

L. A.,

Appellant

v.

MONTGOMERY COUNTY  
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 10-36

### OPINION

#### INTRODUCTION

The Appellant has requested that this Board reconsider its March 23, 2010 Order in *L.A. v. Montgomery County Bd. of Educ.*, MSBE Order No. OR10-02. The Montgomery County Board of Education (local board) has filed a Response to the Request for Reconsideration.

#### FACTUAL BACKGROUND

In *L.A. v. Montgomery County Bd. of Educ.*, *supra*, this Board dismissed Appellant's appeal of the local board's decision denying the Appellant's daughter entry to the Center Program for the Highly Gifted at Lucy V. Barnsley Elementary School. This Board did so because Appellant failed to timely file her appeal with the State Board. The local board had provided the Appellant written notice that she had to file her appeal to the State Board within 30 days of the date of the local board's decision, yet the Appellant filed the appeal one day past the filing deadline. The Appellant did not provide any reason for her late filing.

#### STANDARD OF REVIEW

A decision on a request for reconsideration shall be made in the discretion of the State Board except that a decision may not be disturbed unless there is sufficient indication in the request that:

- (1) The decision resulted from a mistake or error of law; or
- (2) New facts material to the issues have been discovered or have occurred subsequent to the decision.


The State Board may refuse to consider facts that the party could have produced while the appeal was pending. The State Board may, in its discretion, abrogate, change, or modify the original decision. COMAR 13A.01.05.10D.

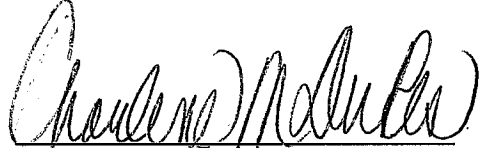
ANALYSIS

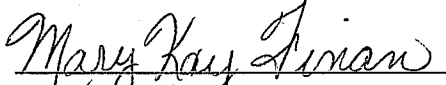
In her Request for Reconsideration, the Appellant does not address the State Board's decision in Order No. OR10-02. Appellant fails to raise any mistake or error of law, or any newly discovered or recently occurring facts that would challenge the Order dismissing the appeal. Instead, she argues the same substantive issues that she raised in her appeal to the State Board.

CONCLUSION


Because the Appellant has failed to provide an adequate basis for reconsideration of Order No. OR10-02, we deny Appellant's Request for Reconsideration.


  
James H. DeGraffenreidt, Jr.  
President

  
Charlene M. Dukes  
Vice President

  
Mary Kay Finan

  
S. James Gates, Jr.

  
Luisa Montero-Diaz

  
Sayed M. Naved

*Madhu Sidhu*

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Madhu Sidhu

*Guffie M. Smith, Jr.*

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Guffie M. Smith, Jr.

*Donna Hill Staton*

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Donna Hill Staton

ABSENT

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Ivan C.A. Walks

*Kate Walsh*

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Kate Walsh

September 21, 2010