

APPROVED
46-1995

Rockville, Maryland
December 12, 1995

The Board of Education of Montgomery County met in regular session at the Carver Educational Services Center, Rockville, Maryland, on December 12, 1995, at 10:00 a.m.

ROLL CALL Present: Mrs. Beatrice B. Gordon, President
 in the Chair
 Mr. Stephen Abrams
 Dr. Alan Cheung
 Mr. Blair G. Ewing
 Mr. Reginald Felton
 Ms. Ana Sol Gutiérrez
 Mrs. Nancy King
 Mr. Charles McCullough

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

#indicates student vote does not count. Four votes needed for adoption.

Re: ANNOUNCEMENT

Mrs. Gordon stated that the Board of Education had been meeting in closed session to discuss personnel, legal and administrative matters. She also announced that Mr. Abrams and Dr. Cheung would be joining the meeting prior to the lunch break.

RESOLUTION NO. 826-95 Re: BOARD AGENDA - December 12, 1995

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

Resolved, That the Board of Education amend its agenda for December 12, 1995, and hold the election of officers after Public Comments.

RESOLUTION NO. 827-95 Re: RECOGNITION OF JOHN YORE, TEACHER AT
TILDEN MIDDLE SCHOOL

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

WHEREAS, Montgomery County Public Schools is extremely proud of the high caliber of its teachers and staff; and

WHEREAS, Outstanding teachers are critical in imparting knowledge and teaching decision-making skills; and

WHEREAS, Mr. John L. Yore teaches physical education, adaptive physical education, and science at Tilden Middle School and serves as coach for the Tilden Middle School math team; and

WHEREAS, Mr. John L. Yore taught fire safety to his students, including Alena Tune who recently saved her younger sister in a house fire using the technique taught her, by putting her four-year-old sister on her back and crawling out of the burning house to safety; and

WHEREAS, Mr. John L. Yore epitomizes those teacher characteristics so important in shaping the lives of our children by giving them the knowledge as well as the confidence to translate skills into practical applications; now therefore be it

Resolved, That the Montgomery County Board of Education, hereby present a commendation to Mr. John L. Yore for his effectiveness in teaching students about fire safety, that has proven instrumental in saving human lives.

Ms. Gutiérrez assumed the chair.

RESOLUTION NO. 828-95 Re: STADIUM FUNDING

On recommendation of Mrs. Gordon and on motion of Ms. Gutiérrez seconded by Mr. Felton, the following resolution was unanimously adopted by members present:**

WHEREAS, The children of Montgomery County and the state of Maryland deserve to have safe and adequate public school facilities; and

WHEREAS, The FY 1997 - 2002 Capital Improvement Program request of \$533 million does not adequately meet the facilities needs of Montgomery County Pubic Schools; and

WHEREAS, It is anticipated that enrollment pressures not addressed in this request are expected to require another \$48 million over the next six years and over the same period an additional \$120 million is needed to fund modernizations; and

WHEREAS, Montgomery County has requested FY 1997 state aid of \$70,090,000 in construction funds for 37 school projects (of which \$47 million remains outstanding), 10 systemic projects, and the movement of eight relocatable classrooms and in the subsequent five years from FY 1998 - 2002, the request is approximately \$136 million in state aid for current or formerly requested projects; and

WHEREAS, Montgomery County has forward funded 26 projects, the oldest of which was completed in 1985, and during the last 25 years Montgomery County has contributed on average 72% for every school construction project with the state paying 28%; and

WHEREAS, Montgomery County-s enrollment increased by more than 3,000 students this year and enrollment growth is projected by 15,000 students by 2001 and peak at 140,000 students around 2005; and

WHEREAS, Montgomery County Public Schools operates more than 60 schools built in the 1960s many of which are obsolete, uncomfortable, and fail to meet current educational and building standards; and

WHEREAS, The Governor has promised \$200 million of public funds to entice the Cleveland Browns to move to Baltimore at the same time that there are inadequate funds for educational facilities and programs; and

WHEREAS, The Board of Education has supported legislation in previous years which would have released the stadium funds for school construction; now therefore be it resolved

Resolved, That the Montgomery County Board of Education vehemently oppose the use of \$200 million in public funds for the construction of a football stadium; and be it further

Resolved, That the \$200 million be used to fund school construction; and be it further

Resolved, That the Montgomery County Board of Education enlist other school boards, elected officials, and advocacy groups to support the release of stadium funds for school construction; and be it further

Resolved, That a copy of this resolution be sent to the Governor, members of the Montgomery County delegation, the county executive, the Montgomery County Council, other local school boards, and advocacy groups.

** Mr. Abrams and Dr. Cheung announced that they would have supported this motion had they been present.

Mrs. Gordon assumed the chair.

Re: FOURTH ANNUAL REPORT ON THE
SYSTEMWIDE OUTCOME MEASURES OF THE
SUCCESS FOR EVERY STUDENT PLAN

Dr. Vance stated that the Board had received a copy of the Fourth Annual Report on the Systemwide Outcome Measures for the Success for Every Student Plan and invited the following staff to the table: Dr. Mary Helen Smith, acting associate superintendent for the Office of Instruction and Program Development; Dr. Phinnize J. Fisher, associate superintendent for School Administration; Dr. H. Benjamin Marlin, director of School Administration; Dr. Steven G. Seleznow, director of School Administration; Mr. Alfred J. Sklarew, principal of Diamond Elementary school; Ms. Mary D-Ovidio, principal of Broad Acres Elementary school; Ms. Jane Butler, principal of Bannockburn Elementary School; and Ms. Cecilia Speake, resource teacher at Parkland Middle school.

Mrs. Gemberling explained that the plan for the presentation was that staff would (1) go through each outcome; (2) show a video to summarize those outcomes; (3) describe unique school-based programs; (4) discuss accountability; and (5) present the need to communication successful practices to the community.

The Success for Every Student is build on 12 goals to:

1. Increase the percentage of students each year who meet the MSPP state standards so that within four years all racial groups in the system will meet the standard.
2. Increase the percentage of students each year who meet the MSPP state standards so that within four years all racial groups in each school will meet the standards.
3. Increase the percentage of students each year who meet the MSPP local standards so that within four years all racial groups in the system will meet the standards.
4. Increase the percentage of students each year who meet the MSPP standards so that within four years all racial groups in each school will meet the standards.
5. Increase completion by African American and Hispanic students of PreK-8 pre-algebra mathematics program that prepares students for successful completion of Algebra 1 in grade nine.
6. Increase participation of African American and Hispanic students in Honors and Advanced courses.
7. Increase participation and improve performance of African American and Hispanic students on PSATs and SATs.
8. Eliminate disproportionate suspension rates of African American and Hispanic students in the system.

9. Eliminate disproportionate suspension rates of African American and Hispanic students in each school.
10. Eliminate disproportionate representation of African American students within special education programs.
11. Increase the percentage of students each year who meets the Montgomery County Public Schools criterion referenced test proficiency levels so that within five years all racial groups in the system meet the standards.
12. Increase the percentage of students each year who meet the Montgomery County Public Schools criterion referenced test proficiency levels so that within five years all racial groups in each school meet the standards.

The videotape was shown that stated the goals and measured the success of MCPS=students over the past four year.

Ms. D'Ovidio explained how additional resources are used at Broad Acres Elementary School. Funds from a grant are utilized for support to teachers and assistance in planning, teaching, assessing, and training. Funds are used to provide substitute teachers in order for the teaching teams to have 2 day for planning. The staff and principal attend systemwide training and take information back to the staff to share in planning meetings as well as incorporate that information into lesson plans. Broad Acres is a pilot school for science that integrates reading.

Mr. Sklarew stated that SES funds are used to refocus and enhance the educational team in reading and instructional support. Students have been identified and invited to tutorial activities funded by SES with an activity bus. ISM progress is reviewed quarterly. Students participate in a mathathons. Successful writing is developed through a variety of strategies and reading focuses on tasks as well as entertainment. Staff training is an essential part of SES.

Ms. Butler described her school and the community where parents are involved. She meets with the parents and their student to discuss profile sheets. There are family nights where mathematics activities are shared with parents. These activities are school based and home based. One project was to have a school mail service where students were encouraged to write to other students, staff, and parents. Some students were nervous about test taking and activities have been designed to include sample test questions as well as test aids in the school newsletter. With the support of staff and the community, Broad Acres has made significant progress in SES.

Ms. Speake reported that the success at Parkland is based on the entire staff. There are tutoring programs for all curriculum as well as functional testing. Reading and math are taught throughout all disciplines. Students at risk are identified and offered additional help through tutoring and behavior management. The school has effective EMT and ARD teams

where successful activities can be planned focusing on students= goals, dreams, and career choice. Honors classes are encouraged for females and minorities. Parkland=s students have been tracked throughout high school and success can be predicted. Parents are involved through a Parent/Minority Affairs Committee as well as the PTA.

Mrs. Gemberling reiterated that SES funds have provided for unique teaching strategies along with a total school commitment and focus on the individual students there will be a continuing expectation for success. The focus and knowing what the outcomes should be lead to successful strategies being developed for individual students and school environments. Countywide test scores help administration recognize where extra resources are meeting the SES goals. Also, successful practices can be identified and utilized in other schools that are not as successful.

Dr. Seleznow reported on monitoring and data analyses. That data identifies schools that need extra resources to improve the outcomes for students. It is also important to diagnose the characteristics and strategies of highly successful schools to be used as a bench mark. Some bench marks are (1) whole school focus; (2) use of SIMS and data analysis, (3) increase time in critical content areas, (4) strategic staff deployment, (5) parent involvement and awareness, and (6) focus on staff training. If a school is not successful, these bench marks are applied to bridge the gap between its performance and the successful school. The key strategy is on getting schools to focus on achievement outcomes necessary to identify student success and make sure the outcomes can be measured.

Dr. Marlin outlined the school management plan that is a tool that reflects the focus areas the school should be working on based on data analysis. The director reviews the plans and sends written information back adding or deleting certain focus strategies. The key word is the empowerment to focus on successful approaches to get the job done with the principal, staff, and community working together.

Dr. Smith pointed out that the Office of Instruction and Program Development has been meeting with directors in the Office of School Administration to identify needs and may be designing action teams including staff in the areas of math, reading, special education, and ESOL. Staff is looking forward to setting bench marks and generating enthusiasm in building skill expertise and commitment.

Mrs. Gemberling added that a recognition program will publicly reward programs that are successful. The program can only be initiated after there is very clear objective criteria that can be measured. There needs to be recognition of schools that have met the standards as well as those schools that are making progress. It is important that the Board and senior staff acknowledge those successful schools.

Dr. Vance thanked the staff for their presentation. It has been his experience that it is virtually impossible to move a large institution in unison but the educational community's collaboration and cooperation is highly commendable.

Mr. Felton commended staff for their SES efforts. The philosophy and leadership of the principal are essential. Where the school does not progress as rapidly as expected and it has been identified as an issue of leadership, is there information about how that issue is addressed. Dr. Marlin commented that leadership sometimes tries to do too much and it is a matter of redirecting resources, scheduling, and integrating programs. There is release time for visiting successful programs for observation and replication. Dr. Seleznow pointed out that it is less a question of competence and more a question of focus. Some leaders need to be retained, coached, and empowered. The SES outcomes are very specific. Dr. Fisher said that diagnostic teams are sent to look at all data, staffing, and organization of the school.

Mr. Felton mentioned that the school system has shown that unsuccessful students are not necessarily related to income and race. The right attitude, approach, and team is a tremendous step forward for SES. Dr. Marlin said that the school system is not accepting alibies anymore. Dr. Seleznow stated that successful principals have never believed that income and race have an effect on the outcomes of student learning.

Mrs. King appreciated the good news report. The math scores in her daughter's school have improved and this program is working. She asked if the principals have flexibility and power to achieve the outcomes. Dr. Marlin reaffirmed that principals have an autonomy if they choose to use it. Dr. Seleznow stated that principals want their schools to be successful. The principals are empowered to make decisions and set priorities in the framework of the school system and its expectations.

Mr. Ewing stated that he was pleased with the approach and the results. He leaned toward making expectations clear to principals and that they are to participate in the development of successful practices. The Board needs to pursue the answer to the question -- what works, for whom, under what circumstances, with what level of resources? The school system is working with a reasonable hypothesis but it needs to be refined and sharpened by constant observation, review, and redirection.

The video unlocked some secrets of how to work with children in a community where they are very poor, where there is very little acquaintance with the English language, and where there is great difficulty in dealing with the complex needs of those students. The comment that there is a lot of autonomy in schools is certainly true and one does not want to stifle innovation, creativity, and variability because there are things to be learned from all those things. In order to make that work with principals, principals are going to need more help than they are getting or can get from the small number of people provided for their support.

Unless we recognize that and act on that, I think we are going to find this process increasingly more difficult to sustain. The bench marking effort is in itself a major tool but in order for it to be done correctly and, therefore, usefully, it will consume a great deal of staff time as well as resources. It is surprising in the world of bench marking activity how many people go to visit somewhere else without having a clear idea of what it is that they are doing themselves.

Mr. Ewing stated that the system is on the right track. It is going to take more resources and he hoped that the superintendent would begin to identify those because without placing those resources in the right places and to have a plan to sustain this, it will not build into what needs to be built.

Ms. Gutiérrez expressed her excitement with the presentation. She remembered setting the goals and vision for SES without a guarantee that it would work but with a commitment and a belief in the success for every student. There is evidence of a real change in approach, language, attitudes, and behaviors. The focus on outcomes builds a framework for the system when expectations are clearly set. Awards are very important in recognizing when things are going well. It is difficult to achieve a balance between the focus on the individual student's growth and the public's perception of public education. This data needs to be shared with the community on a systemwide basis. Dr. Fisher stated that Mr. Porter is working on a plan to communicate the success throughout the county.

Mrs. Gordon thanked the staff for the presentation. Credit goes to all principals, staff, and parents who support public education. The Board is dedicated to this plan in setting high expectations and eliminating the myth that only some students can achieve high standards. The Board acknowledges that not all students come to school equally prepared but that is not an excuse. The school system is focusing on both weaknesses and strengths and working to improve instruction. The team approach and building strategies that work focus on success for every student. As the system shifts from focusing on how the system is doing and focuses on how the student is doing, there has been overall improvement.

RESOLUTION NO. 829-95 PROCUREMENT CONTRACTS MORE THAN \$25,000

On recommendation of the superintendent and on motion of Ms. Gutiérrez 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 bids as follows:

C96- Tires and Tubes
041Awardees

Alban Tire Company	\$ 182,147
Goodyear Commercial Tire Services	33,238
Henderson Tire and Auto Center, Inc.	27,137 *
Merchants Tire and Auto Centers	13,543
Metropolitan Fleet Service	<u>25,320</u>
Total	\$ 281,385

32-94 Electrical Supplies and Equipment - Extension

Awardees

Advent Electric, Inc.	\$ 980
Allegheny Electronics, Inc.	1,029
Allied Sales Corporation	4,490
Branch Electric Supply	120,413
Davis Instruments	1,150
Grainger	19,126
Ideal Electrical Supply Corp.	17,943 *
Mark Electronics Supply, Inc.	1,700
C.N. Robinson	22,796
Tri-County Electrical Supply Company, Inc.	<u>353,228</u>
Total	\$ 542,855

48-94 Apple Computers - Extension

Awardee

Apple Computer, Inc.	\$3,500,000
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56-94 Voice Mail Processing System - Extension

Awardee

Microlog Corporation	\$ 29,916
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113-95 HVAC Service Contract - Extension

Awardees

Boland Trane Services	\$ 72,152
Carrier Building Systems & Service	41,865
AAF-McQuay Inc./dba McQuay Service	<u>8,263</u>
Total	\$ 122,280

41-96 Frozen Foods, Fish and Eggs

Awardees

Alliant Foodservice, Inc.	\$ 20,564
Carroll County Foods	47,514
Continental Foods, Inc.	5,625
Dori Foods, Inc.	1,637
Karetas Foods, Inc.	12,013
Shane Meat Company	2,458
Smelkinson/Sysco	<u>30,351</u>
Total	\$ 120,162

42-96 Processed Meats

Awardees

Alliant Foodservice, Inc.	\$ 5,640
Continental Foods, Inc.	28,779
Smelkinson/Sysco	<u>11,179</u>
Total	\$ 45,598

43-96 Frozen Potatoes

Awardee

Cavendish Farms, Inc.	\$ 359,000
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61-96 Apple and DOS Computer Repair Parts

Awardees

Allied Telesyn International Corporation	\$ 8,845
Best Buy Company	32,480
D & H Distributing	6,403
Daly Computers, Inc.	11,715 *

Data Connect Enterprise	71,333
Egghead Software	13,880
Lee Hartman and Sons, Inc.	1,961
Landon Systems Corporation	57,794
Marco International, Inc.	5,189 *
PC Technology/dba Entre Computer Center	2,155 *
Scantron Quality Computers	13,481
Ztek Company	<u>1,215</u>
Total	\$ 226,451

71-96 Dual Inline Memory Module (DIMM)

Awardee

City Computers	\$ 28,539
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80-96 Cafeteria Disposable Supplies

Awardees

Acme Paper and Supply Company	\$ 53,913
C & K Manufacturing and Sales Company	5,715
Calico Industries, Inc.	15,707
Feeser's, Inc.	6,694
S. Freedman and Sons	69,076
Kahn Paper Company, Inc.	354,490
Smelkinson/Sysco	<u>41,802</u>
Total	\$ 547,397

84-96 Door Hardware, Closures and Exit Devices

Awardees

Ace Lock and Security Supply	\$ 19,008
American Lock and Supply	2,100
Capitol Lock and Hardware Company	10,581 *
Clark Security Products	14,906
Door Closer Service Company	16,216 *
MSF County Services Company	14,356
Precision Doors and Hardware	10,000
Safemaster Company, Inc.	601
Southern Lock and Supply	6,175

Taylor Security and Lock Company, Inc.	<u>27,132</u>
Total	\$ 121,075

MORE THAN \$25,000 \$5,924,658

Formal bids and RFPs were obtained and evaluated by the Procurement Office in consultation with the users. The tabulations, cost comparisons, and budget account verifications are available in procurement's files.

* Denotes MFD vendors

RESOLUTION NO. 830-95 Re: GRANT OF RIGHT-OF-WAY AT SHERWOOD
HIGH SCHOOL

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

WHEREAS, The Washington Suburban Sanitary Commission has requested a grant of right-of-way at the Sherwood High School site, located at 300 Olney-Sandy Spring Road in Sandy Spring; and

WHEREAS, The proposed grant of right-of-way, consisting of 4,694 square feet, is necessary to relocate an existing sanitary sewer as a part of the construction of an addition to Sherwood High School, with all construction and restoration to be carried out as a part of the capital project at the school; and

WHEREAS, The proposed grant of right-of-way will not adversely affect any land anticipated to be utilized for school purposes and would benefit the community by allowing for the expansion of the school building; now therefore be it

Resolved, That the president and secretary of the Board of Education be authorized to execute a grant of right-of-way of 4,694 square feet to the Washington Suburban Sanitary Commission at Sherwood High School.

RESOLUTION NO. 831-95 Re: CHEVY CHASE ELEMENTARY SCHOOL OPEN
SPACE AGREEMENT

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

WHEREAS, The Town of Chevy Chase and the Chevy Chase Elementary School PTA would like to request funding through Program Open Space grants from the Maryland Department of Natural Resources for a school playground project; and

WHEREAS, The Town of Chevy Chase has submitted a joint use agreement for the construction, maintenance, and utilization of the playground; and

WHEREAS, Staff and our attorneys have reviewed the agreement; now therefore be it

Resolved, That the superintendent of schools be authorized to execute a joint use agreement with the Town of Chevy Chase for the construction, maintenance, and utilization of a portion of the Chevy Chase Elementary School site for a school playground project.

RESOLUTION NO. 832-95 Re: UTILIZATION OF FY 1996 FUTURE
SUPPORTED PROJECT FUNDS FOR THE
PAINT BRANCH HIGH SCHOOL ENGINEERING
PROJECT

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

Resolved, That the superintendent of schools be authorized to receive and expend within the FY 1996 Provision for Future Supported Projects a grant award of \$15,000 from the National Science Foundation, via the University of Maryland at College Park College of Engineering, to train a physics teacher in engineering design, in the following categories:

<u>Category</u>	<u>Positions*</u>	<u>Amount</u>
2 Instructional salaries	0.4	\$12,500
10 Fixed charges	—	<u>2,500</u>
Total	<u>0.4</u>	<u>\$15,000</u>

* 0.4 Teacher, Grade A-D (10-month)

and be it further

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

RESOLUTION NO. 833-95 Re: UTILIZATION OF FY 1996 FUTURE
SUPPORTED PROJECT FUNDS FOR THE
EMERGENCY IMMIGRANT EDUCATION
PROGRAM

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

Resolved, That the superintendent of schools be authorized to receive and expend within the FY 1996 Provision for Future Supported Projects an additional grant award of \$59,252 from the Maryland State Department of Education, under the Emergency Immigrant Education Act (P.L. 98-511, Title VI), to provide supplementary educational services to immigrant students in Grades K-12, in the following categories:

<u>Category</u>	<u>Amount</u>
2 Instructional Salaries	\$39,122
3 Other Instructional Costs	17,000
10 Fixed Charges	<u>3,130</u>
Total	<u>\$59,252</u>

and be it further

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

RESOLUTION NO. 834-95 Re: UTILIZATION OF FY 1996 FUTURE
SUPPORTED PROJECT FUNDS FOR THE
HEAD START CHILD DEVELOPMENT
PROGRAM

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

Resolved, That the superintendent of schools be authorized to receive and expend within the FY 1996 Provision for Future Supported Projects a grant award of \$23,000 from the U.S. Department of Health and Human Services, through the Montgomery County Department of Health and Human Services, Community Action Agency, for the Head Start Child Development Program, in category 3, other instructional costs; and be it further

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

RESOLUTION NO. 835-95 Re: RECOMMENDATION TO SUBMIT A FY 1996
GRANT PROPOSAL FOR A FIELD INITIATED
STUDY OF THE ASSESSMENT OF
CULTURALLY AND LINGUISTICALLY DIVERSE
YOUNG CHILDREN

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

Resolved, That the superintendent of schools be authorized to submit a FY 1996 grant proposal of \$540,868 for three years to the U.S. Department of Education Office of Educational Research and Development, National Institute on Early Childhood Development and Education, to study the diagnosis of language delays and impairments in culturally and linguistically diverse young children; and be it further

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

RESOLUTION NO. 836-95 Re: PERSONNEL MONTHLY REPORT

On recommendation of the superintendent and on motion of Mrs. King seconded by Ms. Gutiérrez, the report was adopted unanimously by members present.

RESOLUTION NO. 837-95 Re: DEATH OF BARBARA L. BARBACCIA

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

WHEREAS, The death on November 25, 1995, of Mrs. Barbara L. Barbaccia, a classroom teacher on personal illness leave from Edison Career Center, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, Mrs. Barbaccia was a teacher with Montgomery County Public Schools for more than eight years during which time she expanded student interest to consider culinary arts as a true art form; and

WHEREAS, Mrs. Barbaccia did an outstanding job with the restaurant management program and her professional demeanor created a highly effective program; now therefore be it

Resolved, That the members of the Board of Education express their sorrow at the death of Mrs. Barbara L. Barbaccia and extend deepest sympathy to her family; and be it further

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

Re: CLOSED SESSION

Mrs. Gordon announced that the Board had recessed for lunch and a closed session from 11:55 a.m. to 2:00 p.m.

* Mr. Abrams and Dr. Cheung joined the meeting at this point.

Re: PUBLIC COMMENTS

1. Phyllis Parks-Robinson, MCEA
2. Lindsay Colen

Re: ELECTION OF OFFICERS

The superintendent announced that as secretary-treasurer of the Board of Education he would preside until the election of the president. To be elected president or vice president, a member needed five votes, and all members were in nomination.

Dr. Vance announced the results of the first ballot:

Mr. Abrams voted for Mrs. Gordon
Dr. Cheung voted for Dr. Cheung
Mr. Ewing voted for Ms. Gutiérrez
Mr. Felton voted for Ms. Gutiérrez
Mrs. Gordon voted for Mr. Felton
Ms. Gutiérrez voted for Ms. Gutiérrez
Mrs. King voted for Mrs. Gordon
Mr. McCullough voted for Ms. Gutiérrez

Dr. Vance announced the results of the second ballot:

Mr. Abrams voted for Mrs. Gordon
Dr. Cheung voted for Ms. Gutiérrez
Mr. Ewing voted for Ms. Gutiérrez
Mr. Felton voted for Ms. Gordon
Mrs. Gordon voted for Mrs. Gordon
Ms. Gutiérrez voted for Ms. Gutiérrez

Mrs. King voted for Mrs. Gordon
Mr. McCullough voted for Ms. Gutiérrez

Dr. Vance announced the results of the third ballot:

Mr. Abrams voted for Mrs. Gordon
Dr. Cheung voted for Ms. Gutiérrez
Mr. Ewing voted for Ms. Gutiérrez
Mr. Felton voted for Ms. Gordon
Mrs. Gordon voted for Mr. Felton
Ms. Gutiérrez voted for Ms. Gutiérrez
Mrs. King voted for Mrs. Gordon
Mr. McCullough voted for Ms. Gutiérrez

Dr. Vance announced the results of the fourth ballot:

Mr. Abrams voted for Mrs. Gordon
Dr. Cheung voted for Ms. Gutiérrez
Mr. Ewing voted for Ms. Gutiérrez
Mr. Felton voted for Mrs. Gordon
Mrs. Gordon voted for Mrs. Gordon
Ms. Gutiérrez voted for Ms. Gutiérrez
Mrs. King voted for Mrs. Gordon
Mr. McCullough voted for Ms. Gutiérrez

Dr. Vance announced the results of the fifth ballot:

Mr. Abrams voted for Mrs. Gordon
Dr. Cheung voted for Ms. Gutiérrez
Mr. Ewing voted for Ms. Gutiérrez
Mr. Felton voted for Ms. Gutiérrez
Mrs. Gordon voted for Mr. Felton
Ms. Gutiérrez voted for Ms. Gutiérrez
Mrs. King voted for Mrs. Gordon
Mr. McCullough voted for Dr. Vance

Dr. Vance announced the results of the sixth ballot:

Mr. Abrams voted for Mrs. Gordon
Dr. Cheung voted for Ms. Gutiérrez
Mr. Ewing voted for Ms. Gutiérrez
Mr. Felton voted for Mr. Felton
Mrs. Gordon voted for Mr. Felton
Ms. Gutiérrez voted for Ms. Gutiérrez
Mrs. King voted for Mrs. Gordon
Mr. McCullough voted for Ms. Gutiérrez

Dr. Vance announced the results of the seventh ballot:

- Mr. Abrams voted for Mrs. Gordon
- Dr. Cheung voted for Mrs. Gordon
- Mr. Ewing voted for Ms. Gutiérrez
- Mr. Felton voted for Ms. Gutiérrez
- Mrs. Gordon voted for Mrs. Gordon
- Ms. Gutiérrez voted for Ms. Gutiérrez
- Mrs. King voted for Mrs. Gordon
- Mr. McCullough voted for Ms. Gutiérrez

Dr. Vance announced the results of the eighth ballot:

- Mr. Abrams voted for Mrs. Gordon
- Dr. Cheung voted for Mrs. Gordon
- Mr. Ewing voted for Ms. Gutiérrez
- Mr. Felton voted for Ms. Gutiérrez
- Mrs. Gordon voted for Mrs. Gordon
- Ms. Gutiérrez voted for Ms. Gutiérrez
- Mrs. King voted for Mrs. Gordon
- Mr. McCullough voted for Ms. Gutiérrez

Dr. Vance announced the results of the ninth ballot:

- Mr. Abrams voted for Mrs. Gordon
- Dr. Cheung voted for Ms. Gutiérrez
- Mr. Ewing voted for Ms. Gutiérrez
- Mr. Felton voted for Mrs. Gordon
- Mrs. Gordon voted for Dr. Cheung
- Ms. Gutiérrez voted for Ms. Gutiérrez
- Mrs. King voted for Mrs. Gordon
- Mr. McCullough voted for Ms. Gutiérrez

Dr. Vance announced the results of the tenth ballot:

- Mr. Abrams voted for Mrs. Gordon
- Dr. Cheung voted for Ms. Gutiérrez
- Mr. Ewing voted for Ms. Gutiérrez
- Mr. Felton voted for Ms. Gutiérrez
- Mrs. Gordon voted for Mr. Ewing
- Ms. Gutiérrez voted for Ms. Gutiérrez
- Mrs. King voted for Mrs. Gordon
- Mr. McCullough voted for Mr. McCullough

Dr. Vance announced the results of the eleventh ballot:

Mr. Abrams voted for Mrs. Gordon
Dr. Cheung voted for Ms. Gutiérrez
Mr. Ewing voted for Ms. Gutiérrez
Mr. Felton voted for Ms. Gutiérrez
Mrs. Gordon voted for Dr. Cheung
Ms. Gutiérrez voted for Ms. Gutiérrez
Mrs. King voted for Mrs. Gordon
Mr. McCullough voted for Ms. Gutiérrez

Ms. Gutiérrez was elected president and assumed the chair.

Ms. Gutiérrez stated that she was honored to be elected. This is a magnificent institution. I have known it for most of my life in several experiences. It has served me well personally in educating me and my son. I have been able to serve on the Board for five years. There is not another experience where I have grown and learned so much as from the Montgomery County Board of Education. I thank my colleagues. I have heard you and I have heard you well, and I pledge to you that I will serve the Board and all the children of Montgomery County to the best of my ability. Thank you very much. @

Dr. Vance on the behalf of the Board of Education, the school system, and the Montgomery County community presented Mrs. Gordon with a gift as a token of appreciation.

Mrs. Gordon thanked everyone on the Board and staff who have supported her during her presidency. She has every confidence that that support will carry forward to Ms. Gutiérrez. She wished Ms. Gutiérrez well and offered her support to Ms. Gutiérrez during her presidency.

Ballots for vice president were distributed.

Ms. Gutiérrez announced the results of the first ballot:

Mr. Abrams voted for Mr. Felton
Dr. Cheung voted for Mrs. King
Mr. Ewing voted for Mr. Felton
Mr. Felton voted for Mrs. King
Mrs. Gordon voted for Dr. Cheung
Ms. Gutiérrez voted for Mr. Felton
Mrs. King voted for Dr. Cheung
Mr. McCullough voted for Mr. McCullough

Ms. Gutiérrez announced the results of the second ballot:

Mr. Abrams voted for Mrs. King
Dr. Cheung voted for Mrs. King
Mr. Ewing voted for Mr. Felton

Mr. Felton voted for Mr. Felton
Mrs. Gordon voted for Mrs. King
Ms. Gutiérrez voted for Mr. Felton
Mrs. King voted for Mrs. King
Mr. McCullough voted for Mr. McCullough

Ms. Gutiérrez announced the results of the third ballot:

Mr. Abrams voted for Mrs. King
Dr. Cheung voted for Mrs. King
Mr. Ewing voted for Mr. Felton
Mr. Felton voted for Mr. Felton
Mrs. Gordon voted for Mr. Felton
Ms. Gutiérrez voted for Mr. Felton
Mrs. King voted for Mr. Felton
Mr. McCullough voted for Mr. McCullough

Mr. Felton was elected vice president.

Mr. Felton thanked his colleagues for their confidence in him and stated that he looks forward to continued support on the issues that they all believe are very, very important for the students of Montgomery County.

Re: MR. ABRAMS= AMENDMENT TO THE SCHOOL
CALENDAR FOR 1996-97 (FAILED)

On motion of Mr. Abrams and seconded by Mrs. King to amend the school calendar to reflect 183 instructional days with 191 duty days for teachers by consolidating the four 2 days used for preparation of report cards to 2 full days failed with Mr. Abrams, Mr. Felton, and Mrs. King voting in the affirmative; Dr. Cheung, Mr. Ewing, Mrs. Gordon, Ms. Gutiérrez, and Mr. McCullough voting in the negative.

RESOLUTION NO. 838-95 Re: SCHOOL CALENDAR FOR 1996-97

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

WHEREAS, The establishment of school terms by the County Board of Education is required by state law; now therefore be it
Resolved, That the proposed school calendar for 1996-97 be adopted.

Re: STUDENT RIGHTS POLICY AND SEPARATE
DISCIPLINE POLICY

On recommendation of the superintendent and on motion of Mr. Felton seconded by Dr. Cheung, the following two policies were put on the table:

WHEREAS, In 1977, the Board of Education adopted a Statement of Discipline and it was appended to the Student Rights and Responsibilities Handbook, Section M of the *Policies and Regulations Handbook*; and

WHEREAS, In August 1994, the superintendent published a new Regulation JFA-RA, *Implementation of Student Rights and Responsibilities*, to replace the Staff Implementation Guidelines of Section M and at the same time published *A Student's Guide to Rights and Responsibilities in Montgomery County Public Schools* for students; and

WHEREAS, On March 14, 1995, the Board of Education reviewed a policy analysis of the student rights and responsibilities; and

WHEREAS, The members of the Board of Education requested the preparation of a separate policy on discipline using the Statement of Discipline from the *Student Rights and Responsibilities Policy* as a framework; and

WHEREAS, Staff has updated and reformatted the policy on *Student Rights and Responsibilities* (Policy JFA); and

WHEREAS, A new policy has been developed to create a separate policy on discipline.

RESOLUTION NO. 839-95 Re: AMENDMENT TO THE STUDENT RIGHTS
POLICY AND SEPARATE DISCIPLINE POLICY

On motion of Mrs. Gordon and seconded by Mr. McCullough, the following resolution was adopted unanimously:

Resolved, That the Board of Education amend Policy JGA to include in the Purpose:

To promote a disciplined environment that is safe and does not tolerate disrespect; and

To clearly communicate expected students behaviors to students, staff, and parents.

RESOLUTION NO. 840-95 Re: AMENDMENT TO THE STUDENT RIGHTS
POLICY AND SEPARATE DISCIPLINE POLICY

On motion of Mrs. Gordon and seconded by Mrs. King, the following resolution was adopted unanimously:

Resolved, That the Board of Education amend Policy JGA under Issue to read:

Schools should be communities in which positive behavior is **expected** and modeled within an environment of mutual respect.

RESOLUTION NO. 841-95 Re: MCEA-s PROPOSES AMENDMENTS TO THE
STUDENT RIGHTS POLICY AND SEPARATE
DISCIPLINE POLICY

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

Resolved, That the Board of Education send out for comment MCEAs proposed amendments along with MCPS proposed policies JGA and JFA.

RESOLUTION NO. 842-95 Re: AMENDMENT TO THE STUDENT RIGHTS
POLICY AND SEPARATE DISCIPLINE POLICY

On motion of Mr. McCullough and seconded by Mrs. King, the following resolution was adopted with Dr. Cheung, Mr. Ewing Mr. Felton, Mrs. Gordon, Ms. Gutiérrez, Mrs. King, and Mr. McCullough voting in the affirmative; Mr. Abrams voting in the negative:

Resolved, That the Board of Education Policy JGA under Position, 1. b) to read:

The Board believes that this philosophy will foster the development of **positive**, self-disciplined, self-reliant personalities capable of behaving appropriately as the situation demands.

RESOLUTION NO. 843-95 Re: AMENDMENT TO THE STUDENT RIGHTS
POLICY AND SEPARATE DISCIPLINE POLICY

On motion of Mr. McCullough and seconded by Mrs. King, the following resolution was adopted with Dr. Cheung, Mr. Ewing Mr. Felton, Mrs. Gordon, Ms. Gutiérrez, Mrs. King, and Mr. McCullough voting in the affirmative; Mr. Abrams voting in the negative:

Resolved, That the Board of Education Policy JGA under Position, 1. b) to read:

While causes are not always evident, misbehavior may be related to **other** factors. **It is important for staff to consider that misbehavior could be a symptom. Effective discipline depends on the cause of the behavior. Staff members are encouraged to explore causes and involve the family to seek solutions.**

RESOLUTION NO. 844-95 Re: AMENDMENT TO THE STUDENT RIGHTS
POLICY AND SEPARATE DISCIPLINE POLICY

On motion of Mr. Ewing and seconded by Mr. McCullough, the following resolution was adopted with Mr. Abrams, Dr. Cheung, Mr. Ewing, Ms. Gutiérrez, Mrs. King, and Mr. McCullough voting in the affirmative; Mrs. Gordon and Mr. Felton voting in the negative:

Resolved, That the Board of Education amend Policy JGA under Student Behavior a) eliminate the term in general and it will read:

Student conduct that disrupts class work, involves disorder, or invades the rights of others will not be tolerated and may be cause for suspension or other disciplinary action.

RESOLUTION NO. 845-95 Re: AMENDMENT TO THE STUDENT RIGHTS
POLICY AND SEPARATE DISCIPLINE POLICY

On motion of Dr. Cheung and seconded by Mrs. Gordon, the following resolution was adopted unanimously:

Resolved, That the Board of Education amend Policy JGA under Student Behavior b) to read:

The administration of discipline will focus not **only** on punishment but **also** on changing or **managing** inappropriate behavior.

* Mr. Abrams temporarily left the meeting.

RESOLUTION NO. 846-95 Re: AMENDMENT TO THE STUDENT RIGHTS
POLICY AND SEPARATE DISCIPLINE POLICY

On motion of Mr. Ewing and seconded by Dr. Cheung, the following resolution was adopted with Dr. Cheung, Mr. Ewing, Mr. Felton, Mrs. Gordon, Ms. Gutiérrez, and Mrs. King voting in the affirmative; Mr. McCullough abstaining:

Resolved, That the Board of Education amend Policy JGA under Student Behavior d) to read:

Each school will maintain a local school discipline policy **consistent with the philosophy of this policy and providing for full participation of parents, students, and staff.**

* Mr. Abrams rejoined the meeting.

RESOLUTION NO. 847-95 Re: AMENDMENT TO THE STUDENT RIGHTS
POLICY AND SEPARATE DISCIPLINE POLICY

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

Resolved, That the Board of Education amend Policy JGA under School Climate to read:

The superintendent will implement a comprehensive plan for safety and security that will **ensure a learning environment that protects the rights**, health, and welfare of the entire school community.

* Dr. Cheung temporarily left the meeting.

RESOLUTION NO. 848-95 Re: AMENDMENT TO THE STUDENT RIGHTS
POLICY AND SEPARATE DISCIPLINE POLICY

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

Resolved, That the Board of Education amend Policy JGA under Desired Outcomes to read:

Parents will be well informed about school discipline policies and will be encouraged to participate in efforts to ensure that schools are safe and orderly.

* Dr. Cheung rejoined the meeting.

Re: MR. MCCULLOUGH'S AMENDMENT TO THE
STUDENT RIGHTS POLICY AND SEPARATE
DISCIPLINE POLICY (FAILED)

The motion by Mr. McCullough and seconded by Mr. Felton to amend the Section 13, Dress and Grooming, by adding that the principal has the responsibility for assuring that this as entrusted by the Board is not abridged and that this right is carried out irrespective of gender failed with Mr. McCullough voting in the affirmative; Mr. Abrams, Dr. Cheung, Mr. Ewing, Mr. Felton, Mrs. Gordon, Ms. Gutiérrez, and Mrs. King voting in the negative.

Re: AMENDMENT TO THE STUDENT RIGHTS
POLICY AND SEPARATE DISCIPLINE POLICY

On motion of Mr. Abrams and seconded by Mrs. King, the following resolution was presented:

Resolved, That the Board of Education amend Policy JFA under Student Records before line 642 to read:

Student-s records shall include a disciplinary history.

RESOLUTION NO. 849-95 Re: SUBSTITUTE MOTION TO THE AMENDMENT
TO THE STUDENT RIGHTS POLICY AND
SEPARATE DISCIPLINE POLICY

On motion of Mr. Ewing and seconded by Mr. Felton, the following resolution was adopted with Mr. Abrams, Dr. Cheung, Mr. Ewing, Mr. Felton, Ms. Gutiérrez, and Mrs. King voting in the affirmative; Mrs. Gordon and Mr. McCullough voting in the negative:

Resolved, That the Board of Education postpone action on the amendment that student-s records shall include a disciplinary history; and be it further

Resolved, That the Board of Education request the superintendent to consult with legal counsel and school system staff to develop options in order for school staff to have access to important information about students; and be it further

Resolved, That the Board of Education shall have these options prior to final action on the Students Rights Policy.

RESOLUTION NO. 850-95 Re: AMENDMENT TO THE STUDENT RIGHTS
POLICY AND SEPARATE DISCIPLINE POLICY

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

Resolved, That the Board of Education amend Policy JFA under Discipline a) to add:

All students and staff have a right to schools and classrooms that are free from disruptions.

RESOLUTION NO. 851-95 Re: AMENDMENT TO THE STUDENT RIGHTS
POLICY AND SEPARATE DISCIPLINE POLICY

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

Resolved, That the Board of Education amend Policy JFA under Discipline a) (2) to add:

Parents should become more involved in the school life of their children.

RESOLUTION NO. 852-95 Re: AMENDMENT TO THE STUDENT RIGHTS
POLICY AND SEPARATE DISCIPLINE POLICY

On motion of Mr. McCullough and seconded by Mr. Felton, the following resolution was adopted unanimously:

Resolved, That the Board of Education amend Policy JFA under Discipline a) (4) (b) to read:

Implement specific plans for effective student, parent, and staff participation in the formulation and review of the local school discipline policy **consistent with MCPS policy.**

RESOLUTION NO. 853-95 Re: AMENDMENT TO THE STUDENT RIGHTS
POLICY AND SEPARATE DISCIPLINE POLICY

On motion of Mr. McCullough and seconded by Mr. Ewing, the following resolution was adopted with Dr. Cheung, Mr. Ewing, Mr. Felton, Mrs. Gordon, Ms. Gutiérrez, Mrs. King, and Mr. McCullough voting in the affirmative; Mr. Abrams voting in the negative:

Resolved, That the Board of Education amend Policy JFA under Discipline a) (5) (a) to read:

Assist the school in applying this policy and help in developing the local disciplinary codes that complement **and adhere to** the countywide statement.

RESOLUTION NO. 854-95 Re: AMENDMENT TO THE STUDENT RIGHTS
POLICY AND SEPARATE DISCIPLINE POLICY

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

Resolved, That the Board of Education amend Policy JFA under Review and Reporting, 1. to read:

A committee composed of equal representation from faculty, parents, administrators, and students shall make recommendations **based on, among other information, the evaluations as provided in Section 16 a) (6) of this policy.**

RESOLUTION NO. 855-95 Re: TENTATIVE APPROVAL OF THE STUDENT
RIGHTS POLICY AND SEPARATE DISCIPLINE
POLICY

On motion of Mr. Felton and seconded by Dr. Cheung, the following resolution was adopted unanimously:

Resolved, That the Board of Education tentatively approve the following Policy JGA (Student Discipline) and Policy JFA (Student Rights and Responsibilities) as amended; and be it further

Resolved, That the Board of Education send out for comment MCEAs proposed amendments along with MCPS= tentatively approved policies JGA and JFA.

POLICY JGA -- Student Discipline

A. PURPOSE

1. To provide a philosophy of discipline that will guide staff and students in promoting good behavior in an environment that is conducive to effective and efficient learning
2. **To promote a disciplined environment that is safe and does not tolerate disrespect**

3. To ensure that our students and staff are protected against disruptive behavior and encouraged to participate in the pursuit of higher social standards for behavior and respect for others
4. **To clearly communicate expected student behaviors to students, staff, and parents**

B. ISSUE

The Board of Education of Montgomery County believes that learning is a continuous evolutionary process. The Board also believes that while learning is not confined to a school building, it is nonetheless the primary function of the school. Like all social institutions, the school must evolve a certain set of rules and regulations to govern its participants and to facilitate the performance of its primary function. These rules should reflect a balance between the responsibilities and rights of the individual and the responsibilities and rights of the group. They must also reflect the need to promote good behavior in an environment that is conducive to effective and efficient learning and the need for mutual respect and cooperation between all segments of the school community. Schools should be communities in which positive behavior is **expected** and modeled within an environment of mutual respect and dignity.

C. POSITION

1. Philosophy
 - a) In a school system the size of Montgomery County, absolutely consistent application of a discipline policy, if valued as the overriding consideration and taken to the extreme, would require the listing of every possible infraction with a specific, mandated disciplinary action in response to each. At the other extreme, recognition of both the diversity of community settings within the county and the individuality of each disciplinary situation would suggest that each school should establish its own disciplinary standards and apply them only as appropriate to each student's situation. The Board finds the need to balance these two opposing considerations and, therefore, elects to follow a middle-ground policy. Certain major infractions are recognized as requiring consistent countywide actions from and direction for all schools. For these infractions, a specified range of responses must be utilized by all school personnel, with the

severity and/or frequency of the infraction determining where in the range the penalty should lie. At the same time, for disciplinary infractions not established with mandated disciplinary actions, development of appropriate standards and responses will remain an individual school responsibility subject to review by the appropriate director in the Office of School Administration. Input from students, parents, and school personnel will permit these disciplinary actions to be tailored to the needs and desires of each community within the county. The Board seeks in this way to provide consistent responses to the more severe infractions without prejudging every disciplinary situation and without depriving individual school administrators of the opportunity for flexible and creative responses to the vast majority of cases.

- b) The Board believes that discipline is learned and, therefore, can and should be taught in the home, school, and community. The child also learns through experience and imitation of those around him. Discipline is a developmental process. As the child matures, he/she should be given increased responsibility in keeping with his/her developmental level and social maturity and every opportunity to practice self-discipline in order to positively reinforce responsible action. The ultimate goal should be the internalization of discipline so that little external enforcement is required. The Board believes that this philosophy will foster the development of **positive**, self-disciplined, self-reliant personalities capable of behaving appropriately as the situation demands. It hopes that this philosophy will produce individuals with social consciences who see the good sense in acceptable behavior and who are spared the consequences of misbehavior.

While causes are not always evident, misbehavior may be related to **other** factors. **It is important for staff to consider that misbehavior could be a symptom. Effective discipline depends on the cause of the behavior. Staff members are encouraged to explore causes and involve the family to seek solutions.** In some instances, changing the environment will be the most appropriate response; in other situations, the student and his behavior must be dealt with directly.

2. Student Behavior

- a) Student conduct that disrupts class work, involves disorder, or invades the rights of others will not be tolerated and may be cause for suspension or other disciplinary action.
- b) The administration of discipline will focus not **only** on punishment but **also** on changing or **managing** inappropriate behavior. To that end, all available resources should be utilized. Fair, firm, and consistent application of disciplinary action is expected, and students should be made aware of the consequences of misbehavior. It is equally important that there be careful evaluation of the individual situation so that the school's response to the student is appropriate.
- c) The superintendent will ensure that major infractions that are recognized as requiring consistent countywide actions from and direction for all schools are described in Regulation JFA-RA: *Students Rights and Responsibilities* and summarized in the *Student Guide to Rights and Responsibilities*. Major infractions include but are not limited to weapons, intoxicants, portable communications devices, and sexual harassment.
- d) Each school will maintain a local school discipline policy **consistent with the philosophy of this policy and providing for full participation of parents, students, and staff.**

3. School Climate

The superintendent will implement a comprehensive plan for safety and security that will **ensure a learning environment that** protects the **rights**, health, and welfare of the entire school community.

D. DESIRED OUTCOMES

1. Students will learn about their rights and responsibilities.
2. Schools will be safe and orderly environments where students are engaged in learning.
3. Students will exercise self-discipline and become productive citizens.

4. **Parents will be well informed about school discipline policies and will be encouraged to participate in efforts to ensure that schools are safe and orderly.**

E. IMPLEMENTATION GUIDELINES

1. Information from this policy will be described in *The Student's Guide to Rights and Responsibilities* which will be made available to all elementary school students and will be distributed to all students entering secondary schools.
2. Specific rights and responsibilities which all members of the school community should assume are presented in Regulation JFA-RA: *Student Rights and Responsibilities*.
3. Each school is responsible for disciplinary infractions not established with mandated disciplinary actions based on analysis of local data and input from students, parents, and school personnel.
4. Procedures for disciplining students for major infractions that require consistent countywide actions from and direction for all schools are found in specific regulations such as:
 - a) Regulation ACF-RA: *Sexual Harassment*
 - b) Regulation COC-RA: *Trespassing, Disturbances, and Disorders on MCPS Property*
 - c) Regulation COE-RA: *Weapons on MCPS Property*
 - d) Regulation COF-RA: *Intoxicants on MCPS Property*
 - e) Regulation COG-RA: *Portable Communication Devices*
 - f) Regulation ECC-RA: *Loss of MCPS Property*
 - g) Regulation GDB-RA: *Protection of Employees, Students, and Property*
 - h) Regulation JGA-RA: *Maintenance of Classroom Control and Discipline*

- i) Regulation JGA-RB: *Suspension and Expulsion of an MCPS Student*
 - j) Regulation JGB-RA: *Search and Seizure*
 - 5. The superintendent will strengthen existing instructional programs to include such skills as respect for others, conflict resolution, interpersonal relations, etc. Efforts to improve discipline should include students in identifying effective classroom management strategies and problem solving in a diverse environment.
 - 6. The superintendent will monitor legislative issues of concern to the safety and security of the MCPS community and report to the Board, particularly those items for which positions need to be taken.
 - 7. The superintendent will seek alternative strategies to accommodate students who are chronically disruptive and/or dangerous to the school community, which may include, but not be limited to, opportunities to:
 - a. Strengthen classroom behavior management skills
 - b. Expand the repertoire of curriculum based instruction about conflict resolution, positive social skills, and problem solving
 - c. Increase prevention and intervention techniques
- F. REVIEW AND REPORTING
 - 1. The Board of Education will receive suspension information in the annual Success for Every Student report.
 - 2. This policy will be reviewed on an ongoing basis in accordance with the Board of Education's policy review process.

POLICY JFA --Student Rights and Responsibilities

A. PURPOSE

To establish those student rights and responsibilities that are most directly involved in the educational process and that foster student involvement in that process

B. ISSUE

One of the goals of school systems throughout the United States is the development in students of an appreciation of the democratic way of life. This is also one of the goals of education of the Montgomery County Public Schools. An appreciation of the democratic way of life must include the study of our national heritage and, to the fullest extent possible, opportunities for students to exercise their rights and assume their responsibilities as citizens.

Another primary task of the school is to create a stimulating learning climate for all students. Two essential factors in such a learning climate are the active involvement of students in their education, including the planning and evaluation thereof, and the fostering of a spirit of inquiry where students may freely express their own views and listen to and evaluate the opinions of others.

The effective implementation of this policy requires an exercise of good faith on the part of the Board of Education, staff, students, and parents in a common effort to achieve an appropriate balance of rights and responsibilities, an atmosphere of respect for the rights of others, including respect for legally constituted authority, and a learning climate such that each individual may realize as fully as possible his/her true worth and his/her capacity to make a positive contribution to society. The proper exercise of the rights enumerated in this document is a responsibility. By accepting the right to be involved in shaping the educational system, the student takes on part of the responsibility for the quality of that system.

C. POSITION

This policy applies to all students enrolled in MCPS. Eighteen-year-old students may assume the rights of majority where applicable. All students will be encouraged to exercise their rights maturely. Elementary students will be provided the opportunity to learn about their rights and responsibilities and the mature exercise of these rights through classroom discussion and counseling, as needed. Modifications of actions, are suggested to accommodate elementary age students.

This policy should not be interpreted as being all-inclusive. The student has rights guaranteed by the Constitution and the law that are not reiterated here.

Basic among these Constitutional rights is the concept that all persons are presumed innocent until proven guilty. There are also some limitations on student rights that are not elaborated here. One basic limitation is that the exercise of rights by one individual or group may not infringe on the rights of another individual or group. Other limitations are found in state law, bylaws of the State Board of Education, and policies of the Montgomery County Board of Education.

1. FREE PUBLIC EDUCATION

All students who are 5 years old or older and under 21 are entitled to a free, public education, subject to other provisions of state law and the bylaws, rules, and regulations of the Maryland State Board of Education and of the Board of Education of Montgomery County.

2. STUDENT PARTICIPATION

a) Planning Classroom Activities

- (1) Students have the right and shall be encouraged to make suggestions and recommendations concerning course offerings, course content, and instructional materials used. Such participation shall not abridge the curricular requirements of the State of Maryland and the Montgomery County Public Schools' *Program of Studies*.
- (2) Student suggestions and recommendations concerning course offerings, their content, and the instructional materials to be used shall be actively solicited by the faculty and administration.

b) Assembly Programs

- (1) Students and faculty shall work jointly on selecting, planning, and conducting assembly programs.
- (2) The principal is responsible for determining that the choice of topics and speakers is consistent with *MCPS Goals of Education*, and the principal shall determine whether attendance shall be voluntary or required.

c) Student-planned Educational Programs

(1) Programs Scheduled Outside the School Day

- (a) Students, in consultation with faculty advisors, may hold voluntary programs of interest to students outside of the school day.
- (b) Students, in consultation with appropriate school administrators, shall have the primary responsibility for the nature, content, planning, and conducting of these programs.
- (c) These programs may be disapproved by the principal only if the activity or content is in violation of law or Board of Education policy or poses a potential threat to the health and/or safety of students.

(2) Programs Scheduled During the School Day

- (a) Students, in consultation with faculty, may organize seminars or short courses of study on selected topics during the school day as alternatives or additions to the regular school program, subject to the approval of the principal.
- (b) Students shall participate in the selection of appropriate topics and speakers.
- (c) The principal has the responsibility for assuring that there has been planning for a balanced presentation on controversial topics.

d) Development of Policies, Programs, and Rules

Students, through their elected student government or other authorized student organizations, have the right and responsibility to participate in the development and the revision of major MCPS and local school policies, programs, and rules which affect them. They further have the right to be notified reasonably in advance of the date of establishment of such

policies and rules. Notification of these policies and rules shall be the responsibility of the school administration.

3. RIGHTS OF PRIVACY

Student privacy interests shall be respected. Therefore, to preserve legitimate expectations of privacy in the student's personal and home life, no student shall be required to reveal, as part of the instructional program, matters relating to his/her personal life, those of his/her family, or his/her status within the family.

4. ATTENDANCE

The state compulsory attendance law governs all children who are five years old or older and under sixteen, and provides penalties for parents and others who permit or encourage unexcused absences.

Except when ill or excused, all students have a responsibility to attend their scheduled classes and other required activities throughout the school day. At all grade levels, it is the student's responsibility to make up the work missed regardless of the reason for the absence.

At grade levels 9 through 12, unexcused absences will result in the consultation with school administrators and/or specialists, teachers, parents, and the student, and may result subsequently in loss of credit and failure, recorded as such on the report card. Additionally, this failing grade will be computed into the grade point average.

5. STUDENT GOVERNMENT

a) Students have the responsibility and the right to establish and participate in student government organizations.

b) Recommendations made to the school administration by the student government organization shall receive a reply, either written or oral, within five school days. If the recommendations are extensive or complicated, the school administrator and student government shall mutually establish a reasonable time for either an oral or written response. The response shall give specific reasons in case the recommendations are not adopted or are modified.

- c) The powers and scope of the student government shall be written in a constitution. This constitution shall be prepared by students with the advice of the school administration. The constitution or any part may not be disapproved when proposed nor subsequently abridged by the principal unless it specifically violates law or Board of Education policy or may substantially interfere with the effective operation of the school. The reasons for such abridgement must be stated in writing. The principal's decision may be appealed.
 - d) Any student legally enrolled in a school may hold office in student government at that school. However, once elected the student must be academically eligible during his/her term of office.
 - e) Student government organizations shall receive the support of school authorities with respect to use of supplies and equipment, access to bulletin boards and public address systems, and permission to use appropriate rooms during class periods, and the members of such organizations shall be granted hall passes and lawful absences, when appropriate, by the school administration, insofar as these supports and special privileges can be justified as necessary for the conduct of student government business and are not an undue burden on school resources or the instructional program.
 - f) The student government executive committee, advisor, and principal shall confer regularly regarding progress and mutual concerns of the student government organization.
 - g) Each year, in the spring, the student government executive committee shall have the opportunity to make recommendations to the principal regarding the appointment of an advisor for the following year. The final appointment decision shall rest with the principal.
6. FREEDOM OF INQUIRY AND EXPRESSION
- a) Speech
 - (1) Students shall have the right and opportunity to examine any significant aspects of the topics presented in their courses; class discussions shall include a variety of

viewpoints and must permit student expression of individual views on the topics at hand.

- (2) Students have a responsibility to permit differences of opinion and shall not interfere with the right of individuals to hold and express their own views.

b) Petitions

- (1) Students may circulate petitions for signature at all times except during classes and assemblies.
- (2) If petitions are presented by students to school authorities, students shall have the right to have their petitions considered and to receive replies within five school days.

c) Publications

(1) School-sponsored Publications

- (a) School-sponsored publications such as newspapers, yearbooks, and literary magazines shall be encouraged.
- (b) Students have the right to decide on the content of school-sponsored publications subject to the requirements of these guidelines. The teacher-advisor shall provide direction and guidance on grammar, format, suitability of materials, and literary taste and shall counsel students against the use of any material that is derogatory to any individuals solely on the basis of age, gender, race, creed, national origin, religion, or disability.
- (c) School newspapers must provide an opportunity for members of the school community to express a variety of viewpoints.
- (d) All advertisements are subject to the following criteria which shall be applied by the teacher-advisor in determining whether to permit

inclusion of such advertisements in school-sponsored publications:

- (i) Use of advertisements containing the names and pictures of persons who are not public figures or containing company trademarks must be authorized.
 - (ii) Advertising must be identifiable or be labeled as an "advertisement" and must be submitted under the name(s) of the individual(s), the name of the corporation or, in the case of unincorporated associations or organizations, the names of the officers sponsoring the advertisement; and
 - (iii) When practicable, as where advertisements appear in a separate section of the publication, the section shall be preceded with a statement indicating that the advertising does not reflect the viewpoint or policies of the editors, the school, or the Board of Education.
- (2) Publications Produced Without School Sponsorship
- (a) Students may distribute in school, during the school day, publications that are not school-sponsored provided:
 - (i) They bear the name of the sponsoring organization or individual
 - (ii) Publications that are sold are published by students enrolled in Montgomery County Public Schools
 - (iii) The time, place and manner of distribution have been agreed upon by students and administration in advance of distribution

- (b) The students have a right to be informed by the principal or his/her designee of any policy or procedure regarding distribution of publications that are not school-sponsored.
- (3) All Publications
- (a) Materials, including advertisements submitted for a school-sponsored publication, shall be rejected or distribution of publications by any student shall be halted by the principal if
 - (i) The materials, as a whole or in significant part, through depiction or description, encourage actions that endanger the health or safety of students, including, but not limited to, the unlawful or excessive use of alcohol or drugs; provided, however, that this guideline shall not preclude publication or distribution of materials containing responsible debate or discussion
 - (ii) The material is obscene, in that it depicts or describes sexual conduct and meets all three of the following criteria:
 - aa) An average person applying contemporary community standards would find that the material, taken as a whole, appeals to the prurient interest in sex
 - bb) The material depicts or describes in a patently offensive way actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, sado-masochistic abuse, excretory functions, or lewd exhibition of the genitals

- cc) The material, as a whole, lacks serious literary, artistic, political, or scientific value
 - iii) The material is libelous, in that it includes any unprivileged, false, and malicious material which by printing, writing, signs, or pictures tends to expose an individual to public scorn, hatred, or ridicule, done knowingly and/or recklessly and/or negligently (A false statement about a public official, one who holds an elected or appointed public office, or a public figure, one who either seeks the public attention or is well known because of his/her achievement is considered libel if published with actual malice; that is, the writer knew the statement was false or published it with reckless disregard for the truth. A false statement about a private individual is considered libel if it is published willfully or negligently in that the writer knew it was false or failed to exercise the care a reasonably prudent person would exercise to verify its truthfulness.)
 - iv) The material causes or may be reasonably expected to cause substantial disruption of school activities
- (b) If the distribution is halted, the principal shall meet with the students involved and issue his/her decision in writing within two (2) school days stating his/her reasons. A copy shall be provided to the students making the distribution and to the field supervisor.
 - (c) If any material is rejected for publication by the teacher-advisor, an appeal may be taken immediately to the principal who shall meet with the students involved and issue a decision in

writing, within two (2) school days, providing a copy to the students bringing the appeal and a copy to the field supervisor.

(4) Posters and Similar Materials

- (a) Students may display posters and similar materials on designated bulletin boards and wall space normally used for posting materials, subject to the same procedures governing publications that are not school-sponsored.
- (b) The distribution through the schools of such printed matter as commercial advertisements, political campaign materials, and religious literature is subject to restrictions and limitations.

7. FREEDOM OF ASSEMBLY

- a) Students have the right to organize and assemble for discussion of issues critical to them and to demonstrate peacefully.
- b) The time and place of these assemblages shall be cooperatively established with the principal, with consideration given to the rights of all students.
- c) The principal may require that the activity be held before school, during lunch time, or after the end of the school day if he/she has reason to believe that holding it during school hours would interfere with the regular school program.
- d) Students organizing such activities are responsible for taking all reasonable steps to see that they are conducted in an orderly manner.
- e) Students who participate in assemblies held as described in a) through d) above shall be excused from classes during the time the activity is scheduled.

8. PATRIOTIC EXERCISES

- a) Students shall have the opportunity to participate in and/or observe patriotic exercises in their schools.
- b) No student shall be required to say a pledge, sing an anthem, or take part in patriotic exercises.
- c) Students shall not interrupt the participation of other students in patriotic exercises.

9. FREEDOM OF RELIGION

- a) Schools shall not conduct religious exercises nor sanction or support any particular religious beliefs or practices.
- b) Students have the right to observe their own religious beliefs and practices in school, provided the practices do not violate the rights of others nor disrupt or interfere with school activities.

10. COCURRICULAR ORGANIZATIONS

- a) Students shall have the right to form and participate in clubs, teams, and student organizations.
- b) Student organizations that conduct activities on school grounds must obtain authorization from the principal and must have faculty supervision, or such other adult supervision as may be approved by both the students and the principal.

11. USE OF SCHOOL FACILITIES

- a) Authorized student organizations shall have access to school facilities, equipment and communications resources, including the use of bulletin boards, the school public address system, and school duplication equipment, subject to reasonable limitations of time and expense.
- b) Non-school sponsored, student-initiated groups will have a fair opportunity to conduct a meeting or other activity permitted to extracurricular, school-sponsored groups.
- c) Reasonable requirements for prior notice and the care and maintenance of resources shall be observed by all student organizations.

12. NONDISCRIMINATION

- a) Students have the right to equal and nondiscriminatory treatment in regard to participation in school-sponsored organizations, the awarding of grades, and enforcement of school regulations, regardless of race, gender, religion, disability, ethnic origin, economic status, or for any other reason except as provided by law or by requirements reasonably related to the purpose of the activity.
- b) School-sponsored student organizations have the right to equal and nondiscriminatory treatment in decisions regarding enforcement of school regulations.

13. DRESS AND GROOMING

Student dress and grooming are the responsibility of students and their parents, except in situations where the standard of dress and grooming is a reasonable requirement of a course of activity, is necessary for reasons of health and safety, or disrupts school proceedings.

14. STUDENT RECORDS

- a) Students and their parents, together or separately, have the right to review students' cumulative school records in

conference with appropriate school personnel, who shall explain and interpret their contents if requested.

- b) Students who have reached the age of 18, or younger students who have the written permission of their parents or are accompanied by their parents, may examine their confidential records and health records, provided the appropriate school or health department official is present to explain and interpret these records if requested.
- c) Students and their parents have the right to challenge for cause any material in students' educational records and to present evidence or argument that such material should be changed or removed. The appropriate school official may decide through an informal conference whether the challenged material is to be changed or removed. That decision is subject to a formal hearing.
- d) Students who have reached the age of 18, or younger students who have the concurrence of their parents, must give written permission to the school before that school may provide student records to employers, colleges, and other persons outside the school system.
- e) Access to information contained in students' records shall be limited to those who have the consent of parents or eligible students, to officials specifically permitted in the law (such as MCPS officials), to officials of other schools in which students seek to enroll, to local, state, and federal officials under certain conditions and for specific purposes, and by court order.
- f) In all cases, access to student records by school personnel shall be based on a legitimate need to know for purposes relating to the student's education.

15. SEARCH AND SEIZURE

- a) A principal, assistant principal, or security assistant may make a reasonable search of a student on the school premises if he/she has a reasonable belief that the student has in his/her possession an item, the possession of which is a criminal

offense under the laws of this state. The search must be made in the presence of a third party who is of majority age.

- b) A principal, assistant principal, or security assistant of a public school may make a search of the physical plant of the school and its appurtenances including the lockers of students. The right of these school officials to search lockers must be previously announced or published within the school.
- c) Items/property that are deemed to cause significant disruption to the school environment or are illegal shall be confiscated by school personnel. Any confiscated property belonging to a student must be returned to the student or his/her parents within a reasonable time, except as required by law or by consideration of safety for students and staff.
- d) At the time a student is searched the student shall be informed of his/her right to appeal the legality of the search.

16. DISCIPLINE

- a) The cooperation of many people is necessary to establish and maintain a positive learning environment in each school. Each member of the school community must assume certain responsibilities in order to assure that the rights of all are protected. **All students and staff have a right to schools and classrooms that are free from disruptions.** The following responsibilities and rights are not all inclusive but rather relate specifically to school discipline:
 - (1) The student has the right to a public school education in an environment conducive to learning. He/she is expected to do the following:
 - (a) Attend school and classes every day, to arrive on time, and fulfill, to the best of his/her ability, the course objectives
 - (b) Understand and observe the rules of the school

- (c) Recognize that there are channels through which rules or conditions can be studied or questioned and realize that he/she must use those channels
 - (d) Participate in the development of school rules in keeping with his/her maturity level
- (2) The parent has the right to expect that the school will address the learning needs of his/her child in an equitable way, respecting the individual differences of children. The parent has the right to be informed of his/her child's progress and of areas where closer home-school cooperation is needed. The parent is expected to do the following:
- (a) Send his/her child to school every day, on time, and prepared to work
 - (b) Respond to communications from the school pertaining to his/her child
 - (c) Cooperate with school staff in solving behavioral problems
 - (d) Develop in his/her children respect for the rights and property of other people
 - (e) Understand and support the fair, consistent administering of school rules and policies
 - (f) Become more involved in the school life of their children**
- (3) The teacher has the right to work in an atmosphere that fosters satisfaction in his/her work with the support and guidance of the administration in maintaining high professional standards. The teacher is expected to do the following:
- (a) Work with students so they understand the objectives of the course and what they are expected to learn

- (b) Help the student realize that as an individual he/she is important and that, as a group member, he/she should act in a responsible way
 - (c) Encourage and help the student to understand and support the rules of the school and to participate in formulating rules relating to him/her and his/her role in the school
 - (d) Know and enforce consistently and fairly the rules and policies of the school
 - (e) Use procedures appropriate for age, background, and level of maturity in fostering appropriate behavior and dealing with inappropriate behavior in students
 - (f) Seek conferences with parents and other school personnel in an effort to help students who present behavioral problems
- (4) The principal has the right to expect the cooperation of staff, students, and parents as he/she seeks to facilitate the fulfillment of the school's function as an educational institution. The principal or his/her designee is expected to do the following:
- (a) Make known and interpret to students, parents, and staff the systemwide and local school discipline policies
 - (b) Implement specific plans for effective student, parent, and staff participation in the formulation and review of the local school discipline policy **consistent with MCPS policy**
 - (c) Support all building personnel in maintaining appropriate and effective discipline
 - (d) Be available for conferences with staff, students, parents, and others on discipline matters

- (e) Provide teachers assistance with serious problem situations
 - (f) Inform teachers of administrative disciplinary action
 - (g) Identify the line of authority in the building in his/her absence so that disciplinary matters may be handled as expeditiously as possible
- (5) If students, parents, teachers, and principals are to enjoy the rights and meet the responsibilities enumerated above, the Board of Education and the administration have a responsibility to support in every way possible the intent of this policy to ensure its fair and consistent implementation. In this regard, the superintendent is expected to do the following:
- (a) Assist the schools in applying this policy and help in developing the local disciplinary codes that complement **and adhere to** the countywide statement
 - (b) Develop all necessary countywide regulations and procedures that are necessary to and consistent with this policy
 - (c) Hold the local school administrators, teachers, parents, and students responsible for actions taken under this policy
 - (d) Hold school administrators and teachers accountable for implementation of this policy
- (6) The Board and the superintendent expect to do the following:
- (a) Prepare and receive evaluations regarding the effectiveness of this policy and the local disciplinary codes and the application of both

- (b) Review and amend the policy as needed
- b) In general, student conduct that disrupts class work, involves disorder, or invades the rights of others will not be tolerated and may be cause for suspension or other disciplinary action.
- c) Suspension and Expulsion
 - (1) A principal has the right to suspend a student under the laws of Maryland for cause.
 - (2) Each student has a right to an education; any action that deprives him/her of this right shall occur for just cause and in accordance with due process of law.
 - (3) Regulation JGA-RB describes the procedures necessary when considering suspending or expelling a student.
- c) Other Disciplinary Standards
 - (1) Disciplinary action shall be fair and appropriate and not designed to embarrass students.
 - (2) Group detention for actions of known or unknown persons and academic tasks imposed for the sole purpose of punishment are forbidden.
 - (3) Physical punishment is not permitted. Physical force is permitted to restrain a disruptive student only when the force is reasonable under the circumstances.
 - (4) Nonschool-sponsored activities of students and activities unrelated to school, carried on outside school hours and away from school grounds, are not the responsibility of school authorities; and no student shall be penalized by the school for any participation in these activities unless there is a reasonable belief by the principal that the health or safety of others will be compromised in the school setting.
- d) Reduction of grades shall not be used as a punitive or disciplinary measure.

- e) School administration and faculty, parents, and students must be involved in the planning and implementation of appropriate discipline procedures for each school.

17. DUE PROCESS

- a) All systemwide and local school regulations that restrict a student's liberties and rights must have a valid goal and must be reasonably expected to achieve this goal.
- b) Reasonable notice will be given regarding the availability of all published policies, regulations, and rules affecting students. The MCPS *Policies and Regulations Handbook* and the Student's Guide to Rights and Responsibilities shall be located in the media center of each school and available to students. Each school shall publish its disciplinary statement, developed cooperatively by parents, students, and staff, and make copies available to all students. Students shall not be punished for violating any rules that are not covered by MCPS *Policies and Regulations Handbook*, the disciplinary statement issued by the school, or other previously published rules.
- c) Students have the right and responsibility to seek redress of grievances through established MCPS procedures.
- d) Appeals related to suspensions of more than 10 days and expulsions are governed by Maryland State Board of Education Bylaws.
- e) Students who pursue grievances may seek and shall be entitled to an advocate who may represent and assist the students during conferences related to the grievances.
- f) Procedures for Complaints and Appeals
 - (1) Students have the right to appeal actions of school administrators and student governments restricting student freedom and have the right to appeal actions of school-affiliated student organizations denying a student membership.
 - (2) Each school shall establish procedures for the consideration of student problems and the processing of student complaints and appeals. These procedures shall be developed through the cooperative efforts of students, faculty, and administration and

shall provide for defined time frames to insure speedy resolution of complaints. These procedures shall be published and distributed for student use.

- (3) The student has the right to impartial, expeditious hearing, preceded by clear explanation of procedures for further appeal, and the student has the right to present witnesses.
- (4) Any decision of the principal may be appealed to the superintendent/designee of schools. (This appeal procedure is provided in Regulation JFA-RA and in *The Student's Guide to Rights and Responsibilities*)
- (5) Nothing in either the local school or countywide appeals procedures shall be construed as limiting the right of any student having a complaint to discuss the matter informally with appropriate school personnel.
- (6) No reprisals of any kind shall be taken by anyone against any student as a result of a complaint or appeal.
- (7) Local discipline, grievance, and appeal procedures shall be reviewed annually by local school authorities and student representatives. The MCPS appeals procedure shall be reviewed annually.

D. DESIRED OUTCOMES

1. One of the outcomes of this policy is an appreciation of the democratic way of life that must include, but not be limited to, the study of our national heritage and, to the fullest extent possible, opportunities for students to exercise their rights and assume their responsibilities as citizens.
2. A second outcome is a stimulating learning climate for all students that includes the active involvement of students in their education, including the planning and evaluation thereof, and the fostering of a spirit of inquiry where students may freely express their own views and listen to and evaluate the opinions of others.

E. IMPLEMENTATION GUIDELINES

1. *The Student's Guide to Rights and Responsibilities* shall be made available to all elementary school students and shall be distributed to all students entering secondary schools. Copies of the document should be made available to parents.
2. The superintendent will develop regulations to guide staff in the implementation of this policy.

F. REVIEW AND REPORTING

This policy shall be reviewed once every three years as follows:

1. A committee composed of equal representation from faculty, parents, administrators, and students shall make recommendations **based on, among other information, the evaluations as provided in Section 16 a)(6) of this policy.**
2. The committee's report shall be distributed to, but not limited to, the countywide student government associations, the superintendent of schools, and the Board of Education.
3. The Board of Education will, following receipt of the committee's report and the superintendent's recommendations, review the policy's effectiveness and make such modifications as may be warranted.

RESOLUTION NO. 856-95 Re: SPECIAL EDUCATION HEARING OFFICERS

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

WHEREAS, The Board of Education adopted revisions to Policy BLC at its meeting of November 14, 1995, to provide due process hearings in special education matters, consistent with Federal and State law and regulations; and

WHEREAS, Consistent with Section 8-415 of the Education Article of the Maryland Code, Section C.5.(b)(1) of Policy BLC requires that a list of no less than ten qualified hearing officers be maintained for assignment on a rotational basis; and

WHEREAS, By resolution enacted on June 26, 1995, the Board appointed fifteen individuals to serve as special education hearing officers, with a term to expire on December 31, 1995; now therefore be it

Resolved, That the following individuals be appointed as special education impartial hearing officers for the Montgomery County Board of Education, such term of appointment to expire on April 30, 1996, except that a hearing officer shall complete work on any matter which was assigned to such hearing officer prior to April 30, 1996:

Mr. Marc Charmatz
Mr. Sy DuBow
Dr. Robert Forder
Ms. Lois Hochhauser
Dr. Leon Litow
Dr. Burton Lohnes
Dr. Lynn Malarz
Mr. Daniel D. Mauchline
Dr. Paula McCormick
Dr. Irving Miller
Mr. William Miller
Dr. Rolf E. Muuss
Ms. Margaret Quayle
Dr. L. Lawrence Riccio
Mr. Max Rabinovitz
Dr. Lois Shofer
Dr. Jay R. Shotel
Ms. Judith Silberman;

and be it further

Resolved, That prior to April 30, 1996, the Board shall consider whether to further extend the appointment of the above-listed individuals, as appropriate, and be it further

Resolved, That the compensation for special education hearing officers be as follows:

REGULAR HEARING FEE

\$600 per 14 hours (including preparation, conduct of hearing, review of briefs, preparation and delivery of decision), with hours in excess of 14 hour increments billed at a pro rated amount of \$45 per hour

COMPENSATION FOR TELECONFERENCES

\$50 per hour

CANCELLATION FEE

A \$300 cancellation fee will be paid if the cancellation occurs 72 hours or less prior to the hearing

The Staff Director is authorized to exercise his discretion as to payment of other expenses incurred, other than mileage and meals which shall not be reimbursed.

Re: BOARD/SUPERINTENDENT COMMENTS

Mr. Ewing remarked on the discussion about early childhood education and Head Start. Previously, he had requested information on Head Start students who were not receiving services. The superintendent provided data that showed that in all categories of eligible students there are 287 who are eligible for Head Start and not receiving services. This is the first time in recent history that there has been a waiting list of this size. The Board has always tried to provide funding for all eligible students. This situation should be remedied in the next budget.

Mrs. Gordon commented on the resolution on stadium funding. There are a number of groups around the county and state who are looking at mounting a campaign to support the position that stadium funding should be made available for school construction. The Board should take a leadership role and be involved as this campaign goes forward. The Ambassador of Taiwan presented a videotape to Montgomery County Public Schools on Taiwan and Mrs. Gordon presented it to Dr. Vance.

Dr. Cheung stated that the Ambassador recognizes that there is an increasing number of Chinese Americans youngsters in the greater metropolitan area. There are 25 language schools with over 5,000 students who are learning about the Chinese culture.

RESOLUTION NO. 857-95 Re: APPOINTMENT OF MEMBERS TO THE
MONTGOMERY COUNTY ADVISORY COUNCIL
FOR CAREER AND TECHNOLOGY EDUCATION

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

WHEREAS, On September 26, 1977, the Montgomery County Advisory Council for Career and Technology Education was established by the Board of Education; and

WHEREAS, The members of the Montgomery County Advisory Council for Career and Technology Education are appointed by the Board of Education; now therefore be it

Resolved, That the following persons be appointed to serve a three-year term beginning January 1, 1996, and ending December 31, 1999:

Charles Maynard James, Jr.
Victor Smigel

RESOLUTION NO. 858-95 Re: APPOINTMENT OF MEMBERS TO THE
ADVISORY COMMITTEE ON COUNSELING AND
GUIDANCE

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

WHEREAS, The Medical Advisory Committee to the Montgomery County Board of Education has been active since it was reconstituted by the Board in 1972; and

WHEREAS, Membership on the committee is composed of representatives of organizations and associations named in the "Statement of Purpose" of the committee; and

WHEREAS, Members of the committee are appointed by the Board of Education; now therefore be it

Resolved, That the Board of Education appoint the following individuals to serve a two-year term effective January 1, 1996, and ending December 31, 1997:

Paul Feldman
Pamela Montgomery
Mary D-Ovidio
Manny Rokni

RESOLUTION NO. 861-95 Re: APPOINTMENT OF MEMBERS OF THE MENTAL
HEALTH ADVISORY COMMITTEE

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

WHEREAS, On June 13, 1989, the Mental Health Advisory Committee was established by the Board of Education; and

WHEREAS, On June 10, 1993, the Board amended the composition of the Mental Health Advisory Committee; and

WHEREAS, The members of this committee are appointed by the Board of Education; now therefore be it

Resolved, That the following persons be appointed to serve a two-year term effective January 1, 1996, and ending December 31, 1997:

Dr. Paula Elitov
Bonnie Oettinger
Debra E. Kleiner
Brenda Souto
Koffi Sowe
Joseph Wilson
Lavolia Mack-Miller

Barbara Kupperman
Karen Friedman
Craig Winslow

RESOLUTION NO. 862-95 Re: APPOINTMENTS TO THE ADVISORY
COMMITTEE ON MINORITY STUDENT
EDUCATION

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

WHEREAS, On May 14, 1991, the Board of Education revised the composition of the Advisory Committee on Minority Student Education; and

WHEREAS, The members are appointed by the Board of Education; now therefore be it

Resolved, That the following persons be appointed to serve for a term effective January 1, 1996, and ending December 31, 1997:

Wai-Yee Chan
Barbara Lewis
Fariha Kahn

RESOLUTION NO. 863-95 Re: APPOINTMENTS TO THE ADVISORY
COMMITTEE ON TECHNOLOGY USAGE

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

WHEREAS, On October 12, 1993, the Board of Education established the Advisory Committee on Technology Usage; and

WHEREAS, The co-liaisons for this committee were named in the original October 12, 1993, resolution; and

WHEREAS, The members of this committee are appointed by the Board of Education; now therefore be it

Resolved, That the liaison be designated by location in the Office of Global Access Technology; and be it further

Resolved, That the following persons be appointed to serve a two-year term from January 1, 1996, through December 31, 1997:

James J. Brennan, Jr.
Ruther Mellen
Sharon Goodall
Dr. Gilbert Austin
Hellen Youth
Norman Hiller
Michael Gracey

RESOLUTION NO. 864-95 Re: APPOINTMENTS TO THE AUDIT COMMITTEE

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

WHEREAS, On September 13, 1978, the Board of Education established an Audit Committee; and

WHEREAS, Eligibility for appointment to the Audit Committee is limited to members of the Board of Education whose remaining terms of office with the Board are equal to or greater than the terms for which they are appointed to this subcommittee; and

WHEREAS, The Audit Committee consists of three members, appointed by the president of the Board of Education, serving staggered terms of three years each, and the term of office begins on the date of the first all-day Board meeting in December of the year of appointment and ends three years later on November 30; and

WHEREAS, One vacancy now exists on the committee; and

WHEREAS, Mr. Steve Abrams was appointed to serve until November 30, 1996, and Mr. Reginald Felton was appointed to serve until November 30, 1997; and

WHEREAS, Mr. Abrams' term as chairperson expired on November 30, 1995; now therefore be it

Resolved, That Mrs. King be appointed to serve until November 30, 1998; and be it further

Resolved, That Mr. Abrams serve as chairperson of the Audit Committee until November 30, 1996.

RESOLUTION NO. 865-95 Re: APPOINTMENTS TO THE SUBCOMMITTEE ON
RESEARCH AND EVALUATION

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

WHEREAS, On January 14, 1986, the Board of Education established a Subcommittee on Research and Evaluation; and

WHEREAS, Eligibility for appointment to the Subcommittee on Research and Evaluation is limited to members of the Board of Education whose remaining terms of office with the Board are equal to or greater than the terms for which they are appointed to this subcommittee; and

WHEREAS, The Subcommittee on Research and Evaluation consists of three members, appointed by the president of the Board of Education, serving staggered terms of three years each, and the term of office begins on the date of the first all-day Board meeting in December of the year of appointment and ends three years later on November 30; and

WHEREAS, Ms. Ana Sol Gutiérrez' term expired on November 30, 1995, and one vacancy now exists on the subcommittee; and

WHEREAS, Dr. Alan Cheung was appointed to serve until November 30, 1996, and Mr. Reginald Felton was appointed to serve until November 30, 1997; and

WHEREAS, Ms. Gutiérrez' term as chairperson expired on November 30, 1995; now therefore be it

Resolved, That Ms. Gutiérrez be appointed to serve until November 30, 1998; and be it further

Resolved, That Mr. Felton serve as chairperson of the Audit Committee until November 30, 1996.

RESOLUTION NO. 866-95 Re: APPOINTMENTS TO THE SUBCOMMITTEE ON
LONG-RANGE AND STRATEGIC PLANNING

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

WHEREAS, On September 8, 1994, the Board of Education established a Subcommittee on Long-Range Planning; and

WHEREAS, On September 12, 1995, the Board of Education changed the name to Subcommittee on Long-Range and Strategic Planning; and

WHEREAS, Eligibility for appointment to the Subcommittee on Long-Range and Strategic Planning is limited to members of the Board of Education whose remaining terms of office with the Board are equal to or greater than the terms for which they are appointed to this subcommittee; and

WHEREAS, The Subcommittee on Long-Range and Strategic Planning consists of three members, appointed by the president of the Board of Education, serving staggered terms of three years each, and the term of office begins on the date of the first all-day Board meeting in December of the year of appointment and ends three years later on November 30; and

WHEREAS, Mrs. Beatrice Gordon's term expired on November 30, 1995, and one vacancy now exists on the subcommittee; and

WHEREAS, Mr. Blair Ewing was appointed to serve until November 30, 1996, and Mrs. Nancy King was appointed to serve until November 30, 1997; and

WHEREAS, Mr. Ewing's term as chairperson expired on November 30, 1995; now therefore be it

Resolved, That Mrs. Gordon be appointed to serve until November 30, 1998; and be it further

Resolved, That Mr. Ewing serve as chairperson of the Subcommittee on Long-Range and Strategic Planning until November 30, 1996.

RESOLUTION NO. 867-95 Re: CLOSED SESSION RESOLUTION

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

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 conduct a portion of its meeting on Tuesday, January 9, 1996, at 9:00 a.m. and 12:00 p.m. 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 these meetings 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. 868-95 Re: CALENDAR OF EVENTS FOR ELECTION OF THE 19TH STUDENT BOARD MEMBER

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

Resolved, That the Board of education approve the calendar of major events for the election of the nineteenth student members of the Board of Education, as proposed by the Montgomery County Region of the Maryland Association of Student Councils.

Re: REPORT ON CLOSED SESSION

On November 14, 1995, by the unanimous vote of members present, the Board of Education voted to conduct a closed session on Monday, November 27, 1995, 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 November 27, 1995, from 7:30 to 8:40 p.m. The meeting took place in Room 120, Carver Educational Services Center, Rockville, Maryland.

The Board met to discuss a facilities matter and other legal matters with its attorneys.

Board members reviewed and adjudicated the following appeals: 1995-28, 1995-29, 1995-30, 1995-35, 1995-37, 1995-39, 1995-42, 1995-43, and 1995-44

In attendance at the closed session were Steve Abrams, Larry Bowers, Alan Cheung, Blair Ewing, David Fischer, Kathy Gemberling, Bea Gordon, Ana Sol Gutierrez, Nancy King, George Margolies, Charles McCullough, Brian Porter, Roger Titus, Janice Turpin, Glenda Rose, Bill Wilder, and Paul Vance.

RESOLUTION NO. 869-95 Re: BOE APPEAL NO. 1995-29

On motion of Mr. Felton and seconded by Mrs. King, the following resolution was adopted with Mr. Abrams, Dr. Cheung, Mr. Ewing, Mr. Felton, Mrs. Gordon, and Mrs. King voting in the affirmative; Ms. Gutiérrez and (Mr. McCullough) voting in the negative:#

Resolved, That the Board of Education adopt its Decision and Order in BOE Appeal No. 1995-29, a demotion matter.

RESOLUTION NO. 870-95 Re: BOE APPEAL NO. 1995-42

On motion of Mr. Felton and seconded by Mrs. King, the following resolution was adopted with Dr. Cheung, Mr. Ewing, Mr. Felton, Mrs. Gordon, Mrs. King, and Mr. McCullough voting in the affirmative; Mr. Abrams and Ms. Gutiérrez voting in the negative.

Resolved, That the Board of Education adopt its Decision and Order in BOE Appeal No. 1995-42, an admission matter.

RESOLUTION NO. 871-95 Re: BOE APPEAL NO 1995-43

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

Resolved, That the Board of Education adopt its Decision and Order in BOE Appeal No. 1995-43, a curriculum matter.

Re: NEW BUSINESS

RESOLUTION NO. 872-95 Re: SUPPORT OF SENATOR LUGAR-S POSITION ON SCHOOL LUNCH

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

Resolved, That the Board of Education send a letter to the Speaker of the House and Senate Majority Leader in support of Senator Lugar-s provision on welfare reform legislation to retain the school lunch program as a Federal program and not block grant it back to the states.

Mr. Ewing moved and Ms. Gutiérrez seconded the following:

Resolved, That the Board of Education schedule time once it has the monthly financial report for November 30, 1995, to discuss where MCPS stands with respect to projections for the year especially Category 4 since that constitutes a \$2.8 million deficit; and be it further

Resolved, That this discussion take place prior to final budget action.

Re: ITEMS OF INFORMATION

1. Items in Process
2. Construction Progress Report
3. Monthly Financial Report

RESOLUTION NO. 87-95 Re: ADJOURNMENT

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

Resolved, That the Board of Education adjourn its meeting at 5:00 p.m.

PRESIDENT

SECRETARY

MONTGOMERY COUNTY BOARD OF EDUCATION SUMMARY SHEET

December 12, 1995

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