

DISTRICT OF COLUMBIA COURT OF APPEALS

Richard Milburn Public Charter Alternative High School v. Cafritz;
World Public Charter School, Inc. v. District of Columbia Board of
Education

798 A.2d 531 (D.C. 2002) · No. Nos. 01-AA-1135, 01-AA-1176 · Decided May 23, 2002

SUMMARY

The District of Columbia Court of Appeals considered whether public charter schools were entitled to a trial-type contested case hearing before their charters were revoked. The court held that neither the District of Columbia Administrative Procedures Act nor the Fifth Amendment required such a hearing, concluding that the School Reform Act's provision for an informal hearing was sufficient.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Washington, Associate Judge; Steadman, Associate Judge; Farrell, Associate Judge
JURISDICTION	District of Columbia
DECIDED	May 23, 2002
DOCKET	Nos. 01-AA-1135, 01-AA-1176
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petitions for review of the District of Columbia Board of Education's decisions denying the charter schools' requests for trial-type contested case hearings before revocation of their charters.
STANDARD OF REVIEW	The court reviewed whether the Board erroneously denied a contested case hearing and applied statutory interpretation principles to the School Reform Act. The constitutional issue was analyzed de novo under the Mathews v. Eldridge procedural due process balancing test.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Richard Milburn Public Charter Alternative High School, World Public Charter School, Inc. v. Peggy Cooper Cafritz, et al., District of Columbia Board of Education

TOPICS

judicial review of agency action

administrative procedure act

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the District of Columbia Administrative Procedures Act required the Board to provide a trial-type contested case hearing before revoking the charter schools' charters.
2. Whether the School Reform Act required a trial-type contested case hearing rather than the informal hearing specified in the statute.
3. Whether the Fifth Amendment's procedural due process guarantee required a trial-type contested case hearing before final charter revocation.

HOLDINGS

1. The District of Columbia Administrative Procedures Act does not itself create a right to a contested case hearing; under the statutory definition, that right must arise from another law or from the Constitution.
2. The School Reform Act requires an informal hearing, not a trial-type contested case hearing, before final revocation of a public charter school charter.
3. The Fifth Amendment does not require a trial-type contested case hearing before the Board finally revokes a public charter school charter when the school receives notice and a meaningful informal opportunity to present oral and written arguments and evidence, followed by judicial review.

KEY QUOTATIONS

“Congress’s reference in the statute to an “informal hearing” does not lend itself to any ambiguity that requires us to determine whether it may have had a contested case hearing in mind.” (540)

“First, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.” (543)

“Because we conclude that neither the School Reform Act nor the due process clause of the Fifth Amendment requires a contested case hearing before the final revocation of a public school charter, we deny petitioners’ request that we order such a hearing and affirm the denial by the Board of petitioners’ request for a contested case hearing.” (549)

FACTUAL BACKGROUND

Milburn and World operated public charter schools under charters issued pursuant to the District of Columbia School Reform Act. The Board proposed revoking both charters based on monitoring reports alleging violations of applicable law and charter conditions, including fiscal mismanagement, inadequate records, failures relating to special education and student services, and failure to submit required reports and documentation. The Board provided notice of proposed revocation and offered informal hearings with opportunities for oral and written submissions, questioning, and written responses, but denied the schools' requests for trial-type contested case hearings.

PROCEDURAL HISTORY

The Board initiated charter-revocation proceedings against Milburn and World based on alleged statutory and charter violations, including fiscal mismanagement and failures to provide required documentation. The schools requested contested case hearings under the District of Columbia Administrative Procedures Act and the Fifth Amendment, but the Board scheduled informal hearings instead. The schools petitioned the District of Columbia Court of Appeals for review and sought stays; the cases were consolidated, and the court affirmed the Board's denial of contested case hearings.

DISPOSITION

affirmed

CASES CITED

- Chevy Chase Citizens Ass'n v. District of Columbia Council, 327 A.2d 310, 314 (D.C. 1974) (en banc)
- Communication Workers of America Local 2336 v. District of Columbia Taxicab Commission, 542 A.2d 1221, 1223 (D.C. 1988)
- Timus v. District of Columbia Department of Human Rights, 633 A.2d 751, 756-58 (D.C. 1993) (en banc)
- Auger v. District of Columbia Board of Appeals & Review, 477 A.2d 196, 205-06 (D.C. 1984)
- Board of Curators of the University of Missouri v. Horowitz, 435 U.S. 78, 91 (1978)
- Donnelly Associates v. D.C. Historic Preservation Review Board, 520 A.2d 270, 277-85 (D.C. 1987)
- United States v. District of Columbia Board of Zoning Adjustment, 644 A.2d 995, 998 (D.C. 1994)
- Peoples Drug Stores, Inc. v. District of Columbia, 470 A.2d 751, 753 (D.C. 1983) (en banc)
- Hayes v. United States, 707 A.2d 59, 62 (D.C. 1998)
- Berryman v. Thorne, 700 A.2d 181, 184 (D.C. 1997)
- Mathews v. Eldridge, 424 U.S. 319, 333-35, 343-49 (1976)
- Board of Regents of State Colleges v. Roth, 408 U.S. 564, 577 (1972)
- Cleveland Board of Education v. Loudermill, 470 U.S. 532, 542, 545 (1985)
- Ingraham v. Wright, 430 U.S. 651, 672 (1977)
- District of Columbia v. Jones, 442 A.2d 512, 516-23 (D.C. 1982)
- Goldberg v. Kelly, 397 U.S. 254, 264, 267-69 (1970)
- Fuentes v. Shevin, 407 U.S. 67, 81-82, 90, 94-97 (1972)

- *Memphis Light, Gas & Water Division v. Craft*, 436 U.S. 1, 16 (1978)
- *Old Dominion Dairy Products v. Secretary of Defense*, 631 F.2d 953, 963 (D.C. Cir. 1980)
- *Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 434, 436 (1982)
- *Sterling v. District of Columbia Department of Employment Services*, 513 A.2d 253, 255 (D.C. 1986)
- *Cloutterbuck v. Cloutterbuck*, 556 A.2d 1082, 1086 (D.C. 1989)
- *Woods v. District of Columbia Nurses' Examining Board*, 436 A.2d 369, 373 (D.C. 1981)
- *District of Columbia v. Douglass*, 452 A.2d 329, 332 (D.C. 1982)
- *Brown v. District of Columbia*, 682 A.2d 1139, 1140 (D.C. 1996)
- *Bell v. Burson*, 402 U.S. 535, 540, 542-43 (1971)
- *D.H. Overmyer Co. v. Frick Co.*, 405 U.S. 174, 185 (1972)

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