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January 10, 2020

*By Electronic filing only*

The Honorable Ellen L. Hollander  
District Judge  
U.S. District Court for the District of Maryland  
101 West Lombard Street, Chambers 5B  
Baltimore, MD 21201

Re: *Bethel Ministries, Inc. v. Dr. Karen B. Salmon, et al.*  
U.S. District Court for the District of MD, Case No. 1:19-cv-01853-ELH

Dear Judge Hollander:

I write in follow-up to several questions that arose during the January 9, 2020 hearing on the motion for preliminary injunction. You asked (1) whether all schools had submitted handbooks in response to the October 13, 2017 letter from the BOOST Advisory Board to the BOOST eligible schools and (2) what procedure the Department followed if the school did not have a handbook. I did not have that information at the time of the hearing, but in subsequent conversation with my client I learned that all schools but one submitted handbooks for review. The single school had only six students, and therefore did not have a handbook at the time of the request. The school produced a handbook, submitted the handbook for review, and was approved in the program.

I also write to clarify a discussion that occurred at the hearing regarding the BOOST Advisory Board's requests for repayment to other schools. It is now my understanding that the BOOST Advisory Board requested repayment from 9 schools, including Bethel Christian Academy. One school remains in the program. Additionally, I stated during the hearing that the Board would permit a school to offset payments by forgoing future funds

The Honorable Ellen L. Hollander  
January 10, 2020  
Page 2

payable to the school. While this was an option considered by the Board, and Chair Gallagher discussed it as a possibility in open session (ECF 19-16, Bates stamp 0182:9-17), it was ultimately determined, in consultation with other state agencies, not to be possible due to characteristics of the program's authorization.

Sincerely,

\_\_\_\_\_/s\_\_\_\_\_  
Sarah W. Rice (No. 29113)  
Assistant Attorney General

cc: All registered CM/ECF users