

KIM HARKINS,

Appellant

v.

CARROLL COUNTY
BOARD OF EDUCATION,

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR10-08

ORDER OF DISMISSAL

The State Board received an appeal from the Carroll County Board of Education's decision denying the Appellant's request to establish a bus stop in front of her home.

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 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 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).

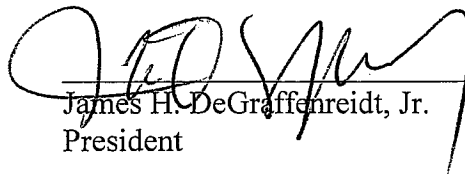
The local board issued its Opinion and Order in this case on March 24, 2010. The appeal should have been filed with the State Board by April 23, 2010, but it was not filed until April 26, 2010. Time limitations are generally mandatory and will not be overlooked except in extraordinary circumstances such as fraud or lack of notice of the decision. *See Scott v. Board of Educ. of Prince George's County*, 3 Op. MSBE 139 (1983). The local board advised the Appellant of her right to appeal the decision to the State Board within 30 days of the date of the local board's decision. (Local Board Decision at 7). Appellant has not provided any reason for the late filing.

Therefore, finding no extraordinary circumstances that would merit an exception to the mandatory 30 day deadline, it is this 26th day of October, 2010, 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:


James H. DeGraffenreidt, Jr.
President