

BRYAN AND AUDRA LEW

Appellants

v.

MONTGOMERY COUNTY
BOARD OF EDUCATION,

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR15-04

ORDER

Appellants challenge the November 17, 2014 decision of the Montgomery County Board of Education (“local board”) regarding the Blair G. Ewing Center Improvements project. (Appeal). The local board voted to amend its Capital Improvements Program (“CIP”) to (1) change the scope of the project from improvements to the current facility to improvements to the former English Manor Elementary School site in order to relocate the Alternative Education Programs to the English Manor site; and (2) transfer funds from the approved Blair G. Ewing Center Improvements project to the Facility Planning project in order to conduct a feasibility study for redevelopment of the Blair G. Ewing Center to relocate the Shady Grove Transportation Depot there. (Mtn., Ex. A).

The local board filed a Motion to Dismiss the appeal 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).

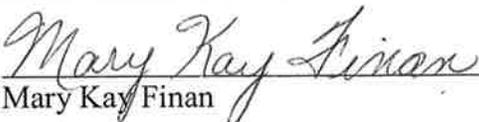
The local board issued its decision on November 17, 2014. Thus, the appeal should have been transmitted to the State Board by December 17, 2014. Appellants did not transmit the appeal until January 26, 2015.

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). The Appellants did not respond to the local board’s motion and did not provide any explanation for the late filing.

Therefore, it is this 19th day of May, 2015 by the Maryland State Board of Education,

ORDERED, that the appeal referenced above is hereby dismissed for untimeliness. *See* COMAR 13A.01.05.03C(2).

MARYLAND STATE BOARD OF EDUCATION



Mary Kay Finan
President