# MONTGOMERY COUNTY BOARD OF EDUCATION
# POLICY COMMITTEE

January 15, 2013

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

Other staff present: Stephanie Williams, Harriet Potosky, Brian Edwards, Robin Confino, James Song, Kathy Lazor, Zvi Greismann, Lori-Christina Webb, Tim Warner, Phil McGaughey, and Traci Anderson.

Guest: Danuta Wilson

The minutes from the October 18, 2012, committee meeting were approved.

**Policy BLC, *Procedures for Review and Resolution of Special Education Disputes***

On June 11, 2012, the committee asked staff to review other policies outside of Maryland regarding what dollar level should trigger Board approval for settlement of legal fees, as well as settlement of claims before they are filed in court. Mr. Greismann provided a background, current practice, and review of other jurisdictions. The language in the policy is to codify current practice. The steps in the current process include:

- The Student Resolution Committee (wide variety of MCPS special education personnel and legal counsel) meets weekly to review all special education cases
- The committee reviews the settlement of legal fees where parents have prevailed to ascertain if it is a reasonable amount for attorney fees and/or tuition and make a recommendation to proceed to settlement or negotiation the fees with opposing counsel (in the last five years there have been three cases that follow this procedure)
- Basically, MCPS is in accord with other jurisdictions. Most jurisdictions have delegated the responsibility of settlement to the superintendent
- If settlement cannot be reached, the matter goes to court for a judge to determine the settlement amounts

The committee asked questions regarding a trigger amount for Board approval and whether there was a cap amount for settlement. Staff indicated that Board approval could hinder the process since special education law is governed by statues. Further, the language in the policy conforms to federal and state law.

The committee agreed to recommend that the Board take tentative action on the policy in April 2013. The cover memorandum should include the past practice and the reason for updating the policy. Also, the committee agreed that it would be useful for the Board to hear from Mr. Greismann when the policy is scheduled for action.

**Policy DJA, *MCPS Procurement Practices***

There were no public comments on the policy; therefore, the committee recommended final action be taken by the Board of Education on February 12, 2013.

**Policy ABA, *Community Involvement***

On October 15, 2012, the committee agreed with the suggestion of using Policy ABA as the governing policy for community input. The policy will be amended to include appropriate methods of input, including but not limited to: focus groups, task forces, work groups, web sites, advisory groups, or public forums. It was suggested that language be added to convey that the Board was interested in engaging a broad spectrum of the community, and desires to utilize technology-facilitated communications.

The committee reviewed the revised language in the policy. This policy will govern other policies that require an advisory committee. After public comments and the Board adoption of Policy ABA, other polices that now require an advisory committee will modify language to reference Policy ABA as governing community involvement.

The committee agreed to recommend that the Board take tentative action on the policy in March 2013 with final action scheduled for June 2013. After final approval of Policy ABA, the committee will review the changes aligning other policies to refer to Policy ABA.

**Policy CNE, *Facility Improvements That Are Not Funded with Montgomery County Revenues***

On December 11, 2012, the Board of Education referred Policy CNE to the Policy Committee to review growing concerns raised about equity in facility improvements that are not funded with Montgomery County revenue. The committee explained that the concerns of the Board were the amounts of money and whether or not there were requests were asking for the same upgrades, such as enlarged stages.

Staff explained the process used for reviewing and approving facility improvements. The staff is concerned about two issues: (1) large amounts contributed, and (2) equity among school communities. Mr. Song thought that the $50,000 threshold for approval of contributions was still valid. He provided a handout to the committee with a list of approved requests with schools, amounts, and projects. Since most of the requests are for small amounts, it is important for interested community members to support their local schools. If there is a common theme to the requests, such as larger stages, the standards for buildings could be reviewed. Mr. Song stated that staff is looking at equitable ways to apply this policy, and staff will make recommendations which would encourage the community to fund items utilized by the community or added learning opportunities for students. Finally, the Board's vision could be more explicit through the regulation.

Mrs. O’Neill asked that the handout provided by Mr. Song be sent to the Board members and staff. This item will be rescheduled for a future committee meeting to discuss staff recommendations.

The meeting ended at 3:55 p.m.