

S.F. AND K.F.,

Appellants

v.

MONTGOMERY COUNTY  
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR 23-09

### ORDER

Appellants, parents of a high school student and cheerleader attending Montgomery County Public Schools (“MCPS”), filed this appeal with the State Board on January 29, 2023, claiming that their daughter has been subject to severe bullying and harassment by her cheer squad teammates. MCPS conducted an internal investigation of their complaint, which limited the issue to whether or not cheer team members intentionally dropped Appellants’ daughter at a cheer practice. By letter dated December 13, 2022, the school principal advised Appellants that MCPS determined that the incident was an accident. The principal advised Appellants that they could pursue the matter further by following the procedures described in MCPS Regulation KLA-RA – *Responding to Inquiries and Complaints from the Public*.

Appellants maintain that on December 22, 2022, they sent a request for formal review of the decision to the local Superintendent; the Chief Operating Officer (“COO”), Brian Hull; and Associate Superintendent for School Support and Well-Being, Diane Morris.<sup>1</sup> They have attached to the State Board appeal a letter that purports to be that request. They also attached a December 29, 2022, email to the local board requesting assistance regarding the matter. On January 9, 2023, Appellants met with Ms. Morris and Dr. Dawson, Director of School Support and Well-Being, and discussed the development of a safe plan for their daughter. Appellants indicate that while they agreed to development of the safe plan, they advised Ms. Morris that they wanted their appeal of the bullying/harassment determination to continue.

Appellants state that on January 13, 2023, the assistant principal contacted them about the safe plan, and they thereafter met with the assistant principal and Dr. Dawson regarding the safe plan on January 24, 2023. Meanwhile, it was the Appellants understanding that their appeal of the bullying and harassment decision was proceeding through the formal process. However, hearing no response from school officials regarding their attempt to engage in the review process, Appellants filed the instant appeal with the State Board.

The local board filed a motion to dismiss the appeal arguing that Appellants prematurely filed the appeal to the State Board and the matter is not ripe for review because the Appellants failed to exhaust their administrative remedies with MCPS. According to the local board, Appellants’ December 29, 2022 email to the local board did not include a Complaint for the Public or indicate that it was an appeal, and the local board never considered that the matter was

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<sup>1</sup> Appellants maintain that MCPS committed procedural violations and misconstrued issues in their complaint.

properly before it as an appeal. The local board maintains that Appellants also bypassed the appeal at the local Superintendent level.

While the entirety of Appellants' submissions to MCPS officials is unclear, what is clear in this case is that there is no local board decision for the State Board to review. The State Board has consistently declined to address issues that have not been reviewed initially by the local board. *See Harvest Foundation Group v. Baltimore County Bd. of Educ.*, MSBE Order No. OR19-11 (2019); *Lakesha W. v. Howard County Bd. of Educ.* MSBE OR 08-12 (2008). Because the local board has not issued a final decision in the Appellant's case, there is nothing for the State Board to review. Pursuant to Education Art. § 4-205(c)(3) and COMAR 13A.01.05.03B(1)(a), the State Board may dismiss an appeal if the local board has not issued a final decision. *See Victor and Sandra B. v. Anne Arundel County Bd. of Educ.*, MSBE Order No. OR20-11 (2020).

Appellants claim they have attempted to exhaust their administrative remedies, but that they have not received any formal response from the local Superintendent or the local board. Again, it is unclear here what all of the various submissions were and we do not make any judgment as to the sufficiency of such submissions. However, to the extent that Appellants submitted items to the local Superintendent and the local board regarding this matter, we urge MCPS to provide Appellants with a formal response explaining the procedures available to them to bring finality to this issue and to ensure that due process is served.

Accordingly, it is this 25th day of April 2023 by the Maryland State Board of Education, ORDERED, that the appeal referenced above is hereby dismissed because it is not ripe for review. *See* COMAR 13A.01.05.03B.

MARYLAND STATE BOARD OF EDUCATION

Signature on File:

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Clarence C. Crawford  
President