

LISA L.

Appellant

v.

MONTGOMERY COUNTY
BOARD OF EDUCATION,

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR08-08

ORDER OF DISMISSAL

Appellant filed an appeal with the State Board on January 17, 2008 challenging the Montgomery County Board of Education's (local board) decision denying Appellant's claims of retaliation against her family by the school system for her criticism of the school system's disciplinary policy.

The local board has 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 Decision and Order in this case on December 11, 2007.¹ The appeal should therefore have been filed with the State Board on or before January 10, 2008. It was not filed until January 17, 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). Appellant has not provided any reason for the late filing.

¹The local board's decision was sent to Appellant under cover letter dated December 12, 2007. The cover letter informed Appellant of her appeal rights and the applicable time limitation.

Therefore, finding no extraordinary circumstance that would merit an exception to the mandatory thirty day deadline, it is this 24th day of June, 2008, 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:



Dunbar Brooks
President