

SUPREME COURT OF OHIO

Brookwood Presbyterian Church v. Ohio Department of Education

127 Ohio St. 3d 469, 2010-Ohio-5710 (Ohio 2010) · No. 2009-1926 · Decided November 30, 2010

SUMMARY

The Ohio Supreme Court held that an Ohio Department of Education determination that an entity is not education-oriented, and therefore ineligible to sponsor community schools, is appealable under R.C. 119.12. The court reversed the dismissal of Brookwood Presbyterian Church's administrative appeal and remanded the case to the trial court.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Pfeifer, J.; Brown, C.J.; Cupp, J.; Lundberg Stratton, J.; O'Connor, J.; O'Donnell, J.; Stratton, J.
JURISDICTION	Ohio
DECIDED	November 30, 2010
DOCKET	2009-1926
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Brookwood appealed the Ohio Department of Education's determination that it was not an education-oriented entity eligible to sponsor community schools. The Franklin County Court of Common Pleas dismissed Brookwood's administrative appeal for lack of subject-matter jurisdiction, and the Tenth District Court of Appeals affirmed. The Supreme Court of Ohio accepted the discretionary appeal.
STANDARD OF REVIEW	Statutory interpretation de novo; the court determined the interaction and meaning of R.C. 3314.015(B)(3) and (D).
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Ohio; binding Ohio precedent.
PARTIES	Brookwood Presbyterian Church v. Ohio Department of Education

TOPICS

judicial review of agency action

administrative law

statutory interpretation

appellate procedure

subject matter jurisdiction

PRACTICE AREAS

administrative law

statutory interpretation

education law

appellate procedure

QUESTIONS PRESENTED

1. Whether the Ohio Department of Education's determination under R.C. 3314.015(B)(3) that an entity is not education-oriented is appealable under R.C. 119.12.
2. Whether the word "final" in R.C. 3314.015(B)(3) eliminates the appeal right granted by R.C. 3314.015(D).

HOLDINGS

1. A determination under R.C. 3314.015(B)(3) that an entity is not education-oriented is a decision disapproving the entity for sponsorship of a community school and may be appealed under R.C. 119.12 pursuant to R.C. 3314.015(D).

KEY QUOTATIONS

“We hold that R.C. 3314.015(B)(3) establishes that a determination that an entity is not education-oriented is a “decision of the department to disapprove an entity for sponsorship of a community school” under R.C. 3314.015(D) and therefore “may be appealed by the entity in accordance with section 119.12 of the Revised Code.”” (¶ 11; 127 Ohio St. 3d at 471)

“Accordingly, we reverse the judgment of the court of appeals and remand the cause to the trial court.” (¶ 21; 127 Ohio St. 3d at 473)

FACTUAL BACKGROUND

In November 2007, Brookwood Presbyterian Church applied to the Ohio Department of Education to sponsor community schools under R.C. 3314.02(C)(1)(f). Brookwood submitted information about itself and its parent organization, Presbyterian Church USA. The department determined that Brookwood was not an education-oriented entity and therefore was ineligible for sponsorship, reaffirming that decision after reconsideration.

PROCEDURAL HISTORY

Brookwood applied to the Ohio Department of Education for approval to sponsor community schools. After the department denied the application and reaffirmed the denial on reconsideration, Brookwood filed an appeal under R.C. 119.12 in the Franklin County Court of Common Pleas. The common pleas court dismissed for lack of subject-matter jurisdiction, and the Tenth District affirmed before the Supreme Court reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The cause was remanded to the trial court for consideration of Brookwood's administrative appeal under R.C. 119.12.

CASES CITED

- Walburn v. Dunlap, 121 Ohio St. 3d 373, 2009-Ohio-1221, 904 N.E.2d 863
- Gen. Acc. Ins. Co. v. Ins. Co. of N. Am., 44 Ohio St. 3d 17, 540 N.E.2d 266 (1989)
- Riedel v. Consol. Rail Corp., 125 Ohio St. 3d 358, 2010-Ohio-1926, 928 N.E.2d 448
- Carney v. School Emps. Retirement Sys. Bd., 39 Ohio App. 3d 71, 528 N.E.2d 1322 (1987)
- State ex rel. Shumway v. Ohio State Teachers Retirement Bd., 114 Ohio App. 3d 280, 284, 683 N.E.2d 70 (1996)
- Heartland Jockey Club, Ltd. v. Ohio State Racing Comm'n, 10th Dist. No. 98AP-1465, 1999 WL 566857 (Ohio Ct. App. Aug. 3, 1999)
- Wingate v. Hordge, 60 Ohio St. 2d 55, 58, 14 O.O.3d 212, 396 N.E.2d 770 (1979)
- Humphrys v. Winous Co., 165 Ohio St. 45, 49, 59 Ohio Op. 65, 133 N.E.2d 780 (1956)
- Ohio Academy of Nursing Homes v. Ohio Department of Job & Family Services, 114 Ohio St. 3d 14, 2007-Ohio-2620, 867 N.E.2d 400