

KRISTIAN F.,
Appellant

v.

BALTIMORE CITY BOARD
OF SCHOOL
COMMISSIONERS,

Appellee.

BEFORE THE
MARYLAND
STATE BOARD
OF EDUCATION
Order No. OR24-18

ORDER

This is an appeal of the July 15, 2024 decision of the Baltimore City Public Schools' Office of Early Learning Programs ("ELP") denying early admission to kindergarten to Appellant's child for the 2023-2024 school year. On August 5, 2024, the Appellant contacted the ELP expressing her desire to file an appeal to the Chief Executive Officer ("CEO") or her designee. Appellant was informed that she had missed the deadline to appeal, which was July 30, 2024, 15 calendar days from the determination date. On August 5, 2024, the Appellant filed this appeal with the State Board.

The local board filed a motion to dismiss the State Board appeal maintaining that the Appellant failed to exhaust her administrative remedies because she did not appeal the decision to the local board.

The State Board has consistently declined to address issues that have not been reviewed initially by the local board. *See Harvest Foundation Group v. Baltimore County Bd. of Educ.*, MSBE Order No. OR19-11 (2019); *Lakesha W. v. Howard Cnty. Bd. of Educ.*, MSBE Order No. OR08-12 (2008). The Appellant did not file any appeal of the ELP's decision; therefore, it was not reviewed by the CEO or the local board. Because the local board has not issued a final decision in Appellant's case, there is nothing for the State Board to review. Pursuant to Educ. Art. § 4-205(c)(3) and COMAR 13A.01.05.03B(1)(a), the State Board may dismiss an appeal if the local board has not issued a final decision. *See Victor and Sandra B. v. Anne Arundel Cnty. Bd. of Educ.*, MSBE Order No. OR20-11 (2020).

Therefore, it is this 22nd day of October 2024, ORDERED, by the Maryland State Board of Education, that the appeal is dismissed for failure to exhaust administrative remedies. COMAR 13A.01.05.03B(1)(a).

MARYLAND STATE BOARD OF EDUCATION

Signature on File:

Joshua L. Michael
President