DOUGLAS MEILANDER AND CARROLLTON RIDGE COMMUNITY ASSOCIATION, Appellant v. BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS Appellee.	BEFORE THE MARYLAND STATE BOARD OF EDUCATION Opinion No. 17-20

OPINION

The Appellants, Douglas Meilander, Pastor of St. Thomas Lutheran Church, and Carrolltown Ridge Community Association (CRCA), appealed the decision of the Baltimore City Board of School Commissioners (local board) to close Samuel F. B. Morse Elementary School and to surplus the building to the City of Baltimore. The local board voted on the matter at its December 13, 2016 board meeting, and issued its written decision on January 13, 2017.

Pursuant to COMAR 13A.01.05.07(A)(1), we transferred the case to the Office of Administrative Hearings (OAH) for review by an Administrative Law Judge (ALJ). The local board filed two motions to dismiss the appeal. In the first motion, the local board requested dismissal based on premature filing because the Appellants had filed the appeal one day before the local board issued its written decision. In the second motion, the local board requested dismissal alleging that both of the Appellants lacked standing to appeal the school closure.

On April 24, 2017, the ALJ issued a Proposed Ruling on Motions to Dismiss granting the local board's motion to dismiss for lack of standing. The ALJ found that neither of the Appellants had demonstrated the requisite "direct interest" or "injury in fact" to establish standing to appeal to the State Board. He noted that Pastor Meilander's deep connection to the children and families in the neighborhood was insufficient to confer standing on him and that CRCA had failed to explain its basis for standing. He recommended, therefore, that the State Board dismiss the appeal. With regard to the motion to dismiss for premature filing of the appeal, the ALJ denied that motion explaining that the issue was moot given his determination that the parties lacked standing to appeal.[1]

The Appellants did not file exceptions to the ALJ's Proposed Ruling. We agree with the ALJ's Proposed Ruling and adopt it in its entirety. It is attached to this Opinion and fully

[1] The ALJ also denied the CRCA's April 5, 2017, request for an extension of time to respond to the motion to dismiss for lack of standing and a continuance of the OAH hearing dates. The ALJ denied CRCA's request, finding that the CRCA "had many months to find an attorney to represent it in this matter" and could not "come in at the eleventh hour . . . and cause the parties and OAH to adjust the schedule developed during the [Prehearing] Conference." (ALJ Proposed Ruling at 4).

incorporated herein. Accordingly, we dismiss the appeal for lack of standing. COMAR 13A.01.05.03(C)(1)(c).

Signatures on File:

_____
Chester E. Finn, Jr.
Vice-President

_____
Michele Jenkins Guyton

_____
Stephanie R. Iszard

_____
Rose Maria Li

_____
Madhu Sidhu

_____
Guffrie M. Smith, Jr.

_____
David Steiner

Dissent

The issue of standing in school closure, consolidation, and redistricting cases has broad public policy implications worthy of study and public debate. We are concerned that our policy on standing is too narrow and fails to consider the community's interest in the local school system. We realize this is a policy question that cannot be addressed through a single case, but we hope that the State Board will revisit this standard at a future meeting.

Signatures on File:

_____
Andrew R. Smarick
President

_____
Laura Weeldreyer

May 23, 2017

DOUGLAS MEILANDER, et al.,	*	**BEFORE NEILE S. FRIEDMAN,**
APPELLANTS	*	**AN ADMINISTRATIVE LAW JUDGE**
v.	*	**OF THE MARYLAND OFFICE**
BALTIMORE CITY BOARD OF	*	**OF ADMINISTRATIVE HEARINGS**
SCHOOL COMMISSIONERS,	*	**OAH No.: MSDE-BE-16-17-02982**
RESPONDENT	*	

* * * * * * * * * * * * * *

PROPOSED RULING ON MOTIONS TO DISMISS

BACKGROUND
ISSUE
DISCUSSION
CONCLUSIONS OF LAW
PROPOSED ORDER
RIGHT TO FILE EXCEPTIONS

BACKGROUND

On January 12, 2017, Douglas Meilander, Pastor, St. Thomas Lutheran Church (Church) and Carrollton Ridge Community Association (CRCA) (Appellants) filed an appeal with the Maryland State Board of Education (State Board) of the Baltimore City Board of School Commissioners' (Local Board) decision to close Samuel F. B. Morse Elementary School (Morse) during the summer of 2017.

On January 27, 2017, the State Board transmitted the appeal to the Office of Administrative Hearings (OAH) to conduct a hearing before an Administrative Law Judge (ALJ). Code of Maryland Regulations (COMAR) 13A.01.05.07A(1).

On February 21, 2017, the Local Board filed a Motion to Dismiss the appeal (Motion I). In Motion I, the Local Board asserts that Appellants filed their appeal prematurely, on January 12, 2017, prior to the date the Local Board issued its written decision along with its rationale for

the school closure. The Local Board's written school closure decision was issued on January 13, 2017. The Appellants failed to file a response to Motion I.

On March 24, 2017, I conducted an In-Person Prehearing Conference (Conference),[1] at which time I heard arguments on Motion I. I also scheduled dates for the filing of a motion to dismiss based upon standing, which the Local Board indicated it intended to file, and dates for the filing of responses. The Local Board's motion was to be filed no later than March 27, 2017; the Appellant's response, at their specific request, was to be due no later than April 10, 2017. At the Conference, I also scheduled discovery and final witness list exchanges; and I scheduled the hearing on the merits to be held on May 15-17, 2017. On March 27, 2017, I issued a Prehearing Conference Report and Scheduling Order outlining the schedule established at the Conference.

On March 27, 2017, the Local Board filed its Motion to Dismiss, raising arguments regarding standing (Motion II). In the motion, the Local Board also raised, for the first time, the issue of the Appellant CRCA's status as a corporation and need to be represented by counsel. CRCA did not identify itself as a corporation in its request for appeal or in its prehearing statement. The issue did not come up at the Conference, at which the CRCA did not have counsel present.

As the Board pointed out in Motion II, a corporation must be represented by an individual who is licensed to practice law except under specific circumstances not applicable to this case. Md. Code Ann., State Gov't § 9-1607.1 (2014). Accordingly, the CRCA, which was ostensibly

[1] The Conference was originally scheduled for March 15, 2017; however it had to be continued due to the State's declaration of liberal leave as a result of a snowstorm, which meant that all hearings were automatically postponed.

represented by its President, Cynthia Tensley,[2] and not by an attorney, failed to appear, from a legal perspective, at that Conference.[3]

Accordingly, in a letter dated March 30, 2017, I ordered that, no later than Monday, April 3, 2017, the parties shall provide me with the following information:

1. The Board and the CRCA shall provide me with documentation verifying the corporate status of the CRCA;
2. Pastor Meilander shall inform me if he intends to proceed in this case as an individual on his own behalf or as a representative of the Church;
3. If Pastor Meilander intends to proceed not as an individual but as a representative of the Church, then he and the Board shall provide me with documentation verifying the legal, corporate status of the Church; and
4. Any party in this case that is a corporation shall provide me with its plans with respect to hiring an attorney to represent it in this case.

Neither Pastor Meilander nor the Local Board responded to my March 30, 2017 letter. Ms. Tensley responded on April 5, 2017,[4] requesting a two to three week extension for CRCA's filing of its response to Motion II and for a similar continuance of the hearing dates. She attached an April 5, 2017 letter to the OAH from Shana Roth-Gormley, Esq., pro bono coordinator for the Community Law Center (CLC),[5] indicating that on April 3, 2017, CRCA applied for legal assistance from CLC and that CLC was "seeking an appropriate pro bono attorney to represent the organization." In her letter, Ms. Roth-Gormley stated that she

---

[2] Ms. Tensley represented in her pre-hearing statement that she is the President of CRCA; in her appeal letter, filed on January 12, 2017 on behalf of the CRCA, she identified herself as its Acting President.

[3] In addition, after I reviewed Motion II, I looked again at the appeal filed by Appellant Pastor Meilander, and it became unclear to me whether Pastor Meilander filed his school closure appeal on behalf of himself individually, or on behalf of the Church. If he has filed the appeal on behalf of the Church, the issue of corporate representation arises for him as well.

[4] Ms. Tensley ignored my instruction to provide me with documentation verifying the corporate status of CRCA.

[5] In her letter, Ms. Roth-Gormley also did not address my instruction to provide documentation of CRCA's corporate status, but she did refer to CRCA as "Carrollton Ridge Community Association, Inc."

"support[s] the request for an extension of the April 10, 2017 deadline for a reply to the Motion to Dismiss . . . as well as a postponement of the hearing on the merits on May 15, 16 and 17, 2017." Neither Ms. Tenley's letter nor Ms. Roth-Gormley's letter contained a certificate of service, indicating that the letters were served on the Local Board and on Pastor Meilander, as required by COMAR 28.02.01.10.

As a result, on April 7, 2016 the OAH notified Ms. Tensley that she needed to provide a copy to the other parties in the case, and she apparently did not do so until two days later. On April 14, 2017, the Local Board filed a letter in opposition to the postponement request. Attached to its letter, the Local Board included a photocopy of the fax it received on April 7, 2017 from the CRCA, enclosing the April 5, 2017 letters from Ms. Tensley and Ms. Roth-Gormley. Pastor Meilander failed to respond to the April 5, 2017 letters.

CRCA's request for a "two to three week" extension of time to respond to Motion II and a two to three week continuance of the hearing dates is denied. Appellant CRCA, as a corporate entity, should have filed its January 12, 2017 appeal through an attorney; it should have filed prehearing statements through an attorney; and it should have appeared at the Conference through an attorney. In OAH's February 3, 2017 and March 16, 2017 Notices of Conference, OAH specifically informed the parties that, "[t]he law governing the unauthorized practice of law may require certain parties to be represented by an attorney." And, in a blue flyer, conspicuously attached to both Notices, OAH further informed the parties that: "Corporations, partnerships and similar business entities are required to be represented by an attorney in most actions before OAH."

Indeed, CRCA has had many months to find an attorney to represent it in this matter, and it may not come in at the eleventh hour, after the Conference, and cause the parties and the OAH to adjust the schedule developed during the Conference. Accordingly, good cause having *not*

been shown in favor of granting the extensions of time, the request is hereby denied. COMAR 28.02.01.16C. I will now rule on all the motions before me.

Procedure is governed by the Administrative Procedure Act, the regulations of the State Board, and the OAH Rules of Procedure. Md. Code Ann., State Gov't §§ 10-201 through 10-226 (2014 & Supp. 2016); COMAR 13A.01.05; COMAR 28.02.01. Any dispositive decision by the ALJ will be a recommendation in the form of a proposed decision to the State Board. COMAR 13A.01.05.07E.

ISSUE

Should the Local Board's Motions be granted?

DISCUSSION

In Motion II, the Local Board moved that the Appellants lack standing to appeal the Local Board's January 13, 2017 determination to close Morse, and therefore, their appeal should be dismissed.

The State Board's regulations provide for a Motion to Dismiss in COMAR 13A.01.05.03C, as follows:

> **.03. Response to Appeals.**
>
> . . . .
>
> C. Motion to Dismiss.
>
> (1) A motion to dismiss shall specifically state the facts and reasons upon which the motion is based that may include, but are not limited to, the following:
>
> (a) The county board has not made a final decision;
> (b) The appeal has become moot;
> (c) The appellant lacks standing to bring the appeal;
> (d) The State Board has no jurisdiction over the appeal; or
> (e) The appeal has not been filed within the time prescribed by Regulation .02B of this chapter.
>
> (2) The State Board may, on its own motion, or on motion filed by any party, dismiss an appeal for one or more of the reasons listed in §C(1) of this regulation.

The OAH's Rules of Procedure similarly provide for consideration of a motion to dismiss under COMAR 28.02.01.12C, which provides as follows:

> C. Motion to Dismiss. Upon motion, the judge may issue a proposed or final decision dismissing an initial pleading which fails to state a claim for which relief may be granted.

In considering a motion to dismiss, an ALJ may not go beyond the "initial pleading," defined under COMAR 28.02.01.02B(7) as "a notice of agency action, an appeal of an agency action, or any other request for a hearing by a person." The "initial pleading" in this case is the appeal filed by the Appellants on January 12, 2017.

COMAR 28.02.01.12C parallels Maryland Rule 2-322(b)(2) (failure to state a claim upon which relief can be granted) and, therefore, case law construing that rule is helpful in analyzing a similar motion under the procedural regulations of the OAH. In a motion to dismiss, the moving party must establish that it is entitled to relief. *See Lubore v. RPM Assocs., Inc.*, 109 Md. App. 312, 322-23 (1996); *Rossaki v. NUS Corp.*, 116 Md. App. 11, 18-19 (1997). Furthermore, when construing a motion of this nature, the ALJ is required to examine the evidence in the light most favorable to the non-moving party. Case law establishes several relevant rules. First, the properly pleaded allegations contained in a complaint are accepted as true. Second, reasonable inferences favorable to the complainant are drawn from the properly pleaded facts. Third, any ambiguity or uncertainty in the allegations is construed against the complainant. *Manikhi v. Mass Transit Admin.*, 360 Md. 333, 344-45 (2000).

In the instant matter, the Local Board requests dismissal of the case as to both Appellants, on the basis that each lacks standing to pursue the case. Numerous cases have addressed what is required before a party has standing. *Flast v. Cohen*, 392 U.S. 83, 99 (1968), addressed the

concept of standing, in general. Acknowledging the amorphous or fluid nature of the jurisdictional concept, the Court explained that the:

> fundamental aspect of standing is that it focuses on the party seeking to get his complaint before a federal court and not on the issues he wishes to have adjudicated. The gist of the question of standing is whether the party seeking relief has alleged such a personal stake in the outcome of the controversy as to assure that concrete adverseness which sharpens the presentation of issues upon which the court so largely depends for illumination of difficult constitutional questions.

Id. (internal quotation marks omitted).

Although constitutional questions are not at issue in this case, the explanation of standing in *Flast* is instructive. The key is whether the party has a sufficient personal stake in the outcome of a case to establish the right to be a party to the proceeding.

The Supreme Court clarified its position on standing before a federal court in *Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1992). In that case, the Court announced that standing requires a showing of three elements, including: (1) injury in fact;[6] (2) a causal connection between the injury and the conduct complained of; and (3) the likelihood "that the injury will be 'redressed by a favorable decision.'" *Id.* at 560-61. The Court determined that environmental groups did not have standing to challenge a regulation of the Secretary of the Interior that required other agencies to confer only with him regarding federally funded projects in the United States and on the high seas. In each of these cases, the issue was whether a party had standing to pursue an action in federal court.

The Maryland Court of Appeals addressed the issue of standing in administrative proceedings in *Sugarloaf Citizens' Ass'n v. Dep't of Env't*, 344 Md. 271 (1996), *partially abrogated by statute as stated in Chesapeake Bay Found., Inc. v. DCW Dutchship Island, LLC*, 439 Md. 588 (2014). This case involved the issuance of construction permits by the Department

[6] This injury is defined as "an invasion of a legally protected interest which is (a) concrete and particularized, and (b) 'actual or imminent' . . . ." *Id.* at 560 (citations and footnote omitted).

of Environment for an incinerator that was to be located adjacent to property owned by association members. The Court explained that, unlike the requirements to establish standing for judicial review, the standard to establish standing in an administrative hearing is substantially lower. The Court:

> recognize[d] a distinction between standing to be a party to an administrative proceeding and standing to bring an action in court for judicial review of an administrative decision. Thus, a person may properly be a party at an agency hearing under Maryland's "relatively lenient standards" for administrative standing but may not have standing in court to challenge an adverse agency decision.

Id. at 285-86; *see also Handley v. Ocean Downs, LLC*, 151 Md. App. 615, 628 (2003) (holding that "[m]ere presence at an administrative proceeding, without active participation, is sufficient to establish oneself as a party to the proceeding"); *Morris v. Howard Research & Dev. Corp.*, 278 Md. 417, 423 (1976); *Mid-Atlantic Power Supply Ass'n v. Pub. Serv. Comm'n of Md.*, 361 Md. 196, 213 (2000). The Court in *Sugarloaf* continued:

> The requirements for administrative standing under Maryland law are not very strict. Absent a statute or a reasonable regulation specifying criteria for administrative standing, one may become a party to an administrative proceeding rather easily.

344 Md. at 286 (citations omitted).

Similarly, in *Bryniarski v. Montgomery Cty. Bd. of Appeals*, 247 Md. 137 (1967), *partially abrogated by statute as stated in Chesapeake Bay Found., Inc. v. DCW Dutchship Island, LLC*, 439 Md. 588 (2014), the Court of Appeals found that appellants had standing to challenge the granting of a zoning ordinance exception because the property at issue was adjacent to the appellants' property and thus, they were "persons aggrieved" by the issuance of the permit. Consistent with the reasoning of *Sugarloaf* and *Morris*, the Court relied on the State zoning laws that required a person to be "aggrieved" to appeal both *to* the Board of Appeals and to appeal *from* a Board of Appeals decision to court. The Court has established through these

cases that, absent a statute or regulation requiring some additional basis for standing, an administrative hearing before an agency requires only the more lenient requirement that a person or entity have participated in some fashion before the agency to establish that the person has standing to challenge an agency decision.

In the instant case, the statutes and regulations regarding a local board's decision to close schools place no restriction on who may appeal the local board's decision to the State Board. With regard to the establishment of public schools, the Education Article provides:

> (a) *County board may establish schools.*—Subject to approval by the State Superintendent and in accordance with the applicable bylaws, rules, and regulations of the State Board, a county board may establish a public school if, in its judgment, it is advisable.
>
> . . . .
>
> (c) *Geographical attendance areas.*—With the advice of the county superintendent, the county board shall determine the geographical attendance area for each school established under this section.

Md. Code Ann., Educ. § 4-109(a) (2014).

COMAR 13A.02.09.03 addresses appeals of local board school closure decisions:

> A. An appeal to the State Board of Education may be submitted in writing within 30 days after the decision of a local board of education.
> B. The State Board of Education will uphold the decision of the local board of education to close and consolidate a school unless the facts presented indicate its decision was arbitrary and unreasonable or illegal.

COMAR 13A.01.05.01B addresses the definitions of "Appellant" and "Party."[7] COMAR 13A.01.05.02 discusses the contents of an appeal. The standard of review in these cases, that the local board's decision was arbitrary, unreasonable, or illegal, is considered in COMAR 13A.01.05.05. That regulation also places the burden of proof on the appellant by a

[7] "'Appellant' means the individual or entity appealing a final decision of a local board." COMAR 13A.01.05.01B(1). "'Party' means either an appellant, respondent, or any person or entity allowed to intervene or participate as a party." COMAR 13A.01.05.01B(8).

preponderance of the evidence. COMAR 13A.01.05.05D. The hearing procedures are addressed in COMAR 13A.01.05.07.

The applicable Education statute and regulations do not address the standing of a party to bring an administrative appeal of a local board's school closing decision. Unlike the zoning statute or regulations in *Bryniarski*, the Education statute and regulations do not require an appellant to be "aggrieved" to appeal the decision of a local board to close schools to the State Board of Education. Absent such a regulation, one might infer that the rather lenient standard announced in *Sugarloaf* controls, and so long as the Appellants participated in some manner before the local board or asserted an interest in the outcome, they shall have standing to challenge the Local Board's decision at the administrative level. However, the fact that there is no controlling regulation or statute does not simply close the discussion on this issue.

Notwithstanding the absence of a statute or a regulation regarding standing, the State Board has consistently held that an Appellant must assert a "direct interest" or "injury in fact" in order to have standing to challenge a decision of the local board.[8] Pursuant to section 10-214(b) of the State Government Article of the Annotated Code of Maryland, I am required to follow "any agency regulation, declaratory ruling, prior adjudication, or other settled, preexisting policy, to the same extent as the agency is or would have been bound if it were hearing the case." Through its decisions, the State Board has established a long-standing policy that an appellant must assert a "direct interest" or "injury in fact" in order to have standing to challenge a decision of the local board. By statute, I am obligated to follow the State Board's preexisting policy to determine the standing of a party to appeal the decision of the Local Board. Therefore, the

[8] *See Marshall v. Balt. City Bd. of Sch. Comm'rs*, No. 03-38 (MSBE Dec. 3, 2003), *available at* http://archives.marylandpublicschools.org/msde/stateboard/legalopinions/legalarchive/2003-2009/legalopinions.htm; *Regan v. Wash. Cty. Bd. of Educ.*, No. 03-13 (MSBE Feb. 26, 2003), *available at* http://archives.marylandpublicschools.org/msde/stateboard/legalopinions/legalarchive/2003-2009/legalopinions.htm; *Bellotte v. Anne Arundel Cty. Bd. of Educ.*, No. 03-08 (MSBE Feb. 26, 2003), *available at* http://archives.marylandpublicschools.org/msde/stateboard/legalopinions/legalarchive/2003-2009/legalopinions.htm; *Stratford Woods Homeowners' Ass'n, Inc. v. Montgomery Cty. Bd. of Educ.*, No. 92-1, 6 Op. MSBE 238 (Jan. 29, 1992).

question becomes whether the Appellants named in the Local Board's Motion have asserted a direct interest or injury in fact to bring this appeal.

A series of cases in which the State Board has established and refined this policy are instructive in demonstrating the characteristics which determine whether a party has standing to pursue an appeal of this nature. Essentially, the State Board has limited standing to appeal a local board's decision to a definable group of parents whose children will be directly affected by the decision, that is, parents whose children who attend the specific schools or programs so affected. *See Clarksburg Civic Ass'n v. Montgomery Cty. Bd. of Educ.*, No. 07-34 (MSBE Aug. 29, 2007), *available at* http://archives.marylandpublicschools.org/msde/stateboard/legalopinions/legal archive/2003-2009/index.html; *Taylor v. Montgomery Cty. Bd. of Educ.*, No. 07-32 (MSBE Aug. 29, 2007), *available at* http://archives.marylandpublicschools.org/msde/stateboard/legal opinions/legalarchive/2003-2009/index.html; *Palmer v. Wicomico Cty. Bd. of Educ.*, No. 99-37 (MSBE July 28, 1999), *available at* http://archives.marylandpublicschools.org/msde/stateboard/ legalopinions/legalarchive/archived.htm.

With respect to organizational standing, the State Board has ruled that organizations such as civic associations will have the burden of showing they have a direct interest of their own—separate and distinct from that of their individual members—which might be affected by the particular appeal." *Clarksburg Civic Ass'n*, No. 07-34, at 3 (quoting *Adams v. Montgomery Cty. Bd. of Educ.*, No. 83-14, 3 Op. MSBE 143, 149 (Apr. 27, 1983)).[9]

Pastor Meilander

In his appeal, Pastor Meilander did not claim that he has any children at Morse. In addition, since he failed to respond to Motion II, Pastor Meilander has not provided me with any other argument as to why he believes he has standing. In his appeal, Pastor Meilander

[9] The State Board does allow a more liberal basis for standing for homeowners' associations. *Stratford Woods*, 6 Op. MSBE at 238. CRCA has not identified itself as a homeowners' association.

maintained that the church he serves as Pastor is located across the street from Morse, and it has an after-school ministry involving some of the children in the school. He contended that he has come to know children and families in the neighborhood and has had experiences with many people whom he has grown to love. The issue in this matter, however, is not whether Pastor Meilander has a deep connection to the children and families in the neighborhood. The issue is whether he possesses the requisite standing to pursue the appeal. He clearly does not.

As previously noted, Pastor Meilander's participation in Local Board meetings or other community outlets designed to oppose the school closure do not confer standing on him to appeal the Local Board's actions. State Board cases require that an "aggrieved" individual must "demonstrate some injury or harm different from a generalized interest" in a case. *Kurth v. Montgomery Cty. Bd. of Educ.*, No. 11-38, at 5 (MSBE Aug. 30, 2011), *available at* http://archives.marylandpublicschools.org/msde/stateboard/legalopinions/index.html. Pastor Meilander's interests, while heartfelt, do not rise to the level of that of a parent whose child attends the specific schools or programs so affected. As such, Pastor Meilander lacks standing to appeal the Local Board's decision to close Morse.

CRCA

The Local Board argues that CRCA[10] lacks standing to appeal because, as a community association, it has not demonstrated any direct interest or injury as a result of the Local Board's decision. Again, CRCA failed to file a response to Motion II, and failed to explain its basis for having standing in this case. In fact, I do not know much about CRCA at all—in its appeal, CRCA failed to describe itself. It described the *community* ("located in southwest Baltimore that has a predominately African American populace . . . besieged by drug dealers, prostitutes and

[10] The Local Board suggests that Ms. Tensley might have filed the appeal on her own behalf, not on behalf of CRCA. I disagree. The appeal is clearly filed on paper bearing the letterhead of the community association and specifically states that it is "From our Community Association." However, I agree with the Local Board that any appeal on behalf of Ms. Tensley personally would be denied for the same reason that Pastor Meilander's is being denied. Since she is not a parent, Ms. Tensley lacks standing to appeal this case.

drug addicts") but not the *Association* or its relationship with Morse or Baltimore City's public schools, if any.

Accordingly, I conclude that also CRCA lacks standing to appeal the issues in this case because it has provided no evidence that it has a direct interest in the Local Board's decision. *Clarksburg Civic Ass'n*, No. 07-34, at 3; *Adams*, 3 Op. MSBE at 149.

Because I have concluded that the parties lack standing to pursue an appeal, the issue raised in Motion I, that the appeal was filed prematurely, is now moot, and therefore it will be denied.

CONCLUSIONS OF LAW

I conclude, as a matter of law, that neither Pastor Meilander nor CRCA have standing to pursue an appeal of the Local Board's January 13, 2017 decision to close Morse. COMAR 13A.01.05.03C; COMAR 28.02.01.12C; *Taylor v. Montgomery Cty. Bd. of Educ.*, No. 07-32 (MSBE Aug. 29, 2007); *Palmer v. Wicomico Cty. Bd. of Educ.*, No. 99-37 (MSBE July 28, 1999); *Clarksburg Civic Ass'n v. Montgomery Cty. Bd. of Educ.*, No. 07-34, at 3 (MSBE Aug. 29, 2007); *Adams v. Montgomery Cty. Bd. of Educ.*, No. 83-14, 3 Op. MSBE 143, 149 (Apr. 27, 1983). Accordingly Motion II will be granted, and the appeal in this case will be dismissed.

I further conclude that the issue raised in Motion I, the Appellants' appeal was filed prematurely, is now moot, and therefore it will be denied.

PROPOSED ORDER

I **PROPOSE** that:

1. The Local Board's Motion II be **GRANTED**;

2. The Local Board's Motion I be **DENIED**; and that

3. The Appeal filed herein be **DISMISSED** for lack of standing by the parties to appeal.

April 24, 2017
Date Ruling Issued

Neile S. Friedman
Administrative Law Judge

NSF/sm
#167709

RIGHT TO FILE EXCEPTIONS

A party objecting to the administrative law judge's proposed decision may file exceptions with the State Board within 15 days of receipt of the findings. A party may respond to exceptions within 15 days of receipt of the exceptions. As appropriate, each party shall append to the party's exceptions or response to exceptions filings copies of the pages of the transcript that support the argument set forth in the party's exceptions or response to exceptions. If exceptions are filed, all parties shall have an opportunity for oral argument before the State Board before a final decision is rendered. Oral argument before the State Board shall be limited to 15 minutes per side. COMAR 13A.01.05.07F.

Copies Mailed To:

Pastor Douglas Meilander
St. Thomas Lutheran Church
339 S. Pulaski Street
Baltimore, MD 21223

Cynthia Tensley, President
Carrollton Ridge Community Association
P.O. Box 20628
Baltimore, MD 21223

Dante' Blue, Associate Counsel
Baltimore City Public Schools
Office of Legal Counsel
200 E. North Avenue, Suite 208
Baltimore, MD 21202