

JANIS SARTUCCI,

Appellants

v.

MONTGOMERY COUNTY
BOARD OF EDUCATION

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR 18-08

ORDER

Appellant challenges the local board's award of a contract to replace the artificial turf field at Richard Montgomery High School. The local board argues that Appellant lacks standing to challenge the action and that the State Board lacks subject matter jurisdiction to consider the appeal.

In order to have standing, an individual "must show some direct interest or 'injury in fact, economic or otherwise.'" *Milstein v. Montgomery County Bd. of Educ.*, MSBE Op. No. 15-25 (2015) (quoting *Nehemiah's Vision, Inc. v. Bd. of Educ. of Prince George's County*, MSBE Op. No. 14-30 (2014)). In other words, a person must "be personally and specifically affected in a way different from the public generally." *Id.* An individual's status as a member of a community is insufficient to convey standing by itself. *Id.* (citing *Marshall v. Baltimore City Bd. of Sch. Comm'rs*, MSBE Op. No. 03-38 (2003)).

Appellant does not claim to have children in Montgomery County Public Schools, nor does she live near the school in question (she lives approximately 6 miles away). Instead, she maintains that the doctrine of administrative standing permits her to challenge the local board's action even if she does not have a direct interest herself. She cites our decision in *Sartucci v. Montgomery County Bd. of Educ.*, MSBE Op. No. 10-31 (2010) in support of her position. In that case, Appellant challenged the implementation of a contract between Pearson Education, Inc. and the local board. *Id.* The State Board concluded that Appellant had standing to challenge the decision at the local board level under the administrative standing doctrine, which establishes a low bar for citizen participation. *Id.* We determined, however, that Appellant lacked standing to appeal the issue to the State Board because she could not demonstrate a direct interest or injury. *Id.* Despite our conclusion, we still reviewed the local board's action under our visitatorial power because of the potential negative impact the agreement could have had on statewide education policy. *Id.* By contrast, the decision about what company should replace artificial turf at a local high school does not concern statewide education policy.

Therefore, it is this 23rd day of October 2018 by the Maryland State Board of Education, ORDERED, that Appellant's challenge of the local board's award of a contract is hereby dismissed for lack of standing. See COMAR 13A.01.05.03C(2).

MARYLAND STATE BOARD OF EDUCATION
Signature on File:

Justin M. Hartings
President