

AYANNA M.

Appellant

v.

HOWARD COUNTY BOARD
OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 12-56

OPINION

INTRODUCTION

The Appellant has appealed the decision of the Howard County Board of Education (local board) finding that her appeal to the local board was untimely. The local board filed a Motion to Dismiss to this appeal.

FACTUAL BACKGROUND

Sometime in 2011, the Appellant moved from Howard County to Anne Arundel County. Her daughter continued to attend school in Howard County.¹

On May 18, 2012, the school system notified the Appellant that because she was no longer a resident of Howard County, her daughter would be withdrawn from school and she was responsible to pay \$5,396.56 in tuition costs. The Appellant appealed that decision by faxing it to the local board on June 18, 2012. She explains in her appeal, however, that the fax machine she used “doesn’t always work correctly.” The Appellant followed up on June 22, 2012 and learned that the local board did not get the fax. She then e-mailed her appeal to the local board. It was dated June 13, 2012. It was stamped as received June 25, 2012. (Motion, Ex. 2).

On June 26, 2012, the local board denied the appeal as untimely. This appeal ensued.

STANDARD OF REVIEW

In cases involving a decision of a local board concerning a local policy, the local board’s decision is considered *prima facie* correct, and the State Board may not substitute its judgment for that of the local board unless the decision is arbitrary, unreasonable, or illegal. COMAR 13A.01.05.05A.

¹ The local board’s Motion to Dismiss incorrectly refers to a son.

ANALYSIS

The facts support the local board's decision that the appeal was untimely filed. That decision is not arbitrary, unreasonable, or illegal and the Appellant does not so argue.

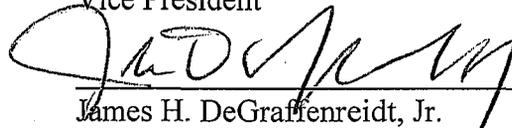
Although this Board must affirm the local board's decision that the appeal was untimely, we urge the local board not to take action to collect this debt. This family's ability to pay seems to us to be severely limited given its single parent status and the number of children. She focuses her appeal on her inability to pay about \$6,000 in tuition costs. She has five children and is separated from her husband. She requests leniency. We echo that request.

CONCLUSION

For all those reasons, we affirm the decision of the local board.


Charlene M. Dukes
President

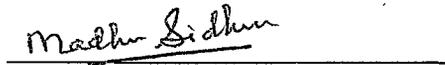

Mary Kay Finan
Vice President


James H. DeGraffenreidt, Jr.

absent
S. James Gates, Jr.

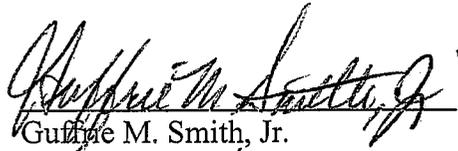
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Luisa Montero-Diaz

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Madhu Sidhu


Donna Hill Staton


Ivan C.A. Walks



Guffie M. Smith, Jr.



Kate Walsh

December 17, 2012