

VIVIAN B.

Appellant

v.

BALTIMORE COUNTY
BOARD OF EDUCATION,

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR08-15

ORDER OF DISMISSAL

In this appeal, Appellant challenges the decision of Mary Jo Slowley, the Residency Liaison for Baltimore County Public Schools, denying her request for a student transfer for her daughter. The local board has filed a Motion to Dismiss the appeal for failure to exhaust administrative remedies because Appellant did not appeal Ms. Slowley's decision to the local superintendent.

State law sets forth the administrative procedure for resolving controversies and disputes involving the rules and regulations of the county board. Section 4-205(c)(3) of the Education Article requires that a matter must first be decided by the local superintendent and the local board of education before it is submitted to the State Board on appeal.

The State Board has held that an appellant must pursue and exhaust statutorily prescribed administrative remedies in the appropriate manner. *See Kemp v. Montgomery County Bd. of Educ.*, MSBE Opinion No. 01-14 (2001); *Stewart v. Bd. of Educ. of Prince George's County*, 7 Op. MSBE 1358 (1998); *Jackson-Nesmith v. Charles County Bd. of Educ.*, 7 Op. MSBE 1320 (1998); *Hopkins v. Bd. of Educ. of Montgomery County*, 4 Op. MSBE 370 (1986).

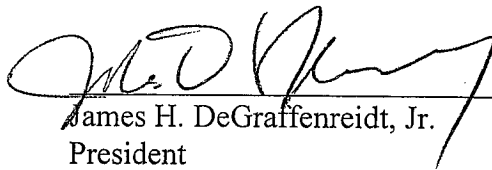
Here, Ms. Slowley issued a final decision denying the transfer request on August 29, 2008. In that decision, Ms. Slowley advised Appellant that she could appeal to the local superintendent within ten school days of the date of the letter conveying the decision. Appellant did not appeal Ms. Slowley's decision to the local superintendent. Thus, Appellant failed to exhaust the administrative remedies available to her. Because there has been no decision made by the local superintendent or the local board in this case, there is nothing for the State Board to review.

Therefore, finding that Appellant failed to appeal the transfer decision to the local superintendent, it is this 7th day of December, 2008, by the Maryland State Board of Education,

ORDERED, that the appeal referenced above be and the same is hereby dismissed for failure to exhaust administrative remedies. *See* COMAR 13A.01.05.03C(1)(a).

MARYLAND STATE BOARD OF EDUCATION

By:



James H. DeGraffenreidt, Jr.
President