

J.B.,

Appellant

v.

HARFORD COUNTY
BOARD OF EDUCATION

Appellee.

ORDER OF THE

STATE

SUPERINTENDENT

OF SCHOOLS

Order No. OR17-01

ORDER

J.B. filed a Motion to Waive Transcription Costs associated with his appeal to the State Board of Education from a decision of the Harford County Board of Education. The transcript is of the oral argument held by the local board. The State Board regulations require only that a party transcribe the “stenographic record of an evidentiary hearing” before a local board or its designee. COMAR 13A.01.05.03E(2)(a). Oral argument before a local board is not evidence and is not ordinarily considered by the State Board in issuing its decisions. Accordingly, a transcript of the oral argument was not required in this matter.

Appellant argues, however, that the transcript of oral argument before the local board is vital to the resolution of his appeal. Several of the arguments he raises in the appeal are based on matters that occurred during the oral argument. Because the oral argument has already been transcribed, and Appellant maintains that it is a vital part of his appeal, I shall consider his Motion to Waive Transcription Costs.

COMAR 13A.01.05.03E(4) states that an appellant “who by reason of indigence is unable to pay the cost of transcription may file a request for waiver of the costs.” The State Superintendent of Schools reviews any waiver requests to determine whether the appellant “is unable by reason of indigence to pay the cost of transcription.” *Id.* In support of the Motion, Appellant filed an affidavit in which he declared that he is a 16-year-old high school junior who is unemployed and financially supported by his parents. His only assets are a small amount in savings. The cost of the transcription is \$187.75.

The State Board’s appeal regulations do not define indigency. Other provisions in Maryland law, however, provide a definition of the term. Maryland’s Public Information Act, which contains a similar provision for the waiver of fees, defines “indigent” as a person whose family household income is less than 50 percent of the median family income for the State, as reported in the Federal Register. Md. Code, Gen. Prov. § 4-206(a)(2). Appellant has acknowledged that he is financially dependent upon his parents, who share the same household with him. In my view, their income must also be attributed to Appellant in order to determine if he is indigent. The affidavit contains no information concerning their income.

Accordingly, I shall dismiss the Motion to Waive Transcription Costs without prejudice. Should Appellant, based on his family’s household income, qualify as indigent, he may refile the Motion and it will be reconsidered.

ORDERED, that the Motion to Waive Transcription Costs is denied without prejudice.

Signature on File:

Dr. Karen B. Salmon
State Superintendent of Schools

January 24, 2017