

TED AND DIANE G.  
Appellants

v.

MONTGOMERY COUNTY  
BOARD OF EDUCATION,  
Appellee

BEFORE THE  
MARYLAND  
STATE BOARD  
OF EDUCATION  
Order No. OR15-08

ORDER

Appellants challenge the July 27, 2015 decision of the Montgomery County Board of Education ("local board") denying Appellants' request for a school transfer for their son.

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 July 27, 2015. The cover letter attached to the local board's decision advised Appellants of their right to appeal to the State Board and stated that Appellants' "appeal, along with a copy of the Decision and Order, must be transmitted to the State Board on or before the 30th day following the date of the enclosed Decision and Order." The cover letter stated the date of the Decision and Order and also explained the various methods for transmitting the appeal to the State Board.

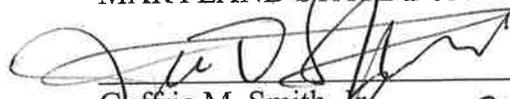
The Appellants' appeal should have been transmitted to the State Board on or before August 26, 2015. Appellants did not transmit the appeal until August 27, 2015. The Appellants did not respond to the local board's motion and did not provide any explanation for the late filing.

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).

Therefore, it is this 27th day of October, 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

  
Guffrie M. Smith, Jr.  
President  
