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State Superintendent of Schools

Formal Review and Hearing Procedures for Recipient Schools Participating in Aid for Non-Public Schools Program and Broadening Options and Opportunities for Students Today (BOOST) Program

The Maryland State Department of Education is the agency responsible for administration of the Aid for Non-Public Schools Program and the Broadening Options and Opportunities for Students Today (BOOST) Program. For fiscal year 2022 (July 1, 2021 through June 30, 2022), and fiscal year 2023 the programs are authorized by R00A03.04 and R00A03.05 of the Budget Bill, respectively. See 2021 Md. Laws, ch. 357 and 2022 Md. Law ch 484. The process outlined below is intended to provide participants in these programs with notice and an opportunity be heard in the event of an alleged violation of the conditions and assurances for participation.

1. If the State Superintendent receives an allegation that a Recipient School of public funds under one of these programs has violated the conditions and assurances for participation, the State Superintendent will provide the Recipient School with written notice of the alleged violation within 30 days of the State Superintendent's receipt of the allegation. The notice will include the specific allegation and notice of the Recipient's opportunity to respond to the allegation. The notice will be sent to the Recipient by certified mail, return receipt requested, and by email.
2. Within 30 days of receipt of written notice of an allegation from the State Superintendent, the Recipient may respond to the allegation in writing. The Recipient School may present written arguments as well as submit supporting documentation in response to the allegation. Upon request and at the discretion of the State Superintendent, the Recipient may be invited to provide oral argument before the State Superintendent or designee.
3. If the State Superintendent determines that additional fact-finding is necessary to resolve the matter, the State Superintendent may delegate the matter to the Office of Administrative Hearings ("OAH") to conduct a hearing in accordance with Title 10, Subtitle 2 of the State Government Article. The hearing will be conducted by an administrative law judge ("ALJ") within 30 days of the State Superintendent's delegation of the matter. The hearing will be conducted consistent with COMAR 28.02.01. Within 10 days after the hearing has concluded, the ALJ will issue proposed findings of fact and conclusions of law.
4. If the State Superintendent does not delegate the matter to the OAH, the State Superintendent will issue a written final decision within 30 days after the State Superintendent receives the Recipient's response to the allegation and any oral argument has concluded.
5. If the State Superintendent delegates the matter to OAH, an adversely affected party may file exceptions to the proposed decision with the State Superintendent within 20 days after the date of

the ALJ's proposed decision. If exceptions are filed, oral argument may be presented to the State Superintendent or designee that the proposed decision should be affirmed, reversed, or remanded.

6. If exceptions are not filed, the State Superintendent will issue a final decision within 30 days after the exceptions filing date has expired. If exceptions are filed, the State Superintendent will issue a final decision within 30 days after the later of: (1) the date the exceptions were filed or (2) the date the exceptions hearing was held. The State Superintendent's written final decision will notify the Recipient of the right to request judicial review. The State Superintendent's final decision will be sent to the Recipient by certified mail, return receipt request, and by email.
7. If the allegation against the Recipient School is verified, the State Superintendent will take action as authorized by R00A03.04 and R00A03.