

CHRISTINE C.

Appellant

v.

MONTGOMERY COUNTY  
BOARD OF EDUCATION,

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR08-06

ORDER OF DISMISSAL

In this appeal, Appellant challenges the decision of the superintendent's designee denying her request for early entrance to kindergarten for her daughter. The local board has filed a Motion to Dismiss the appeal for failure to exhaust administrative remedies because Appellant never filed an appeal with the Montgomery County Board of Education.

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.<sup>1</sup>

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, Erick J. Lang, the superintendent's designee, issued a final decision on the matter on February 29, 2008. Instead of filing an appeal with the local board, on March 31, 2008 Appellant filed an appeal directly to the State Board. Thus, Appellant failed to exhaust the administrative remedies available to her. Because there is no local board decision on the early kindergarten entry request in this case, there is nothing for the State Board to review.

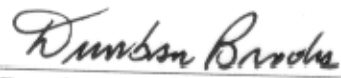
Therefore, finding that Appellant failed to appeal to the local board the decision of the superintendent's designee denying the request for early kindergarten entry, it is this <sup>24<sup>th</sup></sup> day of June, 2008, by the Maryland State Board of Education,

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<sup>1</sup>Direct appeals to the State Board are permissible under certain circumstances, however, this case does not meet those criteria. *See* Md. Code Ann., Educ. §2-205.

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:



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Dunbar Brooks  
President