

SHARIAH M.,

Appellant

v.

PRINCE GEORGE'S COUNTY
BOARD OF EDUCATION,

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR12-15

ORDER

Appellant appealed the decision of the Prince George's County Public Schools to deny her son early admission to kindergarten. She addressed her State Board appeal letter to the Assistant Superintendent for the Division of Early Childhood Development at MSDE. The Assistant Superintendent received the letter on July 16 and forwarded it to the State Board of Education. The State Board treated the matter as an appeal and requested a response from the Prince George's County Board of Education (local board).

Meanwhile, on July 16, 2012, Appellant wrote to Verjeana M. Jacobs, Chair for the local board, also requesting an appeal of the early kindergarten entry denial. The local board did not respond to the letter because the State Board had already docketed the case as an appeal and requested the local board's response.

The local board filed a Motion to Dismiss the case maintaining that the Appellant had failed to exhaust her administrative remedies before filing an appeal to the State Board. It is well settled that a matter must first be decided by the local Superintendent and the local board before an appellant can pursue an appeal to the State Board. *See Kemp v. Montgomery County Bd. of Educ.*, MSBE Op. No. 01-14 (2001); *Stuart v. Prince George's County Bd. of Educ.*, 7 Op. MSBE 1358 (1998). There is no decision by the local Superintendent or the local board in this case. Thus, there is nothing for the State Board to review.

The local board states in its reply to the Appellant's opposition that the local Superintendent is prepared to issue a decision in the event that the State Board dismisses the appeal and remands it to the local Superintendent and local board for further determination. (Local Bd's. Reply, p.3, n.2).

Therefore, it is this 25th day of September, 2012 by the Maryland State Board of Education,

ORDERED, that the appeal referenced above be and the same is hereby dismissed and remanded to the local Superintendent for a determination on Appellant's request for her son's early entry to kindergarten.

MARYLAND STATE BOARD OF EDUCATION

A handwritten signature in cursive script, reading "Charlene M. Dukes", is written over a horizontal line.

Dr. Charlene M. Dukes

President