EFREM K.

      Appellant

     v.

ANNE ARUNDEL COUNTY BOARD OF
EDUCATION,

      Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR09-02

ORDER OF DISMISSAL

The State Board received an appeal regarding the Anne Arundel County Board of Education's decision that Appellant's children could not attend Glen Burnie High School because they did not reside with him in the school's attendance area and were not bona fide residents of Anne Arundel County.

The local board filed a Motion to Dismiss the appeal based on untimeliness. 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 run from the latter of the date of the order or the opinion reflecting the decision." An appeal is deemed transmitted within the limitations period if it has been delivered to the State Board or deposited in the United States mail, as registered or certified, before the expiration of the time period. COMAR 13A.01.05.02B(3).
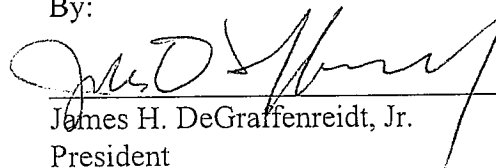
The local board issued its Opinion and Order in this case on March 19, 2008. The appeal should have been filed with the State Board by April 18, 2008, but it was not filed until April 24, 2008. Time limitations are generally mandatory and will not be overlooked except in extraordinary circumstances such as fraud or lack of notice of the decree. *See Scott v. Board of Education of Prince George's County*, 3 Op. MSBE 139 (1983). The local board advised Appellant of his right to appeal the decision to the State Board within 30 days of the date of the decision. Appellant has not provided any reason for the late filing.

Therefore, finding no extraordinary circumstance that would merit an exception to the mandatory thirty day deadline, it is this __24__ day of March, 2009, by the Maryland State Board of Education,

ORDERED, that the appeal referenced above be and the same is hereby dismissed for untimeliness. *See* COMAR 13A.01.05.03C(1)(e).

MARYLAND STATE BOARD OF EDUCATION
By:

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James H. DeGraffenreidt, Jr.
President