

VICTOR AND SANDRA B.,

Appellant

v.

ANNE ARUNDEL COUNTY
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR 20-11

ORDER

On January 17, 2020, Appellants appealed the decision of Anne Arundel County Public Schools (“AACPS”) revoking the approval previously granted for their daughter to attend Waugh Chapel Elementary School on a student transfer. The dispute arose after an AACPS investigation found that the Appellants do not maintain a bona fide residence in Anne Arundel County that would entitle their daughter to attend public school at AACPS.

The local board filed a Motion to Dismiss explaining that the local board had not yet issued a decision in the Appellants’ case and, therefore, the appeal was prematurely filed. The board stated that the matter was under consideration and it expected to issue the decision in February 2020. Given that there was no local board decision for the State Board to review, the local board maintained that the appeal should be dismissed.

After receiving the local board’s Motion to Dismiss for premature filing, the Appellants indicated that, rather than responding to the local board’s Motion, they would await the local board’s decision and then appeal that decision to the State Board. Appellants, however, did not file a formal withdrawal of this appeal.

On February 28, 2020, the local board issued a decision upholding the revocation. Appellants did not appeal the decision to the State Board.

Pursuant to COMAR 13A.01.05.03(B)(1)(a), the State Board may dismiss an appeal if the local board has not issued a final decision. Here, the Appellants prematurely filed their appeal to the State Board and there was no decision for the State Board to review. Although the local board issued a final decision on the revocation while this appeal was pending, the Appellants failed to appeal that decision in accordance with the appeal procedures. Nor have they communicated with the State Board regarding this appeal since the local board issued its decision.

Therefore, it is this 27th day of May, 2020, by the Maryland State Board of Education, ORDERED, that the appeal is dismissed.

MARYLAND STATE BOARD OF EDUCATION

Signature on File:

Warner I. Sumpter
President