

SHANNON AND DENNIS P.,
Appellants

MARYLAND

v.

STATE BOARD

DORCHESTER COUNTY
BOARD OF EDUCATION,
Appellee

OF EDUCATION

Order No. OR16-11

ORDER

Appellants' son was expelled from Dorchester High School from October 6, 2015 until January 20, 2016, for a physical attack on another student as a result of his participation in a fight. During the expulsion period, the student received Extended Educational Services from the school system, which involved tutoring and completion of school work. (Bell Letter, 10/20/15).

Appellants filed this appeal with the State Board alleging various violations by the school system related to the expulsion. In particular, they allege violations of COMAR 13A.08.01.11, including a claim that the school system denied their son the required minimum educational services. (Appeal).

The Dorchester County Board of Education ("local board") initially filed a Motion to Dismiss the appeal maintaining that the Appellants failed to appeal the expulsion decision to the local board despite being notified of their right to do so. (Motion). The local board attached to its Motion an October 20, 2015 letter to the Appellants from the Supervisor of Student Services explaining the terms of the expulsion and advising Appellants that they could appeal to the local board within ten days of receipt of the letter. (Bell Letter, 10/20/15). The local board argued, therefore, there was no local board decision for the State Board to review and the appeal should be dismissed.

Appellants responded to the Motion stating that they never received the October 20th letter from the Supervisor of Student Services. (Response to Mtn.). Based on this new information, the local board replied that it would consent to a remand of the case. The local board also stated that the parties had been working toward resolution of the Appellants' issues since the filing of the appeal and had already addressed some of them. The local board further noted that it would consent to a hearing before the local board if the Appellants remained unsatisfied after meeting with the local Superintendent.

It is our understanding that a meeting between the Appellants and the Superintendent took place last month. Appellants have communicated that although some of their issues have been resolved, there are still some outstanding matters.

Accordingly, on this 26th day of July, 2016 we remand this case to the Dorchester County Board of Education to resolve all outstanding issues in the Appellants' appeal. The local board shall issue a decision in this case no later than 60 days from the date of this Order.

MARYLAND STATE BOARD OF EDUCATION



Andrew R. Smarick, President