

IN THE MATTER OF

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BEFORE THE BOARD

OF EDUCATION OF

GRADE APPEAL

CARROLL COUNTY

\* \* \* \* \*

**DECISION OF THE BOARD OF EDUCATION OF CARROLL COUNTY**

Now pending before the Board of Education of Carroll County (the "Board") is an appeal filed pursuant to Section 4-205(c) of the Education Article to the Annotated Code of Maryland by \_\_\_\_\_ : on behalf of her son \_\_\_\_\_ , a student at Century High School ("CHS"). In this appeal, \_\_\_\_\_ appeals from the decision of Dr. Margaret E. Pfaff, Director of Curriculum and Instructional Resources and the Superintendent's Designee in this matter, upholding the decision of CHS Principal Troy Barnes to not change the final assignment grade of "D" earned by \_\_\_\_\_ in his \_\_\_\_\_ class and his semester grade of "C". For the reasons discussed below, we shall affirm the decision without the need for an evidentiary hearing or oral argument.<sup>1</sup>

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This appeal centers upon a final exam assignment as part of \_\_\_\_\_ class at CHS. One of the instructions for the final assignment was that the students save the assignment in Office 365 format and upload the assignment to the \_\_\_\_\_ : teacher, \_\_\_\_\_. For whatever reason, only \_\_\_\_\_ title page was uploaded, and since that was the only work submitted to \_\_\_\_\_ that was the only

<sup>1</sup> 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 decline to conduct an evidentiary hearing or oral argument on this appeal but shall render a decision based upon the written record presented to us.

work that she graded for which [redacted] received a failing score of 27 out of 85 possible points. This low score had the effect of also lowering [redacted] final class grade to an "F".

[redacted] thereafter appealed to Mr. Barnes on [redacted] behalf, and [redacted] thereafter re-assessed the final assignment that was found on [redacted] U drive. As a result of the re-scoring of the completed assignment, [redacted] raised [redacted] final assignment grade from a 27 to a 52 out of 85 possible points which equated to a grade of 61% for an assignment grade of "D". This score elevated [redacted] final semester grade from an "F" to a "C". Dissatisfied, [redacted] further appealed on [redacted] behalf contending that [redacted] should have been given a higher score resulting in a semester grade of a "B" or an "A".

[redacted] appeal was reviewed by Dr. Pfaff as the Superintendent's Designee who, in her March 20, 2017, letter to [redacted], reiterated that on grade appeals, the investigation centers upon whether the teacher followed Board Policy IKAB and its implementing regulations and whether the grade was calculated correctly. As part of her investigation, Dr. Pfaff discussed the matter at length with [redacted] and met with both [redacted] and Mr. Barnes. Based upon her investigation and review of [redacted] scoring of the assignment in question, Dr. Pfaff explained that she could not find content in [redacted] written submission that would have earned him the additional points sought by [redacted] and that there was no basis to support the argument that [redacted] grade should be increased beyond the already increased grade awarded by [redacted].

Dissatisfied with that decision, [redacted] filed a timely appeal to this Board on [redacted] behalf and submitted documentation, by herself and through her attorney, in support of her argument that [redacted] final assignment grade and his grade for the semester should be increased. In support of her argument, [redacted] not only submitted evidence which, she contends, supports a higher grade but also submitted arguments to the effect

that CHS staff and [redacted] in particular are biased against [redacted] for an earlier incident. Having reviewed all of the documents, however, we are of the view that Dr. Pfaff's decision was not arbitrary, unreasonable, or illegal. Accordingly, we shall affirm.

Following the long-established precedent of the Maryland State Board of Education that "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," *Caryn J. v. Baltimore County Board of Education*, MSBE Op. No. 10-24 (2010), this Board has long held that it will not substitute its judgment for that of the Principal on a grade appeal unless that decision is arbitrary, unreasonable, or illegal. *See, e.g., Chase v. Carroll County Board of Education*, 7 Op. MSBE 915 (1997) (upholding a grade of "B" in expository writing); *Janocha v. Carroll County Board of Education*, MSBE Op. No. 02-51 (2002); *Bill Z. and Janelle M. v. Carroll County Board of Education*, MSBE Op. No. 15-26 (2015). The State Board has repeatedly held that it "will only hear appeals about academic grades if there are specific allegations that the local board failed to follow proper procedure or violated a student's due process rights." *Caryn J., supra*. Having thoroughly reviewed the record in this case, we see no such violations justifying a further change of [redacted] grade.

Moreover, as Dr. Pfaff found, even if the final assignment were removed from [redacted], final grade calculation, he still would have earned a "C" grade for the semester. Finally, with respect to the allegations of bias against [redacted], we find that [redacted] has failed to adequately support her allegations with specific factual information sufficient to support her claim that (1) CHS staff were biased against [redacted], and (2) that this perceived bias adversely impacted [redacted] grade in [redacted]. As the State Board reasoned

in *Bill Z. and Janelle M., supra*, “[a]llegations of retaliation must be supported by evidence. Allegations alone are insufficient to support a claim of retaliation.”

Accordingly, for these reasons, this Board finds that the decision rendered by Dr. Margaret E. Pfaff acting as the Superintendent’s Designee was neither arbitrary, unreasonable, nor illegal, and we shall affirm that decision.

**DECISION**

For the reasons discussed above, this Board affirms Dr. Pfaff’s decision upholding Mr. Barnes’ decision regarding grade in . Should she choose to do so, J . . . 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.

5/31/17  
Date

Devon M. Rothschild  
Devon M. Rothschild, President

[Signature]  
Bob E. Lord, Vice-President

Marsha B. Herbert  
Marsha B. Herbert

Virginia R. Harrison  
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Donna M. Sivigny  
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