

APPROVED  
27-1998

Rockville, Maryland  
July 29, 1998

The Board of Education of Montgomery County met in regular session at the Carver Educational Services Center, Rockville, Maryland, on Wednesday, July 29, 1998, at 9:00 p.m.

ROLL CALL Present:                   Mrs. Nancy J. King, President  
  in the Chair  
  Dr. Alan Cheung  
  Mr. Blair G. Ewing  
  Mr. Reginald M. Felton  
  Mrs. Beatrice B. Gordon  
  Ms. Ana Sol Gutiérrez  
  Ms. Mona M. Signer  
  Dr. Paul L. Vance, Secretary/Treasurer

Absent:                   Geonard Butler, Jr., Student Board Member

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

RESOLUTION NO. 473-98           Re:   **AGENDA**

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

Resolved, That the Board of Education approve its agenda for July 29, 1998.

Re:   **PUBLIC COMMENTS**

The following people appeared before the Board of Education:

	<u>Person</u>	<u>Topic</u>
1.	Stephanie Flynn Kramer	Procedure for Sexual Harassment Cases
2.	John Hoven	Math Curriculum
3.	Vickie Olafson	French Immersion
4.	Cecelia Pauley	MCPS Special Education
5.	Chris Wikman	Uniform Dress Code
6.	Debbie Charnoff	Jewish Day School
7.	Bill White	Textbook Evaluation and Selection
8.	Paul Kuhn	Textbook Evaluation and Selection
9.	Christine Schwalm	Textbook Evaluation and Selection
10.	Nick Farson	Belt Junior High School Site
11.	Frank Vratarić	Belt Junior High School Site

Ms. Gutiérrez suggested that the Superintendent's or Board's office send Mr. Wikman a copy of the policy and guidelines on student dress code.

RESOLUTION NO. 474-98      Re:    **CONTRACTS MORE THAN \$25,000**

On recommendation of the Superintendent and on motion of Ms. Signer seconded by Mr. Felton, 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:

109-94 Diplomas, certificates and Certificates of Merit - Extension

<u>Awardee</u>	
Josten's, Inc.	\$ 26,641

30-96 Propane - Extension

<u>Awardee</u>	
Suburban Propane, L.P.	\$ 70,000

166-96 Computer Systems Installation and Integration for  
Instructional and Administrative Use- Extension

<u>Awardees</u>	
Cost Management Systems	
Ease Technologies, Inc.	
The Mil Corporation	
United Information Systems, Inc.	
Total	\$ 82,000

118.2 Custodial Supplies and Equipment

<u>Awardees</u>	
Acme Paper and Supply Company	\$166,710
Best Supply, Inc.	3,427
Calico Industries, Inc.	14,414
Consolidated Maintenance Supply, Inc.*	2,491

Daycon Products Company, Inc.	102,896
Fischer Lang and Company, Inc.	2,608
Frederick Trading Company	4,696
Grand Entrance Corporation	12,848
Hesco	3,840
Lynn Ladder and Scaffolding Company	8,309
Logan's Marketing*	1,423
MetroChem Industries, Inc.	1,040
National Supply Company	9,285
Olympic Supply Company	3,827
Oma Day, Inc.*	21,053
Porters Supply Company, Inc.	204,145
Portion Pac Chemical Corporation	4,785
Pyramid School Products	23,731
Superior Supply, Ltd.	14,424
Unisource	206,058
Frank W. Winne and Son, Inc.	325
Total	\$ 812,335

## 1004.1 Liquid Crystal Display(LCD) Data Imaging System - Extension

Awardees

Kunz, Inc.	\$ 94,118
Nicholas P. Pipino Associates	41,916
Total	\$ 136,034

## 1006.1 Scan Forms - Extension

Awardees

Clearview Printing Company	\$ 26,600
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## 1051.1 Alcohol/Drug Testing Program

Awardee

Quest Diagnostics	\$ 27,750
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## 1052.1 Medical Facility to Administer Hepatitis B Virus Vaccination for the Safety and Environmental Health Unit

Awardee

Adventist HealthCare (Shady Grove Adventist Hospital)	\$ 63,000
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## 4034.1 Wiping/Polishing Cloths

Awardees

Daycon Products Company, Inc.	\$ 1,444
LL Clean Company*	2,370
National Supply Company	<u>30,226</u>
Total	\$ 34,040

## 4035.1 HVAC/Refrigeration Equipment and Parts

Awardees

Aireco Supply, Inc.	\$ 41,500
Boland Trane	24,000
Capp, Inc.	93,000
Chesapeake System	48,000
H.M. Sweeny Company	37,500
Pameco Corporation	80,250
Smart Supply Company, Inc.	8,500
WRT t/a RPC	<u>160</u>
Total	\$ 332,910

## 7038.1 Ice Cream

Awardee

Berliner Specialty Distributors, Inc.	\$ 351,100
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## 7047.1 Processed Meats and Refrigerated and Frozen Foods

Awardees

Carroll County Foods	\$ 262,082
Dori Foods, Inc.	36,855
Eastern Imports, Inc.	42,187
Fairlane Food, Inc.	19,260
PYA/Monarch, Inc. - VA Beach	19,672
Shane Meat Company	16,357
Smelkinson/SYSCO	<u>8,090</u>
Total	\$ 404,503

7048.1 Bread and Rolls

Awardee

Schmidt Baking Company, Inc.

\$ 939,075

MORE THAN \$25,000

\$3,305,988

\* Denotes MFD vendor

RESOLUTION NO. 475-98

Re: **LEASE/PURCHASE OF COPY MACHINES**

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

WHEREAS, The Board of Education of Montgomery County received RFP No. 7025.1, Lease/Purchase Full Service Maintenance and New Acquisitions of Copy Machines, to be used by schools and offices to replace machines that are less efficient and more costly for maintenance; and

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

WHEREAS, The Board of Education has determined, in accordance with Section 5-112 of Maryland's Public School Law that Xerox Corporation is the lowest responsible bidder conforming to specifications to supply the high volume copiers; and

WHEREAS, The Board of Education has determined that it is in the public interest, the cost parameters are within the current budget, and the advantage of a more efficient copier is supportable through a lease/purchase arrangement with Xerox Corporation subject to cancellation in the event of nonappropriation; and

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

Resolved, That the Board of Education of Montgomery County award RFP No. 7025.1, Lease/Purchase Full Service Maintenance and New Acquisitions of Copy Machines, to Xerox Corporation totaling \$6,073,931 for a seven (7) year lease/purchase agreement in accordance with the terms and conditions of the specifications; and be it further

Resolved, That the Board of Education president and the superintendent of schools be

authorized to execute the documents necessary for this transaction.

RESOLUTION NO. 476-98      Re:    **AWARD OF CONTRACTS - MONTGOMERY BLAIR  
MIDDLE SCHOOL #3/ELEMENTARY SCHOOL #11**

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

WHEREAS, The following sealed bids represent the second in a series of subcontracts that were bid as part of a construction management process for the Montgomery Blair Middle School #3/Elementary School #11 project:

<u>Low Bids</u>	<u>Amount</u>
<u>Carpentry</u>	
Hancock & Albanese, Inc.	\$ 929,100
<u>Drywall/Acoustical</u>	
Can Am Contractors, Inc.	597,765
<u>Masonry</u>	
George Moehrle Masonry, Inc.	938,000

and

WHEREAS, Staff has verified that the subcontractors have made good faith efforts to obtain minority participation; and

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

WHEREAS, The low bids are within the estimates and sufficient funds are available to award the contracts; now therefore be it

Resolved, That contracts be awarded for the above-referenced subcontractors meeting specifications for the Montgomery Blair Middle School #3/Elementary School #11 project, in accordance with plans and specifications prepared by Grimm & Parker, P.C.

RESOLUTION NO. 477-98      Re:    **AWARD OF CONTRACT - BETHESDA ELEMENTARY  
SCHOOL**

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

WHEREAS, The following bids represent the fourth in a series of subcontracts that were

bid as part of a construction management process for the Bethesda Elementary School project:

<u>Low Bidder</u>	Amount
<u>Mechanical</u>	
MIC Company, Inc.	\$1,195,237 (non-responsive)
Shapiro & Duncan, Inc.	1,356,000
<u>Historical Preservation Consultation Fees</u>	
EHT Traceries, Inc.	13,432

and

WHEREAS, The low bidder for the mechanical work failed to comply with the bid security and bond requirements of the contract specifications; and

WHEREAS, Staff has recommended that the low bidder be deemed nonresponsive for their failure to comply with the bid specifications; and

WHEREAS, Reese and Carney, our outside counsel, reviewed the low bidder's submittal and has advised that based on past practice MIC Company, Inc.'s bid should be rejected; and

WHEREAS, Staff's recommendation is consistent with past practices for bidders failing to comply with the bond requirements of the specifications; and

WHEREAS, The second low bidder, Shapiro & Duncan, Inc., has successfully completed similar work for Montgomery County Public Schools; and

WHEREAS, Staff has verified that the subcontractors have made good faith efforts to obtain minority participation; and

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

WHEREAS, The low bids are within the estimates and sufficient funds are available to award the contracts; now therefore be it

Resolved, That contracts be awarded for the above referenced subcontractors meeting specifications for the Bethesda Elementary School project, in accordance with plans and specifications prepared by Walton, Madden, Cooper, Robinson, Poness, Inc.

RESOLUTION NO. 478-98

Re: **ARCHITECTURAL APPOINTMENT - EASTERN MIDDLE SCHOOL ADDITION FEASIBILITY STUDY**

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

WHEREAS, It is necessary to appoint an architectural firm to provide professional and technical services to conduct a design feasibility study of alternatives for the addition to Eastern Middle School; and

WHEREAS, Funds for feasibility planning have been programmed as part of the FY 1999 Capital Budget; and

WHEREAS, The Architect Selection Committee, in accordance with procedures adopted by the Board of Education on May 13, 1986, identified Grimm and Parker, P.C., as the most qualified firm to provide the necessary professional architectural and engineering services; and

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

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with the architectural firm of Grimm and Parker, P.C., to provide professional architectural services for the Eastern Middle School addition feasibility study project for a fee of \$40,000.

RESOLUTION NO. 479-98

Re: **REDUCTION OF RETAINAGE - LUCY V. BARNESLEY ELEMENTARY SCHOOL**

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

WHEREAS, Dustin Construction, Inc., general contractor for the Lucy V. Barnesley Elementary School project, has completed more than 80 percent of all specified requirements and requested that the 10 percent retainage, which is based on completed work to date be reduced to 5 percent; and

WHEREAS, The project bonding company, United States Fidelity and Guaranty Company, has consented to this reduction; and

WHEREAS, The project architect, Duane, Cahill, Mullineaux & Mullineaux, P.A., recommends approval of the reduction; now therefore be it



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

RESOLUTION NO. 480-98            Re:    **CHANGE ORDERS OVER \$25,000 - JAMES HUBERT BLAKE HIGH SCHOOL**

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

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

WHEREAS, Staff and the project architect have reviewed these change orders and found them to be cost effective; and

WHEREAS, Contingency funds are available in the construction budget for these changes; now therefore be it

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

Change Order #12

Description: Sod was required as the site grading was not completed in time to allow seeding. Reimbursement for this additional cost will be charged to the site contractor.

Amount:                    \$44,641

Change Order #13

Description: Mechanical and electrical revisions to the media center to relocate the learning hub to provide additional security and improve access.

Amount:                    \$35,944

RESOLUTION NO. 481-98            Re:    **AWARD OF CONTRACTS FOR MAINTENANCE PROJECT AT ROCK TERRACE SCHOOL**

On recommendation of the Superintendent and on motion of Mr. Felton seconded by

Ms. Signer, the following resolution was adopted unanimously by members present:#

WHEREAS, The following sealed bids were received on July 10, 1998, in accordance with Montgomery County Public Schools procurement practices, for heating and ventilating units replacement at Rock Terrace School, with work to begin on July 30, 1998, and to be completed by October 9, 1998:

<u>Bidder</u>	<u>Amount</u>
Hot and Cold Corporation	\$116,950
Interstate Service Co., Inc.	119,916
Edward Kocharian & Co.	133,000
R.M. Thorton, Inc.	184,004
Calvert Mechanical, Inc.	185,000
Shapiro & Duncan, Inc.	189,000
Beardsley Heating & A/C	249,409

and

WHEREAS, The low bidder is below staff estimates, and the low bidder meets specifications; and

WHEREAS, This project is partially funded by the state of Maryland, and Hot & Cold Corporation, a state certified Minority Business Enterprise, has submitted evidence of 90 percent minority participation; now therefore be it

Resolved, That a contract for \$116,950 be awarded to Hot and Cold Corporation for the heating and ventilating units replacement at Rock Terrace School.

RESOLUTION NO. 482-98

Re: **PROPOSED LAND LEASE FOR A PORTION OF THE  
FORMER RANDOLPH JUNIOR HIGH SCHOOL SITE**

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

WHEREAS, In 1983, the Board of Education acted to close the Randolph Junior High School and convey the building and grounds to the county government for disposition; and

WHEREAS, Subsequently, Montgomery County Public Schools (MCPS) leased the facility to the county government for the purpose of establishing responsibility for maintenance and liability until the associated legal work could be completed; and

WHEREAS, In 1987, the county government leased the former Randolph Junior High School to the Greater Washington Jewish Community Foundation, which is negotiating to

assign its lease to the Charles E. Smith Jewish Day School (JDS); and

WHEREAS, MCPS staff, working with the county government, identified a portion of the Randolph Junior High School site to be coupled with the adjacent Rocking Horse Road Center site to establish an 18.6 acre school site for possible future public school use, subject to ratification by the Board of Education; and

WHEREAS, It is necessary to enter into a land lease with the JDS for use of the physical education areas of the site; and

WHEREAS, Staff has negotiated a lease with the JDS that provides for:

- ◆ an initial six-year, eight-month lease and subsequent additional five-year extensions
- ◆ a retrieval clause with a 240 day notice by the Board of Education if the grounds are needed for public school purposes as shown on the attached
- ◆ a joint-use agreement for use of the fields should this become necessary
- ◆ community use of the fields during non-school hours
- ◆ an agreement to pay 50 percent of the unamortized construction cost of the improvements made to the athletic fields by the JDS if we retrieve the site; now therefore be it

Resolved, That the secretary and president of the Board of Education be authorized to enter into an agreement with the Charles E. Smith Jewish Day School for the lease of a portion of the combined Rocking Horse Road and Randolph Junior High School site, as shown on the attached to include, among other features, the right of the Board of Education to retrieve the site within 240 days notice should it be needed for public school purposes; and be it further

Resolved, That the Board of Education amend its action on May 10, 1983, to retain eight acres of the Randolph Junior High School site to be combined with the adjacent Rocking Horse Road Center site, for a total of 18.6 acres, for possible future public school use; and be it further

Resolved, That the state superintendent of schools be requested to concur with an amendment to the Board of Education's May 10, 1983, action conveying the site to the county government for disposition.

RESOLUTION NO. 483-98

Re: **AWARD OF CONTRACTS - IMPROVED ROAD ACCESS TO WELLER ROAD AND WOODFIELD ELEMENTARY SCHOOLS**

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

WHEREAS, The following sealed bids were received on July 23, 1998, for improved road access to Weller Road and Woodfield elementary schools, with work to begin immediately and to be completed by August 24, 1998:

<u>Bidder</u>		<u>Amount</u>
<u>Weller Road Elementary School</u>		
Gebaut Samen Development Corporation	\$	185,000
Fort Myer Construction Corporation		219,920
Francis O. Day Company, Inc.		237,330
 <u>Woodfield Elementary School</u>		
Gebaut Samen Development Corporation	\$	126,700
Fort Myer Construction Corporation		137,430
Francis O. Day Company, Inc.		168,515

and

WHEREAS, The low bidder for both schools, Gebaut Samen Development Corporation, has completed similar work successfully for Montgomery County Public Schools; and

WHEREAS, The low bids are below the staff estimates of \$220,000 for Weller Road Elementary School and \$160,000 for Woodfield Elementary School; and

WHEREAS, Staff has verified that the contractor has made a good faith effort to obtain minority participation; now therefore be it

Resolved, That contracts in the amounts of \$185,000 and \$126,700 be awarded to Gebaut Samen Development Corporation for improved road access to Weller Road and Woodfield elementary schools, in accordance with plans and specifications prepared by A. Morton Thomas and Associates, Inc.

RESOLUTION NO. 484-98

Re: **TUITION FOR NONRESIDENT PUPILS FOR FY 1999**

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

WHEREAS, Board of Education Resolution No. 364-77 established the basis for nonresident tuition charges and provides that the per pupil cost shall be based on the current year's estimated cost including debt service; and

WHEREAS, The basis for the calculation of cost per pupil for tuition purposes in FY 1999 is as follows:

Description	Half-Day Kindergarten	Elementary	Secondary	Special Education
<b>Projected FY 1999 Enrollment</b>	9,075	49,113	60,280	7,037
Cost				
Operating Costs	\$ 33,974,845	\$ 331,679,789	\$ 441,746,743	\$ 101,186,641
Capital Budget Costs:				
Current Revenue	157,507	1,546,051	1,897,582	221,521
Debt Service	2,647,819	25,990,269	31,899,771	3,723,933
<b>Total Cost</b>	<b>\$ 36,600,171</b>	<b>\$ 359,216,109</b>	<b>\$ 475,544,096</b>	<b>\$ 105,132,095</b>
<b>Tuition Cost Per Pupil</b>				
Operating Costs	3,376	6,754	7,328	14,379
Capital Budget Costs:				
Current Revenue	16	31	31	31
Debt Service	265	529	529	529
<b>Total Tuition Cost Per Pupil</b>	<b>\$ 3,657</b>	<b>\$ 7,314</b>	<b>\$ 7,888</b>	<b>\$ 14,939</b>

and

WHEREAS, The basis for the calculation of tuition for full-day Kindergarten is the same as elementary school students in Grades 1-5; now therefore be it

Resolved, That the tuition rates for nonresident pupils for the 1998-99 school year will be:

Kindergarten	
Half Day	\$ 3,657
Full Day	7,314
Elementary	7,314
Secondary	7,888
Special Education	14,939

RESOLUTION NO. 484(a)-98      Re:    **AN AMENDMENT TO THE TUITION FOR NON-RESIDENT PUPILS FOR FY 1999**

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

Resolved, That special education will be \$14,939 or any specific cost above that depending on the needs of the individual student.

FOR THE RECORD, Mr. Ewing made the following statement: "I think this an issue that probably ought to be raised with our Council before we rush into adopting something like that. I think it is unwise to do it."

RESOLUTION NO. 485-98      Re:    **RECOMMENDATION TO SUBMIT AN FY 1999 GRANT PROPOSAL FOR THE TECHNOLOGY INNOVATION CHALLENGE GRANT**

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

Resolved, That the superintendent of schools be authorized to submit FY 1999 grant proposal in the amount of \$9,736,550 for a five-year period to the U.S. Department of Education for the Technology Innovation Challenge Grant; and be it further

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

RESOLUTION NO. 486-98      Re:    **UTILIZATION OF FY 1999 FUTURE SUPPORTED PROJECT FUNDS FOR THE TECHNOLOGY LITERACY CHALLENGE FUND PROGRAM**

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

Resolved, That authorization is requested to receive and expend within the FY 1999 Provision for Future Supported Projects a grant award of \$325,000 from the Maryland State Department of Education for the Technology Literacy Challenge Fund Program in the following categories:

<u>Category</u>	<u>Positions*</u>	<u>Amount</u>
3 Instructional Salaries	2.0	\$ 165,895
4 Textbooks and Instructional Supplies		23,637
5 Other Instructional Costs		116,788
12 Fixed Charges	_____	<u>18,680</u>
Total	<u>2.0</u>	<u>\$ 325,000</u>

1.0 instructional specialist, 12-month (B-D) and 1.0 teacher trainer, 10-month (A-D)

and be it further

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

RESOLUTION NO. 487-98

Re: **UTILIZATION FUTURE SUPPORTED PROJECT FUNDS  
FOR THE TROOPS TO TEACHERS PROGRAM**

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

Resolved, That the superintendent of schools be authorized to receive and expend within the FY 1999 Provision for Future Supported Projects funds in the amount of \$42,255 for MCPS' participation in the Department of Defense's Troops to Teachers Program, in the following categories:

<u>Category</u>	<u>Amount</u>
3 Instructional Salaries	\$15,975
4 Textbooks and Instructional Materials	9,640
5 Other Instructional Costs	15,250
12 Fixed Charges	<u>1,390</u>
Total	<u>\$42,255</u>

and be it further

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

RESOLUTION NO. 488-98 Re: **PERSONNEL APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective July 30, 1998:

<u>Appointment</u>	<u>Present Position</u>	<u>As</u>
Carol Lange	Assistant Principal Waters Landing ES	Principal, Diamond ES

RESOLUTION NO. 489-98 Re: **PERSONNEL APPOINTMENT**

On recommendation of the Superintendent and on motion of Dr. Cheung seconded by Mrs. Gordon, the following resolution was adopted unanimously by members present:#

Resolved, That the following personnel appointment be approved effective July 30, 1998:

<u>Appointment</u>	<u>Present Position</u>	<u>As</u>
Bettye Sellman	Assistant Principal Fairland ES	Principal, Monocacy ES

RESOLUTION NO. 490-98 Re: **PERSONNEL APPOINTMENT**

On recommendation of the Superintendent and on motion of Ms. Signer seconded by Ms. Gutiérrez, the following resolution was adopted unanimously by members present:#

Resolved, That the following personnel appointment be approved effective July 30, 1998:

<u>Appointment</u>	<u>Present Position</u>	<u>As</u>
A. John Rottiers	Instructional Resource Teacher, White Oak MS	Coordinator, Takoma Park Magnet

Re: **POLICY BBB, ETHICS POLICY**

Dr. Vance invited the following people to the table: Mr. George Margolies, staff director to the Board of Education; Ms. Ruby Rubens, ombudsman/staff assistant to the Board of Education; Dr. Patricia Hahn, assistant to the superintendent of schools; Dr. Pam Splaine, director of policy and records; Ms. Adele Liskov, chair, Ethics Panel, and members of the Ethics Panel.

The Ethics Panel thought that the Ethics Policy needed revision and noted that the



recommendations made by the Board's panel of experts in the field of ethics will help the school system convey a serious commitment to ethics. Furthermore, it is in the best interest of clarity and sound practice to incorporate the Conflict of Interest Policy into the Ethics Policy, making the Ethics Policy a consistent statement of ethics for Montgomery County Public Schools.

Therefore, the Ethics Panel recommended and Dr. Vance endorsed the following:

- # Add a new position of ethics officer during the FY2000 budget preparations this fall
- # Amend the Ethics Policy to include the following substantive changes:
  - ▶ Change the Section on Financial Disclosure to allow the Ethics Panel to review all financial disclosure forms
  - ▶ Change the sections on definition, conflicts of interest, and financial disclosure to: broaden the scope of related persons and interests covered by the disclosure provisions; require the disclosure of assets and interests of reporting persons; and require updated disclosure forms to be filed whenever the interests of a reporting person materially change
  - ▶ Change the section on complaint handling procedures to have complaints referred to the ethics officer for investigation and review in consultation with legal counsel
  - ▶ Incorporate the provisions from the policy on conflicts of interest

If approved, a revised draft policy, BBB, would be prepared for tentative action within the next several months.

Re: **DISCUSSION**

Dr. Cheung asked what the panel envisioned for the ethics officer position as compared to the Inspector General within the federal government. Ms. Liskov replied that in the company she works for there are three ethics officers with 8,000 employees, and the Inspector General investigates fiscal management and focuses on waste, fraud, and abuse within programs. The ethics officer position proposed for MCPS would concentrate on conflict of interest and training of staff.

Mrs. Gordon appreciated the work that went into the paper and the thought behind the recommendations. She concurred with the recommendations, and she asked the

Superintendent if he agreed with the recommendation of an ethics officer position and the responsibilities that were recommended for that position. Dr. Vance thought the proposal for an ethics officer and the training and review of conflict of interest issues were a practical suggestion for the school system. Mrs. Gordon asked Dr. Vance, between now and the FY 00 budget, how he would handle the ethics functions. Dr. Vance suggested that in the interim the Ombudsman and Assistant to the Superintendent would assume those responsibilities. Mrs. Gordon asked where the ethics officer would be placed in the organizational structure. Dr. Vance thought that position should report to the Board. Mrs. Gordon asked if the Ombudsman and Assistant to the Superintendent would be responsible for the training of staff and that would begin this school year. Dr. Vance replied that in collaboration with the Ethics Panel, there would be a short-term and long-term plan. Mrs. Gordon thought it was imperative that an orientation was held every year for every employee and that should begin this year rather than waiting until there was a permanent ethics officer.

Ms. Gutiérrez hoped that training would not start until after the policy had been approved by the Board. Ms. Liskov and the committee envisioned that a formal training plan would be developed and put in place by the ethics officer. In the meantime, the Ethics Panel was prepared to disseminate information to staff in orientations for this year. Ms. Gutiérrez totally supported the recommendations of the Ethics Panel, and she suggested that they be more specific about the resources needed to implement the proposed policy.

Mr. Felton commended the panel and their recommendations. He hoped that the school system should not rely on the panel and staff because the commitment to move in the direction of the proposal was a major priority. There are corporate and public resources that could help the school system with the process of ethics. The procurement issues are the primary focus, and he hoped that this process would not try to encompass more issues at this time, i.e., employee conduct which had implications for the Ethics Panel. He hoped that the panel would look at other school districts in Maryland to ensure that there was some ethics relationship within the state. Also, there were services through some of the associations in which MCPS are members.

Ms. Signer thanked the Ethics Panel for all the work that was done on the recommendations. She shared Dr. Vance's sense that there was a degree of urgency on this topic, and she shared Mr. Felton's concern that the school system was moving too slowly. There had been so much outlined that needs to be done – training, orientation, policy revision, conflict of interest forms. While she felt that the Ombudsman and Assistant to the Superintendent were capable of working with the Ethics Panel over the next year, she thought that waiting until the FY 2000 budget was developed was too late for a full-time ethics officer. She would like staff to work with the Ethics Panel to bring back to the Board this fall, hopefully in October, a recommendation for a work plan for the coming year that included (1) the responsibilities of an ethics officer, (2) projected costs, and (3) how

the funds could be reallocated in the current budget to hire someone this year.

Dr. Vance asked if that was the sense of the Board, and the Board agreed. Ms. Signer asked if that would be one of the meetings in October. Dr. Vance thought it depended on several factors. Ms. Liskov replied that the Ethics Panel would be delighted to work on a plan because they wanted to move forward on the new issues and duties. However, the proposed functions were not that different from what the current policy called for. It was a question of fuller implementation of the policy with added support. Ms. Signer's concern was that the school system could not do very much until a full-time ethics officer was hired. The school system cannot move forward with full implementation if it has to wait until the FY 2000 budget. That implied that the work would begin a year from now and, then, the school system would be starting with all of the work that needed to be accomplished.

Mr. Ewing noted that when the Board adopted the initial policy and created the Ethics Panel, the Board had an interesting argument with the County Council. The Council wanted the Board to go under the county government's ethics policy. The Board, however, thought it had an obligation to create an Ethics Panel and assess how effective the policy was and to consider from time to time what needed to be done to strengthen the policy. The proposed recommendations were the most ambitious and thorough effort of that kind, and he thought the Board should move ahead as soon as feasible.

RESOLUTION NO. 491-98            Re:    **POLICY BBB, *ETHICS POLICY***

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

Resolved, That the Board of Education adopt the recommendations of the Ethics Panel.

Re:    **BOARD/SUPERINTENDENT COMMENTS**

Mr. Ewing commented that the Board had heard testimony from two people about the Belt facility and where that controversy stands. There was a new business item that suggested the Board contact the County Council regarding that facility. If the Board was to accelerate modernizations in the future, it needs a clarification from the Council and County Executive of their position.

Mrs. King made the following statement: "Allegations have been made in a suit recently filed against the Board of Education that its June 22, 1998, action in regard to the Montgomery County Public Schools Employees' pension system was invalid because it was based on a recommendation of its Audit Committee that was adopted at a committee meeting that allegedly was held in violation of the Maryland Open Meetings Act.

The Board of Education believes that the meeting of the Audit Committee was held in compliance with the Open Meetings Act and that the acceptance of the Committee's recommendation by the full Board of Education, after full discussion and debate at a regular meeting of the Board, cured any possible violation of the Act by the Committee.

Nevertheless, in order to eliminate any legal uncertainty concerning the Board's action, it has requested that the Audit Committee again meet to consider the issue and to submit a recommendation to the Board for its consideration at a future meeting."

WHEREAS, The Maryland General Assembly has enacted legislation modifying the Teachers' Pension System, with the goal of providing a more generous benefit to retirees; and

WHEREAS, The overall cost to the state of this new pension plan is estimated to be \$150 million annually; and

WHEREAS, MCPS pays a 10 percent supplement above the benefits provided by the current Maryland State Teachers' retirement and pension systems; and

WHEREAS, During its meeting with the Montgomery County Council of Supporting Service Employees, MCCSSE representatives voiced concern about the level of retirement benefits provided under the MCPS retirement system and expressed interest in a defined contribution retirement plan; and

WHEREAS, Board Resolution 289-98, the Board directed its Audit Committee to (a) analyze the impact on MCPS of changes in the Teachers' Pension System, (b) compare provisions and levels of benefits provided by the new teacher's pension system and the MCPS supplement with those of the MCPS retirement system, (c) explore the advantages, disadvantages, and feasibility of a defined contribution retirement plan for MCPS employees, and (d) report its findings and recommendations to the Board; and

WHEREAS, On June 22, 1998, the Board of Education considered, debated, and adopted the resolution recommended by the Audit Committee; and

WHEREAS, The case of *Montgomery County Education Association, Inc. et. al. versus Montgomery County Board of Education*, Civil No. 189291, was filed in the Circuit Court for Montgomery County challenging the validity of the resolution adopted by the Board on June 22, 1998, on the basis that the meeting of the Audit Committee concerning this issue was not conducted in accordance with the Maryland Open Meetings Act; and

WHEREAS, The Board of Education believes that the meeting of the Audit Committee was held in compliance with the Open Meetings Act and that the acceptance of the Committee's recommendation by the full Board of Education, after full discussion and debate at a regular meeting of the Board, cured any possible violation of the Act by the Committee; and

WHEREAS, In order to eliminate any legal uncertainty concerning the Board's action of June 22, 1998, the Board of Education desires that the Audit Committee again meet to review the issue and to submit a new recommendation to the Board for its consideration at a future meeting; now therefore be it

Resolved, That the Board of Education direct its Audit Committee to analyze again the impact on MCPS of changes to the Teachers' Pension System; and be it further

Resolved, That the Audit Committee again compare the provisions of and the level of benefits provided by the new Teachers' Pension System and the MCPS supplement with those of the MCPS retirement system; and be it further

Resolved, That the Audit Committee again report its findings and recommendations to the Board of Education and that the Board schedule time no later than September 22, 1998, for discussion of and action on the Audit Committee's report.

RESOLUTION NO. 492-98

Re: **CLOSED SESSION RESOLUTION**

On recommendation of the Superintendent and on motion of Ms. Gutiérrez seconded by Ms. Signer, 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 sessions; now therefore be it

Resolved, That the Board of Education of Montgomery County conduct a portion of its meeting on Wednesday, August 26, 1998, from 9:00 a.m. to 1:30 p.m. to discuss personnel matters and other matters protected from public disclosure by law, to review and adjudicate appeals, and to address 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 4-107, *Education Article of the Annotated Code of Maryland* and Section 10-508 of the *State Government Article*; and be it further

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

**Re: REPORT OF CLOSED SESSION**

On June 22, 1998, by the unanimous vote of members present, the Board of Education voted to conduct a closed session on July 14, 1998, as permitted under § 4-107, *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 July 14, 1998, from 8:40 to 10:07 a.m. and 12:04 to 2:15 p.m. The meetings took place in Room 120, Carver Educational Services Center, Rockville, Maryland.

The Board met to discuss appeals, personnel matters, student issues, salaries, and other legal matters with its attorney. The Board reviewed and adjudicated Appeals 1997-23, 1998-19, 1998-18, 1998-20, 1998-21, T-1998-5, and T-1998-6.

In attendance at part or all of the above closed sessions were: Elizabeth Arons, Larry Bowers, Judy Bresler, Geonard Butler, Alan Cheung, Robin Confino, Blair Ewing, Reggie Felton, David Fischer, Kathy Gemberling, Bea Gordon, Ana Sol Gutiérrez, Pat Hahn, Marlene Hartzman, Roland Ikheloa, Nancy King, George Margolies, Brian Porter, Glenda Rose, Ruby Rubens, Steven Seleznow, Mona Signer, Lucinda Sullivan, Roger Titus, Paul Vance, and Ron Walsh.

**RESOLUTION NO. 493-98      Re:    BOARD APPEAL NO. 1998-20**

On motion of Ms. Gutiérrez and seconded by Ms. Signer, the following resolution was adopted:

Resolved, That the Board of Education adopts its Decision and Order in Appeal 1998-20, review of a book matter, reflective of the following vote: Mr. Butler, Dr. Cheung, Mr. Ewing, Mr. Felton Ms. Gutiérrez, Mrs. King, and Ms. Signer voting to dismiss the appeal; Mrs. Gordon recused herself.

**RESOLUTION NO. 494-98      Re:    BOARD APPEAL NO. 1998-23**

On motion of Mrs. Gordon and seconded by Ms. Signer, the following resolution was

adopted:

Resolved, That the Board of Education adopts its Order in Appeal 1998-23, the change of a student's grade, reflective of the following vote: Mr. Butler, Dr. Cheung, Mr. Ewing, Mr. Felton, Mrs. Gordon, Mrs. King and Ms. Signer voting to affirm; Ms. Gutiérrez voting to reverse.

RESOLUTION NO. 495-98            Re:    **BOARD APPEAL NO. 1998-18**

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

Resolved, That the Board of Education adopts its Order in Appeal 1998-23, a student discipline matter, reflective of the following vote: Mr. Butler, Dr. Cheung, Mr. Ewing, Mr. Felton, Ms. Gutiérrez, and Mrs. King voting to affirm in part and to reverse in part; Mrs. Gordon and Ms. Signer voting to affirm.

RESOLUTION NO. 496-98            Re:    **BOARD APPEAL NO. NEC- 1998-8**

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

Resolved, That the Board of Education adopts its Order in Appeal NEC-1998-8, a student assignment matter, reflective of the following vote: Dr. Cheung, Mrs. Gordon, Mrs. King, and Ms. Signer voting to affirm; Mr. Ewing, Mr. Felton, and Ms. Gutiérrez voting to reverse; Mr. Butler was absent.

RESOLUTION NO. 497-98            Re:    **BOARD APPEAL NO. NEC- 1998-15**

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

Resolved, That the Board of Education adopts its Order in Appeal NEC-1998-15, a student assignment matter, reflective of the following vote: Dr. Cheung, Mr. Felton, Mrs. Gordon, Mrs. King, and Ms. Signer voting to affirm; Mr. Ewing and Ms. Gutiérrez voting to reverse; Mr. Butler was absent.

RESOLUTION NO. 498-98            Re:    **BOARD APPEAL NO. NEC- 1998-19**

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

Resolved, That the Board of Education adopts its Order in Appeal NEC-1998-19, a student assignment matter, reflective of the following vote: Dr. Cheung, Mr. Ewing, Mr. Felton, Mrs. Gordon, Mrs. King, and Ms. Signer voting to affirm; Ms. Gutiérrez voting to reverse; Mr. Butler was absent.

RESOLUTION NO. 499-98            Re:    **BOARD APPEAL NO. NEC- 1998-10**

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

Resolved, That the Board of Education adopts its Order in Appeal NEC-1998-10, a student assignment matter, reflective of the following vote: Dr. Cheung, Mr. Ewing, Mr. Felton, Mrs. Gordon, Mrs. King, and Ms. Signer voting to affirm; Ms. Gutiérrez voting to reverse; Mr. Butler was absent.

RESOLUTION NO. 500-98            Re:    **BOARD APPEAL NO. NEC- 1998-12**

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

Resolved, That the Board of Education adopts its Order in Appeal NEC-1998-12, a student assignment matter, reflective of the following vote: Dr. Cheung, Mr. Ewing, Mr. Felton, Mrs. Gordon, Mrs. King, and Ms. Signer voting to affirm; Ms. Gutiérrez voting to reverse; Mr. Butler was absent.

RESOLUTION NO. 501-98            Re:    **BOARD APPEAL NO. NEC- 1998-20**

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

Resolved, That the Board of Education adopts its Order in Appeal NEC-1998-20, a student assignment matter, reflective of the following vote: Dr. Cheung, Mr. Ewing, Mr. Felton, Mrs. Gordon, Mrs. King, and Ms. Signer voting to affirm; Ms. Gutiérrez voting to reverse; Mr. Butler was absent.

RESOLUTION NO. 502-98            Re:    **BOARD APPEAL NO. NEC- 1998-21**

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

Resolved, That the Board of Education adopts its Order in Appeal NEC-1998-21, a student assignment matter, reflective of the following vote: Dr. Cheung, Mr. Ewing,



Mr. Felton, Mrs. Gordon, Mrs. King, and Ms. Signer voting to affirm; Ms. Gutiérrez voting to reverse; Mr. Butler was absent.

RESOLUTION NO. 503-98            Re:    **BOARD APPEAL NO. NEC- 1998-16**

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

Resolved, That the Board of Education adopts its Order in Appeal NEC-1998-16, a student assignment matter, reflective of the following vote: Dr. Cheung, Mr. Ewing, Mr. Felton, Mrs. Gordon, Mrs. King, and Ms. Signer voting to affirm; Ms. Gutiérrez voting to reverse; Mr. Butler was absent.

RESOLUTION NO. 504-98            Re:    **BOARD APPEAL NO. T- 1998-13**

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

Resolved, That the Board of Education adopts its Order in Appeal T-1998-13, a student transfer matter, reflective of the following vote: Dr. Cheung, Mr. Felton, Mrs. Gordon, Ms. Gutiérrez, Mrs. King, and Ms. Signer voting to affirm; Mr. Ewing voting to reverse; Mr. Butler was absent.

RESOLUTION NO. 505-98            Re:    **BOARD APPEAL NO. T- 1998-18**

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

Resolved, That the Board of Education adopts its Order in Appeal T-1998-18, a student transfer matter, reflective of the following vote: Mrs. Gordon, Ms. Gutiérrez, Mrs. King, and Ms. Signer voting to affirm; Dr. Cheung, Mr. Ewing, Mr. Felton, and Ms. Gutiérrez voting to reverse; Mr. Butler was absent.

RESOLUTION NO. 506-98            Re:    **BOARD APPEAL NO. T- 1998-33**

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

Resolved, That the Board of Education adopts its Order in Appeal T-1998-33, a student transfer matter, reflective of the following vote: Mrs. Gordon, Ms. Gutiérrez, Mrs. King, and Ms. Signer voting to affirm; Dr. Cheung, Mr. Ewing, and Mr. Felton voting to reverse; Mr. Butler was absent.

**RESOLUTION NO. 507-98            Re:    BOARD APPEAL NO. T- 1998-17**

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

Resolved, That the Board of Education adopts its Order in Appeal T-1998-33, a student transfer matter, reflective of the following vote: Mrs. Gordon, Ms. Gutiérrez, and Mrs. King voting to affirm; Dr. Cheung, Mr. Ewing, Mr. Felton, and Ms. Signer voting to reverse; Mr. Butler was absent.

**RESOLUTION NO. 508-98            Re:    BOARD APPEAL NO. T- 1998-22**

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

Resolved, That the Board of Education adopts its Order in Appeal T-1998-22, a student transfer matter, reflective of the following vote: Dr. Cheung, Mr. Felton, Mrs. Gordon, Ms. Gutiérrez, Mrs. King, and Ms. Signer voting to affirm; Mr. Ewing voting to reverse; Mr. Butler was absent.

**RESOLUTION NO. 509-98            Re:    BOARD APPEAL NO. T- 1998-24**

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

Resolved, That the Board of Education adopts its Order in Appeal T-1998-24, a student transfer matter, reflective of the following vote: Mr. Felton, Mrs. Gordon, Ms. Gutiérrez, Mrs. King, and Ms. Signer voting to affirm; Dr. Cheung and Mr. Ewing voting to reverse; Mr. Butler was absent.

**RESOLUTION NO. 510-98            Re:    BOARD APPEAL NO. T- 1998-23**

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

Resolved, That the Board of Education adopts its Order in Appeal T-1998-23, a student transfer matter, reflective of the following vote: Dr. Cheung, Mr. Ewing, Mrs. Gordon, Ms. Gutiérrez, Mrs. King, and Ms. Signer voting to affirm; Mr. Felton voting to reverse; Mr. Butler was absent.

RESOLUTION NO. 511-98      Re:    **PERSONNEL INVESTIGATIONS**

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

Resolved, That the Board of Education ask the Superintendent for an information item which spells out how personnel investigations are conducted, by whom, and in accordance with what guidelines.

RESOLUTION NO. 512-98      Re:    **BELT FACILITY**

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

Resolved, That the Board of Education request a meeting with the County Council or an appropriate committee of the County Council to discuss the Belt facility and how it affects the Board's plans for future modernizations of middle schools.

Re:    **NEW BUSINESS**

RESOLUTION NO. 513-98      Re:    **VOTE ON NEW BUSINESS ITEM**

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

Resolved, That the Board of Education vote at this meeting on the resolution introduced by Mrs. King that would ask the Audit Committee to review the Pension Plan.

RESOLUTION NO. 514-98      Re:    **REVIEW OF THE PENSION PLAN**

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

WHEREAS, The Maryland General Assembly has enacted legislation modifying the Teachers' Pension System, with the goal of providing a more generous benefit to retirees; and

WHEREAS, The overall cost to the state of this new pension plan is estimated to be \$150 million annually;and

WHEREAS, MCPS pays a 10 percent supplement above the benefits provided by the current Maryland State Teachers' retirement and pension systems; and

WHEREAS, During its meeting with the Montgomery County Council of Supporting Service Employees, MCCSSE representatives voiced concern about the level of retirement benefits provided under the MCPS retirement system and expressed interest in a defined contribution retirement plan; and

WHEREAS, Board Resolution 289-98, the Board directed its Audit Committee to (a) analyze the impact on MCPS of changes in the Teachers' Pension System, (b) compare provisions and levels of benefits provided by the new teacher's pension system and the MCPS supplement with those of the MCPS retirement system, (c) explore the advantages, disadvantages, and feasibility of a defined contribution retirement plan for MCPS employees, and (d) report its findings and recommendations to the Board; and

WHEREAS, On June 22, 1998, the Board of Education considered, debated, and adopted the resolution recommended by the Audit Committee; and

WHEREAS, The case of *Montgomery County Education Association, Inc. et. al. versus Montgomery County Board of Education*, Civil No. 189291, was filed in the Circuit Court for Montgomery County challenging the validity of the resolution adopted by the Board on June 22, 1998, on the basis that the meeting of the Audit Committee concerning this issue was not conducted in accordance with the Maryland Open Meetings Act; and

WHEREAS, The Board of Education believes that the meeting of the Audit Committee was held in compliance with the Open Meetings Act and that the acceptance of the Committee's recommendation by the full Board of Education, after full discussion and debate at a regular meeting of the Board, cured any possible violation of the Act by the Committee; and

WHEREAS, In order to eliminate any legal uncertainty concerning the Board's action of June 22, 1998, the Board of Education desires that the Audit Committee again meet to review the issue and to submit a new recommendation to the Board for its consideration at a future meeting; now therefore be it

Resolved, That the Board of Education direct its Audit Committee to analyze again the impact on MCPS of changes to the Teachers' Pension System; and be it further

Resolved, That the Audit Committee again compare the provisions of and the level of benefits provided by the new Teachers' Pension System and the MCPS supplement with those of the MCPS retirement system; and be it further

Resolved, That the Audit Committee again report its findings and recommendations to the Board of Education and that the Board schedule time no later than September 22, 1998, for discussion of and action on the Audit Committee's report.

Re: **NEW BUSINESS**

Ms. Signer moved and Mrs. Gordon seconded the following:

Resolved, That the Board of Education schedule time this fall to discuss staff revisions to the elementary science, secondary science, elementary social studies, secondary social studies, and secondary English curricula.

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

Resolved, That the Board of Education requests that at the time when programs for on-level students is scheduled for discussion and action, there be a presentation by the Superintendent and discussion by the Board of plans for ensuring that these on-level or average students are prepared to take and complete algebra in the eighth grade.

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

WHEREAS, The Board of Education has given strong emphasis to programs for gifted and talented students; and

WHEREAS, there have not been enough resources in recent years to provide full support to the continuing and expanding efforts to provide needed educational services to gifted and talented students; and

WHEREAS, There is now a bill which was introduced in the U.S. House of Representatives on June 24, 1998, H.R. 4127, entitled the Gifted and Talented Students Education Act of 1998, which would provide to state education agencies substantial Federal government aid for programs for gifted and talented students; now therefore be it

Resolved, That the Board of Education endorse this legislation (a copy of which is attached) and request the appropriate committees and the two Montgomery County members of the House of Representatives, as well as Maryland's two Senators, to give strong support to this legislation; and be it further

Resolved, That the Board send copies of this resolution to the County Executive, County Council and members of the delegation to the General Assembly of Maryland.

Mrs. Gordon asked the Superintendent for a staff review on the implications for MCPS in

supporting Mr. Ewing's new business item on gifted and talented legislation.

Mr. Ewing moved and Mr. Felton seconded the following:

WHEREAS, The French Immersion program at the elementary school level plans for and offers two years of English instruction in fifth and sixth grades; and

WHEREAS, The sixth grade will no longer be part of the elementary school program beginning with the school year starting in 1999; and

WHEREAS, Montgomery County Public Schools has proposed that two years of English be offered in the course of one year for those students completing fourth grade in 1999; and

WHEREAS, This is not what parents want and believe will work well, nor do parents and others believe it is good educational practice; now therefore be it

Resolved, That the Board of Education schedule time, for discussion and action at the earliest feasible meeting of the Board to review the Superintendent's plan and alternatives that he and parents might propose, with a view to making a determination about how best to ensure effective English instruction for the French Immersion students.

Mr. Felton moved and Ms. Signer seconded the following:

Resolved, That the Board of Education request the Superintendent to review the tuition for non-resident pupils and provide the Board with the cost alternatives for consideration in FY 2000 with recommendations for students in magnets, signature, variations special needs, and other programs beyond on-level students, including an evaluation or assessment by our attorneys.

Re: **STATEMENT**

Statement for the record by Mr. Ewing: "I do not agree with the statement that says that the Board of Education believes the meeting of the Audit Committee was held in compliance with the Opening Meetings Act. Let the record show that I do not support this resolution because I do not believe that we did it in accord with the Open Meetings Act at Audit Committee meetings."

RESOLUTION NO. 515-98

Re: **ADJOURNMENT**

Resolved, That the Board of Education adjourn its meeting of July 29, 1998, at 11:10 p.m.

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PRESIDENT

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SECRETARY

PLV:gr

# MONTGOMERY COUNTY BOARD OF EDUCATION SUMMARY SHEET

July 29, 1998

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