

ELLICIA AND WING C.,

Appellants

v.

HOWARD COUNTY  
BOARD OF EDUCATION,

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 10-17

## OPINION

### INTRODUCTION

In this appeal, the Appellants [hereinafter Mr. and Mrs. C] challenge the decision of the Howard County Board of Education (local Board) denying their son high school credit for coursework that he completed while pursuing a program of home instruction.<sup>1</sup> The local board has filed a Motion for Summary Affirmance maintaining that its decision is not arbitrary, unreasonable or illegal. The Appellants have opposed the local board's motion.

### FACTUAL BACKGROUND

The Appellants and their son, D.G., live in the attendance area for Howard High School (Howard). D.G. previously attended Howard, but the Appellants withdrew him from the Howard County Public School System (HCPSS) and placed him on home instruction. While on home instruction, D.G. completed a variety of different college courses in addition to his regular home instruction program.

In mid-November 2008, the Appellants contacted Howard High School because they decided to end D.G.'s home instruction and enroll him in public school. In order to determine the appropriate class placement for D.G., staff at Howard had to conduct a credit review and evaluation.

In conducting credit reviews and evaluations for students enrolling in public school after ending home instruction, HCPSS follows various provisions of Policy 8030 – Graduation Requirements and Policy 8030-PR – Implementation Procedures; Graduation Requirements. We discuss these provisions below.

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<sup>1</sup>All references to home instruction refer to home instruction pursuant to COMAR 13A.10.01, and not home and hospital instruction under COMAR 13A.03.05, which occurs when students are unable to attend school for medical reasons.

The credit determination for coursework completed through colleges and other accredited institutions is guided by Policy 8030, IV.C.7 and Policy 8030-PR, II.B. Specifically, Policy 8030-PR, II.B – Alternative Sources of Credit, states as follows:

1. One high school credit will be awarded for completion of each college course which is equivalent to (or beyond) a course in the Catalog of Approved High School Courses. Within these guidelines and policy, high school principals will make final decisions as to credits awarded.
2. One high school credit will be awarded for completion of each course offered through other accredited institutions, provided the course is substantially equivalent to a course in the Catalog of Approved High School Courses. Students must seek approval from the principal prior to taking the course and provide a course syllabus. The principal will make final decisions as to credits awarded after consultation with appropriate curriculum staff.

Thus, completed college courses are awarded one high school credit if they are “equivalent to” a course in the HCPSS Catalog of Approved High School Courses.” *Id.* Courses taken through other accredited institutions are awarded credit if they are “substantially equivalent.” *Id.*

The home instruction coursework, as evidenced through the home instruction portfolio, is evaluated under a different provision, Policy 8030, IV.E. That section states:

1. Awarding of Credit

The principal shall ascertain whether or not the school or schools previously attended by the student are accredited. This may include home instruction programs under the supervision of accredited schools or institutions which award high school credit. If there is any doubt on this point, an official inquiry should be addressed to the State Department of Education in the state in which the school or schools are located.

- a. Accredited Schools

- i. If the school or schools are approved by that state, credits may be allowed the student in the subjects which the student has completed successfully. See paragraph 2 in this section for courses which are part of the Maryland State Assessment Program.

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b. Nonaccredited Schools

If an official transcript from an accredited school is not available, the Superintendent/designee shall determine placement within the high school program and credits to be awarded by an evaluation of the student. This evaluation shall include one or more of the following: administration of standardized tests and examinations; the use of interviews that are focused around the student's demonstration of course content knowledge and performance levels, and the inspection of transcripts, report cards, and other documentation. The student will be notified in writing of the reasons for any denial of transfer credits from nonaccredited schools.

Thus, if the home instruction program is supervised by an accredited school or institution,<sup>2</sup> HCPSS may award high school credits for subjects successfully completed by the student. *See* Policy 8030, IV.E.1.a.i. If the home instruction program is not supervised by an accredited school or institution, the provision concerning nonaccredited schools is applicable. *See* Policy 8030, IV.E.1.a.2. The credits to be awarded and placement in the high school program is determined through an evaluation of the student. The evaluation can include administration of tests, interviews, and inspection of documentation. Policy 8030, IV.E.1.b.

On November 16, 2008, Ms. Leslie Evans, Pupil Personnel Worker, conducted an initial review of Appellants' credit request. Several days later, on November 24, the Appellants submitted to Howard High School a formal request for school credit and began communicating with the administration there. (Timeline, Credit App. Docs., Exh. 3). HCPSS schools were closed for Thanksgiving break from November 26-28.

Communications between the Appellant and the Howard principal and staff continued after the Thanksgiving break. On December 3, 2008, Gina Massella, the Principal of Howard, met with Mrs. C. to discuss the credit issues and D.G.'s enrollment in school.

HCPSS had begun its review of the home instruction portfolio and courses for which Appellants requested credit. The decision had been made, however, to deny D.G. credits for Algebra I and Japanese, and to classify him as a Junior. (Local Board Decision, p.2).

On December 3, 2008, Ms. Massella and Mrs. C. discussed a January 21 enrollment date, which was the beginning of the 2<sup>nd</sup> quarter exam period. It was Ms. Massella's belief that Mrs. C. concurred with the start date so that D.G. could take final exams for Computer Science 2 GT, Algebra 2, Specialty Sports and Chemistry, rather than attend the last few classes of the quarter

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<sup>2</sup>In Maryland, there are several accredited schools that supervise home instruction programs.

for which he would not earn credit. (Glenn E-mail, 1/5/09, App. Docs. 11/17/09, Exh. G). Mrs. C., however, wanted an earlier enrollment date so that D.G. could begin reviewing for the exams. (Appellant E-mail, 1/5/09, App. Docs. 11/17/09, Exh. G).

On December 11, 2008, the Appellants submitted D.G.'s English and Social Studies home instruction portfolios to Howard's instructional team leaders for review because some items had been inadvertently left out during the earlier review. (Local Board Decision, p.2; Timeline, App. Docs. 9/18/09, Tab 3). That same day, HCPSS awarded D.G. credit for Algebra I after the Appellants successfully challenged the earlier denial. (Wise E-mail, 12/11/08, App. Docs. 11/17/09, Exh. C).

HCPSS schools were closed for break on December 19, 2008 and reopened on January 5, 2009. Mrs. C. registered D.G. at Howard on January 6, 2009 and he began school on January 7. (Timeline, App. Docs. 9/18/09, Tab 3).

Ms. Massella and Mrs. C. were scheduled to meet again on January 22, 2009 to discuss D.G.'s credit issues. Mrs. C. cancelled the meeting because she preferred to communicate all issues in writing at that point. (Timeline, App. Docs. 9/18/09, Tab 3).

On January 21, 2009, Ms. Massella provided the Appellants a written explanation of the full credit review. (Massella 1/21/09 E-mail, Local Bd. Rec., Exh. 15). Here is a summary of the school system's decision and rationale. (Rationale for Denial of Credits, Local Bd. Rec., Exh. 2, Tab 2; Local Bd. Motion):

#### *College Courses*

- Japanese 101 and 102 (Baltimore Community College)

HCPSS initially denied credit for these courses because HCPSS does not offer Japanese in its curriculum. HCPSS later awarded D.G. two World Language credits for these classes based on the school system's decision to add Japanese to the HCPSS Catalog of Approved High School Courses in the near future. (Wise 5/7/09 Letter, Local Bd. Rec., Exh. 6).

- Western Civilizations and the Modern World (Howard Community College HIST 123) (Modern World History)

HCPSS did not award credit for this course because it concluded that the course did not align with the objectives included in the board's approved Modern World History course which has an approved curriculum addressing history from approximately 1350 (Italian Renaissance) to the present. The local board explains that the Howard Community College course is a course in Western Civilizations

from 1815 to present times and does not include separate objectives for teaching the non-Western world (i.e. Africa, the Americas). (Rationale p.5; Motion, p.5).

- Introduction to Space Science (Earth Science 100, University of Alabama at Huntsville)

HCPSS did not award credit for the course because it found little in the course that aligned directly with the goals and objectives of the board approved Earth Science course. The local board explains that the University of Alabama Introduction to Space Sciences is a one credit course awarded to students who attend the Advanced Space Academy Program (ASAP) in Huntsville, Alabama. Students in the ASAP participate in astronaut training, mission specialist training, and pilot/SCUBA training. Course activities include low and high ropes, SCUBA training, leadership training, water activities, building and launching their own rocket, critical extra vehicular activities to stimulate repairs in space, and other activities. (Rationale pp.5-6; Motion, p.5).

- Drawing I (Howard Community College ART 109)

HCPSS did not award credit for this Howard Community College course because it concluded that it was a drawing course that focuses narrowly on one set of art skills that involve mainly drawing from life and concepts of linear perspective. While HCPSS art courses cover the fundamental skill of drawing, the HCPSS courses cover much more content so that students have a rounded experience in art. HCPSS's Art I: Foundations of Studio Art provides students with experiences in two and three dimensional processes in a variety of art disciplines including drawing, painting, printmaking, sculpture, and crafts. The Art I: Foundations of Studio Art course also utilizes creative and critical thinking skills for problem solving. (Rationale p.6; Motion, pp. 5-6).

- Leadership in Politics/2008 Democratic National Convention (Loras College)

This program involved participation in the 2008 Democratic National Convention. The school system did not award credit because it concluded that it was not a course that addressed all of the objectives in the HCPSS approved Leadership course. (Rationale, p.6; Motion, p.6).

- Jazz Ensemble (Howard Community College MUSIC 150)

This is a one credit course that met for 2-3 hours per week for one semester (54 hour maximum). The school system did not award credit because HCPSS students spend approximately 150 hours in an HCPSS music course. The

HCPSS concluded that the Jazz Ensemble course did not align with a Board approved music course. (Rationale, p.6; Motion, p.6).

- Applied Music – Voice Instruction (Howard Community College MUSIC 113)

The school system did not award credit for this course because it concluded that it did not align with any Board approved music course. The course is a one credit course that met for 30 minutes per week for one semester for a total of nine hours of instruction. The school system determined that this was not a sufficient number of hours to be on par with a HCPSS music course. (Rationale, p.6; Motion, p.6).

### *Home Instruction Portfolio*

School staff also reviewed D.G.'s home instruction portfolio to determine if he should be granted credit for English 10 and 11, African American Studies, and American Government.

HCPSS staff regularly review portfolios presented by students returning from home instruction. Staff first determine if the student has received substantial instruction matching the objectives of the HCPSS Essential Curriculum. If the student has not received that instruction, HCPSS does not award credit for the course. If the student has received substantial instruction in the objectives, staff then determines if the student has demonstrated successful attainment of knowledge of those objectives. If the student has demonstrated successful attainment of knowledge, the student is awarded credit for the home instruction course. If there is insufficient evidence of successful attainment of knowledge, however, the student is provided the opportunity to earn credit for the course by taking the midterm and final examination. If the student scores 70% or higher on those exams, the school awards the student course credit. (Wise 2/19/09 E-mail, Local Bd. Rec., Exh. 12).

Zeleana Morris, Secondary Language Arts Coordinator, reviewed the portfolio for English. In concluding that no credit should be granted, she stated the following:

There is no doubt that the student has completed myriad assignments; however, absent are assignments which represent many of the HCPSS objectives for English 11 and English 10, which are available on the HCPSS website. The portfolio also lacks writing assignments which demonstrate the student's ability to compose and respond to assignments which may or may not be related to text.

(Local Bd. Rec., Exh. 16). In addition, Mrs. Morris noted that the assignments and quizzes in the portfolio emphasized basic recall. The portfolio did not include evidence to support that the student could analyze, interpret, and evaluate literature. It also did not include evidence that the

student had an understanding of how society/history influences the literature of a given time or place. (Rationale for Denial of Credits, Local Bd. Rec., Exh. 2, Tab 2).

Mark Stout, Secondary Social Studies Coordinator, reviewed the portfolio to determine credit for African American Studies. He stated, "There is really very little here to account for the level of content in either the ½ or 1 credit version of the course in African American history and culture." (Local Bd. Rec., Exh. 17). He also noted that the primary product in the portfolio related to this course was an assignment the student completed related to Black History Month. (Rationale for Denial of Credits, Local Bd. Rec., Exh. 2, Tab 2). HCPSS denied D.G. credit for this course.

Dr. Stout also reviewed the portfolio to determine if credit should be awarded for American Government. He determined that the portfolio showed evidence of substantive instruction in the HCPSS objectives for the course but insufficient evidence of satisfactory attainment of knowledge. Therefore, he advised the school to have the student take the midterm and final examinations for the course. Dr. Stout recommended that D.G. study concepts that were not addressed as thoroughly in the home instruction portfolio, such as "key economic concepts, forms of government, fiscal and monetary policy, federal and international agencies, state and local government, key Supreme Court cases, and financial literacy. (Local Bd. Rec., Exh. 18).

Based on the results of these reviews, Ms. Massella, the principal, advised Mrs. C. that no credit would be awarded for English 10 and 11 or African American Studies because D.G.'s home instruction portfolio did not show substantive instruction in the HCPSS objectives for those courses. She also advised that D.G. was eligible for credit in American Government, contingent upon attaining a minimum of 70% on the midterm and final exams. (Massella 1/21/09 E-mail, Local Bd. Rec., Exh. 15). The Appellants did not allow D.G. to take the exams in American Government so he did not get credit. Ms. Massella urged Mrs. C. to meet with school staff to plan for D.G. to complete coursework so he could graduate the following year. (*Id.*).

The Appellants requested further review of the credit denials. By letter dated January 29, 2009, Clarissa B. Evans, Executive Director of Secondary Curricular Programs, and Daniel J. Michaels, Director of Secondary Administration, denied the Appellants' request to reverse Ms. Massella's decision. They explained that HCPSS must certify compliance with the approved HCPSS curriculum to award a high school diploma and that the information provided by Ms. Massella was accurate and fully compliant with HCPSS policies and procedures. They suggested that the Appellant reschedule her meeting with Ms. Massella to review the academic plan developed for D.G. (Evans and Michaels 1/29/09 Letter, Local Bd. Rec., Exh. 14).

On February 13, 2009, the Appellants e-mailed Ms. Linda Wise, Chief Academic Officer in the Division of Instruction, for further explanation of the credit denials. In her response, Ms. Wise reiterated Ms. Massella's explanations. She also referred the Appellant's to HCPSS Policy

8030 and Policy 8030-PR, so that they could understand the standards guiding the school system's evaluations concerning credit determinations for graduation. (Wise 2/19/09 E-mail, Local Bd. Rec., Exh. 12). Ms. Wise explained the manner in which HCPSS uses those policies to award credit to students entering a public high school from a program of home instruction, pointing out that college courses and the home instruction portfolio are reviewed under separate provisions, Policy 8030-PR, II.B and Policy 8030, IV.E, respectively.

Because HCPSS determined that D.G.'s home instruction program was not through an accredited school, the school system was guided by the nonaccredited school portion of this policy. Ms. Wise explained that based on the portfolio review, the curriculum coordinators had determined that D.G. had been taught enough of the HCPSS American Government objectives to warrant giving him the midterm and final exam for the course. The portfolio review did not produce the same result for English 10 and 11 and African American History. (Wise 2/19/09 E-mail, Local Bd. Rec., Exh. 12). Ms. Wise further explained that the college courses taken by D.G. were not "equivalent to (or beyond) a course in the Catalog of Approved High School Courses" as required. She denied the Appellants' request to overturn Ms. Massella's decision. (*Id.*).

The Appellants appealed the denial of credit to the local board. The local board determined that school system staff had adhered to and properly implemented local board policy relating to credit evaluation, and had acted consistent with COMAR 13A.03.02.05 - Other Provisions for Earning College Credit. The local board also upheld the substantive decisions made with regard to the denial of credit. (Local Board Decision).

This appeal to the State Board followed. The Appellants request that the State Board grant D.G. credit for all of the requested college courses and his home instruction so that he can graduate from high school in the spring of 2010.

## STANDARD OF REVIEW

Because this is a case involving local board policy and procedures, the local board's decision is considered *prima facie* correct and the State Board will not substitute its judgment for that of the local board unless its decision is arbitrary, unreasonable or illegal. COMAR 13A.01.05.05A.

## ANALYSIS

### Adherence to HCPSS Policy and COMAR

The Appellants have set forth a myriad of allegations and arguments in their appeal through numerous filings. Appellants primary argument in the case is that the local board failed to properly follow policy and procedure in determining the credits to be awarded their son. Subsumed in this argument are the Appellants' claims that HCPSS arbitrarily, unreasonably, and incorrectly interpreted and applied its policy on graduation requirements, and that HCPSS lacks a



policy that specifically addresses the award of credit to students transferring to HCPSS from home instruction.

As fully explained in the Factual Background Section, pp. 1 –3, HCPS Policies 8030 and 8030-PR are the policies used by the school system to determine credit awards for students transferring into a Howard County public school. This includes students coming from home instruction programs. The Appellants refuse to accept the manner in which HCPSS interprets and implements its policies. One point of contention is the Appellants' belief that D.G.'s college coursework should be reviewed under Policy 8030, section IV.E which addresses the credit to be awarded to students transferring into HCPSS from an accredited school or institution. The Appellants assert that the college courses for which they have requested credit were taken at accredited colleges, thus the college credits should count as graduation credits.

As explained by the local board, the reference to "accredited schools" in Policy 8030, IV.E.1, pertains to other state approved K-12 schools, and includes home instruction programs under the supervision of accredited schools or institutions which award high school credit. "Accredited schools or institutions", as used therein, does not pertain to a collegiate institution.

The Appellants also argue that the provisions of Policy 8030 for granting credit to transfer students cannot be used to determine the course credit to be awarded to students re-enrolling in HCPSS after being on home instruction because the provisions refer to accredited and nonaccredited schools and a home instruction program is not considered a school under State law. The Appellants reasoning here is based on the definition of "school" in COMAR 13A.09.09.02B(13), addressing educational programs in nonpublic schools, which states:

"School" means an educational program that is provided for an organized group of students, at least two of whom do not have the same parents or legal guardians and at least two of whom are not being instructed by on a regular daily basis by the students' parents or legal guardians, that is governed and operated by a legal authority, excluding the federal government or any State, county, or municipal agency or division of these.

Home instruction does not fall within this definition.

HCPSS Policy 8030, IV.E requires that a school principal determine whether the student previously attended an accredited or nonaccredited school in order to ascertain the manner in which transfer credit is to be awarded. Under the HCPSS policy, a home instruction program under the supervision of an accredited school or institution which awards high school credit is considered under the accredited school portion of the policy(8030, IV.E.1). If the home instruction program does not fall under this prong, it is considered under the nonaccredited school prong of the policy (8030, IV.E.2).

We do not believe that the fact that COMAR 13A.09.09.02B(13) defines school in a manner that excludes home instruction prohibits the local board from considering the supervising entity of a program of home instruction to be either an accredited or nonaccredited school in its own graduation requirements policy, for the purpose of determining the manner in which credit is awarded to students transferring into HCPSS from home instruction. While it may have provided more clarity if the local board used different terminology or different phrasing in its policy, there is nothing arbitrary, unreasonable or illegal about the local board using a different definition of the term "school" for the limited purpose of awarding credit. Different agencies may use the same terms and define them differently for different purposes. The local board is not precluded from using the same term in a different way for the specific purposes contemplated by the local policy.

The Appellants maintain that it was not necessary for D.G. to get prior approval from the school system to take the college courses, as required by Policy 8030, IV.C.7, because he was not enrolled in HCPSS at the time. The local board does not dispute this point. Because D.G. was pursuing a program of home instruction at the time he decided to take the courses, there was no need for prior approval by the Superintendent or Superintendent's designee. Nonetheless, the courses were still subject to evaluation under local policy in order to determine if credit was appropriate.

The Appellants contend that Ms. Wise's decision to grant D.G. World Language credit for his Japanese 101 and 102 courses set a precedent for HCPSS to grant D.G. credit for the rest of his college courses and also demonstrates arbitrary decision making by the school system. The school system initially denied D.G. credit for the Japanese courses because HCPSS does not offer Japanese and, at the time, the courses were not equivalent to courses in the Catalog of Approved High School Courses. The school system did not waiver on this position and did not grant another Howard student credit for Japanese under identical circumstances, as the Appellants claim. In any event, HCPSS ultimately granted D.G. credit for Japanese because the school system had decided to expand the foreign language courses in the Catalog of Approved High School Courses to include Japanese and other languages. This serves no precedential value with regard to D.G.'s other college courses.

The Appellants claim that COMAR 13A.10.01.01.04 should govern the credit decision because there is no HCPSS policy that addresses how to assess credit for students returning to public school from home instruction. COMAR 13A.10.01.01.04 states:

Upon application of a child for admission to a public school from a home instruction program, the local superintendent shall determine by an evaluation the placement of the child and any credits to be awarded toward high school graduation. The evaluation may include administration of standardized tests and examinations and interviews with the child.

HCPSS Policy 8030 and Policy 8030-PR are the policies that guide the credit decisions for students enrolling in school after being on home instruction. The policies are consistent with COMAR 13A.10.01.01.04, which leaves it to the discretion of the local school system to determine the manner of evaluation and the credit to be awarded a student coming from a home instruction program.

Appellants also cite various other State laws and local policies to support their argument that D.G. should be granted credit. These citations are either irrelevant to the issue or do not support the Appellants' claim. For example, COMAR 13A.03.02.05G (Other Provisions for Earning Credit) permits school systems to grant credit towards high school graduation for college courses offered by accredited colleges. The grant of credit is at the discretion of the local school system and must be consistent with local school system policies and procedures. This reference contains nothing to bolster the Appellants' position, rather it supports the local board's position. Some of the other provisions cited by the Appellants include HCPSS Policy 8100 (guidelines for the approval and conduct of student field trips and student activity trips); Md. Code Ann., Educ. §8-202 (policy statement on gifted and talented students); and Md. Code Ann., Educ. §5-401 (local school system comprehensive master plans). None of these provisions are relevant to the issue here.

#### Procedural Issues

The Appellants argue that the local level appeal process was too lengthy and violated HCPSS Policy 9020 – Students' Rights and Responsibilities, which provides that students have the right to a timely response from HCPSS to school-related inquiries, concerns or complaints. (9020, IV.E). The Appellants group the entire credit review process together, rather than breaking this allegation down into specific inquiries and responses.

In our view, the school system quickly began its credit review within days of the Appellants' inquiry and made an initial determination about D.G.'s grade level which was communicated to Mrs. C. after Thanksgiving. (Local Board Decision, p.2). Ms. Massella met with Mrs. C. during the first week of December to discuss credit issues. Based on our review of the record, it appears that there may have been a misunderstanding regarding D.G.'s start date. It was Ms. Massella's belief that the Appellant concurred with the January 21, 2009 start date. (Glenn E-mail, 1/5/09, App. Docs. 11/17/09, Exh. G). On the other hand, the Appellant wanted D.G. to immediately start school. (Appellants' E-mail, 1/5/09, App. Docs. 11/17/09, Exh. G). In addition, the HCPSS Booklet for Home Instruction advises parents that the school needs at least 15 days advance notice for enrolling a child from home instruction. (HCPSS Home Instruction Booklet, Local Bd. Rec., HCPS Staff Submittal, Tab 2). In this case, D.G. had quite a few courses that needed review and evaluation. It took 17 school days for HCPSS to get D.G. enrolled in school. While it might have been better to have him enrolled sooner, given the school breaks, miscommunication with Mrs. C., Ms. Massella's belief that it was in D.G.'s best interests to start during exam time at the end of 2<sup>nd</sup> quarter, and the large number of courses that needed review, the time of review does not seem unreasonable.

The Appellants also allege that HCPSS violated the compulsory attendance law, §7-301 of the Education Article, by delaying D.G.'s enrollment at Howard for several weeks after their initial request in mid-November. The compulsory school attendance law imposes a duty on parents and guardians to see that their child attends school. Md. Code Ann., Educ. §7-301(c). It does not apply to the local school system enrollment policies.

The Appellants contend that the school system has failed to provide them with a substantive explanation for the denial of credit for D.G.'s college courses and home instruction courses. The record contains six written explanations of the credit decisions: Ms. Massella's January 21, 2009 Decision (Local Bd. Rec., Exh. 15); Dr. Evans and Mr. Michaels January 29, 2009 Decision (Local Bd. Rec., Exh. 14); Ms. Wise's February 19, 2009 Decision (Local Bd. Rec., Exh. 12); Ms. Wise's May 7, 2009 decision approving Japanese credit (Local Bd. Rec., Exh. 6); another decision from Ms. Wise on May 20, 2009 (Local Bd. Rec., Exh. 5); and the local board's decision rendered August 19, 2009. (Local Bd. Rec., Exh. 1). While some of the decisions are more detailed than others, they provide sufficient information to understand the basis of the credit denials.

The Appellants assert that the local board engaged in unreasonable decision-making by failing to read the Appellants' July 17<sup>th</sup> letter of rebuttal submitted to the local board prior to its decision. Appellants made this submission after the deadline for filing documents in support of their appeal to the local board. The local board's procedures for paper appeals do not permit Appellants to submit rebuttal information. While the local board did not accept the submission as part of the record, it nonetheless reviewed the document and determined that it merely reiterated arguments and statements previously made by the Appellants in their various appeals to the school system. (Local Board Decision, p.1, n. 1). Moreover, the Appellants have had ample opportunity to submit those arguments on appeal for the State Board's review.

### Substance of Credit Decisions

#### *College Courses*

The Appellants argue that D.G. should be granted Modern World History credit for the Western Civilizations and the Modern World course that D.G. took at Howard Community College. They reason that because MSDE does not require Modern World History courses to begin as early as 1350, HCPSS need not require it either. Whether or not MSDE's State Curriculum in Modern World History begins in 1350 is not the issue here. A local school system can have more stringent or additional standards than those in the State curriculum. HCPSS's curriculum for this course begins in the time of the Italian Renaissance. It was within the school system's discretion to deny D.G. credit.

We point out that it is the Appellants' burden to show that the local board's decision was arbitrary, unreasonable or illegal. In our view, despite the hundreds of papers they filed in this case, they have failed to meet that burden. The school system engaged in a thoughtful review of the college courses to determine what credit should be awarded D.G. and, we believe, followed

its established policy in reviewing these college courses.<sup>3</sup> The State Board will not substitute its judgment for that of the school system's trained staff.

### *Home Instruction Portfolio*

The Appellants requested credit for home instruction work in English 10, English 11, African American Studies, and American Government. At Ms. Massella's request, curriculum staff members reviewed the portfolio documentation using the same process that is consistently used by HCPSS. Based on the record in this case, we believe that those staff members engaged in a thoughtful and careful review of the materials. They determined that D.G. should not be granted credit for English 10 and 11, and African American Studies, but that he should take the midterm and final for American Government to try to earn credit for a course.

The Appellants believe that D.G. should be granted credit for English 10 and American History because he scored in the advanced range for these subjects on the High School Assessments (HSA).<sup>4</sup> The fact that a student succeeds on the HSA does not automatically entitle the student to credit for the course. The HCPSS course curriculum in these subjects goes beyond what is covered on the HSA, and it is quite possible for a student to pass the HSA in a subject, but not the corresponding course. (Motion, p.24). The school system must follow its own policies for determining credit awards. Thus, there is nothing arbitrary or unreasonable about HCPSS requiring students returning from home instruction to demonstrate that they have received substantial instruction in the objectives of the HCPSS Essential Curriculum, and substantial attainment of knowledge in those objectives, before awarding credit for that course.

The Appellants have not presented a sufficient basis for reversing any of these credit decisions. The portfolio was reviewed in accordance with local policy. The reasoning of the local board is sound.

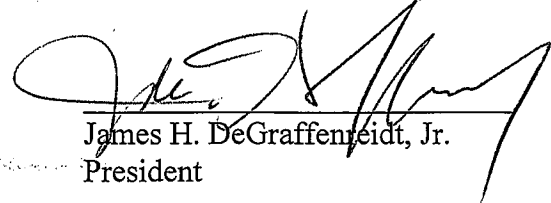
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<sup>3</sup>We understand that the Appellants have gone through a long and arduous process based on their belief that D.G. was entitled to credit for these courses. While we do not concur with that belief, we wish to point out that, as a result of the Appellants' diligence on behalf of their son, they were able to attain credits in Algebra and Japanese.

<sup>4</sup>Although the Appellants cite COMAR 13A.03.02.12 to support this claim, we do not believe that provision advances the Appellants' argument. COMAR 13A.03.02.12B(2) provides that a student transferring from a nonpublic school or a school out of State may be exempted from taking the HSA's in algebra/data analysis, biology, English, and government if the principal awards the student credit for taking one of the courses aligned with the HSA, in accordance with local policy. COMAR 13A.03.02.12B(2)(c) sets forth the manner in which the principal goes about awarding credit, i.e. through test and examinations, interviews, documentation. This provision does not apply to students on home instruction. Moreover, it requires compliance with local policy on awarding credit.

CONCLUSION

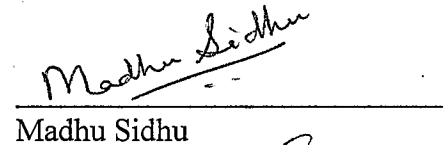
For all of these reasons, we do not find the local board's decision to be arbitrary, unreasonable or illegal. Accordingly, we affirm.

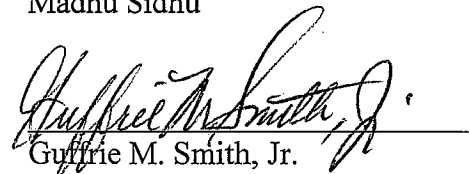
  
James H. DeGraffenheidt, Jr.  
President

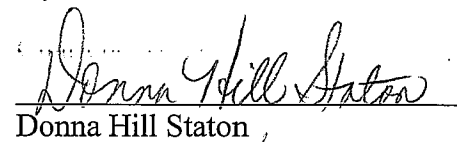
ABSENT  
Charlene M. Dukes  
Vice President

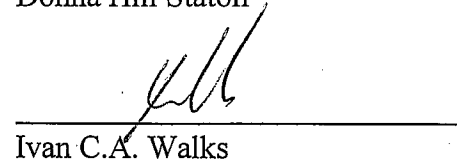
  
Mary Kay Finam

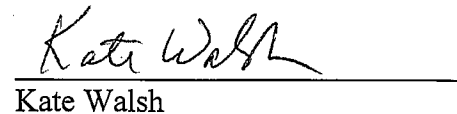
ABSENT  
S. James Gates, Jr.

  
Madhu Sidhu

  
Guffrie M. Smith, Jr.

  
Donna Hill Staton

  
Ivan C.A. Walks

  
Kate Walsh

March 23, 2010