

T.J. AND D.J.,

Appellants

v.

MONTGOMERY COUNTY  
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR23-18

ORDER

Appellants have requested the State Board reconsider its September 26, 2023, order in *T.J. and D.J. v. Montgomery County Bd. of Educ.*, MSBE Order No. OR23-15 (2023), dismissing as untimely Appellants' appeal of the decision of the Montgomery County Board of Education ("local board") denying their daughter an exemption from the Montgomery County Public Schools one credit health education course. The local board responded to the request for reconsideration.

The State Board exercises its discretion in deciding whether to grant a request for reconsideration. COMAR 13A.01.05.10D. The State Board may, in its discretion, abrogate, change, or modify its original decision. COMAR 13A.01.05.10G. A decision may not be disturbed unless (1) the decision resulted from a mistake or error of law; or (2) new facts material to the issues have been discovered or have occurred subsequent to the decision. COMAR 13A.01.05.10D.

As set forth in Order No. OR23-15, the local board issued its decision on June 6, 2023. Both the decision and cover letter accompanying the decision advised that the Appellants could appeal the matter to the State Board within 30 days of the local board's June 6 decision. The Appellants filed their appeal to the State Board late, by email on July 7, 2023. In this request to reconsider, Appellants argue that the State Board should view the local board's June 7 notice to Appellants of its decision, one day after the local board rendered its decision, as "lack of notice" of the decision or an "extraordinary circumstance" that would excuse the late filing under COMAR 13A.01.05.04B(2).

The State Board has rejected similar arguments noting that "[t]he 30 day filing deadline takes into consideration the fact that it might take several days for an individual to receive notice of the local board's decision." *Eastern Middle School Workgroup v. Montgomery County Bd. of Educ.*, MSBE Order No. OR10-03 (2010). *See also Heather A. v. Anne Arundel County Bd. of Educ.*, MSBE Order No. OR17-15 (2017); *Hartley and Sample v. Montgomery County Bd. of Educ.*, MSBE Order No. OR17-11 (2017); *Cathy G. v. Montgomery County Bd. of Educ.*, MSBE Order No. OR17-04 (2017); *Devon and Bonnie C. v. Montgomery County Bd. of Educ.*, MSBE Order No. OR16-15 (2016). Appellants have not demonstrated that our decision was a mistake or

error of law. Nor have they presented new material facts that were discovered or have occurred after the date of our decision.<sup>1</sup>

Accordingly, because the standard for reconsideration has not been satisfied, it is this 5<sup>th</sup> day of December, 2023, ORDERED, by the Maryland State Board of Education, that the request for reconsideration is denied.

MARYLAND STATE BOARD OF EDUCATION

Signature on File:

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Clarence C. Crawford  
President

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<sup>1</sup> Appellants ask in their reconsideration request that the State Board instead consider their original appeal as a petition for declaratory ruling. A petition for declaratory ruling cannot be used to circumvent the appeal process to revive an untimely filed appeal. *See In the Matter of Barry Lebowitz*, MSBE Op. No. 21- 47 (2021). Additionally, the original appeal does not present arguments to support such a filing.