

APPROVED  
6-1995

Rockville, Maryland  
January 23, 1995

The Board of Education of Montgomery County met in regular session at the Carver Educational Services Center, Rockville, Maryland, on Monday, January 23, 1995, at 8 p.m.

ROLL CALL Present: Mrs. Beatrice B. Gordon, President  
in the Chair  
Mr. Stephen Abrams  
Dr. Alan Cheung  
Ms. Wendy Converse  
Mr. Blair G. Ewing  
Mr. Reginald Felton  
Ms. Ana Sol Gutierrez\*  
Mrs. Nancy King

Absent: None

Others Present: Dr. Paul L. Vance, Superintendent  
Mrs. Katheryn W. Gemberling, Deputy  
Mr. Larry A. Bowers, Acting Deputy  
Mr. Thomas S. Fess, Parliamentarian

RESOLUTION NO. 20-95 Re: BOARD AGENDA - JANUARY 23, 1995

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

Resolved, That the Board of Education approve its agenda for January 23, 1995, with the addition of an action item on the report from the O'Toole Commission on Special Education.

RESOLUTION NO. 21-95 Re: REPORT OF THE O'TOOLE COMMISSION

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

Resolved, That the Board of Education direct the following actions by the superintendent to be provided to the Board within the next two weeks and scheduled for Board action on February 15:

1. The superintendent should bring to the Board a new process that he recommends for handling placements and appeals that will eliminate all the problems identified in the O'Toole report.
2. The superintendent should explore the benefits and costs of software programs for managing and tracking all cases and purchase an appropriate one.
3. The superintendent should provide recommendations for the training of appropriate staff in the new process and in software use.

4. The superintendent should issue clear and unequivocal instructions to staff who have responsibility for special education placements and appeals at levels within the school system, whether regular or special education staff, that on the list of their work priorities they must give first attention to meeting procedural requirements, including milestones, deadlines for filing, and other required actions; must follow the superintendent's new procedures, and that they will be held fully accountable for failure to observe those procedures.
5. The superintendent should bring to the Board an estimate of the costs and description of the operation of a special team that perhaps could operate from June 1 through September 15, or other appropriate dates, to address the need to assist school and other staff to respond to requests for placement decisions and appeals.
6. The superintendent should bring to the Board a plan to ensure that the Board's attorneys will participate in the development of the new procedures, in the training and use of the new software, and in an intensive effort to ensure that cases are not lost solely on procedural grounds.
7. The superintendent should bring to the Board a set of measures that will demonstrate the extent to which this resolution has been implemented effectively and demonstrate the extent also to which costs are being either avoided or actually reduced as a result of this resolution.

and be it further

Resolved, That the superintendent is, of course, encouraged to bring to Board such other recommendations as seem appropriate to him in order to address the issues that have been raised by that report.

Re: PUBLIC COMMENTS

The following individuals appeared before the Board of Education.

1. Mildred Amer, Whitman
2. Peter Sklarew, Whitman
3. James McEuen, Whitman
4. David Wheeler, Whitman
5. Ann Vaughn, Whitman
6. Scott McGregor, Southern Christian Leadership Conference

RESOLUTION NO. 22-95 Re: PROCUREMENT CONTRACTS MORE THAN  
\$25,000

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

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

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

223-95	Custom Science Kits		
	<u>Awardees</u>		
	Sci-Ma Education, Inc.		\$ 51,876
	SEMPCO, Inc.	<u>110,400*</u>	
	Total		\$162,276
MORE THAN \$25,000			\$162,276

\*Denotes MFD vendors

RESOLUTION NO. 23-95 Re: ACCEPTANCE OF DR. SALLY K. RIDE  
ELEMENTARY SCHOOL

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

Resolved, That having been duly inspected on January 17, 1995, the new Dr. Sally K. Ride Elementary School now be formally accepted, and that the official date of completion be established as that date upon which formal notice is received from the architect that the building has been completed in accordance with the plans and specifications, and all contract requirements have been met.

RESOLUTION NO. 24-95 Re: CHANGE ORDERS OVER \$25,000

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

WHEREAS, The Department of Facilities Management has received change order proposals from various contractors that exceed \$25,000; and

WHEREAS, Staff and the project architects have reviewed these change orders and found them to be cost effective; now therefore be it

Resolved, That the Board of Education approve the following change orders for the amounts indicated:

Activity 1

Project: Springbrook High School

Description: As part of the Springbrook High School modernization project, a rebate application was submitted to PEPCO for the installation of a dual-fuel system for the building's heating plant. PEPCO has approved this rebate application and agreed to fund the cost of this work. This change order is for the installation of the dual-fuel system at Springbrook

High School that will allow us to take advantage of price differences between natural gas and oil.

Contractor: S. B. Construction Co., Inc.

Amount: \$88,624

### Activity 2

Project: Col. Zadok Magruder High School

Description: Col. Zadok Magruder High School is currently undergoing a major addition project. The existing chiller is in poor condition and is scheduled to be replaced as part of the FY 1996 PLAR program. A proposal to replace the chiller while the addition project is being completed has been negotiated with the general contractor. The general contractor's cost proposal is below the engineer's estimate to complete this work as a separate PLAR project. This change order will minimize future disruption to the school operation and reduce costs as a result of consolidating projects.

Contractor: The Gassman Corporation

Amount: \$639,091

### Activity 3

Project: Damascus Middle School #2

Description: The geotechnical study for Damascus Middle School #2 identified rock at various locations on the site. The exact extent of the rock removal could not be determined until the surface soil was removed and the individual subcontractor accomplished its work. The contract contained unit prices for rock removal. This change order is for rock removal for stormwater management piping work in accordance with the contract unit prices.

Contractor: Gebaut Samen Development Corporation

Amount: \$69,728

RESOLUTION NO. 25-95 Re: GRANT OF UTILITY EASEMENT TO THE POTOMAC ELECTRIC POWER COMPANY AND BELL-ATLANTIC-MD AT GAITHERSBURG MIDDLE SCHOOL #2

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

WHEREAS, The Potomac Electric Power Company (PEPCO) and Bell-Atlantic-MD have requested a public utility easement for the placement and maintenance of underground electric power and communication facilities to serve Gaithersburg Middle School #2, located at 8100 Mid-County Highway in Gaithersburg; and

WHEREAS, This proposed utility easement consists of a ten-foot wide strip running parallel to the property lines abutting Taunton Drive and Mid-County Highway; and

WHEREAS, All construction and restoration is to be carried out as a part of the capital project at the school, with PEPCO and Bell-Atlantic-MD and their contractors assuming liability for all damages or injuries; and

WHEREAS, The proposed utility easement will benefit the school by providing electric and telephone service and will not affect any land anticipated to be utilized for school programs for recreational activities; now therefore be it

Resolved, That the president and secretary be authorized to execute a utility easement with PEPCO and Bell-Atlantic-MD for the land required to install and maintain underground electric power and communication facilities at Gaithersburg Middle School #2.

RESOLUTION NO. 26-95 Re: AWARD OF CONTRACTS FOR VARIOUS  
MAINTENANCE PROJECTS

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

WHEREAS, Sealed bids for various maintenance projects funded from the Planned Life-Cycle Asset Replacement (PLAR) Capital Funds were received on January 4 and 9, 1995, in accordance with MCPS procurement practices, with work to begin by March 1, 1995, and be completed by May 15, 1995; and

WHEREAS, Details of the bid activity are available in the Department of Facilities Management; and

WHEREAS, The bids meet specifications and the low bidders have completed similar projects successfully for Montgomery County Public Schools; now therefore be it

Resolved, That a contract be awarded to Clean America, Inc., for the cleaning, removal, testing, and related work for various fuel storage facilities in the amount of \$81,214; and be it further

Resolved, That a contract be awarded to EMD Mechanical Specialists, Inc., for the replacement chiller and related work at the Carver Educational Services Center in the amount of \$201,360, contingent upon County Council approval of the supplemental appropriation request.

RESOLUTION NO. 27-95 Re: AUTHORIZED SIGNATORIES FOR BOARD OF  
EDUCATION BANK ACCOUNTS

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

WHEREAS, It is necessary to continue the policy of having several employees authorized to sign checks so that periods of leave and absences may be covered; and

WHEREAS, The staff persons authorized by Board Resolution No. 737-93 to sign checks were the superintendent of schools; the deputy superintendent for planning, technology and supportive services; the chief financial officer, Office of Financial Management; the director of the Division of Insurance and Retirement; the risk management specialist in the Division of Insurance and Retirement; the director of the Department of Educational Facilities Planning and Capital Programming; and the director of the Department of Technology Planning and Data Operations; and

WHEREAS, Due to the retirements of the deputy superintendent for planning, technology and supportive services and the director of the Department of Educational Facilities Planning and Capital Programming; and as a result of the recommendation of the supervising internal auditor that the director of the Department of Technology Planning and Data Operations not be an authorized signatory for the Board of Education bank accounts due to his close proximity to the Financial Information System and the processing of accounting data; now therefore be it

Resolved, That Resolution No. 737-93 be rescinded; and be it further

Resolved, That the authorized signatories for bank accounts shall be the persons in the following positions: the superintendent of schools; the deputy superintendent for planning, technology and supportive services; the chief financial officer, Office of Financial Management; the director of the Department of Management, Budget and Planning; the administrative assistant to the deputy superintendent for instruction; and the administrative assistant to the deputy superintendent for planning, technology and supportive services; and be it further

Resolved, That the director of the Division of Insurance and Retirement and the risk management specialist in the Division of Insurance and Retirement be authorized signatories for payroll checks only.

#### RESOLUTION NO. 28-95 Re: BANK WIRE TRANSFER AUTHORIZATION

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

WHEREAS, From time to time Montgomery County Public Schools (MCPS) needs to verbally direct its bank to transfer funds to other banks for credit to businesses, organizations, or individuals designated by MCPS when it is inconvenient or impossible to execute prior written authorization, instructions or releases otherwise required by the bank; and

WHEREAS, The bank must have standing instructions upon which to act pursuant to verbal requests for the transfer of funds; and

WHEREAS, Such transfers may be required for contract payments for lease purchases, funding of the employee benefit plans, and interfund payments; and

WHEREAS, The staff members authorized by Board Resolution No. 736-93 to wire transfer funds on behalf of MCPS are the chief financial officer, Office of Financial

Management; the director of the Division of Insurance and Retirement; the risk management specialist in the Division of Insurance and Retirement; and the director of the Department of Technology Planning and Data Operations; and

WHEREAS, Due to the recommendation of the supervising internal auditor that the director of the Division of Insurance and Retirement, the risk management specialist in the Division of Insurance and Retirement, and the director of the Department of Technology Planning and Data Operations should not be authorized signatories for wire transfers; now therefore be it

Resolved, That Resolution No. 736-93 be rescinded; and be it further

Resolved, That the staff members authorized to act on behalf of MCPS to effect wire transfers shall be the chief financial officer, Office of Financial Management; the director of the Department of Management, Budget and Planning; the administrative assistant to the deputy superintendent for instruction; and the administrative assistant to the deputy superintendent for planning, technology and supportive services; and be it further

Resolved, That a copy of this resolution be transmitted to First National Bank of Maryland, Sandy Spring National Bank of Maryland, and Citizens Bank of Maryland.

RESOLUTION NO. 29-95 Re: UTILIZATION OF FY 1995 FUTURE SUPPORTED PROJECT FUNDS FOR THE YOUTH SUICIDE PREVENTION SCHOOL PROGRAM

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

Resolved, That the superintendent of schools be authorized to receive and expend within the FY 1995 Provision for Future Supported Project a grant award of \$7,500 from the Maryland State Department of Education for a Youth Suicide Prevention School Program, in the following categories:

<u>Category</u>	<u>Amount</u>
02 Instructional Salaries	\$ 926
03 Other Instructional Costs	6,500
10 Fixed Charges	<u>74</u>
Total	\$7,500

and be it further

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

RESOLUTION NO. 30-95 Re: UTILIZATION OF FY 1995 FUTURE SUPPORTED PROJECT FUNDS FOR THE EVEN START FAMILY LITERACY PROGRAM

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

Resolved, That the superintendent of schools be authorized to receive and expend within the FY 1995 Provision for Future Supported Projects a grant award of \$52,066 from the Maryland State Department of Education (MSDE), Division of Compensatory Education and Support Services, under the federal Chapter 1 Elementary and Secondary Education Act (ESEA), for the Even Start Family Literacy Program, in the following categories:

<u>Category</u>	<u>Amount</u>
1 Administration	\$ 5,000
2 Instructional Salaries	37,524
3 Other Instructional Costs	6,040
7 Pupil Transportation	500
10 Fixed Charges	<u>3,002</u>
Total	\$52,066

and be it further

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

RESOLUTION NO. 31-95 Re: UTILIZATION OF FY 1995 FUTURE SUPPORTED PROJECT FUNDS FOR THE STREAMLINING AND CONSOLIDATING FINANCIAL REPORTING REQUIREMENTS PROJECT

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

Resolved, That the superintendent of schools be authorized, subject to County Council approval, to receive and expend within the FY 1995 provision for Future Supported Projects a grant award of \$50,000 from the Maryland State Department of Education (MSDE), under the Streamlining and Consolidating Financial Reporting Requirements project grant, in the following category:

<u>Category</u>	<u>Amount</u>
1 Administration	\$50,000

and be it further

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

RESOLUTION NO. 32-95 Re: UTILIZATION OF FY 1995 FUTURE SUPPORTED PROJECT FUNDS FOR THE JAVITS MULTIPLE INTELLIGENCE MODEL PROGRAM



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

Resolved, That the superintendent of schools be authorized to receive and expend within the Provision for Future Supported Projects a grant award of \$218,045 from the U.S. Department of Education under Title IV, Part B of the Elementary and Secondary Education Act of 1965, as amended (Jacob K. Javits Gifted and Talented Student Education Program), to continue the Javits Multiple Intelligences (MI) Model Program at Montgomery Knolls and Pine Crest elementary schools, in the following categories:

<u>Category</u>	<u>Positions*</u>	<u>Amount</u>
1 Administration	2.5	\$ 327
2 Instructional Salaries		141,870
3 Other Instruc. Costs		32,905
10 Fixed Charges	—	<u>42,943</u>
 Total	 2.5	 \$218,045

- \* .5 Project Coordinator (E)
- 1.0 Teacher (A-D) (10-mo.) trainer/curriculum developer
- .8 Instructional Assistant (10) (10-mo.)
- .2 Secretary (12)

and be it further

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

**RESOLUTION NO. 33-95 Re: FY 1995 SUPPLEMENTAL APPROPRIATION FOR THE FIELD TRIP ENTERPRISE FUND**

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

WHEREAS, The FY 1995 Operating Budget adopted by the Board of Education on June 14, 1994, included \$505,815 for the Field Trip Enterprise Fund; and

WHEREAS, The Division of Transportation will receive a number of additional eligible requests for transportation services during the remainder of FY 1995; and

WHEREAS, A supplemental appropriation to increase the Field Trip Enterprise Fund is required to cover the cost of projected transportation services through the end of the year; now therefore be it

Resolved, That the superintendent of schools be authorized to receive and expand an FY 1995 supplemental appropriation of \$472,347 from the County Council to increase the Field Trip Enterprise Fund, in the following category:

<u>Category</u>	<u>Amount</u>
71 Field Trip Fund	\$472,347

and be it further

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

RESOLUTION NO. 34-95 Re: FY 1995 CATEGORICAL TRANSFER WITHIN THE PROVISION FOR FUTURE SUPPORTED PROJECTS

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

Resolved, That the superintendent of schools be authorized to effect a categorical transfer of \$250,000 within the FY 1995 Provision for Future Supported Projects, in accordance with the County Council provision for transfers, in the following categories:

<u>Category</u>	<u>From</u>	<u>To</u>
1 Administration		\$120,000
2 Instructional Salaries		130,000
3 Other Instruc. Costs	\$ 50,000	
4 Special Education	100,000	
10 Fixed Charges	<u>100,000</u>	_____
Total	\$250,000	\$250,000

RESOLUTION NO. 35-95 Re: PERSONNEL APPOINTMENT

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

Resolved, That the following personnel appointment be approved:

<u>Appointment</u>	<u>Present Position</u>	<u>As</u>
Renee M. Brimfield	Asst. Principal Poolesville Middle High School	Principal John T. Baker Middle Effective: 2-1-95

Re: BOARD/SUPERINTENDENT COMMENTS

Mr. Ewing stated that in the elements of his resolution on the O'Toole report there was an item which spoke to an estimate of cost savings that might be achieved if this set of actions were taken. They were now at work on the operating budget, and he hoped that the superintendent would give the Board that information as soon as he could but before final operating budget action on February 8. Mr. Felton added that he would like the emphasis to be on cost avoidance as well. He would like to see a focus on how they intended to orient staff and the community so they began to understand what those new procedures were. Mr. Abrams hoped that they would examine what was required federally versus those additions that MCPS decided to use to enhance the program. They should take another look at that issue from the point of view of costs

and policies. Dr. Cheung added that he would like to look at this in terms of trends and what they had done well in the past versus the last year when the escalation of costs occurred.

RESOLUTION NO. 36-95 Re: CLOSED SESSIONS - JANUARY 24 AND 30, AND FEBRUARY 15, 1995

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

WHEREAS, The Board of Education of Montgomery County is authorized by the Education Article of the Annotated Code of Maryland and Title 10 of the State Government Article to conduct certain meetings or portions of its meetings in closed session; now therefore be it

Resolved, That the Board of Education of Montgomery County hereby conduct a meeting on January 24, 1995, at 9 p.m. to discuss personnel matters; and be it further

Resolved, That the Board of Education of Montgomery County hereby conduct a meeting on January 30, 1995, at 8:30 p.m. to discuss personnel matters; and be it further

Resolved, That the Board of Education of Montgomery County hereby conduct a portion of its meeting on February 15, 1995, at 9 a.m. and at noon in closed session to discuss personnel matters, matters protected from public disclosure by law, and other issues including consultation with counsel to obtain legal advice; and be it further

Resolved, That the meetings on January 24 and January 30 be conducted in Rockville, Maryland; and be it further

Resolved, That the meeting on February 15 be conducted in Room 120 of the Carver Educational Services Center, Rockville, Maryland, as 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 meetings shall continue in closed session until the completion of business.

RESOLUTION NO. 37-95 Re: MINUTES OF DECEMBER 1, 1994

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

Resolved, That the minutes of December 1, 1994, be approved.

RESOLUTION NO. 38-95 Re: MINUTES OF JANUARY 4, 1995

On recommendation of the superintendent and on motion of Ms. Converse seconded by Mrs. King, the following resolution was adopted unanimously by members present:

Resolved, That the minutes of January 4, 1995, be approved as corrected.

RESOLUTION NO. 39-95 Re: BOE APPEAL NO. 1994-30

On motion of Mrs. King seconded by Mr. Felton, the following resolution was adopted with Dr. Cheung, Ms. Converse, Mr. Ewing, Mr. Felton, Mrs. Gordon, Ms. Gutierrez\*\*, and Mrs. King voting in the affirmative; Mr. Abrams not participating:

Resolved, That the Board of Education adopt its Decision and Order in BOE Appeal No. 1994-30, a personnel matter.

RESOLUTION NO. 40-95 Re: BOE APPEAL NO. 1994-33

On motion of Mrs. King seconded by Dr. Cheung, the following resolution was adopted unanimously\*\*:

Resolved, That the Board of Education adopt its Decision and Order in BOE Appeal No. 1994-33, a student suspension matter.

Re: NEW BUSINESS

The following items of new business were introduced:

1. Mr. Ewing moved and Dr. Cheung seconded the following:

Resolved, That the recommendations of the study group on year-round use of schools having to do with alternative actions that the Board ought to explore be considered (pages 15 and 16 of the report).

2. Mr. Ewing moved and Dr. Cheung seconded the following:

Resolved, That when the Board sent its operating budget recommendations to the county that it make a recommendation to the county executive and County Council with respect to staffing of health rooms.

Re: MEDICAL ADVISORY COMMITTEE ANNUAL REPORT - 1993-1994

Dr. Jerry Shier, chairperson of the Medical Advisory Committee, recognized the members of the committee in the audience and expressed thanks to Ms. Robin Confino, staff liaison, for all her hard work and contributions. He also thanked Dr. Eugene Sussman, who had put together this year's report and who was the immediate past chair of the committee.

Dr. Shier stated that the committee had discussed many important issues concerning the health of school-age children. They reviewed currently medically relevant issues of the community. The committee again dedicated its report in the context of the Success for Every Student initiative, protecting each child placed in the custody of MCPS. The recommendations of the committee focused on the health of the community, the family, and the individual students. The committee addressed certain sensitive issues by focusing its recommendations on the protection of the health of all students at risk.

In regard to health room technicians, the committee discussed the medical and psychological needs of the children under the charge of MCPS. They commended the county executive and the County Council for approving the funding for health technicians in each school. Last year school nurses, technicians, and other personnel distributed 330,000 doses of medication, and the projection for this school year was 380,000. The inclusion of students with special medical needs in their neighborhood schools required that medical personnel be present at all times that school was in session. They recommended full-time staffing of the health rooms in all county schools. They recognized that such personnel were employed by the Montgomery County Health Department and were budgeted by the county executive and the County

Council, and they would petition the county executive and Council regarding the staffing of these positions. They believed it imperative that they have trained medical personnel present in every school.

\*Ms. Gutierrez joined the meeting at this point.

The second issue was the half credit in health education. The committee had reviewed the new high school health curriculum and had endorsed the new curriculum. It focused on personal responsibility through an understanding of risks and the consequences of behavior which was essential to the development of a healthy lifestyle. The revised program included an abstinence only alternative unit that could be selected by parents who chose to have their children excused from instruction about human sexuality and HIV/AIDS. Due to the increasing rates of HIV and other sexually transmitted diseases, the committee believed that all students should receive instruction on both sexual abstinence and contraception. However, state and local regulations prohibited the Board of Education from implementing such a requirement. The committee would encourage parents to permit high school students instruction on both sexual abstinence and contraception.

The committee also reviewed the revised and recently adopted health education curriculum for students in grades PreK to 8. The new curriculum was more comprehensive and addressed more of the health needs of children than the existing program. Realizing that many health behaviors were developed early in life, it was essential that the health education program addressed the health needs of MCPS students early in their educational experience and throughout their schooling. The new program was well developed, but effective implementation was dependent on the knowledge and skills of the teachers and the quality of the instructional materials.

The committee endorsed the new curriculum for high school students and recommended that the Board of Education support on-going teacher training in health education and provide the necessary instructional materials for implementation of the health education curriculum in grades PreK through 8.

Dr. Shier stated that the third issue was HIV and AIDS. Last year the committee voted unanimously that the Board of Education should take the lead in AIDS and other communicable disease prevention by including abstinence-based education in the curriculum. They further recommended that the Board in consultation with the Montgomery County Department of Health also consider condom distribution to students in high school health rooms with required education and counseling. In 1993, the committee was given the charge by Dr. Cheung to review the report of the Montgomery County Task Force on HIV/AIDS. The committee sent the Board its recommendations relevant to education subcommittee of the HIV/AIDS task force last spring. The committee supported a number of recommendations in the task force report. In regard to condoms, the committee felt that its own recommendation in its 1992-93 report addressed their position on condom distribution. The committee further recommended that the Board, in consultation with the Montgomery County Health Department, also consider condom education and counseling components along with the distribution of condoms.

Dr. Shier reported that they were in their second decade of the Human Immunodeficiency Virus and AIDS. In the first ten years they gathered data and put many talented minds together to find a cure for this fatal disease. They had learned there was presently no cure for HIV or AIDS. They had seen this disease spread from select populations to all segments. It was a global disease, and it was spreading beyond control. The only way they could prevent this disease was through the

education of society about this virus. The virus could be acquired only through contact with infected persons. The only way the virus could be transmitted was through the sharing of needles, blood contact, and certain sexual activities. The only way to avoid sexually transmitted HIV/AIDS was to abstain from certain high risk behaviors.

Dr. Shier cited statistics showing that many adolescents placed themselves in danger by not abstaining from high risk sexual behaviors. Therefore, they needed education, counseling, and protection. He explained that although condom use had increased in general, the individuals most at risk were the least likely to use them. These included younger adolescents initiating sex, those having multiple sexual partners, and individuals not familiar with other family planning methods. They assumed that many high risk individuals would continue to have sex in spite of the abstinence and sex postponement messages; therefore, these individuals needed condoms readily available and must use them consistently.

Dr. Shier commented that condoms were inexpensive and available in pharmacies and in other stores; however, county adolescents interviewed by members of the committee said they often did not purchase condoms due to the embarrassment or fear that their sexual behaviors would be discovered by their parents. Consequently, they continued to have sex without any protection against HIV/AIDS. The committee believed that many high risk adolescents would be safer if they had easier access to condoms. Health room personnel told the committee that many middle and high school students confided in them about sexual issues. The committee felt that the health room providers should reinforce the message of abstinence and that condoms and counseling should be available to those identified as being at high risk. Health room personnel could be instructed in these areas through a formalized program instituted by the Health Department.

Dr. Shier said that if all adolescents took the advice to delay sex until marriage or until they had established a mutually monogamous relationship in adulthood, they would not see the current HIV/AIDS epidemic. The committee wished to support efforts to educate adolescents on the many physical, mental, spiritual, and social advantages of not initiating sex during adolescence. Nevertheless, they recognized that many high risk individuals were placing themselves and their partners in danger of acquiring HIV/AIDS and other sexually transmitted diseases. Therefore, the Medical Advisory Committee recommended that the Board of Education, in consultation with the Montgomery County Health Department and the community, continue to study the feasibility of a condom availability system. This program should be standardized and have a required educational and counseling component. He stressed the word, "availability," versus the word, "distribution," that was used last year.

In January of 1994, the committee held another roundtable discussion for high school students. From this discussion, the committee learned that students smoke for social reasons. Students felt that AIDS education should be addressed in a more forthright manner. Student felt that if there were a condom availability program, more students would use them. Students thought they should be more concerned about the health of students rather than the political pressures from parents regarding condom availability. Students felt that peer mediation and other problem-solving programs in the schools had been helpful in resolving conflicts. They also learned in school to travel in pairs, and that they should not go out by themselves. Students suggested they needed more involvement in general and constructive activities afterschool.

Dr. Shier stated that the committee was moved by the concerns of these students, and they would like to explore these concerns during the next year to see if the curriculum and services were addressing the issues. He said that in 1993 and 1994 the committee

had concentrated on some of the most sensitive issues of their community and society. They believed that the Board of Education must begin to weave a safety net of services, care, and education for their adolescent population as well as the rest of the student body.

Ms. Converse wondered why the committee had used statistics from six and twelve years ago. Dr. Shier replied that they had obtained more recent statistics and had just provided these to the Board. One of these was a 1994 publication on school-based programs to reduce sexual risk behaviors. This reviewed 23 studies which would be helpful to the Board.

Ms. Converse asked if the committee knew of any surveys of non-high school aged people regarding embarrassment in purchasing condoms. Dr. Shier replied that he was not aware of any studies or surveys. Ms. Converse thought that such a survey might be helpful in arguing their position.

Ms. Converse commented that there had been a lot of discussion as to whether this issue would be under the jurisdiction of the Board of Education or under the Health Department. She asked if they had any guidelines as to who would make the decisions. Dr. Vance replied that activities conducted in the confines of school facility were governed by the Educational Article, and that article had delegated that responsibility to the Board of Education. Ms. Converse asked whether funding for this program would have to come out of MCPS funding, and Dr. Vance replied that it would depend on the model used. The nurses and the technicians were funded through the county's budget, and if they were to have condoms available for distribution it would not be reflected in the Board's budget.

Mr. Felton commended the committee on their efforts. He had been a proponent of condom availability. He thought that the report also recognized the maturity of many of their students with regard to this sensitive issue. He was pleased that they did see the collaboration that was needed with health agencies and MCPS in order to do this. He asked whether or not there had been some cost projection on movement to full-time technicians in all schools. Mr. Bowers replied that they would follow up on this and provide those figures.

Mr. Felton noted that the committee's recommendation stopped just short of recommending availability and suggested they continue the feasibility study. Dr. Shier replied that this was an issue that the Board had to work out as far as how to make the condoms available. The committee had not recommended a structure of how that would work. For several years the committee had felt it was important that availability should be made to their adolescent population.

Mrs. King inquired about the status of health technicians in the schools. She asked if every school had at least a part-time technician, and staff replied that they did. She wondered about the kind of teacher teaching the health program. For example, did the physical education teacher deliver the program? Mrs. Gemberling replied that it varied. Sometimes it was a science teacher, and sometimes it was the physical education teacher. Mr. Russell Henke added that MCPS had a program in place to train high school teachers who did not have the certification to teach this program. At the middle school level, most of the health education was being taught by physical education teachers. In the elementary school, the self-contained classroom teacher would deliver the program.

Mrs. King stated that it was very important for teachers to have the background and experience in teaching these issues. She was still not sold on the fact that they needed



to have condom availability in the schools. She spent a lot of time with teenagers, and she did not think that having condoms available in the schools would make it any different. If youngsters wanted to use condoms, they would be able to get them in a drug store.

With respect to condoms, Mr. Ewing said Dr. Shier had made a distinction between availability and distribution and asked him to elaborate on that. Dr. Shier replied that the term "distribution" could be misunderstood. To some it meant that they just handed out condoms, but what they were saying was that condoms would be available with counseling in the health room; therefore, they were using "availability" rather than "distribution."

Mr. Ewing asked for additional information on what was meant by "political pressure from parents." Dr. Eugene Sussman replied that the students felt that many things in society were driven by politics rather than what was in the best medical concerns of the community. The students felt they should put the politics aside, look at the disease, and protect other teenagers.

Ms. Gutierrez said she was trying to focus on how they were doing with their current health education. The committee had found the new health curriculum to be more comprehensive, but they talked about the need for more HIV/AIDS education. She fully agreed. She asked whether they had an educational and counseling component around HIV. Dr. Shier said that the committee felt the health education curriculum for high schools was very well put together and those issues were addressed. They had recommended an abstinence component to that teaching, and this was now being taught. They hoped that parents would not take students out of this course so that students could learn about other issues of contraception. In regard to HIV, they wanted to make it clear that if condoms were made available in a school setting it should not be done without another component of education.

Ms. Gutierrez indicated that she would be interested in the delta of how much more they needed to do should they decide to go forward with the committee's third recommendation. She wanted to know how much they were doing in the area of counseling. Dr. Shier replied that they were teaching the information, but counseling one-on-one if condoms were available was something different. It seemed to Ms. Gutierrez that the difference was one-on-one counseling versus a general class lecture. She congratulated the committee on an excellent report.

Mr. Abrams commended the committee on the tone of the report. There were going to be disagreements on public policy. From his perspective, he saw some softening on rhetoric in this report which he thought was constructive. He thought it was constructive that they made the distinction between availability and distribution; however, he thought a little more refinement still needed to occur in that area. He had read reports about condom distribution in urban public schools, not in Montgomery County. He liked the thoughtfulness of the committee's report and their reliance on abstinence as fundamental in the educational component. He also liked their language on a continuing review of the feasibility of doing this, and he thought the discussion needed to go on a little bit longer to ferret out some issues.

Mr. Abrams was concerned about the reliability of the statistics. He was not questioning the validity of the research that was done by the committee, but he did question the validity of answers given by adolescents to questions of sexuality. At some point they needed to come to grips with this if this was to be the driver of policy. He wondered if those statistics would change when students had information earlier and had the benefit of an abstinence-based curriculum. He agreed with the

recommendation for enhanced medical capability in the schools, and the Board would probably urge the county to include that in their budgets. He would like to see some further work done on the validity of the statistics.

Dr. Shier replied that all the information that they had came from the Center for Disease Control. He had made a public health report available to the Board because it addressed a lot of the questions raised by Mr. Abrams. This was not just one or two studies. It was a report of 23 studies of school-based programs. They said that not all sex and AIDS information programs had significant effects on adolescent sexual risk-taking behavior, but specific programs did delay the initiation of intercourse, reduced the frequency of intercourse, reduced the number of sexual partners, and increased the use of condoms or other contraceptives. He thought that they had to look at which of these systems would fit Montgomery County best.

As a public health care professional, Dr. Cheung could not agree more with their report. He had to step back a little bit and look at it from a public policy standpoint. They needed to provide education and promote positive behavior, and they had been sending messages to children saying smoking was bad, alcohol was bad, HIV was bad, and they should practice abstinence. He liked the idea of availability versus distribution of condoms. One-on-one counseling was important, but there was a need for assessment to see whether there were urgent needs or some way to modify the behavior. It was also important to look at the training the health technicians had on how to deal with this issue. They had to be convincing when they worked with adolescents rather than just following a protocol of counseling without substance. He was also concerned about teenage pregnancy because children were having children which was one of the social problems they had to face.

Mr. Felton remarked that they could not deny the fact that behavior was a major part of this issue. As he had talked with citizens throughout the county, they did make a distinction between distribution and availability and the responsibility they all had to try and prevent disease and maintain a healthy community. The issue was not so much behavior of children but how they continued to support policies and practices that sustained a healthy environment.

Mr. Ewing stated that his views did not include an indifference to public health concerns which he thought were very great and growing rapidly. His concern was whether it was the appropriate role of the public schools to engage in this issue directly beyond providing education. That issue had to be addressed squarely. For many people this was a moral issue, and this differed from a political issue. It was the Board's job as policy makers to figure out what it was that the public schools should do and how the public schools should address all of the concerns of the community. In the end they might find that they could not make all people happy, but they did have to take account of those concerns and take them seriously. They had to regard these opinions as legitimate opinions of adults who were taking responsibility for their lives and the lives of their children and who wanted to make sure that their children were educated in a way they thought was morally responsible.

Mrs. Gordon asked about the health room technicians and what kinds of health-related activities technicians were allowed to provide versus those that must be provided by a nurse. She had heard from parents whose children needed insulin shots during the day and who had been told that the technicians were not allowed to give those shots. The committee had stated that health room personnel had told them many middle and high school students currently confided in them on sexual issues and requested their advice. She would like to know what their instructions were to students who came to them and requested information.

Mrs. Gordon remarked that last year the Board was extremely pleased that the committee was meeting with students to get their views and input. She was pleased to see that they were doing that again. Students had opinions about the availability of condoms, and she wondered whether there was ever any discussion on the part of what students felt was their responsibility. If not, it would be useful to obtain this information from these meetings. Dr. Shier replied that their discussion was more to acquire information. He believed that the students were speaking in generalities for their peer groups versus for themselves. Perhaps they thought that by having condoms available, their peers would be more responsible. Mrs. Gordon thanked the committee for their time and effort. The members of the Board valued the input that they received from the committee as professionals, and they wanted to continue to have that on-going dialogue.

#### Re: YEAR-ROUND USE OF SCHOOLS

Dr. Vance introduced Mr. Jack Sprague and Ms. Georgia Johnson, co-chairpersons of the study group. He called the Board's attention to the succinct history on first page of the report. The Board had also received the charge and the mission of the study group. He pointed out that the study group had established a bit of institutional history for study groups because they submitted their report before time and came in under budget.

Mr. Sprague introduced Mr. Ronald Wolfsheimer, chair of the program impact subcommittee; Mr. Vince Wolfinger, chair of the subcommittee on school operations; Mr. Rick Weaver, chair of the subcommittee on community/family/student issues; and Mr. Michael Bix, representing the budget implications subcommittee. Mr. Sprague reported that there were 39 members on the committee, and 31 or 32 were extremely regular in their attendance. They met as a full committee every month, and the subcommittees sometimes met twice a month.

Mr. Sprague commented that the diversity of the groups was magnificent. Their quality, commitment, and responsibility were outstanding. He said that if this group represented a microcosm of Montgomery County, they were blessed. The budget subcommittee looked at both the capital and the operating budgets to see if they could really save money. The community group looked at how year-round schools would impact families, communities, and civic organizations. They were convinced from the reading they had done that if they tried to implement year-round education and did not have the community support it would be a disaster. The school operations committee invited in about eight or nine department heads. These people all said that year-round schooling looked difficult, but they could do it. He felt that their attitude was just marvelous. Mr. Wolfinger added that staff saw this as a challenge, raised the problems, and then tried to solve those problems. As a taxpayer and citizen, he was quite pleased with the staff in MCPS.

Mr. Sprague said that Mr. Wolfsheimer's group had the most difficult task. They had to look at whether or not students would benefit and were they going to have better schools. Early on the full committee had stated that if this was just to save money they did not want to be a part of it. It had to have some benefit for the students. Mr. Wolfsheimer's group tried to find anything other than anecdotes about academic improvement, but it was not there.

Mr. Sprague reported that the committee was extremely diverse geographically and in the disciplines at the table. With all that diversity, they had complete consensus in their recommendations about the trauma this would place on teachers, administrators,

families, and community. They could not find significant savings in the capital budget, and there was no question there would be increased costs in the operating budget. Ms. Johnson stated that the program impact was not significant enough to pursue year-round schooling. There were various alternatives connected with year-round schools. One was a single session where everyone was on the same calendar. Another one was multi-session. They could save on capital costs if they used a multi-session model. The construction needs in Montgomery County were at the secondary level. To do multi-sessions at the secondary level would be very complicated because it would affect sports, yearbooks, plays, SAT exams, advanced placement, etc. Implementing multi-sessions at the secondary level was very complex, and it was also the least tested. Other school systems started at the elementary level and moved to the secondary level.

Given the construction needs in MCPS and what would be required to implement this, it would take about six years to implement this across the county. Their conclusion was that year-round education was a solution to a problem that they currently did not have. This did not mean that it could not be pursued at another time, but at this time it was not a solution they thought they should pursue. However, the committee was fascinated by some of the program and calendar enhancements that year-round education offered.

Ms. Johnson commented that when they started looking at some of the things that year-round schools were doing it made them covet some of the things that they could do with scheduling and programs. The committee recommended that MCPS look at some of the opportunities a year-round calendar offered other systems and see if these could be applied to Montgomery County.

Ms. Johnson said they recommended looking at lengthening the school day. Montgomery County's school day was among the shortest in the state which was of concern to parents. They recommended looking at the breaks they had now. The summer break was a long break and the spring and winter breaks were relatively short. They thought that the winter and spring breaks could be lengthened and the summer break shortened. She believed that up to a point the community was receptive to this. Teachers had told them that ten weeks was a long time and all they did in the fall was review materials. This would provide them with some potential for looking at intersessions. If they had three-week breaks between sessions, they would have an opportunity for remedial sessions, enrichment programs, Berlitz programs, recreation programs, etc.

Ms. Johnson reported that they had heard loud and clear about the use of half days. There was a lot of anger about the number and frequency of half days. This was not considered family friendly. Children did not get anything out of it, and it was hard for the teachers to manage. People asked whether or not it would be possible to combine some of those half days into one day and put it on a Monday or Friday. In that way, parents could deal with day care.

Ms. Johnson said that the same thing was true of training. She was a professional trainer, and she did not believe that having half a day for training was productive. It would be far more effective if teachers could have a full day for training. They also recommended that the Board look at the option of extending the school year. Finally, they stated that there might be a school or community interested in pursuing all the opportunities that year-round school might offer. A community might volunteer to use this opportunity to explore the use of intersessions.

Mr. Sprague reported that Dr. John Larson had done an extensive and quick survey of parents, students, and administrators. Of those people who really understood year-

round education, they liked it least. He said that there were five concurrent studies on year-round education taking place in Maryland, and last week the state superintendent had reported to the ways and means committee that Montgomery County was recommending a pilot. Mr. Sprague spoke to the chair of that committee and the state superintendent to explain the reality in Montgomery County.

Mr. Felton asked if there were any specific perspectives that teachers shared for or against year-round education in general or the benefits the group had identified. Mr. Wolfsheimer replied that they had spoken with Phil Gainous on two occasions. He felt there were some benefits to be achieved; however, in a multi-session approach teachers had to move classrooms every six weeks based upon new students coming in. Most teachers ended up living out of a file cabinet. In general, teachers were not enthusiastic about this; however, if the county was recommending this, they were more than willing to give it their best shot. Mr. Weaver said that most of their concerns focused on multi-sessions. Teachers were also concerned about coordinating their schedules with those of their own children. Mr. Sprague added that about a third of the teachers surveyed favored it, and about half of them were opposed to it. Mr. Wolfinger commented that teachers were in favor of it if it could be shown to have an academic impact and reduce crowding.

Ms. Gutierrez thanked the group because she thought they got two reports for the price of one. Their recommendations would be the basis for another report that the Board had already discussed. They had talked about lengthening the school day and the school year. The group had given the Board seven items to consider to provide more instructional time. She knew that they had reduced their summer school opportunities drastically because of budget reductions. She noted that all of the seven recommendations had costs associated with them. It was ironic because they had undertaken this study to save money. She asked the group to comment on their recommendations. When the Board tried to improve the instructional options, they hit the wall of cost. She asked whether or not there would be a ground swell of support from the community.

Mr. Sprague replied that their meetings were on public television, and they had held public forums all over the county which were not well attended. Those attending the forums were vocal in opposition to the idea. The governor wanted to look at year-round education to save capital dollars, and there was no question that if they had multi-session year-round education in place they would not need as many schools. However, they would have to add operating costs.

Mr. Bix reported that over a 15-year time period they could save \$134 million which amounted to about \$9 million a year. There were total operating budget savings of \$129 million or \$8.5 million a year. This would be for going multi-sessions in high schools and middle schools and continuing with single sessions in the elementary schools. Mr. Sprague reported that this would be the most traumatic configuration for students and their activities. They had to look at the dollars and ask whether the schools were better. Every system that had ever gone to year-round education had gone because of a sudden influx of students not because year-round schooling was going to improve education.

Ms. Gutierrez asked whether people were in support for moving toward a longer school year or longer days. Mr. Sprague replied that some people at the forum had supported longer days and getting rid of the half days. Ms. Johnson added that some people had discussed the length of the summer vacation and the possibility of having remedial sessions in the middle of the year. She said that if they changed the length of the school year or the school day there would have to be education process. Mr. Wolfinger

added that the benefit did not come from shortening the vacation time. It came from spending the extra money on the intersessions to help students who were challenged or those students who would benefit from an accelerated course. Mr. Weaver commented that the committee saw the educational benefits, but he thought it would be a tough sell to the community.

Mr. Ewing thought that the recommendations from the group were thoughtful, balanced, and very useful. He commended the group for the effort they made and the care with which they went about their task. He reported that earlier in the evening he had made a motion to pursue these recommendations at an early meeting of the Board. He thought the Board would be eager to have the opportunity to discuss these matters further because these were very good recommendations.

Mrs. King said she had wondered how people could go into this committee without their own biased opinions. She thought they had done a real good job of looking at all the options. She reported that President Clinton had made a statement that people were for change in general but not in particular. She thought this was the situation in Montgomery County. People were looking for a change in the education system, but they were not sure what it was. She had heard from a lot of people, and she felt that an extended day would look good to a lot of people. Mr. Sprague replied that if they came into the task force with a bias it was to look for improvements in education. He, for one, was disappointed that they had could not find it.

Dr. Cheung thanked the group for their courage in undertaking the task. He asked how many of the 39 members were for the concept and how many were against the concept when the task group started its work. He asked how many changed their minds. Mr. Sprague replied that they had no way of knowing. They did not poll their members, but they encouraged people to come in without a bias. Mr. Wolfsheimer added that they came in trying to find the benefits in year-round schooling. Within his subcommittee he did not find a pre-determined bias. They wanted to find what those benefits were and how they could be used for Montgomery County. Mr. Wolfinger commented that in his group the most negative attitude that they had was a healthy skepticism. No one came in either strongly for or against the concept. He thought for the group to come in with consensus reflected the fact that they did come in with open minds.

Dr. Cheung remarked that he liked their recommendations. They had talked about lengthening the school day, shortening the summer break, and lengthening the spring and winter breaks. He wondered if they had any evidence about the optimum length for these recommendations. Mr. Sprague replied that they did not because they did not think it was their mission; however, they were unanimous in believing that a 10- or 12-week break was detrimental to the learning process.

Ms. Gutierrez asked whether or not they had talked to the new immigrant communities where there might be a greater interest in this concept. Mr. Sprague replied that there was diversity in their audience and had an ESOL staff member on the committee. He pointed out that the southwest was strong on year-round education, but no one had proof that it was benefitting that community.

Mrs. Gordon thanked the group for their in-depth look at this issue. The Board appreciated their time and effort.

Re: STATEMENT BY MS. GUTIERREZ

\*\*Ms. Gutierrez asked that the record reflect that she voted in favor of the appeals.

RESOLUTION NO. 41-95 Re: ADJOURNMENT

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

Resolved, That the Board of Education adjourn its meeting at 10:15 p.m.

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PRESIDENT

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SECRETARY

PLV:mlw