

case to the Office of Administrative Hearings for proceedings in accordance with Regulation .12E of this chapter.

(4) Following a hearing, if the State Board finds that the conditions or standards on which the Certificate of Approval was based are not met, the State Board may issue an order to the legal authority to cease operating the educational program.

(5) If a legal authority does not request a hearing and fails to correct the specified deficiencies of the school within the period set by the State Board, the State Board may issue an order to the legal authority to cease operating the educational program.

D. Revocation; Hearing and Appeal Process.

(1) The State Board shall revoke the Certificate of Approval of a nonpublic school that knowingly hires or retains an individual in violation of Education Article, §2-206.1, Annotated Code of Maryland.

(2) Before revoking a school's Certificate of Approval, the State Board shall notify the legal authority of the school of the charges, and advise the legal authority of the right to request a hearing within 20 calendar days following receipt of the charges.

(3) If the legal authority does not request a hearing, the State Board shall issue an order to the legal authority to cease operating the educational program.

(4) If the legal authority requests a hearing before the State Board, the legal authority shall include the reasons for the request and any evidence that supports it.

(5) The legal authority and the Department shall have an opportunity for oral argument before the State Board before a final decision is rendered. Oral argument before the State Board shall be limited to 15 minutes per side.

(6) If the State Board reviews an appeal request, or hears oral argument, and finds that a genuine dispute of material fact exists, the State Board shall promptly refer the case to the Office of Administrative Hearings for proceedings in accordance with Regulation .12E of this chapter.

E. Office of Administrative Hearings.

(1) The hearing procedures for appeals referred by the State Board to the Office of Administrative Hearings are in accordance with the Administrative Procedure Act, State Government Article, §10-201 et seq., Annotated Code of Maryland, and with COMAR 28.02.

(2) The Office of Administrative Hearings shall prepare an official case record as provided in COMAR 28.02.01.23.

(3) The administrative law judge shall submit in writing to the State Board a proposed decision containing findings of fact, conclusions of law, and recommendations, and distribute a copy of the written proposed decision to the parties.

F. Exceptions.

(1) A party objecting to the administrative law judge's proposed decision may file exceptions with the State Board within 10 calendar days of receipt of the findings. A party may respond to the exceptions within 10 calendar days of receipt of the exceptions.

(2) If exceptions are filed, all parties shall have an opportunity for oral argument before the State Board before a final decision is rendered. Oral argument before the State Board shall be limited to 15 minutes per side.

G. Final Decision. The State Board shall make the final decision in all cases dealing with the revocation of a Certificate of Approval. The final decision shall be in writing and contain findings of fact and conclusions of law.

H. The legal authority of a school has the right to judicial review of a State Board determination under this regulation

as provided by the Administrative Procedure Act, State Government Article, §10-222, Annotated Code of Maryland.

NANCY S. GRASMICK
State Superintendent of Schools

Title 27

CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS

Subtitle 01 CRITERIA FOR LOCAL CRITICAL AREA PROGRAM DEVELOPMENT

27.01.02 Development in the Critical Area

Authority: Natural Resources Article, §8-1806(d),
Annotated Code of Maryland

Notice of Proposed Action

[09-218-P]

The Critical Area Commission for the Chesapeake and Atlantic Coastal Bays proposes to amend Regulation .03 under **COMAR 27.01.02 Development in the Critical Area**. This action was considered at an open meeting held on June 3, 2009.

Statement of Purpose

The purpose of this action is to provide clarification and flexibility to local governments implementing the new requirements resulting from HB 1253, Ch. 119, Acts of 2008. The proposed action will allow local governments to propose alternative standards to the minimum 20 acre requirement for locating new intensely developed areas in the Critical Area.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Lisa A. Hoerger, Regulations Coordinator, Critical Area Commission for the Chesapeake and Atlantic Coastal Bays, 1804 West Street, Suite 100, Annapolis, MD 21401, or call 410-260-3478, or email to lhoerger@dnr.state.md.us, or fax to 410-974-5338. Comments will be accepted through August 17, 2009. A public hearing has not been scheduled.

.03 Intensely Developed Areas.

A. (text unchanged)

B. Location of Features.

(1) [In addition, these] *Except as authorized under §B(2) of this regulation, the features in §A(1) — (3) of this regulation shall be [concentrated] located in an area of at least 20 adjacent acres, or that entire upland portion of the Critical Area within the boundary of a municipality, whichever is less.*

(2) *The features may be located in an area of less than 20 adjacent acres if:*

(a) *As part of a local program, the Commission has approved an alternative standard for designation of an intensely developed area; and*

(b) *The area is part of a growth allocation approved by the Commission.*

C. — D. (text unchanged)

MARGARET G. McHALE
Chair

Critical Area Commission for the Atlantic
and Coastal Bays

Errata

COMAR 08.03.03

At 36:14 Md. R. 988 (July 6, 2009), col. 2, lines 7 and 8 from the top:

For: Authority: Natural Resources Article, §10-410, Annotated Code of Maryland

Read: Authority: Natural Resources Article, §§10-405 and 10-410, Annotated Code of Maryland

[09-15-47]

COMAR 10.09.65

At 36:6 Md. R. 497 (March 13, 2009), col. 1, line 4 from the bottom:

For: ACG 800, 1740, 1750, 2700, 3600, ACG 800, 1740,

Read: ACG 800, 1740, 1750, 2700, 3600,

At 36:6 Md. R. 497 (March 13, 2009), col. 1, line 3 from the bottom:

For: 1741, 1742, 1750, 1751, 1752, 2700, 3600, 3700,

Read: 1741, 1742, 1751, 1752, 3700,

[09-15-29]