

MADDIE TEEGARDIN,

Appellant

v.

CARROLL COUNTY
BOARD OF EDUCATION,

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 02-52

OPINION

In this appeal, Appellant challenges the local board's decision concerning the grade she received in her Freshman Seminar, maintaining that she unfairly received a B+ instead of an A due to the grading of two assignments given while she was lawfully absent. The local board has submitted a Motion for Summary Affirmance maintaining that its decision was not arbitrary, unreasonable, or illegal. Appellant has submitted an opposition to the local board's motion.

FACTUAL BACKGROUND

Appellant is currently a tenth grade student at Westminster High School. During the 2001-02 school year, Maddie missed two assignments in her Freshman Seminar due to lawful absences. The first assignment was "On the Hunt for . . ." that was issued on the day of the religious observance of Rosh Hashana. The second assignment was "Check This Out" allegedly missed due to a dental appointment and subsequent illness. Appellant appealed her grade of B+, maintaining that she would have received an A with a total grade of 90.1 had the teacher counted the two make-up assignments.

Steven M. Johnson, Director of Curriculum and Staff Development, acting as the superintendent's designee, investigated the matter. Mr. Johnson conducted interviews with Appellant; Mrs. Martin, Appellant's Freshman Seminar teacher; and John Seaman, Principal of Westminster High School. Based on his review, Mr. Johnson found that Appellant was lawfully absent on September 19, 2001 for the religious observance of Rosh Hashana, and that she received full credit for the makeup assignment (5 out of 5 points). Thus, he found that Appellant's claim of religious discrimination was moot.

With regard to the "Check This Out" assignment that Appellant claims to have missed because of a dental appointment and subsequent illness, Mr. Johnson found that Appellant was not entitled to credit for the missed work because she was in class on the day the assignment was issued. As he explained in his report:

There are a few facts that do not support your statements: You were absent on November 7th, but you did not have Freshman Seminar that day. November 7, 2001 was an A day, and you had Freshman Seminar on B days. Therefore, you were in class the day

the “Check This Out” assignment was given. You state that when you returned to school on Tuesday, November 13th, Mrs. Martin refused to accept the assignment. Mrs. Martin told me that you never turned in the assignment, nor does she recall you trying to turn it in. Mrs. Martin also told me that since she has clearly defined policies on make-up work, she would have accepted the assignment if you had attempted to turn it in and given you full credit since your absence was coded “lawful.” Mr. Seaman wrote in his letter to you dated February 14, 2002, that “the assignment you are questioning is dated November 9 by your hand and was not turned into the teacher until the end of the course.” Mrs. Martin would not have been obligated to accept a missing assignment that was more than two months late.

See letter of March 5, 2002 from Johnson to Appellant. In addition, Mr. Johnson noted that although Mrs. Martin periodically allows her students to complete extra credit assignments, Appellant had not completed any extra credit work.

On further appeal, the local board unanimously upheld Mr. Johnson’s decision not to change Appellant’s grade.¹

ANALYSIS

As a preliminary matter, Appellant requests a hearing before the State Board of Education. However, the procedures for appeals to the State Board do not grant Appellant the right to an evidentiary hearing when there is no constitutional or statutory basis to provide one. Nor does due process require an evidentiary hearing on issues that do not involve a genuine dispute of material fact. See *Hethman v. Prince George’s County Board of Education*, 6 Op. MSBE 646, 648-649 (1993). There is no constitutional or statutory basis for a hearing in an appeal involving student grades. Moreover, given the well established record in this case, we do not believe that there is a genuine dispute of material fact that would trigger an evidentiary hearing. See also *Fisher v. Montgomery County Board of Education*; MSBE Opinion No. 99-43 (September 22, 1999).

As to the matter of Appellant’s grade in her Freshman Seminar during the 2001-02 school year, it is well settled that the State Board will not review the merits of student grade decisions. As stated in *Crawford v. Washington County Board of Education*, 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 Board of Education*, MSBE Opinion No. 99-43 (September 22, 1999)(upholding grade of D in AP English); *Chase v. Carroll County Board of Education*, 7 Op.

¹The Board President was absent and did not participate in the deliberations on the appeal.

MSBE 915 (1997)(upholding grade of B in Expository Writing); *Mai v. Montgomery County Board of Education*, 7 Op. MSBE 752 (1997)(upholding grade placement decision); *Tompkins v. Montgomery County Board of Education*, 7 Op. MSBE 475 (1996)(upholding grade of D in English). The State Board will only accept appeals regarding academic grades if there are specific allegations that the local board failed to follow proper procedure or violated a student's due process rights.

In this appeal, Appellant does not contend that her due process rights were violated or that the local board failed to follow proper procedure. Moreover, the record reveals that Appellant's claims were fully investigated and reviewed by the superintendent's designee and by the local board. Further, the record discloses that Appellant received full credit for the make-up "On the Hunt for . . ." assignment that was given on the day of the observance of Rosh Hashana. Thus, there is no support for Appellant's argument of religious discrimination. As to the other assignment, Appellant does not provide any explanation that refutes Mr. Johnson's findings.

CONCLUSION

For these reasons, we find that the Board of Education of Carroll County has not acted arbitrarily, unreasonably, or illegally in this matter. We therefore affirm the decision not to change the grade received by Appellant in Freshman Seminar.

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October 30, 2002