

THOMAS GLEASON,

Appellant

v.

ST. MARY'S COUNTY
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR 23-13

ORDER

Appellant challenges the decision of the St. Mary's County Board of Education ("local board") issued on June 9, 2021. The local board filed a motion to dismiss the State Board appeal as untimely because Appellant filed it approximately two years after the local board issued its decision. Appellant responded to the motion and the local board replied.

COMAR 13A.01.05.02B(1) provides that an appeal to the State Board "shall be filed within 30 calendar days of the decision of the local board" and that the "30 days shall 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, before the expiration of the time period, it has been delivered to the State Board, deposited in the U.S. Mail as registered, certified or Express, or deposited with a delivery service that provides verifiable tracking from the point of origin. COMAR 13A.01.05.02B(3). The State Board has also been accepting delivery of appeals by email.

The local board issued its decision on June 9, 2021 (6/9/21 Letter from McKulka). The Appellant should have filed his appeal with the State Board on or before July 9, 2021, but he did not file it until June 18, 2023, the date the State Board received the appeal via email, approximately two years after the local board issued its decision. Time limitations are generally mandatory and will not be overlooked except in extraordinary circumstances such as fraud or lack of notice. *See Scott v. Board of Educ. of Prince George's County*, 3 Op. MSBE 139 (1983). The State Board has consistently applied this rule of law and has dismissed appeals that have been filed late based on untimeliness. *See Lee v. Baltimore City Bd. of Sch. Comm'rs*, MSBE Order No. OR22-02 (2022); *Cathy G. v. Montgomery County Bd. of Educ.*, MSBE Order No. OR17-04 (2017) and cases cited therein.

Appellant has not made any valid argument to extend the filing time. We, therefore, find no extraordinary circumstance that would justify an exception to the mandatory 30-day deadline.

Accordingly, it is this 22nd day of August 2023, by the Maryland State Board of Education, ORDERED, that the appeal referenced above is hereby dismissed for untimeliness. *See* COMAR 13A.01.05.03B.

MARYLAND STATE BOARD OF EDUCATION

Signature on File:

Clarence C. Crawford
President