CARYN J.,

Appellant

v.

BALTIMORE COUNTY
BOARD OF EDUCATION,

Appellee

BEFORE THE
MARYLAND
STATE BOARD
OF EDUCATION
Order No. OR10-10

ORDER

The Appellant has requested that this Board reconsider its May 25, 2010 Opinion in 
County Board of Education (local board) has filed a Response to the Request for 
Reconsideration.

In Caryn J. v. Baltimore County Board of Education, supra, this Board affirmed the local 
board’s decision not to change the Appellant’s son’s (“SJ”) grade in Gifted & Talented Physics 
for the 2008-2009 school year from a D to a C.

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 a 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 her Request for Reconsideration, the Appellant fails to raise any mistake or error of 
law, or any newly discovered or recently occurring facts that would challenge the State Board’s 
decision affirming the local board’s decision. Instead, she argues the same substantive issues 
that she raised in her appeal to the State Board.¹

¹We would like to note one point of clarification, however. With regard to the issue of 
accommodations, we stated at p.9 of the Opinion that the Appellant presented no testimony why 
SJ could not avail himself of use of the parking permit to come to school early once he received 
it in the third quarter. Although SJ testified that he had ankle surgery in December and could not 
drive for some unspecified time afterwards, Appellant presented no testimony regarding how
Because the Appellant has failed to provide an adequate basis for reconsideration of Opinion No. OR10-24, we deny Appellant's Request for Reconsideration.

Therefore, this 14th day of December, 2010 by the Maryland State Board of Education it is, ORDERED, that the request for reconsideration be and the same is hereby denied. See COMAR 13A.01.05.10D.

MARYLAND STATE BOARD OF EDUCATION
By:

James H. DeGraffenreid Jr.
President

long this lasted. (Tr. 22). Such testimony would have been important given that the teacher's practice of giving extra time to complete work was not discontinued until April. Moreover, we again note that SJ testified that he was able to stay after school to satisfy other obligations. (Tr. 23).