

APPROVED  
35-2003

Rockville, Maryland  
October 27, 2003

The Board of Education of Montgomery County met in regular session at the Carver Educational Services Center, Rockville, Maryland, on October 27, 2003, at 7:50 p.m.

ROLL CALL Present:                   Mrs. Patricia B. O'Neill, President  
  in the Chair  
  Mr. Kermit V. Burnett  
  Ms. Sharon Cox  
  Mr. Reginald M. Felton  
  Dr. Charles Haughey  
  Mr. Walter Lange  
  Mr. Gabe Romero  
  Mr. Sagar Sanghvi, Student Board Member  
  Dr. Jerry Weast, Secretary/Treasurer

Absent:           None

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

RESOLUTION NO. 530-03 Re:   **CLOSED SESSION**

On recommendation of the Superintendent and on motion of Dr. Haughey seconded by Ms. Cox, the following resolution was adopted unanimously by members present:

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 closed session on October 27, 2003, in Room 120 from 7:00 to 7:30 p.m. to discuss the Human Resources appointments, as permitted under Section 10-508(a)(1) of the *State Government Article*; and be it further

Resolved, That the Board of Education discuss a contract directly related to negotiating strategy and proposal process, as permitted under Section 10-508(n) 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 October 27, 2003, to acquit its executive functions, which is 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.

\*\*Mr. Sanghvi was temporarily absent.

**RESOLUTION NO. 531-03 Re: APPROVAL OF THE AGENDA**

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

Resolved, That the Board of Education approve its agenda for October 27, 2003.

**Re: PUBLIC COMMENTS**

The following people testified before the Board of Education:

	<u>Person</u>	<u>Topic</u>
1.	Michelle Turner	College Fair
2.	Patrick Herendeen	Downcounty Consortium
3.	Heidi Coleman	Downcounty Consortium
4.	Alies Muskin	Downcounty Consortium
5.	Sally Taber	Downcounty Consortium
6.	Ben Moskowitz	MCR Bus Transportation
7.	Kelly Giblin	Downcounty Consortium
8.	Dr. Carol Garvey	Health
9.	Michael Nelson	Career Awareness
10	Steve Singel	Homework
11.	Larry Eisner	Downcounty Consortium

Ms. Cox asked for the history, cost, and alternatives for bus transportation for students to attend MCR meetings.

**RESOLUTION NO. 532-03 Re: AWARD OF CONTRACT – EDWARD U. TAYLOR CENTER REROOFING**

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

WHEREAS, The following sealed bids were received on October 9, 2003, for the reroofing of the Edward U. Taylor Center, with work to be completed by January 15, 2004:

Bidder

Amount

Interstate Corporation	\$120,000
J. E. Wood & Sons Company, Inc.	124,569
Vatica Contracting, Inc.	144,690
R. D. Bean, Inc.	147,621
Orndorff & Spaid, Inc.	168,425
CitiRoof Corporation	183,920

and

WHEREAS, The low bidder, Interstate Corporation, a Maryland Department of Transportation-certified minority firm, has completed similar work successfully for the Montgomery County Public Schools; now therefore be it

Resolved, That a \$120,000 contract be awarded to Interstate Corporation for the reroofing of the Edward U. Taylor Center.

**RESOLUTION NO. 533-03 Re: UTILIZATION OF FY 2004 PROVISION FOR FUTURE SUPPORTED PROJECT FUNDS**

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

WHEREAS, The grants qualify for a transfer of appropriation from the Provision for Future Supported Projects, pursuant to the provisions of County Council Resolution No. 14-1270, approved May 23, 2002; and

WHEREAS, The programs do not require any present or future county funds; and

WHEREAS, Sufficient appropriation is available, within the FY 2004 Provision for Future Supported Projects, to permit the transfers within state categories; now therefore be it

Resolved, That the superintendent of schools be authorized to receive and expend, within the FY 2004 Provision for Future Supported Projects, as specified below:

<u>Projects</u>	<u>Amount</u>
Judith Hoyer Enhancement Grant for Local School Systems	\$ 100,000
Medical Assistance	1,003,235
English as a Second Language Training	94,000
Carl D. Perkins Vocational and Applied Technology Education	<u>71,097</u>

Total \$ 1,268,332

and be it further

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

RESOLUTION NO. 534-03 Re: **RECOMMENDED FY 2004 SUPPLEMENTAL APPROPRIATION FOR TITLE I BASIC GRANT**

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

Resolved, That the superintendent of schools be authorized to receive and expend, subject to County Council approval, an FY2004 Title I supplemental appropriation of \$102,497 from the Maryland State Department of Education:

<u>Category</u>	<u>Amount</u>
5 Other Instructional Costs	<u>\$ 102,497</u>
Total	<u>\$ 102,497</u>

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

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

RESOLUTION NO. 535-03 Re: **RECOMMENDED FY 2004 SUPPLEMENTAL APPROPRIATION FOR THE LIMITED ENGLISH PROFICIENCY TITLE III GRANT**

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

Resolved, That the superintendent of schools be authorized to receive and expend, subject to County Council approval, an FY 2004 supplemental appropriation of \$162,423 from the MSDE's Limited English Proficiency Title III Grant in the following categories:

<u>Category</u>	<u>Positions</u>	<u>Amount</u>
3 Instructional Salaries	1.0	\$ 91,041

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5 Other Instructional Costs

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71,382

Total

1.0\*

\$ 162,423

Positions

1.0 Instructional Specialist (B-D)

and be it further

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

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

**RESOLUTION NO. 536-03 Re: HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective October 28, 2003:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Linda Kimmel Johnson	Kindergarten Teacher	Human Resources Specialist

**Re: LEGISLATIVE PLATFORM**

Mrs. O'Neill announced that the platform was a draft, and there should be action tonight.

**School Construction**

The FY 2005 State Capital Improvements Program (CIP) request for Montgomery County Public Schools (MCPS) is \$59.9 million. This figure is based on current eligibility of projects approved by the County Council in May 2004. \$17.9 million of this request is comprised of projects for which MCPS has already received state planning approval and should unquestionably receive state funding. The balance of the \$59.9 million (\$41.9 million) is for projects that will require state planning approval, but have already been approved for funding by the County Council and would be eligible for state funding if state planning approval is granted. The projects are being requested for both state planning approval and construction funding.

Of the \$17.9 million for state-approved projects, \$6.7 million is for projects that have received partial state funding in a prior year, \$8.7 million is for projects that have received state

planning approval, and \$2.5 million is for systemic roofing and HVAC projects. The \$17.9 million is significantly less than the \$34 million in state aid assumed for FY 2005 in the adopted CIP and is inadequate to meet the substantial capital funding needs for MCPS.

The Board of Education continues to monitor the deliberations of the Task Force to Study Public School Facilities. The task force, which was created through passage of the Bridge to Excellence in Public Schools Act of 2002, is charged with making recommendations regarding the adequacy of public school facilities, the equity of the state's school construction program, and the continuation of the Aging Schools Program. The Task Force was required to submit its final report by December 31, 2002, but instead submitted an interim report and received an extension to the end of 2003. During 2003, the Task Force agreed to identify the elements necessary for an adequate public school facility. The development of a statewide survey instrument for schools has been implemented as part of this process. As the Task Force deliberates school facilities issues and works toward offering recommendations, the following points need to be considered:

- Public policies designed to address the critical early years through initiatives such as mandatory full-day kindergarten and targeted part-day pre-kindergarten programs require more classrooms.
- Funding is needed for systemic projects, such as roofing and heating/ventilating/and air conditioning projects. As indicated above, \$2.5 million is needed for these projects in FY 2005.
- As a result of the way the funding formulas have been designed by the state, many local jurisdictions are struggling to appropriate enough funds to be eligible for all of the state funding. The state/local cost share amount for Montgomery County is 50 percent of eligible costs, which represents the floor designated by the state formula. However, since only certain costs associated with construction are actually eligible for state funding, the state share of eligible construction projects funded by the county averaged only 25.3 percent between 1995 and 2000, with state participation on some projects as low as 13 percent. The reality of the cost-share formula leaves no room for consideration of decreasing the floor below the current 50 percent.
- The state's capacity formula and square-footage-per-pupil allowance used to calculate the eligible size of a school building for state funding need to reflect the realities of new state and federal education mandates.
- MCPS has utilized, to the fullest, the Aging Schools Program. Since the program's creation, the interiors and exteriors of schools have been painted from the grant that now amounts to just over \$1 million annually for MCPS. A moderate increase in the program would go far toward giving more schools a much-needed face-lift.
- The rate of enrollment growth needs to be considered as state school facilities policies are reviewed. MCPS enrollment has increased by almost 12,000 from 1998 to 2003 and is projected to continue to grow from the current 139,799 to 145,622 by 2009. Montgomery County remains the largest school district in Maryland.

- The number of relocatable classrooms has increased with enrollment growth and class-size reduction initiatives, rising to 689 in Montgomery County for the 2003-04 school year. Of the 689 relocatable classrooms in use, 440 are used for enrollment growth, 208 are used for class-size reduction, and 41 are used to accommodate child care programs. Enrollment growth translates into 11,000 of our students being housed in temporary facilities. The trend of increased reliance on relocatable classrooms must be reversed. The best way to address this deteriorating situation is to provide more state aid for school construction.
- Because of the subjective nature of the survey instrument and the limited criteria used, decisions regarding state school construction funding should not be solely predicated on the results of the task force's facilities adequacy survey.
- Expansion of the state's bonding capacity to fund school construction projects should be considered to meet the growing facilities needs across the state.

### **Education Funding**

The Montgomery County Board of Education is committed to improving student performance and decreasing the achievement gap. While achieving these goals requires a significant increase in resources, our county has shown its commitment by providing additional funds to reduce class size, expand full-day kindergarten, increase special education services, and improve reading and math instruction. The Board of Education strongly supports full implementation and funding of the Bridge to Excellence Act of 2002. The following should be supported:

- Monies should be identified to fully fund the Bridge to Excellence legislation in 2005 and beyond. Efforts to decrease funding or extend the phase-in period should be opposed.
- The General Assembly should affirm by joint resolution that the FY 2005 education aid amount is within the state's fiscal resources.
- The reports issued by the Task Force to Study Public School Facilities and the Maryland State Department of Education (MSDE) Enrollment Task Force should include recommendations that account for enrollment growth and other factors that disproportionately affect our county and other high growth counties. Consideration should be given to utilizing more frequent and more recent counts on which to predicate funding.
- As a geographic cost-of-education index specific to Maryland is developed by MSDE to be applied in FY 2005, consideration needs to be given to the higher costs associated with doing business in the Washington metropolitan area.
- As envisioned through passage of the Bridge to Excellence Act, the teacher retirement program should continue to be maintained as a state-funded categorical program.
- Consideration should be given to passage of legislation that requires increasing local contributions consistent with the adequacy goals of the Bridge to Excellence legislation.



**Special Student Populations**

Historically, state aid for special education has recognized the additional costs associated with providing programs for students with disabilities. Based on the work of the Thornton Commission, the Bridge to Excellence legislation enhances the amount and proportion of state aid that is based on special education, as well as limited-English-proficient and economically disadvantaged student enrollments. The increasing ESOL enrollment is of particular note in Montgomery County. In 2002, ESOL enrollment was 11,961, almost 9 percent of the total system enrollment and about 40 percent of the total state enrollment, the most of any jurisdiction.

The Bridge to Excellence legislation increases the amount each school system receives per student who requires special transportation services from \$500 to \$1,000 by FY 2008. In addition, increases for the Maryland Infants and Toddlers Program and adult education and literacy services were authorized through 2002 legislation. The Montgomery County Board of Education supports these funding increases.

The autism waiver, which was implemented July 1, 2001 through HB 99, is intended to prevent institutionalization or more-restrictive-setting placement of children with autism spectrum disorder by providing specific medically necessary services at home and in the community. MSDE and the Department of Health and Mental Hygiene act as lead agencies. The autism waiver is being reviewed for the July 1, 2004 reauthorization with a focus on improving monitoring practices and protocols to ensure the health and welfare of participants. The Board should monitor this process and support efforts to examine the waiver's structure and billing for day habilitation services.

**Early Childhood Education**

Launched in the 2000-2001 school year in 17 schools, the MCPS Kindergarten Initiative now involves 56 schools. The program includes full-day kindergarten, reduced class sizes, revised curriculum, improved classroom instruction, professional development for teachers, and the use of a diagnostic reading assessment program. Findings of two ongoing studies show that, as a result of this initiative, significantly more students, particularly those who are most heavily affected by poverty and English language development needs, are acquiring foundational reading skills in kindergarten and text readings skills in first grade. The long-term advantage of this documented student achievement is critical to reaching local, state, and national reading proficiency goals and opening the door to success in other subject areas such as writing and mathematics. Furthermore, the findings lend support to the statewide goals of providing universal full-day kindergarten and part-day pre-kindergarten for at-risk four-year-olds. Investments and innovations in early childhood programs, particularly those that focus on students most in need, clearly pay off. The Montgomery County Board of Education supports state funding of innovative public early childhood programs that demonstrate the ability to further academic achievement standards and goals.

**School Safety**

Safety in public schools has become increasingly important to local boards of education as threats to national and community security have taken on new meaning in recent years. Montgomery County's public officials and school administrators have worked tirelessly to ensure student and staff safety at all levels. While prevention of disruption and violence has always been a key component of long-term effective school safety strategies, the federal No Child Left Behind Act now requires that states allow students who attend a persistently dangerous school to transfer to another school. During the 2002 legislative session, a bill was introduced to address one aspect of student safety – safety during field trips. This bill would authorize a public school principal's designee, in the presence of a third party, to make a reasonable search of a student on a school-sponsored trip. The searcher would have to have a reasonable belief that the student is carrying an item in violation of state law or in violation of a rule or regulation of the local Board of Education. Currently, only a principal, assistant principal, or school security guard can legally make a reasonable search. School-sponsored trips are rarely attended by these individuals, putting students and staff in attendance at potential risk if a suspected violation occurs. The Montgomery County Board of Education supports the re-introduction and passage of this legislation.

**Public Funding for Private Schools**

Nonpublic schools are neither subject to state accountability measures nor to the same legal requirements as public schools, such as those set out in special education laws and teacher certification regulations. While acknowledging current federal mandates for use of public funds for public school students in Title I schools, as well as public funding provided for public school students educated in private special education placements, the Board opposes the appropriation of public funds for private and parochial schools and direct aid to private and parochial students. With the many unmet needs in public schools, state funds must be used to meet the continuing and growing needs of public school students in Montgomery County and throughout the state.

**Local School Board Authority**

While the state Board of Education establishes, through regulations, broad statewide policies and mandates, it is the responsibility of the local Board to establish local policies and procedures for the public schools within its jurisdiction. Likewise, it is the authority of local boards to develop curriculum within the broad guidelines set by the state Board. The program of studies in each school system is developed as a whole and is linked to state and local assessments. To the extent that statewide legislation on charter schools gives the authority for establishing public charter schools solely to the local Board of Education, such legislation could be supported. Such was the case regarding passage of the Public Charter School Act of 2003. Efforts to expand charter school authority beyond local school boards or otherwise weaken academic or fiscal accountability requirements should be opposed. The Montgomery County Board of Education supports local control of educational policy, administration, and curriculum, and opposes any legislative initiatives that have the effect of reducing local and state Board authority or creating unfunded mandates. By retaining decision-making authority at the local level, a local Board of Education can best balance educational practices, available resources, public input, and accountability.

**Re: DISCUSSION**

Mr. Felton thought the legislative platform was a good way to lay out the concerns of the Board to the Maryland General Assembly. Regarding school construction, Mr. Felton noted that MCPS had made good progress in hiring minority firms. However, the county can only record a minority vendor when it is a subcontractor and not the primary contractor. There was consensus to insert minority participation into the platform.

Mrs. O'Neill noted that the next area was education funding, and there is a need to advocate for full funding of the Thornton Commission.

Mr. Romero asked about MSDE accounting for enrollment growth. It would be important to have more frequent accounts. How is it done now? Ms. Rogovin, legislative aide, replied that there were adjustments made last year to correct the use of stale data. The enrollment committee is reporting in December to make further recommendations.

Ms. Cox stated that several organizations have taken the position that the state retirement system needs to be improved. Perhaps there should be language that the program needs to be reviewed for the purpose of enhancement by the state. There was consensus to amend the draft to insert that language.

Regarding special student populations, Ms. Rogovin remarked that this area covered the high ESOL enrollment, infant and toddlers program, and adult literacy services. It is important to assure that the formulas are realized with increased funding over time. Also, the autism waiver will be reviewed for reauthorization, and the bill should examine the structure of the

waiver to ascertain the efficacy of the program as well as the billing structure. Mrs. O'Neill noted that there was a desire to work with Delegate Hurson to enhance the legislation, and she hoped staff could facilitate interaction with him.

Regarding early childhood education, Ms. Rogovin stated that the school system would build on its earlier efforts and support state funding of the innovative early childhood programs to further achievement. Mrs. O'Neill thought it was important to stress to legislators the success of MCPS since there are school systems across the state contemplating relief from the mandate of all-day kindergarten. The platform will reiterate support of early childhood education with the data illustrating success.

Regarding school safety, Ms. Rogovin stated that the bill allows a public school principal's designee to make a reasonable search of a student when there is a belief that the student is carrying something in violation of state law or regulations. Mrs. O'Neill pointed out that the Board's attorney supports clarification of the state law and a change in legislation.

Mr. Felton wanted to amend the draft to state clearly that the Board opposed funding for private schools. Mrs. O'Neill pointed out that over the last few years there has been public funding for textbooks for private schools. Ms. Cox thought the Board should not be too prescriptive in the language, and the platform should cover any kind of public funding for private schools. She thought the language made clear that the Board was addressing appropriations through the state legislature as opposed to the non-public placements for special education students who cannot be served in the public schools.

#### RESOLUTION NO. 537-03 Re: **LEGISLATIVE PLATFORM**

On motion of Ms. Cox and seconded by Mr. Lange, the following was adopted unanimously by members present:

#### **School Construction**

The FY 2005 State Capital Improvements Program (CIP) request for Montgomery County Public Schools (MCPS) is \$59.9 million. This figure is based on current eligibility of projects approved by the County Council in May. \$17.9 million of this request is comprised of projects for which MCPS has already received state planning approval and should unquestionably receive state funding. The balance of the \$59.9 million (\$41.9 million) is for projects that will require state planning approval, but have already been approved for funding by the County Council. The projects are being requested for both state planning approval and construction funding.

Of the \$17.9 million for state-approved projects, \$6.7 million is for projects that have received partial state funding in a prior year; \$8.7 million is for projects that have received state planning approval; and \$2.5 million is for systemic roofing and HVAC projects. The \$17.9

million is significantly less than the \$34 million in state aid assumed for FY 2005 in the County Council adopted CIP and is inadequate to meet the substantial capital funding needs for MCPS.

The Board of Education continues to monitor the deliberations of the Task Force to Study Public School Facilities. The task force, which was created through passage of the Bridge to Excellence in Public Schools Act of 2002, is charged with making recommendations regarding the adequacy of public school facilities, the equity of the state's school construction program, and the continuation of the Aging Schools Program. The task force was required to submit its final report by December 31, 2002, but instead submitted an interim report and received an extension to the end of 2003. During 2003, the task force agreed to identify the elements necessary for an adequate public school facility. The development of a statewide survey instrument for schools has been implemented as part of this process. As the task force deliberates school facilities issues, and works toward offering recommendations, the following points need to be considered:

- Public policies designed to address the critical early years through initiatives such as mandatory full-day kindergarten, targeted part-day pre-kindergarten programs, and supplemental education services require more classrooms.
- Funding is needed for systemic projects, such as roofing and heating/ventilation/air conditioning projects. As indicated above, \$2.5 million is needed for these projects in FY 2005.
- As a result of the way the funding formulas have been designed by the state, many local jurisdictions are struggling to appropriate enough funds to be eligible for all of the state funding. The state/local cost-share amount for Montgomery County is 50 percent of *eligible* costs, which represents the floor designated by the state formula. However, since only certain costs associated with construction are actually eligible for state funding, the state share of eligible construction projects funded by the county averaged only 25.3 percent between 1995 and 2000, with state participation on some projects as low as 13 percent. Consequently, decreasing the floor designated by the state formula should not be considered.
- The state's capacity formula and square-footage-per-pupil allowance used to calculate the eligible size of a school building for state funding need to reflect the realities of new state and federal education mandates.
- MCPS has utilized, to the fullest, the Aging Schools Program. Since the program's creation, the interiors and exteriors of schools have been painted using monies from the grant that now amounts to just over \$1 million annually for MCPS. A moderate increase in the program would go far toward giving more schools a much-needed face-lift.
- The rate of enrollment growth needs to be considered as state school facilities policies are reviewed. MCPS enrollment has increased by almost 12,000 from 1998 to 2003 and is projected to continue to grow from the current 139,799 to 145,622 by 2009.

- Montgomery County remains the largest school district in Maryland.
- The number of relocatable classrooms has increased with enrollment growth and class-size reduction initiatives, rising to 689 in Montgomery County for the 2003-04 school year. Of the 689 relocatable classrooms in use, 440 are used for enrollment growth, 208 are used for class-size reduction, and 41 are used to accommodate child care programs. Enrollment growth translates into 11,000 of our students being housed in temporary facilities. The trend of increased reliance on relocatable classrooms must be reversed. The best way to address this deteriorating situation is to provide more state aid for school construction.
  - Because of the subjective nature of the survey instrument and the limited criteria used, decisions regarding state school construction funding should not be solely predicated on the results of the task force's facilities adequacy survey.
  - Expansion of the state's bonding capacity to fund school construction projects should be considered to meet the growing facilities needs across the state.

The State of Maryland adopted during the 2001 legislative session new Minority Business Enterprise (MBE) participation goals for all projects involving state funding, and the Board of Education adopted the revised goals for MCPS on August 28, 2001. Although the commitment to diversity among contractors is noteworthy, an effect of the current law is that local boards of education and other governmental entities have been deprived of receiving credit for work being performed by minority general contractors that are certified minority businesses unless the work is subcontracted. In order to ensure a fair representation of the percentage of state-funded school construction completed by minority owned businesses, revisions should be supported that account for the non-subcontracted work of these general contractors.

### **Education Funding**

The Montgomery County Board of Education is committed to improving student performance and closing the achievement gap. While achieving these goals requires a significant increase in resources, our county has shown its commitment by providing additional funds to reduce class size, expand full-day kindergarten, increase special education services, and improve reading and math instruction. The Board of Education strongly supports full implementation and funding of the Bridge to Excellence Act of 2002. The following should be supported:

- Monies should be identified to fully fund the Bridge to Excellence legislation in 2005 and beyond. Efforts to decrease funding or extend the phase-in period should be opposed.
- The General Assembly should affirm by joint resolution that the FY2005 education aid amount is within the state's fiscal resources.
- The reports issued by the Task Force to Study Public School Facilities and the Maryland State Department of Education (MSDE) Enrollment Task Force should include recommendations that account for enrollment growth and other factors that

disproportionately affect our county and other high growth counties. Consideration should be given to utilizing more frequent and more recent counts on which to predicate funding.

- As a geographic cost-of-education index specific to Maryland is developed by MSDE to be applied in FY 2005, consideration needs to be given to the higher costs associated with doing business in the Washington metropolitan area.
- As envisioned through passage of the Bridge to Excellence Act, the teacher retirement program should continue to be maintained as a state-funded categorical program and enhancements to the program should be considered.
- Consideration should be given to passage of legislation that requires increasing local contributions consistent with the adequacy goals of the Bridge to Excellence legislation.

### **Special Student Populations**

Historically, state aid for special education has recognized the additional costs associated with providing programs for students with disabilities. Based on the work of the Thornton Commission, the Bridge to Excellence legislation enhances the amount and proportion of state aid that is based on special education, as well as limited English proficient and economically disadvantaged student enrollment. The increasing ESOL enrollment is of particular note in Montgomery County. In 2002, ESOL enrollment was 11,961, almost 9 percent of the total system enrollment and about 40 percent of the total state enrollment, the most of any jurisdiction.

The Bridge to Excellence legislation increased the amount each school system receives per student who requires special transportation services from \$500 to \$1,000 by FY 2008. In addition, increases for the Maryland Infants and Toddlers Program and adult education and literacy services were authorized through 2002 legislation. The Montgomery County Board of Education supports these funding increases.

State legislation which required the Department of Health and Mental Hygiene to apply to the federal government for a waiver to provide services to children with autism through Medicaid was enacted in 1998 through HB 99. The waiver was intended to prevent institutionalization of children with autism spectrum disorder by providing medically necessary services at home and in the community. The waiver was approved by the federal government for a three-year period beginning in 2001. Rising medical costs and restricted tuition adjustments for students in non-public placements have greatly challenged local school systems. The Montgomery County Board of Education supports efforts to review the waiver's structure and billing for services with a focus on improving monitoring practices and protocols to ensure the health and welfare of participants.

### **Early Childhood Education**

Launched in the 2000-2001 school year in 17 schools, the MCPS Kindergarten Initiative now

involves 56 schools. The program includes full-day kindergarten, reduced class sizes, revised curriculum, improved classroom instruction, professional development for teachers, and the use of a diagnostic reading assessment program. Findings of two ongoing studies show that, as a result of this initiative, significantly more students, particularly those who are most heavily affected by poverty and English language development needs, are acquiring foundational reading skills in kindergarten and text readings skills in first grade. The findings lend support to the statewide goals of providing universal full-day kindergarten and part-day pre-kindergarten for at-risk four-year-olds and efforts to reach local, state, and national reading proficiency goals which open the door to success in other subject areas. Investments and innovations in early childhood programs, particularly those that focus on students most in need, clearly pay off. The Montgomery County Board of Education supports state funding of innovative public early childhood programs that demonstrate the ability to further academic achievement standards and goals.

### **School Safety**

Safety in public schools has become increasingly important to local boards of education as threats to national and community security have taken on new meaning in recent years. Montgomery County's public officials and school administrators have worked tirelessly to ensure student and staff safety at all levels. While prevention of disruption and violence has always been a key component of long-term effective school safety strategies, the federal No Child Left Behind Act now requires that states allow students who attend a persistently dangerous school to transfer to another school. During the 2002 legislative session, a bill was introduced to address one aspect of student safety – safety during field trips. This bill would authorize a public school principal's designee, in the presence of a third party, to make a reasonable search of a student on a school-sponsored trip. The searcher would have to have a reasonable belief that the student is carrying an item in violation of state law or in violation of a rule or regulation of the local Board of Education. Currently, only a principal, assistant principal, or school security guard can legally make a reasonable search. School-sponsored trips are rarely attended by these individuals, putting students and staff in attendance at potential risk if a suspected violation occurs. The Montgomery County Board of Education supports the re-introduction and passage of this legislation.

### **Opposition to Public Funding for Private Schools**

Nonpublic schools are neither subject to state accountability measures nor to the same legal requirements as public schools, such as those set out in special education laws and teacher certification regulations. While acknowledging current federal mandates for use of public funds for public school students in Title I schools, as well as public funding provided for public school students educated in private special education placements, the Board opposes the appropriation of public funds for private and parochial schools and direct aid to private and parochial students. With the many unmet needs in public schools, state funds must be used to meet the continuing and growing needs of public school students in Montgomery County and throughout the state.



**Local School Board Authority**

While the State Board of Education establishes, through regulations, broad statewide policies and mandates, it is the responsibility of the local Board to establish local policies and procedures for the public schools within its jurisdiction. Likewise, it is the authority of local boards to develop curriculum within the broad guidelines set by the state Board. The program of studies in each school system is developed as a whole and is linked to state and local assessments. To the extent that statewide legislation on charter schools gives the authority for establishing public charter schools solely to the local Board of Education, such legislation could be supported. Such was the case regarding passage of the Public Charter School Act of 2003. Efforts to expand charter school authority beyond local school boards or otherwise weaken academic or fiscal accountability requirements should be opposed. The Montgomery County Board of Education supports local control of educational policy, administration, and curriculum, and opposes any legislative initiatives that have the effect of reducing local and state Board authority or creating unfunded mandates. By retaining decision-making authority at the local level, a local Board of Education can best balance educational practices, available resources, public input, and accountability.

\*\*Mr. Sanghvi joined the meeting at this point.

**Re: UPDATE ON THE DOWNCOUNTY CONSORTIUM**

Dr. Weast invited the following people to the table: Mr. Walter Gibson, acting community superintendent; Mr. Erick Lang, director, Northeast/Downcounty Consortia; Mr. Henry Johnson, principal, Northwood High School; Mr. Nelson McLeod, principal, Newport Mill Middle School; Ms. Julia Guillen, guidance counselor, Takoma Park Middle School; Mr. Brian Purnell, guidance counselor, Parkland Middle School; Miss Cinthia Urbina, Grade 8 student, Parkland Middle School; and Samuel Adeoye, Jr., Grade 8 student, Takoma Park Middle School.

The discussion provided an update on the development and implementation of the Downcounty Consortium (DCC). This is one in a series of updates that will be provided to the Board of Education. In March 2000, the Board approved the concept of high school academy programs and the student-choice process as the foundation for high school reform among five high schools in the downcounty area—Montgomery Blair, Albert Einstein, John F. Kennedy, Northwood, and Wheaton.

On May 29, 2002, the Board received an overview of the development of the academy programs at each of the Downcounty Consortium high schools. On June 23, 2003, the Board approved the base area assignments for the affected high schools, beginning in September 2004, and set the stage for the formal introduction of the academy programs and the choice process for the 2004-2005 school year. The base area assignments guarantee enrollment of a student in the high school associated with the student's residence, if that student chooses

not to attend another school through the choice process. The selection of a different school is linked directly to the offering of academies—unique and attractive instructional opportunities.

The consortium concept is evolving into more than a high school reform model. With the United States Department of Education (USDE) Smaller Learning Communities grant of \$1.9 million as a foundation for high school reform, consortium leadership, principals, and staff have begun strategic planning designed to decrease instructional variability and strengthen academic programs in pre-K–12. The Downcounty Consortium principals are meeting monthly in an effort to build greater capacity and consistency across schools regarding literacy strategies, articulation practices, quality of instruction, assessments, professional development, and parent and community partnerships.

### **Academy Programs**

The concept of smaller learning communities (SLC) is not new to MCPS high schools. The school system has successfully implemented SLC in magnet and signature programs. Individual schools have created SLC by forming Grade 9 teams and by teaming particular students together with common teachers through other courses. In the Downcounty Consortium, there will be two forms of SLC. Students will participate in Grade 9 teams, and there will be themed academies available to all students in Grades 10 through 12. In each case, students will be part of a cohort group that will share a common set of teachers.

Each academy has a specific focus and is designed to serve a student audience with a particular interest. Academies will serve students in a range of academic levels and will provide them with challenging courses and other academic opportunities related to their individual interests. In addition, with students organized into cohort groups with common teachers, students will have more opportunities for individual attention and authentic learning. Each academy also offers capstone programs such as internships, college-level credit for courses, senior research projects, and college/career portfolios.

Academy programs at each high school will be designed to expand or contract based on student interest and enrollment. If an academy has high student interest, the academy will expand to accommodate enrollment. If an academy has low student interest, the academy will contract and, if necessary, close.

Each high school has established a Business Advisory Council (BAC). The BAC is designed to provide “real-world” connections to curricula and programming as well as other resources to the school community. Each BAC has representation from business, community organizations, colleges and universities, governmental organizations, and parents. Efforts are under way to take the development of academies to a new level of school involvement by students, staff, parents, and community and business partners. The collaborative nature of these partnerships will give students the opportunity to look beyond the traditional classroom

concepts and link interests and educational goals to specific post-high school career opportunities and technical school, college, and university study.

The Office of Curriculum and Instructional Programs and the Office of School Performance are working closely with school-based staff on the development of new courses related to the academy themes. Curriculum supervisors, curriculum coordinators, principals, resource teachers, and classroom teachers are meeting regularly to discuss the goals and content of proposed courses. New courses will be developed in alignment with the Board policy on curriculum development.

The academies at each high school are designed to be phased-in over a four-year period. Although some pilot components are in place at some schools, the Grade 9 teams and academy programs will begin officially during the 2004–2005 school year, with the first Grade 9 class to go through the choice process. This model will allow growth in the shape and content of the academies as they are phased-in over this four-year period. For example, there is no expectation that the academy programs will be fully implemented in the first year. However, over time, with the advantages of experience and opportunity, the academies have the potential to outdistance current expectations.

### **The Choice Process**

Current Downcounty Consortium Grade 8 students will have the opportunity to select a high school for the 2004–2005 school year. Choice is the option of parents and students to select a high school based on the academy programs available. Base areas are determined by street address and were established using elementary school catchment areas. Students are guaranteed their base area high school if it is their first or second choice on the initial choice form.

Based on criteria established by the Board, students are able to choose from among five high schools. Students who reside in the Downcounty Consortium are eligible to participate in Round 1—the first round of the school choice process. Out-of-area Grade 8 students who attend a Downcounty Consortium middle school are eligible to participate in Round 2—the second round of the choice process. Out-of-area students who request continuation in the feeder pattern are guaranteed a seat at a Consortium high school. However, since out-of-area students do not have a “base” school in the Consortium, they are not guaranteed a specific high school assignment. High school choice options for out-of-area students will be based on space availability. All ESOL students will participate in the choice process. ESOL centers will be located at each of the five Consortium high schools, for students who require ESOL services. High school assignments for special education students who require more than 15 hours per week of service will be determined through the Individualized Education Program process. Private and home-schooled students who reside in the Consortium and wish to participate in the choice process will participate in Round 1.

The choice form deadline for Round 1 is December 12, 2003. Parents and students will be notified of their school assignments during the first week of February. The deadline for Round 2 is March 12, 2004. Students new to MCPS following Round 1 and students who did not receive their first choice in Round 1 are eligible to participate in Round 2. Following Round 2, students may appeal choice assignments in writing. At that time, staff will review individual reasons for requests to particular schools.

### **Communication**

The plan for informing all segments of the community, including staff, parents, students, and the community in general is well under way. Major elements of the plan will be implemented throughout the fall. School administrators, Parent Teacher Student Association groups, school guidance services, curriculum supervisors and coordinators, special education staff, ESOL staff, and other key staff and community members have been part of discussions and input for the communication and implementation of information related to the academies and the choice process.

The Media Network, Inc., (TMN) is supporting MCPS in efforts to carry out a multicultural marketing, outreach, and communications project on the high school choice process and the Downcounty Consortium. Although MCPS staff has taken a lead role in creating and producing all marketing materials, TMN has provided feedback and support in the creation of materials aimed at African American, Chinese, Hispanic, Korean, and Vietnamese parents. TMN also will work with MCPS to create radio spots in English and Spanish and will contact specific shows at local radio stations to generate coverage and awareness of the choice process among ethnic communities in the Downcounty Consortium.

TMN conducted five meetings in August with parents who were contacted by telephone and invited to participate to discuss the impending school choice program. These meetings were held in Silver Spring, Maryland, at the offices of TMN with parents of MCPS eighth graders. The meetings were held in English, Korean, Mandarin Chinese, Spanish, and Vietnamese in an effort to reach the largest language populations in the Downcounty region. Information from the meetings was used to help with the planning and implementation of the marketing campaign.

In September, *Milestones*, a new Downcounty Consortium newsletter, was mailed to all Grades 6 through 8 students currently enrolled in Downcounty Consortium middle schools. Representatives from the high schools and the Downcounty Consortium office attended the middle school back-to-school nights. Staff made announcements about planned parent and student informational meetings and passed out flyers in six languages that provided information on meeting dates and locations.

In October, the Downcounty Consortium staff hosted informational meetings designed to meet the unique needs of the Downcounty Consortium community. Eight parent and student

informational meetings were held in October. Each meeting had six breakout rooms for presentations delivered in Chinese, English, French, Korean, Spanish, and Vietnamese. Each breakout meeting included a facilitator, informational video, and PowerPoint presentation in the appropriate language. Other materials, including flyers in six languages regarding transportation and child care, were mailed to homes prior to each informational meeting. An academy pathway book has been developed to provide a sample four-year plan for each academy.

During October, November, and December, Grade 8 guidance counselors at each Downcounty Consortium middle school will present lessons designed to provide students with information regarding their individual interests through the Bridges CX On-line program (career interest inventory software available in all MCPS middle schools) and the components of the academy programs at each high school. In August, guidance staff representing the eight Downcounty Consortium middle schools participated in writing these lessons.

A new Downcounty Consortium Web site went online on August 26, 2003. The Web site is designed as a one-stop shop for information about the choice process and the academies at each high school. This Web site has been translated into five languages to better serve the culturally diverse Downcounty region. As mentioned, an extensive mailing campaign also is in progress to ensure that all parents have access to information about the academies and the choice process.

The Downcounty Consortium staff has plans for additional mailings and informational meetings. In early December, a meeting will be held for private school students interested in enrolling in one of the five Downcounty Consortium high schools. Plans are in place for communication with local churches, real estate agents, and community organizations. Information on the choice process and the academies at each high school will be mailed to these groups. Offers to hold additional informational sessions will be provided.

### **Timeline for Implementation**

Implementation of the academy programs and the choice process has begun. Formal development efforts began in summer 2001 and will continue as program and process improvements are identified and modifications implemented. The communication plan under way allows students to receive information through lessons implemented by middle school staff. Parents and students also have received information through mailings, informational meetings, and the Downcounty Consortium Web site.

The implementation schedule includes the introduction of school choice to students and parents this fall and registration for high school beginning in February 2004. A student articulation process is being developed to allow middle school teachers to make recommendations for high school placements and to allow for face-to-face meetings with middle and high school staff during spring 2004.

**Transportation**

In the Downcounty Consortium, student transportation to and from school will be provided in accordance with Board of Education policy. The level of service will be consistent with the service provided to eligible student riders attending other MCPS high schools. Each school will have assigned buses. Multiple bus routes will serve different schools, as needed, based on the choice process.

**Staffing**

Personnel will be key to the success of the academy programs. The Office of Human Resources (OHR) is working with the Office of School Performance (OSP) and principals to ensure that administrative and instructional staff is in place to serve the needs of students and programs at each school. Principals are considering the needs of the academy programs when making staffing decisions. One of the challenges that principals face is finding individuals with unique backgrounds and skills to teach specialized courses in the academies. OHR will work with local universities to establish a "visiting professor" option that would allow MCPS to hire highly specialized faculty to teach some of the academy courses.

Each school has an academy coordinator who is responsible, under the direction of the principal, for program development and implementation. All five high schools have made significant progress in conceptualizing their program designs and hiring staff to meet programmatic needs. For Northwood High School, the appointment of a principal and the ongoing identification and hiring of staff have aided the development and implementation process in preparation for the August 2004 opening.

**Budget**

The Downcounty Consortium recently entered the second year of a three-year, \$1.9 million USDE Smaller Learning Communities grant. Funds from the grant are allocated to support the development and implementation of the academy programs. Funding includes positions to support academy leadership as well as funds to support curriculum development, professional development, and the purchase of instructional materials.

To ensure funds are in place to support the establishment of academy programs and the implementation of the choice process, the FY 2005 Operating Budget includes a request for additional funding for the Consortium. More specifically, the funding will be used to assist with the development and implementation of new courses related to the themes of the academies, the development and implementation of lessons and materials to support the choice process, and the continued development of marketing materials to ensure widespread dissemination of information in the Downcounty Consortium community.

**Conclusion**

The establishment of the Downcounty Consortium is a collaborative effort among staff, parents, and the greater school community. Intense work is in progress to ensure a successful implementation of the academies and the choice process. Based on the support and resources already provided by the Board of Education, it is clear that the success of the Downcounty Consortium is a high priority. Work is proceeding on schedule. Because of the importance of this critical initiative, the Board of Education will continue to receive regular updates on the progress of the work in the Downcounty Consortium.

**Re: DISCUSSION**

Mr. Lange asked the students if they and their classmates were overwhelmed by all the possibilities available in the Downcounty Consortium. Mr. Adeoye replied that some students are focused on the home school and the academies available. It is a big jump to go to another high school.

Mr. Felton wanted to know what staff does if students are having difficulties choosing an academy and/or school. Ms. Guillen responded that students are overwhelmed, but staff examines the interest of the child first and how that fits with an academy without locality or bias to a specific school. What are the interests or skills that the student wants to develop, and where can that be done?

Mr. Felton wanted to know if there was any opportunity for the students to talk with or meet with students from the Northeast Consortium (NEC). Ms. Guillen replied that students from the NEC had come to address DCC students, which helped these students feel more comfortable with the process.

Dr. Haughey requested information on how the parents were involved in the decisions of their children. Mr. Adeoye thought it was the child's decision, but the parents help with the decision and support that choice.

Mr. Lange remarked that Ms. Urbina had indicated different areas of interest, and he asked if she was concerned about locking into a career path too soon. Ms. Urbina thought that the counselors were helping her make an educated choice. Mr. Purnell stated that students can make a change after ninth grade.

Mr. Burnett inquired if there were academy leaders or staff other than counselors talking to students. Mr. Lang replied that the DCC has not brought academy staff into the schools to meet students. However, the DCC plans to bring some of its students to the middle schools to participate in a presentation.

Mr. Burnett asked if there were enrollment limitations on the individual academies, and if so how these limitations are addressed if more students apply to an academy than there are seats. Mr. Lang answered that there are no limitations on the choice academies. Like electives, the academies will expand and contract based on student interest.

Mr. Burnett wanted to know what happens after December 12, the deadline for the first round of choices. Mr. Lang said there is some flexibility on the deadline for the first round, but eventually the student will have to wait until round two to make a selection. Mr. Purnell remarked that the principals of the schools are very proactive to make sure students have submitted their requests.

Mr. Burnett inquired about the percentage of parents who have been contacted or have attended informational meetings. How does the system intend to communicate with the parents who have not been reached? Mr. Lang reported that staff took attendance at the early meetings, and parents who had not attended were sent an announcement of the next meeting. Dr. Thornton noted that the language spoken in each home was identified and the announcements were sent in the appropriate languages. Mr. Lang added that the information about languages had been taken from the "yellow cards" and placed in a database.

Mr. Burnett stated that the school system must make sure that the needs of students who do not choose an academy are addressed. Mr. Lang replied that every child is important, and all ninth graders will be in an academy next year to ensure a connection with all students. Staff is working with principals to develop a plan to make sure all students are connected with an adult in every high school, whether that student is in an academy or not. Mr. Johnson added that all ninth graders will be enrolled in the Connections course, in which students learn study skills, develop personal goals, and increase reading and writing skills.

Mr. Sanghvi asked if there was a process to evaluate what families have done with the documents they have received since some families speak a language but do not read that language. Mr. Lang replied that staff was in the process of getting feedback from parents. Both counselors added that they work closely with the students and their families to ensure that the information is shared and understood.

Mr. Felton asked what percentage of students would choose an academy. Mr. Lang replied that students choose a school, and in most cases the academies do not start until the 10<sup>th</sup> grade. Mr. Felton asked if the Board could expect access to data on the number of students who did not select an academy, and if that data would be monitored.

Mr. Felton thought the outreach model was fantastic, and he hoped that other schools and programs would follow that model.



Regarding student's skills and interests, Mr. Felton asked what would happen to students who are not engaged and do not come to the table. Mr. McLeod thought the personal touch is critical to identify students and their needs. All staff was proactive to make students and parents aware of the opportunities available. Mr. Gibson pointed out that the DCC and academies have become a K-12 initiative with all schools involved in focusing on rigor and academic standards.

Mrs. O'Neill pointed out that the community was concerned about ongoing financial support. Dr. Weast commented that this new initiative will be supported financially. There has been and will be federal money, and there has been and will be local money. He was impressed that the overutilization of Montgomery Blair High School was resolved without a boundary study with a reform that has rigor, parental involvement, and communication throughout the school community.

Dr. Haughey asked what happens to the "late recognition" people who make their choices after the first round or even after ninth grade. Mr. Henry replied that staff will work with individual students, and there should be an program for any child to pursue. The plans for Northwood include a mentoring program in which each staff member will have seven to 10 students. Therefore, there will be encouragement for students to select and participate in educational opportunities.

Mr. Romero wanted to know if, for example, a child who was good at drawing but did not excel at math could study architectural engineering in the engineering academy. Mr. Henry replied that the academy was a possibility, but each of the high schools will have a comprehensive program. Most academies are inclusive and not exclusive. Dr. Weast added that all the academies are based on rigor. An academy does not lock a child into a program. It is expected that the motivation that comes with focusing on student interests will enhance a child's achievement.

Mr. Lange thought the communication about the DDC was excellent and has established a model of what parents have been requesting. He asked about internships and reaching into the business community with a relevant program. What attention has been given to youngsters who do not plan to attend college? Mr. Lang stated that the academies are designed around student interest for motivation. Staff is working with Business Advisory Councils in each high school to develop internships. Second, academies are open to all students so that they can explore a career choice. Finally, the Thomas Edison High School of Technology is available for students interested in the trades.

Ms. Cox was pleased that principals are working together to assure that all children have an opportunity to pursue an interest in the DCC. What is being done to support minority achievement in honors and Advanced Placement in high schools? She hoped principals were working on supports and strategies to assist student who have not had the benefit of early

childhood education. She asked if the Connections program has a preassessment piece and is differentiated. Mr. Henry replied that the course is designed to meet the needs of all students using different strategies.

Ms. Cox asked about internships and the alignment with academies. Will there be a link to extracurricular offerings? Mr. Lang replied that schools will identify those offerings as the DCC becomes operational.

Ms. Cox inquired about choice and preference given to students based on their interest in a program. She thought there would be a lottery if a program is overenrolled. Mr. Lang confirmed her understanding.

Mr. Sanghvi if a student enrolled in an academic program within a school could switch programs. Mr. Lang stated that a student can change programs as well as change schools.

Re: **FINAL ACTION, POLICY CFB, *PUBLIC CHARTER SCHOOLS***

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

WHEREAS, Policy CFB, *Public Charter Schools*, sets forth the objectives to be followed with regard to the application, evaluation, approval, implementation, and ongoing monitoring process for public charter schools; and

WHEREAS, Policy CFB, *Public Charter Schools*, has been revised, in part, to comply with the "Public Charter School Act of 2003," recently adopted by the General Assembly; and

WHEREAS, The draft revision of Policy CFB, *Public Charter Schools*, tentatively was adopted by the Board of Education on July 29, 2003, and sent out for public comment; and

WHEREAS, The Board of Education has received comments and the superintendent's recommendations; now therefore be it

Resolved, That the Board of Education adopt Policy CFB, *Public Charter Schools*, as revised.

RESOLUTION NO. 538-03 Re: **AN AMENDMENT TO THE FINAL ACTION, POLICY CFB, *PUBLIC CHARTER SCHOOLS***

On motion of Mr. Romero and seconded by Mr. Felton, the amendment was unanimously adopted:

Resolved, That the Board of Education amend Policy CFB at C.11.a)(12)(c) to read:

- (c) A public charter school shall provide to MCPS written notice of closure or intent to renew its contract immediately upon decision of its governing Board but, in any event, no later than six months prior to closure or expiration of its contract.

Re: **DISCUSSION**

Ms. Cox remarked about the comments received from the public, and she reiterated that the policy reflects the changes and language in state law.

For the record, Mr. Felton commented on the term "innovative nature." He understood that it was part of the law, but there is nothing in the law that prevents the school system from establishing a standard that precludes duplication with MCPS programs. Second, there was a comment on a weighted lottery and how a lottery would be conducted if the charter focused on a particular population or skill. Mr. Fulton replied that the application process would place students in a pool, and a weighted lottery would be formula or quota driven. Mr. Felton remarked that this would be part of the regulations.

RESOLUTION NO. 539-03 Re: **FINAL ACTION, POLICY CFB, PUBLIC CHARTER SCHOOLS**

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

WHEREAS, Policy CFB, *Public Charter Schools*, sets forth the objectives to be followed with regard to the application, evaluation, approval, implementation, and ongoing monitoring process for public charter schools; and

WHEREAS, Policy CFB, *Public Charter Schools*, has been revised, in part, to comply with the "Public Charter School Act of 2003," recently adopted by the General Assembly; and

WHEREAS, The draft revision of Policy CFB, *Public Charter Schools*, tentatively was adopted by the Board of Education on July 29, 2003, and sent out for public comment; and

WHEREAS, The Board of Education has received comments and the superintendent's recommendations; now therefore be it

Resolved, That the Board of Education adopt Policy CFB, *Public Charter Schools*, as revised.

**Public Charter Schools**

A. PURPOSE

To establish criteria for the evaluation of proposals for public charter schools, the principles guiding the negotiation and contracting process, and assignment of responsibility for oversight of approved public charter schools

B. ISSUE

The Board of Education believes in maintaining an educational system designed to provide success for every student and in delivering services through a variety of innovative programs designed to meet the needs of a diverse student body. Nationally, public charter schools reflect a movement that focuses on student achievement within an educational environment that differs from the traditional public schools. The Board of Education needs to have criteria with which to consider proposals for public charter schools and procedures for overseeing approved public charter schools.

C. POSITION

1. The Board of Education supports the Maryland law that vests primary authority to establish charter schools with each local Board of Education.
2. A public charter school is defined as a public school that operates under a charter, or contract, within the public school system and is accountable to the Board of Education.
  - a) The public charter school must focus on improving student performance, strive for high academic standards, and be accountable for results.
  - b) The public charter school must function as a semi-independent education operation within the local school system. It can establish its own "learning community" governance subject to approval by the Board of Education and create its own priorities, creative solutions, instructional design, professional development, and its system for measuring client satisfaction.
  - c) The public charter school must be nonprofit, non-religious, nonsectarian, and not based in private homes.
3. A public charter school is subject to the federal, state, and local policies, regulations, and statutes that affect traditional elementary and secondary public schools unless the policies, regulations, and statutes are waived by the

appropriate governing authority. The public charter school must demonstrate in any waiver request that the exemption would advance the educational goals and objectives of the school. Policies, regulations, and/ or statutes related to audits, health and safety, measurement of student academic achievement, or civil rights cannot be waived.

4. A public charter school must comply with federal, state, and local provisions for all students, including those with disabilities, demonstrate the human, fiscal and organizational capacity to meet the needs of all students, and have an appropriate physical plant to fulfill school responsibilities.
5. The superintendent or his/her designee will evaluate proposals and make recommendations to the Board.
6. The superintendent will submit to the Board of Education a fiscal impact statement as a component of his/her recommendation.
7. All implementation and final contracting is contingent upon the Board's final action on the MCPS budget. Board of Education approval of an application is a commitment to request appropriations from funding agencies. All implementation and final contracting is contingent upon adequate financial resources.
8. The Board will render a decision within 120 days of receipt of a completed application. The superintendent will establish a process and format for the submission of applications including application deadlines and timelines.
9. The superintendent or his/her designee will oversee the implementation of approved public charter schools.
10. Criteria for assessing a public charter school proposal
  - a) Application must be submitted by one or any combination of the following:
    - (1) Current MCPS staff
    - (2) Parent of a current MCPS student
    - (3) A nonprofit entity that is nonsectarian in all its programs, policies, and operations

- (4) A Maryland institution of higher education that is nonsectarian in all its programs, policies, and operations
  - b) Applications will not be considered from private schools, parochial schools, or home schools.
  - c) A public charter school proposal must identify the innovative nature of its program.
  - d) The total costs to MCPS for operating the proposed public charter school will not exceed the equivalent costs for like students in MCPS.
  - e) A public charter school applicant must demonstrate fiscal and ethical integrity.
  - f) The proposal must identify the means by which it will demonstrate improved student performance.
  - g) The proposal must delineate how academic and programmatic reporting will occur.
  - h) Public charter school decisions must not have an unduly detrimental impact on other MCPS public schools.
11. Application
- a) Those interested in applying to operate a public charter school must submit a proposal to the superintendent or designee. Each proposal shall include, but not be limited to, the following components:
    - (1) The applicant's vision of public charter school expectations and mission
    - (2) The primary mission must remain focused on student academic achievement
    - (3) Specific plans and strategies for developing and delivering educational programs
    - (4) Specific educational results including student academic outcomes and how they will be measured and reported

- (a) The public charter school must meet or exceed current accountability provisions of MCPS and state regulations and statutes.
  - (b) A waiver may not be requested from provisions of state law or regulation relating to the measurement of student academic achievement, including all assessments required for other public schools.
- (5) The public charter school may have a major emphasis, such as reclaiming dropouts or basic instructional programs or to provide innovative learning opportunities and educational approaches for the education of students.
- (6) Facilities
- The applicant must submit a facilities plan that specifies cost, location, available space and its use, and, if it is a lease, the terms and conditions. The location of the public charter school must be approved by the Board of Education. Use of existing MCPS buildings must be negotiated with the Board of Education. Policies and regulations related to health and safety cannot be waived.
- (7) Student Admission
- (a) Students residing in Montgomery County will be eligible for admittance without tuition charge. No eligible Montgomery County student may be denied admittance in order to accept an out-of-county student. Others residing outside of Montgomery County must comply with MCPS policy and state law governing non-resident students.
  - (b) The public charter school may not deny admission based on illegal discriminatory factors such as race, gender, ethnicity, religious preference, socioeconomic conditions, disability, or sexual orientation.
  - (c) The public charter school must require students to be physically present on school premises for at least a period of time substantially similar to the period of time

other MCPS students are required to be on school premises.

- (d) A random-selection process (lottery) will be used if the number of qualified applicants exceeds the pre-determined student capacity in the public charter school.

(8) Staffing Plan for the School

- (a) Public charter school employees are employees of MCPS with all the rights, responsibilities, and benefits granted by law. They shall be covered by the existing contract agreements for similar employees in MCPS, to the extent negotiated with the duly-recognized employee representative.
- (b) Any proposals for contracts to provide services which in any way obligate MCPS must be developed with and approved by the Board of Education.
- (c) Certification requirements for public charter school professionals or paraeducators are no different than for professionals or paraeducators in other MCPS schools.
- (d) The superintendent retains the authority to assign and transfer educators as the needs of the system require and as negotiated in the charter.

(9) Management Plan for the School

- (a) Applicants must clearly define the governance structure that will be in place for the public charter school. Staff must be represented in the governance structure.
- (b) Applicants must specify the methods by which they expect to achieve legal, fiscal, and programmatic accountability for the operation of the public charter school and must be accountable to the Board of Education for results.
- (c) The public charter school must have a school improvement team. The roles, operating procedures, and responsibilities of the school improvement team may be



determined by the public charter school participants consistent with state and local guidelines for school improvement teams.

(10) Financial Plan for the School

A financial plan must include, but not be limited to, a proposed budget outline and revenue sources, and the conditions for providing operating support such as custodial, mail service, subject content coordinators, legal counsel, professional development, transportation, food services, etc.

- (a) An approved public charter school must receive funding for instructional costs for students equivalent to what would have been provided for like students in MCPS, taking into account federal, state, and county revenues.
- (b) Other fiscal support such as transportation will be part of the negotiations between the charter school and the school system.
- (c) An approved public charter school may seek and receive other grants through local, state, or federal government sources or private sources without a reduction in its fair share allocation unless other provisions are included in the charter .
- (d) The public charter school must provide for appropriate insurance, including the possibility of being named as co-insured, against any loss or damage to its property or any liability resulting from the use of its property or from the acts or omissions of its officers and employees.
- (e) The public charter school will be subject to the same internal and external audit requirements and all other financial information as may be requested from any other MCPS schools.
- (f) The public charter school will be subject to the same financial reporting requirements as all MCPS schools.

(11) Community Support

A description of the type and extent to which appropriate communities support the proposal for a public charter school

- (12) Length of Time the Public Charter School Will Operate with Current Contract and Provisions for Termination of the Charter
  - (a) A charter may be granted for no longer than four years and will be reviewed annually by the Board of Education.
  - (b) The superintendent must set a time frame and deadline for requests for renewals. The deadline must be at least six months prior to the expiration of the charter school contract.
  - (c) A public charter school shall provide to MCPS written notice of closure or intent to renew its contract immediately upon decision of its governing Board but, in any event, no later than six months prior to closure or expiration of its contract.
  - (d) For approved public charter schools to remain in operation, they must be able to meet the needs of their students, maintain a high degree of parent involvement and student enrollment, and remain accountable under the terms of the charter.
  - (e) The superintendent or designee will evaluate proposals and make a recommendation to the Board of Education for approval and renewal.
  - (f) Contract provisions must delineate contingencies for the continued education of charter school students should the charter school cease to operate. Additionally, the contract must specify how employees will be assigned should the charter school cease to exist.
12. An approved public charter school application shall become part of a contract (charter) between the public charter school and the Board of Education. The contract shall reflect all agreements including the release of the public charter school from any agreed-upon school system policies and all requests for release from state regulations. A revision of the terms of the contract may be

made only with the approval of the Board and the governing body of the public charter school.

13. Denials of a public charter application may be appealed to the Maryland State Board of Education within 30 days.
14. A starting date for the public charter school will be established through the contracting process.
15. The superintendent will oversee the public charter school and provide support for the operational and implementation issues at his/her discretion or as negotiated through the contracting process.
16. The superintendent will make recommendations to the Board regarding renewal, significant operational or implementation problems, and/or revocation.
  - a) A charter may be revoked for the following reasons:
    - (1) The school has not fulfilled any of the conditions imposed by the Board of Education in connection with the granting of the charter
    - (2) The school has violated any provisions of the charter
    - (3) The fiscal condition of the school is substantially deficient
    - (4) The academic condition of the school is substantially deficient
  - b) The Board may place a public charter school on probationary status to allow the implementation of a remedial plan, pending a decision to revoke the school's charter.
  - c) Upon revocation, students and staff will be reassigned at MCPS' discretion or as negotiated through the contracting process.
  - d) Resources provided by MCPS shall remain the property of MCPS and will immediately revert to MCPS possession upon revocation.

#### D. DESIRED OUTCOME

Have opportunities for innovative and creative educational approaches for students and a fair and consistent process with which to evaluate, renew, or revoke public charter school applications or contracts in Montgomery County.

**E. IMPLEMENTATION STRATEGIES**

1. The superintendent will provide information to the public about the process for making application to operate a public charter school.
2. The superintendent will develop and implement a regulation which sets forth a process for accepting and evaluating applications for public charter schools.
3. The superintendent will develop and implement a process for obtaining waivers from Board of Education policy and/or administrative regulations.
4. The superintendent will develop and implement a process for expediting waiver requests to the State Superintendent of Schools.
5. The superintendent will develop and implement a process for the revocation and renewal of charter schools.

**F. REVIEW AND REPORTING**

1. This policy will be reviewed in accordance with Policy BFA: Policysetting.
2. An annual report on each public charter school will be presented to the Board of Education that includes fiscal accountability and performance on recognized academic measures, as described in the approved charter.

**Re: BOARD/SUPERINTENDENT COMMENTS**

Dr. Weast commented that MCPS was selected by the Harvard Graduate School of Education and the Harvard Business School to participate with eight other public school systems across the United States in the Harvard Public Education Leadership Project. Participants will identify innovative research and best practices on critical leadership and management issues being faced in urban education. The participating school systems were selected on a competitive basis, following a national search, to work with the university's education and business faculty over the next three years. The key advantage of this new partnership is the opportunity to learn more about how to address the increasingly difficult challenges of poverty, immigration, and mobility being faced by Montgomery County and to demonstrate what the school system has learned from the academic reforms already under way in county schools.

Dr. Weast commented that two upper county schools, Gaithersburg and Seneca Valley high schools, are interested in smaller learning communities. The school system received a grant of \$1 million to establish those programs at those schools.

Mrs. O'Neill reported that she attended the technology conference of the National School Boards Association where she received the plaque given to MCPS for technology leadership. The conference was very interesting, and there were many exciting speakers, including MCPS staff. Also, MCPS was recognized by the Congressional Black Caucus for technology.

Ms. Cox stated that she presented a declaration to Montgomery College, Germantown, on its 25<sup>th</sup> anniversary.

Mr. Lange commented that he and Dr. Haughey attended the Linkages to Learning dedication at Maryvale Elementary School.

Mr. Romero stated that he and Dr. Haughey attended a Hispanic parent meeting, with 80 parents in attendance, at Richard Montgomery High School. Also, he met with African-American and Hispanic parents at Watkins Mill High School, and this will be a monthly event to discuss how to access the school system.

Mr. Burnett remarked that he attended the Kiwanis pancake breakfast at Wheaton High School. Also, the Key Club at Wheaton is very active, and they are working with the students at Weller Road Elementary School and residents at nursing homes, and sponsoring a blood drive on November 25.

Mr. Felton stated that he met with the Board of the George B. Thomas Learning Academy. Because of budget problems and a lack of certified tutors, there will be 450 students who cannot be served. There is a new executive director, and there is a hope that the academy can secure additional funding.

**RESOLUTION NO. 540-03 Re: CLOSED SESSION RESOLUTION**

On recommendation of the Superintendent and on motion of Mr. Felton seconded by Ms. Cox, 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 closed sessions on Tuesday, November 11, 2003, in Room 120 of the Carver Educational Services Center to meet from 9:00 a.m. to 10:00 a.m. and 12:00 to 2:15 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*; 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.

**RESOLUTION NO. 541-03 Re: REPORT OF CLOSED SESSION**

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

On October 14, 2003, 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 October 14, 2003, from 9:10 to 10:00 a.m. and 1:10 to 1:40 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and

1. Adjudicated the following appeal: 2003-48.
2. Reviewed the Superintendent's recommendation for Human Resources Appointments and Human Resources Monthly Report, subsequent to which the votes to approve were taken in open session.
3. Discussed the contents of a bid prior to the awarding of a contract for employee medical plans.
4. Consulted with counsel to receive legal advice as permitted under Section 10-508(a)(7) of the *State Government Article*.
5. 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: Elizabeth Arons, Steve Bedford, Larry Bowers, Judy Bresler, Kermit Burnett, Sharon Cox, Susanne DeGraba, Reggie Felton, Chris France, Walt Gibson, Wes Girling, Charles Haughey, Roland Ikheloa, Don Kress, Frieda Lacey, Walter Lange, George Margolies, Pat O'Neill, Brian Porter, John Q. Porter, Lori Rogovin, Gabe Romero, Glenda Rose, Sagar Sanghvi, Greg Thornton, Jerry Weast, and Carey Wright.

**RESOLUTION NO. 542-03 Re: APPEAL 2003-48**

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

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2003-48, complaint from the public, reflective of the following vote: Mr. Burnett, Ms. Cox, Mr. Felton, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to dismiss.

RESOLUTION NO. 543-03 Re: **VENDING MACHINES**

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

WHEREAS, The superintendent, in a memorandum to the Board as to food and nutrition services, dated September 9, 2003, noted that the problem of individuals who are overweight or obese has reached epidemic proportions and that there have been quantum increases of hypertension, elevated cholesterol levels, and Type II diabetes among children; and

WHEREAS, Vending machines at our schools—dispensing sodas, soft drinks, and other non-nutritious beverages—contribute significantly to unhealthy choices; and

WHEREAS, Two of the largest school districts in the United States—New York City and Los Angeles—have taken bold action to phase out the sale of non-nutritious beverages in vending machines at their schools, and other districts throughout the nation have found that vending profits have not decreased when schools have converted their machines to selling only water or nutritious low-calorie/low-sugar beverages; and

WHEREAS, The superintendent has informed the Board that staff is in the process of obtaining sales information from the vending companies that currently contract with individual schools; and

WHEREAS, Our school district must be proactive in addressing the matter of vending machines, as is evidenced by the pilot project initiated at Damascus, Thomas S. Wootton, and Walter Johnson high schools this semester to promote healthy options while retaining soda-only machines; now therefore be it

Resolved, That the superintendent convene a work group of stakeholders—to include principals, parents, students, PTA representatives, and health/nutrition professionals—to review a sampling of existing MCPS school contracts for vending machines; to compile a listing of options of nutritious beverages suitable for sale through vending machines; and, at the completion of the pilot, to submit a written report to the superintendent and Board, including recommendations on how to expand the sale of water and nutritious low-calorie/low-sugar beverages, with the goal of eventually eliminating the sale of all non-nutritious beverages.

**Re: STUDY OF CHILD HEALTH BEHAVIORS**

On motion of Mr. Lange and seconded by Mr. Sanghvi, the following resolution was placed on the table as previous new business:

WHEREAS, Health behaviors developed in childhood have a substantial effect on child and adult health and longevity; and

WHEREAS, Health behaviors are determined by many factors, including knowledge, attitude, peer pressure, and environmental influences; and

WHEREAS, Obesity rates among children have more than doubled in the past twenty years, according to the National Longitudinal Study of Youth; and

WHEREAS, Federal grant funding for childhood obesity prevention and other child health initiatives requires the collection of baseline and outcome data; and

WHEREAS, Health education courses provide an opportunity to influence health behaviors positively and are most likely to be effective if they reflect a current understanding of the attitudes, knowledge, and environmental influences on the health behaviors of students;

WHEREAS, The superintendent has recently advised the Board that the course outlines for comprehensive health education in middle and high schools were last revised in 1999; and

WHEREAS, Both the Montgomery County Public Schools (MCPS) and the Department of Health and Human Services (HHS) would benefit from recent data as to child health behaviors for purposes of planning and programming; now therefore be it

Resolved, That MCPS—in tandem with HHS and health professionals—develop and administer a questionnaire to students to serve as a health curriculum needs assessment in sixth, eighth, and 10<sup>th</sup> grade health education classes in time for the results to be used in applying for Fiscal Year '05 federal funding to reduce child health risks and to be used to develop curriculum and programs addressing the health needs of students.

**Re: DISCUSSION**

Ms. Cox wanted to know what was meant by “in time for the results to be used in applying for Fiscal Year '05 federal funding.” Her concern was who would benefit, who should pay, and who should be involved in the development. Can MCPS develop a questionnaire and use it to address the curriculum changes? Mr. Fulton thought the questionnaire was more oriented to obtaining federal baseline data in order to get grants. Ms. Cox asked who would apply for the grants. Mr. Fulton stated that it would be Health and Human Services with the support of



MCPS. Dr. Weast added that the state of Maryland has chosen not to participate. Also, it takes time and cost to develop and follow up on a questionnaire.

Mr. Felton was concerned that federal legislation and privacy laws impact questionnaires. Mr. Fulton noted that a survey over several grade levels is a complex issue. Dr. Weast added that MCPS would issue a questionnaire for another agency's baseline data for a grant that is not specified.

Mrs. O'Neill noted that she preferred to have staff from MCPS and HHS discuss the purpose and goal of such a questionnaire.

Mr. Lange suggested tabling the motion and asking staff to work with HHS to refine the intent of a questionnaire.

Dr. Haughey had two concerns: (1) the population of interest goes beyond public school students and there is a need to collect the information from this broader population, and (2) questionnaires are not the right instrument to collect all kinds of information; there might be a better method to get that information.

Mr. Burnett thought that since MCPS had not been approached by HHS, then HHS should take the lead. He also wanted to know how this resolution benefits MCPS.

**RESOLUTION NO. 544-03 Re: TABLE THE MOTION**

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

Resolved, That the Board of Education table the motion on Study of Child Health Behaviors.

**Re: NEW BUSINESS**

There was no new business.

RESOLUTION NO. 545-03 Re: **ADJOURNMENT**

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

Resolved, That the Board of Education adjourn its meeting of October 27, 2003, at 10:50 p.m.

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PRESIDENT

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SECRETARY

JDW:gr

# MONTGOMERY COUNTY BOARD OF EDUCATION SUMMARY SHEET

October 27, 2003

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