

CARYN J.,

Appellant

v.

BALTIMORE COUNTY  
BOARD OF EDUCATION,

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR10-10

ORDER

The Appellant has requested that this Board reconsider its May 25, 2010 Opinion in *Caryn J. v. Baltimore County Board of Education*, MSBE Opinion No. 10-24. The Baltimore County Board of Education (local board) has filed a Response to the Request for Reconsideration.

In *Caryn J. v. Baltimore County Board of Education*, *supra*, this Board affirmed the local board's decision not to change the Appellant's son's ("SJ") grade in Gifted & Talented Physics for the 2008-2009 school year from a D to a C.

A decision on a request for reconsideration shall be made in the discretion of the State Board except that a decision may not be disturbed unless there is sufficient indication in the request that:

- (1) The decision resulted from a mistake or error of law; or
- (2) New facts material to the issues have been discovered or have occurred subsequent to the decision.

The State Board may refuse to consider facts that the party could have produced while the appeal was pending. The State Board may, in its discretion, abrogate, change, or modify the original decision. COMAR 13A.01.05.10D.

In her Request for Reconsideration, the Appellant fails to raise any mistake or error of law, or any newly discovered or recently occurring facts that would challenge the State Board's decision affirming the local board's decision. Instead, she argues the same substantive issues that she raised in her appeal to the State Board.<sup>1</sup>

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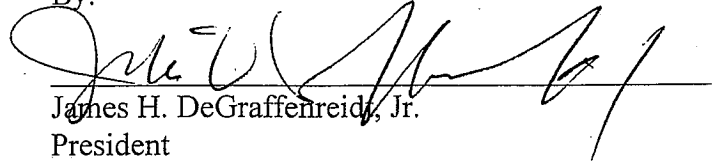
<sup>1</sup>We would like to note one point of clarification, however. With regard to the issue of accommodations, we stated at p.9 of the Opinion that the Appellant presented no testimony why SJ could not avail himself of use of the parking permit to come to school early once he received it in the third quarter. Although SJ testified that he had ankle surgery in December and could not drive for some unspecified time afterwards, Appellant presented no testimony regarding how

Because the Appellant has failed to provide an adequate basis for reconsideration of Opinion No. OR10-24, we deny Appellant's Request for Reconsideration.

Therefore, this 14<sup>th</sup> day of December, 2010 by the Maryland State Board of Education it is, ORDERED, that the request for reconsideration be and the same is hereby denied. See COMAR 13A.01.05.10D.

MARYLAND STATE BOARD OF EDUCATION

By:



James H. DeGraffenreid, Jr.  
President

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long this lasted. (Tr. 22). Such testimony would have been important given that the teacher's practice of giving extra time to complete work was not discontinued until April. Moreover, we again note that SJ testified that he was able to stay after school to satisfy other obligations. (Tr. 23).