

PARENT ADVISORY COUNCIL  
OF FRIENDSHIP ACADEMY OF SCIENCE  
AND TECHNOLOGY

Appellant

v.

BALTIMORE CITY BOARD OF  
SCHOOL COMMISSIONERS,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 14-44

## OPINION

### INTRODUCTION

The Parent Advisory Council of the Friendship Academy of Science and Technology (“FAST”) has appealed the decision of the Baltimore City Board of School Commissioners (local board) to close the school. The local board filed a Motion for Summary Affirmance maintaining that its decision was not arbitrary, unreasonable, or illegal. Appellant has responded and the local board replied.

### FACTUAL BACKGROUND

FAST is a charter school operated by Friendship Public Charter School, Inc., that serves middle and high school students in grades 6 to 12 with a focus on career preparation in environmental science, biosciences, medical sciences, and computer networking. Its first class of students graduated in 2012. During the fall of 2013, BCPS staff recommended that FAST’s charter be renewed for a three-year term. In the renewal report, BCPS staff rated FAST as “developing” in the areas of academic performance and school climate; “effective” in financial management and school governance; “highly effective” in College and Career Readiness;<sup>1</sup> but “not effective” in MSA Math and Reading Growth for grades 6 to 8 and in its four-year cohort graduation rate. FAST was rated “effective” in having an engaged community and families. As part of the renewal recommendation, the report recommended that FAST move to a new building in 2016 to help alleviate overcrowding. (Motion, Ex. 9)

BCPS staff presented this recommendation to the local board on December 17, 2013. The local board voted to reject the three-year renewal recommendation and not renew the contract. BCPS informed FAST that it had 30 days to appeal the local board’s decision. (Motion, Ex. 6). Neither FAST nor the Appellant here appealed that decision.

On December 19, 2013, Tisha Edwards, the Interim CEO of BCPS, sent a letter to the

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<sup>1</sup> The College and Career Readiness category considered the percentage of students who participated in the SAT or ACT; passed an AP or IP exam; took three years of CTE courses; or enrolled in a postsecondary institution within 16 months of graduating from high school.

families of students who attended FAST. The letter stated that the local board had reviewed the school's renewal report, along with "additional factors including academic performance, enrollment trends and facilities needs in the context of districtwide programming for middle and high school grades and of specific needs in the Canton area." She explained that the local board voted to not renew FAST's contract and that the school would close at the end of the academic year. She informed families that BCPS would be contacting them about upcoming meetings of the School Steering Committee that they could attend to learn more about the closure process and provide feedback. (Motion, Ex. 1).

Pursuant to BCPS regulations, the School Steering Committee met twice and received comments from parents, students, and school staff that were later conveyed to the local board. The bulk of the comments questioned why the local board voted to revoke FAST's charter and raised concerns about the impact the school closure would have on Latino students. (Motion, Ex. 26). At a February 11, 2014 meeting, the local board heard testimony from parents, students, and school staff who were against the closure.

On February 25, 2014, the local board voted to accept BCPS's recommendation to close FAST. (Motion, Ex. 29). Appellant filed this appeal to the State Board on March 13, 2014.

#### STANDARD OF REVIEW

The local board's decision will be upheld unless the Appellant proves that the decision was arbitrary, unreasonable, or illegal. *See* COMAR 13A.01.05.05A; 13A.02.09.03B.

#### LEGAL ANALYSIS

The Appellant casts its appeal in part as a challenge to the decision to revoke the FAST charter. It also challenges the decision to close the school.

##### *Non-renewal of the charter*

Appellant argues that FAST officials were misled into thinking the school would receive a three-year renewal and that the local board acted arbitrarily by not renewing FAST's charter. COMAR 13A.01.05.02B(1)(a) requires that an appeal be taken within 30 calendar days of a local board's decision. The local board voted to not renew FAST's charter on December 17, 2013. Appellant filed this appeal on March 13, 2014, almost three months later. Accordingly, Appellant's appeal is untimely. Its challenge to the nonrenewal decision cannot be heard and will be dismissed.

##### *School closure*

The remainder of Appellant's arguments concern the local board's decision to close FAST and the process that BCPS followed leading up to that decision. Under COMAR 13A.01.05.07A(1), we transfer all appeals of school closings taken pursuant to COMAR 13A.02.09 to the Office of Administrative Hearings for a hearing before an Administrative Law Judge ("ALJ"). Because we have already concluded that Appellant's challenge to the charter

nonrenewal decision was untimely, the Appellant cannot litigate the nonrenewal issue. In the upcoming administrative proceeding, the charter nonrenewal decision must be treated as an undisputed fact. The issue before the ALJ must be limited to whether the local board's decision to close the school was arbitrary, unreasonable, or illegal. The ALJ shall submit a proposed decision containing findings of fact, conclusions of law, and recommendations and the parties shall be afforded the opportunity to file exceptions before this Board issues a final decision. See COMAR 13A.01.05.07E.

CONCLUSION

For the reasons stated herein, we dismiss that part of the appeal challenging the local board's decision not to renew the charter for FAST based on untimeliness. We transmit the remainder of the case to the Office of Administrative Hearings solely for review of the local board's decision to close FAST.

*Absent*

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*Mary Kay Finan*  
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Guffrie M. Smith, Jr.

July 22, 2014