

ALICE M.,

Appellant

v.

CECIL COUNTY
BOARD OF EDUCATION,

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 10-01

OPINION

INTRODUCTION

This appeal concerns a letter from the President of the Cecil County Board of Education (local board) to the Appellant. The local board has filed a Motion to Dismiss maintaining that the State Board lacks jurisdiction to hear this case as there is no local board decision from which to appeal. The Appellant has responded to the Motion.

FACTUAL BACKGROUND

On August 10, 2009, Appellant addressed the local board during the public comment period and requested that the local board investigate several "horrendous experiences" that her daughter, J.M., endured during her middle and high school years.

Subsequent to the board meeting, Christine Sopa, President of the local board, responded in writing to the issues the Appellant raised. (Sopa Letter, 8/20/09).

Thereafter, Appellant filed this appeal with the State Board in which she challenges the local board's response to her comments as set forth in Ms. Sopa's August 20, 2009 letter.

ANALYSIS

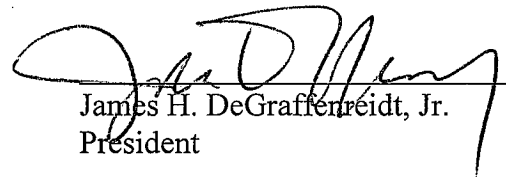
State law provides a process by which controversies and disputes, such as the ones raised by the Appellant during the public comment period, may be reviewed by a local school system. That process, set forth in §4-205(c)(3) of the Education Article, requires individuals to first raise their concerns with the local superintendent, after which the superintendent's decision may be appealed to the local board if taken in writing within 30 days of the superintendent's decision. Thereafter, the local board's decision may be appealed to the State Board. *Id.*

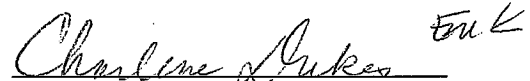
It is well settled under the procedures of the State Board that a matter must first be decided by the local superintendent and local board of education before it is submitted to the State Board on appeal. *See* Md. Code Ann., Educ. §4-205(c). Accordingly, the State Board has

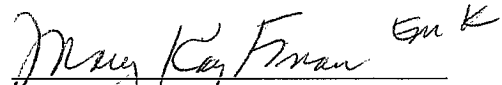
consistently held that an appellant must first pursue and exhaust statutorily prescribed administrative remedies in the appropriate manner. *See Kemp v. Montgomery County Bd. of Educ.*, MSBE Opinion No. 01-14 (Apr. 24, 2001); *Stewart v. Prince George's County Bd. of Educ.*, 7 Op. MSBE 1358 (1998); *Jackson-Nesmith v. Charles County Bd. of Educ.*, 7 Op. MSBE 1320 (1998). If the Appellant wished to pursue the matters she raised during public comment, she should have exhausted the administrative remedies that were available to her through the appeal process within the designated time frames.


CONCLUSION

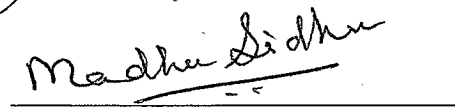
For these reasons, the State Board lacks jurisdiction to review this case. Accordingly, we dismiss the appeal. COMAR 13A.01.05.03C.

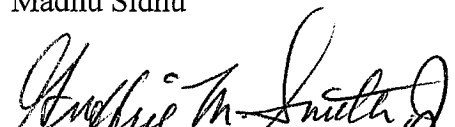

James H. DeGraffenreidt, Jr.
President

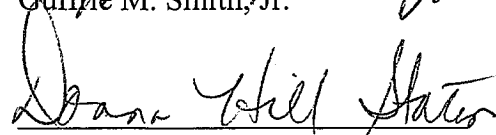

Charlene M. Dukes
Vice President


Mary Kay Finan


S. James Gates, Jr.

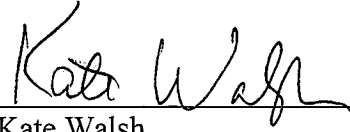

Madhu Sidhu


Guffie M. Smith, Jr.


Donna Hill Staton

ABSENT

Ivan C.A. Walks

A handwritten signature in cursive script that reads "Kate Walsh". The signature is written in black ink and is positioned above a horizontal line.

Kate Walsh

January 26, 2010