

D.E. AND J.E.,

Appellants

v.

ST. MARY'S COUNTY  
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 25-08

## OPINION

### INTRODUCTION

The Appellants appeal the decision of the St. Mary's County Board of Education ("local board") denying their request to change their son's AP English Language and Composition grade from the 2023-2024 school year. The local board filed a response to the appeal maintaining that the local board's decision should be upheld. The Appellants filed a reply, and the local board responded.

### FACTUAL BACKGROUND

The Appellants' son, Student X, is a current 12<sup>th</sup> grade student attending St. Mary's County Public Schools ("SMCPS"). During the 11<sup>th</sup> grade, Student X was enrolled in AP English Language and Composition. Two days before the end of the 2023-2024 school year, the Appellants contacted the teacher requesting additional work or recovery assignments to raise Student X's overall final grade to earn a B instead of a C. After the grading of an end of quarter Multiple Choice Question assignment in which Student X received a perfect score, Student X's final grade percentage dropped from 79.71% to 79.45%. (6/4/24 Email). The Appellants also raised concerns about how the teacher calculated the 4<sup>th</sup> quarter grades and suggested there was a calculation error in Schoology. *Id.*

On June 5, 2024, the teacher responded to Appellants explaining that Schoology does not display for parents the weight accorded to each assignment which would have impacted the Appellants' calculation of the overall grade. (6/5/25 Emails). The teacher elaborated that several assignments were given additional or less weight than others with the intention of helping student grades, stating as follows:

For example, after realizing several students did very well on one of the larger Albert assignments, I made the factor 1.5 (so that it would positively impact many of their grades and reward their hard work). Alternatively, when I noticed a trend of many of my students performing very poorly on one product assignment (Multiple Choice Question practice) toward the end of this quarter, I made the factor 0.5 so that a zero or lower score did not

tank their grade so close to the end of the year (with very little time for recovery).

*Id.* The teacher pointed out that despite the weight accorded to the product assignment that was given a 0.5 factor, the grade reflected on the assignment was the grade earned by Student X. *Id.* Ultimately, the teacher denied the Appellants' request because the grading was consistent with SMCPs grading policy, and it would be unfair to the several students in a similar situation. *Id.* On June 6, 2024, the school principal affirmed the teacher's grading decision. (Local Bd. Decision).

The Appellants appealed the decision maintaining that, based on recently discovered information from a Maryland Public Information Act request, the teacher's rationale that she altered the weight of the product assignment that was given a 0.5 factor due to students performing poorly was inaccurate. They submitted evidence of the final product assignment grades for all students and each student's final course grade. (Appeal Attach). Appellants state that "91/94 students had perfect scores, zero students were helped and two students received a letter grade lower on their respective transcripts" and only one student had a failing score. (8/5/24 Email). The Appellants argued that the teacher's "refusal to fix her mistake" violates SMCPs Policy BAB - *Board's Accountability to the Community*. *Id.* Specifically the Appellants referenced Policy BAB, Sections II.C.3 and II.C.5 which assert "basic beliefs and high expectations" of the local board which include:

- II.C.3-The Superintendent of Schools should hold teachers and other staff accountable for working with diligent effort and with intelligence in achieving the objectives directly related to their job responsibilities and for creating student success.
- II.C.5-The Board should hold itself and its staff accountable for operating in accordance with the highest ethical standards.

By letter dated June 21, 2024, Lisa Bachner, Chief Academic Officer, advised the Appellants that she was upholding the grade decision. (Apps' Reply Attach). She explained that the teacher followed the SMCPs high school grading policy (IKB) and the high school grading regulation (IKB-R) and applied the decision fairly and equally to every student in the class. *Id.* She also noted that the teacher offered several grade recovery opportunities throughout the 4<sup>th</sup> quarter, but that Student X did not take advantage of them. *Id.*

Thereafter, the Appellants sent a series of emails to SMCPs personnel regarding changing their son's grade that were ultimately treated as an appeal to the local board. (Emails 6/23/24; 7/1/24; 7/3/24). The Appellants claimed the grading decision on the product assignment that was given a 0.5 factor was not equitable because it lowered their son's overall grade in the course. They further argued that the grading policy should not allow teachers to alter the weight of an assignment once they see how students perform and should only allow them to curve.

In a decision issued September 18, 2024, the local board found no evidence to warrant a grade change for Student X. The local board determined that the teacher designated an assignment, applied a value to it, and consistently applied that value to all student grades, thus the grading was equitable, appropriate, and aligned with the high school grading policy and

regulation. (Local Bd. Decision). The local board stated that teachers “are professionals and have the autonomy to make grading decisions as long as they comply with the grading policy and regulations.” *Id.*

This appeal followed. The Appellants request that Student X’s product assignment that was given a 0.5 factor assignment be weighted at 100%, which would increase their son’s final course grade in the class.

### STANDARD OF REVIEW

Decisions of a local board involving a local policy or a controversy and dispute regarding the rules and regulations of the local board shall be 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.01.05.06(A).

The State Board has long held that, except in limited circumstances, it 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 Nikol E v. Bd. of Educ. of Montgomery Cnty.*, MSBE 19-18 (2019); *Sherrie H v. Carroll Cnty. Bd. of Educ.*, MSBE Op. No. 17-35 (2017); *Fisher v. Montgomery Cnty. Bd. of Educ.*, MSBE Op. No. 99-43 (1999); *Chase v. Carroll Cnty. Bd. of Educ.*, 7 Op. MSBE 915 (1997); *Mai v. Montgomery Cnty. Bd. of Educ.*, 7 Op. MSBE 752 (1997); *Tompkins v. Montgomery Cnty. 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 types of allegations, the State Board will not review the merits of student grade appeals.

### LEGAL ANALYSIS

As stated above, the State Board will only review the merits of a student grade appeal if there are allegations that the local board failed to follow proper procedure or violated the student’s due process rights. The Appellants argue against the grade decision based on the teacher’s basis for applying a particular weight to the assignment, not on a violation of the grading procedure itself. The Appellants concede as much in both their local board and State Board appeals stating that they are not asserting a violation of the SMCPS high school grading policy or regulation, Policy IKB and Regulation IKB-R. *See* Response to Motion. Moreover, the evidence in the record demonstrates that there was no such violation, and that the teacher complied with the grading policy. Whether the teacher was mistaken in her reasons for changing the weight of the product assignment, the appropriateness of such grading decisions are left to the discretion of the local board. The Chief Academic Officer and the local board had all of the information before them and did not find a sufficient basis to overturn the grading decision. We

will not intrude on such a grade decision given that the teacher followed the proper grading procedure.<sup>1</sup>

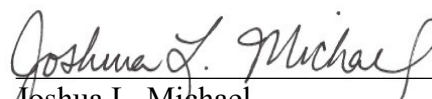
The Appellants' arguments that the local board violated the *Board's Accountability to the Community* policy based on the teacher's decision making and representation of reasons for the weight accorded to the product assignment that was given a 0.5 factor are misplaced and beyond the scope of an appeal of this nature. That policy concerns the local board's governance and operations and sets forth general "beliefs and expectations." It does not concern the grading procedure or grade review process. The local board determined that there was no violation of the grading policy and, absent such a violation, it was within the local board's discretion to defer to the teacher's authority to manage student grades.<sup>2</sup>

Nor is there any evidence that Student X's due process rights were violated. The grade dispute was reviewed at multiple levels. The teacher, the school principal, the Chief Academic Officer, and the local board all reviewed the facts and circumstances of the case and found no basis for changing Student X's grade.

The Appellants believe that SMCPs should not allow teachers to change the weight of assignments in this manner and should only allow grades to be curved. To the extent that the Appellants seek a change to SMCPs grading policies and procedures, such a request is beyond the scope of this appeal. It is well settled that the State Board appeals process is not the appropriate mechanism for seeking local board policy change. *See Jared H. v. Montgomery Cnty. Bd. of Educ.*, MSBE Op. No. 16-37 (2016); *see also Kenneth F. v. Baltimore Cnty. Bd. of Educ.*, MSBE Op. No. 10-23 (2010) (the quasi-judicial appeals process is not the appropriate avenue for systemic change).

## CONCLUSION

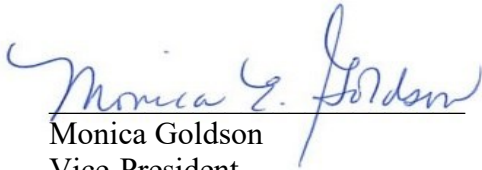
For the reasons stated above, we find that the local board has not acted arbitrarily, unreasonably, or illegally in this matter. We therefore affirm the local board's decision.

  
Joshua L. Michael  
President

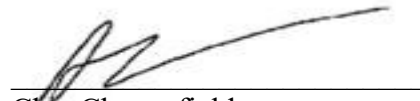
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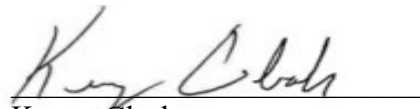
<sup>1</sup> Although the State Board affirms the local board's decision based on the standard of review, it is troubled by the reasons given for changing the weight of the assignment and the communication to the student's family. As a result, we recommend that the local board review its policies and procedures for student grading and assignment weight, educator training on those policies and procedures and communication with families.

<sup>2</sup> Parents have no standing in the personnel matters of the local school system. *See Thompson v. Montgomery Cnty. Bd. of Educ.*, MSBE Op. No. 12-42 (2012) (parents have no standing to seek personnel action); *see also Kristina E. v. Charles Cnty. Bd. of Educ.*, MSBE Op. No. 15-27 (2015) (and cases cited therein). It is up to the school system officials to determine from a personnel perspective how to handle whether the teacher made a good or bad decision or conveyed incorrect information to the parent.

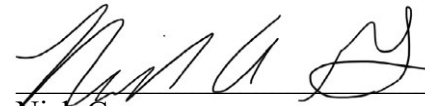
  
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Monica Goldson  
Vice-President

  
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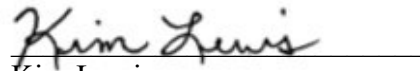
  
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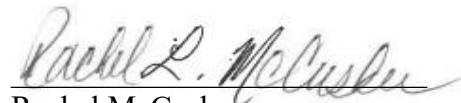
  
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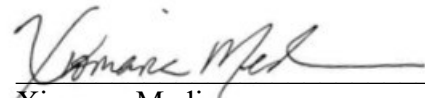
  
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Nick Greer

  
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Irma Johnson

  
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Kim Lewis

  
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Rachel McCusker

  
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Xiomara Medina

Absent:  
Joan Mele-McCarthy  
Samir Paul

February 25, 2025