

LATIN SCHOOLS OF AMERICA, LLC (II),
Appellant

v.

BALTIMORE CITY BOARD
OF SCHOOL COMMISSIONERS,
Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR19-07

ORDER

Appellant, Latin Schools of America, LLC, timely filed an appeal with the State Board of Education challenging the decision of the Baltimore City Board of School Commissioners to deny its charter school application. The appeal requests that the State Board establish a briefing schedule or grant the Appellant leave to amend the appeal.

COMAR 13A.01.05.02A requires that an appeal contain a statement of facts necessary to understand the appeal; contain issues or charges for which the appeal is being taken; include reasons in support of the appeal; any supporting documents, exhibits, and affidavits; and, if possible, the order and opinion from which the appeal is sought. The appeal does not comply with these requirements. Thus, the appeal is deficient and there is no basis to establish a briefing schedule.

Alternatively, Appellant seeks leave to amend the appeal. Such a decision is a matter within the State Board's discretion. *See* COMAR 13A.01.05.04(A)(2). The Appellant had ample opportunity to submit an appeal that complied with the filing requirements, but did not.¹ Nor did the Appellant provide a valid reason for the request to amend. In our view, the request to amend is essentially a request to extend the 30-day appeal deadline. The State Board may not extend the time period for filing an appeal except in the case of fraud, lack of notice of the decision, or other extraordinary circumstances. COMAR 13A.01.05.04(B)(2). There is no "extraordinary circumstance" to justify an extension of the appeal deadline here.

Therefore, it is this 25th day of June 2019 by the Maryland State Board of Education, ORDERED, that the appeal is dismissed for failure to comply with the filing requirements. *See* COMAR 13A.01.05.03C.

MARYLAND STATE BOARD OF EDUCATION

Signature on File:

Justin M. Hartings
President

¹ We note that this is not the first time the Appellant has filed an appeal with this Board.