

STEPHANIE BROWN,

Appellant

v.

CARROLL COUNTY
BOARD OF EDUCATION

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR 23-01

ORDER

Stephanie Brown filed this appeal challenging the Carroll County Board of Education's ("local board") Opinion and Order, issued October 3, 2022, denying her appeal of the Flag Policy (Policy IMDB) adopted on June 8, 2022. The local board filed a motion to dismiss maintaining that Appellant did not timely file her State Board appeal. Appellant responded to the local board's motion and the local board replied.

COMAR 13A.01.05.02B(1) provides that an appeal to the State Board "shall be filed 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). During the COVID-19 emergency, the State Board has also been accepting delivery of appeals by email.

The local board issued its decision on October 3, 2022, and emailed the decision to the Appellant the next day. The Appellant should have filed her appeal with the State Board on or before November 2, 2022, but she did not file it until November 4, 2022, the date the State Board received the appeal via email. 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 Ops. MSBE 139 (1983). The State Board has consistently applied this rule of law and has dismissed appeals that have been filed one day late based on untimeliness. *See Lee v. Baltimore City Bd. of Sch. Comm'rs*, MSBE Order No. OR22-02 (2022); *Cathy G. v. Montgomery County Bd. of Educ.*, MSBE Order No. OR17-04 (2017) and cases cited therein.

In her response to the local board's motion, Appellant acknowledges her late filing of the appeal, but makes no valid argument to extend the filing time. We, therefore, find no extraordinary circumstance that would justify an exception to the mandatory 30-day deadline.

Accordingly, it is this 24th day of January 2023, by the Maryland State Board of Education, ORDERED, that the appeal is dismissed for untimeliness. COMAR 13A.01.05.03B.

MARYLAND STATE BOARD OF EDUCATION

Signature on File:

Clarence C. Crawford
President