

LEAH ANTONAS,

Appellant

v.

HOWARD COUNTY
BOARD OF EDUCATION,

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR12-02

ORDER

The State Board received an appeal challenging the decision of the Howard County Board of Education (local board) dismissing Appellant's appeal because it was untimely filed with the local board. Appellant had appealed the decision of the Superintendent's Designee removing Appellant's son from the Howard County Public School System due to lack of bona fide residency and assessing tuition for the period of time her son attended school there.

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 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." Accordingly, the State Board has consistently dismissed appeals that were untimely filed with the local board. *See Nonna A. and Dylan C. v. Howard County Bd. of Educ.*, MSBE Order No. OR10-09, and cases cited therein.

By letter dated August 8, 2011, Pamela Blackwell, Director of Student Services and the Superintendent's Designee, advised Appellant that her appeal was denied. Ms. Blackwell further advised Appellant of her right to appeal the decision to the local board within thirty days of the date of Ms. Blackwell's letter. (Mtn. Ex. 3).

Appellant appealed Ms. Blackwell's decision to the local board. Although the date on the letter of appeal is September 7, 2011, the local board did not receive it until September 9, 2011. (Mtn. Ex. 2). The local board denied the appeal because it was not filed within the thirty day filing time frame. (Mtn. Ex. 1).

The appeal should have been filed by September 7, but it was not filed until September 9. 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). The State Board has consistently applied this rule of law, dismissing appeals that have been filed one day late based on untimeliness. *Twu v. Montgomery County Bd. of Educ.*, MSBE Op. No. 01-11 (2001).


Appellant maintains that her appeal should be deemed timely because she mailed her letter within the appropriate time period, although she provides no information regarding said mailing. She suggests that the local board received it late due to mail delay given that there was no mail on September 5 because of the Labor Day holiday, and because Maryland was in a State of Emergency on August 25 due to Hurricane Irene. The problem with Appellant's argument, however, is that her letter of appeal to the local board was not dated until September 7, the same day the appeal was due which was after the hurricane and Labor Day. There is no information to suggest that Appellant mailed the letter before that time and that external unforeseen factors caused delay in mail delivery.¹

Given these facts, we do not find any extraordinary circumstance that would merit an exception to the mandatory thirty day deadline.

Therefore, it is this 24 day of January, 2012 by the Maryland State Board of Education,

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

MARYLAND STATE BOARD OF EDUCATION


James H. DeGraffenreidt, Jr.
President

¹ In Appellant's opposition to the Motion to Dismiss she mistakenly refers to the procedures for appealing a local board decision to the State Board. Those procedures do not govern an appeal of a local superintendent's decision to the local board.