

BEVERLEY G. KELLEY,

Appellants

v.

QUEEN ANNE'S COUNTY  
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR 18-12

ORDER

On August 23, 2018, the local board filed a motion for reconsideration in this case, (MSBE Op. No. 18-24). On August 24, 2018, the local board filed a Petition for Judicial Review. The filing of the Petition for Judicial Review has affected the status of the case before the State Board. The Board has consistently ruled that filing a Petition for Judicial Review divests the State Board of jurisdiction to decide a motion for reconsideration.

As we explained in *Kent County Bd. of Educ. v. Kent County Teacher's Ass'n*, MSBE Op. No. 08-46, as a general rule, the filing of an appeal will preclude a judicial body from "exercising its jurisdiction in a way that could affect the subject matter of the appeal or the appellate proceeding." See *County Commissioners of Carroll County v. Carrol Craft*, 384 Md. 23, 45 (2004). The State Board has followed that rule in the past. In *Bowers v. Howard County Bd. of Educ.*, 4 Op. MSBE 351 (1986), the Appellants filed their Request for Reconsideration on the same day they filed their appeal in the Circuit Court. The State Board ruled that "[o]nce the Appellants filed an order for Appeal in the Circuit Court, this Board lost the jurisdiction to entertain the Request for Reconsideration..." *Id.* at 352. See also *Johnson v. Somerset County Bd. of Educ.*, MSBE Order No. OR14-10.

Accordingly, it is this 4<sup>th</sup> day of December, 2018, by the Maryland State Board of Education, ORDERED, that the Motion for Reconsideration is hereby dismissed.

MARYLAND STATE BOARD OF EDUCATION

Signature on File:

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Justin M. Hartings  
President