

AMANDA B.,
Appellant

v.

BOARD OF EDUCATION
OF BALTIMORE COUNTY,
Appellee.

BEFORE THE
MARYLAND
STATE BOARD
OF EDUCATION
Opinion No. 14-41

OPINION

INTRODUCTION

The Appellant has requested that the State Board reconsider its May 20, 2014 opinion in *Amanda B. v. Board of Education of Baltimore County*, MSBE Op. No. 14-24 (2014). The Baltimore County Board of Education (local board) has filed an opposition to the request for reconsideration.

FATUAL BACKGROUND

The Appellant, Amanda B., filed an appeal on behalf of her son who was denied entry to the Advanced French Program at Sudbrook Magnet Middle School after he failed to score a sufficient number of points on his entry assessment. In *Amanda B., supra*, this Board affirmed the local board's decision, concluding that the local board did not act in an arbitrary, unreasonable, or illegal manner by denying Appellant's appeal.

STANDARD OF REVIEW

A decision on a request for reconsideration shall be made in the discretion of the State Board except that a decision may not be disturbed unless there is sufficient indication in the request that:

- (1) The decision resulted from a mistake or error of law; or
- (2) New facts material to the issues have been discovered or have occurred subsequent to the decision.

The State Board may refuse to consider facts that the party could have produced while the appeal was pending. The State Board may, in its discretion, abrogate, change or modify the original decision. COMAR 13A.01.05.10D.

LEGAL ANALYSIS

In her reconsideration request, Appellant asks that the State Board reconsider its appeal for a number of reasons. She argues that: (1) the grading of her son's written essay as part of the

assessment was arbitrary and that she was not provided the basis for how the essay was scored; (2) that the assessment scorers improperly graded her son on his use of French vocabulary other than new vocabulary specifically introduced as part of the assessment; (3) that penalizing her son multiple times for the continued mispronunciation of a single word was unreasonable and inappropriate; (4) that the Hearing Examiner was biased in favor of the school system and that the State Board recognized this fact by stating that Hearing Examiners do not need to be fair; (5) that the Hearing Examiner and local board should have been persuaded by the weight of the evidence she presented; (6) that the assessor not only developed the assessment and reviewed it for accuracy, but had also developed the curriculum for Wellwood International Elementary School (“Wellwood”), thus making her biased in favor of students from that school in admissions; (7) that students from Wellwood had an unfair advantage in the assessment process; (8) that her son, who attended a Baltimore City public school was disadvantaged because the assessment was aligned with the Baltimore County curriculum; (9) that the school system is deliberately denying students admission to the Advanced French program in order to keep the program’s class size small and that these small classes are a waste of taxpayers’ money because more students could attend these classes; and (10) that the State Board’s “vague rules” are designed so that the State Board can “enter into agreements with other parties then change the agreements to benefit them without the knowledge or consent of the other parties.”¹

Appellant does not contend that any “new facts material to the issues have been discovered or have occurred subsequent to the decision.” *See* COMAR 13A.01.05.10D(2). Instead, most of Appellant’s arguments center on her belief that the State Board made multiple mistakes or errors of law in its decision in *Amanda B.* The bulk of these concerns have already been raised and addressed by our previous opinion. We write, however, to address a few of the points raised by Appellant in order to provide additional clarity.

First, we stated in *Amanda B.* that “Hearing Examiners are not required to give equal weight to all of the evidence” and that they need not rely on evidence if they do not find it to be relevant or credible. Appellant has interpreted our statement to mean that we believe Hearing Examiners are not required to be fair. On the contrary, Hearing Examiners are required to treat all parties fairly. Fair treatment does not mean, however, that a Hearing Examiner must find in a party’s favor. Some evidence will convince a Hearing Examiner more than other evidence. A Hearing Examiner is not being unfair when he or she weighs competing evidence and reaches a decision; that is what a Hearing Examiner is supposed to do.

Second, Appellant faults the State Board for not acknowledging that the woman who performed the assessment on her son had developed the curriculum used at Wellwood. In Appellant’s view, this demonstrates that the assessor was biased in favor of Wellwood and that her assessment therefore could not have been fair to Appellant’s son. We find no evidence in the record to support these accusations.

Third, Appellant’s arguments concerning the class size at Wellwood do not appear relevant to the current appeal because her son was not denied entry due to a lack of space but because he failed to meet the program’s entry requirements. As to Appellant’s argument that the

¹ The local board argues in response that Appellant filed her request for reconsideration one day late and that, even if it were timely, the request merely reiterates arguments she already raised in her original appeal.

school system should consider eliminating the Advanced French program because it is a waste of resources, this appeal is not the proper mechanism for which to pursue that policy change. See *Kenneth F. v. Baltimore County Bd. of Educ.*, MSBE Op. No. 10-23 (2010).

Finally, Appellant does not explain her statement about “vague” rules that she believes enable the State Board to “enter into agreements with other parties then change the agreements to benefit them without the knowledge or consent of the other parties.” Our confusion about the meaning of this statement makes it difficult to address. To the extent that the statement has to do with the appeals process before the State Board, the State Board has followed the procedures which are set forth in COMAR 13A.01.05.

Appellant is clearly a strong advocate for her son and we commend her on her dedication to his education. But she has not presented sufficient grounds here upon which to grant reconsideration of our opinion.

CONCLUSION

Because the Appellant has failed to provide an adequate basis for reconsideration of MSBE Opinion No. 14-24, we deny Appellant’s request for reconsideration.

Absent

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President

Mary Kay Finan

Mary Kay Finan
Vice President

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July 22, 2014