

require the school's representative to appear before the Board at a specific time designated not less than thirty days after the filing of an appeal for a hearing. Upon the hearing of the matter or upon the failure of a representative of the school to attend the hearing, the State Board of Education may affirm the decision of the State Superintendent of Schools provided, however, the school may appeal from the affirmation to the Circuit Court of the county wherein the applicant proposes to operate or to the Superior Court of Baltimore City if the applicant proposes to operate in the City of Baltimore. The State Board of Education may stay the order pending the appeal. Any applicant who has been denied a certificate is entitled to a hearing before the State Board of Education which may affirm or reverse the action of the State Superintendent of Schools. Any applicant adversely affected by a decision of the State Board of Education affirming the action of the State Superintendent of Schools in denying a certificate may appeal from the Board's decision to the Circuit Court of the county wherein the applicant proposes to operate, or to the Superior Court of Baltimore City if the applicant proposes to operate in the City of Baltimore. On any appeal from the action of the State Board of Education in either revoking a certificate or affirming the action of the State Superintendent of Schools denying a certificate, there shall be a rebuttable presumption that the action of the State Board of Education is proper and in the public interest. The burden of proof shall be upon the appellant to show that the decision complained of is either against the public interest, or that the State Board of Education's discretion in rendering its decision was not honestly and fairly exercised or was arbitrary or unsupported by any substantial evidence, or was unreasonable or beyond the powers of the Board or illegal. The appeal shall be heard by the court without a jury or with a jury if either party so requests. The State Board of Education may be a party to the appeal. If the court affirms the action of the State Board of Education in revoking a certificate, the revocation of the certificate shall thereupon become effective, if previously stayed. Either party has the right of appeal to the Court of Appeals from any decision of the court on the question of denial or revocation of a certificate.

(c) Any school which is required to secure a Certificate of Approval from the State Superintendent of Schools, except nursery schools, kindergartens, elementary schools, accredited high schools and accredited institutions of higher learning, which requires a deposit more than thirty days in advance of the actual starting date (whether a note, cash or otherwise) of Fifty Dollars (\$50.00) or ten percent (10%) of the tuition fee, whichever is less, may be required at the discretion of the State Superintendent to furnish a performance bond in such form as the State Superintendent shall determine to be necessary, conditioned on the faithful performance of all agreements and contracts with students, and on compliance with the provisions of this subtitle, in any amount not to exceed Twenty Thousand Dollars (\$20,000.00). The aggregate liability of a surety for all breaches of the conditions of such bond as may be required shall in no event exceed the amount of such bond. Such bonds shall not be required in cases where the tuition is less than One Hundred Dollars (\$100.00) per academic or calendar year.

(d) No enrollment contract between a nonpublic school required to secure a Certificate of Approval from the State Superintendent