

TAMMIE H.

Appellant

v.

BALTIMORE COUNTY BOARD OF  
EDUCATION,

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR08-07

ORDER OF DISMISSAL

On January 24, 2008, the State Board received a request for appeal from Tammie H. regarding the Baltimore County Board of Education's decision denying her request to permit two of her children, J.H. and L.H., to continue to attend Pikesville High School under homeless student status for the 2007-2008 school year. After investigation, the superintendent's designee determined that both children had been residing with their father in an apartment in the Owings Mills High School attendance area prior to the 2006-2007 school year and, therefore, did not qualify as homeless students under local policy. On appeal, a local hearing examiner conducted a full evidentiary hearing and reviewed the case. The hearing examiner agreed with the superintendent's designee, finding that the children did not qualify as homeless students. Thereafter the local board heard oral argument in the case. The local board adopted the hearing examiner's proposed decision and denied Appellant's request for homeless student status for the children.

The local board has filed a Motion to Dismiss the appeal based on untimeliness. 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 latter 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 December 19, 2007.<sup>1</sup> The appeal should therefore have been filed with the State Board by January 18, 2008. It was not filed until January 24, 2008. 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). Appellant

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<sup>1</sup>Appellant received a copy of the local board's Opinion and Order on December 20, 2007 as evidenced by the certified mail receipt. That correspondence also contained a letter from the local board's attorney, P. Tyson Bennett, notifying Appellant of her appeal rights and the applicable time limitation.

has not provided any reason for the late filing.

Therefore, finding no extraordinary circumstance that would merit an exception to the mandatory thirty day deadline, it is this ~~24<sup>th</sup>~~ day of June, 2008, 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:



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Dunbar Brooks

President