

KELLIE G.,

Appellant

v.

BALTIMORE COUNTY  
BOARD OF EDUCATION

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR 23-11

ORDER

This is an appeal of the decision of the superintendent's designee denying continued enrollment at ██████ Elementary School to Appellant's child after the end of the 2022-2023 school year based on failure to establish *bona fide* residency at the address of enrollment in Baltimore County. Based on the results of a residency investigation, on March 9, 2023, the superintendent's designee issued a written decision advising Appellant of the determination and advised that Appellant could appeal in writing to the local board within 30 calendar days of the date of the decision. (Motion, Ex. 1). The decision provided Appellant with the address where to send the appeal and the policy provisions regarding how to file. *Id.*

On March 26, 2023, Appellant filed this appeal to the State Board. Counsel for the State Board requested that Appellant submit a copy of the local board decision and any other supporting documentation, and provided Appellant with the State Board appeal procedures. The letter gave Appellant 30 days from the date of the local board's decision or until April 18, 2023, whichever was later, to provide the information. Appellant provided some additional information to the State Board on April 17, 2023, but did not provide a local board decision.

The local board filed a motion to dismiss the State Board appeal maintaining that the Appellant failed to exhaust her administrative remedies because she did not appeal the decision of the superintendent's designee to the local board.

The State Board has consistently declined to address issues that have not been reviewed initially by the local board. *See Harvest Foundation Group v. Baltimore County Bd. of Educ.*, MSBE Order No. OR19-11 (2019); *Lakesha W. v. Howard County Bd. of Educ.*, MSBE Order No. OR08-12 (2008). Because the local board has not issued a final decision in Appellant's case, there is nothing for the State Board to review. Pursuant to Educ. Art. § 4-205(c)(3) and COMAR 13A.01.05.03B(1)(a), the State Board may dismiss an appeal if the local board has not issued a final decision. *See Victor and Sandra B. v. Anne Arundel County Bd. of Educ.*, MSBE Order No. OR20-11 (2020).

Therefore, it is this 27<sup>th</sup> day of June 2023, ORDERED, by the Maryland State Board of Education, that the appeal is dismissed for failure to exhaust administrative remedies. COMAR 13A.01.05.03B(1)(a).

MARYLAND STATE BOARD OF EDUCATION  
Signature on File:

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Clarence C. Crawford  
President