

JAIME AND BRYAN S.,

Appellant

v.

HARFORD COUNTY  
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR 19-19

ORDER

This is an appeal of the decision of the Harford County Board of Education (“local board”) to deny a transfer request to Appellants’ daughter, R.S. The board concluded that the grade level at her requested school, William S. James Elementary School, was at capacity and that the child care issues presented by Appellants did not amount to a unique hardship. The decision informed Appellants that they had 30 days in which to file an appeal with the State Board of Education. (Local Board Decision).

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 July 23, 2019. The Appellants’ appeal should have been filed with the State Board by August 22, 2019. On October 1, 2019, the State Board received Appellants’ appeal, which was dated September 18. (Local Board Decision; Appeal).

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 Appellants acknowledged the late filing, but stated they believed it would be in their daughter’s interest to file an appeal. Appellants indicate that R.S. has had difficulty adjusting to her new school and may be suffering from anxiety. Although this might serve as grounds for a new transfer request, it does not fit within the very narrow reasons for excusing a late filing.

Therefore, it is this 22<sup>nd</sup> day of October 2019 by the Maryland State Board of Education, ORDERED, that the appeal referenced above is hereby dismissed for untimeliness. *See* COMAR 13A.01.05.02B(1); COMAR 13A.01.05.03B(1)(e).

MARYLAND STATE BOARD OF EDUCATION

Signature on File:

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Warner I. Sumpter  
President