

HENRIETTA M.,

Appellant

v.

MONTGOMERY COUNTY
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR25-07

ORDER

Henrietta M. (“Appellant”) filed this appeal challenging the Montgomery County Board of Education’s (“local board”) Decision and Order, issued December 5, 2024, that kept in effect the Superintendent’s decision denying Appellant’s request for a change of school assignment (“COSA”) for her child because the local board was unable to attain the majority votes to either affirm or reverse.

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 or submitted electronically 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).

The local board issued its decision on December 5, 2024, and sent the decision to the Appellant the next day on December 6, 2024, by email. The cover letter advised the Appellant that she could appeal the local board’s decision by submitting an appeal in writing to the State Board “within 30 days of the date of the enclosed Decision and Order” and provided the various methods of submission.

The Appellant should have filed her appeal with the State Board on or before Monday, January 6, 2025, but she did not file it until January 15, 2025, the date she emailed it 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. COMAR 13A.01.05.04B(3); *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.

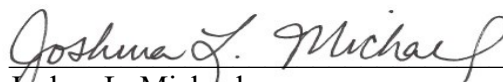
Appellant maintains that she filed her appeal late due to “a sudden and unexpected death in the family” that disrupted their routine and brought significant challenges. (Appeal). The local board filed a motion to dismiss for untimeliness asserting that the Appellant did not provide any evidence of extraordinary circumstances given the lack of specificity concerning the death of the family member. (Motion). Although the Appellant responded to the motion, she did not provide

any detail about the circumstances and merely reiterated that there was a death of a family member that delayed her filing. (Appellant's Response).

For the State Board to determine whether extraordinary circumstances exist that would justify an exception to the 30-day filing deadline, an appellant must provide the underlying details for the Board to conduct a proper analysis. Simply stating that there was a death in the family without more is insufficient. Even after the local board pointed out this deficiency in its motion to dismiss, the Appellant still failed to provide the necessary information. We, therefore, find no extraordinary circumstances that would justify an exception to the mandatory 30-day deadline.¹

Accordingly, it is this 29th day of April 2025, 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

A handwritten signature in cursive script, reading "Joshua L. Michael", written over a horizontal line.

Joshua L. Michael
President

¹ Appellant's suggestion that the January 21, 2025 letter she received from State Board counsel requesting that Appellant submit information missing from her State Board appeal by February 4, 2025 created procedural confusion has no merit. That letter advised Appellant of the appeal process and requested that she submit the missing information to perfect her State Board appeal if she had already completed her local board appeal. This communication cannot be reasonably construed to have created any confusion and had no impact on the Appellant's submission of her appeal to the State Board on January 15, 2025.