

IN RE: BALTIMORE CITY
APPEAL OF
MAINTENANCE OF
EFFORT DETERMINATION

BEFORE THE
MARYLAND
STATE BOARD
OF EDUCATION

Order No.: OR19-20

ORDER

Baltimore City has requested that this Board reconsider its October 22, 2019 decision in *In Re: Baltimore City Appeal of Maintenance of Effort Determination*, MSBE Order No. OR19-16, dismissing Baltimore City's appeal of a Maintenance of Effort (MOE) Determination made by the State Superintendent of Schools in which she found that Baltimore City had failed to meet MOE. As a result, the Comptroller will withhold over \$2 million in tax monies due to the City and pay that to the school system. This Board dismissed the matter based on Baltimore City's failure to pursue the appeal after it neglected to file its brief in accordance with the briefing schedule provided to the parties.

A decision on a request for reconsideration shall be made in the discretion of the State Board except that a decision may not be disturbed unless there is sufficient indication in the request that:

- (1) The decision resulted from mistake or error of law; or
- (2) New facts material to the issues have been discovered or have occurred subsequent to the decision.

The State Board may refuse to consider facts that the party could have produced while the appeal was pending. The State Board may, in its discretion, abrogate, change, or modify the original decision. COMAR 13A.01.05.10.

Baltimore City does not claim that the memorandum from the State Board setting forth the briefing schedule failed to arrive at the Baltimore City offices. Rather, in the request for reconsideration, Henry J. Raymond, Chief Financial Officer, states that the memorandum "did not arrive in-hand" to him and that he "was not aware of the schedule nor its requirements."

The reconsideration request does not present any material facts that have been discovered or have occurred subsequent to the State Board's decision. Nor does it demonstrate that the State Board's decision resulted from a mistake or error of law. Because Baltimore City has failed to provide an adequate basis for reconsideration of MSBE Order No. OR19-16, it is this 3rd day of December 2019, ORDERED by the Maryland State Board of Education, that the request for reconsideration is denied.

MARYLAND STATE BOARD OF EDUCATION

Signature on File:

Warner I. Sumpter

President