

YI-HSIEN C.,

Appellant

v.

MONTGOMERY COUNTY  
BOARD OF EDUCATION,

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR11-05

ORDER OF DISMISSAL

The State Board received an appeal challenging the decision of the Montgomery County Board of Education (local board) denying the Appellant's appeal requesting a school transfer for her son.

The State Board may, on its own motion, dismiss an appeal that has not been filed within the prescribed time period. COMAR 13A.01.05.03C(2). 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 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 November 9, 2010. The appeal should have been filed with the State Board by December 9, 2010, but it was not filed until December 10, 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).

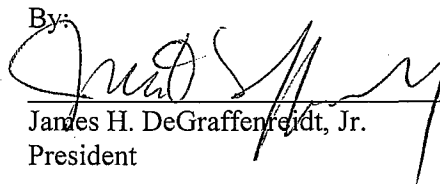
The Appellant maintains that the appeal was timely because it was filed on November 10, 2010, within 30 days of the date she received the decision from the local board. The limitations period began running, however, from the date the local board rendered its decision. Here, the local board advised the Appellant of her right to appeal the decision to the State Board within 30 days of the date of the local board's decision. (King Letter, 11/10/10). Appellant has not provided any reason to excuse the late filing.

Therefore, finding no extraordinary circumstances that would merit an exception to the mandatory 30 day deadline, it is this ~~22~~<sup>12</sup> day of April, 2011, 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