

CHRISTOPHER T. AND KAREN D.,

Appellants

v.

MONTGOMERY COUNTY
BOARD OF EDUCATION,

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR15-06

ORDER

On July 30, 2015, Appellants filed this appeal with the State Board challenging the decision of the Montgomery County Board of Education (local board) to deny a transfer for their daughter from Seneca Valley High School to Albert Einstein High School. Appellants argue that their daughter, who was previously in a French immersion program, will not receive the same quality of instruction in French at Seneca Valley that is available at Albert Einstein. The local board filed a motion to dismiss the appeal as untimely.

COMAR 13A.01.05.02B(1) provides that an appeal to the State Board “shall be taken within 30 calendar days of the decision of the local board” and that the “30 days shall run from the later of the date of the order or the opinion reflecting the decision.” An appeal is timely filed if, before the expiration of time, it has been delivered to the State Board or deposited in the U.S. mail as registered, certified mail or Express Mail, or deposited with a delivery service. COMAR 13A.01.05.02B(3). The local board issued its decision and order on June 29, 2015. Therefore, the deadline for filing an appeal to the State Board was July 29, 2015. Appellants sent their appeal via certified mail on July 30, 2015.

Time 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). We have previously dismissed appeals that were filed even one day past the 30-day deadline. *See Mohan G. v. Montgomery County Bd. of Educ.*, MSBE Op. No. 08-48 (2008); *Kaliym H. & Yvette B. v. Montgomery County Bd. of Educ.*, MSBE Op. No. 03-04 (2003).

The local board provided Appellants with the State Board regulations and explained the 30-day filing deadline in a cover letter attached to the board’s decision. (Motion, Ex. 2). Appellants explain that they thought the 30-day deadline ran from the date of the cover letter. The cover letter and regulations both state, however, that the 30 day deadline runs from the date of the decision. Appellants therefore had notice of the deadline. They have presented no further arguments to excuse the untimely filing.

Therefore, it is this 22 day of September, 2015 by the Maryland State Board of Education,

ORDERED, that the local board's decision is affirmed.

MARYLAND STATE BOARD OF EDUCATION

A handwritten signature in cursive script, reading "Guffie M. Smith, Jr.", is written over a horizontal line.

Guffie M. Smith, Jr.
President