

SHERRIE H.,
Appellant

v.

CARROLL COUNTY
BOARD OF EDUCATION

Appellee.

BEFORE THE
MARYLAND
STATE BOARD
OF EDUCATION

Opinion No. 17-35

OPINION

INTRODUCTION

The Appellant, a parent of a high school student who attends Carroll County Public Schools, appealed a decision of the Carroll County Board of Education (local board) regarding her son's final assignment grade and final semester grade in his Freshman Seminar class. The local board filed a Motion for Summary Affirmance maintaining that its decision is not arbitrary, unreasonable or illegal. The Appellant responded to the Motion and the local board replied.

FACTUAL BACKGROUND

During the 2016-2017 school year, Appellant's son, L.H., was a student in the 9th grade at Century High School ("Century"). L.H. took a Freshman Seminar class taught by Ms. Taylor.

Ms. Taylor administered a final assignment to the class and instructed the students to save the assignment in Office 365 format and upload it to Ms. Taylor. When L.H. submitted his assignment, for whatever reason, only the title page uploaded. Because the title page was the only work Ms. Taylor received, that is what she graded. As a result, L.H. received a failing score of 27 out of 85 possible points on the assignment. The score ultimately lowered L.H.'s final class grade to an "F".

Appellant appealed the grade to Mr. Barnes, Century's Principal, who had Ms. Taylor reevaluate the final assignment as found on L.H.'s U drive. Based on the re-evaluation, Ms. Taylor raised L.H.'s final assignment grade from a 27 to a 52 out of 85 possible points, which equated to a grade of 61% or a "D". The higher assignment grade raised L.H.'s final semester grade from an "F" to a "C".

Appellant appealed the decision to the Superintendent maintaining that L.H.'s assignment grade and the semester grade should have been higher. Dr. Pfaf, the Superintendent's Designee, reviewed the appeal. By letter dated March 20, 2017, Dr. Pfaf advised the Appellant that, based on his investigation of the matter and review of the assignment, Ms. Taylor properly calculated the grade and that she had complied with the local board's grading policy (Policy IKAB: Grading, Homework, and Communicating Student Achievement). He explained that L.H. needed an additional 20 points beyond the 52 points he received on the reevaluation in order to raise his semester grade and that there was no basis in the content of the assignment to award the additional points. (Motion, Ex. 3).

Appellant appealed the decision to the local board. She asserted that the actions of Ms. Taylor and Mr. Barnes were an “abuse of power from the lowest level up,” and were “unreasonable, arbitrary, and def[ie]d] common sense.” She argued that L.H. deserved a higher grade on the assignment and that Ms. Taylor and Mr. Barnes were biased and retaliating against him. (Appeal at 3). Specifically, the Appellant alleged that:

1. Ms. Taylor refused to respond to emails concerning a meeting with [L.H.] to allow him the chance to resolve the matter;
2. Mr. Barnes violated policy by rendering his appeal ruling far outside the allotted time frame;
3. A red flag was raised because L.H. was the only student in class who experienced a problem submitting his assignment and Ms. Taylor failed to investigate the issue;
4. Ms. Taylor did not advise L.H. that a problem had occurred with his exam or suggest an equitable remedy for L.H.’s effort and grade;
5. Ms. Taylor failed to admit that she personally submitted L.H.’s final exam with his computer’s mouse;
6. A classmate doing the same assignment turned in what Appellant believed was a similar job to L.H.’s assignment and the classmate received an “A+”;
7. Ms. Taylor failed to advise L.H. of the opportunity for extra credit on the final assignment and did not provide a scoring rubric;
8. Ms. Taylor did not offer L.H. an alternative test method even though she was aware of his limited exposure to the computer technology;
9. Ms. Taylor and Mr. Barnes were biased against L.H. because he had previously challenged and prevailed against Ms. Taylor’s claim that he vandalized school property; and
10. The vandalism accusations came the day after the Appellant had complained to Mr. Barnes about the conduct of a Team Sports teacher. (Appeal at 3-6).

In a May 8, 2017 letter to the local board, Dr. Pfaf responded to the appeal. With regard to the Appellant’s request to either change the assignment grade to an “A” in order to raise the course semester grade or to disregard the final assignment grade altogether to calculate a higher semester grade, Dr. Pfaf explained that neither option achieved the Appellant’s desired result. First, L.H. would have needed an additional 25 points on the assignment’s scoring rubric in order to raise his semester grade to an “A” when there was no justification for additional points. Second, disregarding the final assignment altogether would still result in L.H. receiving a “C” for his final semester grade in the class. Dr. Pfaf also explained that, in comparing the classmate’s assignment to L.H.’s, there were clear differences demonstrating that L.H.’s was the weaker of the two, and there was no indication of an intent to grade unfairly. In addition, despite Appellant’s claims otherwise, Dr. Pfaf noted that Ms. Taylor provided a planning packet and scoring rubric to the students on January 12, 2017, that she noted the extra credit in the three “skill” sections of the rubric, and that she shared a rescored rubric with the Appellant. (Motion, Ex. 8).

In a decision issued May 3, 2017, the local board upheld the grading decision finding that it was not arbitrary, unreasonable or illegal. The local board found that there were no violations that would justify any further change to L.H.’s grade. (Motion, Ex. 1).

STANDARD OF REVIEW

We have long held that, except in limited circumstances, the State Board will not review the merits of student grade decisions. It is essentially a local school decision influenced by many factors. As stated in *Crawford v. Washington County Bd. of Educ.*, 4 Op. MSBE 890 (1997), “the merits of students’ grades ‘should be kept within the school building,’ and are to be made by the persons most able to evaluate the situation from personal knowledge.” See also *Fisher v. Montgomery County Bd. of Educ.*, MSBE Op. No. 99-43 (1999); *Chase v. Carroll County Bd. of Educ.*, 7 Op. MSBE 915 (1997); *Mai v. Montgomery County Bd. of Educ.*, 7 Op. MSBE 752 (1997); *Tompkins v. Montgomery County Bd. of Educ.*, 7 Op. MSBE 475 (1996). The State Board will only hear appeals challenging academic grades if there are specific allegations that the local board failed to follow proper procedure or violated a student’s due process rights. *Janocha v. Carroll County Bd. of Educ.*, MSBE Op. No. 02-51 (2002). Absent these type of illegalities, the State Board will not review the merits of student grade appeals.

LEGAL ANALYSIS

Allegations of Failure to Follow Proper Procedure

Appellant makes various allegations regarding the manner in which Ms. Taylor recalculated the grade, claiming that it amounted to a violation of procedure. She argues that L.H. turned in components of the assignment for which he did not receive credit for on his reevaluation; that the assignment was on Office 365, despite Ms. Taylor’s claim that it was not; that L.H. received a lower score on certain categories of the assignment in the recalculation than he did on the original calculation;¹ and that L.H. received deductions on certain categories which do not make sense when compared to the assignment of a classmate whom the Appellant believes submitted comparable work.

As we have stated above, the State Board will only hear appeals challenging academic grades if there are specific allegations that the local board failed to follow proper procedure, violated a student’s due process rights. As to the issues raised in the appeal, simply because the Appellant claims that the issues amount to a procedural violation does not make that so. The local board has established its grading procedures (IKAB - Grading, Homework, and Communicating Student Achievement), along with its implementing regulations. In our view, Appellant’s arguments do not specifically allege a failure to follow the grading procedures. Rather, Appellant essentially disagrees with the way Ms. Taylor evaluated the assignment and the conclusions reached by Dr. Pfaf and the local board during their respective reviews of the case. The State Board will not review such matters.²

¹ L.H. received a 10/10 for the “Home Page Personal Info” category and a 5/5 for the “Neatness, Organization, Grammar & Spelling” category the first time, but a 4/10 and 3/5, respectively, on the reevaluation. Thus, Appellant is arguing that L.H. should have received a least 8 additional points.

² We point out that many of the Appellant’s allegations are merely allegations with no supporting evidence. See *Ewing v. Cecil County Bd. of Educ.*, 6 Op. MSBE 818 (1995) (“In order to defeat a motion the opposing party must demonstrate that there is a genuine dispute as to a material fact by producing factual assertions, under oath, based on personal knowledge. Unsupported statements or conclusions are insufficient.”).

Allegations of Due Process Violations

Appellant argues that the school system violated L.H.'s due process rights because Appellant did not timely receive the grading rubric from the reevaluation, and because neither the local board nor Dr. Pfaf "gave any credence to or investigated [Appellant's] complaints."

The school system conducted several levels of review for this appeal – the school principal (Mr. Barnes), the Superintendent's Designee (Dr. Pfaf), and the local board. The initial review by Mr. Barnes resulted in Ms. Taylor reevaluating L.H.'s assignment and awarding him a higher passing grade on the assignment, which in turn boosted his course grade.

Thereafter, Dr. Pfaf conducted an investigation and independently reviewed L.H.'s assignment. He found that Ms. Taylor complied with school system policy and made no grading error. He explained his review process to the Appellant as follows:

To determine the accuracy of the score, I carefully reviewed [L.H.'s] completed exam that had been stored on his personal U drive, which is also the same exam that Ms. Taylor scored per Mr. Barnes' directive following your first appeal. [L.H.] confirmed, during my conversation with him, that the copy that was graded was his final copy of the exam that he saved to his U drive as a backup. I reviewed the Grading Rubric, which is the standard tool Ms. Taylor used with each student's exam. Based on the criteria listed on the rubric, and Ms. Taylor's comments regarding each component of the exam related to the content of [L.H.'s] responses, I see no indication that the exam was scored incorrectly. In addition, the planning packet which [L.H.] completed also provided direction and expectation for the assignment. [L.H.] was given credit for each component of the assignment as it aligned with the expectation provided in the rubric. In my conversation with you on March 16, 2017, you shared that Mr. Barnes indicated that points would be deducted for lateness. In my review, I found no evidence that any points were deducted for that reason. Ms. Taylor's second scoring of the exam increased his point total from 27 to 52; this raised his grade from an F to a D. In order to raise his grade on the exam to a B or higher so that, in turn, he would earn an A or B for the course, as you expected, he would have needed a minimum of 20 additional points. In my review, I could not find content that would have earned him an additional 20 points.

(Motion, Ex. 3). Dr. Pfaf also noted that the assignment was not submitted in Word 365, for which L.H. lost only one point. *Id.*

Dr. Pfaf reviewed L.H.'s assignment a second time after Appellant filed her appeal to the local board. From that review, he explained that there were legitimate reasons why L.H. received a lower grade than his classmate. Although Appellant wanted Dr. Pfaf to compare the rubrics of each student, there was no need to do so given that Dr. Pfaf noted distinct differences between the two exams. Specifically, he found that L.H. provided less detail and clarity in his

responses as compared to the other student. Dr. Pfaf also confirmed with Dr. Barnes that Appellant had been provided the grading rubric for the initial review and the reevaluation.³

The local board reviewed the case and also upheld the grade decision, finding no violation to support a grade change. Based on our review of the record, we find that the case was thoroughly reviewed through the local school system procedures and that there are no due process violations. We point out, as did Dr. Pfaf, that with regard to the scoring discrepancy, the additional six points would not have been sufficient for L.H. to achieve a higher letter grade for the course. Further, if the grade on the final assignment were dropped entirely, as suggested by the Appellant, L.H. would still receive a “C” for his final course grade.

Bias/Retaliation Allegations

Finally, Appellant maintains that the grade decision was based on bias/retaliation on the part of Ms. Taylor and Mr. Barnes that originally stemmed from Appellant complaining to Mr. Barnes about the conduct of a Team Sports teacher. Appellant states that one day after making her complaint about the Team Sports teacher, Ms. Taylor charged L.H. with vandalism in the classroom. L.H. then challenged the allegation and was exonerated. Appellant believes that Ms. Taylor unjustifiably reduced L.H.’s grade in response to the challenge to the charges and that Mr. Barnes somehow played a part in all of this.

We find the bias/retaliation link described by the Appellant to be extremely confusing and attenuated. Even if there were some type of bias/retaliation argument to be made here, and we do not concede that there is, Appellant has provided no evidence of any legitimate nexus between the actions complained of and the grade received by L.H. Moreover, Dr. Pfaf and the local board reviewed the grade and found no basis to change it.

CONCLUSION

For the reasons stated above, we affirm the local board’s decision not to change L.H.’s grade.

Signatures on File:

Andrew R. Smarick
President

Chester E. Finn, Jr.
Vice-President

Michele Jenkins Guyton

Justin Hartings

³ Even if this is not correct as maintained by the Appellant, Appellant stated that she received a copy of the rubric by May 8, 2017, which is prior to the date the local board issued its decision.

Stephanie R. Iszard

Rose Maria Li

Michael Phillips

Irene M. Zoppi Rodriguez

David Steiner

September 19, 2017