

IN THE MATTER OF

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BEFORE THE BOARD
OF EDUCATION OF
CARROLL COUNTY

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DECISION OF THE BOARD OF EDUCATION OF CARROLL COUNTY

This is an appeal before the Board of Education of Carroll County (the "Board") pursuant to Section 4-205(c) of the Education Article to the Annotated Code of Maryland brought by _____, father of _____, a _____ High School. At issue in this appeal is _____ extracurricular eligibility as a result of receiving a fourth quarter failing grade in Algebra II. For the reasons set forth more fully below, we shall affirm the decisions rendered by _____ Principal of _____ High School, and by Sherri-Le Bream, Director of High Schools and the Superintendent's Designee in this matter, upholding the declaration of academic ineligibility.¹

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Maryland State Board of Education (the "State Board") requires school systems involved in the Maryland Public Secondary Schools Athletic Association ("MPSSAA") to "establish standards for participation which assure that students involved in interscholastic athletics are making satisfactory progress toward graduation." COMAR 13A.06.03.02B. Following this requirement, this Board has long set a standard

¹ In this appeal, _____ asked for an expedited review which the Board granted at its meeting of August 22, 2007. On an appeal of this nature, there is no requirement for an evidentiary hearing. The State Board has long held that there is no need for an evidentiary hearing or oral argument when, as in this case, the appeal does not involve an alleged liberty or property interest deprivation thereby invoking the protections of the Fourteenth Amendment Due Process Clause. See Bricker v. Frederick County Board of Education, 3 Op. MSBE 99 (1982); Anderson and Blake v. Board of Education of Prince George's County, 5 Op. MSBE 415, 417 (1989). For this reason, and because we do not believe that a hearing would aid us in the decision-making process, we shall render a decision based upon the written record presented to us by

-- not only for student athletes but for all students involved in extracurricular activities -- that requires students to maintain passing grades in *all* courses during *each* marking period. The Administrative Regulations following Board Policy JPA and as set forth in the Carroll County Public Schools Student Handbook provide in Section V.A.1 that a "student becomes ineligible for academic reasons if he/she receives a grade of F for any course in which the student is enrolled during a marking period."

Unfortunately, [redacted] earned an "F" in Algebra II during the second quarter of the 2006-2007 school year. He pulled his Algebra II grade up slightly to a "D" in the third quarter, but then fell again to an "F" for the fourth quarter thus resulting in [redacted] loss of academic eligibility for the beginning of the 2007-2008 fall sports season. In a letter to [redacted] dated June 22, 2007, [redacted] explained that although [redacted] was not academically eligible to play football at the beginning of the season, "[redacted] may regain eligibility at the interim grading period if he is earning all C's or better at that time." This decision was in accordance with the published provisions on "Regaining Eligibility" as set forth in Section V.A.3 of the Administrative Regulations following Board Policy JPA which provide as follows: "As an incentive for academic performance, a student will regain academic eligibility at the end of the interim report period when all of the teachers validate the student has earned at least a grade of "C" and upon approval of the principal in consultation with the coach/advisor."

Although not challenging the failing grade assigned to [redacted], [redacted] nonetheless appealed the loss of eligibility on the grounds of fairness and equity and argues that, since [redacted] High School is the only Carroll County High School with eight classes per quarter, an accommodation should be made for [redacted] students due to the supposed greater workload. In a decision dated August 13, 2007, Mrs. Bream disagreed

with _____ argument, as do we, and explained how all high school students are responsible for the same number of instructional hours per day and all have the opportunity to earn eight credits per year based upon the same curricular standards -- regardless of whether they take eight classes per day or per year. Moreover, Mrs. Bream explained that there is much variation within the schedules of all of our high schools including variations necessitated by the Academy of Finance, the programs offered at the Carroll County Career and Technology Center or the South Carroll Career and Technology Center, and other programs.

We agree with Mrs. Bream. Although it is true that _____ High School students have more classes per quarter than do many, but certainly not all, of their peers at other schools, it does not necessarily follow that they have a greater workload. Putting aside for now the various arguments in favor of and in opposition to the different approaches to school scheduling, we can safely say that a requirement that a student not receive *any* failing grades is not so rigorous that it works an undue hardship on the students of High School. Simply put, an "F" is unacceptable -- no matter where a student attends school. A regulation that requires students to *at least* pass all of their classes in order to maintain extracurricular eligibility appropriately requires all students to put academics first and supports the State Board's requirement that school systems maintain eligibility standards that "assure that students involved in extracurricular athletics are making satisfactory progress toward graduation." COMAR13A.06.03.02B.

Accordingly, for these reasons, the decisions rendered by Mrs. Bream and by _____ were not arbitrary, unreasonable, or illegal but were, rather, consistent with both State regulations and the Administrative Regulations implementing Board Policy JPA. For this reason, we shall affirm.

DECISION

For the reasons discussed above, this Board affirms the decision of Sherri-Le Bream, Director of High Schools, upholding the decision declaring _____ academically ineligible through, at least, the end of the first interim reporting period ending on September 27, 2007. If _____ grades permit, he may regain his eligibility at that point. Should he choose to do so, _____ may appeal this decision to the Maryland State Board of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, in writing, within thirty days of the date of this decision.

9-10-07
Date

Gary W. Bauer
Gary W. Bauer, President

-absent-
Cynthia L. Foley, Vice President

Patricia W. Gadberry
Patricia W. Gadberry

Jeffrey L. Morse
Jeffrey L. Morse

Barbara J. Shreeve
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