

REGINALD W.,

Appellant

v.

HOWARD COUNTY BOARD
OF EDUCATION

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR16-07

ORDER

The Appellant has requested that this Board reconsider its February 23, 2016 decision in *Reginald W. v. Howard County Board of Education*, MSBE Opinion No. 16-07. The Howard County Board of Education (local board) has filed an opposition to Appellant's request for reconsideration.

In *Reginald W. v. Howard County Board of Education, supra*, this Board affirmed the local board's decision and found that Appellant's allegations regarding several late breakfast and lunch occurrences during the school year, and lack of student hand washing, failed to demonstrate that Howard County Public Schools' personnel violated school system policies or engaged in a pattern of child abuse and neglect.

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 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.

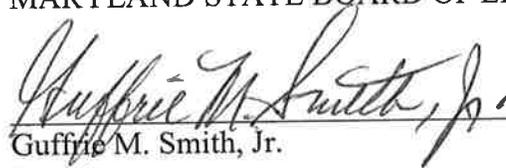
In the request for reconsideration, Appellant fails to raise any mistake or error of law. Rather, Appellant alleges that new facts material to the issues have occurred. Appellant maintains that on March 7, 2016, his daughter returned home from school hungry with a headache and her lunch uneaten. His daughter reported that her strings teacher held her class overtime and they arrived to the cafeteria 15 minutes late for lunch. When lunch period ended, school staff rushed the students out of the cafeteria and Appellant's daughter did not have sufficient time to finish her lunch. In addition,

Appellant alleges that the students did not have time to wash their hands with soap and water before lunch. (See Motion, Ex. P, Complaint Letter from Appellant to Foose).

We find that one incident in an entire school year in which students were given shortened time to eat lunch or wash hands does not carry much weight as “new facts material to the issues” sufficient to reconsider our previous decision. We note that when a similar late lunch incident occurred on March 23, 2015, the principal explained to Appellant that his daughter should let school staff know that she was not able to finish her lunch during the lunch period so that she could be provided time to finish it in the classroom. (Case Record, Davis Affidavit). The local board maintains that the student did not do so here.

Because the Appellant has failed to provide an adequate basis for reconsideration of MSBE Opinion No.16-07, it is this 24th day of May, 2016, ORDERED, by the Maryland State Board of Education, that the request for reconsideration is denied. See COMAR 13A.01.05.10D.

MARYLAND STATE BOARD OF EDUCATION



Guffie M. Smith, Jr.
President