

PHYLLIS CONYERS,

Appellant

v.

PRINCE GEORGE'S COUNTY  
BOARD OF EDUCATION,

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 02-31

### OPINION

In this appeal, Appellant challenges the decision of the local board denying her request for a waiver of testing procedures to determine if credits earned by her children at Richard Milburn Public Charter School in the District of Columbia should be accepted by the Prince George's County Public Schools (PGCPS) towards graduation requirements.<sup>1</sup> The local board has filed a motion to dismiss the appeal, or alternatively a motion for summary affirmance maintaining that its decision is not arbitrary, unreasonable, or illegal. Appellant has submitted a response in opposition to the local board's motion.

### FACTUAL BACKGROUND

Appellant is a parent of two children who transferred to Largo High School in Prince George's County from a charter school in the District of Columbia at the end of August, 2001. Appellant requested that her children, Jason and Cheyenne, receive course credits at Largo for courses they took while at the charter school without going through testing procedures required by PGCPS Administrative Procedure 5111.2.

Iris T. Metts, the local superintendent, denied Appellant's request for a waiver of the testing procedures. In a January 30, 2002 letter, Dr. Metts advised Appellant as follows:

The Office of Guidance and Counseling has verified that the charter school your children attended was not accredited by Middle States or any other recognized accrediting agency. Prince George's County Public Schools Administrative Procedure 5111.2 states:<sup>2</sup>

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<sup>1</sup>The children attended 11<sup>th</sup> grade at the charter school from September, 2000 through May, 2001.

<sup>2</sup>Administrative Procedure 5111.2 concerns the admission of students from non-approved or non-accredited schools for grades 9 through 12.

**“Credits earned at a non-accredited high school may not be accepted in a Maryland Public High School, unless they have been validated by an appropriate standardized examination given by the school to which the student transfers. (Maryland State Department of Education Bulletin, “Principles and Standards Public Secondary Education in Maryland” Section III, Page 43).”**

Therefore, Jason and Cheyenne are required to successfully complete the appropriate tests from the Department of Test Administration. . . . Your children will receive credit for courses required for graduation, if they obtain scores at or above the 23<sup>rd</sup> percentile on tests corresponding to those courses. (Emphasis in original).

On further appeal, documents were received and oral argument was heard by the local board on March 19, 2002. Finding that the local superintendent did not act arbitrarily, unreasonably, or illegally in this matter, the local board upheld the superintendent’s decision denying a waiver of the testing procedures. Appellant was advised to contact the principal of Largo High School to make the appropriate scheduling arrangements for testing.

Since issuance of the local board’s decision, counsel for the local board has indicated that both children have undergone testing. Scores for Jason were high enough to accumulate a sufficient number of credits for high school graduation. Therefore, as to Jason, this appeal is now moot.<sup>3</sup> However, the appeal is not moot as to Cheyenne whose scores were not high enough on certain tests to satisfy graduation requirements in these courses: general mathematics; algebra; geometry; grade 12 science; and grade 12 U.S. history. She received credit for grades 11 and 12 English; grades 11 and 12 social studies; grade 11 science; and world history.

### ANALYSIS

Appellant maintains that the school system violated COMAR 13A.03.02.03J(3)(a) because the school principal failed to ascertain whether the school previously attended by her children was accredited. COMAR 13A.03.02.03J(3) provides:

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<sup>3</sup>It is well established that a question is moot when “there is no longer an existing controversy between the parties, so that there is no longer any effective remedy which the courts [or agency] can provide.” *In Re Michael B.*, 345 Md. 232, 234 (1997); *See also Walter Chappas v. Montgomery County Board of Education*, 7 Op. MSBE 1068 (1998).

(a) The principal shall ascertain whether the school or schools previously attended by the student are accredited. If there is any doubt on this point, an official inquiry shall be addressed to the state department of education in the state in which the school or schools are located. If the school or schools are approved by that state, credits may be allowed the student in subjects that the student has completed successfully.

(b) A local superintendent of schools shall determine by an evaluation of a student whether credits earned at a nonaccredited high school will be accepted at the public high school to which the student transfers. This evaluation may include administration of standardized tests and examinations, the use of interviews, as well as the inspection of transcripts, report cards, and other documentation. The student shall be notified in writing of the reasons for any failure to transfer credits from nonaccredited schools.

Subsection J(3) of the regulation does not set forth any particular time frame for determining whether a school is accredited. Additionally, PGCPs Administrative Procedure 5111.2 (III.A.2) indicates that a principal can ascertain the accreditation status of a school in a variety of ways, one of which is through assistance from the Office of the Supervisor of Guidance.

While the school principal may not have determined the accreditation status of the charter school in this case, we believe this to be harmless given that the matter was investigated and verified by the PGCPs Office of Guidance and Counseling, acting as the principal's designee under the local procedure. The matter was thereafter reviewed by the local superintendent who issued a decision consistent with COMAR 13A.03.02.03 J(3). Thus any irregularity that may have occurred at the school level was cured. *See De Carlo Harrison v. Somerset County Board of Education*, 7 Op. MSBE 391, 393 (1996)(Superintendent's failure to grant conference was cured by hearing before the local board.)

Appellant also disputes the finding that the charter school attended by her children was not accredited. She bases this on a December 27, 2001 letter from Ms. Linda McKay, Executive Director for the District of Columbia Public Schools, to the Guidance and Counseling Division of PGCPs. The letter states the following:

This letter serves to verify that public charter schools under the DC Board of Education are valid and certified schools in the District of Columbia and hold all veracity of school requirements and responsibilities under the DC Board of Education. **All charter schools must seek or are in the process of accreditation through Middle States or some other recognized accrediting agency.**

All charter schools under the authority of the DC Board of Education adhere to the standards for graduation requirements of the District of Columbia. Student transcripts are verified and validated to meet all requirements established under Chapter 9, Sec. 22 of the DC Title 9 Code. Further, charter school diplomas are conferred upon by the DC Board of Education and signed by the President of the Board. (Emphasis added).

Although the letter indicates that all D.C. charter schools are certified by the D.C. Board of Education, the letter also indicates that all D.C. charter schools must acquire accreditation through Middle States or another recognized accrediting agency. The PGCPs Office of Guidance and Counseling contacted the D.C. Board of Education and discovered that the charter school attended by Appellant's children was not accredited by Middle States or any other recognized accrediting agency as required by the D.C. Board. Based on this information, the superintendent determined that course credit would not be granted toward graduation for courses taken at the charter school and that standardized testing was needed in order to calculate appropriate credits. We believe that the decision is consistent with COMAR 13A.03.02.03J(3) and PGCPs Administrative Procedure 5111.2.

Additionally, Appellant alleges that the entire process was flawed because Largo High School failed to provide her with two different forms at the time she enrolled her children in PGCPs. One form is a "Tentative Grade or Subject Agreement for Placement of Enrolling Students" which states that it must be completed when "a student is enrolling as a student from a nonapproved or nonaccredited school (Administrative Procedure 5111.2). In the case of a student from a nonapproved or nonaccredited school, final placement will be accomplished upon completion of tests and scoring of same." The other form is a "Temporary Admission Acceptance" which states that "[u]pon completion of tests and scoring provided in Administrative Procedure 5111.2 final placement will be accomplished."

Appellant maintains that the information in the forms would have put her on notice of the potential for standardized testing and would have provided her the opportunity to make arrangements to help her children satisfy the graduation requirements, such as attending night school or attending school full time rather than on a half day schedule. Assuming that the forms are applicable to this case, we do not believe that the school system's alleged failure to distribute and complete them renders the local board's decision arbitrary, unreasonable, or illegal. First, the failure to distribute and fill out a form does not override the dictates of COMAR 13A.03.02.03J(3) or PGCPs Administrative Regulation 5111.2 which both require a determination concerning accreditation and credit count by the local school system. Second, it is clear that by December 2001, Appellant was aware that there was a problem with the acceptance of Jason and Cheyenne's credits as indicated in her appeal to the local superintendent. At that point there was still half a school year in which Cheyenne could have worked towards the graduation requirements and/or prepared for testing.

## CONCLUSION

Based upon our review of the record we find that the local board's decision denying a waiver of the test requirements for Cheyenne was not arbitrary, unreasonable, or illegal. For these reasons, we affirm the decision of the Board of Education of Prince George's County.

Marilyn D. Maultsby  
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July 23, 2002