

IN THE MATTER OF
MIDTOWN ACADEMY
IN THE BALTIMORE CITY PUBLIC
SCHOOL SYSTEM

BEFORE THE
MARYLAND
STATE BOARD
OF EDUCATION

ORDER

George A. Nilson, Esquire, on behalf of The Midtown Academy, Inc., the operator of Midtown Academy, a public charter school in Baltimore City, submitted waiver requests to Dr. Nancy S. Grasmick, State Superintendent of Schools, by letter dated May 27, 2005. Pursuant to a request from Dr. Grasmick, Dr. Bonnie S. Copeland, Chief Executive Officer (CEO) of the Baltimore City Public School System (BCPSS), submitted responses to the waiver requests by letter dated June 22, 2005. Copies of the waiver requests and responses are attached to this Order as Exhibits 1 and 2.

After consideration of the waiver requests and supporting rationale submitted by Mr. Nilson on behalf of Midtown Academy, and the responses and explanations submitted by CEO Copeland, and after discussion and due deliberation, it is this 29th day of July, 2005, by the Maryland State Board of Education ordered as follows:

- 1) *Waiver of Educ. § 9-105 that a member of the professional staff hold the appropriate Maryland certification* - With the exception of a position for which no certification requirements presently exist, all professional staff of CNCS must hold the appropriate Maryland certification.
- 2) *Waiver of Educ. §§ 9-108(a), 6-401(d), 6-501(f), 4-103(a), & 4-311 that all charter school employees are public school employees subject to applicable collective bargaining agreements*- With the exception of positions not currently offered by the Baltimore City Public School System such as that of a karate teacher, all employees of Midtown Academy are public school employees subject to applicable collective bargaining provisions unless modifications are negotiated under Educ. § 9-108(b).
- 3) *Waiver of Educ. §§ 4-103(a) and 6-201 that the CEO shall nominate for appointment all principals, teachers, and clerical personnel* - Midtown Academy shall recruit and select all staff subject to the final approval of the CEO, and where required by statute, subject to the final approval of the Baltimore City Board of School Commissioners. The City Board, the CEO, and Midtown Academy will cooperate in good faith in all decisions on hiring, assignment, discipline, and discharge of employees of Midtown Academy.

Maryland State Board of Education

By: Edward L. Root, President