

# MONTGOMERY COUNTY BOARD OF EDUCATION POLICY COMMITTEE

January 17, 2012

The meeting was called to order at 2:30 p.m. with the following Board members and Board staff present: Pat O'Neill, (chair), Chris Barclay, Shirley Brandman, Suzann King (staff assistant), and Glenda Rose (recorder).

Guest Board Members: Judy Docca and Laura Berthiaume.

Legal Counsel: Judy Bresler and Eric Brousaides.

Other staff present: Stephanie Williams, Harriet Potosky, Sally Davis, Lori-Christina Webb, Sylvia Morrison, Janine Bacquie, Susanne DeGraba, Diane Mohr, James Song, Robin Confino, Janice Turpin, Brian Edwards, Dana Tofig, Cathy Pevey, and Kathy Lazar.

The minutes from September 20, 2011, committee meeting were approved.

## **Policy BBB, Ethics**

The Committee reviewed a memorandum from the Chair of the Montgomery County Board of Education Ethics Panel which: (1) noted the constraints imposed by the model ethics policy from the State Ethics Commission, (2) expressed concern about the breadth of the financial disclosure provisions, and (3) emphasized the need for training staff on disclosure and conflict of interest provisions.

The Committee received a briefing that highlighted the proposed changes to Policy BBB. The following is a list of some of the highlights of the changes necessitated by the new law and model policy:

- Defines a "qualified relative" to include a spouse, parent, child or sibling. Further, it restricts a school official's participation in certain matters if a qualified relative has certain financial interests in entities that may be involved in those matters.
- Prohibits participation in a matter involving a business entity in which: (a) the Board member/employee, or a qualified relative, has an arrangement for prospective employment; (b) the entity has an existing contract with the school official or his/her qualified relative which could create a conflict of interest; (c) the entity is owned by another entity which the school official has a direct financial interest; or the school official knows the business entity is a his/her creditor or that of a qualified relative

- Prohibits employment relationships that would impair impartiality or independence of the school official;
- Prohibits school officials from having a financial interest in an entity that is subject to the authority of the school system or is negotiating or has a contract with the school system, except where the employment doesn't create a conflict or appearance of conflict. Other exceptions exist as well, i.e., if disclosed on financial disclosure or Panel allows it.
- Prohibits any solicitation of gifts. Also, prohibits accepting gifts from persons 1) doing/seeking business with the school system; 2) subject to the authority of the school system; 3) lobbyists as to matters within the school officials jurisdiction; and 4) who have financial interests that may be substantially affected, in a manner distinguished from the public generally, by the performance of the school officials' duties.
- Does not allow acceptance of tickets to interscholastic or intercollegiate sporting events.
- Requires school officials to disclose more information about real property interests, interests in corporations or partnerships, and sources of earned income. The section on sources of earned income also requires information about immediate family members.

Discussion focused on the need for a clear statement as well as training for school staff regarding the acceptance of gifts, clear directions for the completion of the financial disclosure form, the need for a comprehensive communications plan to explain/train staff on the changes to the policy, and the importance of using the conflict of interest regulation to provide additional guidance to staff about ethics-related matters.

The Committee decided to recommend that the Board of Education take tentative action on Policy BBB so that it may be sent out for public comments and to the State Ethics Commission for review. Staff will work on a system-wide communications plan so that employees will be informed about the new policy and given guidance concerning conflict of interest matters.

**Policy ECM, Joint Occupancy of Montgomery County Public Schools Facilities**

The Committee reviewed public comments received for Policy ECM, *Joint Occupancy of Montgomery County Public Schools Facilities*. It was noted that this policy did not apply to situations in which real property was leased to a tenant. After review, the Committee accepted the recommendations of staff. The Committee decided to recommend that the Board of Education take final action on the policy.

### **Policy KGC, Child Care**

The Committee reviewed public comments received for Policy KGC, *Child Care*. After review, the Committee accepted the recommendations of staff. It was suggested that the definition for “high quality” child care be included in the regulation. The Committee decided to recommend that the Board of Education take final action on the policy.

### **Policy CND, School-Related Fund Raising**

Staff made additional modifications to the language in the policy (including adding a reference to school foundations) and brought a revised draft for the Committee’s review. There was discussion about whether the policy would allow fund-raising for promethean boards or stadium lights. Noting differences for capital expenditures, it was suggested that language be included in the regulation to address such matters. The Committee reviewed the language changes and agreed with the changes. The Committee decided to recommend that the Board of Education take final action on the policy.

### **Non-Substantive Changes/Policies for Rescission**

The Committee reviewed suggestions from staff regarding policies they identified and were recommending for non-substantive changes or rescission. The Committee decided that:

- Policies identified for non-substantive changes will be batched together and submitted to the Board at the end of the school year or the beginning of the next school year.
- Staff will review Policy DJA, *MCPS Procurement Practices*, and Policy DJB, *Bid Awards*, given the language states that the Board endorses the MCPS Procurement Manual but does not reference the adopted date, nor specify how the Board will be made aware of/consent to changes to the Procurement Manual. These policies will be on a future Committee agenda.
- The Committee decided to recommend to the Board that Policy EDC, *Furniture and Equipment*, and Policy EFA, *Bank Accounts for Cafeteria Funds*, be rescinded.

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### **Charter Schools**

At the conclusion of last year’s charter school application process, the Chair of the Policy Committee asked for a review and evaluation of the process. In a September 23, 2011 memorandum to the Board, the superintendent provided a review of the process and made recommendations to the Policy Committee. During the Committee meeting, discussion focused on the following underlying interests of Board members in terms of what would be helpful to them in considering charter school applications:

1. Time to digest all the information and the superintendent’s recommendation. Time for deliberation after receiving superintendent’s recommendation, not voting on the first day, but schedule time for a

- subsequent vote.
2. It would be useful to see the panel's questions
  3. Board members should have an opportunity to have direct contact and interaction with the applicant (but not sitting in on the administration's Q&A session);
  4. Transparency
  5. Process attentive to applicant's getting fair process
  6. Having the applicant meet certain criteria in order to forward application to the Board;
  7. Staff should be explicit about the challenges stated to applicant to start a charter school and allow time for applicant to withdraw and resubmit (if appropriate)
  8. Give applicant more feedback so that they are not surprised by the superintendent's recommendation and provide time for applicant to respond to superintendent's recommendation.

Considering this information, staff will come back to the Committee's April meeting with recommendations regarding the charter school application process.

The meeting ended at 4:33 p.m.