

TRINA LEE,

Appellant

v.

BALTIMORE CITY BOARD  
OF SCHOOL  
COMMISSIONERS,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR 22-02

### ORDER

Appellant challenges the decision of the Baltimore City Board of School Commissioners (“local board”) issued on September 14, 2021, denying her appeal of her termination as a custodial worker. The local board has filed a motion to dismiss based on Appellant’s untimely filing of the State Board appeal. On November 16, 2021, the State Board sent a letter to Ms. Lee requesting a response to the local board’s motion to dismiss by November 29, 2021. Appellant did not respond to the local board’s motion.

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). During the COVID-19 emergency, the State Board has also been accepting delivery of appeals by email.

The local board issued its decision on September 14, 2021. The cover letter accompanying the decision advised that the Appellant could appeal the matter to the State Board within 30 days from the date of the local board’s decision. (9/24/21 Gant Letter). Appellant’s union advised her of her appeal rights. (See 9/27/21 Middleton letter).

The Appellant should have filed her appeal with the State Board on or before October 14, 2021, but she did not file it until October 15, 2021, the date the State Board received it via regular mail. Because Appellant did not send her appeal by email, registered or certified mail, or with a delivery service with a verifiable tracking from the point of origin to show the date it was mailed, the filing date is the date it was delivered to the State Board. 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). *See also Cathy G. v. Montgomery County Bd. of Educ.*, MSBE Order No. OR17-04 (2017), and cases cited therein (dismissing appeals filed one day late). The Appellant provided no reason for the late filing. We, therefore, find no extraordinary circumstance that would justify an exception to the mandatory 30-day deadline.

Accordingly, it is this 25th day of January 2022 by the Maryland State Board of Education, ORDERED, that the appeal referenced above is hereby dismissed for untimeliness. *See* COMAR 13A.01.05.03B(2).

MARYLAND STATE BOARD OF EDUCATION

Signature on File:

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Clarence C. Crawford  
President