

SHANISE S.,

Appellant

v.

ANNE ARUNDEL COUNTY  
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR23-20

### ORDER

Appellant filed this appeal with the State Board challenging the decision of the Anne Arundel County Board of Education (“local board”) dismissing her appeal as untimely. The local board dismissed Appellant’s appeal because it was filed one day beyond the 30-day time frame for filing appeals as set forth in Education Article §4-205(c)(3) and Anne Arundel County Public Schools’ (“AACPS”) Regulation JCH-RA(C)(2)(b). Appellant acknowledges filing her appeal late. In response, the local board filed a Motion to Dismiss based on the untimely filing of the local board appeal.<sup>1</sup>

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.” This same requirement is reiterated in the AACPS Regulation JCH-RA(C)(2)(b). Appellant had until August 17, 2023, to appeal the local superintendent’s decision to the local board. Appellant did not submit her appeal to the local board until August 18, 2023.

Time limitations are generally mandatory and will not be overlooked except in extraordinary circumstances such as fraud or lack of notice of the decree. *See Jatin W. v. Montgomery County Bd. of Educ.*, MSBE Order No. 17-14 (2017). Accordingly, the State Board has consistently affirmed local board dismissals of appeals that were untimely filed with the local board. *See Renice E. v. Howard County Bd. of Educ.*, MSBE Order No. OR20-12 (2020); *Rayman v. Harford County Bd. of Educ.*, MSBE Order No. OR20-06 (2020); *Hailan W. v. Montgomery County Bd. of Educ.*, MSBE Order No. OR19-21 (2019); *Jatin W. v. Montgomery County Bd. of Educ.*, MSBE Order No. OR17-14 (2017).

The Appellant maintains that she filed late because she was confused about the appeal procedures. However, the July 18, 2023, letter from the Deputy Superintendent specifically advised Appellant that she was acting as the superintendent’s designee, identified the decision as a Level IV appeal, advised the Appellant that she could submit an appeal of the decision to the local board within 30 days of the date of the letter, and directed her how to file the appeal both by regular mail and email. Further, Regulation JCH-RA(C)(2)(b), indicates that Level IV decisions are rendered by the superintendent or designee, and that the Level IV decision may be

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<sup>1</sup> Although Appellant objects to the local board’s motion because she did not receive it by email the same day it was filed with the State Board, the State Board appeal procedures do not require that parties receive copies of motions or other submissions on the same day they are filed. The motion was timely filed with the State Board on the date it was due, and Appellant received the full amount of time required by COMAR 13A.01.05E(2) to respond.

appealed to the local board. This provision is stated in the AACPS Parent Handbook to which Appellant refers in her response to the motion and is available online. *See* <https://www.aacps.org/parenthandbook>

We do not find that the Appellant has provided an explanation for the late filing that satisfies the extraordinary circumstance standard. Therefore, finding no extraordinary circumstance that would merit an exception to the mandatory 30-day filing deadline in this case, it is this 5<sup>th</sup> day of December, 2023,

ORDERED, by the Maryland State Board of Education, that the local board's decision dismissing the appeal for untimeliness is affirmed.

MARYLAND STATE BOARD OF EDUCATION

Signature on File:

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Clarence C. Crawford  
President