

RICHARD C.,

Appellant

v.

ANNE ARUNDEL COUNTY  
BOARD OF EDUCATION,

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR11-06

ORDER OF REMAND

The State Board received an appeal in which the Appellant claimed that the school system failed to expunge from his daughter's education record references to a school suspension charge that was dropped during the course of his appeal of the disciplinary action. The Appellant also alleged various violations of local policy, and State and federal law, all stemming from the incident that led to the suspension charge.

The Anne Arundel County Board of Education (local board) filed a Motion to Dismiss or for Remand because the Appellant did not appeal the matter to the local superintendent or the local board. The local board asserted, therefore, that the Appellant failed to exhaust his administrative remedies and that the case is not ripe for review by the State Board.

In opposition to the motion, the Appellant explained that he pursued his remedies regarding the suspension to the level of the Assistant Superintendent in December 2009, but withdrew the appeal based on the Assistant Superintendent's representations that the suspension charge would be expunged from his daughter's record. The Appellant believed that the matter had been satisfactorily completed until he discovered, in October 2010, that the suspension charge remained in his daughter's record.

The local board has responded, maintaining that a remand to the local Superintendent is most appropriate in this case so that the matter may be addressed and resolved. The local board has agreed that the appeal will be decided on the merits, and will not be dismissed on the basis of the statute of limitations or any other similar defense.

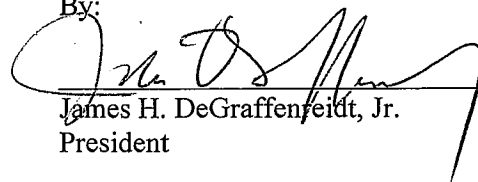
We agree that the case is not ripe for review by the State Board. The matter was not reviewed by the local Superintendent or the local board and there is no decision for the State Board to review.

Therefore, based on the local board's consent to a remand, it is this 26<sup>th</sup> day of April, 2011, by the Maryland State Board of Education,

ORDERED, that the appeal referenced above be and the same is hereby remanded to the local Superintendent for a decision on the merits.

MARYLAND STATE BOARD OF EDUCATION

By:

  
James H. DeGraffenheidt, Jr.  
President