

LORENA REYES-  
HARDING,

Appellant

v.

HOWARD COUNTY  
BOARD OF EDUCATION,  
Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR 20-10

### ORDER

Lorena Reyes-Harding (“Appellant”) requests that this Board reconsider its February 25, 2020 Order in *Lorena Reyes-Harding v. Howard County Bd. of Educ.*, MSBE Order No. OR 20-04, which dismissed her appeal of the Howard County Board of Education’s (“local Board”) redistricting decision for untimeliness. The local board opposes the reconsideration request.

#### *Motion for Reconsideration Standard*

A decision on a request for reconsideration shall be made in the discretion of the State Board except that a decision may not be disturbed unless there is sufficient indication in the request that:

- (1) The decision resulted from mistake or error of law; or
- (2) New facts material to the issues have been discovered or have occurred subsequent to the decision.

The State Board may refuse to consider facts that the party could have produced while the appeal was pending. The State Board may, in its discretion, abrogate, change, or modify the original decision. COMAR 13A.01.05.10.

#### *No Basis for Reconsideration*

The State Board dismissed the instant appeal because Appellant failed to file her appeal with the State Board within the 30-day filing deadline, as set forth in Education Art. §4-205(c)(3) and COMAR 13A.01.05.02(B)(3). Appellant should have filed her appeal with the State Board on December 23, 2019, but she did not file it until February 7, 2020.<sup>1</sup> The State Board has long held that time limitations for filing a State Board appeal 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).

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<sup>1</sup> On January 13, 2020, before the Appellant filed her appeal, the State Board transmitted all of the appeals related to the redistricting plan to the Office of Administrative Hearings (“OAH”) for a consolidated hearing. Those appeals of the redistricting decision are currently advancing through the OAH process and will ultimately be decided by the State Board.

Appellant explains that she did not file the appeal by December 23, 2019, because she was caring for her newborn son who was born on November 15, 2019, and remained in the NICU until December. Appellant claims that she was focused on the events in her life that were happening around the time of the local board's November 21, 2019 redistricting decision, and that she was not paying attention to news and matters related to the redistricting. She states that due to all of this she was unaware of the appeal deadline until late January 2020, when she realized her daughter would be changing schools for school year 2020-2021.

We understand and appreciate that the Appellant was focused on important family matters in November and December, and was unaware there was a deadline for appealing the local board's decision. The Howard County Public Schools provided notice through numerous sources of the applicable time period for filing an appeal with the State Board after the local board decision was announced. Although we are sympathetic to Appellant's reasons stated in her reconsideration, her reason does not rise to the level of an extraordinary circumstance that would justify waiving the 30-day filing deadline. As we recognized in *Mr. and Mrs. David E. v. Harford County Bd. of Educ.*, MSBE Order No. 18-06 (2018), and cases cited therein, not knowing the appeal process or the deadlines is no excuse for late filing.

Because the Appellant has failed to provide an adequate basis for reconsideration of MSBE Order No. OR 20-04, it is this 28<sup>th</sup> day of April, 2020, ORDERED, by the Maryland State Board of Education, that the request for reconsideration is denied.

MARYLAND STATE BOARD OF EDUCATION

Signature on File:

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Warner I. Sumpter  
President