

BRYAN J.,
Appellant

v.

HOWARD COUNTY
BOARD OF EDUCATION,
Appellee

BEFORE THE
MARYLAND
STATE BOARD
OF EDUCATION
Order No. OR13-02

ORDER

In this appeal, Appellant requests that his daughter be permitted to remain at Talbott Springs Elementary School rather than attend a different school per the Howard County Board of Education November 15, 2012 redistricting decision. The local board filed a Motion to Dismiss.

First, to the extent that the appeal challenges the redistricting decision, the local board contends that the appeal is untimely. COMAR 13A.01.05.02B(1) provides that an appeal to the State Board "shall be taken within 30 calendar days of the decision of the local board" and that the "30 days shall run from the later of the date of the order or the opinion reflecting the decision." An appeal is deemed transmitted within the limitations period if, before the expiration of the time period, it has been delivered to the State Board, deposited in the U.S. mail as registered, certified or Express, or deposited with a delivery service that provides verifiable tracking from the point of origin. COMAR 13A.01.05.02B(3).

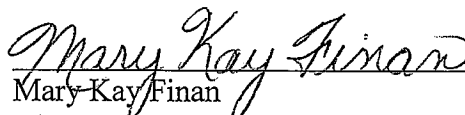
The local board made the redistricting decision on November 15, 2012. Therefore, the appeal should have been filed on or before December 17, 2012.¹ Appellant did not transmit the appeal to the State Board until January 9, 2013. Time limitations are generally mandatory and will not be overlooked except 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). Appellant has not presented any extraordinary circumstance that would merit an exception to the mandatory thirty day deadline. Thus, the appeal of the November 15, 2012 redistricting decision is untimely.

Second, the local board maintains that if Appellant is seeking a school transfer for his daughter to stay at her pre-redistricting assignment, he must first apply for a school reassignment according to the process set forth in local board Policy 9000. At the time this appeal was filed, Appellant had not yet engaged in that process. Appellant can ultimately appeal to the State Board a decision of the local board denying a school reassignment request, but he must first follow the local procedures. Accordingly, the appeal to the State Board requesting a school reassignment for Appellant's daughter is premature.

Therefore, it is this 23 day of April, 2013 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


Mary Kay Finan
Vice President

¹ Because the 30th day was a Saturday, the appeal was due the next business day. COMAR 13A.01.05.02B(4).