

APPROVED  
38-1996

Rockville, Maryland  
October 21, 1996

The Board of Education of Montgomery County met in special session at the Carver Educational Services Center, Rockville, Maryland, on Monday, October 21, 1996, at 8:15 p.m.

ROLL CALL Present:                   Ms. Ana Sol Gutiérrez, President  
  in the Chair  
  Mr. Stephen Abrams  
  Mr. Blair G. Ewing  
  Mr. Reginald Felton  
  Mrs. Beatrice B. Gordon  
  Mrs. Nancy King  
  Ms. Rachel Prager  
  Dr. Paul L. Vance, Secretary/Treasurer

Absent:                   Dr. Alan Cheung

Re:    **ANNOUNCEMENT**

Ms. Gutiérrez announced that Mrs. Gordon would join the meeting in progress, and Dr. Cheung was not able to attend this meeting due to a prior commitment.

RESOLUTION NO. 710-96           Re:    **AMENDMENT TO THE AGENDA**

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

Resolved, That the Board of Education amend the agenda to include Item 1.3, Items of Legislation (Local Bills).

RESOLUTION NO. 711-96           Re:    **AGENDA FOR OCTOBER 21, 1996**

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

Resolved, That the Board of Education approve the agenda for October 21, 1996, as amended.

RESOLUTION NO. 712-96

Re: **RECOGNITION OF LOCKHEED MARTIN CORPORATION AND PAUL BLUMHARDT**

WHEREAS, The Montgomery County Board of Education and the Superintendent of Schools recently convened a successful three-day Future Search Conference with 80 of our county's most influential citizen and community leaders, business and corporate executives, parent representatives, youth advocates and social service professionals, senior elected and appointed officials, and educational leaders of the school system, for the purpose of seeking ways to sustain and enhance quality education well into the next century; and

WHEREAS, The Future Search Conference was held at the Lockheed Martin Corporation headquarters; and

WHEREAS, Lockheed Martin contributed immeasurably to the success of the conference, not only by providing the meeting space, but by identifying overflow parking for the participants; by providing all meals, beverages, and snacks; by providing all supplies, writing implements, easels, tables, name badges, microphones, posterboard, flipcharts, and other needed materials; by detailing staff to assist with parking, with registration, with security, with food preparation, and with movement and set-up of furniture---all at no cost to MCPS and the taxpayers of this County; and

WHEREAS, Paul Blumhardt, Director, Studies and Analysis, for Lockheed Martin, personally oversaw and took responsibility for ensuring that all these tasks were accomplished and, moreover, actively participated as a business representative on the Planning Committee that met over the course of six months to plan the Future Search Conference; now therefore be it

Resolved, That the Montgomery County Board of Education and the Superintendent thank and commend Lockheed Martin and Paul Blumhardt for their invaluable contribution to public education in Montgomery County and their dedication to improving the quality of life of all our citizens, and be it further

Resolved, That a copy of this resolution be sent to the officers of Lockheed Martin and to Mr. Blumhardt.

RESOLUTION NO. 713-96

Re: **ITEM OF LEGISLATION - FEES**

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

Resolved, That the Board of Education oppose MC 707-97 - Montgomery County Board of Education - Prohibition of Fees for Extracurricular Activities.

RESOLUTION NO. 714-96            Re:    **ITEM OF LEGISLATION - FEES**

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

Resolved, That the Board of Education oppose MC 708-97 - Montgomery County - School Buses - Charging of Fees Prohibited.

\* Mrs. Gordon joined the meeting at this point.

Re:    **DISCUSSION ON THE STUDENT DISCIPLINE POLICY  
AND THE STUDENT RIGHTS AND RESPONSIBILITIES  
POLICY**

Dr. Vance invited the following staff to the table: Dr. Hiawatha B. Fountain, associate superintendent for the office of Pupil and Community Services; Dr. Pam Splaine, director of the Policy and Records Unit; Ms. Kathy McGuire, director of Comprehensive Pupil Services; Mr. Ron Feffer, coordinator for Student Affairs, and Dr. Kenneth M. Muir, facilitator for the Student Discipline Workgroup.

The development of the *Student Discipline Policy* (JGA) and the revisions to the *Student Rights and Responsibilities Policy* (JFA) represent an important initiative of the Board of Education, encompassing a subject of immense public interest and significant national, state, and local debate over the appropriate manner in which discipline should be maintained and behavior improved in schools. The focus of the dialogue has not centered on whether students should be well behaved -- there is a clear consensus on that -- rather, the issues of discussion have been on the process of modifying student behavior. In Montgomery County Public Schools (MCPS), maintaining student discipline is a shared responsibility, involving teachers, administrators, principals, security staff, and all other adult employees. Indeed, in a school system of 123,000 students, the daily involvement of staff in maintaining appropriate student discipline requires a major commitment of time and significant attention to appropriate policies, regulations, and related state and federal laws. Therefore, the development of these policies has required considerable involvement of the key representatives from the employee organizations following the Board's initial outreach to the community on the original drafts. The work on this initiative reflects not only the best efforts of individuals who are deeply concerned about student discipline, but also the strong belief that a successful educational program depends on maintaining an environment in which students and staff can engage in the process of teaching and learning without disruption.

In June 1996, a workgroup was established representing school system stakeholders -- Montgomery County Association of Administrative and Supervisory Personnel (MCAASP), Montgomery County Education Association (MCEA), Montgomery County Council of

Supporting Services Employees (MCCSSE), and MCPS central administration. Through this initiative, the multi-party workgroup came to consensus on 19 of the 20 issues identified by MCAASP, MCEA, and MCCSSE regarding Policy JGA: *Student Discipline* and Policy JFA: *Student Rights and Responsibilities*. All of the individuals and organizations that provided the Board with public comments in April 1996 were sent a copy of the workgroup's recommended changes and invited to discuss the changes at a meeting held on October 3, 1996. Those present at the meeting represented the Montgomery County Council of Parent-Teacher Associations (MCCPTA), Montgomery County Federation of Teachers (MCFT), and individual citizens. Dr. Vance recommended adoption of the workgroup's agreed upon proposals for inclusion into the two policies.

As a result of the workgroup's efforts, only one issue remains unresolved. The issue concerns language from Senate Bill 221 in the part referenced under the suspension section of the Annotated Code of Maryland, Education Article. This is an unfunded mandate that went into effect on October 1, 1996. The bill states, "If a student has been suspended or expelled, the principal or a designee of the principal may not return the student to the classroom without conferring with the teacher who referred the student to the principal." It also states, "If the disruptive behavior results in action less than suspension, the principal or a designee of the principal shall confer with the teacher who referred the student to the principal prior to returning the student to that teacher's classroom."

There is a statewide debate on the interpretation of Senate Bill 221 regarding what constitutes "conferring." As a result, the Maryland State Department of Education (MSDE) established a workgroup to develop guidelines for implementation of this bill. At this time, it is not clear as to when the MSDE workgroup will complete its task or when local education agencies will receive the guidelines.

The requirement of Senate Bill 221 to mandate conferring for every student discipline referral will have a profound impact on school administrators, as well as teachers and their time for instruction and planning. These will all be severely impacted by requirements for teacher and principal conferences every time a student is referred to the principal's office for discipline. MCPS efforts to resolve the "conferring" issue mandated by Senate Bill 221 must be continued under the inclusive parameters established during the workgroup discussions.

Dr. Fountain introduced members of the workgroup and listed the following items included in the packet for discussion:

1. Student Discipline Workgroup Report
2. MCCPTA Letter
3. Draft 7, JGA: Student Discipline Policy
4. Draft 7, JFA: Student Rights and Responsibilities Policy

5. Senate Bill 221
6. Matrix of Public Comments

Dr. Splaine explained that the new draft policies included:

1. Text as it appeared in the materials distributed at the Board of Education meeting on April 10, 1996, is in bold.
2. Recommendations made by the Student Discipline Workgroup are shown in bold italics.
3. Suggestions made at a recent review by others such as general counsel, individuals, and public groups are indicated in bold within parentheses.

The Board members commended staff for the effort of the workgroup and in developing the white paper presented to them for discussion. In the subsequent discussion, the points and issues were mentioned:

1. In SB 221 the term conferring applies to returning the student to the classroom, but there was a question about conferring to remove the student from the classroom.
2. The removal of a student from the classroom can occur at the request of the teacher or at the request of forces outside the classroom.
3. The teacher might or could have an obligation follow through on removal with full documentation of the offense.
4. The MSDE is in the process of writing the regulations as well as developing guidelines with the input from a task force established for that purpose.
5. Feedback from the task force implies that conferring with the teacher may be interpreted to inform the teacher of the disciplinary action taken by the administration.
6. SB 221 provides for a continuum of prevention and intervention.
7. It is assumed that the teacher could waive the requirement to have a conference prior to readmission to the classroom.
8. With the wording of SB 221 and the scope of the problems it addresses, there may or may not be a need to specifically address the concept in MCPS policy.
9. There needs to be clarification or guidelines on what student behavior should or should not result in a referral to the administrative office for corrective discipline.
10. When SB 221 was first implemented, it was deemed that suspendible behavior would require a conference before readmitting the student to the classroom, but it appears any disruptive behavior that results in the removal of a student would require a conference.
11. The concern of the administrators is the time and the volume of students removed from class for disruptive behavior.
12. Any of the people involved in developing the language in SB 221 and guidelines what to know the usual behavior problems, how are they dealt with, and what is successful in each school's planning and guidelines.

13. The law was formulated to make student discipline a collaborative process between staff and administration; this should include supportive staff.
14. Additional resources or positions may be needed to fully implement SB 221, including a continuum of interventions.
15. There should not be individual interpretations of disruptive behavior, but guidelines for consistent interpretation of the term disruptive behavior.
16. MCPS policy and state law must be dealt with separately.
17. The implementation of state law should be flexible on a school to school basis, but there must be standards for consistency of that implementation.
18. The issue cannot be resolved until MSDE offers regulations and/or guidelines.
19. SB 221 focuses on continuum model and prevention are inherent in the Training and the Comprehensive Behavior Management Intervention already within MCPS using a total team approach and is student centered.
20. Students must be made more aware of the Student Discipline Policy as well as the Student's Rights and Responsibilities Policy; this could be accomplished through a class or assembly.
21. It is clearly stated in the Student Discipline Policy that the schools will develop their own discipline policies, how it is shared, who develops it, and conforms with the overall Board policy.
22. There was support for the nineteen recommendations made by the workgroup.
23. MCPS should include definitions, especially disruptive behavior, in its policies.
24. The superintendent will work with MSDE and make recommendations to the Board on the implementation of SB 221 for inclusion in the Board's policy.

RESOLUTION NO. 715-96

Re: **RESOLUTION FOR CLOSED SESSION**

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

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

Resolved, That the Board of Education of Montgomery County retire to closed session on October 21, 1996, at 10:35 p.m. to discuss executive functions of the Board; and be it further

Resolved, That this meeting 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 10-508; and be it further

Resolved, That such meeting shall continue in closed session until the completion of business.

RESOLUTION NO. 716-96      Re:    **ADJOURNMENT**

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

Resolved, That the Board of Education adjourn its meeting of October 21, 1996, at 10:30 p.m.

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PRESIDENT

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SECRETARY

PLV:gr

**MONTGOMERY COUNTY BOARD OF EDUCATION**  
**SUMMARY SHEET**  
**OCTOBER 21, 1996**

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