



MEMORANDUM

TO: Members of the State Board of Education
FROM: Becky Bowman, State Board Administrator
DATE: January 30, 2012
SUBJECT: SBOE Hearing #1112012

A recommended decision was issued in the above-referenced cause on December 22, 2011, and was received by the Petitioners' attorney on December 27, 2011. The recommended decision included a notice that any objection to the recommended decision must be mailed to the State Board Administrator no later than 15 calendar days after receipt. The deadline for objections to be filed in this case was January 11, 2012.

On January 17, I received a call from Steve Harris, counsel for the school, who indicated that he had received the parents' objections to the recommended decision on January 3 and wanted to know when the Board would hear the objections. I advised that, as of that date, no objections had been filed with the Board. Mr. Harris contacted Allen Lidy, counsel for the parents, who then contacted me on January 19. Mr. Lidy advised that a courier from his office hand delivered the objections to the Department's State House office on January 3. However, despite common practice, Mr. Lidy's courier did not obtain date stamped copy of the document or a signed receipt for the delivery and is unable able to demonstrate that the objections were timely filed. Although Mr. Lidy's courier accurately described the office where he delivered the document, neither staff person in the office is able to recall the delivery. On January 19, Mr. Lidy provided me with a copy of the objections via email.

Given these circumstances, the Board must determine whether to accept the objections provided on January 19 as timely filed under the established procedures. This is noted as the last action item on the Board's agenda.