

ELIZABETH K.,
Appellant

v.

HARFORD COUNTY
BOARD OF EDUCATION,
Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR 19-02

ORDER

This is an appeal of the decision of the Harford County Board of Education (“local board”) denying the Appellant’s request for a boundary exception for her children to attend Patterson Mill High School and Ring Factory Elementary School.

COMAR 13A.01.05.02B(1) provides that an appeal to the State Board “shall be taken 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).

The local board issued its decision on January 3, 2019, through a letter from the board’s attorney. (Motion, Ex. 1). The letter advised Appellant of her right to appeal the local board’s decision in writing to the State Board of Education “within thirty (30) calendar days of the date of this letter.” *Id.*

The Appellant’s appeal should have been filed with the State Board on or before February 4, 2019,¹ but it was not transmitted until February 5, 2019. 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 Op. MSBE 139 (1983). The Appellant has not provided any reason for the late filing.

Therefore, it is this 23rd day of April 2019 by the Maryland State Board of Education, ORDERED, that the appeal referenced above is hereby dismissed for untimeliness. *See* COMAR 13A.01.05.03C(2).

MARYLAND STATE BOARD OF EDUCATION
Signature on File:

Stephanie R. Iszard
Vice-President

¹ The 30-day deadline ended on a Saturday so the appeal was due the next business day. *See* COMAR 13A.01.05.02B(4).