

FROSTBURG BRIDGE PROGRAM,

Appellant

v.

ALLEGANY COUNTY
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 14-42

OPINION

INTRODUCTION

The Appellant has requested that the State Board reconsider its April 22, 2014 Order in *Frostburg Bridge Program v. Allegany Board of Educ.*, MSBE Order No. OR14-02. The Allegany County Board of Education (local board) has filed an opposition to the request for reconsideration.

FACTUAL BACKGROUND

The Appellant, Frostburg Bridge Program, is a private day care center in Frostburg, Maryland located in the Beall Elementary School district and serves students attending Beall, Frost, and Savage Elementary Schools. In *Frostburg Bridge Program v. Allegany Board of Educ.*, *supra*, this Board dismissed the Appellant's appeal of the local board's decision denying bus transportation between Frost Elementary School and the Frostburg Bridge Program. This Board did so based on the fact that the Appellant had not filed its appeal to the State Board in a timely manner.

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 its reconsideration request, Appellant asks that the State Board reconsider its appeal because the denial of bus transportation from Frost to the Frostburg Bridge Program has caused difficult challenges for parents and students in the Frost district. Appellant believes the issue is too important to be dismissed as a result of a missed filing deadline.

Appellant does not argue that the State Board’s decision was the result of a “mistake or error of law” or that “new facts material to the issues have been discovered or have occurred subsequent to the decision.” See COMAR 13A.01.05.10D(2). Rather, Appellant merely reargues the merits of its original appeal to the State Board. Unfortunately, Appellant did not file its original appeal to the State Board within the 30 day time frame set forth in State regulation at COMAR 13A.01.05.02B(1). As we stated in OR14-02, “[t]ime limitations are generally mandatory and will not be overlooked except in extraordinary circumstances such as fraud or lack of notice.” See *Scott v. Board of Educ. of Prince George’s County*, 3 Op. MSBE 139 (1983). While we are sympathetic to the issues raised by the Appellant, the Appellant had the ultimate responsibility for adhering to the filing deadline and it failed to do so.

CONCLUSION

Because the Appellant has failed to provide an adequate basis for reconsideration of MSBE Order No. OR14-02, we deny Appellant’s request for reconsideration.

Absent

Charlene M. Dukes
President

Mary Kay Finan

Mary Kay Finan
Vice President

James H. DeGraffenreidt, Jr.

James H. DeGraffenreidt, Jr.

Linda Eberhart

Linda Eberhart

S. James Gates, Jr.

S. James Gates, Jr.

Larry Giammo

Larry Giammo

Luisa Montero-Diaz MLP

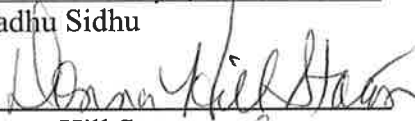
Luisa Montero-Diaz



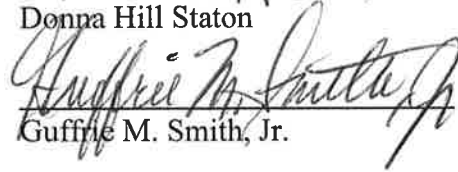
Sayed M. Naved



Madhu Sidhu



Donna Hill Staton



Guffie M. Smith, Jr.

July 22, 2014