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.1


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 24th day of June, 2008, by the Maryland State Board of Education,

1Direct 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:

Dunbar Brooks
President