

IN THE MATTER OF INNER HARBOR EAST  
ACADEMY for YOUNG SCHOLARS  
IN THE BALTIMORE CITY PUBLIC  
SCHOOL SYSTEM

BEFORE THE  
MARYLAND  
STATE BOARD  
OF EDUCATION

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ORDER

R. Mark Harris, Ed. D., Administrator/Consultant for Inner Harbor East Academy for Young Scholars (Inner Harbor East), submitted waiver requests to Dr. Nancy S. Grasmick, State Superintendent of Schools, by letter dated June 24, 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 July 21, 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. Harris, on behalf of Inner Harbor East Academy for Young Scholars, 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. §§ 9-108(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 Inner Harbor East are public school employees subject to applicable collective bargaining provisions unless modifications are negotiated under Educ. § 9-108(b).

2) *Waiver of Educ. §§ 4-103(a) and 6-201 that the CEO shall nominate for appointment all principals, teachers, and clerical personnel -* Inner Harbor East 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 Inner Harbor East will cooperate in good faith in all decisions on hiring, assignment, discipline, and discharge of employees of Inner Harbor East.

3) *Waiver of Educ. § 4-316 that BCPSS may appoint and remove teachers -* Inner Harbor East 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 Inner Harbor East will cooperate in good faith in all decisions on hiring, assignment, discipline, and discharge of employees of Inner Harbor East.

4) *Waiver of Educ. §§ 4-111(a), 4-205(h) & (i), and 7-106 requiring the local school system to establish curriculum guides and courses of study including instruction or training for mentally or physically disabled students -* The curriculum and courses of study for Inner Harbor East shall be aligned with the Maryland Voluntary State Curriculum and governed by the terms of the approved charter agreement with BCPSS.

5) *Waiver that specified procurements be subject to competitive bidding as required by Educ. §*

*5-112 and other local procurement requirements under § 4-310* - Inner Harbor East must adhere to all State and local laws and regulations governing the expenditure of public monies and adhere to conditions specified in the Inner Harbor East charter agreement; submit for approval to the Baltimore City Board of School Commissioners Inner Harbor East' 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; Inner Harbor East must submit quarterly statements to BCPSS that provide a full accounting of funds; and the year-end audit of Inner Harbor East must include a full accounting of funds.

6) *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 to have priority* - Inner Harbor East shall admit on a priority basis students from the school catchment area approved by BCPSS. If Inner Harbor East receives more applicants from the catchment area than available slots, admission shall be determined by use of a lottery. In the event Inner Harbor East does not fill its available slots from students living in the school catchment area, Inner Harbor East may admit through lottery, if necessary, students residing outside the catchment area.

7) *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* - Inner Harbor East 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 Inner Harbor East 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, Inner Harbor East must seek such approval from the Baltimore City Board of School Commissioners. Any extension of the number of school days and length of the school day may require modification of applicable collective bargaining provisions and approval from the Baltimore City Board of School Commissioners.

7) *Waiver of the provision in Educ. § 7-101.1 that all eligible children shall be admitted free of charge to publicly funded pre-kindergarten programs by 2007-2008 so that prekindergarten is available for the 2005-2006 school year* - The State Board denies this request.

8) *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, Inner Harbor East 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, Inner Harbor East 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