

IN THE MATTER OF
BALTIMORE COUNTY
PARENT AND STUDENT
COALITION, INC.,

BEFORE THE
MARYLAND
STATE BOARD
OF EDUCATION

Order No. OR 21-09

ORDER

On August 9, 2021, the Baltimore County Parent and Student Coalition, Inc. (“Petitioner”) filed a motion for reconsideration of MSBE Order No. OR21-06, issued July 27, 2021. The order dismissed for lack of jurisdiction Petitioner’s request that the State Board issue a declaratory ruling that the Baltimore County Board of Education (“local board”) recognize Petitioner as a stakeholder group under local board policy. On September 1, 2021, the Petitioner filed a Petition for Judicial Review of the State Board’s decision in the case in the Baltimore County Circuit Court. The filing of the Petition for Judicial Review has affected the status of the case before the State Board. The Board has consistently ruled that filing a Petition for Judicial Review divests the State Board of jurisdiction to decide a motion for reconsideration.

As we explained in *Kent County Bd. of Educ. v. Kent County Teacher’s Ass’n*, MSBE Op. No. 08-46, as a general rule, the filing of an appeal will preclude a judicial body from “exercising its jurisdiction in a way that could affect the subject matter of the appeal or the appellate proceeding.” See *County Com’rs of Carroll County v. Carroll Craft Retail, Inc.*, 384 Md. 23, 45 (2004). The State Board has followed that rule in the past. In *Bowers v. Howard County Bd. of Educ.*, 4 Op. MSBE 351 (1986), the Appellants filed their Request for Reconsideration on the same day they filed their appeal in the Circuit Court. The State Board ruled that “[o]nce the Appellants filed an order for Appeal in the Circuit Court, this Board lost the jurisdiction to entertain the Request for Reconsideration...” *Id.* at 352. See also *Kelley v. Queen Anne’s County Bd. of Educ.*, MSBE Order No. OR18-12; *Johnson v. Somerset County Bd. of Educ.*, MSBE Order No. OR14-10.

Accordingly, it is this 28th day of September, 2021, by the Maryland State Board of Education, ORDERED, that the motion for reconsideration is hereby dismissed for lack of jurisdiction. COMAR 13A.01.05.03B.

MARYLAND STATE BOARD OF EDUCATION

Signature on File:

Clarence C. Crawford
President