

HOW TO FILE AN APPEAL

COMAR 13A.01.05.02 applies to appealing a decision and order of a local board of education. Filing of appeals to the Maryland State Board of Education (State Board) must be submitted within 30 calendar days of the decision of the local board of education. Make sure to use the date written on the decision or order to calculate, or the date of the local board vote for cases based on board vote and decision rendered at meeting. If the 30th calendar day is a Saturday, Sunday or State legal holiday, file on the next business day.

WAYS TO FILE AN APPEAL:

- *Electronically:*
On or before expiration of the 30-day submission deadline, send the appeal via email to mphillips@oag.state.md.us. The subject line should identify the email as an Appeal to the Maryland State Board of Education. The appeal will be deemed filed on the date and time the email is received. This email address should be used only for the filing of appeals. General questions regarding appeals and other State Board matters should be sent to stateboard.msde@maryland.gov.

- *Paper/Hard Copy:*
On or before expiration of the 30-day submission deadline, send the appeal via
 - U.S. mail using registered, certified, or express mail options; or
 - A delivery service that provides verifiable tracking of the item from the point of origin (i.e. FedEx, UPS, etc. . . .).

Send paper/hard copy to the following address:

Office of the Attorney General
Maryland State Department of Education Division
Attn: State Board Appeals
200 St. Paul Place
Baltimore, MD 21202

GUIDELINES FOR PREPARING APPEALS:

- Appeals cannot be longer than 15 pages, excluding attachments.
- Required contents of the appeal include:
 - Printed name and signature of party/parties making the appeal, regular mail address(es) and email address(es) of each party;
 - Designate decision/order being appealed and include copy of decision/order;
 - Statement of the facts necessary to understand the appeal;

- The issue(s) on appeal, reasons in support, and relief sought; and
- Supporting documents, exhibits, and affidavits, as appropriate.
- A table of contents of any documents provided with the appeal must be included and the documents must be identified by exhibit number.
- Video must be submitted on USB flash drive with an accompanying written transcript of the video - **No video links will be accepted**. A time stamp of the relevant portions of the video must be provided if the video contains portions that are not relevant to the appeal.
- For electronically filed appeals, **no embedded electronic links (hyperlinks) to any documents are permitted**. Documents referenced in an appeal must be listed by exhibit number and submitted with the appeal as a separate pdf file. It is the appellant's responsibility to ensure that all attachments are submitted and display properly.

PROCESS

- The local board files a motion to dismiss or a memorandum in response to appeal within 20 days after the State Board sends a copy of the appeal to the local superintendent.
- The briefing process allows for the appellant to respond to the local board's filing (15 days) and then for the local board to reply to the appellants' submission (10 days). No additional surreply of the appellant is permitted after the local board's final reply.
- Time frames may be adjusted by the State Board for good cause by request of a party or on its own initiative, however the State Board may not extend the deadline for filing an appeal except in the case of fraud, lack of notice, or other exceptional circumstances. Any party requesting an extension is encouraged to contact to the other party to request an agreement to the extension.
- The State Board considers appeals on the record of proceedings before the local board without oral argument unless provided otherwise.
- For cases that are transferred to the Office of Administrative Hearings (OAH) pursuant to COMAR 13A.01.05.07A (school consolidation, redistricting, closing or §6-202 certificated employee suspension or dismissal):
 - The case will be automatically transferred to OAH if no motion to dismiss is filed and the State Board's regular briefing process will not apply. If a motion to dismiss is filed, the State Board may decide to rule on the motion without first transferring the case to OAH;
 - If transferred to OAH, the administrative law judge will conduct proceedings and issue a proposed decision;
 - A party objecting to the proposed decision may file exceptions with the State Board within 15 days of the date of the proposed decision;
 - A party may file a response to the exceptions within 15 days of their filing; and
 - If exceptions were filed, the State Board will have oral argument before issuing a final decision.

**HOW TO FILE A REQUEST TO ISSUE CHARGES TO REMOVE A MEMBER
OF A LOCAL BOARD OF EDUCATION**

COMAR 13A.01.05.12 applies to filing a request for the State Board to issue charges to remove a member of a local board of education. The request may only be filed by a local board or a resident of the county in which the school system is located if removal is permitted by the governing statute in the Education Article, Annotated Code of Maryland. The resident filing the removal request is responsible for presenting the case if it goes to hearing, either *pro se* or through an attorney. **The removal procedures are to be used sparingly to address only the most serious circumstances and not to address disputes over trivial matters or day-to-day management of board activities.**

WAYS TO FILE:

- Electronically:
Send the request to issue charges for removal of the local board member via email to mphillips@oag.state.md.us. The subject line should identify the email as a request to issue charges for removal of the board member and identify the local board and local board member at issue. The request will be deemed filed on the date and time the email is received. This email address should be used only for the filing of the removal request. General questions regarding removal requests and other State Board matters should be sent to stateboard.msde@maryland.gov.

- Paper/Hard Copy:
Send the request to issue charges for removal of the local board member via
 - U.S. mail using registered, certified, or express mail options; or
 - A delivery service that provides verifiable tracking of the item from the point of origin (i.e. FedEx, UPS, etc. . . .).

Send paper/hard copy to the following address:

Office of the Attorney General
Maryland State Department of Education Division
Attn: State Board-Request for Removal
200 St. Paul Place
Baltimore, MD 21202

GUIDELINES FOR REQUESTS TO ISSUE CHARGES FOR REMOVAL:

- The request cannot be longer than 15 pages, excluding attachments – repetitive, redundant, or duplicative submissions will not be accepted.

- Required contents of the request include:
 - Name and signature of party/parties requesting removal, regular mail address(es) and email address(es) of each party;
 - Detailed affidavit setting forth the factual basis to support the statutory ground for removal and all supporting documents; and
 - Affidavit Requirements:
 - Must be signed by the individual requesting removal who has personal knowledge of the facts supporting the request;
 - Must concisely state the act(s) complained of with a detailed description of the date, location, and nature of each act;
 - Must include statement of county of residency of the requesting individual; and
 - Must include the following statement: “I solemnly affirm under the penalties of perjury that the contents of the foregoing are true to the best of my knowledge, information, and belief.”
- **No embedded electronic links (hyperlinks) to any documents are permitted for requests submitted electronically.** Documents referenced in the filings must be listed by exhibit number and submitted with the appeal as a separate pdf file. It is the filer’s responsibility to ensure that all attachments are submitted and display properly.
- Video must be submitted on USB flash drive with an accompanying written transcript of the video - **No video links will be accepted.** A time stamp of the relevant portions of the video must be provided if the video contains portions that are not relevant to the appeal.
- A table of contents of any documents provided with the appeal must be included and the documents must be identified by exhibit number.

PROCESS

- There is a 30-day open record period after the State Board receives a request to issue charges for removal.
- The board member will be provided 30 days to respond after the State Board sends notice of the initial removal request, unless the Board shortens or lengthens the response period. The board member will be provided additional response time at the discretion of the State Board if any further requests are filed during the open record period.
- The State Board will dismiss a request that is not factually or legally sufficient to support issuing charges for removal, or otherwise fails to comply with COMAR 13A.01.05.12.
- If the State Board determines that the request is factually and legally sufficient to support issuing charges for removal, the State Board will send notice of the charges to the board member who may, within 10 days of the date the notice of charges was issued, file a request for a hearing.

- If a hearing is requested, the State Board transfers the case to the Office of Administrative Hearings where the individual(s) requesting removal are responsible for presenting their case *pro se* or through a privately hired attorney.
- Once the administrative law judge issues a proposed decision, a party objecting to the proposed decision may file exceptions with the State Board within 15 days of the proposed decision.
- A party may file a response to the exceptions within 15 days of their filing.
- If exceptions were filed, the State Board will have oral argument before issuing a final decision.