

VERONICA A.,  
Appellant

v.

FREDERICK COUNTY  
BOARD OF EDUCATION,  
Appellee

BEFORE THE

MARYLAND STATE

BOARD OF EDUCATION

Order No. OR16-08

ORDER

On March 25, 2016, Appellant filed this appeal with the State Board challenging the decision of the Frederick County Board of Education (local board) dismissing as untimely filed Appellant's appeal of her son's extended suspension for a physical attack on another student.

The extended suspension stems from an incident involving the Appellant's son on December 16, 2015, in which he kicked a student in the back and engaged in a fight with another student who attempted to intervene. (Motion, Ex. 1). On February 25, 2016, the Superintendent issued written notice to the Appellant that he was upholding the extended suspension decision made by the Director of Student Services. *Id.* The Superintendent advised the Appellant that she had a right to appeal her decision to the local board "by providing a written notice of appeal to the Board president within 10 calendar days of this decision." *Id.*

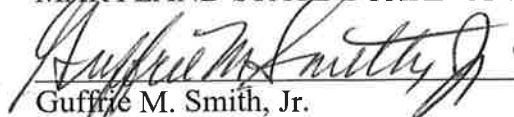
Appellant's appeal to the local board was due on Monday, March 7, 2016. Appellant submitted her appeal to the local board on Wednesday, March 9, 2016. (Motion, Ex. 3). By letter dated March 18, 2016, the local board President advised Appellant that her appeal was dismissed because it was not timely filed. (Motion, Ex. 5). The Appellant timely appealed the local board's decision to the State Board.

Section 7-305(d)(5) of the Education Article provides that, if a local superintendent or designee finds that a suspension of more than 10 days or an expulsion is warranted, the student or the student's parent or guardian may appeal the decision to the local board within 10 days after the determination. 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 Educ. of Prince George's County*, 3 Op. MSBE 139 (1983). Accordingly, the State Board has consistently dismissed appeals that were untimely filed with the local board. *See Nonna A. and Dylan C. v. Howard County Bd. of Educ.*, MSBE Order No. OR10-09, and cases cited therein.

The Appellant has not provided any explanation for the late filing. Therefore, finding no extraordinary circumstance that would merit an exception to the mandatory ten day deadline in this case, it is this 28 day of June, 2016, by the Maryland State Board of Education,

ORDERED, that the appeal referenced above be dismissed based on untimeliness.

MARYLAND STATE BOARD OF EDUCATION

  
Guffie M. Smith, Jr.  
President