

unanimously:

RESOLVED, That the Board of Education approve its agenda, as amended, for May 12, 1981.

RESOLUTION NO. 343a-81 Re: EXECUTIVE SESSION--MAY 26, 1981

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mrs. Zappone, the following resolution was adopted with Dr. Greenblatt, Mrs. Peyser, Mrs. Spencer, Mrs. Wallace, and Mrs.

Zappone voting in the affirmative; Mr. Barse and Mr. Ewing voting in the negative:

WHEREAS, The Board of Education of Montgomery County is authorized by Article 76A, Section 11(A) of the ANNOTATED CODE OF MARYLAND to conduct certain of its meetings in executive closed session; now therefore be it

RESOLVED, That the Board of Education of Montgomery County hereby conduct its meeting in executive closed session beginning on May 26, 1981, at 7:30 p.m. to discuss, consider, deliberate, and/or otherwise decide the employment, assignment, appointment, promotion, demotion, compensation, discipline, removal, or resignation of employees, appointees, or officials over whom it has jurisdiction, or any other personnel matter affecting one or more particular individuals, and to comply with a specific constitutional, statutory or judicially imposed requirement protecting particular proceedings or matters from public disclosure as permitted under Article 76A, Section 11(a) and that such meeting shall continue in executive closed session until the completion of business.

Re: BOARD MEMBER COMMENTS

Mrs. Zappone stated that last week she had attended a presentation by the Asian students at Northwood. She said it was a fantastic presentation with marvelous costumes. The majority of students, other than the Asians, were enthralled and there was a great deal of camaraderie.

RESOLUTION NO. 344-81 Re: MINUTES OF APRIL 2, 1981

On motion of Mrs. Zappone seconded by Dr. Greenblatt, the following resolution was adopted unanimously:

RESOLVED, That the minutes of April 2, 1981, be approved.

RESOLUTION NO. 345-81 Re: MINUTES OF APRIL 7, 1981

On motion of Mrs. Zappone seconded by Dr. Greenblatt, the following resolution was adopted unanimously:

RESOLVED, That the minutes of April 7, 1981, be approved as amended.

Re: DECISION AND ORDER

Mrs. Wallace read the following Decision and Order:

On October 8, 1980, the superintendent of schools, acting pursuant to the provisions of Section 6-202 of the Education Article of the ANNOTATED CODE OF MARYLAND, recommended that Cyril Lang, an English teacher at Charles W. Woodward High School, be suspended without salary from November 12, 1980, through June 18, 1981, on the grounds of misconduct in office and insubordination. A copy of the charges as contained in the superintendent's recommendation was sent to Mr. Lang, and he was given an opportunity within ten (10) days to request a hearing. By letter dated October 15, 1980, Mr. Lang's attorney made a timely request for a hearing as authorized by Section 6-202(a)(2) of the Education Article.

Acting pursuant to the authority contained in Section 6-203(b) of the Education Article, the Board of Education referred the suspension proceedings to Hearing Examiner Joseph A. Sickles who conducted hearings on December 3 and 19, 1980, and January 6, 13, and 29, 1981.

On April 6, 1981, Mr. Sickles filed his findings, conclusions and recommendations, after which arguments were scheduled before the Board of Education in accordance with Section 6-203(e) of the Education Article and MCPS Regulation 201-8.

On April 30, 1981, this matter was heard by the Board of Education at which time oral arguments were presented by attorneys for the superintendent of schools and for Mr. Lang. The Board of Education has reviewed the hearing examiner's findings, conclusions, and recommendations as well as the record of the proceedings before him, including the transcript of testimony and the documents received in evidence. After consideration of the foregoing and the oral arguments presented on April 30, 1981, the Board adopts the findings, conclusions and recommendations of the hearing examiner, except as hereinafter provided.

During the course of the proceedings before the hearing examiner and the Board of Education, arguments were advanced on behalf of Mr. Lang on the broad issue of whether the use made by him of Aristotle's POETICS and Machiavelli's THE PRINCE was educationally desirable or appropriate. Unfortunately, Mr. Lang did not utilize existing procedures adopted by this Board for the resolution of such issues, instead choosing to make use of these works contrary to duly adopted regulations concerning Development and Approval of Curriculum and Supporting Materials (Regulation No. 345-1), Evaluation and Selection of Instructional Materials (Regulation No. 365-2), and Grading and Reporting Student Progress (Regulation No. 355-4), and against the specific directives of his superiors.

The Board of Education does not reach, and does not decide, the issue of whether, had a proper appeal been taken to it by Mr. Lang, it would have approved his use of the instructional materials in question. Rather, this decision is based upon Mr. Lang's actions which were (a) contrary to Board regulations and the instructions of his superiors and (b) were taken without any attempt to utilize the procedures available to him for review by this Board of his proposed use of these works.

While the Board of Education agrees that disciplinary action should be taken with respect to Mr. Lang and that he should be suspended from his position, it does not accept the recommendations of the superintendent or the hearing examiner as to the extent thereof and will impose a suspension of twenty-eight (28) work days beginning May 13, 1981, and through and including June 19, 1981.

On the basis of the foregoing, the Board of Education does hereby suspend Cyril Lang without salary from his teaching services with the Montgomery County Public Schools for a period of twenty-eight (28) work days beginning May 13, 1981, and through and including June 19, 1981.

Mrs. Peyser made the following statement:

1. Mr. Lang DID NOT VIOLATE any MCPS policy!
2. He simply did what I have done as an English teacher and what many of our best teachers do for their students; he met his objectives and maximized on them.
3. Since he did not use PRINCE and POETICS as textbooks, according to the State definition of textbook, the decision of the Evaluation Committee is irrelevant and the directives from his superiors unjustified.
4. Much has been made of Mr. Lang's semester exam. This was a good exam--better than many that I've seen. It quite properly evaluated the important composition and literature objectives of the 10th grade English curriculum. Most importantly, only 17 points, not 45 or 65, required knowledge of Aristotle and Machiavelli. According to the MCPS policy on grading, "Evaluation activities shall be based on materials covered in class." That is EXACTLY what Cy Lang did! He covered these works in class and more than adequately prepared his students for those 17 points on the exam.
5. Finally, something is seriously wrong with our curriculum and evaluation procedures if they can be construed to prevent teachers from teaching the classics. The Board should ENCOURAGE teachers to teach the classics at ALL levels. And some of this is already being done. I noticed that this spring an elementary school was Performing Shakespeare's HAMLET. HAMLET, we all know,

is included in the 12th grade curriculum, and yet these elementary youngsters obviously learned a great deal from this experience.

Even if students aren't able to understand everything in a classic work, such as HAMLET, the exposure itself is valuable even if they just begin to appreciate it each time it is presented to them. From reading fine literature, they learn to think, to feel, and to be humane. They gain insights into life and greater understanding of themselves and others.

Therefore, it should be a primary goal of this school system to encourage all teachers to bring the classics to our children as often as possible!

Mr. Barse made the following joint statement by Mrs. Peyser and himself:

Two kinds of issues are presented by this case. On the one hand, there are issues centering around education--around teaching and learning in the classroom. Was the specific use of Aristotle's POETICS and Machiavelli's THE PRINCE justified in terms of broad educational objectives, such as transferring culture from one generation to the next? Did the use of these works help to meet the specific objectives of the 10th grade curriculum? Was the final examination fair and did it test course content? Our answer to these questions is a clear and definite "yes." It has never been proven adequately why the use of these works was not justified educationally.

On the other hand, there are issues centering around the employer-employee relationship. Did the teacher violate a justifiable directive to him? Our answer is that he did not; but in any event, the directive was unjustified and unjustifiable so that the question of possible violation is moot. No employee is ever under obligation to obey "just any" directive simply because someone is in line of authority over him. For example, no one should follow an illegal, immoral, or invalid directive. We extend that principle to unjustified and unjustifiable directives as well, especially in the area of teaching.

Leaders of the school system are not commanding a platoon of infantry, but attempting to lead a group of professionals who require a reasonable degree of independence in order to do their jobs. As a matter of educational policy, there is and has to be some inviolate, indivisible circle of academic freedom for teachers in accord with the inherent degree of independence which teachers must have as part of their profession.

The Board has the means to dispose of unjustified charges of misconduct and insubordination. It has the power to declare the directives and the charges void, and should do so in this case, with proper explanation. The Board should not be trapped by, nor obligated to, the directives of its administrators in the matter of curriculum materials. Ultimately, the Board is the boss in these matters. Thus, the problems of administrator-teacher relations,

orders, and procedures, which so preoccupy some of our colleagues, are minor and essentially irrelevant compared to the overarching educational issues raised by this case.

The dynamics of the controversy in this case clearly stem from a professional disagreement over whether or not two classic works of literature should be introduced to certain students in a specific 10th-grade English class. Constructive ways to deal with this professional disagreement should have been found instead of taking the route which has been followed. Why can't this school system feel confident enough to let individual classroom teachers take the kind of action brought to our attention in this case? We do not see here the use of books of disputed merit or doubtful morality. We are referring to the use of books--Aristotle's POETICS and Machiavelli's THE PRINCE--deemed by our culture to be classics. It is merely a bureaucratic sidelight that these books are also "officially approved" by our school system, although not for use in the 10th grade.

Clearly, in the face of the judgment of our culture over the centuries about these books, the burden of proof as to why they are NOT suitable for 10th grade must rest with the superintendent and his attorneys--a proof which has been attempted, but poorly. The issue is whether Mr. Lang used THE PRINCE and POETICS to support the curriculum. The evidence shows clearly that he did and that his final examination also related well to the curriculum. The exam was not focused mainly on these works. The exam related principally to the JULIUS CAESAR unit and in turn to the course objectives. Mr. Lang did not violate any MCPS policy. He taught the 10th grade curriculum which he enriched, not supplemented, with the Aristotle and Machiavelli works.

Much has been made of Mr. Lang's semester exam, although few intelligent people would condemn a man solely on the basis of an exam. Nevertheless, the superintendent's attorneys have made errors in evaluating Mr. Lang's exam--errors which do need to be corrected. A careful reading of the test shows that 17 percent AT THE MOST requires any knowledge of Aristotle and Machiavelli. Up to ten points are allotted for neat handwriting, and 45 points for mechanics of writing--sentence structure, organizing of ideas, spelling, punctuation, etc. You do not need to know Aristotle and Machiavelli to have neat handwriting and good writing skills. Moreover, these 55 percentage points assess the student's mastery of composition objectives, some of the primary objectives of the 10th grade English curriculum. That leaves 45 percentage points for literature. When examining the two essay questions that pertain to JULIUS CAESAR, notice that each contains several subquestions: one a seven-point question involving basic concepts from POETICS, and the other a ten-point subquestion applying a basic concept from THE PRINCE. With oral reports, lectures and handouts, Mr. Lang more than adequately

prepared all his students for these seventeen percentage points on the exam.

In this particular matter, why shouldn't we allow the teacher to use his best professional judgment, even though some colleagues and superiors judge differently? Isn't the exercising of independent and creative judgment one of the main traits we seek in teachers of literature and all teachers for that matter?

We are struck by the fact that transcripts and briefs in this case focus mainly on rules and regulations and the mechanics of promulgating and following them. Now, we are quite prepared to argue rules and regulations, and shall do so, but only after observing that this matter is really about education and the transfer of culture from one generation to the next. Were the teacher and students successful in accomplishing their educational goals? The goals of the curriculum? Yes. We must never forget that the broader purpose of the rules and procedures of our school system is to support the educational process in the classroom--not to frustrate it and encumber it. Like a waking Gulliver among the Liliputians, this Board of Education should try to free itself from the ropes and shackles of regulations to look at the essence of this case.

As we have noted, the core of the controversy is the posture of the administration and of the Book Evaluation and Selection Committee to disapprove the use of selected excerpts from THE PRINCE and POETICS in 10th grade English generally, as contrasted to Mr. Lang's judgment (which he acted upon) that some use of these books was entirely appropriate in his particular class or classes. In fact, since he did not even use these works as text books according to the state definition of text books (a principal source of study material), in our opinion he did not even need the approval of this committee. This difference of opinion is the engine of the controversy. Without these differing judgments--that is, had there been AGREEMENT one way or the other instead of DISAGREEMENT--none of this would have occurred; there would have been no controversy, no directives, no disciplinary action.

It is alleged that Mr. Lang violated a directive of a superior, which was based upon Board regulation 365-2. Yet, this regulation itself and state law make it clear that it is the Board of Education that has the authority and responsibility to approve and select books for use in schools and also to determine the appropriate levels for that use. By adopting specific procedures, however, the Board has delegated its authority to the superintendent and to a staff committee structure. Nevertheless, the Board retains the residual authority to approve books and materials, even though in 9,999 cases out of 10,000 it does not exercise this authority directly. Therefore, the Board may reassert its residual authority as it deems fit. The Board has NOT given its authority away nor created a staff committee structure which supersedes the Board's authority. Even though the Board does not actively exercise its authority, it is still responsible and accountable to the public for the way that authority has been exercised by others under delegation. Since the superintendent alleges that Mr. Lang violated a directive issued to him by a school official under authority delegated to that official by the Board, the Board must therefore inquire into the merit,

reasonableness, and quality of professional judgment which supposedly justify that directive.

It is noteworthy that the superintendent's attorneys devote very little attention to JUSTIFYING that directive on PROFESSIONAL educational grounds--that is, justifying why the two books should not be used by Mr. Lang's specific classes. Instead, the attorneys' arguments take refuge behind the undoubted circumstance that officials have the power to issue directives by virtue of their office. However, as for us, we could never take an action to levy a fine of thousands of dollars on a teacher of this school system (and that would be the effect of the proposed suspension without pay) solely based on a violation of an official's directive to the teacher to cease using certain classic classroom materials and to modify his examination.

Mere commanding by authority is not good enough as a justification to persuade us to participate in any such disciplinary action. First, we want to know: HOW SOUND was the directive educationally? We are primarily a Board of Education--not a Board of Administration and Procedures. Is there really a valid educational reason for the restriction which was commanded? For a Board to act otherwise and to discipline a teacher solely on the basis of a command issued in the name of delegated authority is to proclaim a doctrine of military discipline as a means of managing teachers in this school system. Such doctrine, while suitable in its place in the armed forces, is far off its mark as a means of personnel management in an educational system.

No, we could only agree to a disciplinary action if the directive were shown to be soundly based professionally--from an educational standpoint. This has not been done. In fact, the information we do have and the facts we observe lead us to the conclusion that these works of literature were suitable for use in Mr. Lang's class in the manner in which he used them. For one thing, the proof is in the accomplishment. Did the students not benefit from the use made of these works? No credible evidence is cited to show that Mr. Lang's classes were in any way deprived, or failed to meet curriculum objectives, or were anything but challenged by THE PRINCE and POETICS. In addition, other English teachers whose opinions we highly respect confirm Mr. Lang's judgment of the suitability of the ideas contained in these books for an average 10th grade class and the manner in which the concepts were taught to the students.

Finally, we have perused these books and concur with their use under the ground rules employed. Absent a very convincing showing to the contrary by the superintendent in defense of the judgment of the Book Evaluation and Selection Committee, the superintendent and his attorneys simply CANNOT show that the directive issued to Mr. Lang was justified and in the best interest of education. Absent such an EDUCATIONAL JUSTIFICATION the question of whether or not Mr. Lang VIOLATED the directive is moot and irrelevant. We remark again for emphasis that this was a directive in an area--namely, book selection and evaluation--which is specifically reserved to Board authority.

While it is indeed true that no teacher has CARTE BLANCHE discretion to use "just any" book in a class, it is equally true that school administrators do not have CARTE BLANCHE authority to issue "just any" directive to a classroom teacher simply because there is a supervisor-subordinate relationship. There is such a thing as an unwise and unsound order which, on the surface may seem proper and sustainable at the time but which nevertheless invites overturning upon reflection; an overturning with penalty to no one--a kind of NO FAULT solution to this controversy.

We must not rob the teaching profession of its very essence--the privilege of using independent judgment, exercised by teaching without direct observation of supervisors most of the time. Inherently, we must rely on a teacher's judgment and would seriously undermine the practice of the profession should we deny the exercise of this judgment.

Yes, there are OUTER limits to a teacher's freedom in the classroom, limits which are defined in our regulations. But so must there be INNER defenses to this academic freedom within which it must not be forced to contract. When the boundary of this circle of academic freedom is in doubt, the teacher may probe for this boundary possibly by a bureaucratic appeal, or possibly by his or her direct action. A test of academic freedom by direct action' may indeed be risky for a teacher. However, whether the teacher's action is risky or not, the Board's judgment should be based on the educational merit or lack of merit of what the teacher taught or proposed to teach, not on his means of raising the issue.

This circle of academic freedom simply MUST be defended by this Board of Education because it is an organic part of education in a free society. Whether the law and the courts will defend this freedom in this case we cannot say. We speak rather as local legislators, not as jurists. We as a prominent local Board of Education must not just defend, but assert the cause of academic freedom, for we, as one of many local Boards, are the makers of educational policy in the name of the people.

Therefore, because by state law this Board maintains residual authority over the approval of curriculum materials in our schools, this Board has the authority TO VOID the directive to Mr. Lang concerning his use of THE PRINCE and POETICS in his classes, and it should do so. Then, the Board should overturn the proposed disciplinary action against Mr. Lang and finally direct that a fair and appropriate classroom assignment be offered to him again. We shall vote accordingly.

Mrs. Zappone made the following statement:

My decision to uphold the findings of the hearing examiner is based on the following:

Granting that there was a professional difference of opinion between

Mr. Lang on the one side and the collective opinions of the Review and Evaluation Committee (composed of English teachers, in this instance), the resource teacher, and the principal on the other side, Mr. Lang should have pursued the established appeals procedures available to him. This would have brought the core issue, i.e., the appropriateness of the use of THE PRINCE and POETICS in 10th grade English classes, to the Board of Education for final decision. This issue, per se, was NOT before the Board. That he did not follow this course of action indicates to me a desire to create a "cause celebre" rather than a desire to resolve the issue.

Mr. Lang admittedly asserted his Academic Freedom and persisted in the use of THE PRINCE and POETICS by:

- (a) directing the attention of a few students to these two works for "extra credit" assignments, although over 200 titles are approved as enrichment material and deemed pertinent to the course objectives;
- (b) spending 12 class periods in discussion of each of these works for a total of three class periods out of 90 for the semester;
- (c) holding the entire class responsible for assimilating this material;
- (d) basing 45 out of 100 points in the final semester examination in 1979 and 65 out of 100 points in the final semester examination in 1980 on this information. This is in direct opposition to the Grading and Reporting Policy of MCPS which requires the final examination to test the degree of attainment of COURSE OBJECTIVES as outlined in the PROGRAM OF STUDIES.

I believe the examinations, therefore, were unfair to the majority of Mr. Lang's students. This persistence in spite of the clear dissent of his superiors and the knowledge that this same material is presented in 12th grade AP English classes seems to indicate that he made conscious decisions to act in an insubordinate manner and to be guilty of misconduct.

The curriculum of MCPS is well ordered, sequential, and effective as evidenced by national test scores, a history of many National Merit Scholarships and many other measures of excellence. It is under constant scrutiny for possible improvement by The Office for Instruction and Program Development. To uphold Mr. Lang's theory of "do your own thing" as long as it adds to the students' collective body of knowledge and understanding would create not only 181 independent schools loosely affiliated within the geographic area of Montgomery County but would also create independent fiefdoms within each classroom of each school so that any coordination or curriculum sequencing would be impossible. The national cry to hold schools accountable for ensuring Johnny's ability to read, write, and compute certainly has its roots in a school system's right to hold the

individual teacher accountable for teaching the required subject matter as a first priority.

Re: CHEVY CHASE CHORUS

The Chevy Chase Chorus performed for Board members.

Re: DECISION AND ORDER CONTINUED

Mr. Ewing made the following statement:

The Board of Education has made its decision in this matter, and is to make it official by formal vote at its meeting on May 12, 1981. I do not agree with that decision, although I am glad that the Board of Education mitigated the proposed penalty.

While it is not required that I set forth my views on the matter, the issues presented are of such significance to education in the county, and in the nation, as to cause me to feel that it is essential that the case against the Board decision be made fully and explicitly. In his statement to the Board at the public hearing before the Board on April 30, 1981, the counsel for the superintendent said:

This case is not about Aristotle and Machiavelli. It is not about anti-intellectualism or watering down the school curriculum, nor is it about academic freedom. It's about one teacher's insistence that he teach whatever he wants, even if it violates the policies and regulations this Board of Education has legally adopted.

It is necessary that the superintendent show that in fact the teacher, Mr. Lang, did what the superintendent said he did, and that it violated the policies and regulations of the Board in order for the decision to be made against Mr. Lang. My reading of the transcript of the hearings, of the hearing examiner's reading of the case and its documents, and my reading of the lawyers' briefs does not convince me that the superintendent has made his case against Mr.

Lang. I do not see that the evidence supports the charges that he was insubordinate and that he was guilty of misconduct.

He was told not to use the books as texts. He did not use them as texts but as supplementary sources of ideas about the nature of drama and of tragedy and about the nature of leadership in hostile and difficult environments. He did not test students on the reading on the books but on discussion of some of the concepts drawn from his own reading of them, from class discussion of them, and from student discussion of them. I have often, in my own teaching career, done exactly the same thing. The examinations he gave were clearly legitimate, and more than that challenging, forcing students to think, to analyze, to criticize, to compare, all of which are skills which every assessment of our local and national educational problems say are sadly lacking in far too many students.

These are not books which are irrelevant to the study of drama or literature. They are classics. Indeed, Aristotle's POETICS contains classic definitions of tragedy which have been applied by dramatists and critics to the creation and study of drama since the time of Aristotle. THE PRINCE, a treatise on how to be a successful ruler in medieval Italy, is one of the classical approaches to political leadership, and was used by Lang as a way to get students to think about JULIUS CAESAR, which was the play they were reading, in new ways, and to think about Caesar himself as a man with difficult moral and ethical problems. The superintendent's argument says that neither of these is properly related to the curriculum. This is patent nonsense, and if the superintendent really believes that argument, he understands far less than he should of the curriculum. If, in fact, the committee of teachers who reviewed these books and agreed, as the superintendent says they did, that they were not appropriate for the tenth grade English classes, does not believe these books could be used to good advantage, then it is obvious to me that committee does not know what it is doing.

There is much argument in the superintendent's position that everything must be learned sequentially in high school English and that the curriculum is arranged accordingly. While it is true that learning needs to be an orderly process when students are acquiring basic skills--are learning to read, are learning mathematics, are learning basic concepts about the social and historical worlds and about science--it is noticeably the case that learning is less well-ordered and indeed cannot be so well-ordered in the arenas of literature, philosophy, government, and what are often but often mistakenly called the social sciences. No genuinely educated person can imagine that an educator could seriously assert that you may not talk or think about certain ideas in the tenth grade because some committee of curriculum specialists has decided that tenth graders cannot understand those ideas.

All else aside, that is a plain silly idea.

If we were all so certain that Aristotle and Machiavelli were too complex for tenth graders, why do we have them read Shakespeare? The plays of Shakespeare are written in an English which is not altogether our own, with subtle shades of meaning, historical references which are often beyond college graduates, wit which requires laborious study to appreciate, and a complexity and sophistication of thought which is far beyond that of the POETICS or THE PRINCE.

An argument is made that these books supplanted the regular curriculum rather than enriched it. That is not true. The evidence is that only a few class periods were spent on them, that all objectives were taught, that students learned what they were expected to learn, and that they learned some other things as well. The most disturbing element of this case is the message this decision sends to teachers and to students. The message to teachers is this: Do exactly as you are told. Do not try to be creative or innovative. Do not bring into class books which you think students might find

interesting or challenging. Pretend that you believe that knowledge is packaged in Rockville in neat little sequential bundles which you shovel into students like so much breakfast cereal. Believe if you can that there is only one way to teach and test and that that one way is what should and must be done by teachers all across the county in lockstep. The message to students is also clear: You should understand that teaching and learning are not exciting, challenging, difficult, sometimes surprising, but always seeking new meanings and interpretations. Rather, learning is something that is done in accord with a prescribed curriculum, and you may not think about something until you are told to do so, and then only in the prescribed way. If it is thought that I exaggerate, the following quotation from the superintendent's argument shows that I do not:

It (the curriculum) does not permit, and you should not tolerate, instructors who disregard the educational plan--the English curriculum--they are hired to teach because they are to (sic) indifferent or too lazy to find new and creative ways to teach within the structure.

Tortured structure and bad grammar aside, the superintendent's sentence makes it clear that there is to be no deviation at any time from the truths embodied, presumably forever, in the English curriculum and its creators. The language the superintendent uses throughout his counsel's argument would do credit to a totalitarian regime's defense of its doctrines against the attacks of dissenters. It does not do any credit to the educational leadership of one of the nation's best school systems.

This decision has and will continue to damage the reputation of this school system nationwide and within the county. It will make us the laughingstock of school systems. We are already being compared to Tennessee in the 1920's, with its Scopes trial. The reputation of the school system is important, but it is not the most important matter here. The most important matter at hand is whether Montgomery County will, by its action, contribute to the growing distrust in the public schools, contribute to the growing mediocrity of instruction, contribute to the growing lack of critical and analytical ability on the part of students, contribute to the forces that want to control what can be thought and taught and read and believed, contribute to the decline of liberty, free thought, and free inquiry.

There is a sad footnote to this point. The Board of Education, in a move to standardize education in the county, has approved a plan to begin to standardize all final exams. These kinds of exams, the Board majority argues, will require that every teacher use the same texts and materials and teach them in the same way. Therefore, what Lang did will not be allowed, cannot be allowed, because it would interfere with our ability to standardize all finals. I am appalled by that argument, as I am appalled by this decision.

The decision ought to be overturned, it ought to be reversed, and if there is any doubt whatever that Lang was in fact guilty of insubordination and misconduct, then I agree with Mr. Barse and Mrs.

Peyser that any orders given him about the use of these materials ought to be voided.

Beyond this decision, there are things the Board of Education really must do. It must review the way in which supplementary materials are presently used, may be used, with what limits, and how those limits should be imposed, by whom, with what review. It should review the rules and regulations now in place with respect to misconduct and insubordination, and what Board policy should be in this area in the future. It should review the way in which appeals about curriculum matters and book and material use are now handled, and how they might be better handled in the future. It should review the roles, responsibilities, authority, and future of the resource teachers in the high school. Finally, it should determine how it wants to assure the public and teachers that it will protect the right of the teacher to teach. Justice Frankfurter, concurring with the majority in a case in 1952 which overthrew loyalty oaths and speaking to the very special role of teachers in a democracy, said:

That our democracy ultimately rests on public opinion is a platitude of speech but not commonplace in action. Public opinion is the ultimate reliance of our society only if it be disciplined and responsible. It can be disciplined and responsible only if habits of openmindedness and of critical inquiry are acquired in the formative years of our citizens. The process of education has naturally enough been the basis of hope for the endurance of our democracy on the part of all our great leaders, from Thomas Jefferson onwards.

To regard teachers--in our entire education system, from the primary grades to the university--as the priests of our democracy is therefore not to indulge in hyperbole. It is the special task of teachers to foster those habits of openmindedness and critical inquiry which alone make for responsible citizens, who, in turn, make possible an enlightened and effective public opinion.

Teachers must fulfill their function by precept and practice, by the very atmosphere which they generate; they must be exemplars of openmindedness and free inquiry. They cannot carry out their noble task if the conditions for the practice of a responsible and critical mind are denied to them. They must have the freedom of responsible inquiry, by thought and action, into the meaning of social and economic ideas, into the checkered history of social and economic dogma. They must be free to sift evanescent doctrine, qualified by time and circumstances, from that restless, enduring process of extending the bounds of understanding and wisdom, to assure which the freedoms of thought, of speech, of inquiry, of worship are guaranteed by the constitution of the United States against infraction by national or state government.

I believe it is the task of the Board of Education to translate that noble statement into reality. The Lang case gives an opposite

message.

One final point about this case. Large bureaucracies live by rules, but effective ones learn how to cope with difficult or challenging employees by finding uses for their talents, by settling issues early should have been settled at the school level. The failure to settle it there is a failure of leadership.

Thus, the case raises doubts not only about the educational posture of the school system, but also about its administrative capability. The Board of Education needs to address itself to this issue as well. The Lang case has revealed some major fissures in the foundations of this school system. They can only be repaired by a Board of

Education which is able to recognize them and willing to act on them. I concur generally with the statement by Joseph Barse and Suzanne Peyser.

Dr. Greenblatt made the following statement:

I would like to emphasize some overriding issues which weighed in my decision on the Cyril Lang case. I will refrain from citing the legal position of the Board, which has been so ably summarized by the hearing examiner, legal counsel, and others. The three overriding issues I will discuss briefly are: (1) Teacher vs. the School System: Academic Freedom and the Supervisory Role of the Principal; (2) Enriching vs. Supplanting the Curriculum; and (3) Due Process: What Happens When Professionals Disagree?

1. THE CRY OF ACADEMIC FREEDOM ATTRACTS A GREAT DEAL OF ATTENTION BUT CAN EASILY BE THE DEFENSE OF SOMEONE NOT DOING HIS JOB. Mr. Lang raised the issue as the basis for defense of his actions. No one likes to appear to be against academic freedom, but academic freedom was not the issue before the Board of Education in this case. Academic freedom of a teacher in the public schools (K-12) is and should be much more limited than that of a college or university professor. Teachers are part of a school system. They are hired by the system to teach particular courses of study. These courses are part of an overall uniform curriculum which is organized sequentially to build from easy to more difficult levels of skills, competencies, and knowledge as the students progress through school.

As has been amply demonstrated in numerous court decisions, academic freedom does not give a teacher license to teach anything. When asked if there were any limits to his position on what a teacher may teach and if so, by whom, Mr. Lang's attorney referred only to the curriculum and the teacher's judgment. There appeared to be no role for the principal or other supervisory staff.

This leads to a major flaw in his case, for it is the principal who, as demonstrated by research, is recognized as the key person in maintaining a strong and high quality school. The principal

must have the authority to review the lesson plans and tests prepared by the teaching staff as well as to observe actual teaching techniques. A principal must be able to tell a teacher that the test is inappropriate. For it is the principal who is held accountable for the educational programs in the school. Likewise, the teacher must be held accountable for the instructional program in the classroom.

Mr. Lang has been described as a creative teacher who is being stymied by the system. I question that description. It appears to me that Mr. Lang was creative at the time he developed his lessons for the 12th grade advanced placement English class. However, USING LESSONS PLANNED FOR A 12TH GRADE ADVANCED PLACEMENT CLASS FOR 10TH GRADE AVERAGE CLASSES IS CERTAINLY NOT BEING A CREATIVE TEACHER. CONVERSELY, I REGARD DUSTING OFF THE LESSONS AS THE EPITOME OF LAZINESS! A truly creative teacher, on the other hand, would have used some of the over 200 approved challenging and stimulating works to enrich the 10th grade classes, keeping in mind the ability level of the students. Mr. Lang was told directly by his supervisors that they thought his program was unacceptable; that he should not continue it; and that, if he did, such action would be considered grounds for misconduct and insubordination. Mr. Lang chose to challenge them by defying the oral and written orders, attempting to order class sets of the works in question, and giving the questionable final exam, with even greater weight to this questionable portion of the semester's work. PERHAPS HE WAS TRYING TO BE A TRAGIC HERO IN HIS OWN PLAY. He should now suffer the consequences of his own actions. Voting against Mr. Lang is not against academic freedom, rather it is FOR accountability. An individual teacher is part of a team, responsible for teaching one part of the county curriculum to our approximately 100,000 students. Otherwise, our 6,000 teachers could be located in 6,000 rooms teaching whatever they wished, with no public accountability.

2. Enriching vs. Supplanting the Curriculum.

All good teachers enrich the curriculum with experiences, extra readings, trips, etc. Rather than enriching the curriculum, I believe Mr. Lang supplanted the curriculum with what he wanted to teach, as evidenced by the apportionment of instructional time and the final exams questions.

- a. The 10th grade English curriculum calls for the study of drama. Students are to read SEVERAL full-length plays, including a Shakespearean play. Shakespeare, it should be noted, is considered a challenging author for most high school students and adults.

Enrichment might normally mean reading more than a minimum number (several) of plays, attending different performances of plays, acting out parts of the play, memorizing portions of the play, etc. Different plays would include types like comedy, tragedy, contemporary, Shakespearean, etc. Rather

than enriching the curriculum in that fashion, Mr. Lang scheduled 12 WEEKS ON ONE PLAY, JULIUS CAESAR, out of an 18-week semester, during which he was expected to teach SEVERAL full-length plays.

The curriculum clearly calls for a general study of drama in the 10th grade and more specialized study of mature drama, including tragedy and comedy, in the 12th grade. (See Attachments 1 and 2.) Mr. Lang clearly supplanted the curriculum by spending 12 weeks on one play with "enrichment" materials considered appropriate for able 12th graders (not 10th graders).

- b. Mr. Lang claims and would like us to believe that these works were for "enrichment" and were not required reading for all students. This appears to be an effort to obscure what really occurred in class. THE FINAL EXAMS ARE, IN FACT, THE "SMOKING GUN." (See Attachment 3.) Mr. Lang claims that Machiavelli and Aristotle were taught for one-and-a-half days each for a total of three days out of 90 instructional days. Yet two out of four essay questions in 1979 and two out of three essay questions in 1980 required a knowledge and understanding of the two "enrichment" (i.e., not required) works in order to answer the exam questions. Any reading of the final exam supports the view that Mr. Lang supplanted rather than enriched the curriculum. There is no way that a tenth grader could answer those questions with a "compare" or "contrast" without knowing to what they are comparing or contrasting it. Nor could one ANALYZE the play using "the tenets of Aristotle's definition of tragedy" without knowing Aristotle's ideas. Clearly, an understanding of the two works was essential. It is interesting that there was no indication on the test what each section was worth. In the grading of the two essays, students would get more content points for the two "enrichment" works (17 points) than for an understanding of the play JULIUS CAESAR (13 points). To make it worse, he allowed 10 points for handwriting, on a high school test! The test was poor because it never tested whether the students had actually read the works, for example, by recognizing quotes, sequences of events, or specific characters. The essay-only test format leaves a lot of room for glib embellishment from a class discussion without substance. Further, I question the exam because the other parts of the curriculum were not tested; most especially "The concepts of totality of effect, irony and symbol (are) examined through class study of several full-length plays..." were not included.

A teacher should be encouraged to enrich the curriculum but not to supplant it or create a new one. It is unfair to the students and contrary to Board policy to hold students responsible for material which is not part of the county curriculum. The final exam by Mr. Lang clearly demonstrates that it was his intention to do just that: to supplant

the 10th grade curriculum with the 12th grade advanced placement curriculum.

3. Due Process: What Happens When Professionals Disagree? No one has the corner on the market for wisdom: not I, nor the Board, nor Mr. Lang. MCPS has a very reasonable process for developing curriculum and an orderly way to make curriculum changes. If teachers disagree with a professional committee's decision, there are avenues to air these disagreements and seek resolution without resorting to insubordination. Specifically, if Mr. Lang disagreed with his immediate supervisors (in this case his department chairman, principal, area associate superintendent, county secondary English coordinator) as well as a committee of his peers on the Evaluation and Selection Committee about what was appropriate for the 10th grade curriculum, he had other "due process" avenues open to him. He could have appealed his position to the superintendent and then to the Board of Education. He did not choose to follow this course. (Thus, the Board has not made any judgment on the appropriateness of the specific works in question.)

If Mr. Lang was sincerely interested in improving the educational programs in the county schools for his students, he would have appealed the decisions of his principal. He did not choose to follow this course of action. Rather he sought notoriety by willfully defying his supervisors and then using "due process" to embarrass the Board and the entire county school system. His strategy to put the Board in a difficult public relations posture is transparent. The facts are very clear that Mr. Lang's actions warranted the charges of insubordination and misconduct in office. I further believe that the compromise punishment determined by the Board was not severe enough considering the desire for confrontation rather than seeking to improve the school system which resulted in an extremely time-consuming hearing process (for both professional and legal staff) and most importantly the inequitable and permanent burden on the students who had no choice, once assigned to Mr. Lang's classes, but to be held accountable for his curriculum, rather than the SCHOOL SYSTEM'S.

Mrs. Spencer made the following statement:

The superintendent, by letter dated October 8, 1980, notified Cyril Lang, an English teacher at Woodward High School, of his intention to recommend to the Board of Education that he "be suspended without salary from (his) teaching services with the Montgomery County Public Schools from November 12, 1980, through June 18, 1981, on the grounds of misconduct in office and insubordination." Either of these charges, if upheld, could have resulted under state law with dismissal. As a result of the superintendent's recommendation to suspend Mr. Lang, the Board of Education assigned this matter to a hearing examiner, with oral arguments by the attorneys before the full Board on April 30, 1981.

By the Board's rules governing hearings, and by admonition of the hearing examiner, no party should have communicated outside the hearing room any information about this case. Mr. Lang evidently did not feel so constrained, and hence this case has been tried in the media, but on charges other than those brought by the superintendent.

Mr. Lang has promoted this case into one grounded on the issue of academic freedom, which may be involved, but which is not the issue before the Board. The issues, as charged by the superintendent, stem from a direct refusal of the teacher to change a final examination upon recommendation of his immediate supervisor (the English resource teacher) and direction of his immediate superior (the building principal) and from a continuing disregard for these and additional superordinates who instructed Mr. Lang to use only approved tenth grade materials for CLASS instruction. Since both misconduct and insubordination of staff members can prevent the orderly operation of a school and of a school system, these are serious charges. In finding in favor of the superintendent and the hearing examiner, I have attempted to exclude from my deliberations the influences of the media misrepresentation of the issues. MCPS has established procedures by which curriculum is developed by a group of subject-area professionals. This curriculum is then reviewed and approved by another group of professionals, and finally submitted to the Board which has final legal authority to adopt the curriculum and to insure that we offer all pupils of the county an equal educational opportunity. Since this school system establishes instructional objectives for each course, the approved teaching materials include a number of texts, supplemental texts, and other materials--in fact, for tenth grade English there are more than 300 texts and other titles listed. Within these broad constraints the teacher can exercise academic freedom to choose. Beyond this, prescribed procedures permit any staff member or other citizen to suggest additions or deletions, which then are subject to review by similar groups of peers and professionals. Mr. Lang avoided this means of expressing his academic freedom. Such limits, it seems to me, are not inappropriate, since we have 22 senior high schools and some 500 English teachers in the county. All of these teachers are expected to see that their students achieve the same instructional objectives as listed in the PROGRAM OF STUDIES, regardless of the particular teaching materials they choose from the large selection. This does not limit any teacher in regard to "enriching" the curriculum to meet the needs of special students. It does prohibit CLASSES of students from being required to be responsible for any additional material beyond that outlined in the PROGRAM OF STUDIES.

A second media-pronounced issue concerns the need for education to "stretch" young minds, or to present an educational challenge. I do not disagree that some pupils need the chance to study more than the required minimum. The large selection of materials which is approved for the tenth grade course affords such options.

As I read the testimony, there is some doubt in my mind that Mr. Lang showed as much interest in presenting an educational challenge to tenth graders as he did in teaching a unit which included the two

books publicized by this case; he has taught this or very similar units using these works by Aristotle and Machiavelli at more than one grade level and to more than one ability level of students in MCPS.

The evidence is very clear that both books were approved for specific uses within the school system, and that neither was deemed specially suitable material to meet tenth grade objectives. Even so, Mr. Lang might have received approval for the use under different conditions of one or both books with selected students.

The questions on the final examination for the entire class which precipitated the charges in this case certainly were centered about the two works. I think it highly unlikely that a student who did not have a fairly good understanding of the material from Aristotle and Machiavelli would be able to write an essay type answer of sufficient length to be graded fairly or accurately on the mechanics of writing (15 points on each question) nor on the student's knowledge of the content as it related to JULIUS CAESAR (8 and 10 points, respectively). Nor could an exam of this sort truly measure a student's degree of preparation for the next course in the sequence. Thus most students were disadvantaged severely by Mr. Lang's exam questions.

In summary, I believe that on this Board decision rests the ability of MCPS to insure for Montgomery County students an orderly progression of learning which follows Board directives and policies. To the extent that these policies and directives are lacking in sufficient challenge for certain youngsters or omit suitable curricular material, we have established means by which staff or other citizens can request appropriate action and change. These avenues were not utilized by Mr. Lang. My personal decision was determined as best I could do so on the basis of the authority and responsibility of staff to carry out the Board's adopted policies and regulations. I tried not to be influenced by personalities nor by the degree of correctness of the curriculum or other Board policies, since these were not the questions before us.

The content of the English curriculum and the issue of academic freedom for teachers in public schools are proper topics for discussion by the Board, but were not the subjects of BOE Hearing #1980-16.

Mrs. Wallace made the following statement:

In voting to uphold the superintendent's recommendation that Mr. Lang be suspended, I believe that it is important to emphasize what this case is, and is not, about. This case does not involve a judgment by this Board of the educational value of Aristotle's POETICS or Machiavelli's THE PRINCE. Nor does the decision in this case in any way prohibit a teacher in the Montgomery County Public Schools from stretching the minds of able students. I strongly support the principle of academic freedom and do not believe that the Board's action in this case in any way stifles or restricts this important right of teachers.

Mr. Lang was charged with misconduct in office and insubordination arising out of events which took place over a period of at least two years, culminating in the administration of his 1980 final examination contrary to the direct order of his superiors. Although the hearing examiner, Mr. Sickles, has recited the history of events in detail, I would like to point out that while Mr. Lang argues that the use made by him of THE PRINCE and POETICS in 1980 was essentially the same as his use of these works in 1979, the evidence does not support this contention. In 1980, a written outline of POETICS was distributed to all students, and the number of points on his final examination involving application of knowledge from the two works increased from 45 points to 65 points out of a possible 100.

The charge of misconduct in office made against Mr. Lang was premised upon his violation of three regulations adopted by the Board of Education.

MCPS Regulation 365-2 establishes the procedures for the evaluation and selection of instructional materials for use in the Montgomery County Public Schools. A detailed handbook of procedures for implementing the evaluation and selection policy is maintained and is available for staff and citizen review. This handbook was available to Mr. Lang. Under the evaluation and selection policy, a procedure is established for appeals to the Board of Education from any decision of the superintendent on a request for review of instructional materials. Although this remedy was available to Mr. Lang, he made no use of it. (The appeal procedure is set forth in the record at Exhibit Pages B2 and B3.)

Under the instructional materials regulations, materials used as textbooks must receive the approval of the Evaluation and Selection Committee and, in the event of appeal, the Board of Education. There were available to Mr. Lang over 280 major works approved for use as textbooks in the course taught by him, including major works by Plutarch, Chekhov, Whitman, Wordsworth, Dickens, and Shakespeare. Mr. Lang chose to ignore the procedure for approval of textbooks, claiming that the works in question were used by him only as enrichment materials. The term "textbook" is defined in guidelines issued by the State Board of Education as any "manual of instruction; a book dealing with a definite subject of study systematically arranged, intended for use at a specified level of instruction, and used as A PRINCIPAL SOURCE OF STUDY MATERIAL FOR A GIVEN COURSE." Although Mr. Lang claimed that his use of the works of Aristotle and Machiavelli did not reach this level, his actions belie his words. Knowledge of the essence of THE PRINCE and POETICS was required for the successful completion of almost two-thirds of his 1980 final examination. Shakespeare's JULIUS CAESAR was studied for more than 12 out of the 18 weeks comprising the second semester of Mr. Lang's tenth grade English course, and not even Mr. Lang would suggest that JULIUS CAESAR was not used as a textbook. Yet, on his 1980 final examination, according to his own testimony, a greater number of points was allocated to specific knowledge of THE PRINCE and POETICS (17 points) than JULIUS CAESAR (13 points). It is difficult to

understand how Mr. Lang can contend that two books (THE PRINCE and POETICS) utilized by him were not textbooks when specific knowledge gleaned from them was weighted more heavily on a final examination than knowledge gleaned from an undisputed textbook, (JULIUS CAESAR). A specific remedy was available to, but not utilized by, Mr. Lang to bring before the Board of Education his views as to the proper use of the works of Aristotle and Machiavelli, but he chose to ignore this procedure. Instead, Mr. Lang made deliberate use of instructional materials not approved according to Board regulations, and I believe such action amounted to misconduct in office.

Mr. Lang was also alleged to have been guilty of misconduct for violation of the Board of Education's regulations concerning development and approval of curriculum and supporting materials. Pursuant to these regulations, a PROGRAM OF STUDIES for English Language Arts, Grades 9-12, has been approved by the Board of Education. Both in his classroom teaching and in his examinations, Mr. Lang appears not to have followed the established curriculum for the course but rather to have introduced concepts only deemed appropriate for twelfth grade advanced placement English. While it may have been Mr. Lang's sincere belief that concepts contained in the PROGRAM OF STUDIES for instruction at the twelfth grade level could appropriately be introduced in the tenth grade, he did so in violation of the approved curriculum. Once again, Mr. Lang disregarded established procedures available to him to bring about orderly change. Specifically, on Page V of the PROGRAM OF STUDIES, it is stated that the "curriculum of any public school system must reflect the continual change of the society in which it is a part....In MCPS, a proposal for a new or revised program or course can originate with any INDIVIDUAL or group in a community or SCHOOL SYSTEM." No such proposal was ever initiated by Mr. Lang.

MCPS Regulation 355-4 establishes the Board of Education's policies concerning grading and reporting student progress. This policy requires that students "be informed of the general objectives of each course or unit and of the basis upon which their performance will be evaluated." A student's progress is to be "evaluated and reported in terms of the extent of performance on assessment measures corresponding with instructional and performance objectives. These objectives are based on the MCPS PROGRAM OF STUDIES, appropriate to the subject, grade, age level and/or special program." By holding all students responsible for knowledge of the essence of THE PRINCE and POETICS, Mr. Lang did not make use of THE PRINCE and POETICS solely for the enrichment of a few able students; rather, he held his entire class accountable for knowledge of the essence of these works and, by testing on such knowledge, violated the Board's policy by grading all students in a manner which provided an obvious advantage to the able students who were directly familiar with the works in question.

With regard to final examinations, the grading and reporting policy states that the "(f)inal evaluation activities for English...shall be interpreted to include a relevant written examination with short answer and/or essay questions where applicable. THIS ACTIVITY MUST

BE BASED ON THE OBJECTIVES OF THE COURSE." Even if a student had mastered all of the objectives of English 10B, it is possible that a failing grade could have resulted if the student were not familiar with the essence of the works of Aristotle and Machiavelli taught by Mr. Lang. Thus, his examination further violated this Board's policies by effectively precluding the fair testing of attainment of course objectives, instead substituting a requirement of substantial knowledge of unapproved texts, the content of which was better known by a select few students as opposed to the entire class.

In conclusion, unlike the judgment of my three dissenting colleagues, it is my belief that the core of the controversy is not specifically THE USE of parts of THE PRINCE and POETICS but how they were used. Mr. Lang had the approval of his superiors to use parts of these works as enrichment for a few able students. Mr. Lang did that and I would not dispute that in so doing he was properly exercising his academic freedom. However, when Mr. Lang held the ENTIRE CLASS responsible for knowledge gleaned from these works, they were used not as enrichment materials, but as textbooks requiring approval which, if denied, could be appealed to the Board of Education. Mr. Lang consciously chose not to avail himself of these remedies. This constitutes blatant misconduct in office.

Mr. Lang was also charged with insubordination by administering his 1980 final examination contrary to the specific directives of his superiors. My three dissenting colleagues agree with arguments advanced by Mr. Lang that he was not required to obey an invalid or illegal order. However, in my view, the order was well grounded in the policies of the Board of Education which I have enumerated in the preceding paragraphs. The final examination did not test the instructional and performance objectives of the course and created an inherent advantage for the able few to the detriment of the vast majority of the class. The order to change the test to bring it into compliance with Board of Education policies was indeed valid. When Mr. Lang ignored this direct order, he was guilty of insubordination. It has not been suggested that this Board's policies are unlawful, and it does not appear that any constitutional right of Mr. Lang was abridged in light of the decision in CARY VS. BOARD OF EDUCATION, 598 F.2d 535 (10th Cir.,1979). The only basis upon which Mr. Lang can justify his disregard of the directives given to him would be by arguing that curriculum content, selection of instructional materials, and establishment of a grading policy are matters not within the Board's sound discretion and are subject only to his individual judgment. Such is not, and cannot, be correct if an orderly system of public education is to be maintained and anarchy in the classrooms avoided.

This case has generated a substantial amount of public debate and discussion in the news media, most of which has been based on information that did not come from the school system. Prior to this time, the Board as an entity and its individual members have not been at liberty to comment on the case due to the confidential nature of personnel proceedings. As a result, much of the commentary on the case has been rather one-sided, and I find the recent article by

WASHINGTON POST columnist Williams Raspberry refreshing in its balanced discussion of the issues.

Re: A MOTION BY MR. EWING TO REDUCE THE
PENALTY TO FIVE DAYS SUSPENSION (FAILED)

A motion by Mr. Ewing seconded by Mrs. Peyser to reduce the penalty to five days suspension failed with Mr. Ewing and Mrs. Peyser voting in the affirmative; Dr. Greenblatt, Mrs. Spencer, Mrs. Wallace, and Mrs. Zappone voting in the negative; Mr. Barse abstained.

RESOLUTION NO. 346-81 Re: DECISION AND ORDER, BOARD OF EDUCATION
HEARING 80-16

On motion of Dr. Greenblatt seconded by Mrs. Zappone, the following resolution was adopted with Dr. Greenblatt, Mrs. Spencer, Mrs. Wallace, and Mrs. Zappone voting in the affirmative; Mr. Barse, Mr. Ewing, and Mrs. Peyser voting in the negative:

RESOLVED, That the Board's majority decision in the matter of BOE Hearing 80-16, Cyril Lang, be adopted.

RESOLUTION NO. 347-81 Re: BID NO. 87-81, OUTDOOR PLAYGROUND
EQUIPMENT

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mr. Ewing, the following resolution was adopted unanimously:

WHEREAS, Funds have been budgeted for the purchase of outdoor playground equipment; now therefore be it

RESOLVED, That having been duly advertised March 5, 1981, the contracts for the furnishing of outdoor playground equipment under Invitation to Bid 87-81 be awarded to:

Alperstein Bros., Inc., Washington, D. C.
Quality Industries, Inc., Dover, Delaware
Williams Brothers, Garrett Park, Maryland,
low bidders meeting specifications.

RESOLUTION NO. 348-81 Re: BID 89-91, CARPETING

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mr. Ewing, the following resolution was adopted unanimously:

WHEREAS, Funds have been budgeted for the purchase of carpeting; now therefore be it

RESOLVED, That having been duly advertised March 18, 1981, the contract for the furnishing of carpeting for the period of May 13, 1981, through August 12, 1981, under Invitation to Bid 89-91 be awarded to:

J. Frog Ltd., Beltsville, Maryland, low bidder meeting specifications.

RESOLUTION NO. 349-81 Re: BID 93-81, LAMPS

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mr. Ewing, the following resolution was adopted unanimously:

WHEREAS, Funds have been budgeted for the purchase of lamps; now therefore be it

RESOLVED, That having been duly advertised March 18, 1981, the contracts for the furnishing of lamps for the period of May 22, 1981, through May 21, 1982, under Invitation to Bid 93-81 be awarded to:

Maurice Electrical Supply Co., Inc., Washington, D. C.,
low bidder meeting specifications.

RESOLUTION NO. 350-81 Re: BID 94-81, UNIFORMS, CAFETERIA PERSONNEL

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mr. Ewing, the following resolution was adopted unanimously:

WHEREAS, Funds have been budgeted for the purchase of uniforms, cafeteria personnel; now therefore be it

RESOLVED, That having been duly advertised March 12, 1981, the contract for the furnishing of uniforms, cafeteria personnel, for the period of May 13, 1981, through May 12, 1982, under Invitation to Bid 94-81 be awarded to:

Angelica Uniform Group/Div. of Angelica Corporation,
St. Louis, Missouri low bidder meeting specifications.

RESOLUTION NO. 351-81 Re: BID 96-81, BLACKTOPPING

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mr. Ewing, the following resolution was adopted unanimously:

WHEREAS, Funds have been budgeted for the purchase of blacktopping; now therefore be it

RESOLVED, That having been duly advertised March.18, 1981, the contracts for the furnishing of blacktopping for the period of May 13, 1981, through May 12, 1982, under Invitation to Bid 96-81 be awarded to:

A. H. Smith, Branchville, Maryland, low bidder meeting specifications.

RESOLUTION NO. 352-81 Re: BID 99-81, PLUMBING SUPPLIES AND
EQUIPMENT

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mr. Ewing, the following resolution was adopted unanimously:

WHEREAS, Funds have been budgeted for the purchase of plumbing supplies and equipment; now therefore be it

RESOLVED, That having been duly advertised April 8, 1981, the contracts for the furnishing of plumbing supplies and equipment for the period of May 13, 1981, through May 12, 1982, under Invitation to Bid 99-81 be awarded to:

Frederick Trading Company, Frederick, Maryland
Harrison Brothers, Inc., Rockville, Maryland
R. E. Michel Co., Inc., Washington, D. C.
Noland Company, Falls Church, Virginia
J. A. Sexauer, Inc., White Plains, New York
Woodward Winger Co., Philadelphia Pennsylvania,
low bidders meeting specifications.

RESOLUTION NO. 353-81 Re: BID 100-81, SCAN FORMS

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mr. Ewing, the following resolution was adopted unanimously:

WHEREAS, Funds have been budgeted for the purchase of scan forms; now therefore be it

RESOLVED, That having been duly advertised April 1, 1981, the contract for the furnishing of scan forms under Invitation to Bid 100-81, be awarded to:

National Computer Systems, Lancaster, Pennsylvania,
low bidder meeting specifications.

RESOLUTION NO. 354-81 Re: BID 104-81, SCHOOL BUS FIRST
AID SUPPLIES

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mr. Ewing, the following resolution was adopted unanimously:

WHEREAS, Funds have been budgeted for the purchase of school bus first aid supplies; now therefore be it

Resolved, That having been duly advertised April 8, 1981, the contract for the furnishing of school bus first aid supplies for the period of May 13, 1981, through August 12, 1981, under invitation to Bid 104-81 be awarded to:

School Bus Parts Company, Plumsteadville, Pennsylvania,
low bidder Meeting specifications.

RESOLUTION NO. 355-81 Re: BID 105-81, STAGE LIGHTING REPLACEMENT

PARTS

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mr. Ewing, the following resolution was adopted unanimously:

WHEREAS, Funds have been budgeted for the purchase of stage lighting replacement parts; now therefore be it

RESOLVED, That having been duly advertised April 8, 1981, the contract for the furnishing of stage lighting replacement parts for the period of May 13, 1981, through August 12, 1982, under Invitation to Bid 105-81 be awarded to:

Tristate Electrical Supply, Rockville, Maryland,
low bidder meeting specifications.

RESOLUTION NO. 356-81 Re: BID 107-81, VIDEO RECORDING EQUIPMENT

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mr. Ewing, the following resolution was adopted unanimously:

WHEREAS, Funds have been budgeted for the purchase of video recording equipment; now therefore be it

RESOLVED, That having been duly advertised April 8, 1981, the contract for the furnishing of video recording equipment under Invitation to Bid 107-81 be awarded to:

Professional Products, Inc., Bethesda, Maryland,
low bidder meeting specifications.

RESOLUTION NO. 357-81 Re: BID 110-81, ATHLETIC FIELD WHITE

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mr. Ewing, the following resolution was adopted unanimously:

WHEREAS, Funds have been budgeted for the purchase of athletic field white; now therefore be it

RESOLVED, That having been duly advertised April 15, 1981, the contract for the furnishing of athletic field white for the period of May 13, 1981, through November 12, 1981, under Invitation to Bid 11081 be awarded to:

Empire Paper and Chemical Co., Baltimore, Maryland,
low bidder meeting specifications.

RESOLUTION NO. 358-81 Re: BID 111-81, KITCHEN EQUIPMENT

On recommendation of the superintendent and on motion of Mrs. Spencer

seconded by Mr. Ewing, the following resolution was adopted unanimously:

WHEREAS, Funds have been budgeted for the purchase of kitchen equipment; now therefore be it

RESOLVED, That having been duly advertised April 17, 1981, the contracts for the furnishing of kitchen equipment under Invitation to Bid 111-81 be awarded to:

Essbar Equipment Co., Wilmington, Delaware
Gill Company, Inc., Beltsville, Maryland
LeBow Equipment Co., Alexandria, Virginia,
low bidders meeting specifications.

RESOLUTION NO. 359-81 Re: SERVICE CONTRACT WITH PHONIC EAR CO. FOR
PHONIC EAR FM AUDITORY TRAINING
AMPLIFICATION EQUIPMENT, SERIES NO. 421,
431, 441, and 445

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mr. Ewing, the following resolution was adopted unanimously:

WHEREAS, Funds have been budgeted through the Division of Maintenance; and

WHEREAS, Servicing of FM amplification equipment is necessary for support of the hearing-impaired students in the Auditory Services program; and

WHEREAS, Repair and servicing of this equipment has not been possible by any other service center nor by the MCPS electronics shop; and

WHEREAS, Services rendered by Phonic Ear Co. have been satisfactory; now therefore be it

RESOLVED, That the superintendent be and is hereby authorized to enter into a contract with Phonic Ear Co. for servicing of FM auditory amplification equipment for one year, from July 1, 1981, to June 30, 1982, at a total cost of \$6,600.

RESOLUTION NO. 360a-81 Re: BID 97-81, HEALTH ROOM SUPPLIES AND
EQUIPMENT

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mr. Ewing, the following resolution Was adopted unanimously:

WHEREAS, Funds have been budgeted for the purchase of health room supplies and equipment; now therefore be it

RESOLVED, That having been duly advertised March 12, 1981, the contracts for the furnishing of health room supplies and equipment for the period of May 21, 1981, through May 20, 1982, under Invitation to Bid 97-81 be awarded to:

Chaston Medical and Surgical, Dayville, Connecticut
Commercial Wiping Cloth Corp., Bladensburg, Maryland
William V. MacGill & Co., Addison, Illinois
Olympic Reconditioning Co., Stroudsburg, Pennsylvania
Powers & Anderson, Inc., Capital Heights, Maryland
School Health Supply, Addison, Illinois
Tri Medical Surgical Co., Garden City, New York
Whittaker General Medical, Vienna, Virginia
low bidders meeting specifications.

RESOLUTION NO. 360-81 Re: REJECTION OF CONSTRUCTION BIDS--PINEY
BRANCH ELEMENTARY SCHOOL DOMESTIC HOT
WATER SOLAR HEATING SYSTEM 999-69
(AREA 2)

On recommendation of the superintendent and on motion of Mr. Ewing seconded by Mrs. Spencer, the following resolution was adopted unanimously:

WHEREAS, Sealed bids were received on April 30 to construct a domestic hot water solar heating system at Piney Branch Elementary School as indicated below:

BIDDER	TOTAL BASE BID
1. Arey, Incorporated	\$ 89,779
2. R. W. Warner, Inc.	116,800
3. G.W. Mechanical Contractors, Inc.	120,000
4. Lou D. Keller, Inc.	138,000

and,

WHEREAS, The lowest bid exceeds estimated costs; now therefore be it

RESOLVED, That all bids to accomplish the requirements of the plans and specifications entitled, "Construction of a Domestic Hot Water Solar Heating System at Piney Branch Elementary School," dated March 26, 1981, prepared by J. B. Wyble & Asso., engineer, be, and hereby are, rejected; and be it further

RESOLVED, That the superintendent consider redesigning and rebidding the project.

RESOLUTION NO. 361-81 Re: WALT WHITMAN FIELDHOUSE DOME REROOFING
999-41 (Area 1)

On recommendation of the superintendent and on motion of Mr. Ewing seconded by Mrs. Spencer, the following resolution was adopted unanimously:

WHEREAS, Sealed bids were received on May 5 for reroofing the fieldhouse dome at Walt Whitman High School as indicated below:

BIDDER	LUMP SUM BID
1. United Cold Storage Specialities, Inc.	\$ 96,100
2. The James Myers Co., Inc.	106,743
3. Orndorff & Spaid, Inc.	129,526
4. R. D. Bean, Inc.	130,469
5. CMS Roofing & Sheetmetal Co., Inc.	135,806
6. Hampton Supply Inc.	173,598

and,

WHEREAS, The low bidder, United Cold Storage Specialities, Inc., has not previously bid MCPS projects, but has successfully performed in similar dome-type roofing projects at Cumberland Valley High School, New Kensington, Pa., and Dickerson College, Carlisle, Pa., and

WHEREAS, Low bid is within staff estimate and sufficient funds are available in Account No. 999-42 to effect award; now therefore be it

Resolved, That a contract for \$96,100 be awarded to United Cold Storage Specialities, Inc., to accomplish a reroofing project on the fieldhouse dome at Walt Whitman High School, in accordance with plans and specifications covering this work dated April 10, 1981, as prepared by the Department of School Facilities.

RESOLUTION NO. 362-81 Re: REJECTION OF CONSTRUCTION BIDS FOR
MECHANICAL MODIFICATIONS AT WALT WHITMAN
HIGH SCHOOL 999-59 (AREA 1)

On recommendation of the superintendent and on motion of Mr. Ewing seconded by Mrs. Spencer, the following resolution was adopted unanimously:

WHEREAS, Sealed bids were received on April 30 for mechanical modifications at Walt Whitman High School to conserve energy, as indicated below:

BIDDER	TOTAL BASE BID
1. Arey, Incorporated	\$137,557
2. W. B. Maske Sheet Metal Works, Inc.	162,575

and,

WHEREAS, The lowest bid exceeds estimated costs and the project is not cost effective; now therefore be it

RESOLVED, That all bids to accomplish the requirements of the plans and specifications entitled, "Mechanical Renovations--Walt Whitman High School," dated April 1, 1981, prepared by the engineer, Lou D. Laforet, be, and hereby are, rejected.

RESOLUTION NO. 363-81 Re: FY 1981 SUPPLEMENTAL APPROPRIATION--
INTENSIVE INSTRUCTION FOR ADULT
INDO-CHINESE REFUGEES

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mr. Ewing the following resolution was adopted unanimously:

RESOLVED, That the superintendent of schools be authorized, subject to County Council approval, to receive and expend in the categories below in FY 1981, a Department of Social Services grant of \$114,798 to provide intensive language instruction to Indo-Chinese residents:

CATEGORY	SUPPLEMENTAL
02 Instructional Salaries	\$ 95,646
03 Instructional Other	5,435
07 Operation of Plant & Equipment	555
09 Fixed Charges	13,162
Total	\$114,798

and be it further

RESOLVED, That the county executive be requested to recommend approval of this resolution to the County Council and that a copy of it be sent to the county executive and County Council.

RESOLUTION NO. 364-81 Re: SCHOOL IMPROVEMENT THROUGH THE
INSTRUCTIONAL PROCESS PROPOSAL

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mr. Ewing the following resolution was adopted unanimously:

RESOLVED, That the superintendent of schools be authorized to submit a proposal to MSDE for funds for participation in the SITIP pilot program; and be it further

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

RESOLUTION NO. 365-81 Re: FY 1981 GRANT PROPOSAL FOR A SPANISH
TRANSLATION OF SELECTED PROJECT JOBS
INSTRUCTIONAL MATERIALS

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mr. Ewing the following resolution was adopted unanimously:

RESOLVED, That the superintendent of schools be authorized to submit an FY 1981 Title II--Part B Grant proposal to the Maryland State Department of Education for the translation into Spanish of selected Project JOBS instructional materials:

CATEGORY	AMOUNT
02 Instructional Salaries	\$3,665
03 Instructional Other	810
09 Fixed Charges	443
Total	\$4,918

and be it further

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

RESOLUTION NO. 366-81 Re: FY 1981 GRANT PROPOSAL FOR A VIETNAMESE TRANSLATION OF SELECTED PROJECT JOBS INSTRUCTIONAL MATERIALS

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mr. Ewing the following resolution Was adopted unanimously:

RESOLVED, That the superintendent of schools be authorized to submit an FY 1981 Refugee Assistance Act proposal to the Maryland State Department of Education for the translation into Vietnamese of selected Project JOBS instructional Materials:

CATEGORY	AMOUNT
02 Instructional Salaries	\$3,336
03 Instructional Other	1,210
09 Fixed Charges	449
Total	\$4,995

and be it further

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

RESOLUTION NO. 367-81 Re: UTILIZATION OF A PORTION OF THE FY 1981 APPROPRIATION FOR PROJECTED SUPPORTED PROGRAMS FOR A SUPPLEMENTAL CONTRACT FOR A PROFESSIONAL DEVELOPMENT CENTER

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mr. Ewing the following resolution was adopted unanimously:

RESOLVED, That the superintendent of schools be authorized to receive and expend under the FY 1981 Appropriation for Supported Projects of

\$500,000 a contract of \$12,500 in FY 1981 from MSDE through ESEA, Title V, in the following categories:

CATEGORY	AMOUNT
02 Instructional Salaries	\$ 6,000
03 Instructional Other	5,930
09 Fixed Charges	570
Total	\$12,500

and be it further

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

RESOLUTION NO. 368-81 Re: FY 1982 SPECIAL PROJECTS APPLICATION FOR A SUMMER TUTORIAL PROGRAM FOR INDO-CHINESE STUDENTS

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mr. Ewing the following resolution Was adopted unanimously:

RESOLVED, That the superintendent of schools be authorized to submit an FY 1982 application to the Maryland State Department of Education to provide a summer tutorial and enrichment program for Indo-Chinese students; and be it further

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

RESOLUTION NO. 369-81 Re: FY 1981 CATEGORICAL TRANSFER WITHIN THE TAKOMA PARK PROJECT DEVELOPMENTAL CONTINUITY PROGRAM (PDC)

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mr. Ewing the following resolution was adopted unanimously:

RESOLVED, That the superintendent of schools be authorized, subject to County Council approval, to effect the following transfer within the Head Start Program of the Takoma Park Developmental Continuity Program for FY 1981 from the Office of Administration for Children, Youth, and Families through the Montgomery County Community Action Agency:

CATEGORY	FROM	TO
02 Instructional Salaries	\$2,842	\$
03 Instructional Other		2,514
09 Fixed Charges		328

	Imperative Reasons	Westover Elementary Effective July 1, 1981
APPOINTMENTS	PRESENT POSITION	AS
Laurie G. Goldstein	Teacher Specialist Special Education Area 1 Admin. Office	Assistant Supervisor f/Special Services Office of the Area Associate Supt. Grade G Effective July 1, 1981
Dennis S. Leighty	Pupil Personnel Worker Intern Area 5 Administrative Office	Assistant Supervisor f/Special Services Office of the Area Associate Supt. Grade G Effective July 1, 1981
Elsie R. Moten	Assistant Principal Richard Montgomery High School	Assistant Supervisor f/Special Services Office of the Area Associate Supt. Grade G Effective July 1, 1981
Anna C. Ossler	Teacher Specialist Child Find Project Department of Inter- agency Programs and Placement	Assistant Supervisor f/Special Services Office of the Area Associate Supt. Grade G Effective July 1, 1981
Eva R. Wetten	Teacher Specialist Special Education Area 5 Administrative Office	Assistant Supervisor f/Special Services Office of the Area Associate Supt. Grade G Effective July 1, 1981
Amanda P. Winters	Assistant Principal Farquhar Middle School	Assistant Supervisor f/Special Services Office of the Area Associate Supt. Grade G Effective July 1, 1981
Mary A. Jordan	School Social Worker Mark Twain School	Pupil Personnel Worker Office of the Area Associate Supt. Grade G Effective July 1, 1981
John F. Kegley	Acting Supervisor of	Pupil Personnel Worker

Special Services
Office of the Area
Associate Supt.

Office of the Area
Associate Supt.
Grade G
Effective July 1, 1981

Ruth W. Yudkoff

Acting Asst. Principal
Whetstone Elementary

Acting Supervisor of
Elem. Instruction
Effective July 1, 1981

Mrs. Wallace left the meeting temporarily and Mrs. Spencer assumed the chair.

RESOLUTION NO. 377-81 Re: POSTPONEMENT OF ITEM 3.3, EMPLOYMENT OF LEGISLATIVE AIDE

On motion of Dr. Greenblatt seconded by Mrs. Peyser, the following resolution was adopted with Mr. Barse, Dr. Greenblatt, Mrs. Peyser, Mrs. Zappone voting in the affirmative; Mr. Ewing and Mrs. Spencer voting in the negative:

RESOLVED, That Item 3.3, Employment of Legislative Aide, be postponed until the return of Mrs. Wallace.

Re: PROPOSED RESOLUTION ON CONTINUUM
EDUCATION REORGANIZATION

Mrs. Spencer moved the following resolution:

WHEREAS, The Board asked for a review of Continuum Education including possible changes in organizational structure; and

WHEREAS, Staff members developed information for discussing changes, including changing the name for the Office of Continuum Education, eliminating positions and/or changing the organizational structure; now therefore be it

RESOLVED, That the name "Office of Continuum Education" be changed to "Office for Students with Special Needs"; and be it further

RESOLVED, That the present four departments of Adult Education/Summer School, School-Based Programs, Multifacility Programs/Alternative Centers and Interagency Programs and Placement be reduced to three departments titled Adult Education/Summer School, Special Education and Related Services, and Interagency/Alternative Programs and Supplemental Services; and be it further

RESOLVED, That the following four positions be eliminated: director, secretary, teacher specialist, and assistant coordinator for secondary learning centers; and be it further

RESOLVED, That the following position title changes be made: Associate Superintendent for Continuum Education to Associate Superintendent for Students with Special Needs; Director for Multifacility Programs and Alternative Centers to Director of Special

Education and Related Services; and Director of School-based Programs to Director of Interagency/Alternative Programs and Supplemental Services; and be it further

RESOLVED, That these changes will take place effective July 1, 1981.

RESOLUTION NO. 373-81 Re: AMENDMENT TO PROPOSED RESOLUTION ON CONTINUUM EDUCATION REORGANIZATION

On motion of Mr. Barse seconded by Mrs. Wallace, the following resolution was adopted with Mr. Barse, Dr. Greenblatt, Mrs. Peyser, Mrs. Wallace, and Mrs. Zappone voting in the affirmative; Mr. Ewing and Mrs. Spencer abstaining:

RESOLVED, That the proposed resolution on Continuum Education Reorganization be amended by changing the name from "Office for Students with Special Needs" to "Office of Special and Alternative Education".

RESOLUTION NO. 374-81 Re: AMENDMENT TO PROPOSED RESOLUTION ON CONTINUUM EDUCATION REORGANIZATION

On motion of Mrs. Zappone seconded by Mr. Barse, the following resolution was adopted with Mr. Barse, Mr. Ewing, Mrs. Spencer, Mrs. Wallace, and Mrs. Zappone voting in the affirmative; Dr. Greenblatt and Mrs. Peyser voting in the negative:

RESOLVED, That the proposed resolution on Continuum Education Reorganization be amended by deleting in the third Resolved clause from those positions to be eliminated that of the teacher specialist and assistant coordinator for secondary learning centers.

Re: A MOTION BY DR. GREENBLATT TO AMEND THE PROPOSED RESOLUTION ON CONTINUUM EDUCATION REORGANIZATION (FAILED)

A motion by Dr. Greenblatt seconded by Mr. Barse to amend the proposed resolution on Continuum Education reorganization by adding a sixth Resolved clause which would state that the Board of Education anticipates additional reductions in administration in this office as part of the general reduction of central office personnel to be in effect in FY 1982 or FY 1983 failed with Mr. Barse, Dr. Greenblatt, and Mrs. Zappone voting in the affirmative; Mr. Ewing, Mrs. Peyser, and Mrs. Spencer voting in the negative; Mrs. Wallace abstaining.

RESOLUTION NO. 375-81 Re: CONTINUUM EDUCATION REORGANIZATION

On motion of Mrs. Spencer seconded by Mrs. Zappone, the following resolution was adopted unanimously:

WHEREAS, The Board asked for a review of Continuum Education including possible changes in organizational structure; and

WHEREAS, Staff members developed information for discussing changes,

including changing the name for the Office of Continuum Education, eliminating positions and/or changing the organizational structure; now therefore be it

RESOLVED, That the name "Office of Continuum Education" be changed to "Office of Special and Alternative Education"; and be it further

RESOLVED, That the present four departments of Adult Education/Summer School, School-Based Programs, Multifacility Programs/Alternative Centers and Interagency Programs and Placement be reduced to three departments titled Adult Education/Summer School, Special Education and Related Services, and Interagency/Alternative Programs and Supplemental Services; and be it further

RESOLVED, That the following two positions be eliminated: director and secretary; and be it further

RESOLVED, That the following position title changes be made: Associate Superintendent for Continuum Education to Associate Superintendent for Office of Special and Alternative Education; Director for Multifacility Programs and Alternative Centers to Director of Special Education and Related Services; and Director of School-Based Programs to Director of Interagency/Alternative Programs and Supplemental Services; and be it further

RESOLVED, That these changes will take place effective July 1, 1981. Mrs. Wallace assumed the chair.

RESOLUTION NO. 376-81 Re: EMPLOYMENT OF LEGISLATIVE AIDE

On motion of Mrs. Zappone seconded by Mrs. Peyser, the following resolution was adopted with Mr. Barse, Dr. Greenblatt, Mrs. Peyser, Mrs. Wallace, and Mrs. Zappone voting in the affirmative; Mr. Ewing and Mrs. Spencer voting in the negative:

WHEREAS, The Board of Education by Resolution No. 334-80 has engaged the services of a legislative aide; and

WHEREAS, Notice of termination of the contract was given pursuant to the letter of agreement; now therefore be it

RESOLVED, That the Montgomery County Board of Education hereby adopts, ratifies, and confirms the notice given April 30, 1981; and be it further

RESOLVED, That the contract engaging the services of a legislative aide adopted by Resolution No. 334-80 be terminated as of May 31, 1981, and not be renewed.

Re: BOARD/PRESS/VISITOR CONFERENCE

The following individuals appeared before the Board:

1. Ms. Irene McGee, Sligo Civic Association

2. Mrs. Zoe Lefkowitz, President, MCCPTA

Re: NEW BUSINESS

1. Mr. Ewing moved and Mr. Barse seconded that the Board schedule the following:

- A Board of Education review of the roles, responsibilities, authority, and future of the resource teachers in the high school.
- A Board of Education review of the way in which appeals are dealt with on curriculum matters, and what is communicated to teachers about their ability to appeal, the encouragement to appeal, and the results of past appeals, as well as future policy with respect to appeals.
- A Board of Education review of the way in which supplementary materials are presently used, may be used under current rules, and how they should be used and/or could be used by teachers, with what limits and how those limits should be imposed.
- A Board of Education review of the rules and regulations now in place with respect to insubordination and misconduct, what the alternatives are to the present rules and regulations, what the advantages and disadvantages are of the alternatives, and what Board policy should be in the future.

2. Mr. Ewing moved and Mr. Barse seconded that the Board schedule a meeting with the Mayor and Council of the City of Rockville to discuss ways in which the City and the school system can cooperate more fully on matters related to school boundaries, school closings, and on other matters.

3. Mr. Ewing read a letter from students from Winston Churchill, Wheaton, and Wootton High Schools which described how eight students had earned the right to compete in the National Forensic League and were asking the Board to underwrite their expenses. He asked the Board to schedule action on this item at today's meeting since the tournament was June 14. Mr. Barse seconded the motion.

RESOLUTION NO. 377-81 Re: AMENDMENT TO THE AGENDA

On motion of Mr. Ewing seconded by Mrs. Spencer, the following resolution was adopted unanimously:

RESOLVED, That the Board amend its agenda by adding a discussion/action item at the end of its regularly scheduled business to take up the matter of funds for the National Forensic League tournament.

Re: RESOLUTION FOR APPROVAL OF REVISED
CURRICULUM--READING AND ENGLISH
LANGUAGE ARTS K-8

Mrs. Spencer moved, and Mrs. Zappone seconded, the following resolution:

WHEREAS, The school laws of Maryland specify that the county superintendent shall prepare courses of study and recommend them for adoption by the county Board (THE PUBLIC SCHOOL LAWS OF MARYLAND, Article 77, Section 4-205); and

WHEREAS, The school laws of Maryland also state that the county Board, on the written recommendation of the county superintendent, shall establish courses of study for the schools under its jurisdiction (THE PUBLIC SCHOOL LAWS OF MARYLAND, Article 77, Section 4-110); and

WHEREAS, Board of Education policy has resolved "that newly developed curriculum documents will be presented to the Board of Education for consideration approximately one month prior to the date on which approval will be sought and the superintendent of schools may extend this period to allow further time for citizen reaction to curriculum documents dealing with sensitive topics...." (from Board Resolution No. 400-73, June 18, 1973); and

WHEREAS, The PROGRAM OF STUDIES is the document which contains the prescribed curriculum elements, including instructional objectives, of all MCPS curriculum programs and courses (MCPS Regulations 345-1, Development and Approval of Curriculum and Supporting Materials); and

WHEREAS, Excellence in curriculum can be maintained only by continuing attention to the need for curriculum change; and

WHEREAS, The Council on Instruction, charged by the superintendent with considering recommendations for curriculum change, has recommended approval of the revised K-8 listening and reading curriculum; and

WHEREAS, The superintendent recommends that the Board approve the revised K-8 listening and reading curriculum presented to the Board on March 23, 1981; now therefore be it

RESOLVED, That the Board of Education approve the revisions of the K-8 listening and reading curriculum for publication in the PROGRAM OF STUDIES as part of the MCPS curriculum.

Re: A MOTION BY MRS. PEYSER TO AMEND THE
RESOLUTION FOR APPROVAL OF REVISED
CURRICULUM--READING & ENGLISH LANGUAGE
ARTS K-8 (FAILED)

A motion by Mrs. Peyser to amend the Resolution for Approval of Revised Curriculum by adding that students be required to submit six to ten book reports a year failed for lack of a second.

RESOLUTION NO 378-81 Re: AMENDMENT TO THE RESOLUTION FOR APPROVAL

OF REVISED CURRICULUM--READING & ENGLISH
LANGUAGE ARTS K-8

On motion of Mrs. Spencer seconded by Dr. Greenblatt, the following resolution was adopted unanimously:

RESOLVED, That the Resolution for Approval of Revised Curriculum--Reading and English Language Arts K-8 be amended by adding the words, "and as amended by subsequent discussions" at the end of the last WHEREAS clause.

RESOLUTION NO. 379-81 Re: RESOLUTION FOR APPROVAL OF REVISED
CURRICULUM--READING & ENGLISH LANGUAGE
ARTS K-8

On motion of Mrs. Spencer seconded by Dr. Greenblatt, the following resolution was adopted unanimously:

WHEREAS, The school laws of Maryland specify that the county superintendent shall prepare courses of study and recommend them for adoption by the county Board (THE PUBLIC SCHOOL LAWS OF MARYLAND), Article 77, Section 4-205); and

WHEREAS, The school laws of Maryland also state that the county Board, on the written recommendation of the county superintendent, shall establish courses of study for the schools under its jurisdiction (THE PUBLIC SCHOOL LAWS OF MARYLAND, Article 77, Section 4-110); and

WHEREAS, Board of Education policy has resolved "that newly developed curriculum documents will be presented to the Board of Education for consideration approximately one month prior to the date on which approval will be sought and the superintendent of schools may extend this period to allow further time for citizen reaction to curriculum documents dealing with sensitive topics...." (from Board Resolution No. 400-73, June 18, 1973); and

WHEREAS, The PROGRAM OF STUDIES is the document which contains the prescribed curriculum elements, including instructional objectives, of all MCPS curriculum programs and courses (MCPS Regulations 345-1, Development and Approval of Curriculum and Supporting Materials); and

WHEREAS, Excellence in curriculum can be maintained only by continuing attention to the need for curriculum change; and

WHEREAS, The Council on Instruction, charged by the superintendent with considering recommendations for curriculum change, has recommended approval of the revised K-8 listening and reading curriculum; and

WHEREAS, The superintendent recommends that the Board approve the revised K-8 listening and reading curriculum presented to the Board on March 23, 1981, and as amended by subsequent discussions; now therefore be it

RESOLVED, That the Board of Education approve the revisions of the K-8 listening and reading curriculum for publication in the PROGRAM OF STUDIES as part of the MCPS curriculum.

RESOLUTION NO. 380-81 Re: POSTPONEMENT OF SCHOOL CLOSURE DECISION

On motion of Mrs. Wallace seconded by Mr. Barse, the following resolution was adopted with Mr. Barse, Mr. Ewing, Mrs. Wallace, Mrs. Zappone voting in the affirmative; Dr. Greenblatt, Mrs. Peyser, and Mrs. Spencer voting in the negative:

*Miss Williams joined the meeting at this point.

RESOLVED, That the school closure decision regarding Broome be postponed until May 26, 1981.

Re: PROPOSED RESOLUTION ON ELEMENTARY SCHOOL POLICY

Dr. Greenblatt moved, and Mr. Barse seconded, the following resolution:

Resolved, That the Board asks that the superintendent draft an elementary school policy (K-8) which is to be a companion to the new senior high school policy and ready for implementation in September, 1981; and be it further

RESOLVED, That Board members will list their concerns for the superintendent so that the staff can reflect these in the initial draft of the policy.

RESOLUTION NO. 381-81 Re: AMENDMENT TO PROPOSED RESOLUTION ON ELEMENTARY SCHOOL POLICY

On motion of Mrs. Spencer seconded by Mr. Ewing, the following resolution was adopted with Mr. Barse, Mr. Ewing, Dr. Greenblatt, Mrs. Spencer, Mrs. Wallace, and Mrs. Zappone voting in the affirmative; Mrs. Peyser voting in the negative; (Miss Williams abstained):

RESOLVED, That the Proposed Resolution on Elementary School Policy be amended by changing the first Resolved clause to read "...ready for implementation in September, 1982, or sooner, if feasible;..."

RESOLUTION NO. 382-81 Re: AMENDMENT TO PROPOSED RESOLUTION ON ELEMENTARY SCHOOL POLICY

On motion of Mrs. Spencer seconded by Mrs. Wallace the following resolution was adopted unanimously:

RESOLVED, That a third Resolved clause be added which states that "the Board requests the superintendent to develop a timeline and

process for the period subsequent to the initial draft which will provide for the involvement of parents, citizens, employee groups, and principal associations."

RESOLUTION NO. 383-81 Re: RESOLUTION ON ELEMENTARY SCHOOL POLICY

On motion of Mr. Ewing seconded by Mr. Barse, the following resolution was adopted unanimously (Miss Williams abstained):
RESOLVED, That the Board asks that the superintendent draft an elementary school policy (K-8) which is to be a companion to the new senior high school policy and ready for implementation in September, 1982, or sooner, if feasible; and be it further

Resolved, That Board members will list their concerns for the superintendent so that the staff can reflect these in the initial draft of the policy.

Resolved, That the Board requests the superintendent to develop a timeline and process for the period subsequent to the initial draft which will provide for the involvement of parents, citizens, employee groups, and principal associations.

Re: DISCUSSION WITH MRS. JOAN ISRAEL

Mrs. Joan Israel, President, Elementary School Administrators Association, noted that part of the Elementary School Policy asked that Board members list their concerns. She said the Elementary School Administrators Association had been following with great interest some of the discussion and comments by Board members and wanted to offer their cooperation and assistance. She thought it might be helpful to Board members if they had some recent experience in elementary schools before they start to list areas they wanted included. The ESAA was inviting them to visit several elementary schools within the next few weeks. She gave to Board members a list of questions developed by the Executive Board of the ESAA to provide a focus for their visits to elementary schools.

The superintendent noted that this was the first time to his knowledge that principals had offered such an invitation. He thought it was a very positive sign.

Re: MEETING WITH MCEA REPRESENTATIVES ON THE POLICY ON EARLY CHILDHOOD EDUCATION

Kindergarten teachers shared their experiences and views with Board members.

Mrs. Zappone said she was pleased to hear that there was a choice available for those parents and children who do not fit into an all-day program.

Dr. Greenblatt wanted to discuss at some point the length of time for

half day programs. She thought there must be a way of arranging a longer kindergarten experience without necessarily going to a full-day program.

Re: NATIONAL FORENSIC LEAGUE TOURNAMENT

On motion of Mr. Ewing seconded by Mrs. Peyser, the following resolution was adopted with Mr. Barse, Mr. Ewing, Dr. Greenblatt, Mrs. Peyser, Mrs. Spencer, and Mrs. Wallace voting in the affirmative; Mrs. Zappone voting in the negative (Miss Williams abstaining):

RESOLVED, That it is the intent of the Board that the superintendent have the authority to expend a sum not to exceed monies remaining in the account for this purpose, an amount up to \$2,500, to enable eligible students to compete in the National Forensic League tournament in Salt Lake City, Utah.

Re: ITEMS OF INFORMATION

Board members received the following items of information:

1. Items in Process
2. Report on Nonresident Tuition
3. Status Report on In-School Suspension Program
4. Construction Progress Report
5. Recommendation for Approval of Revised Curriculum-English Language Arts, 9-12

Re: ADJOURNMENT

The president adjourned the meeting at 6:30 p.m.

President

Secretary

EA:kn