



1. A review of the recently adopted action areas to determine what research, evaluation and other experiential data and information are available to assist the Board in addressing these areas, and the provision of these kinds of information to the Board in a timely fashion.
2. A review of the Corporate Excellence recommendations, in the light of what DEA knows about the operations of MCPS to determine reasonableness, feasibility, and, in conjunction with the budget office, the costs.
3. The development of a proposal by DEA on how knowledge (research studies, evaluation results, assessment of programs, both in MCPS and elsewhere, journal articles, etc.) can be synthesized and provided to the Board on major educational issues in timely and brief form, so that the synthesis can be useful and used.
4. Placement of key materials, articles, books, etc. in the Board office on an occasional basis for Board use in educating itself about educational issues.
5. Development by DEA of a menu of services to the Board, including what sorts of information it has available or will have available and what it can provide in terms of quick, inexpensive turnaround.
6. Development of a method for responding to cost analysis requests or cost impact requests in the course of policy and program discussion.
7. Development of a regular method of assistance to the Board on major policy issues, with special attention to the following at present:
  - a) How SIMS is being used and could be used, and how to use the products of SIMS in policy making,
  - b) How the Board could come to grips with the need for an equitable policy on provision to schools and students of equipment to be used for computer instruction and for provision of other technology for instruction,
  - c) Social Studies curriculum issues,
  - d) Multicultural curriculum issues.
8. Development of a systematic method for feedback on the impact of implementation of major Board policies including in particular the following:

- a) All-day Kindergarten, on which a study is planned in the near future,
  - b) Such policies are the Math and Science Policy and associated initiatives, the Middle School Policy, the Sexual Harassment Policy.
9. Development of better methods of dissemination of knowledge about educational policy issues and program effectiveness issues from DEA to the general public, the media and to interested community members who seek information.

Re: A MOTION BY MRS. FANCONI TO AMEND  
THE PROPOSED MOTION ON THE RESEARCH  
AND EVALUATION SUBCOMMITTEE  
(FAILED)

A motion by Mrs. Fanconi to amend the proposed motion on the Research and Evaluation Subcommittee by accepting the report of the subcommittee and having Board discussions on Recommendations 7 and 8 with recommendations coming during those discussions failed with Mrs. Fanconi voting in the affirmative; Mr. Abrams, Ms. Baker, Mrs. Brenneman, Dr. Cheung, Mr. Ewing, Mrs. Gordon, and Ms. Gutierrez voting in the negative.

RESOLUTION NO. 525-93 Re: AN AMENDMENT TO THE PROPOSED  
RESOLUTION ON THE RESEARCH AND  
EVALUATION SUBCOMMITTEE

On motion of Mr. Ewing seconded by Ms. Gutierrez, the following resolution was adopted with Mrs. Brenneman, Ms. Baker, Dr. Cheung, Mr. Ewing, Mrs. Fanconi, Mrs. Gordon, and Ms. Gutierrez voting in the affirmative; Mr. Abrams abstaining:

Resolved, That the proposed resolution on the Research and Evaluation Subcommittee be amended to read as follows:

- 7. Development of a regular method of assistance to the Board on major policy issues, with ~~special attention to the following at present:~~ **attention to the following, but not limited to these issues:**
- 8. Development of a systematic method for feedback on the impact of implementation of major Board policies including ~~in particular,~~ **but not limited to,** the following:

RESOLUTION NO. 526-93 Re: RECOMMENDATIONS OF THE RESEARCH AND  
EVALUATION SUBCOMMITTEE

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

Resolved, That the Board of Education adopt the report of the Research and Evaluation Subcommittee and the following nine recommendations for the work of the Department of Educational Accountability:

1. A review of the recently adopted action areas to determine what research, evaluation and other experiential data and information are available to assist the Board in addressing these areas, and the provision of these kinds of information to the Board in a timely fashion.
2. A review of the Corporate Excellence recommendations, in the light of what DEA knows about the operations of MCPS to determine reasonableness, feasibility, and, in conjunction with the budget office, the costs.
3. The development of a proposal by DEA on how knowledge (research studies, evaluation results, assessment of programs, both in MCPS and elsewhere, journal articles, etc.) can be synthesized and provided to the Board on major educational issues in timely and brief form, so that the synthesis can be useful and used.
4. Placement of key materials, articles, books, etc. in the Board office on an occasional basis for Board use in educating itself about educational issues.
5. Development by DEA of a menu of services to the Board, including what sorts of information it has available or will have available and what it can provide in terms of quick, inexpensive turnaround.
6. Development of a method for responding to cost analysis requests or cost impact requests in the course of policy and program discussion.
7. Development of a regular method of assistance to the Board on major policy issues, with attention to the following, but not limited to these issues:
  - a) How SIMS is being used and could be used, and how to use the products of SIMS in policy making,
  - b) How the Board could come to grips with the need for an equitable policy on provision to schools and students of equipment to be used for computer instruction and for provision of other technology for instruction,
  - c) Social Studies curriculum issues,
  - d) Multicultural curriculum issues.

8. Development of a systematic method for feedback on the impact of implementation of major Board policies including, but not limited to, the following:
  - a) All-day Kindergarten, on which a study is planned in the near future,
  - b) Such policies are the Math and Science Policy and associated initiatives, the Middle School Policy, the Sexual Harassment Policy.
9. Development of better methods of dissemination of knowledge about educational policy issues and program effectiveness issues from DEA to the general public, the media and to interested community members who seek information.

Re: RECESS

The meeting was recessed so that Board members could tour the Procurement Office and the Supply Management Warehouse.

Re: ANNOUNCEMENT

Dr. Cheung announced that the Board had met in closed session on appeals from 1 to 1:40 p.m.

Re: PUBLIC COMMENTS

The following individuals appeared before the Board:

1. Marieanne Young, Damascus HS PTSA
2. Allan Prettyman, Damascus Cluster
3. Janet Crampton, Title IX Gender Equity Chairperson

RESOLUTION NO. 527-93      Re: FY 1994 SUPPLEMENTAL APPROPRIATION  
FOR THE HOWARD HUGHES MEDICAL  
INSTITUTE STUDENT/TEACHER  
INTERNSHIP PROGRAM AT THE NATIONAL  
INSTITUTES OF HEALTH (NIH)

On recommendation of the superintendent and on motion of Mrs. Fanconi seconded by Mrs. Gordon, the following resolution was adopted unanimously:

Resolved, That in accordance with the resolution from the Montgomery County Public Schools Educational Foundation, Inc., the Board of Education accept the funds awarded to the Foundation by the Howard Hughes Medical Institute; and be it further

Resolved, That the superintendent of schools be authorized, subject to County Council approval, to receive and expend an FY 1994 supplemental appropriation of \$150,000 from the Howard

Hughes Medical Institute, in cooperation with the National Institutes of Health (NIH), through the Montgomery County Public Schools Educational Foundation, Inc., to continue an internship program for biology teachers and students, in the following categories:

	<u>Category</u>	<u>Positions*</u>	<u>Amount</u>
2	Instructional Salaries	1.5	\$95,040
3	Other Instruction Costs		34,394
10	Fixed Charges	—	<u>20,566</u>
	TOTAL	<u>1.5</u>	<u>\$150,000</u>

\*1.5 Teacher, A-D (10 month)

and be it further

Resolved, That the county executive be requested to recommend approval of this resolution to the County Council, and a copy be transmitted to the county executive and the County Council.

RESOLUTION NO. 528-93      Re:    UTILIZATION OF FY 1994 FUTURE  
SUPPORTED PROJECT FUNDS FOR THE  
GLOBAL ECOLOGY STUDIES PROGRAM AT  
POOLESVILLE JR./SR. HIGH SCHOOL

On recommendation of the superintendent and on motion of Mrs. Fanconi seconded by Mrs. Gordon, the following resolution was adopted unanimously:

Resolved, That the superintendent of schools be authorized to receive and expend within the FY 1994 Provision for Future Supported Projects a grant award of \$2,500 from the Maryland State Department of Education, under the Fund to Assist With Implementation of the Environmental Education By-law, for the Global Ecology Studies program at Poolesville Jr./Sr. High School, in the following categories:

	<u>Category</u>	<u>Amount</u>
2	Instructional Salaries	\$2,300
10	Fixed Charges	<u>200</u>
	TOTAL	<u>\$2,500</u>

and be it further

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





108-92	Wiping/Polishing Cloths Extension <u>Awardees</u>		
	A & B Textiles	\$	4,800
	Cross Wiping Materials		15,520
	General Wiping Cloth Company, Inc.		<u>42,336</u>
	TOTAL	\$	62,656
109-92	Apple Computers for New Schools Extension <u>Awardee</u>		
	Apple Computer, Inc.	&	900,000
116-92	Polyliner Bags - Extension <u>Awardees</u>		
	Bemis Company, Inc. - Film Division	\$	10,867
	Calico Industries, Inc.		301,029
	DC Plastics, Inc.		23,278
	Interboro Packaging Corporation		63,232
	Laniado Wholesale Corporation		3,414
	Monumental Paper Company		<u>78,714</u>
	TOTAL	\$	480,524
124-92	Uniforms for Food Services, Maintenance, and Transportation Employees - Extension (per MCCSSE Contract) <u>Awardees</u>		
	A-1 Uniform Sales Company, Inc.	\$	32,191
	Fashion Seal Uniforms		<u>77,573</u>
	TOTAL	\$	109,764
95-93	Lawn Service Equipment, Mowers, and Tractors <u>Awardees</u>		
	H.B. Duvall, Inc.	\$	5,580
	Gaithersburg Ford Tractor		5,900
	Gaithersburg Rental Center		22,253
	Gladhill Brothers Company		80,770
	Grainger		3,419
	Kohler Equipment, Inc.		<u>11,813</u>
	TOTAL	\$	130,005
102-93	Art Tools <u>Awardee</u>		
	Chaselle, Inc.	\$	29,370
111-93	Custodial Supplies <u>Awardees</u>		
	ABC Paper and Groceries, Inc.	\$	6,754
	Acme Paper and Supply Company		200,371
	Apex Supply Company		2,619
	Calico Industries, Inc.		5,946

	Crown Supply	34,448
	Daycon Products Company, Inc.	66,995 *
	Fischer-Lang and Company, Inc.	1,397
	General Wiping Cloth Company, Inc.	12,485
	Genesis	5,033 *
	Grainger	1,368
	Hill Manufacturing Company, Inc.	2,188
	Hold Paper and Chemical Company	14,253
	Marland Enterprises, Inc.	14,145
	Monumental Paper Company	60,993
	Porter's Supply Company, Inc.	55,223
	Pyramid School Products	5,233
	Sky Resources	5,624 *
	Viking Chemicals, Inc.	2,670 *
	Wharton Supply Inc. of Virginia	16,393
	Frank W. Winne and Son, Inc.	<u>1,809</u>
	TOTAL	\$ 515,947
115-93	Audio Visual Equipment and Supplies	
	<u>Awardees</u>	
	Century Magnetics, Inc.	\$ 13,360
	Chaselle, Inc.	4,514
	CTL Communications Televideo	245,962 *
	Kunz, Inc.	27,375
	Landon Systems Corporation	20,461
	Northeast Audio Visual, Inc.	39,043
	Penn Camera Exchange, Inc.	9,125
	Nicholas P. Pipino Associates	91,571
	Ritz Audio-Visual Associates, Inc.	7,745 *
	Southern Business Communications of DC	3,025
	Total Audio Visual Systems	83,845 *
	Veneman Music Company, Inc.	7,453
	Washington Professional Systems	<u>1,395</u>
	TOTAL	\$ 554,874
116-93	HVAC/Refrigeration Parts and Equipment	
	<u>Awardees</u>	
	Aireco Supply, Inc.	\$ 1,618
	Boland Trane Parts Center	20,000
	Capital Compressor, Inc.	10,500
	CAPP, Inc.	61,500
	Consolidated Air	15,000
	Grainger	3,801
	Heritage Food Service Equipment Co, Inc.	8,500
	Industrial Controls Dist., Inc.	2,614
	Johnson Controls, Inc.	20,000
	Wm. E. Kingswell Company	2,590
	K.L.B. Associates, Inc.	11,500
	Landis & Gyr Powers	5,000
	McQuay Service	23,000
	Melchior/Armstrong/Dessau	51,067
	R. E. Michel Company, Inc.	1,676

	H. M. Sweeney Company		2,369
	United Refrigeration, Inc.		<u>75,164</u>
	TOTAL	\$	315,899
118-93	Groceries and Staples		
	<u>Awardees</u>		
	Annapolis Produce and Restaurant	\$	20,190
	ATD American Company		1,917
	Carroll County Foods, Inc.		48,152
	Chaimson Brokerage Company, Inc.		12,600
	GPR Company		5,262
	Interstate Coffee Services Company, Inc.		2,996
	JP Foodservice, Inc.		24,344
	Kraft Foodservices, Inc.		7,535
	Mazo-Lerch Company, Inc.		72,409
	Princess Ann Products		51,575
	Sandler Foods		57,546
	Smelkinson/Sysco		10,119
	Tova Industries		3,377
	Wechsler Coffee Corporation		<u>1,841</u>
	TOTAL	\$	319,863
122-93	Upright, Grand, and Electronic Pianos		
	<u>Awardees</u>		
	Jordan Kitt's Music	\$	13,480
	Kunkel Piano and Organ Company		34,818
	Music and Arts Center, Inc.		<u>12,950</u> *
	TOTAL	\$	61,248
123-93	Motor Vehicles, Refrigerated Vans for the Division of Food Services		
	<u>Awardees</u>		
	Dorsey/Records, Inc.	\$	60,200
	Wantz Chevrolet, Inc.		<u>71,118</u>
	TOTAL	\$	131,318
127-93	Frozen Foods		
	<u>Awardees</u>		
	Babb Food Brokers, Inc.	\$	9,120
	Bagel Brands, Inc.		5,840
	Blue Ribbon Food Service, Inc.		716
	Briggs Ice Cream Company		12,975
	Carroll County Foods, Inc.		16,509
	Continental Foods, Inc.		35,175
	Feesers, Inc.		5,350
	Kraft Foodservices, Inc.		10,787
	Sandler Foods - Contract Division		1,316
	Smelkinson/Sysco		<u>29,558</u>
	TOTAL	\$	127,346

129-93	Snack Foods, Chips, and Popcorn <u>Awardee</u> Smelkinson/Sysco	\$ 107,320
132-93	Wood Mulch <u>Awardee</u> Highland Mulch Company	\$ 39,600
136-93	Folding Gates for Various Schools <u>Awardees</u> Miller Wire Works, Inc. Overhead Door Company of Washington, D.C. TOTAL	\$ 35,000
139-93	Sewing Machine Equipment <u>Awardee</u> Maryland Sewing Machine and Vacuum Center	\$ 92,100
	MORE THAN \$25,000	\$ 4,785,330

\* Denotes MFD vendors

RESOLUTION NO. 533-93      Re:    BID NO. 125-93, LEASE/PURCHASE OF  
LASER PRINTER

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

WHEREAS, The Board of Education of Montgomery County received Bid No. 125-93, Lease/Purchase of Laser Printer, to be used by the Department of Technology Planning and Data Operations to replace a machine that is slower, technologically inefficient, and costly for maintenance and repairs; and

WHEREAS, The Xerox Corporation is the lowest responsible bidder meeting bid specifications and has offered to provide the necessary equipment through a lease/purchase arrangement; and

WHEREAS, The Board of Education has determined, in accordance with Section 5-110 of Maryland's Public School Law, that Xerox Corporation is the lowest responsible bidder conforming to specifications to supply the laser printer; and

WHEREAS, The Board of Education has determined that it is in the public interest, the cost parameters are within the current budget, and the need for a more efficient reliable laser printer is supportable through a lease/purchase arrangement with Xerox

Corporation subject to cancellation in the event of nonappropriation; and

WHEREAS, The Xerox Corporation has agreed to provide the laser equipment in accordance with the lease/purchase terms and nonappropriation condition set forth in the bid specifications; now therefore be it

Resolved, That the Board of Education of Montgomery County award Bid No. 125-93, Lease/Purchase of Laser Printer to Xerox Corporation, totaling \$326,690 for a five-year lease/purchase agreement in accordance with the terms and conditions of the specifications; and be it further

Resolved, That the Board of Education president and the superintendent of schools be authorized to execute the documents necessary for this transaction.

RESOLUTION NO. 534-93      Re:    REDUCTION OF RETAINAGE - WHITE OAK MIDDLE SCHOOL

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

WHEREAS, Triangle General Contractors, Inc., general contractor for White Oak Middle School, has completed 96 percent of all specified requirements, and has requested that the 10 percent retainage, which is based on the completed work to date, be reduced to 5 percent; and

WHEREAS, The project bonding company, Reliance Insurance Co., has consented to this reduction; and

WHEREAS, The project architect, SHW, Inc., recommends approval of the reduction; now therefore be it

Resolved, That the 10 percent retainage withheld from periodic payments to Triangle General Contractors, Inc., general contractor for White Oak Middle School, be reduced to 5 percent, with the remaining 5 percent to become due and payable after completion of all remaining contract requirements and formal acceptance of the completed project.

RESOLUTION NO. 535-93      Re:    REDUCTION OF RETAINAGE - THURGOOD MARSHALL ELEMENTARY SCHOOL

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

WHEREAS, Hess Construction Co., general contractor for Thurgood Marshall Elementary School, has completed 94 percent of all specified requirements, and has requested that the 10 percent retainage, which is based on the completed work to date, be reduced to 5 percent; and

WHEREAS, The project bonding company, Casualty Insurance Co., has consented to this reduction; and

WHEREAS, The project architect, Grimm & Parker, recommends approval of the reduction; now therefore be it

Resolved, That the 10 percent retainage withheld from periodic payments to Hess Construction co., general contractor for Thurgood Marshall Elementary School, be reduced to 5 percent, with the remaining 5 percent to become due and payable after completion of all remaining contract requirements and formal acceptance of the completed project.

RESOLUTION NO. 536-93      Re:    AWARD OF CONTRACT - HIGHLAND VIEW  
ELEMENTARY SCHOOL

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

WHEREAS, The following bids were received on June 24, 1993, for the modernization and addition project at Highland View Elementary School, with work to be completed by August 1, 1994:

<u>Bidder</u>	<u>Amount</u>
1. Caldwell & Santmyer, Inc.	\$3,719,475
2. Henley Construction co., Inc.	3,831,500
3. Hess Construction Company, Inc.	3,927,000
4. McAlister-Schwartz Company	3,947,912
5. Kimmel & Kimmel, Inc.	4,044,400
6. R. J. Crowley, Inc.	4,428,000
7. Smith & Haines, Inc.	4,288,500

and

WHEREAS, Caldwell & Santmyer, Inc., has completed similar work successfully for Montgomery County Public Schools, including a project a Broad Acres Elementary School; and

WHEREAS, The low bid is below the architect's estimate of \$3,800,000; now therefore be it

Resolved, That a \$3,719,475 contract be awarded to Caldwell & Santmyer, Inc., for the modernization and addition project at Highland View Elementary School, in accordance with plans and

specifications prepared by Duane, Cahill, Mullineaux & Mullineaux, Architects.

RESOLUTION NO. 537-93      Re:    AWARD OF CONTRACT - MEADOW HALL  
ELEMENTARY SCHOOL

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

WHEREAS, The following bids were received July 1, 1993, for the modernization and addition to Meadow Hall Elementary School, with work to be completed by August 1, 1994:

<u>Bidder</u>	<u>Amount</u>
1. Meridian Construction Co., Inc.	\$3,176,000
2. Henley Construction Co., Inc.	3,390,900
3. The McAlister-Schwartz Co.	3,421,946
4. Hess Construction Company	3,448,270
5. Kimmel & Kimmel, Inc.	3,458,200
6. Harkins Builders, Inc.	3,474,000
7. Smith & Haines, Inc.	3,478,700
8. Northwood Contractors, Inc.	3,559,000
9. R. J. Crowley, Inc.	3,754,400

and

WHEREAS, The low bidder, Meridian Construction Co., Inc., has asked to withdraw its bid proposal due to mathematical errors in bid computation; and

WHEREAS, Legal counsel from Reese and Carney has reviewed this matter and believes that Meridian Construction Co., Inc., should be permitted to withdraw its bid; and

WHEREAS, The second low bidder, Henley Construction Co., Inc., has completed similar work successfully for Montgomery County Public Schools, including the current modernization of Clarksburg Elementary school; and

WHEREAS, The second low bid is below the \$3,420,000 project construction budget; now therefore be it

Resolved, That a \$3,390,900 contract be awarded to Henley Construction Co., Inc., for the modernization and addition to Meadow Hall Elementary School, in accordance with plans and specifications prepared by Hayes, Seay, Mattern & Mattern, Inc., Architects.



RESOLUTION NO. 539-93      Re:    ARCHITECTURAL APPOINTMENT - JACKSON  
ROAD ELEMENTARY SCHOOL  
MODERNIZATION

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

WHEREAS, It is necessary to appoint an architectural firm to provide professional and technical services during the design and construction phases of the Jackson Road Elementary School modernization; and

WHEREAS, Funds for architectural planning were appropriated as part of the FY 1994 Capital Budget; and

WHEREAS, The Architectural Selection Committee, in accordance with procedures adopted by the Board of Education on May 13, 1986, identified Samaha Associates Architects as the most qualified firm to provide the necessary professional architectural and engineering services; and

WHEREAS, Staff has negotiated a fee for necessary architectural services; now therefore be it

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with the architectural firm of Samaha Associates Architects to provide professional architectural services for the modernization of Jackson Road Elementary School for \$284,000, which is 6.5 percent of the estimated cost of construction.

RESOLUTION NO. 540-93      Re:    AWARD OF CONTRACT FOR MAINTENANCE  
PROJECT - WELLER ROAD ELEMENTARY  
SCHOOL

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

WHEREAS, The following sealed bids to replace electric light fixtures at Weller Road Elementary School, funded from Planned Life-cycle Asset Replacement (PLAR) capital funds, were received on June 29, 1993, in accordance with MCPS Procurement Practices, with work to begin on July 15, 1993, and be completed by August 15, 1993:

	<u>Bidder</u>	<u>Amount</u>
1.	Kolb Electric, Inc.	\$79,292.67
2.	Steinman Electric	81,400.00

3. M. C. Dean, Inc.

97,700.00

and

WHEREAS, The low bid is below the staff estimate of \$80,000, and sufficient funds are available to award the contract; and

WHEREAS, Kolb Electric, Inc., has completed a similar project successfully at Tilden Middle School; now therefore be it

Resolved, That a \$79,292.67 contract be awarded to Kolb Electric, Inc., to replace the electric light fixtures at Weller Road Elementary School.

RESOLUTION NO. 541-93      Re:    ACCESS FOR FUTURE LAYTONIA HIGH SCHOOL SITE

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

WHEREAS, The Board of Education owns a 30-acre parcel of land known as the future Laytonia High School site located on the northwest corner of Muncaster Mill Road (MD 115) and Airpark Drive; and

WHEREAS, The access to the site is provided via a dirt road that traverses an adjacent privately-owned parcel of land to reach the public right-of-way; and

WHEREAS, The access has existed for many years and now places a cloud on the title to the privately-owned parcel of land; and

WHEREAS, The current owners of this privately-owned parcel of land desire to remove this cloud from their title to the land in order to convey this land to new owners; and

WHEREAS, The owners have offered to obtain the necessary governmental approvals and to build a new gravel driveway located entirely on the high school and at no cost to the Board of Education in exchange for extinguishment of any rights the Board may have in the owner's adjacent land parcel as a result of the existence of this access for many years; and

WHEREAS, The new driveway access will benefit the Board's land by providing a better access to the site, and the extinguishment of rights in the adjacent land will not harm the future development of the Board's land; now therefore be it

Resolved, That the Board of Education agrees to executive an agreement to quitclaim any right, title, and interest in the existing off-site access in exchange for construction of a newly

approved access consisting of a new gravel driveway and concrete apron provided at no cost within the boundaries of the high school site; and be it further

Resolved, That the Board president and superintendent be authorized to executive the documents necessary for this transmission.

Re: REJECTION OF BIDS - DAMASCUS HIGH SCHOOL ADDITION/MODIFICATION

Mrs. Fanconi moved and Mr. Abrams seconded the following:

WHEREAS, Construction bids received on May 20, 1993, for the Damascus High School addition/modification project exceeded the budget by approximately \$1,700,000; and

WHEREAS, A redesign alternative was reviewed by staff and PTA representatives and rejected because of the adverse impact on the instructional program and safety of the school; and

WHEREAS, It is possible to proceed with the project as designed by deferring a portion of the addition and some site work until additional funds can be provided in FY95; now therefore be it

Resolved, That construction bids for the Damascus High School addition/modification project be rejected, and the project be rebid as soon as possible with the deferral of sufficient new construction and site work to assure new bids are within the project appropriation; and be it further

Resolved, That funds to complete the project be requested in the FY95 Capital Budget; and be it further

Resolved, That the county executive and County Council be informed about the Board of Education's plan to complete the Damascus High School addition/modification project.

RESOLUTION NO. 542-93      Re: AN AMENDMENT TO THE PROPOSED  
RESOLUTION ON DAMASCUS HIGH SCHOOL

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

Resolved, That the proposed resolution on Damascus High School be amended to add "negotiated or" before "rebid" in the first Resolved clause.

RESOLUTION NO. 543-93      Re: REJECTION OF BIDS - DAMASCUS HIGH  
SCHOOL ADDITION/MODIFICATION

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

WHEREAS, Construction bids received on May 20, 1993, for the Damascus High School addition/modification project exceeded the budget by approximately \$1,700,000; and

WHEREAS, A redesign alternative was reviewed by staff and PTA representatives and rejected because of the adverse impact on the instructional program and safety of the school; and

WHEREAS, It is possible to proceed with the project as designed by deferring a portion of the addition and some site work until additional funds can be provided in FY95; now therefore be it

Resolved, That construction bids for the Damascus High School addition/modification project be rejected, and the project be negotiated or rebid as soon as possible with the deferral of sufficient new construction and site work to assure new bids are within the project appropriation; and be it further

Resolved, That funds to complete the project be requested in the FY95 Capital Budget; and be it further

Resolved, That the county executive and County Council be informed about the Board of Education's plan to complete the Damascus High School addition/modification project.

RESOLUTION NO. 544-93      Re: TUITION FOR OUT-OF-COUNTY PUPILS  
FOR FY 1994

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

WHEREAS, Resolution 364-77 that established the basis for nonresident tuition charges provides that the per pupil cost shall be based on the current year's estimated cost including debt service; and

WHEREAS, The basis for the calculation of cost per pupil for tuition purposes in FY 1994 is as follows:

	<u>Kindergarten</u>	<u>Grades 1-6 Elementary</u>	<u>Middle/ Senior</u>	<u>Special</u>
Estimated Number of Pupils	9,486	48,239	48,868	5,242
<u>Cost</u>				
Regular Program	\$31,621,034	\$288,716,831	\$331,498,698	\$70,875,052
Debt Service	<u>2,181,693</u>	<u>19,846,003</u>	<u>20,104,779</u>	<u>2,156,611</u>
TOTAL COST	\$33,802,727	\$308,562,834	\$351,603,477	\$73,031,663
<u>Cost per Pupil</u>				
Regular Program	\$2,993	\$5,985	\$6,784	\$13,521
Debt Service	<u>206</u>	<u>411</u>	<u>411</u>	<u>411</u>
TOTAL COST	\$3,199	\$6,396	\$7,195	\$13,932

now therefore be it

Resolved, That the tuition rates for out-of-county pupils for the 1993-1994 year shall be:

Kindergarten	\$ 3,199
Elementary	6,396
Secondary	7,195
Special Education	13,932

RESOLUTION NO. 545-93 Re: MONTHLY PERSONNEL REPORT

On recommendation of the superintendent and on motion of Mrs. Brenneman seconded by Mrs. Gordon, the following resolution was adopted unanimously:

Resolved, That the following appointments, resignations, and leaves of absence for professional and supporting services personnel be approved: (TO BE APPENDED TO THESE MINUTES).

RESOLUTION NO. 546-93 Re: EXTENSION OF SICK LEAVE

On recommendation of the superintendent and on motion of Mrs. Brenneman seconded by Mrs. Gordon, the following resolution was adopted unanimously:

WHEREAS, The employee listed below has suffered serious illness; and

WHEREAS, Due to the prolonged illness, the employee's accumulated sick leave has expired; now therefore be it

Resolved, That the Board of Education grant an extension of sick leave with three-fourths pay covering the number of days indicated:

<u>Name</u>	<u>Position and Location</u>	<u>No. of Days</u>
Gerald Davis	Glazier Div. of Maintenance	30

RESOLUTION NO. 547-93 Re: DEATH OF DENNIS E. ALEXANDER,  
BUILDING SERVICE WORK LEADER II,  
FLOWER HILL ELEMENTARY SCHOOL

On recommendation of the superintendent and on motion of Mrs. Brenneman seconded by Mrs. Gordon, the following resolution was adopted unanimously:

WHEREAS, The death on June 6, 1993, of Mr. Dennis E. Alexander, a building service work leader II at Flower Valley Elementary School, has deeply saddened the staff and members of the Board of Education; and

WHEREAS, Mr. Alexander had been a loyal employee of Montgomery County Public Schools for five years; and

WHEREAS, Mr. Alexander's pride in his work and his dedication to duty were recognized by staff and associates alike; now therefore be it

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

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

RESOLUTION NO. 548-93 Re: PERSONNEL APPOINTMENT AND TRANSFERS

On recommendation of the superintendent and on motion of Mrs. Fanconi seconded by Mrs. Gordon, the following resolution was adopted unanimously:

Resolved, That the following personnel appointment and transfers be approved:

<u>Appointment</u>	<u>Present Position</u>	<u>As</u>
Ronnie S. Fields	Acting Asst. Principal Kemp Mill ES	Principal Glenallan ES Effective: 7-14-93
	<u>From</u>	<u>To</u>
Jane McAuliffe	Principal Pine Crest ES	Principal Candlewood ES Effective: 7-14-93
Eric Mills	Principal Georgian Forest ES	Principal Cedar Grove ES Effective: 7-14-93

RESOLUTION NO. 549-93 Re: PERSONNEL APPOINTMENT

On recommendation of the superintendent and on motion of Mrs. Fanconi seconded by Mrs. Gordon, the following resolution was adopted unanimously:

Resolved, That the following personnel appointment be approved:

<u>Appointment</u>	<u>Present Position</u>	<u>As</u>
Susan J. Antle	Acting Coordinator Elementary PE Div. of Health, PE, and Wellness	Coordinator, Elem. Physical Education Div. of Health, PE, and Wellness Grade N Effective: 7-14-93

RESOLUTION NO. 550-93 Re: PERSONNEL APPOINTMENTS

On recommendation of the superintendent and on motion of Mrs. Fanconi seconded by Mrs. Gordon, the following resolution was adopted unanimously:

Resolved, That the following personnel appointments be approved:

July 13, 1993

<u>Appointment</u>	<u>Present Position</u>	<u>As</u>
Robert J. Bailey	Asst. Principal Fairfield HS Fairfield-Suisun United School Dist. Fairfield, California	Asst. Principal Paint Branch HS Effective: 7-14-93
Eileen S. Banks	Asst. Principal Hillcrest ES Baltimore County Public Schools	Asst. Principal Piney Branch ES Effective: 7-14-93

RESOLUTION NO. 551-93      Re:    PERSONNEL TRANSFERS

On recommendation of the superintendent and on motion of Mrs. Fanconi seconded by Mrs. Gordon, the following resolution was adopted unanimously:

Resolved, That the following personnel transfers be approved:

<u>Transfer</u>	<u>From</u>	<u>To</u>
Frances Levin	Asst. Principal Walter Johnson HS	Asst. Principal Key MS Effective: 7-14-93
Dorinda Jolles	Asst. Principal White Oak MS	Asst. Principal Montg. Village MS Effective: 7-14-93

Re:    BOARD OF EDUCATION HANDBOOK

Mrs. Fanconi moved and Mrs. Gordon seconded the following:

WHEREAS, On September 10, 1985, the Board of Education approved A Handbook for the Montgomery County Board of Education; and

WHEREAS, On October 24, 1988, the Board of Education requested that the handbook be included in Section B of the Policies and Regulations Handbook; and

WHEREAS, On November 10, 1988, the Board of Education approved an update and review of the contents of the handbook; and

WHEREAS, Staff has reviewed and updated the handbook to reflect recent changes in state law and Board practice; now therefore be it

Resolved, That the Board of Education approve the updating of A Handbook for the Montgomery County Board of Education (as amended); and be it further

Resolved, That based upon Board action, the staff be instructed to make changes, corrections, and rescissions in previous resolutions adopted by the Board and included in the handbook; and be it further

Resolved, That the superintendent be requested to issue this update as part of Section B of the Policies and Regulations Handbook with the updated citations as soon as possible.

### **Authority and Responsibilities of the Board of Education**

The powers and mandatory duties of the Board of Education are defined in ~~state statutes~~ **the Education Article of the Annotated Code of Maryland** and ~~Maryland State Department of Education bylaws~~ **the Code of Maryland Regulations, 13.1, State Board of Education** and emphasize the major responsibilities of the Board of Education, for example, the selection and appointment of the superintendent of schools. The Board accepts the following general responsibilities as paramount:

1. Formulating and interpreting policies
2. Making decisions on educational, financial (including authorization of legal settlements) **(with the exception of special education settlements up to \$25,000)**, and facility matters
3. Making a continuous appraisal of the educational and administrative process
4. Delegating administrative duties
5. Communicating with citizenry, staff, and students
6. Acting in a quasi-judicial role, when required
7. Acting on personnel matters

### **Board Member Authority**

State law determines that power belongs not to individual members of a Board of Education but to the Board of Education itself. Board members have authority only when acting as a Board of Education in a legally constituted session. The statement or action of an individual member of the Board of Education does not bind the Board of Education itself.

State Law: *Annotated Code of Maryland, Education*[Volume], §3-104.

### **Board Member Qualifications**

A **full**-voting member of the Board of Education must be a registered voter of Montgomery County, and an individual subject to the authority of the county board may not serve.

The seven **full**-voting members are elected for a four-year term at the general election every two years. Four members (**three by district and one at large**) are elected in gubernatorial election years, and three members (**two by district and one at large**) are elected in presidential election years. **Unlike County Council elections, all voters in the county vote for members of the Board of Education regardless of the candidate's district.** ~~Effective with the 1988 election and continuing thereafter, two members will be elected by district and one will be elected at large. In 1990, three members will be elected by district, and one will be elected at large.~~ The term begins on December 1 after the election and continues until a successor is elected and qualifies.

~~A nonvoting~~ (**The student**) member must be a resident of Montgomery County and a regularly enrolled junior or senior year student from a Montgomery County public high school.

The student Board member is elected for a one-year term each year by students enrolled in grades 7 through 12 in the Montgomery County Public Schools. The student term of office begins on July 1 after the election.

State Law: *Annotated Code of Maryland, Education*[Volume], §3-701 and 3-113.

### **Board Candidates**

The regulations for election procedures are found in Article 33, §32-6, the Election Article of the *Annotated Code of Maryland*.

Board-member candidates are required to file public financial disclosure statements for the preceding calendar year with the Board of Supervisors of Elections at the time they submit their certificate of candidacy. After the candidate's election to the Board of Education, the Board of Supervisors of Elections sends the financial disclosure form to the Board of Education Ethics Panel. School system practice is to use the following processes for Board member candidates:

1. As candidates file, they are provided with materials except items of a confidential nature for Board business meetings.

2. After the primary election, candidates receive these materials at their homes.
3. After the general election and prior to being sworn in, members-elect receive all materials provided to Board members. Except for voting, they participate fully in all meetings of the Board.
4. After the student member is elected, he or she receives all Board materials at his/her home. He/she participates in meetings of the Board of Education.
5. Newly elected Board members are seated at the outside ends of the Board table.

### **New Board Member Orientation**

Following the election of new members, the currently sitting Board of Education provides for an orientation to its operation and processes at the meeting, information is provided about the functions of the office of the Board of Education and the working relationships with the superintendent and the staff of the Montgomery County Public Schools. In addition to this more formal structure, Board members have opportunities to meet with each other in an informal setting early in the term of a new Board. New Board members are informed that Board members must file financial disclosure statements annually with the Board's Ethics Panel.

### **Student Board Member**

~~The student member has the same rights and privileges of an elected member except that the student member may not vote but may indicate a preference for or against any motion before the Board. The vote of the student is recorded in parentheses in the minutes of the Board of Education. The student member may attend certain personnel hearings and executive sessions for collective bargaining if invited to do so by the majority of the Board. The student member can move for reconsideration of a Board of Education vote and can offer and second motions and amendments.~~

**The student member has the same rights and privileges of an elected member except that the student member may not vote on issues pertaining to collective bargaining and negative personnel actions. The student member may attend certain personnel hearings and executive sessions for collective bargaining if invited to do so by the majority of the Board.**

The student member is awarded one full credit in social studies upon completion of a one-year term on the Board of Education.

The student member may distribute diplomas and/or certificates at high school commencements but may not confer his or her own diploma.

#### **Board Member Unexpired Term Fulfillment**

In the event of a Board member resignation, death, or removal from office, the remaining members of the Board will select a qualified individual to fill the vacancy. This individual will serve for the remainder of the term and until a successor is elected. The Board determines the process for the selection of the new Board member.

The County Council may remove a Board member for immorality, misconduct in office, incompetence, or willful neglect of duty. The member may request a hearing and have an opportunity to be heard. The member also has the right to a *de novo* review of the removal by the Circuit Court of Montgomery County.

#### **Code of Ethics**

The Board of Education has adopted the following Code of Ethics as recommended by the National School Boards Association:

"As a member of my local board of education I will strive to improve public education, and to that end I will:

Attend all regularly scheduled board meetings insofar as possible, and become informed concerning the issues to be considered at those meetings;

Recognize that I should endeavor to make policy decisions only after full discussion at publicly held board meetings;

Render all decisions based on the available facts and my independent judgment, and refuse to surrender that judgment to individuals or special interest groups;

Encourage the free expression of opinion by all board members, and seek systematic communications between the board and students, staff, and all elements of the community;

Work with other board members to establish effective board policies and to delegate authority for the administration of the schools to the superintendent;

Communicate to other board members and the superintendent expressions of public reaction to board policies and school programs;

Inform myself about current educational issues by individual study and through participation in programs providing needed

information, such as those sponsored by my state and national school board associations;

Support the employment of those persons best qualified to serve as school staff, and insist on a regular and impartial evaluation of all staff;

Avoid being placed in a position of conflict of interest, and refrain from using my board position for personal or partisan gain;

Take no private action that will compromise the board or administration, and respect the confidentiality of information that is privileged under applicable law; and

Remember always that my first and greatest concern must be the educational welfare of the students attending the public schools."

#### **Board of Education Goals and Priorities**

The Board of Education has control over educational matters in the county and promotes the interests of schools under its jurisdiction. The Board of Education adopts *Goals of Education* to guide the school system in developing, implementing, and improving educational programs for its students. Accompanying these goals are commitments to the citizens of Montgomery County to create and maintain an educational environment that promotes the attainment by all students of the *Goals of Education*.

With the advice of the superintendent of schools, the Board of Education establishes priorities for each school year together with specific objectives for the attainment of these priorities. Following the establishment of priorities, the superintendent recommends a calendar of Board meetings based on these priorities.

#### **Appointment of the Superintendent of Schools**

The term of the superintendent is four years beginning on July 1. The superintendent serves until a successor is appointed and qualifies. By February 1 of the year in which a term ends, the county superintendent must notify the Board whether or not he/she is a candidate for reappointment.

In the year in which a term begins, the Board of Education appoints the superintendent between February 1 and June 30. Should the Board decide to reappoint the incumbent superintendent, the Board must take final action at a public meeting no later than March 1 of that year.

The appointment of the superintendent is subject to approval of the state superintendent of schools. If there is a vacancy in the office, the Board shall appoint an interim superintendent who serves until July 1 after his/her appointment.

### **Responsibilities and Duties of the Superintendent of Schools**

The superintendent is appointed for a four-year term beginning on July 1 and may have an individual contract. The superintendent continues to serve until a successor is appointed and qualifies.

The superintendent is responsible for the administration of his/her office and carries out the laws, bylaws, and policies of the state Board of Education as well as the rules, regulations, and policies of the county Board of Education.

The superintendent advises the Board of Education on educational policies of the school system, school attendance areas, and curriculum guides and courses of study. The superintendent recommends contracts and other documents for Board approval. The superintendent also recommends administrative reorganizations, including transfers of functions, establishment of positions and offices, and consolidations of positions and offices. The superintendent proposes annual operating and capital budgets to the Board of Education. The superintendent attends all meetings of the Board and its committees unless his/her tenure or salary or the administration of his/her office is under consideration. By contract, the superintendent is evaluated annually **in August** on the achievement of mutually agreed upon priorities and objectives.

The superintendent as executive officer, secretary, and treasurer keeps a record of the proceedings of each meeting of the Board and of all actions taken by the Board. In the absence of the superintendent, the deputy superintendent or designee fulfills these duties.

The superintendent recommends the appointment of administrative and supervisory personnel to the Board of Education for its approval. In Montgomery County, the superintendent also recommends transfers of administrative and supervisory personnel to the Board of Education as well as amendments to the Position Classification and Pay Plan. In the monthly personnel report, the superintendent recommends approval of personnel appointments, requests for leave, terminations of MCPS personnel, **and disciplinary actions.**

State Law: *Annotated Code of Maryland, Education* [Volume], §4-102, §4-204, and §4-205.

### **Duties of Officers**

The officers of the Board of Education are the president, vice president, and, by law, the superintendent of schools as the executive officer, secretary and treasurer.

The president presides at all meetings, signs authorized or approved contracts and other documents on behalf of the Board, **represents the views of the Board in all communications and correspondence**, and performs other duties prescribed by law or by the Board. The president may appoint committees of the Board and/or staff members to ~~study specific projects~~ **study specific issues or undertake desired projects**.

In the absence of the president, the vice president performs these duties. In the absence of the superintendent, the deputy superintendent or his/her designee performs the duties of the superintendent.

### **Board Organizational Meeting**

The Board of Education must conduct an annual meeting on or before January 10 for the election of a president and vice president. The Board traditionally conducts its election of officers at its first business meeting in December.

The meeting is called to order by the secretary-treasurer (by law, the superintendent of schools), and, through an individually recorded vote, the members elect a president and vice president from among the members. ~~The student Board member's vote does not count.~~

If both the president and vice president are absent from a Board meeting, the superintendent presides until a president pro tem is elected from among the Board members.

### **Meetings of the Board of Education**

All meetings of the Board of Education are public meetings, except for ~~executive~~ **closed** sessions as permitted under state law.

#### **Regular Meetings**

1. The Board conducts two business meetings per month. The all-day business meeting is usually held on the second Tuesday of the month, and the evening business meeting is held on the second Monday following the all-day meeting (13 days later). These meetings are held at the offices of the Board of Education at the Carver Educational Services Center in Rockville, Maryland.

2. Every effort is made to schedule items of significant public interest at times convenient to the general public, and an attempt is made to schedule major educational issues during the morning session of the all-day business meeting.
3. At every business meeting, ~~15~~ **30** minutes are set aside for ~~a Board/Press/Visitor Conference~~ **Public Comments** to encourage public participation. ~~It is practice to use a sign-up sheet.~~ **The first fifteen (15) speakers who call the Board Office after 3 p.m. on Monday prior to the business meetings** Speakers are granted ~~a few~~ **two (2)** minutes to speak. **Speakers** and are requested to adhere to the rules for public participation in Board meetings **and, if submitting written testimony, to provide 20 copies.**
4. The agenda of each business meeting contains an opportunity for Board **and superintendent** comments on activities, requests for information, and questions of a general concern. In addition, there is opportunity under "new business" for Board members to raise items for action or to request that items be scheduled for Board discussion. *To place an item on an agenda requires a motion and a second.* If in the opinion of the Board president a new business item requires substantial staff time to develop, the president may determine that the approval of the majority of the Board is necessary. Board member proposals to establish special programs where a substantial amount of staff time is needed to develop the programs must be approved in accordance with Board procedure for establishing and evaluating special programs.
5. **At every business meeting, an item is scheduled on future and past closed sessions. For future closed sessions, the Board will adopt a resolution citing the reason(s) for the sessions as well as the time and place of the sessions. For past closed sessions, a statement will be made on the time, place, and purpose of the closed session; a record of the vote of each member as to closing the session; a citation of the authority for closing the session; and a listing of topics of discussions, persons present, and each action taken during the session.**

### **Special Meetings**

Other than business meetings, the Board may meet for work sessions, policy development sessions, annual meetings with organizations, area meetings with students, public hearings, and public forums. These meetings may be held at the offices of the Board of Education or in communities throughout the county.

Special meetings may also be called by the president of the Board, by the superintendent, or at the written request of a

majority of the Board. Whenever possible, at least 24 hours notice of special meetings and their purpose will be given to each Board member, and whenever possible meeting dates will be determined in consultation with Board members.

No business may be transacted at a special meeting which does not come within the purposes set forth in the call for the meeting unless all Board members are present and agree unanimously to the consideration of the additional item.

### **Retreats**

The Board holds retreats to provide orientation to newly elected Board members, to provide background for contract negotiations and to provide in-service training for members on Board operations, goals, and priorities. Any substantive conclusions about priorities reached during Board retreats are publicized afterward in recognition of the fact that Board business must be conducted in public.

### **~~Executive Sessions~~**

~~Under the *Annotated Code of Maryland*, the Board of Education is authorized to meet in executive session to discuss personnel matters, acquisition of real estate, legal matters, collective bargaining issues, matters protected by public disclosure by law, and other issues under Article 76A, §11. The Board of Education adopts a resolution prior to going into executive session and states the reason for the session; if an emergency session is required, the presiding officer announces at the next public meeting that the Board met in executive session. the following are guidelines for executive sessions:~~

- ~~1. Executive sessions may be called by the president at any time at the request of any member or the superintendent.~~
- ~~2. All final decisions reached during executive session must be confirmed at a public meeting.~~
- ~~3. It is the responsibility of Board members to monitor the topics discussed in executive session to assure that the topics discussed are appropriate for executive session.~~
- ~~4. Board members and staff are expected to maintain the confidentiality of executive session.~~
- ~~5. The attorney general has ruled that although the Montgomery County Board of Education is without power to discipline its members, it is free to adopt a resolution that expresses its disapproval of a member's action in disclosing the contents of an executive discussion.~~

## Closed Sessions

Under the Annotated Code of Maryland and Title 10 of the State Government Article, the Board of Education is authorized to meet in closed session to discuss personnel matters, acquisition of real estate, pending litigation, collective bargaining issues, matters protected from public disclosure by law, and other issues including consultation with counsel to obtain specific legal advice under Section 4-106, Education Article of the Annotated Code of Maryland, and 10-508 of the State Government Article. The Board of Education adopts a resolution prior to going into closed session and states the reason for the session; if an emergency session is required, the Board must give notice of the session and take a public vote to go into closed session. The following are guidelines for closed sessions:

1. Closed sessions may be called by the president at any time, at the request of any member or the superintendent. However, the Board must take a public vote to go into closed session and must give public notice of the meeting by delivering a notice of the date, time, and place of meeting to the news media or posting the notice at the meeting site.
2. The presiding officer shall conduct a recorded vote on the closing of the meeting and shall make a written statement setting out the reason for closing the meeting, the specific provision of the Open Meetings Act that allows the meeting to be closed, and the topics to be discussed at the closed session.
3. All final decisions reached during ~~executive~~ closed session must be confirmed at a public meeting.
4. It is the responsibility of Board members to monitor the topics discussed in ~~executive~~ closed session to assure that the topics discussed are appropriate for ~~executive~~ closed session.
5. Board members and staff are expected to maintain the confidentiality of ~~executive~~ closed session.
6. The attorney general has ruled that although the Montgomery County Board of Education is without power to discipline its members, it is free to adopt a resolution that expresses its disapproval of a member's action in disclosing the contents of ~~an executive~~ a closed session discussion.

## Rules of Order

The Board of Education observes *Robert's Rules of Order, Newly Revised*.

It is the practice of the Board to be guided by its own rules, state statutes, and state Department of Education bylaws which establish the following:

1. A motion is not adopted without the approval of ~~four voting members~~ **five members with the exception of collective bargaining and negative personnel actions which require the approval of only four members because the student member may not vote on these issues.**
2. The Board adopts its agenda at the beginning of a business meeting. Any changes in the adopted agenda are made by consensus or by majority vote.
3. Any resolution introduced which involves a matter of policy shall lie on the table for at least one week before being voted upon. The presiding officer rules as to whether any proposed resolution is a policy. If there is an emergency, this provision may be waived without notice if all members are present and there is unanimous agreement.
4. The rules and regulations governing the Board (except those required by statute and governing special meetings and policy issues) may be amended by a majority vote of the Board at any meeting, provided that each member shall have been furnished a copy of the proposed amendment at least one week in advance. *Robert's Rules* state: "Rules protecting absentees or a basic right of the individual member cannot be suspended, even by general consent or a unanimous vote."
5. Board members may not vote *in absentia* or by proxy.
- ~~6. The student member has the right to offer motions and amendments, to second motions, to move for reconsideration, and to have his/her vote recorded in the affirmative, negative, or as an abstention.~~
- ~~7.~~ 6. The ombudsman/staff assistant serves as parliamentarian to the Board of Education.

#### Record of Meetings

The Board of Education maintains records of meetings as follows:

1. Tape recordings of all public meetings **and video tapes made of major meetings that are televised.**
2. Minutes of all public meetings. The minutes are limited to action taken by the Board unless a Board member specifically requests that a statement on a subject be reflected in the minutes. The minutes record the vote of

the student member in parentheses **when the student's vote does not count.**

3. ~~Notes of executive sessions.~~ **Minutes of closed session, which include a list of each item considered, the action taken, and each recorded vote.**
4. The tape recordings and minutes of public meetings are available as a matter of public record. Arrangements can be made to ~~listen to or purchase~~ **audio and video** tape recordings of Board meetings.

### **Negotiations**

The Board of Education engages in contract negotiations with the Montgomery County Association of Administrative and Supervisory Personnel (MCAASP), the Montgomery County Education Association (MCEA), and the Montgomery County Council of Supporting Services Employees (MCCSSE). By law, the Board of Education is permitted to meet in ~~executive~~ **closed** session to discuss issues related to contract negotiations with the employee organizations. It is expected that Board members will maintain the confidentiality of issues discussed during ~~executive~~ **closed** sessions.

*Annotated Code of Maryland*, §6-408, provides the mechanism for negotiations procedures, ~~and the contracts with the three employee organizations spell out the various dates as follows:~~

~~—Montgomery County Association of Administrative and Supervisory Personnel—December 20~~  
~~—Montgomery County Education Association—December 20~~  
~~—Montgomery County Council of Supporting Services Employees—December 31~~

### **Personnel Appointment Procedures**

1. Under state law, it is the responsibility of the superintendent of schools to recommend the appointment of personnel to administrative and supervisory positions. These appointments are discussed by the Board of Education in ~~executive~~ **closed** session and confirmed by majority vote in public session.
2. By practice, the superintendent also recommends the transfers of personnel to administrative and supervisory positions. These transfers are discussed in ~~executive~~ **closed** session and confirmed by majority vote in public session.
3. The Board of Education also receives and reviews a monthly

personnel report in ~~executive~~ **closed** session and takes a public vote on the report. The report contains notice of

transfers, leaves, resignations, and appointments of all other employees, including teachers. The report also contains notice of suspension and dismissal actions for teachers. In addition, the Board adopts resolutions extending sick leave to employees whose leave has expired and expressing sympathy when an employee has died.

4. **The Board also receives and reviews a proposed resolution on academic leave in closed session and takes a public vote on the recommendation of the superintendent.**

#### **Meetings with Various Organizations**

As part of its master calendar, the Board schedules annual meetings with the officers of the Montgomery County Region of Student Councils, Montgomery County Council of PTAs, Montgomery County Association of Administrative and Supervisory Personnel, Montgomery County Education Association, Montgomery County Council of Supporting Services Employees, **and PTA clusters**. The Board may also meet from time to time in informal meetings with the Montgomery County Council and the county executive.

The Board of Education also schedules annual informal meetings with the Montgomery County Junior Council and, ~~by area~~, with representatives of the Montgomery County Region of the Maryland Association of Student Councils.

By Board policy, every Board of Education committee presents an annual report to the Board. These reports are scheduled on a Board business agenda with a staff response presented shortly after the discussion. (See also Board policies on committees.)

#### **Public Hearings--Other Than Facilities Hearings**

The Board of Education schedules public hearings on issues it determines to be of widespread interest and concern.

In addition to special public hearings, the Board holds hearings on its annual operating budget. General guidelines for these public hearings are as follows:

1. Whenever possible, a public hearing will be scheduled one month in advance of the hearing date. The subject and date of the hearing will be publicized through the Board's customary communications channels and by a release to the news media.
2. The public may sign up to speak beginning at 9 a.m. on the

day three weeks prior to the hearing. The agenda for the hearing is closed when the maximum number of speakers is registered (hearings begin at 7:30 p.m. and conclude at 11 p.m.) or at the close of business the day before the hearing.

3. The following time limits for testimony apply:
 

Organizations/Municipalities/Elected Officials	5 minutes
Individuals	3 minutes
<b>Clusters (depending on number of schools)</b>	<b>10-15 minutes</b>
4. The order of speakers at a hearing is determined by the order in which they sign up. A person calling to speak may reserve only one space. Only one speaker will be registered for any organization unless the Board provides otherwise. Elected officials are given the courtesy of being placed at the time of their choice on the agenda.
5. Speakers are encouraged to provide a predetermined number (**usually 20**) of copies of their statements at the hearing for distribution to Board, staff, and press.
6. Public hearings are tape (**audio and video**) recorded, and arrangements can be made to ~~listen to or~~ purchase the recording at a later date, if desired.
7. If the speakers are not present at their designated time, every effort will be made to accommodate their testimony prior to adjournment of the meeting.
8. To expedite the hearing, Board members and the superintendent will limit their participation solely to asking questions of the speakers.
9. Written statements submitted in lieu of testimony will be given equal consideration. Whenever possible, the public record will remain open for two weeks following the public hearings.

See also the Policy on Long-range Education Facilities Planning for the procedure for facilities hearings.

#### **Public Participation in Board Meetings**

The members of the Board of Education desire to hear the views and have the advice of interested citizens. To help ensure effective public participation in the decision-making process, the Board:

1. Makes agenda materials available to the public on the day of the evening business meetings and the Monday prior to the all-day business meetings.

2. Maintains an agenda mailing list for interested citizens and press.
3. Involves citizens and students on advisory committees.
4. Holds public hearings on issues of wide public interest.
5. Provides time at its business meetings for the public and press to comment on educational issues.
6. Encourages citizens to communicate with Board members.

### **Policy Development, Adoption Dissemination, and Suspension**

The Board of Education has a policy on policy-setting which includes a definition of "policy" and a uniform format for policy development and implementation, including instructions for publication, monitoring of implementation, and review.

**Discussion of a new policy occurs over three meetings: one to discuss the superintendent's policy analysis, the second to take tentative action, and the third to take final action on the policy.**

Any resolution introduced which involves a matter of policy shall lie on the table for at least one week before being voted upon. The presiding officer rules as to whether any proposed resolution is a policy. If there is an emergency, this provision may be waived without notice if all members are present and there is unanimous agreement.

### **Agenda-Setting and Board Materials**

1. Early in each fiscal year, the Board of Education receives a master calendar of Board meetings. When known, the calendar shows major topics to be discussed.
2. A continuous listing of future agenda items is maintained. Information on topics to be discussed is made available to the press, staff, and public through "items in process," an information item distributed at the all-day business meeting, as well as through materials developed at the agenda-setting meeting (explained below).
- ~~3. Two meetings of the Board staff and MCPS staff are scheduled in conjunction with the business meetings of the Board as follows:~~
  - ~~a) Pre-Board meeting. The ombudsman/staff assistant lists items raised by Board members in pre-Board telephone calls concerning the Board meeting for additional or clarifying information. Any staff work required is assigned at this meeting.~~



### 3. Pre-Board and Post-Board:

**Pre-Board.** By noon prior to a Board meeting, Board members contact the ombudsman/staff assistant to signal the superintendent's staff of their intention to raise a question at the Board table.

b) **Post-Board meeting.** After business meetings, the Board staff and superintendent's staff ~~The~~ <sup>superintendent and members of his/her executive staff discuss items raised during the Board meeting, assign responsibilities for follow-up items, and review draft agendas and calendars for future Board</sup>

meetings.

~~4. The superintendent schedules two agenda-setting meetings per month (within the week following the business meetings)~~

**The Board Office schedules a monthly agenda-setting meeting with Board officers, and staff the superintendent, and designated staff.** At these meetings, the following items are discussed:

- a) The agenda for the next business meetings. The superintendent **and/or designee** advise the Board officers of time requirements for agenda items, the status of major items to be discussed, and the availability of staff to be present for Board discussions.
- b) A list of items to be scheduled. The superintendent **and/or designee** informs the officers of the status of items to be scheduled and suggests dates for their presentation.

- c) Future agendas. The superintendent **and/or designee** provides the officers with an update on future agendas, including time requirements, the status of major items, and the availability of staff.
  - d) Calendar. The superintendent **and/or designee** reviews a calendar of future Board meetings (regular and special), ~~executive~~ **closed** sessions, public hearings, and work sessions.
  - e) After the agenda-setting meeting, copies of materials discussed by the superintendent, **and/or designee**, and officers are sent to Board members, ~~Administrative Team~~, **executive staff**, employee organizations, MCCPTA, and MCR. Upon request, copies are made available to the public and the press.
5. An agenda mailing list, which is updated annually, is maintained for designated organizations, government agencies, and individuals.
  6. Packets of Board agenda materials are prepared for Board members, key staff, selected organizations, and the press. Board members receive duplicate copies of materials previously distributed.
  7. Board folder materials are not released to the public until Board members have received them. Press packets are **normally** available on Monday mornings prior to regular Board meetings.
  8. Major reports and policies which require extensive study and review are distributed to Board members at least one regular meeting in advance of the meeting when they are scheduled for Board consideration. **These items are designated by a diamond (♦) symbol on the agenda and on Items to be Scheduled.**

#### **Appeals to the Board of Education**

The various procedures are listed in the *MCPS Policies and Regulations Handbook* as well as state law.

The major document for appeals to the Board of Education is contained in MCPS Policy BLB: ~~Rules of Procedure in Contested Matters (Other than Special Education)~~ **Rules of Procedure in Appeals and Hearings**. Appeals are of ~~two~~ **three** types: *Annotated Code of Maryland*, §4-205(c) **disputes involving rules and regulations of the Board**, 7-304(c) **student suspensions of more than 10 days or expulsions**, and 6-202(a) **suspensions or dismissals of professional and/or certificated personnel.** all

~~items other than suspension or dismissal of certified employees and §6-202 suspension and dismissal of employees.~~

Board members should be aware that once an appeal is started through the process, it is inappropriate for Board members to discuss the issue with the appellant, **the public, or** and staff. **Once the appeal is filed, only the Board itself can dismiss the appeal.** It is expected that Board members will maintain the confidentiality of documents related to the appeal and not discuss these materials.

**Board of Education Correspondence  
and Memoranda Procedure**

Logs are maintained of incoming and outgoing correspondence and memoranda to the Board and from the Board members.

**Correspondence, Form Letters, and Petitions**

1. Incoming correspondence is duplicated for all members of the Board and superintendent. Board Office staff determines whether correspondence requires a response and, if a response is required, assign a due date for the preparation of the reply and directs the correspondence to the appropriate staff member. Staff prepares responses for the signature of the Board president, or in special cases the Board president responds personally. When the reply is signed by the Board president, copies of the response are duplicated for Board members.
2. Petitions and form letters are not duplicated for Board members. Staff counts the signatures and provides a sample page of the petition. One copy of the form letter is provided to the Board with a count of the number of form letters received.
3. When a heavy volume of single issue mail is received, the Board president determines whether these letters can be responded to by postcard. The postcard acknowledges receipt of the letter.
4. Individual Board members have the option of responding directly to correspondence addressed to the Board or the individual member.
5. **The ombudsman/staff assistant receives and reviews all legal correspondence pertaining to the Board of Education.**

**Memoranda**

1. A memorandum written by a Board member is automatically duplicated for all Board members, the superintendent, ~~deputy~~ **deputies**, appropriate associate superintendent, and ombudsman. The superintendent assigns the responsibility of preparing replies to Board memoranda and follows up to make sure a timely response is prepared.
2. A memorandum written to a Board member is automatically duplicated for all Board members, the superintendent, ~~deputy~~ **deputies**, appropriate associate superintendent, and ombudsman. Exceptions are confidential memoranda which may have expressly limited distribution.

**Public Access to Correspondence and Memoranda**

1. All correspondence and memoranda addressed to the Montgomery County Public Schools or to Board members that is received in connection with the transaction of public

business is available for public inspection unless it meets one of the criteria in ~~Article 76A of state law~~ **Maryland's Public Information Act (PIA), State Government Article, Sections 10-611 to 10-628.**

2. The superintendent is the official custodian of the records with the responsibility delegated to the administrative assistant for Board matters.
3. The requestor of records must pay the cost of photocopying.
4. If the request for records is denied, the reasons must be based on ~~Article 76A of state law~~ **Maryland's Public Information Act (PIA)** or be approved by the District Court of Montgomery County.

### **Board Committees**

The Board of Education is empowered by state law to create committees, both citizen/advisory and Board subcommittees, to help identify areas for improvements in the MCPS and possible changes in Board policy. Committees may be on-going or created for special purposes.

Title IX **Gender Equity** Advisory Committee  
 Advisory Committee on Minority Student Education  
~~Citizens Advisory Committee on Career and Vocational Education~~  
 Local Advisory Council on Vocational-Technical Education  
 Advisory committee on Family Life and Human Development  
 Citizens Advisory Committee on Counseling and Guidance  
 Medical Advisory Committee  
**Mental Health Advisory Committee**

The Board of Education has the following special committee which is required by law and which interprets the Board's ethics policy and advises persons subject to the policy as to its application:

Board Ethics Panel

The Board of Education has the following Board subcommittees:

Board Audit Committee  
 Board Subcommittee on Research and Evaluation

In addition, there are advisory committees reporting to the superintendent of schools. On occasion, these committees present their annual reports to the Board of Education.

### **Board of Education Memberships**

The Board of Education maintains membership in state and national school boards associations as well as educational associations.

The Board determines through budget action which, if any, state and/or national affiliations it wishes to add or maintain.

**Organizational memberships include the Maryland Association of Boards of Education, the Legal Services Association, the National School Boards Association, the National Federation of Urban-Suburban School Districts, and the American Association of School Administrators.**

**Operating Budget Approval Process and Long-range Educational Facilities Process  
(Capital Budget)**

There are two major issues which come before the Board of Education each year: the operating budget and the long-range educational facilities plan which includes action on the capital budget.

The operating budget includes salaries, contractual services, supplies and materials, furniture and equipment, and other funds necessary for the daily operation of the school system. The Board holds operating budget hearings in January after the presentation of the superintendent's recommended budget.

The budget is developed by staff for the superintendent, who recommends its adoption to the members of the Board. The Board may hold work sessions prior to the adoption of the budget to secure additional information on the recommendations of the superintendent and on items the Board itself is considering.

The date for submission of the operating budget to the County Council is established by county law. The budget must be submitted to the county by March 1 of each year and be adopted by the Council by ~~May 15~~ **June 1**. In ~~late May~~ **early June** the Board makes ~~internal~~ adjustments to the budget ~~after~~ **to comply with Council action prior to the July 1 deadline for submitting the school system's final operating budget to the State.**

Each spring, the superintendent reviews all Board of Education facilities decisions and capital budget requests. The capital budget includes construction and planning funds for new facilities, modernizations and renovations; furniture and equipment associated with these projects; and countywide maintenance efforts. Facilities issues include building utilization, educational program capacity, enrollment projections, boundary changes, and school closings/consolidation. During the spring, cluster, school, and community representatives meet to discuss feasible school program and facility alternatives, and by July 1, cluster representatives send the superintendent solutions, priorities, or concerns the cluster has identified for its schools.

Early in October, the superintendent holds a public work session with the Board to discuss new school enrollments and potential facility solutions. On or about November 1, the superintendent publishes a proposed Six-year Capital Improvements Program, and during the first week in November the Board holds a work session at which members may propose alternative solutions. During the third week in November, the Board holds public hearings on facilities proposals with decisions scheduled for the fourth week in November. Dates for submission of the budget are established by state law. The Board/Council-approved capital budget must be submitted to the State Interagency Committee for Public School Construction by December 7 of each year. Deferred proposals are considered in February and March. (See the Policy Statement on Long-range Education Facilities Planning for more details.)

#### **Board Office Staff**

Acting under the direction of the ombudsman/staff assistant, the Board of Education staff has a dual responsibility. The ombudsman/staff assistant position was created to provide assistance to community, employees, students, and other citizens having problems, complaints, information or suggestions to bring to the attention of school authorities for which no channels of communication appropriate to their needs are available. The other function of the staff is to assist Board members in carrying out their duties as Board members.

The Board staff responds to requests from members of the Board, the superintendent, staff, public, and other governmental agencies for information on past or pending Board business. The staff provides **legislative and intergovernmental information and assistance; provides** research assistance to members of the Board of Education; keeps records of Board business; attends all Board meetings; and is responsible for the daily administration of the office of the members of the Board of Education, including providing for correspondence, appeals (including the assignment of hearing officers and examiners), calendar and general staff support.

#### **School Board Attorney**

By state law, the Board of Education is empowered to retain counsel to represent it in legal matters.

The procedures for retaining, appointing, and reviewing the performance of counsel are contained in the Board of Education Policy on Legal Services.

#### **Board Member Expense Standards**

The members of the Board of Education are reimbursed for expenses. The ~~voting~~ **adult** members receive an annual

compensation of \$12,000, and the president receives an additional \$2,000.

The expenses for which a Board member may be reimbursed include local travel expenses (travel and expenses in the Washington metropolitan area and intrastate travel) as follows:

1. Automobile--except for two regular business meetings a month. Reimbursement for special meetings and other travel related to Board business. The student member receives reimbursement for the business meetings as well.
2. Parking, tolls, taxis, rail, bus or air fare.
3. Meals--actual expenses for business-related meals up to a maximum of \$35 per day for three meals. Actual expenses for meals at banquets or other events are reimbursed.
4. Telephone--installation and monthly charges for an additional private line and long-distance calls related directly to Board business are reimbursed.
5. Reimbursement for local newspapers not subscribed to prior to taking office; supplies, postage, and tips.
6. Filing assistance--a member should submit a work plan and salary information to the Board president. The member is responsible for observing federal and state labor and wage laws.

Actual expenses for out-of-state travel to meetings and conferences are reimbursed and are not included in the limits established for local expenses. **Overnight stays in the Washington metropolitan area and intrastate are considered to be out-of-state travel.** These expenses include transportation, meals, registration fees, and incidental expenses.

**Expenses relating to the operation of the Board of Education as an entity shall be expended at the discretion of the ombudsman/staff assistant, in consultation with the officers of the Board.**

If equipment is purchased by MCPS for the use of a Board member, that equipment is the property of MCPS and reverts to MCPS at the conclusion of the member's term of office. All efforts will be made to supply the member with used equipment from within MCPS. **Once equipment funds budgeted for the Board of Education are expended, only the Board officers may authorize additional purchases. Board members will be provided with a quarterly report on the status of Board Office expenditures.**





Re: A MOTION BY MR. EWING TO AMEND THE  
BOARD HANDBOOK - DUTIES OF OFFICERS  
(FAILED)

The following motion by Mr. Ewing failed of adoption with Mrs. Brenneman, Mr. Ewing, and Ms. Gutierrez voting in the affirmative; Mr. Abrams, Ms. Baker, Dr. Cheung, Mrs. Fanconi, and Mrs. Gordon voting in the negative:

Resolved, That the Board of Education Handbook - Duties of Officers be amended to add the following after communications and correspondence:

In the case of communications made in the name of the Board that involve major policy issues or statement of policy positions, those shall be communicated in draft to Board members in advance of their being sent forward for the review and comment by Board members. The president performs other duties....

The Board agree to delete "In the absence of the superintendent, the deputy superintendent or his/her designee performs the duties of the superintendent" in the section under Duties of Officers.

RESOLUTION NO. 555-93      Re: AN AMENDMENT TO THE BOARD HANDBOOK  
- MEETINGS OF THE BOARD OF  
EDUCATION

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

Resolved, That the Board of Education Handbook - Meetings of the Board of Education - be amended to substitute the following for item 2:

2. Every effort is made to schedule items of significant public interest at times convenient to the general public, and a special effort is made to group similar and major educational issues together during business meetings.

It was agreed that the following statement regarding public participation in Board meetings would be added to the handbook under item 3 under Meetings of the Board of Education.

Speakers are requested to adhere to the rules for public participation in Board meetings. Matters of administrative detail or comments about the actions or statements of individual staff members are not appropriate for Public Comments and should be referred to the superintendent of schools or processed through available channels. If

submitting written testimony, speakers are requested to provide 20 copies.

Re: A MOTION BY MS. GUTIERREZ TO AMEND  
THE BOARD HANDBOOK - MEETINGS OF  
THE BOARD OF EDUCATION (FAILED)

A motion by Ms. Gutierrez to amend the Board of Education Handbook by deleting "The first fifteen (15)" under Meetings of the Board of Education failed for lack of a second.

RESOLUTION NO. 556-93 Re: AN AMENDMENT TO THE BOARD HANDBOOK  
- MEETINGS OF THE BOARD OF  
EDUCATION

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

Resolved, That the Board of Education Handbook be amended under Meetings of the Board of Education to substitute the following for the second, third, and fourth sentences under 4. as follows:

There are two ways to place an item on Board agendas. One way is for the Board officers and the superintendent, when setting the Board agendas, to agree that certain items need to appear. The other method is for an item to be brought before the Board through a motion and a second under "new business" at a business meeting, and for a majority of the Board to approve that motion at a subsequent meeting.

RESOLUTION NO. 557-93 Re: AN AMENDMENT TO THE BOARD HANDBOOK  
- MEETINGS OF THE BOARD OF  
EDUCATION

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

Resolved, That the Board of Education Handbook be amended under Meetings of the Board of Education to add "In addition to taking action on scheduled items," to the beginning of Item 4.

RESOLUTION NO. 558-93 Re: AN AMENDMENT TO THE BOARD HANDBOOK  
- MEETINGS OF THE BOARD OF  
EDUCATION

On motion of Mr. Abrams seconded by Mrs. Brenneman, the following resolution was adopted with Mr. Abrams, Ms. Baker, Mrs. Brenneman, Dr. Cheung, Mr. Ewing, and Mrs. Gordon voting in the affirmative; Ms. Gutierrez voting in the negative; Mrs. Fanconi abstaining:



appointments and transfers of administrative and supervisory personnel, appointments of teachers and supporting services personnel, and leaves of absence and terminations for all personnel. The report also contains notice of suspension and dismissal actions. In addition, the Board....

It was also agreed to add "on a rotating basis" after PTA clusters under Meetings with Various Organizations.

Re: A MOTION BY MR. ABRAMS TO AMEND THE BOARD HANDBOOK - PRE-BOARD (FAILED)

The following motion by Mr. Abrams failed for lack of a second:

Resolved, That the Board of Education handbook be amended to substitute the following for 3. Pre-Board:

The purpose for Pre-Board is to provide an early alert to the system of the needs for responding to informational requests from Board members. If the request is to be responded to in writing, Board members are encouraged to submit that no later than noon prior to an evening Board meeting or the close of business the day before an all-day session. If the response is general in nature requiring personnel to be present, that information should also be conveyed.

RESOLUTION NO. 561-93 Re: AN AMENDMENT TO THE BOARD HANDBOOK - PRE-BOARD

On motion of Mr. Ewing seconded by Mr. Abrams, the following resolution was adopted with Mr. Abrams, Ms. Baker, Mrs. Brenneman, Dr. Cheung, Mr. Ewing, and Ms. Gutierrez voting in the affirmative; Mrs. Gordon voting in the negative; Mrs. Fanconi abstaining:

Resolved, That the Board of Education handbook be amended to substitute the following for 3. Pre-Board:

3. Pre-Board. By noon prior to a Board meeting, Board members who need information or would believe they would require staff members to answer questions at the table about an issue should alert the ombudsman/staff assistant to request that the superintendent provide knowledgeable staff at the meeting to answer those questions and provide the information needed.

Board members agree to change the wording in the last sentence under the first paragraph under Board committees to read:





Resolved, That based upon Board action, the staff be instructed to make changes, corrections, and rescissions in previous resolutions adopted by the Board and included in the handbook; and be it further

Resolved, That the superintendent be requested to issue this update as part of Section B of the Policies and Regulations Handbook with the updated citations as soon as possible.

### **Authority and Responsibilities**

#### **of the Board of Education**

The powers and mandatory duties of the Board of Education are defined in the Education Article of the Annotated Code of Maryland and the Code of Maryland Regulations, 13.1, State Board of Education. The Board accepts the following general responsibilities as paramount:

1. The selection and appointment of the superintendent of schools
2. Formulating and interpreting policies
3. Making decisions on educational, budgetary, financial including authorization of legal settlements (with the exception of special education settlements up to \$25,000), and facility matters
4. Making a continuous appraisal of the educational and administrative process
5. Delegating administrative duties
6. Communicating with citizenry, staff, and students
7. Acting in a quasi-judicial role, when required
8. Acting on personnel matters

#### **Board Member Authority**

State law determines that power belongs not to individual members of a Board of Education but to the Board of Education itself. Board members have authority only when acting as a Board of Education in a legally constituted session. The statement or action of an individual member of the Board of Education does not bind the Board of Education itself.

State Law: *Annotated Code of Maryland, Education*[Volume], §3-104.

### **Board Member Qualifications**

A full-voting member of the Board of Education must be a registered voter of Montgomery County. An individual subject to the authority of the county board may not serve.

The seven full-voting members are elected for a four-year term at the general election every two years. Four members (three by district and one at large) are elected in gubernatorial election years, and three members (two by district and one at large) are elected in presidential election years. Unlike County Council elections, all voters in the county vote for members of the Board of Education regardless of the candidate's district. The term begins on December 1 after the election and continues until a successor is elected and qualifies.

The student member must be a resident of Montgomery County and a regularly enrolled junior or senior year student from a Montgomery County public high school.

The student Board member is elected for a one-year term each year by students enrolled in grades 7 through 12 in the Montgomery County Public Schools. The student term of office begins on July 1 after the election.

State Law: *Annotated Code of Maryland, Education*[Volume], §3-701 and 3-113.

### **Board Candidates**

The regulations for election procedures are found in Article 33, §32-6, the Election Article of the *Annotated Code of Maryland*.

Board-member candidates are required to file public financial disclosure statements for the preceding calendar year with the Board of Supervisors of Elections at the time they submit their certificate of candidacy. After the candidate's election to the Board of Education, the Board of Supervisors of Elections sends the financial disclosure form to the Board of Education Ethics Panel. School system practice is to use the following processes for Board member candidates:

1. As candidates file, they are provided with materials except items of a confidential nature for Board business meetings.
2. After the primary election, candidates receive these materials at their homes.
3. After the general election and prior to being sworn in, members-elect receive all materials provided to Board

members. Except for voting, they participate fully in all meetings of the Board.

4. After the student member is elected, he or she receives all Board materials at his/her home. He/she participates in meetings of the Board of Education.
5. Newly elected Board members are seated at the outside ends of the Board table.

#### **New Board Member Orientation**

Following the election of new members, the currently sitting Board of Education provides for an orientation to its operation and processes at the meeting, information is provided about the functions of the office of the Board of Education and the working relationships with the superintendent and the staff of the Montgomery County Public Schools. In addition to this more formal structure, Board members have opportunities to meet with each other in an informal setting early in the term of a new Board. New Board members are informed that Board members must file financial disclosure statements annually with the Board's Ethics Panel.

#### **Student Board Member**

The student member has the same rights and privileges of an elected member except that the student member may not vote on matters relating to §6-202(a) or other personnel disciplinary proceedings and collective bargaining. The student member may indicate a preference, and the vote of the student is recorded in parentheses on these issues. The student member may attend certain personnel hearings and closed sessions for collective bargaining if invited to do so by the majority of the Board.

The student member is awarded one full credit in social studies upon completion of a one-year term on the Board of Education.

The student member may distribute diplomas and/or certificates at high school commencements but may not confer his or her own diploma.

#### **Board Member Unexpired Term Fulfillment**

In the event of a Board member resignation, death, or removal from office, the remaining members of the Board will select a qualified individual to fill the vacancy. This individual will serve for the remainder of the term and until a successor is elected. The Board determines the process for the selection of the new Board member.

The County Council may remove a Board member for immorality, misconduct in office, incompetence, or willful neglect of duty. The member may request a hearing and have an opportunity to be heard. The member also has the right to a *de novo* review of the removal by the Circuit Court of Montgomery County.

### **Code of Ethics**

The Board of Education has adopted the following Code of Ethics as recommended by the National School Boards Association:

"As a member of my local board of education I will strive to improve public education, and to that end I will:

Attend all regularly scheduled board meetings insofar as possible, and become informed concerning the issues to be considered at those meetings;

Recognize that I should endeavor to make policy decisions only after full discussion at publicly held board meetings;

Render all decisions based on the available facts and my independent judgment, and refuse to surrender that judgment to individuals or special interest groups;

Encourage the free expression of opinion by all board members, and seek systematic communications between the board and students, staff, and all elements of the community;

Work with other board members to establish effective board policies and to delegate authority for the administration of the schools to the superintendent;

Communicate to other board members and the superintendent expressions of public reaction to board policies and school programs;

Inform myself about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by my state and national school board associations;

Support the employment of those persons best qualified to serve as school staff, and insist on a regular and impartial evaluation of all staff;

Avoid being placed in a position of conflict of interest, and refrain from using my board position for personal or partisan gain;

Take no private action that will compromise the board or administration, and respect the confidentiality of information

that is privileged under applicable law; and

Remember always that my first and greatest concern must be the educational welfare of the students attending the public schools."

### **Board of Education Goals and Priorities**

The Board of Education has control over educational matters in the county and promotes the interests of schools under its jurisdiction. The Board of Education adopts *Goals of Education* to guide the school system in developing, implementing, and improving educational programs for its students. Accompanying these goals are commitments to the citizens of Montgomery County to create and maintain an educational environment that promotes the attainment by all students of the *Goals of Education*.

With the advice of the superintendent of schools, the Board of Education establishes priorities for each school year together with specific objectives for the attainment of these priorities. Following the establishment of priorities, the superintendent recommends a calendar of Board meetings based on these priorities.

### **Appointment of the Superintendent of Schools**

The term of the superintendent is four years beginning on July 1. The superintendent serves until a successor is appointed and qualifies. By February 1 of the year in which a term ends, the county superintendent must notify the Board whether or not he/she is a candidate for reappointment.

In the year in which a term begins, the Board of Education appoints the superintendent between February 1 and June 30. Should the Board decide to reappoint the incumbent superintendent, the Board must take final action at a public meeting no later than March 1 of that year.

The appointment of the superintendent is subject to approval of the state superintendent of schools. If there is a vacancy in the office, the Board shall appoint an interim superintendent who serves until July 1 after his/her appointment.

### **Responsibilities and Duties of the Superintendent of Schools**

The superintendent is appointed for a four-year term beginning on July 1 and may have an individual contract. The superintendent continues to serve until a successor is appointed and qualifies.

The superintendent is responsible for the administration of his/her office and carries out the laws, bylaws, and policies of the state Board of Education as well as the rules, regulations, and policies of the county Board of Education.

The superintendent advises the Board of Education on educational policies of the school system, school attendance areas, and curriculum guides and courses of study. The superintendent recommends contracts and other documents for Board approval. The superintendent also recommends administrative reorganizations, including transfers of functions, establishment of positions and offices, and consolidations of positions and offices. The superintendent proposes annual operating and capital budgets to the Board of Education. The superintendent attends all meetings of the Board and its committees unless his/her tenure or salary or the administration of his/her office is under consideration. In the absence of the superintendent, the deputy superintendent or designee fulfills these duties. By contract, the superintendent is evaluated annually in August on the achievement of mutually agreed upon priorities and objectives.

The superintendent as executive officer, secretary, and treasurer keeps a record of the proceedings of each meeting of the Board and of all actions taken by the Board.

The superintendent recommends the appointment of administrative and supervisory personnel to the Board of Education for its approval. In Montgomery County, the superintendent also recommends transfers of administrative and supervisory personnel to the Board of Education as well as amendments to the Position Classification and Pay Plan. In the monthly personnel report, the superintendent recommends approval of personnel appointments, requests for leave, terminations of MCPS personnel, and disciplinary actions.

State Law: *Annotated Code of Maryland, Education* [Volume], §4-102, §4-204, and §4-205.

#### **Duties of Officers**

The officers of the Board of Education are the president, vice president, and, by law, the superintendent of schools as the executive officer, secretary and treasurer.

The president presides at all meetings, signs authorized or approved contracts and other documents on behalf of the Board, represents the views of the Board in all communications and correspondence, and performs other duties prescribed by law or by the Board. The president may appoint committees of the Board and/or staff members to study specific issues or undertake

desired projects. In the absence of the president, the vice president performs these duties.

### **Board Organizational Meeting**

The Board of Education must conduct an annual meeting on or before January 10 for the election of a president and vice president. The Board traditionally conducts its election of officers at its first business meeting in December.

The meeting is called to order by the secretary-treasurer (by law, the superintendent of schools), and, through an individually recorded vote, the members elect a president and vice president from among the members.

If both the president and vice president are absent from a Board meeting, the superintendent presides until a president pro tem is elected from among the Board members.

### **Meetings of the Board of Education**

All meetings of the Board of Education are public meetings, except for closed sessions as permitted under state law.

#### **Regular Meetings**

1. The Board conducts two business meetings per month. The all-day business meeting is usually held on the second Tuesday of the month, and the evening business meeting is held on the second Monday following the all-day meeting (13 days later). These meetings are held at the offices of the Board of Education at the Carver Educational Services Center in Rockville, Maryland.
2. Every effort is made to schedule items of significant public interest at times convenient to the general public, and a special effort is made to group similar and major educational issues together during business meetings.
3. At every business meeting, 30 minutes are set aside for Public Comments to encourage public participation. The first fifteen (15) speakers who call the Board Office after 3 p.m. on Monday prior to the business meetings are granted two (2) minutes to speak. Speakers are requested to adhere to the rules for public participation in Board meetings. Matters of administrative detail or comments about the actions or statements of individual staff members are not appropriate for Public Comments and should be referred to the superintendent of schools or processed through

available channels. If submitting written testimony, speakers are requested to provide 20 copies.

4. In addition to taking action on scheduled items, the agenda of each business meeting contains an opportunity for Board and superintendent comments on activities, requests for information, and questions of a general concern.
5. There are two ways to place an item on Board agendas. One way is for the Board officers and the superintendent when setting the Board agendas, to agree that certain items need to appear. The other method is for an item to be brought before the Board through a motion and a second under "new business" at a business meeting, and for a majority of the Board to approve that motion at a subsequent meeting. Board member proposals to establish special programs where a substantial amount of staff time is needed to develop the programs must be approved in accordance with Board procedure for establishing and evaluating special programs.
6. At every business meeting, an item is scheduled on future and past closed sessions. For future closed sessions, the Board will adopt a resolution citing the reason(s) for the sessions as well as the time and place of the sessions. For past closed sessions, a statement will be made on the time, place, and purpose of the closed session; a record of the vote of each member as to closing the session; a citation of the authority for closing the session; and a listing of topics of discussions, persons present, and each action taken during the session.
7. Meetings are to begin promptly at the starting time on the agenda. Closed sessions would normally be scheduled at the start or end of the meeting. Evening meetings will be scheduled to conclude at 11 p.m. and, normally, no new item of discussion or action will be taken up after 11 p.m.
8. The Board of Education schedules a summer recess for two or three weeks during the summer, and the Board officers work out a timeframe for the recess.

### **Special Meetings**

Other than business meetings, the Board may meet for work sessions, policy development sessions, annual meetings with organizations, area meetings with students, public hearings, and

public forums. These meetings may be held at the offices of the Board of Education or in communities throughout the county.

Special meetings may also be called by the president of the Board, by the superintendent, or at the written request of a majority of the Board. Whenever possible, at least 24 hours notice of special meetings and their purpose will be given to each Board member, and whenever possible meeting dates will be determined in consultation with Board members.

No business may be transacted at a special meeting which does not come within the purposes set forth in the call for the meeting unless all Board members are present and agree unanimously to the consideration of the additional item.

### **Retreats**

The Board holds retreats to provide orientation to newly elected Board members, to provide background for contract negotiations and to provide in-service training for members on Board operations, goals, and priorities. Any substantive conclusions about priorities reached during Board retreats are publicized afterward in recognition of the fact that Board business must be conducted in public. Unless the retreat is formally scheduled as a special meeting of the Board, conclusions reached will need to be subsequently acted on formally by the Board.

### **Closed Sessions**

Under the Annotated Code of Maryland and Title 10 of the State Government Article, the Board of Education is authorized to meet in closed session to discuss personnel matters, acquisition of real estate, pending litigation, collective bargaining issues, matters protected from public disclosure by law, and other issues including consultation with counsel to obtain specific legal advice under Section 4-106, Education Article of the Annotated Code of Maryland, and 10-508 of the State Government Article. The Board of Education adopts a resolution prior to going into closed session and states the reason for the session; if an emergency session is required, the Board must give notice of the session and take a public vote to go into closed session. The following are guidelines for closed sessions:

1. Closed sessions may be called by the president at any time, at the request of any member or the superintendent. However, the Board must take a public vote to go into closed session and must give public notice of the meeting by delivering a notice of the date, time, and place of meeting to the news media or posting the notice at the meeting site.

2. The presiding officer shall conduct a recorded vote on the closing of the meeting and shall make a written statement setting out the reason for closing the meeting, the specific provision of the Open Meetings Act that allows the meeting to be closed, and the topics to be discussed at the closed session.
3. All final decisions reached during closed session must be confirmed at a public meeting.
4. It is the responsibility of Board members to monitor the topics discussed in closed session to assure that the topics discussed are appropriate for closed session.
5. Board members and staff are expected to maintain the confidentiality of closed session.
6. The attorney general has ruled that although the Montgomery County Board of Education is without power to discipline its members, it is free to adopt a resolution that expresses its disapproval of a member's action in disclosing the contents of a closed session discussion.

#### **Rules of Order**

The Board of Education observes *Robert's Rules of Order, Newly Revised*.

It is the practice of the Board to be guided by its own rules, state statutes, and state Department of Education bylaws which establish the following:

1. A motion is not adopted without the approval of five members with the exception of collective bargaining and negative personnel actions which require the approval of only four members because the student member may not vote on these issues.
2. The Board adopts its agenda at the beginning of a business meeting. Any changes in the adopted agenda are made by consensus or by majority vote.
3. Any resolution introduced which involves a matter of policy shall lie on the table for at least one week before being voted upon. The presiding officer rules as to whether any proposed resolution is a policy. If there is an emergency, this provision may be waived without notice if all members are present and there is unanimous agreement.

4. The rules and regulations governing the Board (except those required by statute and governing special meetings and policy issues) may be amended by a majority vote of the Board at any meeting, provided that each member shall have been furnished a copy of the proposed amendment at least one week in advance. *Robert's Rules* state: "Rules protecting absentees or a basic right of the individual member cannot be suspended, even by general consent or a unanimous vote."
5. Board members may not vote *in absentia* or by proxy.
6. The ombudsman/staff assistant serves as parliamentarian to the Board of Education.

#### **Record of Meetings**

The Board of Education maintains records of meetings as follows:

1. Tape recordings of all public meetings and video tapes made of major meetings that are televised.
2. The minutes of all public meetings are limited to action taken by the Board unless a Board member specifically requests that a statement on a subject be reflected in the minutes. The minutes record the vote of the student member in parentheses when the student's vote does not count.
3. Minutes of closed session, which include a list of each item considered, the action taken, and each recorded vote.
4. The tape recordings and minutes of public meetings are available as a matter of public record. Arrangements can be made to purchase audio and video tape recordings of Board meetings.

#### **Negotiations**

The Board of Education engages in contract negotiations with the Montgomery County Association of Administrative and Supervisory Personnel (MCAASP), the Montgomery County Education Association (MCEA), and the Montgomery County Council of Supporting Services Employees (MCCSSE). By law, the Board of Education is permitted to meet in closed session to discuss issues related to contract negotiations with the employee organizations. It is expected that Board members will maintain the confidentiality of issues discussed during closed sessions.

*Annotated Code of Maryland*, §6-408, provides the mechanism for negotiations procedures.

### **Personnel Appointment Procedures**

1. Under state law, it is the responsibility of the superintendent of schools to recommend the appointment of personnel to administrative and supervisory positions. These appointments are discussed by the Board of Education in closed session and confirmed by majority vote in public session.
2. By practice, the superintendent also recommends the transfers of personnel to administrative and supervisory positions. These transfers are discussed in closed session and confirmed by majority vote in public session.
3. The Board of Education also receives and reviews a monthly personnel report in closed session and takes a public vote on the report. The report contains appointments and transfers of administrative and supervisory personnel, appointments of teachers and supporting services personnel, and leaves of absence and terminations for all personnel. The report also contains notice of suspension and dismissal actions. In addition, the Board adopts resolutions extending sick leave to employees whose leave has expired and expressing sympathy when an employee has died.
4. The Board also receives and reviews a proposed resolution on academic leave in closed session and takes a public vote on the recommendation of the superintendent.

### **Meetings with Various Organizations**

As part of its master calendar, the Board schedules annual meetings with the officers of the Montgomery County Region of Student Councils, Montgomery County Council of PTAs, Montgomery County Association of Administrative and Supervisory Personnel, Montgomery County Education Association, Montgomery County Council of Supporting Services Employees, and PTA clusters on a rotating basis. The Board may also meet from time to time in informal meetings with the Montgomery County Council and the county executive.

The Board of Education also schedules annual informal meetings with the Montgomery County Junior Council and with representatives of the Montgomery County Region of the Maryland Association of Student Councils.

By Board policy, every Board of Education committee presents an annual report to the Board. These reports are scheduled on a Board business agenda with a staff response presented shortly after the discussion. (See also Board policies on committees.)

### **Public Hearings--Other Than Facilities Hearings**

The Board of Education schedules public hearings on issues it determines to be of widespread interest and concern.

In addition to special public hearings, the Board holds hearings on its annual operating budget. General guidelines for these public hearings are as follows:

1. Whenever possible, a public hearing will be scheduled one month in advance of the hearing date. The subject and date of the hearing will be publicized through the Board's customary communications channels and by a release to the news media.
2. The public may sign up to speak beginning at 9 a.m. on the day three weeks prior to the hearing. The agenda for the hearing is closed when the maximum number of speakers is registered (hearings begin at 7:30 p.m. and conclude at 11 p.m.) or at the close of business the day before the hearing.
3. The following time limits for testimony apply:

Organizations/Municipalities/Elected Officials	5 minutes
Individuals	3 minutes
Clusters (depending on number of schools)	10-15 minutes

4. The order of speakers at a hearing is determined by the order in which they sign up. A person calling to speak may reserve only one space. Only one speaker will be registered for any organization unless the Board provides otherwise. Elected officials are given the courtesy of being placed at the time of their choice on the agenda.
5. Speakers are encouraged to provide a predetermined number (usually 20) of copies of their statements at the hearing for distribution to Board, staff, and press.
6. Public hearings are tape (audio and video) recorded, and arrangements can be made to purchase the recording at a later date, if desired.

7. If the speakers are not present at their designated time, every effort will be made to accommodate their testimony prior to adjournment of the meeting.
8. To expedite the hearing, Board members and the superintendent will limit their participation solely to asking questions of the speakers.
9. Written statements submitted in lieu of testimony will be given equal consideration. Whenever possible, the public record will remain open for two weeks following the public hearings.

See also the Policy on Long-range Education Facilities Planning for the procedure for facilities hearings.

#### **Public Participation in Board Meetings**

The members of the Board of Education desire to hear the views and have the advice of interested citizens. To help ensure effective public participation in the decision-making process, the Board:

1. Makes agenda materials available to the public on the day of the evening business meetings and the Monday prior to the all-day business meetings.
2. Maintains an agenda mailing list for interested citizens and press.
3. Involves citizens and students on advisory committees.
4. Holds public hearings on issues of wide public interest.
5. Provides time at its business meetings for the public and press to comment on educational issues.
6. Encourages citizens to communicate with Board members.

#### **Policy Development, Adoption Dissemination, and Suspension**

The Board of Education has a policy on policy-setting which includes a definition of "policy" and a uniform format for policy development and implementation, including instructions for publication, monitoring of implementation, and review. Discussion of a new policy occurs over three meetings: one to discuss the superintendent's policy analysis, the second to take tentative action, and the third to take final action on the policy.

Any resolution introduced which involves a matter of policy shall lie on the table for at least one week before being voted upon. The presiding officer rules as to whether any proposed resolution is a policy. If there is an emergency, this provision may be waived without notice if all members are present and there is unanimous agreement.

### **Agenda-Setting and Board Materials**

1. Early in each fiscal year, the Board of Education receives a master calendar of Board meetings. When known, the calendar shows major topics to be discussed.
2. A continuous listing of future agenda items is maintained. Information on topics to be discussed is made available to the press, staff, and public through "items in process," an information item distributed at the all-day business meeting, as well as through materials developed at the agenda-setting meeting (explained below).
3. Pre-Board and Post-Board:
  - a) Pre-Board. By noon prior to a Board meeting, Board members who need information or would believe they would require staff members to answer questions at the table about an issue should alert the ombudsman/staff assistant to request the superintendent provide knowledgeable staff at the meeting to answer those questions and provide the information needed.
  - b) Post-Board. After business meetings, the Board staff and superintendent's staff discuss items raised during the Board meeting, assign responsibilities for follow-up items, and review draft agendas and calendars for future Board meetings.
4. The Board Office schedules a monthly agenda-setting meeting with Board officers, the superintendent, and designated staff. At these meetings, the following items are discussed:
  - a) The agenda for the next business meetings. The superintendent and/or designee advise the Board officers of time requirements for agenda items, the status of major items to be discussed, and the availability of staff to be present for Board discussions.

- b) A list of items to be scheduled. The superintendent and/or designee inform the officers of the status of items to be scheduled and suggests dates for their presentation.
  - c) Future agendas. The superintendent and/or designee provide the officers with an update on future agendas, including time requirements, the status of major items, and the availability of staff.
  - d) Calendar. The superintendent and/or designee review a calendar of future Board meetings (regular and special), closed sessions, public hearings, and work sessions.
  - e) After the agenda-setting meeting, copies of materials discussed by the superintendent, and/or designee, and officers are sent to Board members, executive staff, employee organizations, MCCPTA, and MCR. Upon request, copies are made available to the public and the press.
5. An agenda mailing list, which is updated annually, is maintained for designated organizations, government agencies, and individuals.
  6. Packets of Board agenda materials are prepared for Board members, key staff, selected organizations, and the press. Board members receive duplicate copies of materials previously distributed.
  7. Board folder materials are not released to the public until Board members have received them. Press packets are normally available on Monday mornings prior to regular Board meetings.
  8. Major reports and policies which require extensive study and review are distributed to Board members at least one regular meeting in advance of the meeting when they are scheduled for Board consideration. These items are designated by a diamond (◆) symbol on the agenda and on Items to be Scheduled.

#### **Appeals to the Board of Education**

The various procedures are listed in the *MCPS Policies and Regulations Handbook* as well as state law.

The major document for appeals to the Board of Education is contained in MCPS Policy BLB: Rules of Procedure in Appeals and Hearings. Appeals are of three types: *Annotated Code of*

*Maryland*, §4-205(c) disputes involving rules and regulations of the Board, 7-304(c) student suspensions of more than 10 days or expulsions, and 6-202(a) suspensions or dismissals of professional and/or certificated personnel.

Board members should be aware that once an appeal is started through the process, it is inappropriate for Board members to discuss the issue with the appellant, the public, or staff. Once the appeal is filed, only the Board itself can dismiss the appeal. It is expected that Board members will maintain the confidentiality of documents related to the appeal and not discuss these materials.

#### **Board of Education Correspondence and Memoranda Procedure**

Logs are maintained of incoming and outgoing correspondence and memoranda to the Board and from the Board members.

#### **Correspondence, Form Letters, and Petitions**

1. Incoming correspondence is duplicated for all members of the Board and superintendent. Board Office staff determines whether correspondence requires a response and, if a response is required, assign a due date for the preparation of the reply and directs the correspondence to the appropriate staff member. Staff prepares responses for the signature of the Board president, or in special cases the Board president responds personally. When the reply is signed by the Board president, copies of the response are duplicated for Board members.
2. Petitions and form letters are not duplicated for Board members. Staff counts the signatures and provides a sample page of the petition. One copy of the form letter is provided to the Board with a count of the number of form letters received.
3. When a heavy volume of single issue mail is received, the Board president determines whether these letters can be responded to by postcard. The postcard acknowledges receipt of the letter.
4. Individual Board members have the option of responding directly to correspondence addressed to the Board or the individual member.
5. The ombudsman/staff assistant receives and reviews all legal correspondence pertaining to the Board of Education.

**Memoranda**

1. A memorandum written by a Board member is automatically duplicated for all Board members, the superintendent, deputies, appropriate associate superintendent, and ombudsman. The superintendent assigns the responsibility of preparing replies to Board memoranda and follows up to make sure a timely response is prepared.
2. A memorandum written to a Board member is automatically duplicated for all Board members, the superintendent, deputies, appropriate associate superintendent, and ombudsman. Exceptions are confidential memoranda which may have expressly limited distribution.

**Public Access to Correspondence and Memoranda**

1. All correspondence and memoranda addressed to the Montgomery County Public Schools or to Board members that is received in connection with the transaction of public business is available for public inspection unless it meets one of the criteria in Maryland's Public Information Act (PIA), State Government Article, Sections 10-611 to 10-628.
2. The superintendent is the official custodian of the records with the responsibility delegated to the administrative assistant for Board matters.
3. The requestor of records must pay the cost of photocopying.
4. If the request for records is denied, the reasons must be based on Maryland's Public Information Act (PIA) or be approved by the District Court of Montgomery County.

**Board Committees**

The Board of Education is empowered by state law to create committees, both citizen/advisory and Board subcommittees, to help identify areas for improvements in the MCPS and possible changes in Board policy. Committees may be on-going or created for special purposes on a short term basis. Current Board advisory committees include:

Title IX Gender Equity Advisory Committee  
 Advisory Committee on Minority Student Education  
 Local Advisory Council on Vocational-Technical Education  
 Advisory committee on Family Life and Human Development  
 Citizens Advisory Committee on Counseling and Guidance  
 Medical Advisory Committee

### Mental Health Advisory Committee

The Board of Education has the following special committee which is required by law and which interprets the Board's ethics policy and advises persons subject to the policy as to its application:

Board Ethics Panel

The Board of Education has the following Board subcommittees:

Board Audit Committee

Board Subcommittee on Research and Evaluation

In addition, there are advisory committees reporting to the superintendent of schools. On occasion, these committees present their annual reports to the Board of Education.

### **Board of Education Memberships**

The Board of Education maintains membership in state and national school boards associations as well as educational associations. The Board determines through budget action which, if any, state and/or national affiliations it wishes to add or maintain. Organizational memberships include the Maryland Association of Boards of Education, the Legal Services Association, the National School Boards Association, the National Federation of Urban-Suburban School Districts, and the American Association of School Administrators.

### **Operating Budget Approval Process and Long-range Educational Facilities Process (Capital Budget)**

Two major issues which come before the Board of Education each year are the operating budget and the long-range educational facilities plan which includes action on the capital budget.

The operating budget includes salaries, contractual services, supplies and materials, furniture and equipment, and other funds necessary for the daily operation of the school system. The Board holds operating budget hearings in January after the presentation of the superintendent's recommended budget.

The budget is developed under the direction of the superintendent who utilizes a wide-range of community and parental advice. The superintendent recommends its adoption to the members of the Board. The Board may hold work sessions prior to the adoption of the budget to secure additional information on the recommendations of the superintendent and on items the Board itself is considering.

The date for submission of the operating budget to the County Council is established by county law. The budget must be submitted to the county by March 1 of each year and be adopted by the Council by June 1. In early June the Board makes adjustments to the budget to comply with Council action prior to the July 1 deadline for submitting the school system's final operating budget to the State.

Each spring, the superintendent reviews all Board of Education facilities decisions and capital budget requests. The capital budget includes construction and planning funds for new facilities, modernizations and renovations; furniture and equipment associated with these projects; and countywide maintenance efforts. Facilities issues include building utilization, educational program capacity, enrollment projections, boundary changes, and school closings/consolidation. During the spring, cluster, school, and community representatives meet to discuss feasible school program and facility alternatives, and by July 1, cluster representatives send the superintendent solutions, priorities, or concerns the cluster has identified for its schools.

Early in October, the superintendent holds a public work session with the Board to discuss new school enrollments and potential facility solutions. On or about November 1, the superintendent publishes a proposed Six-year Capital Improvements Program, and during the first week in November the Board holds a work session at which members may propose alternative solutions. During the third week in November, the Board holds public hearings on facilities proposals with decisions scheduled for the fourth week in November. Dates for submission of the budget are established by state law. The Board/Council-approved capital budget must be submitted to the State Interagency Committee for Public School Construction by December 7 of each year. Deferred proposals are considered in February and March. (See the Policy Statement on Long-range Education Facilities Planning for more details.)

#### **Board Office Staff**

Acting under the direction of the ombudsman/staff assistant, the Board of Education staff has a dual responsibility. The ombudsman/staff assistant position was created to provide assistance to community, employees, students, and other citizens having problems, complaints, information or suggestions to bring to the attention of school authorities for which no channels of communication appropriate to their needs are available. The other function of the staff is to assist Board members in carrying out their duties as Board members.

The Board staff responds to requests from members of the Board, the superintendent, staff, public, and other governmental agencies for information on past or pending Board business. The

staff provides legislative and intergovernmental information and assistance; provides research assistance to members of the Board of Education; keeps records of Board business; attends all Board meetings; and is responsible for the daily administration of the office of the members of the Board of Education, including providing for correspondence, appeals (including the assignment of hearing officers and examiners), calendar and general staff support.

### **School Board Attorney**

By state law, the Board of Education is empowered to retain counsel to represent it in legal matters.

The procedures for retaining, appointing, and reviewing the performance of counsel are contained in the Board of Education Policy on Legal Services.

### **Board Member Expense Standards**

All members of the Board of Education are entitled to be reimbursed for expenses directly related to Board business. The adult members receive an annual compensation of \$12,000, and the president receives an additional \$2,000.

The expenses directly related to Board business for which a Board member may be reimbursed include local travel expenses (travel and expenses in the Washington metropolitan area and intrastate travel) as follows:

1. Automobile--except for two regular business meetings a month. Reimbursement for special meetings and other travel related to Board business. The student member receives reimbursement for the business meetings as well.
2. Parking, tolls, taxis, rail, bus or air fare.
3. Meals--actual expenses for business-related meals up to a maximum of \$35 per day for three meals. Actual expenses for meals at banquets or other events are reimbursed.
4. Telephone--installation and monthly charges for an additional private line and long-distance calls related directly to Board business are reimbursed.
5. Reimbursement for local newspapers not subscribed to prior to taking office; supplies, postage, and tips.

6. Clerical or other assistance--a member should submit a work plan and salary amount for approval by the Board of Education.

Actual expenses directly related to Board business for out-of-state travel to meetings and conferences are reimbursed and are not included in the limits established for local expenses. Overnight stays in the Washington metropolitan area and intrastate are considered to be out-of-state travel. These expenses include transportation, meals, registration fees, and incidental expenses.

Expenses relating to the operation of the Board of Education as an entity shall be expended at the discretion of the ombudsman/staff assistant, in consultation with the officers of the Board.

If equipment is purchased by MCPS for the use of a Board member, that equipment is the property of MCPS and reverts to MCPS at the conclusion of the member's term of office. All efforts will be made to supply the member with used equipment from within MCPS. Once equipment funds budgeted for the Board of Education are expended, only the Board officers may authorize additional purchases. Board members will be provided with a quarterly report on the status of Board Office expenditures.

Procedures for processing monthly expense accounts are as follows:

1. Expense forms are submitted to the staff assistant at the beginning of the next month for the prior month's expenses.
2. The staff assistant processes the reports and refers questions to the president of the Board.
3. The expense form is reviewed and signed by the president of the Board, the ombudsman/staff assistant, and the primary account manager before being forwarded for payment. Whenever possible, the expense form must be accompanied by appropriate receipts.

### **Commencements**

One of the major responsibilities of a Board member is to officiate at high school commencements. Board members typically attend a number of graduations which are proportionate for each member of the Board. The superintendent has the responsibility for ensuring that Board members are informed in advance of commencements the role Board members are likely to play at commencements. By tradition, Board members certify the



permitted under Section 4-106, Education Article of the Annotated Code of Maryland and State Government Article 10-501; and be it further

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

RESOLUTION NO. 567-93 Re: MINUTES OF MAY 24, 1993

On recommendation of the superintendent and on motion of Mrs. Brenneman seconded by Mrs. Fanconi, the following resolution was adopted unanimously:

Resolved, That the minutes of May 24, 1993, be approved as corrected.

Mrs. Fanconi assumed the chair.

RESOLUTION NO. 568-93 Re: MINUTES OF MAY 26, 1993

On recommendation of the superintendent and on motion of Dr. Cheung seconded by Mr. Abrams, the following resolution was adopted unanimously:

Resolved, That the minutes of May 26, 1993, be approved.

Dr. Cheung assumed the chair.

RESOLUTION NO. 569-93 Re: MINUTES OF JUNE 3, 1993

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

Resolved, That the minutes of June 3, 1993, be approved.

Re: REPORT ON CLOSED SESSIONS - JUNE  
17, 21, AND 29, 1993

On June 17, 1993, by the unanimous vote of members present, the Board voted to conduct a closed session on June 17, 1993, as permitted under Section 4-106, Education Article of the Annotated Code of Maryland and State Government Article 10-501.

The Montgomery County Board of Education met in closed session on Thursday, June 17, 1993, from 10:20 p.m. to 12:15 a.m. The meeting took place in Room 120 of the Carver Educational Services Center, Rockville, Maryland.

The Board met to discuss contract negotiations. A vote was taken to include Ms. Carrie Baker in the negotiations session.

In attendance at the closed session were Melissa Bahr, Carrie Baker, Fran Brenneman, Carole Burger, Alan Cheung, Blair Ewing, Carol Fanconi, Thomas Fess, Katheryn Gemberling, Bea Gordon, Marie Heck, Brian Porter, Thomas Reinert, Paul Vance, Bud Westall, and Mary Lou Wood.

On June 10, 1993, by the unanimous vote of members present, the Board voted to conduct a closed session on June 21, 1993, as permitted under Section 4-106, Education Article of the Annotated Code of Maryland and State Government Article 10-501.

The Montgomery County Board of Education met in closed session on Monday, June 21, 1993, from 7 p.m. to 7:50 p.m. The meeting took place in Room 120 of the Carver Educational Services Center, Rockville, Maryland.

The Board met to discuss personnel appointments for educational media and technology, elementary mathematics, the principalships of Poolesville Middle/Senior, Parkland Middle, Germantown Elementary, North Chevy Chase Elementary, and several assistant principal transfers. The Board also reviewed academic leave.

The Board discussed awarding a construction contract for Sally Ride Elementary School. Appeals No. 1993-9, 1993-10, and 1993-15 were discussed as well as the process for the superintendent's evaluation. Votes taken in closed session were confirmed in open session.

In attendance at the closed session were Stephen Abrams, Melissa Bahr, Carrie Baker, Fran Brenneman, Alan Cheung, Blair Ewing, Carol Fanconi, Thomas Fess, Katheryn Gemberling, Bea Gordon, Ana Sol Gutierrez, Marie Heck, Elfreda Massie, Brian Porter, Philip Rohr, Paul Vance, Joseph Villani, and Mary Lou Wood.

The Montgomery County Board of Education met in closed session on Tuesday, June 29, 1993, from 7 p.m. to 8:45 p.m. The meeting took place in Room 120 of the Carver Educational Services Center, Rockville, Maryland.

The Board met to discuss contract negotiations with MCEA and personnel appointments. The Board voted on the following appointments: principalships of Poolesville ES and Piney Branch ES and various assistant principalships. Votes taken in closed session were confirmed in open session.

In attendance at the closed session were Stephen Abrams, Melissa Bahr, Fran Brenneman, Carole Burger, Alan Cheung, Blair Ewing, Carol Fanconi, Thomas Fess, Phinnize Fisher, Katheryn Gemberling, Bea Gordon, Ana Sol Gutierrez, Marie Heck, Elfreda Massie, Brian Porter, Philip Rohr, Jon Sims, Tom Reinert, Paul Vance, Joseph Villani, Bud Westall, and Mary Lou Wood.



Resolved, That the Board of Education schedule a review of the Code of Ethics that apply to the Montgomery County Board of Education; and be it further

Resolved, That the review also include the roles and responsibilities of the Ethics Panel (see ITBS 93-38).

2. Ms. Gutierrez moved and Mr. Ewing seconded the following:

Resolved, That the Board of Education schedule discussion and action on the recommendations made by the Title IX Committee.

3. Ms. Gutierrez moved and Mr. Abrams seconded the following:

Resolved, That the Board of Education direct the superintendent to review and reconsider the placement of the proposed ESOL Center at Damascus High school in view of the following: (1) the undue burden placed on all ESOL students who would be bused from their home districts outside the Damascus service area, (2) the potential savings to be made with FY 1995 CIP requests for additional funding for the additions to and modernization of Damascus High School; (3) the provision of ESOL services to students within their home schools; and (4) the effect on the implementation of the QIE policy.

4. Mr. Ewing moved and Ms. Gutierrez seconded the following:

Resolved, That the Board of Education consider endorsing a proposal to elect the state Board of Education by geographical districts, the purpose being to guarantee that Montgomery County has at least one representative on the State Board of Education.

RESOLUTION NO. 571-93      Re:    COMPOSITION OF MARYLAND STATE BOARD  
OF EDUCATION

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

Resolved, That the Board of Education contact the governor both directly and through our legislative delegation to Annapolis to express our very deep concern about the need for a representative from Montgomery County on the State Board of Education whose views fully reflect Montgomery County interests and needs.

Re:    ITEMS OF INFORMATION

Board members received the following items of information:

1. Items in Process
2. Construction Progress Report
3. Staff Response to Counseling and Guidance Report
4. Quarterly Change Order Report

July 13, 1993

RESOLUTION NO. 572-93 Re: ADJOURNMENT

On recommendation of the superintendent and on motion of Ms. Gutierrez seconded by Mrs. Fanconi, the following resolution was adopted unanimously:

Resolved, That the Board of Education adjourn its meeting at 4:25 p.m. to a closed session.

---

PRESIDENT

---

SECRETARY

PLV:mlw