

APPROVED
20-2002

Rockville, Maryland
July 25, 2002

The Board of Education of Montgomery County met in regular session at the Carver Educational Services Center, Rockville, Maryland, on Thursday, July 25, 2002, at 8:00 p.m.

ROLL CALL Present: Mr. Reginald M. Felton, President
in the Chair
Mr. Stephen Abrams
Mr. Kermit V. Burnett
Ms. Sharon Cox
Mrs. Nancy J. King
Mr. Walter Lange
Mrs. Patricia B. O'Neill
Mr. Mihyar Alnifaidy, Student Board Member
Dr. Jerry Weast, Secretary/Treasurer

Absent: None

or () indicates student vote does not count. Four votes needed for adoption.

RESOLUTION NO. 327-02 Re: **CLOSED SESSION**

On recommendation of the Superintendent and on motion of Mrs. O'Neill seconded by Mr. Lange, the following resolution was adopted unanimously:

WHEREAS, The Board of Education of Montgomery County is authorized by the *Education Article* and *State Government Article* of the *Annotated Code of Maryland* 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 closed session on July 25, 2002, in Room 120 from 6:30 to 8:00 p.m. to discuss personnel appointments and consider the acquisition of real property for a public purpose and matters directly related thereto, as permitted under Section 10-508(a) of the *State Government Article*; and be it further

Resolved, That the Board of Education of Montgomery County conduct a portion of its closed session to receive legal advice as permitted under Section 10-508(a)(7) of the *State Government Article*; and be it further

Resolved, That the Board of Education of Montgomery County dedicate part of the closed session on July 25, 2002, from 6:30 to 8:00 p.m. and 10:35 to 10:40 p.m. to acquit its executive functions and to adjudicate and review appeals, which is a quasi-judicial function outside the purview of the Open Meetings Act under Section 10-503(a) of the *State*

Government Article; and be it further

Resolved, That this portion of the meeting continue in closed session until the completion of business.

RESOLUTION NO. 328-02 Re: **APPROVAL OF THE AGENDA**

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

Resolved, That the Board of Education amend its agenda by adding the Agreement for the Gaithersburg Judith P. Hoyer Center, and approve its agenda, as amended, for July 25, 2002.

Re: **PUBLIC COMMENTS**

The following people testified before the Board of Education:

	<u>Person</u>	<u>Topic</u>
1.	Lance Smith	Motivational Speaker
2.	Kevin Byrne	Selection of Community Superintendent
3.	Richard Rampersaud	Bid Protest
4.	Qin Xue	Chinese Language Classes
5.	Bob Hydron	Portable Classrooms
6.	Mark Drury	Construction Trades
7.	Maria Garcia	Construction Trades
8.	Carl Lavin	Teacher Evaluations

RESOLUTION NO. 329-02 Re: **TWO-WAY RADIO BID**

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

Resolved, That the Board of Education defer the following item until August 26, 2002:

4028.3 Two Way Radios

Awardee
Teltronic, Inc.

\$ 53,605

RESOLUTION NO. 330-02 Re: **PROCUREMENT CONTRACTS OF \$25,000 OR MORE**

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

Ms. Cox, the following resolution was adopted unanimously: #

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

WHEREAS, Funds have been budgeted and/or identified to lease/purchase computers through the University of Maryland RFP No. 79216-T, UNIX Workstation Computers; and

WHEREAS, The acquisition of such equipment through lease/purchase arrangements has been reviewed by legal counsel; now therefore be it

Resolved, That the University of Maryland RFP No. 79216-T, UNIX Workstation Computers, in the amount of \$239,000, be lease/purchased under the Master Lease/Purchase Agreement with Banc of America Leasing & Capital, LLC and that the Board President and the Superintendent execute the documents necessary for this transaction; and be it further

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

DBM 9915 DCES	Mobile/Wireless Dispatch Communication Equipment and Services for the Department of Transportation	
	<u>Awardee</u>	
	Cingular Wireless	\$ 25,000
7069.4	Printing Supples	
	<u>Awardees</u>	
	Arcal Chemicals, Inc.	\$ 2,006
	Braden Sutphin Ink Company*	1,583
	AB Dick Company	10,165
	Keystone Printing Ink Company	9,476
	Printer's Service	12,858
	Valley Litho Supply	5,245
	Walker Supply Company, Inc.	<u>57,301</u>
	Total	\$ 98,634
9072.3	Weight Training Supplies and Equipment	
	<u>Awardees</u>	
	American Fitness	\$ 16,085
	Barbell Barn	1,254
	Fitness Equipment Solutions	67,860

	Fitness Resource	111,328
	Heartline Fitness Products	193,720
	International Youth Fitness	62,394
	Leisure Fitness, Inc.*	31,352
	Passon's Sports	400
	Sports Stop, Inc.	3,893
	York Barbell Total Fitness	<u>27,525</u>
	Total	\$ 515,811
9100.6	Processed Meats and Refrigerated and Frozen Foods	
	<u>Awardees</u>	
	Carroll County Foods, Inc.	\$ 38,195
	Cloverdale Foods, Inc.	8,820
	Dori Foods, Inc.	70,721
	Karetas Foods, Inc.	172,362
	Manassas Frozen Foods	37,181
	Poppy Street Food Products*	65,825
	PYA Monarch, Inc.	86,784
	H. Schrier and Company, Inc.	9,405
	Otis Spunkmeyer, Inc.	106,488
	SYSCO Food Service of Baltimore/DC Region	721,398
	U.S. Foodservice	<u>123,808</u>
	Total	\$1,440,987
9514.3	Middle School Athletic Shirts—Extension	
	<u>Awardee</u>	
	Yorktown Team Sports	\$ 46,102
	TOTAL PROCUREMENT CONTRACTS EXCEEDING \$25,000	\$2,419,139

* Denotes Minority-, Female-, or Disabled-owned Business

RESOLUTION NO. 331-02 Re: **AWARD OF CONTRACTS – RELOCATABLE CLASSROOMS**

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by Ms. Cox, the following resolution was adopted unanimously:#

WHEREAS, The following sealed bids were received on July 2 and July 10, 2002, for the relocation and installation of relocatable classroom buildings:

<u>Bidder</u>	<u>Amount</u>	<u>Number of Units</u>
<u>Bid 5</u>		14
Cynthia M. Hastings, Inc.	\$601,286	
EMH Environmental, Inc.	739,500	
<u>Bid 6</u>		15
J & L Services, Inc.	\$664,950	
Cottonwood Construction, Inc.	746,420	
EMH Environmental, Inc.	765,500	

and

WHEREAS, There is limited opportunity for Minority Business Enterprise (MBE) participation on these projects because the work is largely self-performed by the low bidders; and

WHEREAS, Staff recommends waiving the MBE participation goal for these projects; and

WHEREAS, The low bidders have completed similar work successfully for the Montgomery County Public Schools; and

WHEREAS, The low bids are within staff estimates; now therefore be it

Resolved, That contracts be awarded to Cynthia M. Hastings, Inc., in the amount of \$601,286 and to J & L Services, Inc., in the amount of \$664,950, for Bids 5 and 6, respectively, for the relocation and installation of relocatable classrooms, in accordance with drawings and specifications prepared by the Department of Facilities Management.

RESOLUTION NO. 332-02 Re: **REDUCTION OF RETENTION – ROBERT FROST
MIDDLE SCHOOL**

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by Ms. Cox, the following resolution was adopted unanimously:#

WHEREAS, Henley Construction Company, Inc., general contractor for the Robert Frost Middle School addition project, has completed 80 percent of all specified requirements as of June 30, 2002, 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, Hartford Accident and Indemnity Company,

has consented to this reduction; and

WHEREAS, The project architect, Smolen■Emr Associates Architects recommends approval of the reduction; now therefore be it

Resolved, That the 10-percent retainage withheld from periodic payments to Henley Construction Company, Inc., general contractor for the Robert Frost Middle School addition 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. 333-02 Re: **REDUCTION OF RETENTION – NEWPORT MILL MIDDLE SCHOOL**

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by Ms. Cox, the following resolution was adopted unanimously:#

WHEREAS, Pantech Construction Company, Inc., general contractor for the Newport Mill Middle School reopening project, has completed 91 percent of all specified requirements as of June 30, 2002, 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, Seaboard Surety Company, has consented to this reduction; and

WHEREAS, The project architect, Walton, Madden, Cooper, Robinson, Poness, Inc., recommends approval of the reduction; now therefore be it

Resolved, That the 10-percent retainage withheld from periodic payments to Pantech Construction Company, Inc., general contractor for the Newport Mill Middle School reopening 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. 334-02 Re: **GRANT OF FOREST CONSERVATION EASEMENT AND DECLARATION OF COVENANTS AT ROCKVILLE HIGH SCHOOL**

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by Ms. Cox, the following resolution was adopted unanimously:#

WHEREAS, The Mayor and Council of Rockville (City) requested Forest Conservation Easements and Declaration of Covenants in connection with the modernization of Rockville High School, located at 2100 Baltimore Road; and

WHEREAS, The 30.32-acre site contains a forested area behind the school building that is unsuitable for school development or programming due to steep slopes and stream valley; and

WHEREAS, The proposed easement grant within 8.37 acres will conserve this land as forest, protecting existing trees and providing for the installation, maintenance, and protection of certain additional trees; and

WHEREAS, Tree planting and future maintenance of the forest conservation areas will be undertaken by the Board of Education, with the City being granted the right to inspect to confirm compliance with the terms of the Forest Conservation Easements and Declaration of Covenants; now therefore be it

Resolved, That the president and secretary of the Board of Education be authorized to execute a Grant of Forest Conservation Easement and Declaration of Covenants for 8.37 acres of land at Rockville High School to the Mayor and Council of Rockville.

RESOLUTION NO. 335-02 Re: **GRANT OF STORMWATER MANAGEMENT EASEMENT, STORMWATER MANAGEMENT INSPECTION, AND MAINTENANCE AGREEMENT AT ROCKVILLE HIGH SCHOOL**

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by Ms. Cox, the following resolution was adopted unanimously:#

WHEREAS, The Mayor and Council of Rockville (City) requested easements for stormwater management inspection and maintenance in connection with the modernization of Rockville High School, located at 2100 Baltimore Road; and

WHEREAS, The proposed easement grant is contained in five parcels totaling 56,035 square feet of land in which the Board will install and construct underground stormwater quality and quantity control structures as part of the school modernization; and

WHEREAS, All construction and future maintenance will be undertaken by the Board of Education, with the City of Rockville being granted the right to inspect and maintain the stormwater structures should the Board fail to do so; and

WHEREAS, The proposed easement will not affect any land that could be used for school programming and recreational activities; now therefore be it

Resolved, That the president and secretary of the Board of Education be authorized to execute a Stormwater Management Easement, Stormwater Management Inspection, and Maintenance Agreement granting inspection and maintenance rights in 56,035 square feet of land at Rockville High School to the Mayor and Council of Rockville.

RESOLUTION NO. 336-02

Re: **GRANT OF PUBLIC SIDEWALK AND STREET TREE EASEMENT AND RIGHT-OF-WAY AT ROCKVILLE HIGH SCHOOL**

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by Ms. Cox, the following resolution was adopted unanimously:#

WHEREAS, The Mayor and Council of Rockville (City) requested a Grant of Public Sidewalk and Street Tree Easement and Right-of-Way in connection with the modernization of Rockville High School, located at 2100 Baltimore Road in Rockville; and

WHEREAS, The proposed easement and right-of-way, contained in 4,734 square feet along the frontage of the school, will provide unimpeded pedestrian access along Baltimore Road and will allow future maintenance of the street trees by the City; and

WHEREAS, The proposed easement and right of way will not affect any land that could be used for school programming and recreational activities; now therefore be it

Resolved, That the president and secretary of the Board of Education be authorized to execute a Grant of Public Sidewalk and Street Tree Easement and Right-of-Way consisting of 4,734 square feet of land at Rockville High School.

RESOLUTION NO. 337-02

Re: **GRANT OF DEED OF DEDICATION AT ROCKVILLE HIGH SCHOOL**

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by Ms. Cox, the following resolution was adopted unanimously:#

WHEREAS, The Mayor and Council of Rockville (City) requested a Deed of Dedication along Baltimore Road for road improvements in connection with the modernization of Rockville High School, located at 2100 Baltimore Road in Rockville; and

WHEREAS, The proposed deed of dedication will require a public dedication of 30,008 square feet in fee simple along the frontage of the school, along with a parallel 15-foot-wide temporary slope easement; and

WHEREAS, The proposed deed of dedication will not affect any land that could be used for school programming and recreational activities and will provide safer ingress and egress to the school from Baltimore Road; now therefore be it

Resolved, That the president and secretary of the Board of Education be authorized to execute a deed of dedication consisting of 30,008 square feet of land in fee simple, with a parallel 15-foot-wide strip for a temporary slope easement for road improvements at Rockville High School.

RESOLUTION NO. 338-02

Re: **GAITHERSBURG HIGH SCHOOL – AUTHORITY
TO PURCHASE IRELAND PROPERTY**

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by Ms. Cox, the following resolution was adopted unanimously:#

WHEREAS, A feasibility study, completed to facilitate the master plan of an addition and future modernization of Gaithersburg High School, recommended that additional properties be acquired along South Summit Avenue to expand the school site; and

WHEREAS, The Board of Education requested and the County Council approved a special appropriation of funds to the Advance Land Acquisition Revolving Fund on June 26, 2001, for expansion of the Gaithersburg High School site; and

WHEREAS, Funds are available for the purchase of the land and improvements located at 210 South Summit Avenue, being parts of Lots 10, 11, 13, and 14 in Summit Park; and

WHEREAS, The owner has agreed to a sale price of \$260,000, that is within the range of two independent fair market appraisals; now therefore be it

Resolved, That the president and secretary of the Board of Education be authorized to execute a Contract of Sale for the purchase of the land and improvements located at 210 South Summit Avenue, being parts of Lots 10, 11, 13, and 14 in Summit Park, for the purchase price of \$260,000; and be it further

Resolved, That the superintendent be authorized to make settlement as soon as possible thereafter.

RESOLUTION NO. 339-02

Re: **GAITHERSBURG HIGH SCHOOL – AUTHORITY
TO PURCHASE SAKOWSKI PROPERTY**

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by Ms. Cox, the following resolution was adopted unanimously:#

WHEREAS, A feasibility study, completed to facilitate the master plan of an addition and future modernization of Gaithersburg High School, recommended that additional properties be acquired along South Summit Avenue to expand the school site; and

WHEREAS, The Board of Education requested and the County Council approved a special appropriation of funds to the Advance Land Acquisition Revolving Fund on June 26, 2001, for expansion of the Gaithersburg High School site; and

WHEREAS, Funds are available for the purchase of the land and improvements located at 208 South Summit Avenue, being Parcel P498 in Summit Park; and

WHEREAS, The owners have agreed to a sale price of \$255,000, which is within the range of two independent fair market appraisals; now therefore be it

Resolved, That the president and secretary of the Board of Education be authorized to execute a Contract of Sale for the purchase of the land and improvements located at 208 South Summit Avenue, being Parcel P498 in Summit Park, for the purchase price of \$255,000; and be it further

Resolved, That the superintendent be authorized to make settlement as soon as possible thereafter.

RESOLUTION NO. 340-02 Re: **AGREEMENT FOR THE GAITHERSBURG JUDITH P. HOYER (JUDY) CENTER**

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by Ms. Cox, the following resolution was adopted unanimously:#

WHEREAS, The Maryland State Department of Education awarded a Community Development Block Grant to the City of Gaithersburg in the amount of \$207,150 to support the installation of a Judy Center at Summit Hall Elementary School; and

WHEREAS, The Board of Education has been asked by the City of Gaithersburg to contribute \$18,225 to the cost of the Judy Center facility to ensure timely completion of the project; and

WHEREAS, The Board's attorney has reviewed and approved the proposed agreement for legal sufficiency; now therefore be it

Resolved, That the president and secretary of the Board of Education be authorized to execute an agreement with the City of Gaithersburg to establish a Judy Center at Summit Hall Elementary School and contribute \$18,225 to its cost.

RESOLUTION NO. 341-02 Re: **FY 2002 OPERATING BUDGET CATEGORICAL TRANSFER**

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by Ms. Cox, the following resolution was adopted unanimously:#

WHEREAS, Category 6 Special Education reflected a deficit as of June 30, 2002, due to higher-than-anticipated expenditures for nonpublic placement of special education students; and

WHEREAS, The required funds are available for transfer from Category 1 Administration; and

WHEREAS, Transfers are not required from instructional categories to noninstructional categories; now therefore be it

Resolved, That the superintendent of schools be authorized, subject to the approval of the County Council, to effect the following transfer from noninstructional to instructional categories:

<u>Category</u>	<u>Description</u>	<u>To</u>	<u>From</u>
1	Administration		\$605,000
6	Special Education	<u>\$605,000</u>	<u> </u>
	Total	<u>\$605,000</u>	<u>\$605,000</u>

and be it further

Resolved, That the county executive and County Council be given a copy of this resolution; and be it further

Resolved, That the county executive be requested to recommend approval of the categorical transfer to the County Council.

RESOLUTION NO. 342-02 Re: **FY 2002 OPERATING BUDGET CATEGORICAL TRANSFER**

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by Ms. Cox, the following resolution was adopted unanimously:#

WHEREAS, Category 9 Student Transportation reflected a deficit as of June 30, 2002, as a result of lower-than-anticipated lapse and turnover, higher-than-expected labor costs to comply with contractual mandates, additional court-mandated costs for special education transportation, mandated costs for special transportation for homeless students, and higher-than-expected bus repair costs; and

WHEREAS, The required funds are available for transfer from Category 1 Administration; and

WHEREAS, Transfers are not required from instructional categories to noninstructional categories; now therefore be it

Resolved, That the superintendent of schools be authorized, subject to the approval of the County Council, to effect the following transfers within noninstructional categories:

<u>Category</u>	<u>Description</u>	<u>To</u>	<u>From</u>
1	Administration		\$1,880,000
9	Student Transportation	<u>\$1,880,000</u>	<u> </u>
	Total	<u>\$1,880,000</u>	<u>\$1,880,000</u>

and be it further

Resolved, That the county executive and County Council be given a copy of this resolution; and be it further

Resolved, That the county executive be requested to recommend approval of the categorical transfer to the County Council.

RESOLUTION NO. 343-02 Re: **HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective July 26, 2002:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Michael Cohen	Director of School Performance	Director of Enriched and Innovative Programs

RESOLUTION NO. 344-02 Re: **HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective July 26, 2002:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
William Ball	Technology Education Teacher, Ann Arbor Public Schools	Curriculum Coordinator, Career Academics

RESOLUTION NO. 345-02 Re: **HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective July 26, 2002:

<u>Appointment</u> Joey Jones	<u>Current Position</u> Assistant Principal, Rockville HS	<u>As</u> Principal, Robert Frost MS
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Re: **UPDATE ON CELL PHONE REGULATIONS**

On recommendation of the Superintendent and on motion of Mrs. O'Neill seconded by Mrs. King, the following resolution was placed on the table:

WHEREAS, On October 16, 2001, the Board of Education endorsed Regulation COG-RA, *Portable Communication Devices*, and resolved that the impact of the regulation would be reviewed at the conclusion of the 2001-02 school year to determine whether any changes or modifications may be necessary; and

WHEREAS, Regulation COG-RA, *Portable Communication Devices*, has been implemented during the 2001-02 school year; and

WHEREAS, Principals have reported that Regulation COG-RA, *Portable Communication Devices*, has been effective in the schools; however, there is a need to ensure consistency in application; now therefore be it

Resolved, That the Board of Education support the proposed draft of Regulation COG-RA, *Portable Communication Devices*.

Re: **DISCUSSION**

Dr. Weast invited the following people to the table: Mr. Edward A. Clarke, director, Department of School Safety and Security; and Ms. Lori-Christina Webb, coordinator of policy and procedures, Office of Shared Accountability.

Re: **AN AMENDMENT TO THE CELL PHONE REGULATIONS**

On motion of Mrs. O'Neill and seconded by Mrs. King, the following amendment was placed on the table:

Resolved, That the Board of Education amend the regulation as follows:

Middle school and elementary school students are not permitted to possess or use portable communication devices on MCPS middle school and elementary school campuses during the instructional day or at MCPS-sponsored ~~middle school~~ or elementary school activities, except by written request by a parent or guardian and upon the approval of the principal/director. Principals/Directors will grant waivers to the regulation

based on consideration of the following factors; safety to and from school, communication during off-campus after-school activities, or medical concerns. Other factors may be considered at the discretion of the principal/director.

~~A conference with parent, student, and principal is required for every waiver request.~~

Re: **DISCUSSION**

Mrs. O'Neill explained that her intent was to require a waiver during the school instructional day. There is always an option for a conference, but requiring a conference is burdensome. She thought there were more cell phones used after school, and it was her intent to allow phones to be carried and used after the instructional day without a waiver.

Mrs. King was concerned about conducting a conference for each waiver.

Mr. Felton stated that the intent was to have a conversation with a parent to explain the regulation, and that conversation could be conducted over the phone. Mr. Abrams offered a friendly amendment to change conference to verification. Staff defined conference as an oral discussion, not as a written document.

Ms. Cox thought there were other purposes for the conference, including identifying safety issues or incidents of bullying. The principal could help the student and parent without the reliance on a cell phone.

Dr. Weast noted the maturity level of middle school students. The middle school principals have suggested that this is a good time to open a discussion around the cell phone issue and pinpoint any other troubling issues. Principals are trying to establish communication with the home.

Mr. Burnett was not convinced that the principals have a problem with a conference in the waiver process. Dr. Weast explained that principals were proponents of the conference.

Ms. Cox's concern with the conference was that the process was not widely advertised. However, if it is advertised, the conference requirement might become onerous for principals. She suggested the following friendly amendment:

At the discretion of the principal, a conference with parent and student may be required for every waiver request.

Mrs. O'Neill accepted the amendment.

Ms. Polcari, a middle school principal, thought the conference worked well during the past year. The child understood the seriousness of the waiver. The middle school principals

would prefer that the conference be required, not discretionary.

Mr. Abrams thought the regulations clearly stated that a waiver must be obtained each year, and subsequently another conference would have to be held based on the same grounds that granted a waiver the previous year. However, if the language included the discretion of the principal, those factors could be encompassed in a decision to have a conference or not. Ms. Polcari thought an additional conference would be a benefit. Mr. Burnett added that the reason for a waiver in one year may or may not be appropriate in subsequent years.

Mrs. O'Neill remarked that parents would be confused by having to reapply for a waiver if they had received a waiver this year. The waiver regulation needs to be widely publicized. There is a two-tiered waiver – one for the instructional day and one for after-school activities. This regulation creates a burden by requiring a conference for each waiver. There is always an option to communicate with the parent if the principal has questions or concerns.

Re: **AN AMENDMENT TO THE CELL PHONE REGULATIONS**

On motion of Mrs. O'Neill and seconded by Mrs. King, the following revised amendment failed with Mr. Alnifaidy, Ms. Cox, and Mrs. O'Neill voting in the affirmative; Mr. Abrams, Mr. Burnett, Mr. Felton, Mrs. King, and Mr. Lange voting in the negative:

Resolved, That the Board of Education amend the language as follows:

At the discretion of the principal, a conference with parent and student **may be required** for every waiver request.

Re: **AN AMENDMENT TO THE CELL PHONE REGULATIONS**

On motion of Mrs. O'Neill and seconded by Mrs. King, the following amendment was placed on the table:

Resolved, That the Board of Education amend the regulation as follows:

Middle school and elementary school students are not permitted to possess or use portable communication devices on MCPS middle school and elementary school campuses during the instructional day or at MCPS-sponsored ~~middle school~~ or elementary school activities, except by written request by a parent or guardian and upon the approval of the principal/director. Principals/directors will grant waivers to the regulation

based on consideration of the following factors; safety to and from school, communication during off-campus after-school activities, or medical concerns. Other factors may be considered at the discretion of the principal/director.

Re: **DISCUSSION**

Mr. Abrams asked why elementary school students would not have the same consideration to carry cell phones to extracurricular events. Mrs. O'Neill believed that elementary school students should be required to seek a waiver for cell phone use. She has seen cell phones in use by middle school students at plays and dances, and they should be permitted to have a cell phone.

Ms. Cox inquired if middle schools enforced the regulation banning cell phones at extracurricular activities without a waiver. What was the incident rate? Ms. Polcari replied that if a cell phone was seen or heard, the infraction was dealt with, but administrators were not searching for cell phones. Mr. Abrams and Ms. Cox thought the regulation was unenforceable and the revised regulation should be reasonable. Dr. Weast thought that principals were well trained and capable of consistently enforcing the regulation at all times.

Mr. Felton saw the views of both sides, but he believed that the language in the draft regulation did not restrict use of a cell phone. Through the waiver process, there is sufficient flexibility. If principals receive too many waiver requests, they will seek a change in the regulation.

Mrs. O'Neill said there were 150 waivers last year. Last year, the high school principals resisted cell phone use by students, but there were no problems reported throughout the first year of use. The reality is that cell phones are used at extracurricular activities by middle school students, and it is unrealistic to think every child has a waiver.

Through the discussion, Mr. Abrams was persuaded that the regulation, as drafted, was appropriate.

Re: **AN AMENDMENT TO THE CELL PHONE REGULATIONS**

On motion of Mrs. O'Neill and seconded by Mrs. King, the following amendment failed with Mr. Alnifaidy, Ms. Cox, and Mrs. O'Neill voting in the affirmative; Mr. Abrams, Mr. Burnett, Mr. Felton, Mrs. King, and Mr. Lange voting in the negative:

Resolved, That the Board of Education amend the regulation as follows:

Middle school and elementary school students are not permitted to possess

or use portable communication devices on MCPS middle school and elementary school campuses during the instructional day or at MCPS-sponsored ~~middle school or elementary school~~ activities, except by written request by a parent or guardian and upon the approval of the principal/director. Principals/directors will grant waivers to the regulation based on consideration of the following factors; safety to and from school, communication during off-campus after-school activities, or medical concerns. Other factors may be considered at the discretion of the principal/director.

Re: **AN AMENDMENT TO THE CELL PHONE REGULATIONS**

On motion of Ms. Cox and seconded by Mrs. O'Neill, the following amendment was placed on the table:

Resolved, That the Board of Education amend the regulation as follows:

All **elementary and middle school** parents/**guardians** will be notified about **the PCD guidelines, the availability of and factors considered in granting a waiver, the requirement of a conference, and how to obtain any required forms** ~~availability of a waiver~~.

Re: **DISCUSSION**

Ms. Cox knew that principals were committed to advertising the need for a waiver to use a cell phone, but the regulation needs to be explicit. This could be communicated through the Student Rights and Responsibilities document.

RESOLUTION NO. 346-02

Re: **AN AMENDMENT TO THE CELL PHONE REGULATIONS**

On motion of Ms. Cox and seconded by Mrs. O'Neill, the following amendment was adopted unanimously:

Resolved, That the Board of Education amend the regulation as follows:

All **elementary and middle school** parents/**guardians** will be notified about **the PCD guidelines, the availability of and factors considered in granting a waiver, the requirement of a conference, and how to obtain any required forms** ~~availability of a waiver~~.

Re: **DISCUSSION**

Mr. Abrams stated that prior to the discussion, he intended to support the draft regulation. However, he was not comfortable with the lines of distinction and rationale for the waiver and the inconsistencies between the high school and middle school level. He would support a continuation of last year's regulations, but the revisions to the regulation raised more questions than they answered.

RESOLUTION NO. 347-02 Re: **CELL PHONE REGULATIONS**

On recommendation of the Superintendent and on motion of Mrs. O'Neill seconded by Mrs. King, the following resolution was adopted with Mr. Alnifaidy, Mr. Burnett, Ms. Cox, Mr. Felton, Mrs. King, Mr. Lange, and Mrs. O'Neill voting in the affirmative; Mr. Abrams voting in the negative:

WHEREAS, On October 16, 2001, the Board of Education endorsed Regulation COG-RA, *Portable Communication Devices*, and resolved that the impact of the regulation would be reviewed at the conclusion of the 2001-02 school year to determine whether any changes or modifications may be necessary; and

WHEREAS, Regulation COG-RA, *Portable Communication Devices*, has been implemented during the 2001-02 school year; and

WHEREAS, Principals have reported that Regulation COG-RA, *Portable Communication Devices*, has been effective in the schools, however, there is a need to ensure consistency in application; now therefore be it

Resolved, That the Board of Education support the proposed draft of Regulation COG-RA, *Portable Communication Devices*.

Portable Communication Devices

1. PURPOSE

To establish procedures and penalties for possession and use of portable communication devices by students on MCPS property, or engaged in MCPS sponsored activities

2. DEFINITION

A. *A portable communication device* refers to any device carried, worn, or stored by a student to receive or communicate messages. Such devices

may include but are not limited to portable pagers, hand-held radios, and cellular telephones. This definition will also include any new technology developed for similar purposes. Excluded from this definition is any device with communication capabilities which has been approved for instructional purposes.

- B. *Principal/director* refers to the administrator responsible for a school or office as appropriate.

3. PROCEDURES

Effective October 16, 2001, high school students may possess portable communication devices on MCPS property and at MCPS-sponsored activities. It is the student's responsibility to ensure that the device is turned off and out of sight during times of unauthorized use. The high school student may not turn on/use the device until the end of the official instructional day on the high school campus. Use of devices by high school students riding to and from school on MCPS buses is permitted as long as it does not impact the safe operation of the school bus. However, high school students may not use portable communication devices on MCPS or commercially chartered buses used for school-sponsored activities during the official instructional day.

Middle school and elementary school students are not permitted to possess or use portable communication devices on MCPS middle school and elementary school campuses during the instructional day or at MCPS-sponsored middle school or elementary school activities, except by written request by a parent or guardian and upon the approval of the principal/director. Principals/directors will grant waivers to the regulation based on consideration of the following factors; safety to and from school, communication during off-campus after-school activities, or medical concerns. Other factors may be considered at the discretion of the principal/director.

A conference with parent, student, and principal is required for every waiver request.

All elementary and middle school parents/guardians will be notified about the PCD guidelines, the availability of and factors considered in granting a waiver, the requirement of a conference, and how to obtain any required forms.

High school students on the campus of a middle or elementary school for a legitimate purpose must have all portable communication devices turned off and out of sight during the official instructional day. High school students on the campus of a middle or elementary school outside of the official instructional day for a legitimate purpose may use a portable communication device.

This regulation applies to the instructional times for students attending Night School or Saturday school.

- A. Any student having reached the age of majority or parent/guardian of a student requesting authorization to possess or use a portable communication device other than at authorized times will do so to the principal/director who will decide whether to grant or deny the request.
- B. Any staff member or student having knowledge or reasonable suspicion of unauthorized possession or use of a portable communication device by a student on MCPS property should promptly report this information to the principal/director or designee.
- C. If, after appropriate investigation, a student is found in unauthorized possession or use of a portable communication device, the principal/director may confiscate the device in accordance with procedures outlined in Regulation JGB-RA: *Search and Seizure*.
- D. Any student who violates this regulation will be subject to disciplinary action.
 - 1. Depending on circumstances, the disciplinary action could include but not be limited to conference, confiscation of the device, loss of privileges, detention, and up to ten days suspension.
 - 2. Suspension of five or more days should be reserved for repeated or extremely serious violations of this regulation.
- E. Procedures in this regulation will be incorporated into the local school discipline plan process.
- F. Appeals of school disciplinary decisions under paragraph D will be administered according to MCPS Policy BLB: *Rules of Procedures in Appeals and Hearings*.

IV. RESPONSIBILITY/LIABILITY

MCPS will assume no responsibility or liability for loss or damage to a device or for the unauthorized use of any such device.

V. REGULATION REVIEW

This regulation will be reviewed at the conclusion of this school year.

Re: **TENTATIVE ACTION ON POLICY DAA, FISCAL RESPONSIBILITY AND CONTROL**

On motion of Ms. Cox and seconded by Mr. Abrams, the following resolution was placed on the table:

WHEREAS, Policy DAA, *Fiscal Responsibility and Control*, was identified for amendment during the periodic review of policies; and

WHEREAS, The Audit Committee has approved the amendment of this policy in accordance with the recommendations of the superintendent of schools; now therefore be it

Resolved, That the Board of Education take tentative action to adopt changes to Policy DAA, *Fiscal Responsibility and Control*, as shown on attached draft; and be it further

Resolved, That the tentative draft Policy DAA, *Fiscal Responsibility and Control*, be sent out for public comment.

Re: **TENTATIVE ACTION ON POLICY DAA, FISCAL RESPONSIBILITY AND CONTROL**

On motion of Mr. Lange and seconded by Mrs. O'Neill, the following amendment failed with Mr. Alnifaidy, Mr. Lange, and Mrs. O'Neill voting in the affirmative; Mr. Abrams, Mr. Burnett, Ms. Cox, Mr. Felton, and Mrs. King voting in the negative:

Resolved, That the Board of Education amend the amount in the policy from \$100,000 to \$50,000.

RESOLUTION NO. 348-02

Re: **TENTATIVE ACTION ON POLICY DAA, FISCAL RESPONSIBILITY AND CONTROL**

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

WHEREAS, Policy DAA, *Fiscal Responsibility and Control*, was identified for amendment during the periodic review of policies; and

WHEREAS, The Audit Committee has approved the amendment of this policy in accordance with the recommendations of the superintendent of schools; now therefore be it

Resolved, That the Board of Education take tentative action to adopt changes to Policy DAA, *Fiscal Responsibility and Control*, as shown on attached draft; and be it further

Resolved, That the tentative draft Policy DAA, *Fiscal Responsibility and Control*, be sent out for public comment.

Fiscal Responsibility and Control

A. PURPOSE

To ensure that adequate fiscal responsibility and control are maintained for funds entrusted to Montgomery County Public Schools

B. ISSUE

It is important to balance the need to ensure that adequate fiscal responsibility and control are maintained for funds entrusted to Montgomery County Public Schools with the need for effective and efficient operating procedures.

C. POSITION

1. The annual budgetary appropriations (operating and capital) and special grants are the basis for the operation of the school system.
2. Financial control systems must conform to the laws and regulations of the state of Maryland and to applicable provisions of the charter and laws of Montgomery County.
3. The superintendent is responsible for preventing the overencumbrance of the number of positions and the appropriation as contained in the budgets or supported programs. The superintendent is responsible for reporting regularly the financial position of the school system to the Board of Education.

D. DESIRED OUTCOMES

A process that ensures adequate fiscal responsibility and control, and is efficient and effective.

E. IMPLEMENTATION STRATEGIES

1. Nonlocal supplemental funds available subsequent to the adoption of the annual appropriation by the County Council may be expended after notification to and approval by the Board and the County Council as to the source, amounts, and manner in which the funds will be expended with

notification to the County Executive.

2. Operating budget transfers of appropriation authority between categories as contained in the annual appropriation require County Council approval and notification to the County Executive.
3. Operating budget transfers that increase the overall number of authorized permanent positions or that transfer funds within a category in excess of \$100,000 shall be approved by the Board, and that transfers not in excess of \$100,000 may be approved by the superintendent.
4. Monthly reports of transfers shall be submitted to the County Council as required by state law.
5. All personnel employed on a permanent basis for full-time or part-time shall be recommended by the superintendent to the Board for approval; termination of part-time or full-time permanent employees shall be recommended by the superintendent to the Board for approval; the superintendent shall have authority to employ or terminate, subject to approval of the Board at its next meeting at which a personnel report is considered; that an appeal from the Board's decision may be made to the State Board of Education.
6. Capital budget transfers between locally funded projects can only be made through the unliquidated surplus account and shall be approved by the Board and the County Council while transfers between state-funded projects shall be approved by the Board, the County Council, and the State School Construction Interagency Committee with notification of the County Executive of all transfers irrespective of the source of funds.

F. REVIEW AND REPORTING

This policy will be reviewed on an ongoing basis in accordance with the BOE policy review process.

Re: **BOARD/SUPERINTENDENT COMMENTS**

Mr. Lange commented that he participated in the Leadership Institute, and it was well organized with very effective training. Also, he congratulated the City of Gaithersburg for hosting the city's principals in recognition of their partnership.

Mrs. O'Neill reported that she attended the press conference for the Learn Shop, Inc. and Montgomery County Public Schools. This year, 46 schools, along with several MCPS offices, participated in the program. In addition to sending some of the collected materials

to school children in Ecuador and Panama, Learn Shop, Inc. will distribute supplies locally to nonprofit agencies and county elementary schools with a high number of low-income students.

Dr. Weast thanked all the people who worked on the leadership training. Summer school had a great opening, and he complimented middle and high school principals for bringing summer school into their neighborhoods for accelerated programs. Human Resources should be commended for hiring more than 930 high quality teachers.

RESOLUTION NO. 349-02 Re: **CLOSED SESSION RESOLUTION**

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

WHEREAS, The Board of Education of Montgomery County is authorized by the *Education Article* and *State Government Article of the Annotated Code of Maryland* 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 Monday, August 26, 2002, in Room 120 of the Carver Educational Services Center to meet in closed session from 9:00 a.m. to 1:30 p.m., and 4:55 to 5:00 p.m. to discuss personnel matters, as permitted under Section 10-508(a)(1) of the *State Government Article*, consult with counsel to obtain legal advice, as permitted by Section 10-508(a)(7) of the *State Government Article*; and review and adjudicate appeals in its quasi-judicial capacity and to discuss matters of an executive function outside the purview of the Open Meetings Act (Section 10-503(a) 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 July 9, 2002, by unanimous vote of members present, the Board of Education voted to conduct closed sessions as permitted under the *Education Article* § 4-107 and *State Government Article* § 10-501, *et seq.*, of the *Annotated Code of Maryland*.

The Montgomery County Board of Education met in closed sessions on July 9, 2002, from 9:10 to 10:25 a.m., 1:15 to 2:30 p.m., and 5:00 to 5:20 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and

1. Reviewed and/or adjudicated the following appeals: 2001-32, 2002-10, 2002-12, 2002-15, 2002-22, 2002-25, 2002-26, 2002-27, 2002-28, 2002-30, T-2002-15, T-2002-18, T-2002-19, T-2002-21, T-2002-22, T-2002-23, T-2002-

- 24, T-2002-25, T-2002-26, T-2002-28, T-2002-32, and T-2002-33.
2. Reviewed the Superintendent's recommendation for the Human Resources Monthly Report and human resources appointments, subsequent to which the votes to approve were taken in open session.
 3. Consulted with counsel to receive legal advice as permitted under Section 10-508(a)(7) of the *State Government Article*.
 4. Discussed matters of an executive function outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*).

In attendance at the closed session were: Steve Abrams, Mihyar Alnifaidy, Kermit Burnett, Sharon Cox, Reggie Felton, Roland Ikheloa, Nancy King, Walter Lange, George Margolies, Pat O'Neill, Glenda Rose, and Roger Titus.

RESOLUTION NO. 350-02 Re: **APPOINTMENT TO THE ADVISORY COMMITTEE
ON FAMILY LIFE AND HUMAN DEVELOPMENT**

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

WHEREAS, COMAR 13A.04.18 requires that local education agencies have a Citizens Advisory Committee on Family Life and Human Development; and

WHEREAS, Montgomery County has had a Citizens Advisory Committee on Family Life and Human Development since 1970, consisting of representatives of various organizations and associations, community members at large, and student representative; now therefore be it

Resolved, That the following individual be appointed to serve a two-year term effective July 1, 2002, and ending June 30, 2004:

Myrna Bernstein

RESOLUTION NO. 351-02 Re: **APPEAL 2001-32**

On motion of Mrs. O'Neill seconded by Mr. Abrams, the following resolution was adopted:

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2001-32, accommodations under ADA, reflective of the following vote: Mr. Abrams, Mr. Alnifaidy, Mr. Burnett, Ms. Cox, Mr. Felton, Mrs. King, Mr. Lange, and Mrs. O'Neill voting to affirm in part and to reverse in part.

RESOLUTION NO. 352-02 Re: **APPEAL 2002-10**

On motion of Mrs. O'Neill seconded by Mr. Abrams, the following resolution was adopted:

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2002-10, student expulsion, reflective of the following vote: Mr. Abrams, Mr. Burnett, Ms. Cox, Mr. Felton, Mrs. King, Mr. Lange, and Mrs. O'Neill voting to affirm in part and to reverse in part; Mr. Alnifaidy was absent when this case was adjudicated.

RESOLUTION NO. 353-02 Re: **APPEAL 2002-12**

On motion of Mrs. O'Neill seconded by Mr. Abrams, the following resolution was adopted:

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2002-12, student expulsion, reflective of the following vote: Mr. Abrams, Mr. Burnett, Ms. Cox, Mr. Felton, Mrs. King, Mr. Lange, and Mrs. O'Neill voting to affirm in part and to reverse in part; Mr. Alnifaidy was absent when this case was adjudicated.

RESOLUTION NO. 354-02 Re: **APPEAL 2002-15**

On motion of Mrs. O'Neill seconded by Mr. Abrams, the following resolution was adopted:

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2002-15, student expulsion, reflective of the following vote: Mr. Abrams, Mr. Burnett, Ms. Cox, Mr. Felton, Mrs. King, Mr. Lange, and Mrs. O'Neill voting to affirm; Mr. Alnifaidy was absent when this case was adjudicated.

RESOLUTION NO. 355-02 Re: **APPEAL 2002-23**

On motion of Mrs. O'Neill seconded by Mr. Abrams, the following resolution was adopted:

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2002-23, elimination of bus route, reflective of the following vote: Mr. Abrams, Mr. Burnett, Ms. Cox, Mr. Felton, Mrs. King, Mr. Lange, and Mrs. O'Neill voting to reverse; Mr. Alnifaidy was absent when this case was adjudicated.

RESOLUTION NO. 356-02 Re: **APPEAL 2002-26**

On motion of Mrs. O'Neill seconded by Mr. Abrams, the following resolution was adopted:

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2002-26, non-renewal of teacher contract, reflective of the following vote: Mr. Abrams, Ms. Cox, Mr. Felton, Mrs. King, Mr. Lange, and Mrs. O'Neill voting to dismiss; Mr. Burnett voting to reverse; Mr. Alnifaidy does not have a vote on negative personnel appeals.

RESOLUTION NO. 357-02 Re: **APPEAL 2002-28**

On motion of Mrs. O'Neill seconded by Mr. Abrams, the following resolution was adopted:

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2002-28, admission to Blair Magnet, reflective of the following vote: Mr. Abrams, Mr. Burnett, Ms. Cox, Mr. Felton, Mrs. King, Mr. Lange, and Mrs. O'Neill voting to affirm; Mr. Alnifaidy was absent when this case was adjudicated.

RESOLUTION NO. 358-02 Re: **APPEAL 2002-27**

On motion of Mrs. O'Neill seconded by Mr. Abrams, the following resolution was adopted:

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2002-27, release of educational records, reflective of the following vote: Mr. Abrams, Mr. Burnett, Ms. Cox, Mr. Felton, Mrs. King, Mr. Lange, and Mrs. O'Neill voting to affirm; Mr. Alnifaidy was absent when this case was adjudicated.

RESOLUTION NO. 359-02 Re: **APPEAL 2002-30**

On motion of Mrs. O'Neill seconded by Mr. Abrams, the following resolution was adopted:

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2002-30, student suspension, reflective of the following vote: Mr. Abrams, Mr. Burnett, Ms. Cox, Mr. Felton, Mrs. King, Mr. Lange, and Mrs. O'Neill voting to dismiss; Mr. Alnifaidy was absent when this case was adjudicated.

RESOLUTION NO. 360-02 Re: **APPEAL 2002-45**

On motion of Mrs. O'Neill seconded by Mr. Abrams, the following resolution was adopted:

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2002-45, teacher dismissal, reflective of the following vote: Mr. Abrams, Mr. Burnett, Ms. Cox, Mr. Felton, Mrs. King, Mr. Lange, and Mrs. O'Neill voting to affirm; Mr. Alnifaidy does not have a vote on negative personnel appeals.

RESOLUTION NO. 361-02 Re: **APPEAL T-2002-34**

On motion of Mrs. O'Neill seconded by Mr. Abrams, the following resolution was adopted:

Resolved, That the Board of Education adopt its Decision and Order in Appeal T-2002-34, student transfer, reflective of the following vote: Mr. Abrams, Mr. Alnifaidy, Mr. Burnett, Ms. Cox, Mr. Felton, Mrs. King, Mr. Lange, and Mrs. O'Neill voting to affirm.

RESOLUTION NO. 362-02 Re: **APPEAL T-2002-37**

On motion of Mrs. O'Neill seconded by Mr. Abrams, the following resolution was adopted:

Resolved, That the Board of Education adopt its Decision and Order in Appeal T-2002-37, student transfer, reflective of the following vote: Mr. Abrams, Mr. Alnifaidy, Mr. Burnett, Ms. Cox, Mr. Felton, Mrs. King, Mr. Lange, and Mrs. O'Neill voting to affirm.

RESOLUTION NO. 363-02 Re: **APPEAL T-2002-38**

On motion of Mrs. O'Neill seconded by Mr. Abrams, the following resolution was adopted:

Resolved, That the Board of Education adopt its Decision and Order in Appeal T-2002-38, student transfer, reflective of the following vote: Mr. Alnifaidy and Mr. Lange voting to affirm; Mr. Abrams, Mr. Burnett, Ms. Cox, Mr. Felton, Mrs. King, and Mrs. O'Neill voting to reverse.

RESOLUTION NO. 364-02 Re: **APPEAL T-2002-40**

On motion of Mrs. O'Neill seconded by Mr. Abrams, the following resolution was adopted:

Resolved, That the Board of Education adopt its Decision and Order in Appeal T-2002-40, student transfer, reflective of the following vote: Mr. Abrams, Mr. Alnifaidy, Mr. Burnett, Ms. Cox, Mr. Felton, Mrs. King, Mr. Lange, and Mrs. O'Neill voting to reverse.

RESOLUTION NO. 365-02 Re: **ALTERNATIVE SCHEDULES AND USE OF TECHNOLOGY (Previous New Business)**

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

WHEREAS, Improving academic achievement of every student continues to remain the highest priority within Montgomery County Public Schools; and

WHEREAS, Enrollment in MCPS continues to increase beyond the current capacity of our facilities; and

WHEREAS, There is a projected national shortage of highly qualified teacher personnel; and

WHEREAS, Research supports the use of technology, including computer-assisted curricula and distant learning as supplements to the classroom and to provide additional options for students; and

WHEREAS, The federal government encourages local school districts to consider alternative schedules (extended day, expanded year, flexible schedules, etc.) as a means of meeting the increasing needs of students; now therefore be it

Resolved, That the Board of Education and Superintendent jointly establish a Task Force no later than October 1, 2002, to review the potential uses of alternative schedules and technology to 1) improve academic achievement, 2) provide for expanded use of highly qualified personnel who might otherwise not be available for traditional schedules; and 3) relieve the projected overcrowding of school facilities; and be it further

Resolved, That the Task Force complete its review and make recommendations to the Board of Education and Superintendent in time for consideration as part of the 2003-2004 Operating and Capital Improvement budgets; and be it further

Resolved, That the Task Force include major stakeholders, including students, parents, teachers, principals, administrators, and business persons.

Re: **UNUSED CONTINGENCY DAYS FOR EMERGENCY (Previous New Business)**

On motion of Mrs. O'Neill and seconded by Mrs. King, the following resolution failed with Mrs. O'Neill and Mr. Alnifaidy voting in the affirmative; Mr. Abrams, Mr. Burnett, Ms. Cox, Mr. Felton, Mrs. King, and Mr. Lange voting in the negative:

WHEREAS, The 2002-2003 approved MCPS school calendar is based on 184 instructional days for students, which include four contingency days for emergency closings; and

WHEREAS, In the school year recently concluded, the days set aside for emergency closings were not used and there have been requests by parents, students and staff for MCPS to consider closing schools early by the number of unused contingency days consistent with the practice of some jurisdictions in Maryland and elsewhere in the nation; now therefore be it

Resolved, That the Board direct the superintendent of schools to study MCPS use of contingency days for emergency closings to include an analysis of the practice of neighboring jurisdictions, the pros and cons of closing schools early (child care concerns and impact on the economically disadvantaged), implications for negotiated contracts, other options for utilizing the contingency days (like staff development training); and be it further

Resolved, That the Superintendent make a recommendation to the Board on the use of the contingency days for emergency closings in time for the adoption of the 2003-2004 academic year's calendar, or no later than December 2002.

RESOLUTION NO. 366-02

Re: **PLANNING BOARD (New Business)**

On motion of Mr. Lange and seconded by Mrs. O'Neill, the following resolution was adopted with Mr. Alnifaidy, Mr. Burnett, Ms. Cox, Mr. Felton, Mrs. King, Mr. Lange, and

Mrs. O'Neill voting in the affirmative; Mr. Abrams abstaining:

WHEREAS, The decisions of the Montgomery County Planning Board guide the future growth of the County; and

WHEREAS, The Planning Board's approval of specific projects also has a profound impact upon projected enrollments and demographics of our school system, leading to difficult decisions as to capital projects, operating budget costs, and school boundaries; and

WHEREAS, Derick Berlage recently has assumed his new position as Chair of the Planning Board, acknowledging the need to address transportation and housing needs in a balanced manner; now therefore be it

Resolved, That the Board of Education invite the members of the Planning Board to a meeting at which time matters of mutual concern would be discussed to the benefit of both agencies and the citizens of Montgomery County.

Re: **ITEMS OF INFORMATION**

The following item was available:

- 1. Construction Status Report

RESOLUTION NO. 367-02 Re: **ADJOURNMENT**

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 adjourn its meeting of July 25, 2002, at 9:50 p.m.

PRESIDENT

SECRETARY

JDW:gr

**MONTGOMERY COUNTY BOARD OF EDUCATION
SUMMARY SHEET**

July 25, 2002

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