

APPROVED  
1-2004

Rockville, Maryland  
January 13, 2004

The Board of Education of Montgomery County met in regular session at the Carver Educational Services Center, Rockville, Maryland, on January 13, 2004, at 10:25 a.m.

ROLL CALL Present:                   Mr. Sharon W. Cox, President  
  in the Chair  
  Mr. Reginald M. Felton  
  Dr. Charles Haughey  
  Mr. Walter Lange  
  Mrs. Patricia B. O'Neill  
  Mr. Gabe Romero  
  Mr. Sagar Sanghvi, Student Board Member  
  Mr. Larry Bowers, Acting Secretary/Treasurer

Absent:                   Mr. Kermit V. Burnett  
  Dr. Jerry Weast

# or ( ) indicates student vote does not count. Four votes needed for adoption.

RESOLUTION NO. 1-04                   Re:   **CLOSED SESSION**

On recommendation of the Superintendent and on motion of Dr. Haughey seconded by Mr. Romero, the following resolution was adopted unanimously by members present:

WHEREAS, The Board of Education of Montgomery County is authorized by the *Education Article* and *State Government Article* of the *Annotated Code of Maryland* to conduct certain meetings or portions of its meetings in closed sessions; now therefore be it

Resolved, That the Board of Education of Montgomery County conduct closed sessions on January 13, 2004, in Room 120 from 9:00 to 10:00 a.m., 12:15 to 1:30 p.m., and 5:05 to 8:00 p.m. to discuss the Human Resources Monthly Report and Human Resources Appointments, as permitted under Section 10-508(a)(1) of the *State Government Article*; and be it further

Resolved, That the Board of Education of Montgomery County conduct a portion of its closed sessions to discuss collective bargaining negotiations, as permitted under Section 10-508(a)(9) of the *State Government Article* and Section 4-107(d)(2)(ii) of the *Education Article*; and be it further

Resolved, That the Board of Education consider the acquisition of real property for a public purpose and matters directly related thereto, as permitted under Section 10-508(a)(3) of the *State Government Article* and Section 4-107(d) of the *Education Article*; and be it further

Resolved, That the Board of Education of Montgomery County receive legal advice as permitted under Section 10-508(a)(7) of the *State Government Article*; and be it further

Resolved, That the Board of Education of Montgomery County dedicate part of the closed sessions on January 13, 2004, to acquit its executive functions and to adjudicate and review appeals, which is a quasi-judicial function outside the purview of the Open Meetings Act under Section 10-503(a) of the *State Government Article*; and be it further

Resolved, That this portion of the meeting continue in closed session until the completion of business.

RESOLUTION NO. 2-04                      Re:    **APPROVAL OF THE AGENDA**

On recommendation of the Superintendent and on motion of Mrs. O'Neill seconded by Dr. Haughey, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education approve its agenda for January 13, 2004.

RESOLUTION NO. 3-04                      Re:    **AFRICAN AMERICAN HISTORY MONTH**

On recommendation of the Superintendent and on motion of Mr. Felton seconded by Mr. Lange, the following resolution was adopted unanimously by members present:

WHEREAS, In 1926, Dr. Carter G. Woodson—educator, author, and founder/director of the Association for the Study of Negro Life and History—initiated Negro History Week in order to increase awareness about Negro History in American communities and schools; and

WHEREAS, In 1976, Negro History Week was extended to one month and proclaimed a national celebration by The United States Congress; and

WHEREAS, African Americans have been an integral part of our history from the inception of our nation, and their participation and contributions are studied and celebrated year-round as part of the Montgomery County Public Schools curriculum; and

WHEREAS, The purpose of this month is to provide an opportunity to focus especially on the invaluable past and present achievements and contributions of African Americans; and

WHEREAS, Historically, high expectations for academic excellence have been a tradition within the African American community; and

WHEREAS, Montgomery County Public Schools, in the second phase of its observance of the 50<sup>th</sup> Anniversary of Brown v. Board of Education, entitled *Brown and Beyond*, will continue

to strive to raise the bar of academic achievement and close the gap in academic performance among all ethnic groups; now therefore be it

Resolved, That the Board of Education and superintendent of schools hereby declare the month of February 2004 to be "African American History Month"; and be it further

Resolved, That the Board of Education and superintendent of schools encourage the staff, students, parents, and community to actively honor the contributions of African Americans in Montgomery County, the state, and the nation, and enhance the awareness of the impact of attitudes and expectations on the achievement of African American students.

RESOLUTION NO. 4-04

Re: **CERTIFICATE OF APPRECIATION FROM USDA  
FOR SUMMER FOOD SERVICE PROGRAM**

On recommendation of the Superintendent and on motion of Mr. Felton seconded by Mr. Romero, the following resolution was adopted unanimously by members present:

WHEREAS, The Summer Food Service Program was created to ensure that children in lower income areas could continue to receive nutritious meals during the summer months; and

WHEREAS, Historically, the sites served by the Summer Food Service Program have been schools and community recreation sites; and

WHEREAS, Under the leadership of Mr. Michael Subin, member, Montgomery County Council, a collaborative effort was orchestrated with the county government and the Montgomery County Public Schools' Division of Food and Nutrition Services to expand the program beyond the existing sites and into housing authority sites; and

WHEREAS, Fourteen additional housing authority sites were served meals during the 2003 summer months through the Summer Food Service Program; and

WHEREAS, The United States Department of Agriculture has recognized the Montgomery County Public Schools with a Certificate of Appreciation "for consistently demonstrating an exceptional commitment to the Summer Food Service Program, expanding the program beyond the school environment to sites within housing communities"; now therefore be it

Resolved, That the Board of Education does hereby recognize Mr. Michael Subin, member, Montgomery County Council, and the Division of Food and Nutrition Services staff for their commitment to outreach efforts in expanding the Summer Food Service Program to provide nutritious breakfast and lunch meals to children in lower income areas during the summer months.



**Re: BOARD/SUPERINTENDENT COMMENTS**

Mr. Bowers recognized the 43 MCPS teachers who are among the 117 Maryland teachers who have achieved certification from the National Board for Professional Teaching Standards this year. MCPS teachers constitute 37 percent of the teachers in Maryland who achieved national certification this year. Eight of these teachers are from James Hubert Blake High School, the greatest number among MCPS schools this year. The total number of MCPS teachers who have achieved national certification has grown to 120.

Mr. Bowers congratulated student athletes and their coaches for winning state championships.

Mrs. O'Neill announced that on Monday, January 26, 2004, there will be a rally in Annapolis for the full funding of the Thornton Commission's recommendations. MCCPTA, MCEA, SEIU 500, and MCAASP are sponsors.

Mr. Felton noted that many Board members had attended legislative breakfasts over the past month. He commended the community for its strong support of public education.

Mr. Lange reported that most of the County Council was present at the MCCPTA forum on the operating budget, and there was a tremendous interest and support for the budget. He had recently visited the Edison Center, John F. Kennedy High School, and Lakewood and New Hampshire Estates elementary schools, and he was impressed by the interaction between students and staff.

**Re: PUBLIC COMMENTS**

The following people testified before the Board of Education:

<u>Person</u>	<u>Topic</u>
1. Manette Niu	Chinese Immersion Program
2. Laura Siegel	Grading and Reporting Policy
3. Pamela Brown	Grading and Reporting Policy
4. Gordon Brenne	Sports and Eligibility
5. Earle Fox	School Curriculum
6. Mark Drury	Career Education
7. Myrofora Frantzis	Grading and Reporting Policy

Mr. Felton asked staff to respond to the testimony on Chinese Immersion options.

Re: **IMPLEMENTATION PLANS FOR POLICY IKA,  
GRADING AND REPORTING**

On motion of Mrs. O'Neill and seconded by Mr. Romero, the following resolution was placed on the table:

WHEREAS, On March 24, 2003, the Board of Education adopted Policy IKA, *Grading and Reporting*; and

WHEREAS, Segments of the MCPS learning community expressed concerns about the ability of the school system to effectively implement the policy; and

WHEREAS, On September 9, 2003, The Board of Education approved postponement of the implementation of the policy; and

WHEREAS, A multi-stakeholder group was charged with the development of a multiyear plan for implementing Policy IKA, *Grading and Reporting*; now therefore be it

Resolved, That the Board of Education approve the proposed multiyear plan for implementing Policy IKA, *Grading and Reporting*, to begin July 2004; and be it further

Resolved, That the superintendent will bring regular updates to the Board of Education throughout the implementation of Policy IKA, *Grading and Reporting*.

Re: **DISCUSSION**

Mr. Lange was concerned about the overall Skills for Success and the non-academic indicators. MCPS should be preparing students for personal skills and critical thinking. Mr. Fulton replied that there is a value for those skills, and, if they are valued, they are reported.

Mrs. O'Neill asked if the non-academic indicators will be defined. Will another column be opened on the report card? Dr. Harvey replied that the development committee is working on the first and second grade non-academic indicators. Mrs. O'Neill asked if the non-academic indicators would appear on next year's report cards for all students. Dr. Harvey said those indicators will be reported and the list will come to the Board in April.

Mr. Lange thought it would not only be a listing of the indicators, but a clarification of the range of behaviors. Dr. Harvey replied that staff was developing rubrics for non-academic indicators. Ms. Cox explained that a report card will have the same grades, but the elements of the grade will be different, beginning in September for Grades 1–12.

Mr. Felton stated that although there would be information about effort, it would have no impact on the academic grade. However, parents were concerned that grades currently are not based on "on-level" academic requirements. For example, an "A" is based on the assigned work but the achievement is based on below grade-level work. Mr. Fulton responded that this grading will not change next year, but there will be indicators of above or below grade level.

Ms. Cox thought the discussion needed to separate the meaning of the grade from the reporting, and it takes time to develop capacity. Next year there would be an indication that the child is working above or below grade level with comments of explanation. Mr. Fulton further explained that staff will phase in the meaning of the grade and develop the report card.

Ms. Cox noted that there had been a lot of work with stakeholders to explain the philosophical change, such as academic grades and learning skills. After the Board takes action, she noted that staff will develop rubrics for non-academic skills. She asked if there would be sufficient training for staff to implement this change. Ms. Collins stated that staff currently was meeting with school staff to assure that the content and message are consistent. To that end, staff development will prepare training plans for further implementation at the school level.

Mr. Felton understood the goals, but he was concerned about the capacity to provide training within seven months. He thought MCPS could train the trainers and develop materials, but that was different from training everyone.

Mr. Sanghvi stated that it was a different philosophy for students and teachers. He thought there was not adequate time to change the "mind set" of teachers, parents, and students.

Mr. Lange said there are a wide variety of staff development activities and the grading and reporting training will be added.

Mrs. O'Neill was concerned about how the system would communicate with parents. Students have to be informed and educated on the new philosophy. Dr. Harvey agreed and said staff would develop a handbook for teachers, parents, and students to ensure consistency for the implementation of the policy.

Mr. Sanghvi had heard that students felt like guinea pigs since grades cannot be piloted. He said this implementation scared him, and he has been at the policy committee and Board meetings. If this policy does not turn out as expected in the first year, students will be hurt. He asked why the policy was not implemented in the earlier grades, so that students could become accustomed to the new philosophy. Ms. Cox asked whether it was possible that a student who had done well for three years could fail under the academic meaning of the grade. Mr. Fulton believed that there could be grade changes, but not grade failures. The policy is not punitive, and the grade will be based on what the student has achieved.

Ms. Cox asked for more information on the changes in teaching practices because of the change in grading. Ms. Kerr thought that students would be given additional opportunities to demonstrate mastery. Mr. Fulton stated that with a standards-based curriculum all students can receive an "A" since there is no curve.

Mr. Sanghvi asked if an opportunity to show mastery would include replacing a test. Mr. Fulton stated the grade is where the student is – not an average.

Mr. Romero stated that a student will get a grade based on his/her mastery of the curriculum. The standard meaning of an "A" is that a student did outstanding work throughout the grading period with all grades averaged. There is a chance that a student could start the course with low grades, but master the material at the end of the course. Mr. Fulton stated it is where the student is at the end of the course, and that is a change in the grading policy as well as in philosophy.

Mr. Lange asked for input from the teachers' and administrators' unions. Dr. Newman commented that she and Ms. Cullison had been involved in the leadership teams, and there has been an opportunity for feedback. She thought this was one of the most professional efforts ever undertaken by MCPS, and the implementation plan is excellent with a consistent message and materials. Ms. Cullison agreed with Dr. Newman and said the school system needs to take the next step and begin the process.

Mr. Felton was concerned about whether MCPS could clearly define the deliverables each year in a way that students, parents, and teachers understand. While the system wants to move forward, it does not want to penalize students. Also, a staff development plan is a long way from having teachers trained and ready to implement the policy. Mr. Fulton thought there were two elements – (1) what the year-by-year plan embodies, and (2) what the essential components are that need to be communicated.

Mr. Felton stated that teachers are committed to teaching, but he was concerned about the capacity for data and feedback. Mr. Fulton replied that grading and reporting is not a separate piece from curriculum implementation.

Dr. Haughey remarked that he was comfortable with the elementary school process, but he was concerned that staff development will take place from July to September. He was concerned about implementation in the secondary schools and how the policy would be implemented with no experience. He asked if staff had considered a partial implementation or pilot of the plan. Mr. Fulton replied that it would be hard to pick a grade level in the high school because of mixed content areas, and staff had not considered a phase in by levels. The meaning of a grade has to be consistent systemwide before the report card is changed.

Mrs. O'Neill asked how that would affect the high school transcript. Before the transcript is

changed, MCPS needs to ensure that this information needed by colleges and employers and that it is formatted so that it does not negatively affect students. It has become abundantly clear through the policy revision that teachers were grading using their own protocols. This implementation plan must be communicated, and staff must be trained.

Mr. Sanghvi reported that students were confused about the grading of "effort." He told students that if they could not master the curriculum, the non-academic grade would let colleges and employers know that the student had worked hard. If teachers give added opportunities through numerous assessments, students will need time to adjust to the new philosophy. He was concerned about Advanced Placement courses since these assessments and grading systems are different, and there should be more alignment between the systems. He thought the policy is the right direction for the school system and aligns with the expectations in higher education and the workforce. However, he suggested that the policy should be implemented with the earlier grades.

Mr. Romero stated that in his business there is a schedule with critical paths. He did not know where those critical points were in the implementation plan, and he would encourage the advisory committee to ascertain those points. He hoped that the Board could receive a report twice a year.

Ms. Cox believed that one of the decision points is comfort and competency for staff to implement the plan in September. However, what is not clear is the understanding of the policy in the community.

RESOLUTION NO. 5-04

Re: **AN AMENDMENT TO THE IMPLEMENTATION PLANS FOR POLICY IKA, GRADING AND REPORTING**

On motion of Mr. Felton and seconded by Mrs. O'Neill, the following resolution was adopted with Ms. Cox, Mr. Felton, Dr. Haughey, Mr. Lange, Mrs. O'Neill, and Mr. Romero voting in the affirmative; Mr. Sanghvi voting in the negative:

Resolved, That the Board of Education delay consideration of the Attendance Policy until there is useful information through the implementation of the Policy on Grading and Reporting.

RESOLUTION NO. 6-04

Re: **AN AMENDMENT TO THE IMPLEMENTATION PLANS FOR POLICY IKA, GRADING AND REPORTING**

On motion of Mr. Felton and seconded by Mrs. O'Neill, the following resolution was adopted with Ms. Cox, Mr. Felton, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting in the affirmative:

Resolved, That the Board of Education approve the proposed multi-year **implementing** plan that will address Policy IKA, *Grading and Reporting*, to begin July 2004; and be it further

Resolved, That the Board of Education direct that the components plan for Policy IKA, *Grading and Reporting*, **will include a professional development plan, a professional development schedule, and specific deliverables each year of the implementation plan.**

RESOLUTION NO. 7-04

Re: **AN AMENDMENT TO THE IMPLEMENTATION PLANS FOR POLICY IKA, GRADING AND REPORTING**

On motion of Mr. Felton and seconded by Mr. Sanghvi, the following amendment was adopted with Mr. Felton, Dr. Haughey, Mr. Lange, Mrs. O'Neill, and Mr. Sanghvi voting in the affirmative; Ms. Cox and Mr. Romero voting in the negative:

Resolved, That the plan provide for a specific phase-in of elementary, middle, and high schools for academic meaning of the grade and the rubrics for learning skills.

RESOLUTION NO. 8-04

Re: **AN AMENDMENT TO THE IMPLEMENTATION PLANS FOR POLICY IKA, GRADING AND REPORTING**

On motion of Ms. Cox and seconded by Mrs. O'Neill, the following amendment was adopted with Ms. Cox, Mr. Felton, Dr. Haughey, Mr. Lange, Mrs. O'Neill, and Mr. Romero voting in the affirmative; Mr. Sanghvi voting in the negative:

Resolved, That the ~~plan provide for a specific phase-in of the superintendent identify critical path elements for elementary, middle, and high schools for academic meaning of the grade and the rubrics for learning skills~~ and begin reporting to the Board in May 2004.

RESOLUTION NO. 9-04

Re: **IMPLEMENTATION PLANS FOR POLICY IKA, GRADING AND REPORTING**

On recommendation of the Superintendent and on motion of Mrs. O'Neill seconded by Mr. Romero, the following amended resolution was adopted unanimously by members present:

Resolved, That the Board of Education delay consideration of the Attendance Policy until the further implementation of Policy IKA, *Grading and Reporting*; and be it further

Resolved, That the Board of Education approve the amended multi-year implementing plan

for Policy IKA, *Grading and Reporting*, to begin July 2004; and be it further

Resolved, That the Board of Education direct that the components of the implementing plan will include a professional development plan, a professional development schedule, and specific deliverables each year; and be it further

Resolved, That the superintendent identify critical path elements for implementation in elementary, middle, and high schools and begin regular reporting to the Board in May 2004.

**Re: LUNCH AND CLOSED SESSION**

The Board of Education recessed for lunch and closed session from 1:35 to 2:30 p.m.

\*\*Mrs. O'Neill left the meeting at this point.

RESOLUTION NO. 10-04

**Re: PROCUREMENT CONTRACTS OF \$25,000 OR MORE**

On recommendation of the Superintendent and on motion of Mr. Felton seconded by Mr. Lange, the following resolution was adopted unanimously by members present:#

WHEREAS, Funds have been budgeted for the purchase of equipment, supplies, and contractual services; and

WHEREAS, Funds have been budgeted and/or identified for the purchase of school buses through Bid No. 7055.6; and

WHEREAS, The acquisition of school buses through lease/purchase arrangements has been reviewed by legal counsel; now therefore be it

Resolved, That the purchase identified in Bid No. 7055.6 be approved for lease/purchase in the amount of \$5,526,608, for a six-year term under the Master Lease/Purchase Agreement with Carlyle Financial Services, Inc.; and be it further

Resolved, That the Board president and superintendent be authorized to execute the necessary documents; and be it further

Resolved, That having been duly advertised, the following contracts be awarded to the low bidders meeting specifications as shown below:

250204      Electronic Security Access Control System  
0003-AA

	<u>Awardee</u>	
	EAI Security Systems, Inc.	\$ 180,000
4004.4	Woodwind and Brass Instrument Repairs—Extension	
	<u>Awardees</u>	
	Beach Musical Instrument Repair	
	L&L Music Wind Shop	
	Victor Litz Music Center	
	Total	\$ 35,000
4057.3	Office Furniture—Extension	
	<u>Awardees</u>	
	American Design Associates	\$ 3,272
	Boise Cascade Office Products	29,953
	Douron, Inc.*	306,538
	School Specialty	<u>1,740</u>
	Total	\$ 341,503
4087.5	Media Center Supplies	
	<u>Awardees</u>	
	AFP Industries*	\$ 21,428
	Brodart Company	5,302
	Demco, Inc.	9,131
	Gaylord Brothers, Inc.	7,901
	Interstate Office Supply Company*	12,782
	On Time Label	10,140
	Pyramid School Products	11,996
	Smith Office & Computer Supply	<u>29,278</u>
	Total	\$ 107,958
4088.4	Laminating Supplies	
	<u>Awardees</u>	
	AFP Industries, Inc.*	\$ 64,264
	Pyramid School Products	54,325
	Scott Electric	1,217
	WJM Plastics, Inc.*	<u>45,427</u>
	Total	\$ 165,233

4116.1	Design/Planning/Coordination of Office, Reception, and Staff Dining Furniture—Extension	
	<u>Awardee</u>	
	Douron, Inc.*	\$ 600,000
4128.3	Typewriter Ribbons and Copier Staple Cartridges	
	<u>Awardees</u>	
	Bye Mor, Inc.*	\$ 99,646
	Smith Office & Computer Supply	<u>1,248</u>
	Total	\$ 100,894
4155.1	Telephone Equipment Supplement	
	<u>Awardee</u>	
	Inter-Tel National, Government & Education	\$ 503,716
7126.1	Televisions, Sony 27", FD Trinitron	
	<u>Awardee</u>	
	B & H Photo Video	\$ 86,225
9095.2	Corridor Lockers for Various Facilities**	
	<u>Awardee</u>	
	Partition Plus, Inc.*	\$ 58,844
TOTAL PROCUREMENT CONTRACTS EXCEEDING \$25,000		\$2,179,373

\* Denotes Minority-, Female-, or Disabled-owned Business

\*\* Planned Life-cycle Asset Replacement Bid (PLAR)

RESOLUTION NO. 11-04

Re: **BID NO. 1072.2 – MASTER LEASE/PURCHASE  
FINANCING**

On recommendation of the Superintendent and on motion of Mr. Felton seconded by Mr. Lange, the following resolution was adopted unanimously by members present:#

WHEREAS, The Board of Education authorized the master lease program as first consideration for the source of financing for school buses and other essential equipment needed through January 2006; and

WHEREAS, Bid No. 1072.2 was duly advertised for seeking bid proposals for preferred municipal master lease financing; and

WHEREAS, On August 29, 2003, the Board of Education received proposals for financing under Bid No. 1072.2 and has determined that Carlyle Financial Services, Inc. is the financing vendor offering the most favorable equipment financing through a master lease/purchase program; and

WHEREAS, Carlyle Financial Services, Inc. has agreed to provide the required financing for essential equipment, at a preferred municipal rate; and

WHEREAS, Carlyle Financial Services, Inc. has agreed to finance the initial equipment including school buses, maintenance vehicles, and computer equipment at a total cost of approximately \$4,357,150 and other essential equipment as maybe needed in the future, with the annual payments subject to annual appropriation of sufficient funds by the Montgomery County Council; now therefore be it

Resolved, That the Board of Education award Bid No. 1072.2 to Carlyle Financial Services, Inc. for a Master Lease Agreement in accordance with the bid specifications and the bidder's proposal, subject to the non-appropriation clause as set forth in the Master Lease Agreement documents; and be it further

Resolved, That the Board of Education use the Master Lease Agreement to lease/purchase initial equipment including school buses, maintenance vehicles, and computer equipment at a total cost of approximately \$4,357,150 and other essential equipment as may be needed in the future; and be it further

Resolved, That the Board of Education authorize that a portion of the proceeds from the financing be used to reimburse MCPS accounts to the extent that designated equipment has already been acquired; and be it further

Resolved, That the superintendent of schools and Board of Education president be authorized, empowered, and directed to approve, execute, and deliver on behalf of the Board of Education the documents necessary to implement this Master Lease/Purchase Agreement and related documents with whatever changes may be necessary or appropriate.

RESOLUTION NO. 12-04

Re: **RICHARD MONTGOMERY HIGH SCHOOL –  
PRECONSTRUCTION/CONSTRUCTION  
MANAGEMENT SERVICES**

On recommendation of the Superintendent and on motion of Mr. Felton seconded by Mr. Lange, the following resolution was adopted unanimously by members present:#

WHEREAS, The FY2004 Capital Budget request includes planning funds for the replacement of Richard Montgomery High School; and

WHEREAS, The design phase of this project is proceeding with the construction scheduled to start in July 2004, contingent on final approval of the FY 2005–2010 Capital Improvements Program; and

WHEREAS, Staff has recommended that this project be completed using a construction management delivery system, due to the project complexities and phasing of the construction work with the existing building occupied; and

WHEREAS, A Consultant Selection Committee, in accordance with procedures adopted by the Board of Education on July 14, 1998, identified Bovis Lend Lease, Inc., as the most qualified firm to provide the necessary management services; and

WHEREAS, The management services will be implemented in two phases; and

WHEREAS, The initial phase will consist of preconstruction services for cost estimating, value engineering, constructability planning, and construction phasing scheduling; and

WHEREAS, Staff has negotiated a fee for the preconstruction services; and

WHEREAS, The second phase will consist of general construction management services, and a fee for this phase will be negotiated once the construction funding for the project has been approved by the County Council; now therefore be it

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with the firm of Bovis Lend Lease, Inc., to provide phase one preconstruction services for cost estimating, value engineering, constructability planning services, and construction phasing scheduling for the Richard Montgomery High School replacement project for a fee of \$186,000.

RESOLUTION NO. 13-04

Re: **ENERGY MANAGEMENT SYSTEMS  
STANDARDIZATION**

On recommendation of the Superintendent and on motion of Mr. Felton seconded by Mr. Lange, the following resolution was adopted unanimously by members present:#

WHEREAS, Funds are included in the Board of Education's requested FY 2005–2010 CIP to begin systematically replacing obsolete computerized energy management equipment at various facilities; and

WHEREAS, The installation of the new energy management systems will enable the Montgomery County Public Schools (MCPS) to continue to maximize energy savings through the efficient operation of heating/air-conditioning equipment; and

WHEREAS, An evaluation and analysis by an outside consultant has recommended that the new and replacement energy management equipment should be standardized using one manufacturer, Andover Controls, Inc., for ease of maintenance, efficient operation, and overall cost effectiveness; and

WHEREAS, State procurement statutes permit the use of one manufacturer when required to maintain compatibility of service or equipment or replacement parts and service operation are a paramount consideration (Annotated Code of Maryland, 2003 supplement, Education Section 5-112); and

WHEREAS, Andover Controls, Inc., equipment has been used in MCPS energy management systems for the past ten years and has proven to be the most reliable and cost effective; and

WHEREAS, Staff has recommended that the consultant's recommendation be adopted; now therefore be it

Resolved, That the Board of Education approve the standardization of equipment manufactured by Andover Controls, Inc., for new and replacement computerized energy management systems; and be it further

Resolved, That staff be authorized to negotiate a price agreement for the purchase of Andover Controls, Inc., computerized energy management equipment on an annual basis for final approval of the Board of Education.

RESOLUTION NO. 14-04

Re: **CONTRACT CONSULTANT – VARIOUS  
CONSTRUCTION CONTRACTS**

On recommendation of the Superintendent and on motion of Mr. Felton seconded by Mr. Lange, the following resolution was adopted unanimously by members present:#

WHEREAS, It is necessary to appoint a consultant to provide professional and technical services to modify and update current construction contract documents for construction services; and

WHEREAS, A Selection Committee, in accordance with procedures adopted by the Board of Education on July 14, 1998, selected McManus, Schor, Asmar & Darden, L.L.P., to provide the necessary services; now therefore be it

Resolved, That a contract in the amount of \$35,000 with McManus, Schor, Asmar & Darden, L.L.P., be approved to provide consultant services to modify and update current construction contract documents for capital projects.

RESOLUTION NO. 15-04                      Re:    **ARCHITECTURAL APPOINTMENT – INFANTS AND TODDLERS PROGRAM AT NEELSVILLE MIDDLE SCHOOL**

On recommendation of the Superintendent and on motion of Mr. Felton seconded by Mr. Lange, the following resolution was adopted unanimously by members present:

WHEREAS, It is necessary to appoint an architectural firm to provide professional and technical services during the design and construction phases of the installation of a pre-engineered building of approximately 5,500 square feet to house the Infants and Toddlers Program at the Neelsville Middle School; and

WHEREAS, The preliminary construction cost estimate for this work is approximately \$650,000; and

WHEREAS, Funds for architectural planning were programmed as part of the FY 2004 Capital Budget; and

WHEREAS, An Architect Selection Committee, in accordance with procedures adopted by the Board of Education on July 14, 1998, selected Smolen P Emr + Associates Architects to provide the necessary professional architectural and engineering services; and

WHEREAS, Staff has negotiated a fee for architectural services that includes two consultants who are Maryland Department of Transportation-certified minority firms; now therefore be it

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with the architectural firm of Smolen P Emr + Associates Architects to provide professional architectural and engineering services for the Infants and Toddlers Program at Neelsville Middle School for a fee of \$90,000.

RESOLUTION NO. 16-04                      Re:    **NORTHEAST CONSORTIUM ELEMENTARY SCHOOL #16 – AUTHORITY TO PURCHASE**

On recommendation of the Superintendent and on motion of Mr. Felton seconded by Mr. Lange, the following resolution was adopted unanimously by members present:#

WHEREAS, The Northeast Consortium Elementary School #16, located at 1100 Corliss Street in Silver Spring, is scheduled to open in the fall of 2006; and

WHEREAS, The access road to the site needs to be realigned to provide adequate room for bus and vehicular traffic; and

WHEREAS, Two residential properties adjacent to the current access road must be purchased to widen a portion of Corliss Street that leads to the school site; and

WHEREAS, Funds are available from the Advance Land Acquisition Revolving Fund for the purchase of these properties; and

WHEREAS, The owners of one of the properties, 9810 Hedin Drive, have agreed to a sale price of \$303,000, which is within the range of comparable real estate sales in the neighborhood; now therefore be it

Resolved, That the president and secretary of the Board of Education be authorized to execute a Contract of Sale for the purchase of the land and improvements located at 9810 Hedin Drive, being Lot 2 Block 31 in Oakview, for the purchase price of \$303,000; and be it further

Resolved, That the superintendent be authorized to make settlement as soon as possible thereafter.

RESOLUTION NO. 17-04                      Re:    **UTILIZATION OF FY 2004 PROVISION FOR FUTURE SUPPORTED PROJECT FUNDS**

On recommendation of the Superintendent and on motion of Mr. Felton seconded by Mr. Lange, the following resolution was adopted unanimously by members present:#

WHEREAS, The grants qualify for a transfer of appropriation from the Provision for Future Supported Projects, pursuant to the provisions of County Council Resolution No. 15-184 approved May 22, 2003; and

WHEREAS, The programs do not require any present or future county funds; and

WHEREAS, Sufficient appropriation is available, within the FY 2004 Provision for Future Supported Projects, to permit the transfers within state categories; now therefore be it

Resolved, That the superintendent of schools be authorized to receive and expend, within the FY 2004 Provision for Future Supported Projects, as specified below:

Projects

Amount

English Language and Civics Education for Legal

Permanent Residents	\$ 18,000
K-12 Digital Library	630,000
Student Inquiry Project	134,000
Tech Prep/Project Lead the Way	<u>249,421</u>
Total	<u>\$ 1,031,421</u>

and be it further

Resolved, That a copy of this resolution be sent to the county executive and County Council.

RESOLUTION NO. 18-04

Re: **APPROVAL OF MONTGOMERY COUNTY  
SUPPLEMENTAL PENSION PLAN**

On recommendation of the Superintendent and on motion of Mr. Felton seconded by Mr. Lange, the following resolution was adopted unanimously by members present:#

WHEREAS, The Internal Revenue Service permits creation of a defined benefit pension under Section 401(a) of the Code; and

WHEREAS, The Board of Education believes that creation of such a pension plan is in the best interests of the school system; now therefore be it

Resolved, That the Board of Education authorize its president to execute any and all documents necessary to establish the Montgomery County Supplemental Pension Plan, pursuant to Section 401(a) of the Internal Revenue Code, subject to receipt of a favorable determination letter from the Internal Revenue Service.

RESOLUTION NO. 19-04

Re: **HUMAN RESOURCES MONTHLY REPORT**

On recommendation of the Superintendent and on motion of Mr. Romero seconded by Mr. Lange, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education accept the Human Resources Monthly Report dated January 13, 2004.

RESOLUTION NO. 20-04

Re: **DEATH OF MR. THOMAS M. WHALEN, BUS  
OPERATOR, DEPARTMENT OF  
TRANSPORTATION**

On recommendation of the Superintendent and on motion of Mr. Lange seconded by Mr. Sanghvi, the following resolution was adopted unanimously by members present:

WHEREAS, The death on December 10, 2003, of Thomas M. Whalen, bus operator in the Department of Transportation at the Shady Grove Depot, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, In the short time that Mr. Whalen had worked for Montgomery County Public Schools, he demonstrated exceptional ability as a bus operator; and

WHEREAS, His cheerful and cooperative attitude and his concern for the students were a credit to the entire pupil transportation program; now therefore be it

Resolved, That the members of the Board of Education express their sorrow at the death of Mr. Thomas M. Whalen and extend deepest sympathy to his family; and be it further

Resolved, That this resolution be made a part of the minutes of this meeting and a copy be forwarded to Mr. Whalen's family.

RESOLUTION NO. 21-04                      Re:    **DEATH OF MR. VALDOMIRO R. CHAGAS, BUS OPERATOR I, DEPARTMENT OF TRANSPORTATION**

On recommendation of the Superintendent and on motion of Mr. Lange seconded by Mr. Felton, the following resolution was adopted unanimously by members present:

WHEREAS, The death on December 18, 2003, of Valdomiro R. Chagas, bus operator in the Department of Transportation at the Randolph Depot, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, In the short time that Mr. Chagas had worked for Montgomery County Public Schools, he demonstrated extreme loyalty and dedication as a bus operator; and

WHEREAS, His positive attitude and his concern for the students were a credit to the entire pupil transportation program; now therefore be it

Resolved, That the members of the Board of Education express their sorrow at the death of Mr. Valdomiro R. Chagas and extend deepest sympathy to his family; and be it further

Resolved, That this resolution be made a part of the minutes of this meeting and a copy be forwarded to Mr. Chagas' family.

RESOLUTION NO. 22-04                      Re:    **HUMAN RESOURCES APPOINTMENT**

On recommendation of the Superintendent and on motion of Mr. Felton seconded by Mr. Lange, the following resolution was adopted unanimously by members present:

Resolved, That the following personnel appointment be approved effective January 14, 2004:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
David Cross	Instructional Specialist, Department of Placement and Assessment Services	Coordinator, Autism Waiver Project, Department of Special Education

Re:    **MONTHLY FINANCIAL REPORT**

Mr. Bowers reported that this was a projected financial condition through November 30, 2003, based on program requirements and estimates made by primary and secondary account managers. At that time, revenues had a projected deficit of \$475,325, while expenses had a projected surplus of \$7,500,000.

\*\*Mr. Romero temporarily left the meeting.

RESOLUTION NO. 23-04                      Re:    **PRELIMINARY PLANS – ROSEMONT  
ELEMENTARY SCHOOL ADDITION**

On recommendation of the Superintendent and on motion of Mr. Felton seconded by Mr. Lange, the following resolution was adopted unanimously by members present:

WHEREAS, The architect for the Rosemont Elementary School addition, Rubeling & Associates, has prepared a schematic design in accordance with the educational specifications; and

WHEREAS, The Rosemont Elementary School Facility Advisory Committee has approved the proposed schematic design; now therefore be it

Resolved, That the Board of Education approve the preliminary plans report for the Rosemont Elementary School addition developed by Rubeling & Associates.

\*\*Mr. Romero rejoined the meeting.

RESOLUTION NO. 24-04                      Re:    **DISSOLUTION OF MONTGOMERY COUNTY  
ADVISORY COUNCIL FOR CAREER AND  
TECHNOLOGY EDUCATION**

On motion of Mr. Felton and seconded by Mr. Lange, the following resolution was adopted unanimously by members present:

WHEREAS, Pursuant to State law and regulation, the Montgomery County Board of Education in concert with the Montgomery College Board of Trustees established, in 1978, the Montgomery County Advisory Council for Career and Technology Education [MCAC]; and

WHEREAS, By Resolution No. 655-77, and reaffirmed by Resolution No. 284d-84, the Board of Education set forth the charge of the MCAC as advising the two educational institutions on: the distribution of career and technology education funds; county career and technology education program accountability reports; county job needs; and the adequacy of career and technology programs being offered; and

WHEREAS, The members of the MCAC have made an invaluable contribution to the students, parents, and staff of the school system, as well as employers and citizens of the county, for over a quarter of a century, bringing their collective energies, experiences, and insights on a volunteer basis to address career and technology education; and

WHEREAS, The college and the school system, having aligned their career programs with the state's career cluster system, are set to establish a new joint collaborative advisory board to oversee the new model for the career clusters; now therefore be it

Resolved, That the Board of Education formally supersede Resolution Nos. 655-77 and 284d-84, thereby dissolving the Montgomery County Advisory Council for Career and Technology Education, upon concurrent action by the Montgomery College Board of Trustees; and be it further

Resolved, That the Board of Education extend its formal appreciation, by way of a joint letter signed by the presiding officers of both boards, to each of the current members of MCAC to acknowledge their service to the college, the school system, and the community.

Re: **MONTGOMERY COUNTY ADVISORY COUNCIL  
FOR CAREER AND TECHNOLOGY EDUCATION**

Dr. Judy Blumenthal gave an overview of the contributions of the Advisory Council over the past 30 years.

RESOLUTION NO. 25-04                      Re: **PROPOSED MONTGOMERY COUNTY  
COLLABORATION BOARD FOR CAREER AND  
TECHNOLOGY EDUCATION**

On recommendation of the Superintendent and on motion of Dr. Haughey seconded by Mr. Romero, the following resolution was adopted unanimously by members present:

WHEREAS, the Annotated Code of Maryland, Education Article, Section 21-101, requires each institution in Maryland that receives funding pursuant to the Carl D. Perkins Vocational and Technical Education Act of 1998 (Public Law 105-332) to have an advisory council; and

WHEREAS, Montgomery College (MC) and Montgomery County Public Schools (MCPS) have aligned their career programs with the Career Cluster System of the Maryland State Department of Education (MSDE); and

WHEREAS, MC and MCPS, in consultation with MSDE, have developed a more efficient collaborative model, among the college, school system, Montgomery County Business Roundtable for Education, community, and four-year post-secondary institutions; and

WHEREAS, Board of Education Policy BMA establishes the general parameters for Board advisory committees; now therefore be it

Resolved, That the Montgomery County Board of Education, in tandem with the Montgomery College Board of Trustees, hereby establish the Montgomery County Collaboration Board for Career and Technology Education, to serve in an advisory capacity to both boards; and be it further

Resolved, That the timeline set forth in Attachment 5 be followed to bring the Collaboration Board into existence with the first appointments to be submitted to the Board of Education and the Board of Trustees in May of 2004; and be it further

Resolved, That, consistent with Policy BMA as qualified by the specific charge and direction set forth below, the Collaboration Board shall have the following features:

- < Charge: To advise the boards on the distribution of career and technology education funds; county career and technology education program accountability reports; county job needs; and adequacy of career and technology education programs.
- < Membership: As reflected in Attachment 4, eleven members shall be jointly appointed by the Board of Trustees and the Board of Education, upon nomination of one member by each of the eleven career cluster advisory boards, and one additional student member shall be appointed by the Board of Trustees and the Board of Education upon nomination by the college president and superintendent, respectively.
- < Liaison to Collaboration Board: The MCPS Director of Career and Technology Education and MC Instructional Dean for Science and Technology shall serve as liaisons to, and non-voting members of, the Collaboration Board.
- < Meetings: The Collaboration Board shall meet no less than six times during the course of a calendar year, a majority of its membership constituting a quorum to transact business, with a schedule of meeting dates to be established in advance. All meetings are open to the public pursuant to the Open Meetings Act.
- < Chairperson: A President shall be jointly appointed by the Board of Education and Board of Trustees for a three-year term, alternating between a nominee of the superintendent of schools and the president of the college.
- < Reports: A written report shall be submitted to the Board of Education and the Board of Trustees on an annual basis with recommendations as deemed appropriate.

and be it further

Resolved, That the Board of Education take action to adopt the Montgomery County Collaboration Board for Career and Technology Education structure and implementation plan.

RESOLUTION NO. 26-04                      Re:    **FINAL APPROVAL OF POLICY IPD – TRAVEL STUDY PROGRAMS, CLASS, AND STUDENT ORGANIZATION TRIPS**

On motion of Ms. Cox and seconded by Dr. Haughey, the following motion was adopted unanimously by members present:

WHEREAS, Policy IPD, *Travel Study Programs, Class and Student Organization Trips*, provides guidance for planning, approving, implementing, and evaluating various types of school trips; and

WHEREAS, Policy IPD, *Travel Study Programs, Class and Student Organization Trips*, affirms the position that classroom instruction is the foundation of the educational process, and that maximizing the time spent in this endeavor is the primary goal of the Board of Education; and

WHEREAS, The draft revision of Policy IPD, *Travel Study Programs, Class and Student Organization Trips*, tentatively was adopted by the Board of Education on October 14, 2003, and sent out for public comment; and

WHEREAS, The Board of Education has received comments and the superintendent's recommendations; now therefore be it

Resolved, That the Board of Education adopt Policy IPD, *Travel Study Programs, Class and Student Organization Trips*, as revised.

### **Travel Study Programs, Field Trips and Student Organization Trips**

#### A.    PURPOSE

Classroom instruction is the foundation of the educational process, and maximizing instructional time is a primary goal of the Board of Education. The Board supports the use of carefully planned field trips, travel study programs, and student organization trips that are directly related to the instructional program or provide extended enrichment opportunities related to a school-sponsored organization. Trips should enhance and supplement the instructional program and support other Board policies.

#### B.    ISSUE

The overall success of any trip is dependent upon cooperative planning, a coordinated effort, and clearly identified objectives.

C. POSITION

1. Students' grades or eligibility to participate in other activities shall not be adversely affected based on participation in school-sponsored trips.
2. Students' participation in trips is voluntary, and students may not be penalized based on nonparticipation.
3. No student may be denied participation in a school-sponsored field trip or overnight trip that directly relates to the instructional program due to financial circumstances.
4. Trips commemorating articulation or promotion, utilized to motivate and reward students, are permitted only upon approval of the appropriate community superintendent.
5. The community superintendents will review this policy and accompanying administrative regulations with the principals on an annual basis.
6. The superintendent will issue a regulation implementing this policy. The regulation will address, among other matters, when circumstances compel the cancellation of trips by the superintendent or his/her designee for reasons such as safety or security.

D. DESIRED OUTCOMES

To have carefully designed travel study programs, field trips, and student organization trips that are directly related to the instructional program or provide extended enrichment opportunities related to a school-sponsored organization.

E. REVIEW AND REPORTING

This policy will be reviewed in accordance with the Board of Education's policy review process.

Re: **TENTATIVE ACTION, POLICY CNA,  
ADVERTISING MATERIALS AND  
ANNOUNCEMENTS**

On motion of Ms. Cox and seconded by Dr. Haughey, the following motion was placed on the table:

WHEREAS, Policy CNA, *Advertising Material and Announcements*, sets forth the criteria for posting or distributing informational materials or announcements; and

WHEREAS, Policy CNA, *Advertising Material and Announcements*, articulates the Board of Education's intention not to create and maintain a public forum; and

WHEREAS, The Board Policy Committee has considered and recommended revisions to Policy CNA, *Advertising Material and Announcements*; now therefore be it

Resolved, That the Board of Education take tentative action on Policy CNA, *Informational Material and Announcements*; and be it further

Resolved, That Policy CNA, *Informational Material and Announcements*, be sent out for public comment.

## **INFORMATIONAL MATERIAL AND ANNOUNCEMENTS**

### **A. PURPOSE**

To inform the public and staff about criteria for posting or distributing informational materials and announcements. In this regard, it is the intent of the Board of Education to create and maintain a nonpublic forum.

### **B. ISSUE**

One of the responsibilities of the school system is to provide an orderly learning environment. It is important to send home and/or make available to students and parents only that information which has been approved for display or distribution in accordance with this policy.

### **C. POSITION**

1. The deputy superintendent/chief operating officer, or a community superintendent as appropriate, may approve for display or for distribution directly to students informational materials or announcements from the following organizations:

a. Montgomery County Public Schools

- b. Agencies/departments within the county, state, or federal government
  - c. Parent Teacher Associations or Parent Teacher Student Associations
  - d. Licensed day care operating on school campus
2. Informational materials or announcements from any other organization may be approved for display only (not for distribution directly to students) if the activity or event primarily concerns one of the following topics:
- a. Educational services directly related to the school system's instructional program, such as test preparation courses and enrichment courses
  - b. Student health, safety, or welfare
  - c. Community sports or cultural activities (nonprofit)
  - d. Licensed day care
3. The superintendent will adopt necessary regulations to ensure that this policy is implemented throughout the school system.

#### D. REVIEW AND REPORTING

This policy will be reviewed in accordance with the Board of Education policy review process.

Re: **AN AMENDMENT TO THE TENTATIVE ACTION,  
POLICY CNA, MATERIALS AND  
ANNOUNCEMENTS**

On motion of Mr. Felton and consensus of the Board members present, the following amendment was accepted:

To inform the public and staff about criteria for posting or distributing informational materials and announcements. In this regard, it is the intent of the Board of Education to designate ~~create and maintain a nonpublic forum~~ appropriate materials for display and distribution.

Re: **AN AMENDMENT TO THE TENTATIVE ACTION,  
POLICY CNA, MATERIALS AND  
ANNOUNCEMENTS**

On motion of Mr. Felton and consensus of the Board members present, the following amendment was accepted:

One of the responsibilities of the school system is to provide ~~an orderly learning~~

environment a learning environment free from disruption.

Re: **AN AMENDMENT TO THE TENTATIVE ACTION,  
POLICY CNA, MATERIALS AND  
ANNOUNCEMENTS**

On motion of Mr. Lange and consensus of the Board members present, the following amendment was accepted:

Informational materials or announcements from any other organization may be approved **by the deputy superintendent/chief operating office, or a community superintendent as appropriate**, for display only (not for distribution directly to students) if the activity or event primarily concerns one of the following topics.

RESOLUTION NO. 27-04                      Re: **TENTATIVE ACTION, POLICY CNA, MATERIALS  
AND ANNOUNCEMENTS**

On motion of Ms. Cox and seconded by Dr. Haughey, the following motion was adopted unanimously by members present:

WHEREAS, Policy CNA, *Advertising Material and Announcements*, sets forth the criteria for posting or distributing informational materials or announcements; and

WHEREAS, Policy CNA, *Advertising Material and Announcements*, articulates the Board of Education's intention not to create and maintain a public forum; and

WHEREAS, The Board Policy Committee has considered and recommended revisions to Policy CNA, *Advertising Material and Announcements*; now therefore be it

Resolved, That the Board of Education take tentative action on Policy CNA, *Informational Material and Announcements*; and be it further

Resolved, That Policy CNA, *Informational Material and Announcements*, be sent out for public comment.

## **INFORMATIONAL MATERIAL AND ANNOUNCEMENTS**

### **A. PURPOSE**

To inform the public and staff about criteria for posting or distributing informational materials and announcements. In this regard, it is the intent of the Board of Education

to designate appropriate materials for display and distribution.

**B. ISSUE PROCESS AND CONTENT**

One of the responsibilities of the school system is to provide a learning environment free from disruption. It is important to send home and/or make available to students and parents only that information which has been approved for display or distribution in accordance with this policy.

**C. POSITION**

1. The deputy superintendent/chief operating officer, or a community superintendent as appropriate, may approve for display or for distribution directly to students informational materials or announcements from the following organizations:
  - a. Montgomery County Public Schools
  - b. Agencies/departments within the county, state, or federal government
  - c. Parent Teacher Associations or Parent Teacher Student Associations
  - d. Licensed day care operating on school campus
2. Informational materials or announcements from any other organization may be approved by the deputy superintendent/chief operating officer, or a community superintendent as appropriate, for display only (not for distribution directly to students) if the activity or event primarily concerns one of the following topics:
  - a. Educational services directly related to the school system's instructional program, such as test preparation courses and enrichment courses
  - b. Student health, safety, or welfare
  - c. Community sports or cultural activities (nonprofit)
  - d. Licensed day care
3. The superintendent will adopt necessary regulations to ensure that this policy is implemented throughout the school system.

**D. REVIEW AND REPORTING**

This policy will be reviewed every three years in accordance with the Board of Education policy review process.

Re: **MSDE PROPOSAL ON DIPLOMAS (ORAL)**

Dr. Frieda Lacey, chief of staff, and Mr. Dale Fulton, associate superintendent for the Office of Curriculum and Instruction Programs, outlined the proposal from the Maryland State Department of Education (MSDE).

Dr. Lacey explained the redesign of high school completion program. MSDE has proposed multi-diplomas. Staff wanted to examine the proposal and high school assessment (HSA) data and disaggregate that data as it relates to the proposed diplomas. However, there is not a cohort of students that has taken all four HSAs.

Mr. Fulton reported that the state board in December proposed options for tiered diplomas. Because of concerns regarding increased dropout and failure rates among certain subgroups such as special education students and English-language learners, state Superintendent Nancy Grasmick proposed a plan to provide a tiered system of five alternate diplomas, with different kinds of diplomas issued depending on the number of assessments passed and whether a student has a disability. Some state board members voiced concerns that the tiered system could lead schools to track students toward different diplomas, and that such diplomas would be "viewed as second-class." MCPS staff supports one Maryland State diploma based on passing the HSAs, a substitute test, or a composite test.

Mr. Felton asked what the rationale was. What got the state to this point? Mr. Fulton replied that when the standards setting was done last summer, the state saw the impact on students not receiving a Maryland State diploma and shifted the diplomas to LEAs. Staff did not know what colleges and business would do with a local diploma, and there would be 24 counties with different criteria for a diploma. In reality, the HSA was to make the Maryland diploma meaningful.

Ms. Cox noted that when this item was placed on the agenda, there was a request for data that might be available to give the Board a better picture of the potential impact of this proposal on students, especially students with Individualized Education Programs. Dr. Alban, Office of Shared Accountability, replied that there were limitations of the data. The state has only given the school system HSA scores for the last two school years. Therefore, the system does not have a full cohort of students who have taken all four tests. The closest data would be to look at the current 11<sup>th</sup> graders, 13 percent of whom have taken all four tests. The tiered diploma system would affect students in special education and limited English learners.

Mr. Lange asked what passing is for the HSA. He understood it was still undetermined. Mr. Fulton replied that cut scores have been determined.

Mr. Lange noted that staff had mentioned four HSAs, and he thought there would be 10 HSAs ultimately. Mr. Fulton responded that phase one is being implemented, and phase two has been placed on hold.

Mr. Sanghvi affirmed that the four tests are for Biology, Government, English I, and Algebra.

Mr. Romero asked what incentive there would be for a college admissions officer to admit a student with a local diploma. Would the college have to rely on grade point averages? Mr. Fulton stated that staff was concerned about disadvantaged students.

Mr. Romero asked if there were accommodations given for SAT tests. Mr. Fulton said there were. Dr. Thornton thought it would be difficult to know the difference between diplomas.

Mr. Felton asked if the local diploma would have the same stature as the current state diploma and if the future state diploma would have a higher status. Mr. Fulton stated that at present there is one diploma, certificate, and GED.

Ms. Cox thought the state could not control the perception of the diplomas. Since it is not granted by the state, people will assume it is a lesser diploma.

Mr. Felton asked what the next steps were. Mr. Fulton answered that the state was having discussions with superintendents, assistant superintendents, and PTAs. The next step will be to draft regulations and receive public comment. The State Board will vote in late spring.

Ms. Cox asked if the state was looking at approving substitute tests with strict alignment with the Maryland assessments standards. Mr. Fulton responded that any assessment would have to be aligned, but tests such as the SAT II cannot be aligned. However, tests such as the SAT II have a national reputation, and the state would set a cut score.

Mr. Felton asked if this proposal was based on any other state model. Ms. Blum thought all states were struggling with these concepts, and some states have some form of composite scores.

Mr. Felton asked what the community should do during this first phase. Mr. Fulton replied that Dr. Weast has taken a proposal to the other state superintendents, and the Board could communicate with the State Board about its concerns.

Ms. Cox thought that staff was headed in the right direction to maintain a high quality diploma with the two-tiered system.

Ms. Cox said the Board will write a letter to the State Board of Education on tiered diplomas, indicating concerns over the current proposal.

RESOLUTION NO. 28-04

Re: **C O S T - N E U T R A L   A M E N D M E N T   T O  
S U P E R I N T E N D E N T ' S   C O N T R A C T**

On motion of Mr. Sanghvi and seconded by Mr. Lange, the following resolution was adopted unanimously by members present:

WHEREAS, The Board of Education has reappointed Dr. Jerry D. Weast to a second four-year term as superintendent of schools, to run from July 1, 2003, to June 30, 2007; and

WHEREAS, The president, on behalf of the Board of Education, and Dr. Weast approved—on February 11, 2003—an amendment to the superintendent's original 1999 employment contract, thereby renewing, republishing, and reaffirming the terms and conditions of original

employment contract except to the extent modified by the express terms of the amendment;  
and

WHEREAS, The Board of Education has today approved a new retirement plan called the Montgomery County Supplemental Pension Plan and the superintendent shall be a participant in that plan; now therefore be it

Resolved, That, in recognition of the foregoing, the Board of Education authorize its president to execute the attached cost-neutral amendment to Dr. Weast's employment contract.

**SECOND AMENDMENT TO THE 1999 AGREEMENT BETWEEN THE MONTGOMERY COUNTY BOARD OF EDUCATION AND DR. JERRY D. WEAST**

IT IS THIS \_\_\_\_\_ day of January, 2004, agreed by and between the Board of Education of Montgomery County, Maryland (hereinafter referred to as the "Board") and Dr. Jerry D. Weast (hereinafter referred to as the "Superintendent") that the 1999 Agreement Between the Montgomery County Board of Education and Dr. Jerry D. Weast (hereinafter referred as the Superintendent's Original Contract"), as amended on February 11, 2003, is amended further as follows:

1. Effective January 14, 2004, the Superintendent's salary shall be \$237,794.36 per fiscal year as set forth in the original contract of July 14, 1999, as adjusted for cost of living to the extent that cost-of-living adjustments determined under his original contract are greater than or less than six percent (6%) per year.
2. The Superintendent shall be entitled to the benefits set forth in paragraph III. B. based on the annual salary and cost-of-living increases as set forth in the original contract of July 14, 1999.
3. The Superintendent shall be eligible to participate in the Montgomery County Supplemental Pension Plan.
4. Paragraphs III. D. and III. F. of the original contract of July 14, 1999, are deleted.

These amendments have been negotiated and are in consideration of the Superintendent's participation in the Montgomery County Supplemental Pension Plan and shall be null and void if such plan does not receive a favorable determination letter from the Internal Revenue Service.

In all other respects the terms and conditions of the Superintendent's Original Contract, as amended on February 11, 2003, are renewed, republished, and reaffirmed.

This Second Amendment has been approved by the Board, in accordance with its duly adopted resolution, and accepted by the parties as evidenced by the signatures of the President of the Board and the Superintendent.

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Sharon Cox  
President  
Montgomery County Board of Education

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Jerry D. Weast  
Superintendent of Schools  
Montgomery County Public Schools

RESOLUTION NO. 29-04                      Re:    **CLOSED SESSION RESOLUTION**

On recommendation of the Superintendent and on motion of Mr. Felton seconded by Mr. Sanghvi, the following resolution was adopted unanimously by members present:

WHEREAS, The Board of Education of Montgomery County is authorized by the *Education Article* and *State Government Article of the Annotated Code of Maryland* to conduct certain meetings or portions of its meetings in closed sessions; now therefore be it

Resolved, That the Board of Education of Montgomery County conduct closed sessions on Tuesday, February 10, 2004, in Room 120 of the Carver Educational Services Center to meet from 9:00 to 10:00 a.m. and 12:15 to 1:30 p.m. to discuss personnel matters, as permitted under Section 10-508(a)(1) of the *State Government Article*; consult with counsel to obtain legal advice, as permitted by Section 10-508(a)(7) of the *State Government Article*; review and adjudicate appeals in its quasi-judicial capacity; and discuss matters of an executive function outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*); and be it further

Resolved, That such meetings shall continue in closed session until the completion of business.

RESOLUTION NO. 30-04                      Re:    **REPORT OF CLOSED SESSION**

On recommendation of the Superintendent and on motion of Mr. Felton seconded by Dr. Haughey, the following resolution was adopted unanimously by members present:

On December 9, 2003, by unanimous vote of members present, the Board of Education voted to conduct closed sessions as permitted under the *Education Article* § 4-107 and *State Government Article* § 10-501, *et seq.*, of the *Annotated Code of Maryland*.

The Montgomery County Board of Education met in closed sessions on December 9, 2003, from 8:45 to 10:10 a.m. and 12:45 to 2:30 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and

1. Reviewed the following appeals with a subsequent vote to approve in open session: T-2003-51, 2003-16, 2003-23, 2003-24, 2003-33, 2003-36, 2003-49, 2003-51, 2003-52, 2003-54, and 2003-56.
2. Reviewed the Superintendent's recommendation for Human Resources Appointments and the Human Resources Monthly Report with subsequent votes to approve in open session.
3. Discussed matters of an executive function outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*).

In attendance at the closed session were: Elizabeth Arons, Larry Bowers, Sharon Cox, Reggie Felton, Charles Haughey, Roland Ikheloa, Mark Kelsch, Don Kress, Frieda Lacey, Walter Lange, George Margolies, Pat O'Neill, Brian Porter, Gabe Romero, Lori Rogovin, Glenda Rose, Sagar Sanghvi, Greg Thornton, Jerry Weast, and Carey Wright.

RESOLUTION NO. 31-04                      Re:    **MINUTES OF OCTOBER 27, 2003, MEETING**

On motion of Mr. Felton and seconded by Mr. Lange, the following resolution was adopted by members present:

Resolved, That the Board of Education approved its minutes from the October 27, 2003, meeting.

RESOLUTION NO. 32-04                      Re:    **APPEAL 2003-23**

On motion of Mr. Felton and seconded by Mr. Lange, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2003-23, student expulsion, reflective of the following vote: Ms. Cox, Mr. Felton, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to affirm; Mr. Burnett was absent when this case was adjudicated.

RESOLUTION NO. 33-04                      Re:    **APPEAL 2003-24**

On motion of Mr. Felton and seconded by Mr. Sanghvi, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2003-24, student expulsion, reflective of the following vote: Ms. Cox, Mr. Felton, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to affirm; Mr. Burnett was absent when this case was adjudicated.



**RESOLUTION NO. 34-04                    Re:    APPEAL 2003-33**

On motion of Mr. Felton and seconded by Mr. Romero, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2003-33, student expulsion, reflective of the following vote: Ms. Cox, Mr. Felton, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to affirm; Mr. Burnett was absent when this case was adjudicated.

**RESOLUTION NO. 35-04                    Re:    APPEAL 2003-36**

On motion of Mr. Felton and seconded by Mr. Sanghvi, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2003-36, student expulsion, reflective of the following vote: Ms. Cox, Mr. Felton, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to affirm; Mr. Burnett was absent when this case was adjudicated.

**RESOLUTION NO. 36-04                    Re:    APPEAL 2003-49**

On motion of Mr. Felton and seconded by Mr. Lange, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2003-49, non-selection of coach, reflective of the following vote: Ms. Cox, Dr. Haughey, and Mr. Lange voting to affirm; Mr. Felton, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to grant oral argument; Mr. Burnett was absent when this case was adjudicated.

**RESOLUTION NO. 37-04                    Re:    APPEAL 2003-51**

On motion of Mr. Felton and seconded by Dr. Haughey, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2003-51, student discipline, reflective of the following vote: Ms. Cox, Mr. Felton, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to affirm; Mr. Burnett was absent when this case was adjudicated.

**RESOLUTION NO. 38-04                    Re:    APPEAL 2003-52**

On motion of Mr. Felton and seconded by Mr. Sanghvi, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2003-52, student expulsion, reflective of the following vote: Ms. Cox, Mr. Felton, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to affirm; Mr. Burnett was absent when this case was adjudicated.

RESOLUTION NO. 39-04                      Re:    **APPEAL 2003-54**

On motion of Mr. Felton and seconded by Mr. Sanghvi, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2003-54, student discipline, reflective of the following vote: Ms. Cox, Mr. Felton, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to affirm in part and reverse in part; Mr. Burnett was absent when this case was adjudicated.

RESOLUTION NO. 40-04                      Re:    **APPEAL 2003-56**

On motion of Mr. Felton and seconded by Mr. Sanghvi, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2003-56, student expulsion, reflective of the following vote: Ms. Cox, Mr. Felton, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to affirm; Mr. Burnett was absent when this case was adjudicated.

RESOLUTION NO. 41-04                      Re:    **MIDDLE YEARS PROGRAMME CERTIFICATE**

On motion of Dr. Haughey and seconded by Mr. Lange, the following resolution was adopted unanimously by members present:

WHEREAS, The Board of Education is pleased to have fostered the International Baccalaureate Program as part of the program of instruction for more than fifteen years; and

WHEREAS, Students of the Montgomery County Public Schools have benefitted from the development and expansion of the International Baccalaureate Program since it was initiated at Richard Montgomery High School in 1987; and

WHEREAS, The International Baccalaureate approach has been extended into the middle

school through implementation of the International Baccalaureate Middle Years Programme at Julius West Middle School; and

WHEREAS, Students now in the tenth grade at Richard Montgomery High School were the pilot group of students to implement this new program and, through their dedication and performance, have provided the evidence of success needed for our school system to be authorized to proceed through the International Baccalaureate certification and moderation process; and

WHEREAS, Under regulations of the International Baccalaureate Organization, the timing of the approval process precludes eligibility of this pioneering first class for full Middle Years Programme recognition despite the students' completion of the same rigorous five-year cycle that will qualify students in subsequent classes for the Middle Years Programme Certificate; and

WHEREAS, The Board of Education desires to give special recognition to the essential role these students played in participating in this Programme through its successful implementation; now therefore be it

Resolved, That the Board of Education commend each of the current Grade 10 Middle Years Programme students at Richard Montgomery High School for the pioneering spirit, academic attainment and perseverance that contributed so substantially to success of the first full Middle Years Programme in any Montgomery County public school; and be it further

Resolved, That, upon the completion of tenth grade, each such student be provided a certificate, in a format deemed appropriate by the superintendent or his designee, to which the signature of the Board president and the superintendent is affixed, attesting to this achievement.

RESOLUTION NO. 42-04

Re: **DEMOGRAPHIC CHANGES IN MONTGOMERY COUNTY**

On motion of Dr. Haughey and seconded by Mr. Lange, the following resolution was adopted unanimously by members present:

WHEREAS, The Board of Education recognizes that our County continues to experience substantial changes in the racial, ethnic and cultural composition of our population as a whole and of the population of students in our schools in particular; and

WHEREAS, The Montgomery County public school system has benefitted in recent years from a continuing pattern of enrichment provided by the infusion of substantial numbers of

new students drawn from a variety of cultures, whose backgrounds reflect a worldwide variety of nations, languages and traditions; and

WHEREAS, Both our school system and our County government will benefit from a more extensive and precise understanding of the patterns of entry, movement and completion of all the students in our schools; and

WHEREAS, There is, at present, no means to undertake a comprehensive county-wide study of the shifting demographic patterns of the racial, ethnic and cultural groups in our communities and the implications of those patterns for educational and community services; and

WHEREAS, The school system does not currently have the resources needed to conduct a comprehensive study of shifting demographic patterns and their implications for instruction and for community support services; and

WHEREAS, Such a study could appropriately inform the Board and the County about significant population shifts along with demographic and ethnographic change, while drawing on knowledge derived from such disciplines as demography, sociology, ethnography and cultural anthropology; now therefore be it

Resolved, That the Board of Education authorize its Subcommittee on Research and Evaluation to seek cooperative participation of the County Executive, the County Council, and the Planning Board in a county-wide study to examine patterns of demographic changes in Montgomery County over the last two decades and to develop projections of appropriate ranges of demographic patterns to be anticipated in the next decade.

RESOLUTION NO. 43-04

Re: **STUDENT ADVISORY COMMITTEE**

On motion of Mr. Sanghvi and seconded by Dr. Haughey, the following resolution was adopted unanimously by members present:

WHEREAS, The Board, at its annual meeting held for this purpose, had the benefit recently of hearing from student government leaders of issues of concern to students; and

WHEREAS, The Board desires to hear, on a regular basis, the voice of those most directly impacted by its actions so that their input can be taken into account as policy decisions are made; and

WHEREAS, The Student Advisory Committee has been established as a committee of students, under the auspices of the Student Affairs Office, to discuss and analyze Board actions and policy issues; now therefore be it

Resolved, That the Board of Education hereby recognize the Student Advisory Committee as an advisory body to serve as a means to channel student input on policy issues to the Board of Education; and be it further

Resolved, That the Student Member of the Board shall serve as the liaison between the Student Advisory Committee and the Board of Education.

Re: **NEW BUSINESS**

There was no new business.

Re: **ITEMS OF INFORMATION**

The following items were available:

1. Legal Fees Report
2. Construction Progress Report

RESOLUTION NO. 44-04

Re: **ADJOURNMENT**

On motion of Mr. Lange and seconded by Mr. Sanghvi, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education adjourn its meeting of January 13, 2004, at 4:50 p.m.

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PRESIDENT

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SECRETARY

JDW:gr

Re: **CLOSED SESSION**

The Board of Education went into closed session to adjudicate appeals from 5:05 to 8:00 p.m..

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