

C.M.,

Appellant,

v.

FREDERICK COUNTY
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR26-24

ORDER

Appellant, through counsel, filed an appeal of the decision of the Frederick County Board of Education (“local board”) upholding a one-day suspension of Student X.

The local board 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 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 filed within the limitations period if, before the expiration of the time period, it has been delivered or submitted electronically 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 local board issued a decision dated March 25, 2026. (Motion, Ex. A). The decision was sent via email to Appellant’s counsel on March 26, 2026. (App. Resp., P2). The decision contained notice of the right to appeal the decision to the State Board “provided that such appeal is timely taken within thirty (30) days *from the date of this Decision*.” (Motion, Ex. A) (emphasis added).

The Appellant’s appeal should have been transmitted to the State Board on or before April 24, 2026, but it was filed on April 27, 2026. Time limitations are generally mandatory and will not be overlooked except in extraordinary circumstances such as fraud or lack of notice. *See* COMAR 13A.01.05.04B(3); *Trina Lee v. Baltimore City Bd. of Sch. Comm’rs*, MSBE Order No. 22-02 (2022); *Heather A. v. Anne Arundel Cnty. Bd. of Educ.*, MSBE Order No. OR17-15 (2017).

Appellant maintains that the appeal period should run from the date notice was provided on March 26, making the April 27 appeal timely (because April 25 was a Saturday).

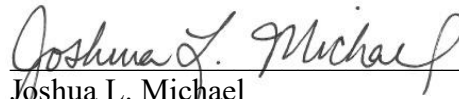
This Board has previously explained that that mandatory 30-day filing deadline already accounts for the time it takes an individual to receive notice of the local board’s decision. *Eastern Middle School Workgroup v. Montgomery Cnty. Bd. of Educ.*, MSBE Order No. OR10-03 (2010). Consequently, mailing delays do not automatically warrant an extension. *See Daryl Hunsberger v. Washington Cnty. Bd. of Educ.*, MSBE Order No. OR13-01 (2013); *Foundations Charter Sch. v. Baltimore City Bd. of Sch. Comm’rs*, MSBE Order No. OR09-03 (2009); *Mohan G. v. Montgomery Cnty. Bd. of Educ.*, MSBE Order No. 08-48 (2008)(finding that three to six

day delays in mailing a local board's decision to an appellant were not extraordinary circumstances sufficient to justify an extension of the filing deadline). In those cases, the Board reasoned that the appellants still had sufficient time within the limitations period to file a timely appeal. *Id.* Because the same reasoning applies here, we find no justification for an exception to the 30-day deadline.

Therefore, it is this 28th day of July, 2026 by the Maryland State Board of Education,

ORDERED, that the appeal is dismissed for untimeliness. *See* COMAR 13A.01.05.03B.

MARYLAND STATE BOARD OF EDUCATION

A handwritten signature in cursive script, reading "Joshua L. Michael", written over a horizontal line.

Joshua L. Michael
President