

FROSTBURG BRIDGE PROGRAM

Appellant

v.

ALLEGANY COUNTY
BOARD OF EDUCATION,

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR14-02

ORDER

Appellant challenges the decision of the Allegany County Board of Education (local board) denying bus transportation between Frost Elementary School and the Frostburg Bridge Program. The Frostburg Bridge Program is a private day care center in Frostburg, Maryland located in the Beall Elementary School district. The Frostburg Bridge Program serves children attending Beall, Frost and Mt. Savage Elementary Schools.

The local board filed a Motion to Dismiss the appeal to the State Board based on untimeliness. 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 deemed transmitted within the limitations period if, before the expiration of the time period, it has been delivered to the State Board, deposited in the U.S. mail as registered, certified or Express, or deposited with a delivery service that provides verifiable tracking from the point of origin. COMAR 13A.01.05.02B(3).

The local board issued its decision on December 10, 2013. The decision was mailed to the Appellant by first class mail, postage prepaid on December 11, 2013. During a phone call on December 18, 2013, counsel for the local board advised Leticia Shelton, Director of the Frostburg Bridge Program, that the next step in the process was to file a timely appeal with the State Board of Education. (Affidavit of G. Gary Hanna).

The Appellant’s appeal should have been transmitted to the State Board on or before January 9, 2014. Appellant did not transmit the appeal until January 25, 2014.

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). The State Board has consistently applied this rule of law, dismissing appeals that have been filed one day late based on untimeliness. *Twu v. Montgomery County Bd. of Educ.*, MSBE Op. No. 01-11 (2001).

Appellant acknowledges that the appeal was not timely filed, but maintains that school system representatives were not forthcoming with details about the filing requirements and that

the Appellant was unaware of the time constraints. While we have encouraged local school systems to provide individuals with information regarding their appeal rights, there is no requirement that they do so. See *William M. and Corona S. v. Worcester County Bd. of Educ.*, MSBE Op. No. 13-63 (2013) and cases cited therein. The ultimate responsibility for adhering to the filing deadlines lies with the Appellant.

Therefore, it is this 22nd day of April, 2014 by the Maryland State Board of Education,
ORDERED, that the appeal referenced above be and the same is hereby dismissed.

MARYLAND STATE BOARD OF EDUCATION

A handwritten signature in cursive script, reading "Charlene M. Dukes", is written over a horizontal line.

Charlene M. Dukes
President