

BRIAN A. WRIGHT

Appellant

v.

QUEEN ANNE'S COUNTY
BOARD OF EDUCATION,

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR 16-04

ORDER

The Appellant appeals the local board's decision not to offer the local superintendent a new contract. On March 2, 2016, the local board voted 3 to 2 against renewing the superintendent's contract for a four-year term. The board also voted 3 to 2 against offering the superintendent a one-year contract extension while the board sought a new superintendent.

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 orally on March 2, 2016. There was no written order or opinion. Thus, the appeal should have been transmitted to the State Board by April 1, 2016. Appellant submitted his appeal via email to the State Superintendent on April 2, 2016 and it was forwarded to the State Board for consideration.

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). Although Appellant's appeal is untimely, two other timely appeals relating to the same local board decision were received by the State Board and have been addressed in a separate order.

It is this 26th day of April, 2016 by the Maryland State Board of Education,

ORDERED, that the appeal referenced above be dismissed because the appeal is untimely.

MARYLAND STATE BOARD OF EDUCATION



Guffie M. Smith, Jr.

President

Board member Andrew R. Smarick recused himself from consideration of this appeal.