

TRACY MATHEWS

v.

ANNE ARUNDEL COUNTY
BOARD OF EDUCATION

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR 19-12

ORDER

Tracy Mathews (Appellant) appeals the decision of the Anne Arundel County Board of Education (local board) to close schools for the holiday of Rosh Hashanah on September 30, 2019. The local board moved to dismiss for lack of standing.

Appellants can establish standing by showing a direct interest in or an injury in fact, economic or otherwise, from the local board's decision. *Adams, et al. v. Montgomery County Board of Education*, 3 Op MSBE 143, 149 (1983). 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. *Bryniarski v. Montgomery County Board of Appeals*, 247 Md. 137, 144 (1967). Allegations of an injury in fact must meet the following three elements: (1) a concrete and particularized injury that is (2) fairly traceable to the challenged conduct, and that is (3) likely to be redressed by the requested relief. *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560 (1992); *Friends of the Earth, Inc. v. Laidlaw Environmental Services (TOC), Inc.*, 528 U.S. 167 (2000).

Appellant maintains that she has standing to challenge the local board's decision because the local board conducted a survey of parents, students, employees, and community members asking whether to extend the end of the school year and how to allocate any closed school days. She does not allege that she participated in the survey.

Even assuming Appellant did participate in the survey, the survey itself does not confer a direct interest in the local board's decision. Nor does the expenditure of time spent participating in the survey constitute a concrete and particularized injury because participation was voluntary. In addition, the relief that the Appellant requests would not redress her alleged injury – reversing the local board's decision would not allow Appellant to regain any time she spent participating in the survey. Moreover, Appellant cannot connect participating in the survey to the local board's decision to close schools. The local board released the survey to measure the community's support for closing schools on particular days, but community members were not obligated to respond to the survey, nor is the local board obligated to obey the results of the survey. The local board was free to make decisions about the school calendar regardless of the survey.

Closing school affects students, their parents, and employees in a personal and specific way, but not members of the general community or respondents to a survey. Because the Appellant is not personally and specifically aggrieved by the local board's decision, she lacks standing.

Therefore, it is this 23rd day of July 2019 by the Maryland State Board of Education,
ORDERED, that Appellant's challenge of the local board's decision to close schools on
September 30, 2019, is hereby dismissed for lack of standing. *See* COMAR 13A.01.05.03(B).

MARYLAND STATE BOARD OF EDUCATION

Signature on File:

Warner I. Sumpter
President