

JANICE P. SPIEGEL

Appellant

v.

FREDERICK COUNTY  
BOARD OF EDUCATION

Appellee

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR11-13

ORDER

Appellant filed an appeal with the State Board for review of the Frederick County Board of Education's decision to grant conditional approval of the charter school application for Frederick Classical Charter School. The local board initially denied the application, but later granted conditional approval after reconsidering the application with modifications provided by the applicant. Appellant alleges that the local board's decision to reconsider the application after it was initially denied and then modified by the applicant, rather than requiring the applicant to resubmit the revised application during the next application review cycle, violated the local board's charter school policy.

The local board has filed a Motion to Dismiss the case asserting that Appellant lacks standing to appeal the decision to the State Board.<sup>1</sup>

We have established that in order to have standing before this Board, an appellant must demonstrate some injury or harm different from a generalized interest in the subject matter of the case. The Board has said:

[T]he general rule on standing is that "for an individual to have standing . . . he must show some direct interest or 'injury in fact, economic or otherwise'." See *Schwalm v. Montgomery County Board of Education*, MSBE Opinion No. 00-10 (February 23, 2000); *Vera v. Board of Education of Montgomery County*, 7 Op. MSBE 251 (1996); *Way v. Howard County Board of Education*, 5 Op. MSBE 349 (1989). This showing of a direct interest or injury in fact requires that the individual be personally and specifically affected in a way different from the public generally and is, therefore, aggrieved by the final decision of the administrative agency. See *Bryniarski v. Montgomery County Bd. of Appeals*, 247 Md. 137, 144 (1967).

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<sup>1</sup> Alternatively, the local board has filed a Motion for Summary Affirmance maintaining that its decision was justified in light of the State Board's rulings in *Global Garden Public Charter School, Inc. v. Montgomery County Bd. of Educ.*, MSBE Op. No. 11-01 (2011), issued approximately two months after the initial denial. Because we have dismissed the appeal for lack of standing, we need not address the issues raised in the Motion for Summary Affirmance.

*Sartucci v. Montgomery County Bd. of Educ.*, MSBE Op. No. 10-31 (2010).

The Appellant maintains that she has satisfied standing requirements because she served on the school system's charter review team for a different charter school application, is a former Maryland PTA Policy Committee Chair, is a former President of the PTA Council of Frederick County, has served on the Frederick County Family Involvement Steering Committee, and serves on the Frederick County Superintendent's Advisory Council. (Opposition to Mtn., pp.4-5).

In our view, Appellant's past and present participation in these groups does not give her a direct interest or injury in fact sufficient to confer standing here. The fact that Appellant has experience and possesses some knowledge about the charter school process and the manner in which the school system operates does not give her any more of an interest in the local board's decision than any other citizen in Frederick County. *See Stone v. Carroll County Bd. of Educ.*, MSBE Order No. OR09-04 (2009)(status as former member of local board did not confer standing to appeal decision regarding school calendar). Nor does it place her in a position of harm as a result of the local board's decision.

To the extent that Appellant claims to have taxpayer standing, this Board has interpreted taxpayer standing to require "a showing that the action being challenged results in pecuniary loss or an increase in taxes. *Id.*, citing *Stovall v. Secretary of State*, 252 Md. 258, 263 (1964). Appellant has not shown that the local board's decision to grant conditional approval to the charter school will increase her taxes or cause her to suffer any pecuniary loss. *Id.*

Therefore, it is this 6<sup>th</sup> day of December, 2011, by the Maryland State Board of Education,

ORDERED, that the appeal referenced above be and the same is hereby dismissed. *See* COMAR 13A.01.05.03C(1)(c).

MARYLAND STATE BOARD OF EDUCATION



James H. DeGraffenreidt, Jr.  
President