

RENICE E.,

Appellant

v.

HOWARD COUNTY
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR 20-12

ORDER

Appellant challenges the decision of the Howard County Board of Education (“local board”) dismissing her appeal of her son’s 45-day suspension because it was not timely filed. The local board filed a response to the appeal maintaining that its decision is not arbitrary, unreasonable or illegal, and that its dismissal of the appeal should be upheld. The Appellant responded and the local board replied.

On October 11, 2019, the principal of the high school where the Appellant’s son attended the 9th grade suspended Appellant’s son for 10 days with a request for an extended suspension by the Superintendent. The Superintendent’s Designee, David Bruzga, conducted a suspension hearing on October 24, 2019. By letter dated November 1, 2019, Mr. Bruzga advised Appellant that he was extending her son’s suspension to 45 days and that he would continue attending school at an alternative education setting for the duration of the suspension period. The letter also advised Appellant of her right to appeal the decision to the local board “within **ten calendar days** from the date of the notification letter.” (Response, Ex. F)(emphasis in original). Mr. Bruzga’s letter provided the Appellant with the address where to send the appeal and the name of the contact person. The letter was postmarked November 4, 2019. *Id.*

Based on the November 1 date of Mr. Bruzga’s letter, which is the date of his decision, Appellant should have filed her appeal to the local board on November 11, 2019. She did not file her appeal until November 15, 2019, via email to the local board. (Response, Ex. E). The Board Administrator, Kathleen Hanks, responded by email dated November 15, 2019, stating “I am acknowledging receipt of your appeal. I will process on Monday and forward forms as well as further direction.” *Id.*

On November 19, 2019, the local board advised Appellant that the appeal was denied for untimeliness because it was not filed within 10 days of Mr. Bruzga’s November 1, 2019 decision. (Response, Ex. D). Appellant, through legal counsel, requested reconsideration of the dismissal because Appellant did not receive the letter on November 1, and the letter was not postmarked until November 4. (Response, Ex. C). On December 16, 2019, the local board denied the reconsideration request. The decision noted that even if the board were to accept the November 4, 2019 postmark date for computation purposes, the appeal was still untimely filed. (Response, Ex. B).

The Appellant timely appealed the local board's decision to the State Board.

The State Board has long held that time limitations are generally mandatory and will not be overlooked except in extraordinary circumstances such as fraud or lack of notice of the decree. *See Scott v. Board of Educ. of Prince George's County*, 3 Op. MSBE 139 (1983). Accordingly, the State Board has consistently dismissed appeals that were untimely filed with the local board. *See Nonna A. and Dylan C. v. Howard County Bd. of Educ.*, MSBE Order No. OR10-09, and cases cited therein.

The local board dismissed the appeal and denied the reconsideration request because the appeal was untimely filed. Although Appellant argues that the November 1 date should not be used to trigger the 10 day filing deadline because Mr. Bruzga's letter was not postmarked until November 4, as the local board explained Appellant's appeal was untimely using either date for computation of the filing deadline.¹ Furthermore, Appellant's argument that the 10-day time frame was insufficient time for her to appeal because she is a single mother does not establish the type of extraordinary circumstance necessary to extend the 10 day filing deadline. In our view, the local board's decision is not arbitrary, unreasonable or illegal.

Therefore, it is this 27th day of May, 2020, by the Maryland State Board of Education, ORDERED, that the local board's decision dismissing the appeal for untimeliness is affirmed.

MARYLAND STATE BOARD OF EDUCATION

Signature on File:

Warner I. Sumpter
President

¹ We do not suggest here that the postmark date should be used for computation of the time frame for filing an appeal to the local board pursuant to Education Art. §7-305(d)(5)(i). Rather, we are merely pointing out that Appellant's argument lacks merit.