

FREDERICK OUTDOOR DISCOVERY  
CHARTER SCHOOL,

Appellant  
v.

BOARD OF EDUCATION OF  
FREDERICK COUNTY,

Appellee.

BEFORE THE  
MARYLAND  
STATE BOARD  
OF EDUCATION

Opinion No. 13-36

## OPINION

### INTRODUCTION

The Appellant has requested that the State Board reconsider its February 26, 2013 Opinion in *Frederick Outdoor Discovery Charter Sch. v. Board of Educ. of Frederick County*, MSBE Op. No. 13-14. The Frederick County Board of Education (local board) has filed an opposition to the request for reconsideration.

### FATUAL BACKGROUND

In *Frederick Outdoor Discovery Charter Sch. v. Board of Educ. of Frederick County*, *supra*, this Board affirmed the local board's decision denying Appellant's charter school application. This Board did so based on the view that the curriculum design issue alone was sufficient to support the denial. In addition, we found no particular bias on the part of the local board against the charter school specifically or charter schools in general. Nor did we find a lack of meaningful technical assistance by the school system throughout the application and review process.

### STANDARD OF REVIEW

A decision on a request for reconsideration shall be made in the discretion of the State Board except that a decision may not be disturbed unless there is sufficient indication in the request that:

- (1) The decision resulted from a mistake or error of law; or
- (2) New facts material to the issues have been discovered or have occurred subsequent to the decision.

The State Board may refuse to consider facts that the party could have produced while the appeal was pending. The State Board may, in its discretion, abrogate, change or modify the original decision. COMAR 13A.01.05.10D.

LEGAL ANALYSIS

In its reconsideration request, Appellant argues that the State Board's decision resulted from a mistake or error of law because the State Board failed to analyze the majority of the Appellant's grievances and did not sufficiently analyze the curriculum design issue.

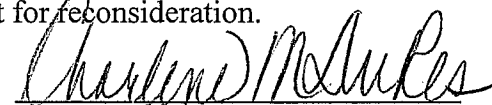
COMAR 13A.01.05.09 requires final decisions of the State Board to include a factual background, analysis and legal conclusion. There is no requirement that the State Board analyze with specificity each and every issue raised by an appellant. Rather, the State Board is required to provide an analysis of the appeal to determine whether or not an appellant has met the burden of proving that the local board's decision was arbitrary, unreasonable or illegal.

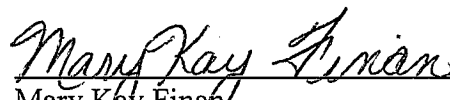
In the decision in this case, the State Board grouped Appellant's claims into the following three general categories: (1) unspoken illegal consideration of the fiscal status of the local school system; (2) local board bias against charter schools; and (3) lack of a meaningful technical review process. MSBE Op. No. 13-14 at 5. For each category, the State Board provided an analysis. *Id.* Because we found that there was no illegal bias, no lack of meaningful technical assistance, and that the curriculum design issue alone was a sufficient reason to deny the application, there was no legal requirement that the Board decide every other remaining allegation raised by the Appellant. Thus, the lack of analysis on those issues does not render the opinion defective as a matter of law.

With regard to Appellant's argument that the State Board did not provide sufficient analysis of the curriculum issues, we disagree. We explained that the central issue of concern with the application was curriculum design which "arose when the application attempted to align and mesh the Voluntary State Curriculum and the Common Core Curriculum." (*Id.* at 6). We reviewed all of the evidence presented in the case and found that the school system curriculum staff's assessment of the adequacy of the curriculum was the most persuasive. Given this conclusion, it is axiomatic that we did not find the Appellant's evidence convincing in this area.

CONCLUSION

Because the Appellant has failed to provide an adequate basis for reconsideration of MSBE Op. No. 11-12, we deny Appellant's request for reconsideration.

  
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June 25, 2013