

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

BEFORE THE  
MARYLAND  
STATE BOARD  
OF EDUCATION

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ORDER

Dolores L. Winston, President of The Empowerment Center, Inc., the operator of The Empowerment Academy, a public charter school in Baltimore City, submitted waiver requests to Dr. Nancy S. Grasmick, State Superintendent of Schools, by letter dated June 2, 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 30, 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 Winston on behalf of The Empowerment Academy, and the responses and explanations submitted by CEO Copeland, and after discussion and due deliberation, it is this 29<sup>th</sup> 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 The Empowerment Academy must hold the appropriate Maryland certification.
- 2) *Waiver of Educ. §§ 9-108(a), 6-401(d), 6-501, 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 The Empowerment 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* - The Empowerment 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 The Empowerment Academy will cooperate in good faith in all decisions on hiring, assignment, discipline, and discharge of employees of The Empowerment Academy.
- 4) *Waiver that specified procurements be subject to competitive bidding as required by Educ. § 5-112 and other local procurement requirements under § 4-310* - The Empowerment Academy must adhere to all State and local laws and regulations governing the expenditure of public monies and adhere to conditions specified in The Empowerment Academy charter agreement; submit for approval to the Baltimore City Board of School Commissioners The Empowerment Academy's 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; The Empowerment Academy must submit quarterly statements to BCPSS that provide a full accounting of funds; and the year-end audit of The Empowerment Academy must include a full accounting of funds.

Maryland State Board of Education

By: Edward L. Root, President