

E.B.,  
Appellant

v.

MONTGOMERY COUNTY  
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR25-01

### ORDER

The State Board received an appeal challenging the decision of the Montgomery County Board of Education (“local board”) dismissing Appellant’s appeal because it was untimely filed with the local board. The local board has filed a Motion to Dismiss the appeal to the State Board based on the Appellant’s untimely filing of the initial appeal to the local board. Section 4-205(c)(3) of the Education Article provides that “[a] decision of a county superintendent may be appealed to the county board if taken in writing within 30 days after the decision of the county superintendent.” Local Board Policy BLB, *Rules of Procedure in Appeals and Hearings*, states that an appeal to the local board shall be initiated by filing the appeal “within 30 days of the date of the superintendent’s decision or designee’s final action or decision adversely affecting the appellant.” It further states that if the appeal is not filed within the 30-day period, “such failure shall constitute sufficient grounds for the [local board] to dismiss an appeal.”

The Appellant had requested a Change of School Assignment (“COSA”) for her daughter to transfer schools for the 2024-2025 school year. On February 16, 2024, the Superintendent’s Designee denied the Appellant’s COSA request because it did not meet the guidelines for a transfer under Local Board Policy JEE-RA, *Student Transfers and Administrative Placements*. (R. 64-66). By letter dated February 16, 2024, the Designee advised the Appellant of her right to appeal the decision to the local board “as soon as possible, but not later than 30 calendar days from the date of this letter.” (R. 64).

On July 16, 2024, the Appellant appealed the decision to the local board, which was approximately four months after the filing deadline. (R. 19-63). Per Policy BLB, the local board gave the Appellant an opportunity to provide the reason for her late filing. On or about July 16, 2024, the Appellant provided the following three reasons for submitting her local board appeal four months after the March 18, 2024 deadline:

- (1) student’s ADHD diagnosis and the time commitment required by the intensive treatment program the family participated in from January 6, 2024, through May 20, 2024;
- (2) an issue with one of the student’s teachers, which culminated with a meeting between the teacher and the family on February 16, 2024; and
- (3) two-year anniversary of the death of Appellant’s father, which left her in a vulnerable mental state.

(R. 19 – 24).

On August 19, 2024, the local board met in closed session to determine if the Appellant’s local board appeal should be accepted for processing despite the late submission. By Decision and Order dated September 12, 2024, the local board determined that sufficient cause for the significant delay in filing the appeal was not submitted and the local board did not accept the appeal for processing and dismissed the appeal due to untimely submission. (R. 67-72).

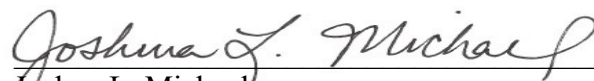
Time limitations are generally mandatory and will not be overlooked except in extraordinary circumstances such as fraud or lack of notice. *See Scott v. Board of Educ. of Prince George’s Cnty.*, 3 Op. MSBE 139 (1983). The State Board has consistently applied this rule of law and has dismissed appeals that have been filed late based on untimeliness. *See Shanise S. v. Anne Arundel Cnty. Bd. of Educ.*, MSBE OR 23-20; *Lee v. Baltimore City Bd. of Sch. Comm’rs*, MSBE Order No. OR 22-02 (2022); *Cathy G. v. Montgomery Cnty. Bd. of Educ.*, MSBE Order No. OR 17-04 (2017) and cases cited therein.

On October 11, 2024, the Appellant filed her appeal to the State Board, in which she acknowledged that she filed her local board appeal well beyond the 30-day deadline. In her appeal to the State Board, the Appellant now indicates that the primary reason for the late filing of her local board appeal is because she believed her “daughter was not being given the proper support she needed for her IEP, and [she] was not being kept up with her in school progress.”<sup>1</sup> (R. 80).

We do not find that the Appellant has provided an explanation for the late filing before the local board that satisfies the extraordinary standard. We, therefore, find no extraordinary circumstance that would justify an exception to the mandatory 30-day deadline for filing an appeal to the local board.

Accordingly, it is this 28th day of January 2025 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

  
Joshua L. Michael  
President

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<sup>1</sup> The State Board appeal process is not the appropriate forum to resolve any concerns the Appellant may have with her daughter’s special needs under the IDEA. *See S.R. v. Montgomery Cnty. Bd. of Educ.*, MSBE Op. No. 20-18 (2020).