

FRED RAGAZZONE,  
  
Appellant  
  
v.  
  
ANNE ARUNDEL COUNTY  
BOARD OF EDUCATION  
  
Appellee.

BEFORE THE  
  
MARYLAND  
  
STATE BOARD  
  
OF EDUCATION  
  
Order No. OR24-06

ORDER

Fred Ragazzone (“Appellant”) filed this appeal challenging the Anne Arundel County Board of Education’s (“local board”) Opinion and Order, issued December 22, 2023, upholding the dismissal of Appellant from his position as a temporary Spanish interpreter for making a threatening statement during a virtual Individualized Education Program (“IEP”) meeting. Each of the school staff members was participating in the IEP meeting from their respective school classrooms or offices when the Appellant stated to them that if they talked too fast, “I have a little machine gun over here that I can reach out and get all of you.” The Appellant was terminated for making the statement, and after receiving the appropriate due process, his termination was upheld by both the local Superintendent and local board. The State Board appeal has been fully briefed by the parties.

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 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 its decision on December 22, 2023, and sent the decision to the Appellant the next day by email, and by regular and certified mail. The cover letter advised the Appellant that he could appeal the local board’s decision by submitting an appeal in writing to the State Board “within thirty (30) calendar days of the date on which this decision has been issued, in accordance with Section 4-205(c)(3) of the Education Article.”

The Appellant should have filed his appeal with the State Board on or before Monday, January 22, 2024, but he did not file it until January 23, 2024, the date it was deposited with the U.S. mail as certified mail. 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 Cnty.*, 3 Ops. MSBE 139 (1983). The State Board has consistently applied this rule of law and has dismissed appeals that have been filed one day late based on untimeliness. *See Lee v. Baltimore City Bd. of Sch. Comm’rs*, MSBE Order No. OR22-02 (2022); *Cathy G. v. Montgomery Cnty. Bd. of Educ.*, MSBE Order No. OR17-04 (2017) and cases cited therein.

The record does not contain any reason for the late filing of the appeal. We, therefore, find no extraordinary circumstance that would justify an exception to the mandatory 30-day deadline and dismiss the appeal.

While we need not rule on the merits because the appeal was untimely filed, we note that school system employees should not make such statements as the safety of Maryland’s public schools is a serious matter of paramount importance. The local board recognized this stating as follows:

Under state law and AACPS policies governing employee conduct, the Superintendent and the Board have both the responsibility and authority to maintain safe schools. There is simply no appropriate setting in which a school employee can, even “jokingly,” suggest using a firearm against others as a response to something they are doing that may frustrate the employee. As the Superintendent notes, in the current era of mass shooting and proliferation of guns in the United States, it would be irresponsible for school administrators to consider such a statement by Appellant or any employee as anything other than a serious threat.

(Local Bd. Decision). All school system employees have a role to play in creating a safe environment for students and staff and must conduct themselves in accordance with school system policies and procedures.

Accordingly, it is this 26th day of March 2024, by the Maryland State Board of Education, ORDERED, that the appeal is dismissed for untimeliness. COMAR 13A.01.05.03B.

MARYLAND STATE BOARD OF EDUCATION

Signature on File:

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Clarence C. Crawford  
President