

VINCENT SHIPP,

Appellant

v.

ANNE ARUNDEL COUNTY
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No.: OR24-05

ORDER

This is an appeal of the decision of the Anne Arundel County Board of Education (“local board”) denying the Appellant’s appeal of the local Superintendent’s non-renewal of Appellant’s probationary non-tenured teaching contract for the 2023-2024 school year. The local board filed a motion to dismiss based on jurisdictional arguments not relevant to this decision. The Appellant did not oppose the motion.

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; or submitted electronically to the State Board. COMAR 13A.01.05.02B(3).

The local board issued its decision on October 20, 2023. (Motion, Record Extract at 121-125). The Appellant should have filed his appeal with the State Board on or before November 20, 2023, but he did not file his appeal until November 27, 2023, the date the Appellant deposited his appeal in the United States mail as certified mail. (Appeal, certified mail receipt attached to the appeal at p. 32). Time limitations are generally mandatory and will not be overlooked except in extraordinary circumstances such as fraud or lack of notice. *See Scott v. Bd. of Educ. of Prince George’s Cnty.*, 3 Op. MSBE 139 (1983). *See also Cathy G. v. Montgomery County Bd. of Educ.*, MSBE Order No. OR17-04 (2017), and cases cited therein.

Neither party addressed the late filing with the State Board and the record in these proceedings contains no evidence of extraordinary circumstances. We, therefore, find no extraordinary circumstance that would justify an exception to the 30-day deadline.

Therefore, it is this 27th day of February 2024, by the Maryland State Board of Education,

ORDERED, that the appeal referenced above is hereby dismissed for untimeliness. *See* COMAR 13A.01.05.03B(2).

MARYLAND STATE BOARD OF EDUCATION

Signature on File:

Clarence C. Crawford
President