

COURT OF APPEALS OF MARYLAND

Baltimore Teachers Union, American Federation of Teachers, Local 340, AFL-CIO v. Maryland State Board of Education, 379 Md. 192

840 A.2d 728 (2004) · No. No. 120, Sept. Term, 2000 · Decided January 16, 2004

SUMMARY

The Maryland Court of Appeals held that the Baltimore Teachers Union had standing to challenge regulations authorizing state reconstitution of underperforming public schools and a contract with Edison Schools, Inc. to operate three Baltimore City elementary schools. The court held that subsequent General Assembly enactments ratified and authorized the State Board of Education's reconstitution regulations and third-party contract. The court declined to reach a constitutional argument raised for the first time on appeal and affirmed the judgment of the Circuit Court for Baltimore City.

CASE DETAILS

COURT	Court of Appeals of Maryland
WRITING FOR THE COURT	Eldridge, J.; Bell, C.J.; Raker, J.; Wilner, J.; Cathell, J.; Harrell, J.; Battaglia, J.
JURISDICTION	Maryland
DECIDED	January 16, 2004
DOCKET	No. 120, Sept. Term, 2000
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Union sought declaratory and injunctive relief challenging the statutory authority of the Maryland State Board of Education to promulgate school-reconstitution regulations and contract with Edison Schools, Inc. to operate three Baltimore City elementary schools. The circuit court upheld the Union's standing and ruled that the regulations and contract were authorized. The Union appealed, the State Board cross-appealed on standing, and the Court of Appeals granted certiorari before argument in the Court of Special Appeals.
STANDARD OF REVIEW	The court reviewed the standing issue and the statutory-authority questions presented on appeal. The opinion does not state a separate formal standard of review.
PRECEDENTIAL VALUE	Published precedential opinion of the Maryland Court of Appeals

PARTIES

Baltimore Teachers Union, American Federation of Teachers, Local 340, AFL-CIO v. Maryland State Board of Education, New Baltimore City Board of School Commissioners, Edison Schools, Inc.

TOPICS

administrative law

statutory interpretation

judicial review of agency action

government contracts

collective bargaining

PRACTICE AREAS

administrative law

statutory interpretation

government contracts

labor law

constitutional law

QUESTIONS PRESENTED

1. Whether the Baltimore Teachers Union had standing to challenge the school-reconstitution regulations and the Edison contract.
2. Whether subsequent General Assembly enactments ratified and authorized the State Board's reconstitution regulations and its contract with a private third-party operator.
3. Whether the court should decide the Union's Maryland Constitution Article VIII, § 1, challenge when that constitutional issue was raised for the first time on appeal.

HOLDINGS

1. The Union had standing because, as the designated collective-bargaining representative for Baltimore City public school employees, it had a legal and fiduciary interest in preserving the bargaining unit and labor standards affected by the regulations and contract.
2. The General Assembly subsequently ratified and authorized the State Board's reconstitution regulations and its authority to enter into third-party contracts for operation and management of reconstituted schools.
3. The court declined to address the constitutional challenge because the Union had not raised it in the trial court or presented it in the certiorari petition.

KEY QUOTATIONS

“In the situation where a governmental entity takes action which may or may not be statutorily authorized, but where the appropriate legislative body later ratifies that action, the ratification clearly validates the action prospectively and, in the absence of constitutional limitations, may validate the action retroactively.”
(379 Md. at 201)

“The General Assembly has clearly ratified the reconstitution regulations.” (379 Md. at 204)

FACTUAL BACKGROUND

The Maryland State Board of Education promulgated regulations establishing performance standards and a process for local and state reconstitution of underperforming public schools. After three Baltimore City elementary schools remained among the lowest-performing schools despite local reconstitution, the State Board and the New Baltimore City Board of School Commissioners contracted with Edison Schools, Inc. for five years to operate and manage the schools. Edison was responsible for curriculum, staffing, management, and personnel decisions, and its employees were outside the Union's bargaining unit.

PROCEDURAL HISTORY

The Circuit Court for Baltimore City denied the respondents' standing challenge, granted judgment upholding the State Board's statutory authority, and declared that the State and local boards were authorized to enter the Edison contract. The Union appealed and the State Board cross-appealed. The Court of Appeals granted the Union's petition for a writ of certiorari and affirmed the judgment.

DISPOSITION

affirmed

CASES CITED

- Baltimore Teachers v. State Board of Education, 362 Md. 359, 765 A.2d 142 (2001)
- Joseph H. Munson Co. v. Secretary of State, 294 Md. 160, 168, 448 A.2d 935, 939 (1982), *aff'd*, 467 U.S. 947, 104 S. Ct. 2839, 81 L. Ed. 2d 786 (1984)
- Medical Waste Associates, Inc. v. Maryland Waste Coalition, Inc., 327 Md. 596, 612-13, 612 A.2d 241, 249 (1992)
- Citizens Planning and Housing Association v. County Executive, 273 Md. 333, 345, 329 A.2d 681, 687 (1974)
- Rogers v. Maryland-National Capital Park and Planning Commission, 253 Md. 687, 691, 253 A.2d 713, 715 (1969)
- Grenada County v. Brown, 112 U.S. 261, 271, 5 S. Ct. 125, 130, 28 L. Ed. 704, 708 (1884)
- Washington National Arena v. Prince George's County, 287 Md. 38, 45, 410 A.2d 1060, 1064 (1980), *cert. denied*, 449 U.S. 834, 101 S. Ct. 106, 66 L. Ed. 2d 40 (1980)
- County Council v. Carl M. Freeman Associates, 281 Md. 70, 79, 376 A.2d 860, 865 (1977)
- Bolles v. Town of Brimfield, 120 U.S. 759, 762, 7 S. Ct. 736, 737, 30 L. Ed. 786, 788 (1887)
- Anderson v. Township of Santa Anna, 116 U.S. 356, 364, 6 S. Ct. 413, 417, 29 L. Ed. 633, 636 (1886)
- United States Mortgage Co. v. Gross, 93 Ill. 483, 494 (1879)
- Dryfoos v. Hostetter, 268 Md. 396, 404, 302 A.2d 28, 32-33 (1973)
- St. Mary's Industrial School for Boys v. Brown, 45 Md. 310 (1876)
- Winder v. State, 362 Md. 275, 306-07 n.18, 765 A.2d 97, 114 n.18 (2001)
- Dorsey v. State, 356 Md. 324, 342, 739 A.2d 41, 51 (1999)
- Board of Education of Prince George's County v. Waeldner, 298 Md. 354, 360-61, 470 A.2d 332, 335 (1984)
- Wiley v. Allegany County School Commissioners, 51 Md. 401, 405-06 (1879)

- Wilson v. Board of Education, 234 Md. 561, 565, 200 A.2d 67, 69 (1964)
- Zeitschel v. Board of Education of Carroll County, 274 Md. 69, 80-81, 332 A.2d 906, 912-13 (1975)
- Peter v. Prettyman, 62 Md. 566, 576 (1884)
- Halsey v. Board of Education, 273 Md. 566, 572-73, 331 A.2d 306, 310 (1975)
- Purnell v. State Board of Education, 125 Md. 266, 93 A. 518 (1915)
- Farber's, Inc. v. Comptroller, 266 Md. 44, 50-51, 291 A.2d 658, 662 (1972)
- Comptroller v. M.E. Rockhill, Inc., 205 Md. 226, 233, 107 A.2d 93, 97 (1954)
- Metcalf v. Cook, 168 Md. 475, 178 A. 219 (1935)
- Hobbs v. Hodges, 176 Md. 457, 5 A.2d 842 (1939)
- Board of Education v. Cearfoss, 165 Md. 178, 166 A. 732 (1933)
- Coddington v. Helbig, 195 Md. 330, 73 A.2d 454 (1950)
- Department of Transportation v. Armacost, 311 Md. 64, 80, 532 A.2d 1056, 1063 (1987)
- Pressman v. Barnes, 209 Md. 544, 555, 121 A.2d 816, 822 (1956)
- Lussier v. Maryland Racing Commission, 343 Md. 681, 701-20, 684 A.2d 804, 813-23 (1996)
- Ronald Fishkind Realty v. Sampson, 306 Md. 269, 286, 508 A.2d 478, 487 (1986)
- Department of Natural Resources v. France, 277 Md. 432, 460, 357 A.2d 78 (1976)
- State v. Harris, 327 Md. 32, 39, 607 A.2d 552, 555-56 (1992)
- Montgomery County v. Bigelow, 196 Md. 413, 423, 77 A.2d 164 (1950)
- Pressman v. Elgin, 187 Md. 446, 450, 50 A.2d 560 (1947)
- Gannon & Son v. Emerson, 291 Md. 443, 455, 435 A.2d 449 (1981)
- Kirkwood v. Provident Savings Bank, 205 Md. 48, 55, 106 A.2d 103 (1954)
- Thomas v. State, 173 Md. 676, 681, 197 A. 296 (1938)