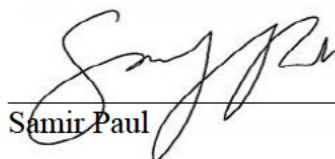

Nick Greer


Irma Johnson


Marcy Leonard


Kim Lewis


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December 9, 2025