

SHAJUAN F.,

Appellant

v.

BALTIMORE COUNTY
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR 19-15

ORDER

This is an appeal of the decision of the Baltimore County Board of Education (“local board”) denying the Appellant’s residency appeal based on untimeliness. Baltimore County Public Schools withdrew Appellant’s daughter after learning she no longer lived in the county. Appellant appealed and, following a telephone hearing, the superintendent’s designee upheld the residency decision.

Appellant appealed the superintendent designee’s decision to the local board. The local board determined that Appellant filed the appeal one day late and dismissed it as untimely in a decision issued May 7, 2019. Appellant filed an appeal to the State Board, but sent her appeal to Baltimore County Public Schools, which received it on June 5, 2019, and forwarded it via first-class mail to the State Board. The State Board received the appeal on June 17, 2019. (Appeal).

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 issued its decision on May 7, 2019. (Motion, Ex. 3). The letter accompanying the decision advised Appellant of her right to appeal in writing to the State Board of Education within thirty days of the board’s decision. (Motion, Ex. 4).

The Appellant’s appeal should have been filed with the State Board on or before June 6, 2019, but it was not received until June 17, 2019. The local board advised Appellant to file her appeal with the State Board, but she instead sent her appeal to the local board, which received it one day before the deadline. Although the local board forwarded the appeal to the State Board by mail, it did not arrive until well after the deadline. 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 Appellant has not provided any reason for her failure to file the appeal to the correct location in a timely manner.

Even if Appellant's appeal to the State Board had been timely, Appellant was late in filing her appeal to the local board, and the local board was correct in dismissing her appeal for untimeliness. Appellant argues that the local board failed to send the decision to the correct address. The record shows, however, that the local board sent the decision to the address that Appellant specified was the correct one during her hearing.

Therefore, it is this 24th day of September 2019 by the Maryland State Board of Education, ORDERED, that the appeal referenced above is hereby dismissed for untimeliness. *See* COMAR 13A.01.05.02B(1); COMAR 13A.01.05.03B(1)(e).

MARYLAND STATE BOARD OF EDUCATION

Signature on File:

Warner I. Sumpter
President