

MELISSA D.

Appellant

v.

HOWARD COUNTY BOARD OF
EDUCATION,

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR08-13

ORDER OF DISMISSAL

On January 25, 2008, Melissa D. filed this appeal from the Howard County Board of Education's (local board) decision dismissing her appeal of her son's long term suspension from Mount Hebron High School because the appeal was untimely filed.

By letter dated December 19, 2007, the superintendent's designee notified Appellant of her son's long term suspension. That same letter advised Appellant of her right to appeal the suspension to the local board, and attached a copy of the applicable school system procedures informing her that she could appeal to the local board in writing, within **ten calendar days** from the date of the notification letter. *See* Suspension Appeal Procedures. Appellant's appeal was due on or before December 29, 2008. Her appeal was postmarked December 31, however, and was received on January 3.

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). Accordingly, the State Board has declined to review matters that are untimely filed at the local level. *See Jeff and Jody Shaver v. Howard County Bd. of Educ.*, MSBE Opinion No. 00-6 (2000); *Louis J. Brocato v. Bd. of Educ. of Baltimore County*, MSBE Opinion No. 97-32 (1997); *Jackson v. Frederick County Bd. of Educ.*, 6 Op. MSBE 838 (1995). Here, notice of the time limitation was provided to Appellant in the December 19 letter from the superintendent's designee. There is no evidence of extraordinary circumstances preventing a timely appeal.

Therefore, finding no extraordinary circumstance that would merit an exception to the mandatory ten day deadline, it is this 26th day of August, 2008, by the Maryland State Board of Education,

ORDERED, that the appeal referenced above be and the same is hereby dismissed for untimeliness.

MARYLAND STATE BOARD OF EDUCATION

By:



James H. DeGraffenreidt, Jr.

President