

GRACE H.,

Appellant

v.

HOWARD COUNTY
BOARD OF EDUCATION,

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR11-01

ORDER OF DISMISSAL

The State Board received an appeal challenging the decision of the Howard County Board of Education (local board) denying the Appellant's appeal requesting a school transfer for her son because it was untimely filed with the local board.

The local board has filed a Motion to Dismiss the appeal to the State Board based on the Appellant's untimely filing of the initial appeal to the local board. Section 4-205(c)(3) of the Education Article, Annotated Code of Maryland, provides that "a decision of a county superintendent may be appealed to the county board if taken in writing within 30 days after the decision of the county superintendent."

On July 12, 2010, the Superintendent's Designee notified the Appellant that her transfer request was denied because the reason given for the request did not satisfy the school system's transfer criteria. The Designee advised the Appellant of her right to appeal the decision to the Howard County Board of Education, stating that the appeal "must be received by the Board of Education within 30 calendar days from the date of [the Designee's] letter" (Motion, Ex. 3).

The Appellant appealed the decision to the local board. Although the Appellant's letter of appeal was dated August 9, 2010, it was postmarked August 12, 2010 and received by the local board on August 13, 2010. (*Id.*, Exs. 1 and 2). The local board denied the appeal because it was not filed within the thirty day filing time frame. (*Id.*, Ex. 1).

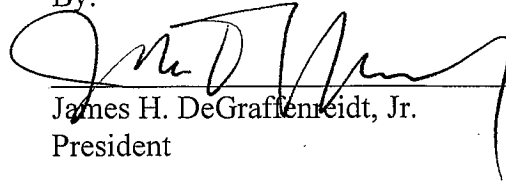
The appeal to the local board should have been filed by August 11, 2010. Time limitations are generally mandatory and will not be overlooked except in extraordinary circumstances such as fraud or lack of notice. See *Scott v. Board of Educ. of Prince George's County*, 3 Op. MSBE 139 (1983). Accordingly, the State Board has declined to review matters that are untimely filed at the local level. See *Jeff and Jody Shaver v. Howard County Bd. of Educ.*, MSBE Op. No. 00-6 (2000); *Louis J. Brocato v. Board of Educ. of Baltimore County*, MSBE Op. No. 97-32 (1997); *Jackson v. Frederick County Bd. of Educ.*, 6 Op. MSBE 838 (1995). The Appellant has not provided any extraordinary circumstance that would excuse the late filing.

Therefore, finding no extraordinary circumstance that would merit an exception to the mandatory thirty day deadline for filing an appeal to the local board, it is this 25 day of January, 2011, by the Maryland State Board of Education,

ORDERED, that the appeal referenced above be and the same is hereby dismissed based on untimeliness.

MARYLAND STATE BOARD OF EDUCATION

By:



James H. DeGraffenheidt, Jr.
President