

MELVIN HOLMES, JR.,

Appellant

v.

BALTIMORE CITY BOARD OF
SCHOOL COMMISSIONERS

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR24-14

ORDER

Melvin Holmes (“Appellant”) filed this appeal challenging the Baltimore City Board of School Commissioners’ (“local board”) Order, issued March 12, 2024, upholding the Chief Executive Officer’s decision not to renew the Appellant’s teaching contract for the 2023-2024 school year. The local board filed a motion to dismiss the appeal as untimely. The Appellant did not file a response to the motion.

COMAR 13A.01.05.02B(1) provides that an appeal to the State Board “shall be filed 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, deposited with a delivery service that provides verifiable tracking from the point of origin, or submitted electronically to the State Board. COMAR 13A.01.05.02B(3).

The local board issued its decision on March 12, 2024, and sent it to the Appellant on March 25, 2024.¹ (Motion, Exs. 3 & 4). The cover letter advised the Appellant that he could appeal the local board’s March 12 decision to the State Board by submitting the appeal “in writing within 30 days after the date of this decision.” (Motion, Ex.3).

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 Cnty.*, 3 Ops. MSBE 139 (1983). The State Board has consistently applied this rule of law and has dismissed appeals that have been filed one day late based on untimeliness. *See Lee v. Baltimore City Bd. of Sch. Comm’rs*, MSBE Order No. OR22-02 (2022); *Cathy G. v. Montgomery Cnty. Bd. of Educ.*, MSBE Order No. OR17-04 (2017) and cases cited therein.

The Appellant filed his appeal with the State Board on April 29, 2024, the date it was received by the State Board via regular mail. We acknowledge that there was delay between the date of the local board’s March 12 decision and notification of that decision to the Appellant. But, even if we calculate the 30-day deadline using the March 25, 2024 date, the deadline would have been April 24, 2024, and the Appellant did not file until several days later on April 29, 2024.²

¹ The notification cover letter is dated March 24, 2024, however, that date is a Sunday. For purposes of this appeal, we will assume that date is an error, and use March 25, 2024 as the notification date.

² In prior cases involving delayed receipt of the local board’s decision, we have found that the delay does not necessarily require extension of the filing deadline because the time frame takes into consideration the fact that it might take several days for an individual to receive notice of the local board’s decision. *See Heather A. v. Anne Arundel Cnty. Bd. of Educ.*, MSBE Order No. OR17-15 and cases cited therein. Given that the appeal in this case

The record does not contain any reason for the late filing of the appeal. We, therefore, find no extraordinary circumstance that would justify an exception to the mandatory 30-day deadline.

Accordingly, it is this 23rd day of July 2024, by the Maryland State Board of Education, ORDERED, that the appeal is dismissed for untimeliness. COMAR 13A.01.05.03B.

MARYLAND STATE BOARD OF EDUCATION

Signature on File:

Joshua L. Michael
President

was filed late using the March 25 notification date, we need not reach a determination regarding the impact of the delay here on timeliness.