

IN THE MATTER OF SOUTHWEST
BALTIMORE CHARTER SCHOOL
IN THE BALTIMORE CITY PUBLIC
SCHOOL SYSTEM

BEFORE THE
MARYLAND
STATE BOARD
OF EDUCATION

ORDER

Erika Brockman, Executive Director of Southwest Baltimore Charter School (SBCS), submitted waiver requests to Dr. Nancy S. Grasmick, State Superintendent of Schools, by correspondence dated May 20, 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 20, 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 Ms Brockman on behalf of Southwest Baltimore Charter School, 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 SBCS 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 SBCS 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* - SBCS 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 SBCS will cooperate in good faith in all decisions on hiring, assignment, discipline, and discharge of employees of SBCS.
- 4) *Waiver of Educ. § 9-102(3) that a charter school is open to all students on a space-available basis and on a lottery basis if more students apply than can be accommodated to allow students living in the designated catchment area of the school and children of founders and of staff to have priority* - SBCS shall admit on a priority basis children of founders who are listed on the original charter application and reside in Baltimore City. The list of these children must be submitted with the original charter school application. SBCS shall then admit students from the catchment area approved by BCPSS. If SBCS receives more applicants from the catchment area than available slots, admission shall be determined by use of a lottery. In the event SBCS does not fill its available slots from students of founders and students living in the catchment area,

SBCS may admit, through lottery if necessary, students residing outside the catchment area.

5) *Waiver that specified procurements be subject to competitive bidding as required by Educ. § 5-112 and other local procurement requirements under § 4-310* - SBCS must adhere to all State and local laws and regulations governing the expenditure of public monies and adhere to conditions specified in the SBCS charter agreement; submit for approval to the Baltimore City Board of School Commissioners SBCS' alternative procurement policies and procedures preferably modeled on the standards adopted by Maryland non-profit entities; submit to BCPSS a budget prior to each contract year specifying how public monies will be expended; proposed procurements that exceed \$15,000 must be submitted for approval to the Baltimore City Board of School Commissioners prior to purchase; procurements may not be artificially divided into increments below \$15,000 to avoid the City Board approval requirement; SBCS must submit quarterly statements to BCPSS that provide a full accounting of funds; and the year-end audit of SBCS must include a full accounting of funds.

6) *Waiver of Educ. §§ 7-103(b), 6-408, 6-510, BR 704.01, 705, and Circular #4090104 that prescribes a minimum of 180 days and 1080 hours for student attendance in a 10 month period and the local starting date for school for 2005-2006* - SBCS must comply with the 180 day/1080 hour minimum requirements and the statutorily mandated public school holidays unless a natural disaster, civil disaster, or severe weather condition occurs in which case SBCS may apply for a waiver of a school day at that time to the BCPSS CEO who will forward the request to the State Board. With respect to a change in the BCPSS school calendar opening date, SBCS must seek such approval from the Baltimore City Board of School Commissioners. Any extension of the number of days and length of the school day may require modification of the applicable collective bargaining provisions and approval from the Baltimore City Board of School Commissioners.

7) *Waiver of COMAR 13A.06.01 providing that a local school system is the school food authority for the system* - For 2005-2006 and 2006-2007 school years SBCS must work through BCPSS for the delivery of food services. Concurrently, MSDE staff are directed to establish a panel of charter school representatives, local school system staff, and MSDE staff to develop procedures that would apply to the delivery of food services by public charter schools. Beginning with the 2007-2008 school year, assuming that the procedures have been developed by the panel and approved by the State Board of Education, SBCS may apply for a waiver to deliver food services consistent with the newly developed procedures.

Maryland State Board of Education

By: Edward L. Root, President