

HUMANITARIAN OUTREACH DEVELOPMENT
GROUP

Appellant

v.

BALTIMORE CITY BOARD OF SCHOOL
COMMISSIONERS,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 10-43

OPINION

INTRODUCTION

The charter school applicant, Humanitarian Outreach Development Group, has appealed the denial of the charter school applications for four proposed charter schools: Success Academy, New Direction Academy, Steuart Hill, and Northeast Academy. The Baltimore City Board of School Commissioners ("local board") has filed a Motion for Summary Affirmance maintaining that its decision denying the charters should be upheld. The Appellant has filed a response to the local board's Motion.

FACTUAL BACKGROUND

On October 22, 2009, the local board received applications from the Appellant to operate four charter schools in the Baltimore City Public School System ("BCPSS"). The applications proposed that the Appellant convert four existing Baltimore City public schools and operate them as public charter schools. The schools that the Appellant proposed for conversion are William Pinderhughes Elementary Middle School, Patapsco Elementary/Middle School, Steuart Hill Academy and Waverly Elementary School.

BCPSS staff reviewed and scored the applications, and interviewed Mr. Gerald Kiner, Chief Educational Officer for the Appellant. (Motion, Ex. 1, Affidavit of Tammie Knights). The applications for all four of the schools were similar in terms of program, governance, and overall structure. (Motion, Ex. 3, Local Board Meeting Minutes, 2/23/10, p.164).

On February 23, 2010, the local board considered the applications submitted by the Appellant during an open session meeting. BCPSS staff raised concerns about the applications, including their view that it "was unclear that the founding team understood school financing and budgeting." (*Id.* at p.167). Accepting the recommendation of BCPSS staff, the local board voted to deny the charter school applications. (*Id.* at p.168). The local board provided the following rational for its decision:

- The lack of a cohesive, coherent, manageable and integrated instructional

model. The proposals failed to reference how the curriculum is aligned with the stated vision or provide a sound rationale for the selected curriculum.

- The proposals did not possess the sound operational and management experience necessary to support instructional priorities.
- The proposals lacks a results-oriented approach to education and failed to provide evidence of ability to improve instruction and student achievement.

(Motion, Ex. 2, Alonso Letter, 2/26/10).

This appeal to the State Board followed.

STANDARD OF REVIEW

In charter school application denial cases, this Board uses the standard of review for cases and controversies involving the rules and regulations of the local board. *UMOJA Academy v. Baltimore City Bd. of Sch. Comm'rs.*, MSBE Op. No. 06-14 (2006); *Potomac Charter School v. Prince George's County Bd. of Educ.*, MSBE Op. No. 05-08 (2005). Under that standard, the State Board considers the decision of the local board to be *prima facie* correct, and the State Board will not substitute its judgment for that of the local board unless its decision is arbitrary, unreasonable or illegal. COMAR 13A.01.05.05A.

ANALYSIS

The local board provided the Appellant several reasons for its denial of the proposed charter school applications. It is the Appellant's burden to demonstrate why the local board's decision was arbitrary, unreasonable or illegal. COMAR 13A.01.05.05D.

In its letter of appeal, the Appellant states the following reasons in support of its position:

1. The expertise and leadership of Appellant's board members far excels leadership at the four failing schools it plans to convert into charter schools;
2. Appellant's curriculum has a track record of success that far excels the track record of the four schools;
3. Appellant's applications contain evidence of community support that shows the community's demand that the schools be converted into charter schools;
4. The history of the local school district's repeated failure to transform the four schools into successful schools mandates that

Appellant be awarded the opportunity to turn them around;

5. Appellant's application far excels previous applications that have been awarded.

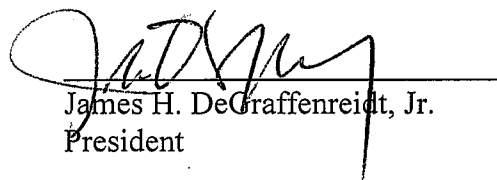
(Letter of Appeal). While the Appellant attached the four charter school applications as exhibits, the Appellant provided no substantive argument or explanation in its letter of appeal to advance its case other than the statements above. (*Id.*).

In both its letter of appeal and in its response to the local board's motion, the Appellant relies on broad general statements regarding why the local board should have granted the charters. For example, in its response to the local board's Motion, the Appellant states that one of its team members explained to BCPSS staff how its charter school instructional model was effective and would align with the Maryland standards, but Appellant does not specify the reasons or provide an affidavit from the team member. In addition, the Appellant fails to counter the local board's determination that the applications lack a results oriented approach and lack evidence of ability to improve instruction other than claiming that the local board has outdated opinions and did not understand the information presented. In response to the local board's statement that the proposals fail to possess the sound operational and management experience necessary to support instructional priorities, the Appellant simply states that it intends to hire the same bookkeepers and auditors used by KIPP Baltimore to handle the business operations of the schools. Appellant provides no further information on this point and no affidavit attesting to this fact.

BCPSS was in a firsthand position to review the Appellant's applications, to interview the Appellant, and to make the determination as to the efficacy of its operations for the provision of charter school services. The local board has determined that the Appellant's proposals are insufficient to warrant the grant of a charter. It is the Appellant's burden to prove its case before the State Board. The Appellant has not provided sufficient facts or argument to sustain its position that the local board's decision should be reversed.

CONCLUSION

Because the Appellant has failed to demonstrate that the local board's decision was arbitrary, unreasonable or illegal, we affirm the decision of the local board.


James H. DeGraffenreidt, Jr.
President

Charlene M. Dukes ^{1/20/05}
Charlene M. Dukes
Vice President

Mary Kay Finan
Mary Kay Finan

S. James Gates, Jr.
S. James Gates, Jr.

Luisa Montero-Diaz ^{1/20/05}
Luisa Montero-Diaz

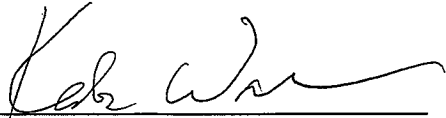
Sayed M. Naved
Sayed M. Naved

Madhu Sidhu
Madhu Sidhu

Guffie M. Smith, Jr.
Guffie M. Smith, Jr.

Donna Hill Staton
Donna Hill Staton

ABSENT
Ivan C.A. Walks



Kate Walsh

October 26, 2010