

IN THE MATTER OF

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BEFORE THE BOARD

CHANGE OF CASE MANAGER

OF EDUCATION OF

CARROLL COUNTY

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DECISION OF THE BOARD OF EDUCATION OF CARROLL COUNTY

Now pending before the Board of Education of Carroll County (the "Board") is an appeal filed pursuant to Section 4-205(c) of the Education Article to the Annotated Code of Maryland by _____ on behalf of her daughter _____, a student at Westminster High School ("WHS"), concerning a request to have _____ case manager changed.

_____ appeals from the April 27, 2016 decision of Superintendent Stephen H. Guthrie dismissing the appeal on the grounds that it was not timely filed. For the reasons discussed below, we shall affirm the dismissal of the appeal without the need for an evidentiary hearing or oral argument.¹

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This appeal centers upon a request by _____ that _____ special education case manager be changed. This request was denied by WHS Principal Jeffrey Hopkins on March 8, 2016. On April 25, 2016, _____ appealed Mr. Hopkins' decision to Superintendent Guthrie. On April 27, 2016, Superintendent Guthrie dismissed _____ appeal as untimely, and _____ promptly appealed that decision to this Board.

¹ The State Board has long held that there is no need for an evidentiary hearing or oral argument when, as in this case, the appeal does not involve an alleged liberty or property interest deprivation thereby invoking the protections of the Fourteenth Amendment Due Process Clause. See *Bricker v. Frederick County Board of Education*, 3 Op. MSBE 99 (1982); *Anderson and Blake v. Board of Education of Prince George's County*, 5 Op. MSBE 415, 417 (1989). For this reason, and because we do not believe that a hearing would aid us in the decision-making process, we decline to conduct an evidentiary hearing or oral argument on this appeal but shall render a decision based upon the written record presented to us.


Section 4-205(c) of the Education Article to the Annotated Code prescribes a thirty-day time period for the filing of an appeal from a decision by the Superintendent to the Board, and, thereafter, to the State Board. Although this Section of the Code is silent on the time frame for asserting an appeal from a decision by a principal to the Superintendent, the Grievance and Appeal Procedure outlined on page 65 of the Carroll County Public Schools Informational Calendar sets forth a process for students and parents to file grievances and appeals from the school level to the Superintendent and then, in accordance with Section 4-205(c) of the Education Article to the Annotated Code, from the Superintendent to this Board. Under the Grievance and Appeal Procedure, any appeal of a decision by a principal must be submitted to the Superintendent "within five (5) school days of the principal's decision." In this case, however, _____ filed her appeal of Mr. Hopkins' March 8, 2016 decision on April 25, 2016 – well beyond the deadline for filing an appeal under the Grievance and Appeal Procedure and even beyond the thirty days provided for appeals under Section 4-205(c). Accordingly, we shall affirm the Superintendent's decision to dismiss this appeal as untimely.

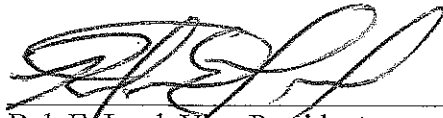
DECISION

For the reasons discussed above, this Board dismisses the appeal in this matter on the grounds that it was not timely filed with the Superintendent. Should she choose to do so, _____ may appeal this decision to the Maryland State Board of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, in writing, within thirty days of the date of this decision.

Date

7/13/16


James L. Doolan, President



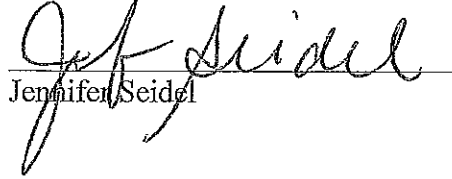
Bob E. Lord, Vice-President

(absent)

Virginia R. Harrison

(recused)

Devon M. Rothschild



Jennifer Seidel