

G.P. and D.C.,

Appellant

v.

MONTGOMERY COUNTY
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No.: OR24-03

ORDER

The Appellants challenge the December 28, 2023, decision of the Montgomery County Board of Education (“local board”) affirming the decision of the superintendent’s designee to deny the Appellants’ request for an exemption for their child from the academic eligibility requirement in Regulation IQD-RA governing participation in interscholastic athletics.

During the 2022-2023 school year, the Appellants’ child was enrolled in the 11th grade at a Montgomery County Public Schools (“MCPS”) high school. In the fourth marking period of that school year, the student earned an E in Precalculus B and Advanced Placement Science B, bringing his grade point average (“GPA”) to 1.67. Per MCPS Regulation IQD-RA, a student must have a GPA of 2.0 or higher to be eligible to play interscholastic sports; therefore, the student was ineligible for the fall sports season. During the summer of 2023, the Appellants sought a waiver of the Regulation IQD-RA, but it was denied by the Director of MCPS’ Department of Athletics.

The Appellants filed a “Complaint from the Public” appealing the decision and seeking as an alternative remedy either MCPS’s acceptance of an external English II grade from a course taken over the summer or permission for the student to take Precalculus from a non-MCPS approved vendor. A hearing officer was assigned to the complaint, and ultimately denied the Appellants’ requests. The hearing examiner found that the Appellants were informed during the 2022-2023 school year that the external course was not approved as a substitute for MCPS courses, and the student could have taken Precalculus during the 2023 MCPS summer school. The superintendent’s designee concurred with the hearing officer’s findings and denied the request for an exemption from the academic eligibility requirement. Appellants appealed to the local board, which affirmed the superintendent’s designee. This appeal followed.

The local board argues that the appeal should be dismissed as moot as the requested remedy is no longer available. “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.’” *Mallardi v. Carroll Cnty. Bd. of Educ.*, MSBE Op. No. 00-07 (2000) (quoting *In Re Michael B.*, 345 Md. 232, 234 (1997)). In this case, Appellants seek to overturn the eligibility decision for the fall athletics season. However, the fall season has concluded, and the student was able to bring up his GPA during the 2023-2024 school year such that he is now eligible to participate in winter athletics. Therefore, there is no remedy that can be provided to the Appellants and the student given the conclusion of the fall athletics season on November 11, 2023, and the student’s new eligibility status.

For the above reasons, the Appellants have failed to show that there is still an existing controversy between themselves and MCPS or that there is an effective remedy which the State Board can provide.

Accordingly, it is this 27th day of February 2024, by the Maryland State Board of Education, ORDERED, that the appeal referenced above is hereby dismissed for mootness. *See* COMAR 13A.01.05.03B.

MARYLAND STATE BOARD OF EDUCATION

Signature on File:

Clarence C. Crawford
President