

S.M.,

Appellant

v.

MONTGOMERY COUNTY
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 25-50

OPINION

INTRODUCTION

Appellant challenges the decision of the Montgomery County Board of Education (“local board”) denying his request for a Change of School Assignment (“COSA”) for his daughter to attend Kensington Parkwood Elementary School instead of her assigned home school. The local board responded to the appeal maintaining that its decision was not arbitrary, unreasonable, or illegal. Appellant filed a reply to the response.

FACTUAL BACKGROUND

On April 9, 2025, Appellant submitted a Change of School Assignment (“COSA”) request to Montgomery County Public Schools (MCPS), seeking to transfer his daughter from [REDACTED] Elementary School (“home school”) to Kensington Parkwood Elementary School (“requested school”) for the 2025–2026 school year. The request was based on concerns about bullying and a threatening statement allegedly made by another student during the 2024–2025 school year. Appellant maintained that his daughter experienced repeated teasing and name calling from several different students and that a student stated to her, “I’m going to cap you.” (R. 34-36). Appellant asserted that school staff failed to respond adequately or in a timely manner to these incidents, raising concerns about his daughter’s safety and emotional well-being. *Id.*

On May 2, 2025, the Division of Pupil Personnel and Attendance Services (“DPPAS”) denied the request for lack of a unique hardship. (R. 32-33). On May 6, 2025, Appellant appealed the decision to the Superintendent’s designee, Dr. Dana Edwards, who referred the matter to a hearing officer for review. The hearing officer recommended denial of the COSA noting the school’s swift response to the bullying and implementation of a Supportive Measures Plan, which included school counselor check-ins, increased staff supervision during lunch, and reminders to the student to report any incidents to staff. The hearing officer also noted that the student had not reported further bullying incidents. Dr. Edwards upheld the denial of the COSA on June 18, 2025. (R. 25-29).

On July 11, 2025, Appellant appealed to the local board, reiterating his concerns and objecting to the consideration of a previously denied COSA request from March 2024. (R. 2-18).

Appellant also asserted his belief that the home school staff were aware that his daughter was being bullied during the 2024-2025 school year, but failed to timely intervene, and that his daughter suffered ongoing bullying at school despite the implementation of a Supportive Measures Plan. *Id.*

The Superintendent submitted a written response to the appeal. The Superintendent explained that it is standard practice to reference prior COSA decisions because they provide relevant background important information. The 2024 COSA request reflected the Appellant's prior request to move his daughter to the same requested school because he did not want her enrolled in the home school's two-way immersion program. It also reflected the fact that Appellant rejected the guaranteed transfer for his daughter to attend the partner school, ██████████ Elementary School.¹

Regarding the bullying claims, the Superintendent also explained that on the same day that Appellant submitted the *Bullying, Harassment, or Intimidation Reporting Form*, the assistant principal investigated and found the allegation was substantiated. (R. 20-22). The school developed and promptly implemented a Supportive Measures Plan. MCPS disciplined the involved students and offered mediation between the students and Appellant's daughter, which Appellant declined. Although the Supportive Measures Plan documentation was not forwarded to the Appellant until May 1, 2025, the staff at the home school began implementation of the Plan at the end of March. Following implementation, there was one incident of name calling and one incident of a student accidentally kicking Appellant's daughter in the back. No additional incidents of bullying occurred, and Appellant's daughter completed the 2024-2025 school year with A and B grades and good attendance. *Id.*

On September 4, 2025, the local board adopted the findings and recommendations of the former chief of district operations and the information provided by the superintendent in response to the appeal and affirmed the denial of the COSA finding no "unique hardship" as required under the applicable policy. (R. 108-109).

The Appellant subsequently filed this appeal to the State Board, alleging that the local board acted arbitrarily and unreasonably by (1) rejecting evidence of the school's failure to respond appropriately to a bullying complaint and not following up in a timely manner; and (2) disregarding student safety concerns, such as Appellant's daughter receiving a threat from another student.

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.

¹ Per MCPS procedures, students whose parents desire to opt them out of the two-way immersion program are guaranteed a transfer to the assigned partner school.

LEGAL ANALYSIS

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). The State Board has long recognized that student transfer decisions are within the discretion of the local board as a matter of local concern, controlled by local policy and regulations. *J.S. and J.S. v. Harford Cnty. Bd. of Educ.*, MSBE Op. No. 24-07 (2024).

Montgomery County Public Schools (“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.*

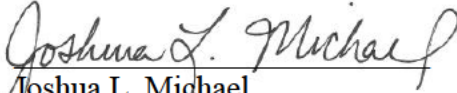
The local board found that the Appellant’s COSA request did not meet the unique hardship standard. While the Appellant cited bullying and a threat, the record shows that:

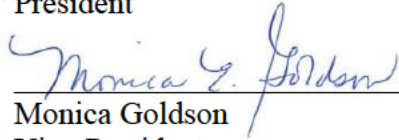
- The school substantiated the bullying report and implemented a Supportive Measures Plan, including increased supervision and counseling.
- The Appellants declined mediation services offered by the school.
- Following implementation of the plan, two minor incidents occurred, but the student completed the school year with good grades and attendance.
- The local board acknowledged delays in communication but found the school’s response timely and appropriate overall.

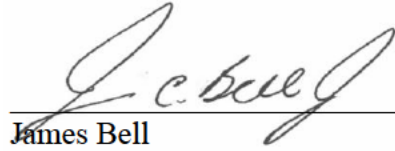
The local board’s reliance on the Superintendent’s findings and the hearing officer’s credibility determinations was within its discretion. The local board’s application of the “unique hardship” standard was consistent with its policy and prior State Board precedent, and the record supports the conclusion that the local board followed proper procedures, applied the correct legal standard, and reasonably determined that the circumstances did not constitute a unique hardship. To the extent that Appellant raises concerns regarding current implementation of the Supportive Measures Plan for his daughter, we direct MCPS to evaluate the Plan to ensure that it is being appropriately implemented.

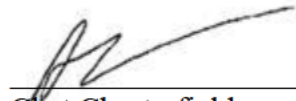
CONCLUSION

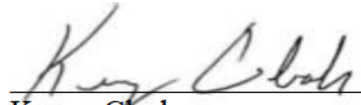
For all of these reasons, the Appellant has not demonstrated that the local board’s decision was arbitrary, unreasonable, or illegal. Accordingly, the State Board affirms the decision of the local board denying the COSA request.

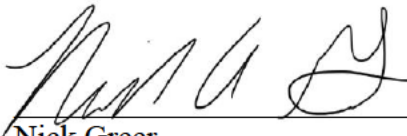

Joshua L. Michael
President

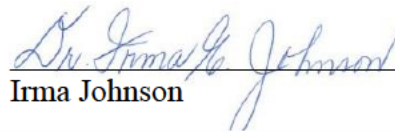

Monica Goldson
Vice-President

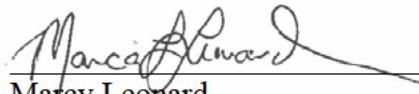

James Bell

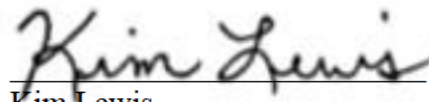

Chet Chesterfield

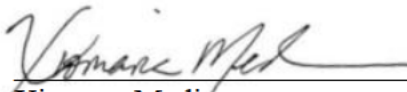

Kenny Clash

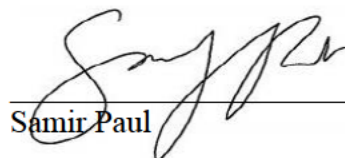

Nick Greer


Irma Johnson


Marcy Leonard


Kim Lewis


Xiomara Medina


Samir Paul

Abstained:
Chuen-Chin Bianca Chang

December 9, 2025