

APPROVED
27-2005

Rockville, Maryland
October 24, 2005

The Board of Education of Montgomery County met in regular session at the Carver Educational Services Center, Rockville, Maryland, on Monday, October 24, 2005, at 7:30 p.m.

Present: Mrs. Patricia B. O'Neill, President
 in the Chair
 Mr. Steve Abrams
 Ms. Sharon W. Cox
 Ms. Valerie Ervin
 Dr. Charles Haughey
 Mrs. Nancy Navarro
 Mr. Gabriel Romero
 Mr. Sebastian Johnson, Student Board Member
 Dr. Jerry Weast, Secretary/Treasurer

Absent: None

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

RESOLUTION NO. 555-05 Re: **RESOLUTION FOR CLOSED SESSION**

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

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

Resolved, That the Board of Education of Montgomery County conduct a closed session on October 24, 2005, in Room 120 from 6:30 to 7:00 p.m. to receive legal advice as permitted under Section 10-508(a)(7) of the *State Government Article*; and be it further

Resolved, That the Board of Education of Montgomery County dedicate part of the closed session to acquit its executive functions and to adjudicate and review appeals, which is a quasi-judicial function outside the purview of the Open Meetings Act under Section 10-503(a) of the *State Government Article*; and be it further

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

RESOLUTION NO. 556-05 Re: **APPROVAL OF THE AGENDA**

On recommendation of the Superintendent and on motion of Ms. Ervin seconded by

Ms. Cox, the following resolution was adopted unanimously:

Resolved, That the Board of Education approve its agenda for October 24, 2005.

Re: **PRESENTATION OF PLAQUE TO BETHESDA-CHEVY CHASE HIGH SCHOOL BY CLASS OF 1959**

The Board welcomed members of the Bethesda-Chevy Chase High School Class of 1959, who presented the principal of the school with a plaque commemorating a speech to the class made by then-Senator John F. Kennedy.

Re: **RECOGNITION OF MARYLAND TEACHER OF THE YEAR**

The Board issued a declaration recognizing the accomplishments of the Maryland Teacher of the Year for 2005, Kimberly Oliver, kindergarten teacher at Broad Acres Elementary School.

RESOLUTION NO. 557-05 Re: **LEGISLATIVE PLATFORM**

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

Resolved, That the Board of Education adopt this legislative platform for the Maryland General Assembly, and the platform provide a vehicle for summarizing the Board's positions on priority issues without precluding the consideration of additional legislative and budget issues that arise during the legislative session.

School Construction

The FY 2007 state Capital Improvements Program (CIP) request for Montgomery County Public Schools (MCPS) is \$125.232 million. This figure is based on current eligibility of projects approved by the County Council in May. About \$29.5 million of this request is comprised of projects for which MCPS has already received state planning approval and partial state funding in a prior year. These projects unquestionably should receive state funding in FY 2007. The balance of the \$125.232 million is for projects that will require state planning approval, but already have been approved for funding by the County Council. These projects are being requested for both state planning approval and construction funding.

Based on MCPS capital improvement needs, consideration needs to be given to the following points:

Limited state funding for school construction has forced Montgomery County to

forward fund critical projects that are eligible for state funding, but cannot be delayed until state funds are available. A mechanism needs to be developed to ensure local forward-funded projects remain eligible for state funding even if the project is completed.

Funding is needed for systemic projects, such as roofing and HVAC (heating/ventilation/air conditioning). \$1.9 million is needed for these projects in FY 2007.

The state's capacity formula and square-footage-per-pupil allowance need to reflect the realities of recent state and federal education mandates, such as mandatory full-day kindergarten and targeted pre-kindergarten programs. The current formula and square-footage allowances do not provide adequate space to meet these mandates.

Using monies from the Aging Schools and Qualified Zone Academy Bond programs, schools have been painted and capital maintenance replacement projects have been completed. A moderate increase in these programs would provide assistance to additional schools.

719 relocatable classrooms are in use in Montgomery County for enrollment, class-size reduction initiatives, and special programs for the 2005-06 school year. Over 17,000 of our students are being taught in temporary facilities. The best way to address the increasing reliance on relocatable classrooms is to provide more state aid for school construction.

State school construction funds continue to be inadequate to meet the substantial capital funding needs of MCPS and other school systems in Maryland. Thanks to the efforts of legislators during the 2005 legislative session, public school construction received more than \$250 million for FY 2006, an increase of 60 percent over the Governor's proposed budget and more than twice the amount provided in FY 2005. The increased cost of materials and labor necessitates even more funding in the future. The Montgomery County Board of Education supports a \$400-million state funding level for FY 2007 to provide the state's share of the funding needed to address the school facility needs identified in the 2004 Public School Facilities Act. The FY 2007 state request for MCPS is \$125.232 million. Given the magnitude of the additional needs, support has broadened for the state to take on more debt to pay for school construction. The Board of Education supports consideration of the expansion of the state's bonding capacity to meet the growing school facilities needs in Maryland.

Education Funding

During the last six years, Montgomery County has increased local funding from \$871.9 million in FY 2000 to \$1,285.8 million in FY 2006, an increase of 47 percent (an average of 7.9 percent per year). This funding has made possible \$96 million of new and enhanced initiatives to expand full-day kindergarten and pre-kindergarten programs for low-income

children, reduce class size, support special education students, modernize technology, and improve accountability.

Since the adoption of the Bridge to Excellence in Public Schools Act, state aid to the county has increased by \$92.7 million. Unfortunately, the law has not been fully funded as envisioned by the Commission on Education Finance, Equity, and Excellence (Thornton Commission) and the General Assembly. The Geographic Cost of Education Index (GCEI), which recognizes the higher cost of education in certain jurisdictions including Montgomery County, has not been funded. In FY 2006, the county would have received \$12.1 million as the initial phase-in of the GCEI.

There is a county and statewide need for adult education services, including instruction for adults in basic skills, English for Speakers of Other Languages, and family literacy. Maryland ranks 48th in state funding compared to other states, despite the fact that about 105,000 residents in Montgomery County alone reported speaking English "less than very well" on the 2000 census, and our immigrant population continues to grow. Providers report that there are at least 2,000 people on adult education waiting lists annually in our county. Last year, the Board supported legislation passed by the General Assembly that requires the Governor to include an increase of \$1.5 million for adult education in the FY 2007 and 2008 state budgets.

The Board of Education strongly supports full implementation and funding of the Bridge to Excellence in Public Schools Act of 2002, including funding of the Geographic Cost of Education Index. Efforts to decrease funding or extend the phase-in period should be opposed. The Maintenance of Effort requirement should be strengthened to ensure that local contributions are consistent with the education adequacy requirements of the 2002 law. Additional funding for adult education programs that support classes in adult literacy and English for Speakers of Other Language should be considered.

Special Student Populations

MCPS and the Maryland State Department of Education (MSDE) share costs incurred for providing appropriate special education services for students with significant educational disabilities who are served in nonpublic schools. Prior to FY 2005, the local school system funded 300 percent of the average per pupil cost plus 20 percent of the excess costs of the nonpublic tuition. Through the Nonpublic Tuition Assistance Program, MSDE funded the remaining 80 percent of the excess costs of financing nonpublic school tuition. During the 2004 and 2005 sessions of the Maryland General Assembly, this funding formula was revised by increasing the local share of costs to 300 percent of the average per pupil expenditure plus 25 percent of the excess tuition costs. Though the formula change is only in effect for FY 2005 and 2006, the result was an increased fiscal burden to MCPS in the amount of \$616,096 in FY 2005.

During the 2004 legislative session, the General Assembly also modified the longstanding reimbursement formula for educational services provided at the State Regional Institutes

for Children and Adolescents (RICA), located in Baltimore, Montgomery, and Prince George's counties, operated by the Department of Health and Mental Hygiene (DHMH). Montgomery County traditionally received less than one-third of its costs from this reimbursement with two-thirds paid through local taxes. The private school tuition reimbursement formula passed in 2004 paid local districts even less and added extraordinary and unnecessary paperwork. Recognizing this problem, in 2005 the legislature restored funding for RICA as it existed before FY 2005. The Budget Reconciliation and Financing Act of 2005 repealed the local cost-sharing requirement for RICA students beginning in FY 2006 and, beginning in FY 2007, DHMH is prohibited from billing local school systems for supplementary services provided to RICA students.

The Board of Education opposes proposals at the state level to increase the local share of nonpublic placement tuition costs for local school systems. MSDE's Nonpublic Tuition Assistance Program has been beneficial in supporting our obligation to provide appropriate services to students who require intensive special education programming. Efforts by the state to increase the financial and administrative burden on local school systems that provide educational services at the Regional Institutes for Children and Adolescents must also be defeated.

Early Childhood Education

State and local investments in high quality early childhood education strengthen the opportunity for coordination between early childhood programs and public schools. MCPS has expanded full-day kindergarten to 93 schools, and plans to provide full-day kindergarten in all elementary schools by FY 2008 as required by the Bridge to Excellence Act. MCPS also has expanded pre-kindergarten services to an additional 250 students using local dollars. In 2005, the Montgomery County Council approved an innovative community-managed pre-kindergarten program at a cost of \$250,000. MCPS is assisting the new program by providing training to teachers in these community schools. This will increase the number of low-income children who are prepared to start kindergarten, a factor shown to improve academic achievement.

The Board of Education supports statewide initiatives that provide funding for and access to affordable, high quality early childhood programs, including child care services, that are aligned with state and local school system learning standards and goals, and opposes efforts to modify the early childhood requirements under the Bridge to Excellence Act. State funding should support local school system efforts to provide training for staff in community-based preschool and child care programs. An increase in funding for the Purchase of Care child care subsidy program would permit more low-income children to benefit from community pre-kindergarten programs.

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 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 requires that states must allow students who attend a persistently dangerous school to transfer to another school. The adverse impact of gang activity and gang-related crimes on the safety of students and staff, as well as the delivery of quality education, must also be considered.

The Board of Education supports innovative initiatives that address gang prevention and involvement and speak to strategies that ensure a safe and secure learning and working environment for students and staff.

Personnel and Retirement

Maryland's teacher pension system has fallen short in providing an adequate level of income and benefits to ensure economic independence for retirees and is insufficient relative to other state pension programs, particularly in light of Maryland's wealth. The inadequacy of Maryland's teacher pension system jeopardizes efforts of local boards of education to attract and retain highly qualified employees to serve public school children in our county and across the state.

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. The Board of Education opposes any shift in funding responsibility for teacher retirement costs from the state to county governments and local school systems. Legislative and budgetary action to increase the level of benefits provided through the state teacher pension and retirement systems should be pursued.

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. With the many unmet needs in public schools, state funds must be used to address the growing needs of students in MCPS and throughout the state.

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 nonpublic special education placements, the Board opposes the appropriation of public funds for private and parochial schools and direct aid to private and parochial students.

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 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. Legislative proposals that speak to public charter schools can only be supported to the extent that the proposals reaffirm that the sole authority for establishing public charter schools is vested in local boards of education and that commensurate funding means resources equal to what is allocated to similar schools in the district, excluding central administrative expenditures and other expenditures that may be provided in kind. 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.

RESOLUTION NO. 558-05 Re: **SCHOOL CONSTRUCTION FUNDING**

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

WHEREAS, all 24 school districts in Maryland are in urgent need of adequate capital funding and annually request state and local funding to construct, renovate, and maintain school facilities; and

WHEREAS, adequately maintaining school facilities requires significant investments from both state and local governments; and

WHEREAS, the Bridge to Excellence in Public Schools Act of 2002 mandates that all local school systems provide universal full-day kindergarten and targeted pre-kindergarten programs; and

WHEREAS, the FY 2007 state Capital Improvement Program needs of Montgomery County Public Schools total \$117.872 million; now therefore be it

Resolved, that the Montgomery County Board of Education commend the General Assembly and Governor for providing \$250 million for school construction and renovation in FY 2006 and urge a continued commitment in future years; and be it further

Resolved, That the Montgomery County Board of Education support a \$400-million state funding level for FY 2007 to provide the state's share of the funding needed to address the school facility needs identified in the 2004 Public School Facilities Act; and be it further

Resolved, That the Montgomery County Board of Education urge public education

stakeholders to join with the Board of Education by writing to Maryland's Governor to urge his support of \$400 million for the State School Construction Program.

Re: **PUBLIC COMMENTS**

The following people testified before the Board of Education:

	<u>Person</u>	<u>Topic</u>
1.	Denise Young	Second Grade Global Screening
2.	Ruth Jacobs	Revised Curriculum
3.	Eric Rosenzweig	Naming of School in Oakview
4.	William Alvarez	New Sex Education Curriculum
5.	Steven Stanhope	Clarksburg Area Boundaries
6.	Butch Hilliard	Academic Eligibility
7.	Liam Brennan	Eighth Grade Health Education
8.	Fran Rothstein	Academic Eligibility
9.	David Fishback	Health Education
10.	Regina Griggs	Inclusion of PFOX
11.	Sharon Barnum	Health Curriculum
12.	Dana Beyer	Dialogue
13.	Mark Stunder	Opening of Clarksburg
14.	Samara Medoza	Walter Johnson Website
15.	Linda McDaniel	Early Entrance to Kindergarten

RESOLUTION NO. 559-05

Re: **AWARD OF CONTRACT – LOIS P. ROCKWELL
ELEMENTARY SCHOOL GYMNASIUM ADDITION**

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

WHEREAS, The following sealed bids were received on September 22, 2005, for the Lois P. Rockwell Elementary School gymnasium addition project:

<u>Bidder</u>	<u>Amount</u>
Keller Brothers, Inc.	\$1,152,000
William F. Klingensmith, Inc.	1,183,000
Henley Construction Company, Inc.	1,237,000
Tuckman-Barbee Construction Company, Inc.	1,279,340

and

WHEREAS, The low bidder, Keller Brothers, Inc., has submitted 8.4-percent Maryland Department of Transportation-certified Minority Business Enterprise (MBE) participation, of which 0.3 percent is African American, 1.5 percent is female, and 6.6 percent is other minority; and

WHEREAS, Keller Brothers, Inc., has submitted a waiver for the balance of the MBE participation; and

WHEREAS, Department of Facilities Management staff has reviewed and certified that the waiver meets the contract requirements and recommends waiving the remaining balance of the MBE requirements; and

WHEREAS, Keller Brothers, Inc., has completed similar work successfully for the Montgomery County Public Schools; now therefore be it

Resolved, That a \$1,152,000 contract be awarded to Keller Brothers, Inc., for the Lois P. Rockwell Elementary School gymnasium addition, in accordance with drawings and specifications prepared by Smolen-Emr + Associates Architects.

RESOLUTION NO. 560-05 Re: **AWARD OF CONTRACT – PARKLAND MIDDLE SCHOOL**

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

WHEREAS, The following sealed bids were received on September 28, 2005, for the demolition work required prior to the start of the Parkland Middle School modernization:

<u>Bidder</u>	<u>Amount</u>
Interior Specialists, Inc.	\$ 770,000
Hudak's Asbestos Removal, Inc.	814,400
The Berg Corporation	944,344
Goel Services, Inc.	1,865,000

and

WHEREAS, The Minority Business Enterprise participation will be reported at the completion of all bid activity for this project; and

WHEREAS, Interior Specialists, Inc., has completed similar work successfully for the Montgomery County Public Schools; now therefore be it

Resolved, That a \$770,000 contract be awarded to Interior Specialists, Inc., for the

demolition work required prior to the start of the Parkland Middle School modernization, in accordance with drawings and specifications prepared by Moseley Architects, P.C.

RESOLUTION NO. 561-05 Re: **AWARD OF CONTRACT – RICHARD MONTGOMERY HIGH SCHOOL**

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

WHEREAS, On August 25, 2005, the Board of Education awarded a contract to Bovis Lend Lease (BLL), Incorporated, to provide general conditions and construction management services for the Richard Montgomery High School replacement facility; and

WHEREAS, The following bids were received on October 6, 2005, for the rough carpentry package for this project:

<u>Bidder</u>	<u>Amount</u>
Hancock & Albanese, Inc.	\$2,344,000
Homewood General Contractors, Inc.	2,687,800

and

WHEREAS, The Minority Business Enterprise participation will be reported at the completion of all bid activity for this project; and

WHEREAS, The low bidder has completed similar work successfully for the Montgomery County Public Schools; now therefore be it

Resolved, That a \$2,344,000 contract be awarded to Hancock & Albanese for the rough carpentry package for the Richard Montgomery High School replacement facility, in accordance with drawings and specifications prepared by SHW Group, LLP.

RESOLUTION NO. 562-05 Re: **ACCEPTANCE OF ROCKVILLE HIGH SCHOOL MODERNIZATION**

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

WHEREAS, The Rockville High School modernization project was inspected on September 26, 2005; now therefore be it

Resolved, That the Board of Education accept the Rockville High School modernization project and that the official date of completion is that date when formal notice is received

from the architect that this project has been completed in accordance with the plans and specifications, and all contract requirements have been met.

RESOLUTION NO. 563-05 Re: **ACCEPTANCE OF DAMASCUS HIGH SCHOOL ADDITION**

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

WHEREAS, The Damascus High School addition project was inspected on October 3, 2005; now therefore be it

Resolved, That the Board of Education accept the Damascus High School addition project and that the official date of completion is that date when formal notice is received from the architect that this project has been completed in accordance with the plans and specifications, and all contract requirements have been met.

RESOLUTION NO. 564-05 Re: **ACCEPTANCE OF MONTGOMERY VILLAGE MIDDLE SCHOOL MODERNIZATION**

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

WHEREAS, The Montgomery Village Middle School modernization project was inspected on October 3, 2005; now therefore be it

Resolved, That the Board of Education accept the Montgomery Village Middle School modernization project and that the official date of completion is that date when formal notice is received from the architect that this project has been completed in accordance with the plans and specifications, and all contract requirements have been met.

RESOLUTION NO. 565-05 Re: **ACCEPTANCE OF ROCKY HILL MIDDLE SCHOOL REPLACEMENT**

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

WHEREAS, The Rocky Hill Middle School replacement project was inspected on October 6, 2005; now therefore be it

Resolved, That the Board of Education accept the Rocky Hill Middle School replacement project and that the official date of completion is that date when formal notice is received from the architect that this project has been completed in accordance with the plans and

specifications, and all contract requirements have been met.

RESOLUTION NO. 566-05 Re: **UTILIZATION OF THE FY 2006 PROVISION FOR FUTURE SUPPORTED PROJECT FUNDS**

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

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. 15-631, approved May 27, 2005; and

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

WHEREAS, Sufficient appropriation is available, within the FY 2006 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 2006 Provision for Future Supported Projects, as specified below:

<u>Project</u>	<u>Positions*</u>	<u>Amount</u>
Individuals with Disabilities Education Act-Disproportionality		\$ 25,000
Reading First	6.0	1,199,562
Student Service Learning, Learn and Serve America	_____	_____16,865
 Total	 <u>6.0*</u>	 <u>\$ 1,241,427</u>

Positions*

- 1.0 Instructional specialist
- 1.0 Fiscal assistant
- 4.0 Reading teacher

and be it further

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

Re: **TENTATIVE ACTION ON POLICY IQD – ACADEMIC ELIGIBILITY FOR EXTRACURRICULAR ACTIVITIES**

On recommendation from the Policy Committee, the following resolution was placed on the table:

WHEREAS, Policy IQD, *Academic Eligibility for Extracurricular Activities*, affirms the valuable role that extracurricular activities play in the entire education of each student; and

WHEREAS, Policy IQD, *Academic Eligibility for Extracurricular Activities*, sets forth that participation in extracurricular activities should be maintained and supported by academic standards; and

WHEREAS, Policy IQD, *Academic Eligibility for Extracurricular Activities*, recognizes that it is the obligation of the school system to provide students with supports for maintaining academic performance and academic eligibility; and

WHEREAS, The Board of Education Policy Committee has considered and recommended revisions to Policy IQD, *Academic Eligibility for Extracurricular Activities*; and

WHEREAS, Revised Policy IQD, *Academic Eligibility for Extracurricular Activities*, shall become effective with the start of the 2006–2007 school year; now therefore be it

Resolved, That the Board of Education take tentative action on revised Policy IQD, *Academic Eligibility for Extracurricular Activities*; and be it further

Resolved, That revised Policy IQD, *Academic Eligibility for Extracurricular Activities*, be sent out for public comment.

Academic Eligibility for Extracurricular Activities

A. PURPOSE

To articulate the Board of Education's commitment to providing an array of extracurricular opportunities for students. Having a variety of extracurricular options including, but not limited to, cultural arts, athletics, and other team activities is an essential part of a complete educational experience. The Board supports having both extracurricular activities requiring academic eligibility and extracurricular activities predicated upon open enrollment.

B. ISSUE

Academic eligibility standards for middle and high school participation in some extracurricular activities must be established and communicated. Extracurricular activities are a valuable part of the entire education of each student. However, participation in extracurricular activities should be maintained and supported by

academic standards. It is the obligation of the school system to provide students with supports for maintaining academic performance and academic eligibility.

C. POSITION

Decisions regarding a student's academic eligibility for participation in extracurricular activities will be made as follows. Students in middle and high schools must maintain a 2.0 average with no more than one failing grade in the previous marking period to be eligible to participate in any activity listed as nonathletic and athletic stipends in the Negotiated Agreement Between Montgomery County Education Association and the Board of Education of Montgomery County Public Schools. This does not apply to students in the fall entering middle or high school for the first time or to students engaged in activities that are extensions of a graded course.

Students in middle school who are not academically eligible may petition to be reinstated in an activity if they have shown evidence of progress toward meeting eligibility standards. Middle school principals will make final decisions regarding these petitions.

D. DESIRED OUTCOMES

Each student should maintain high academic standards while also pursuing extracurricular activities that contribute to a well-rounded education.

E. IMPLEMENTATION STRATEGIES

1. All secondary schools should provide and communicate opportunities for all students to participate in extracurricular activities by ensuring that there are a range of possibilities, including extracurricular activities with open enrollment that do not require academic eligibility.
2. Schools should help students retain or regain eligibility for all extracurricular activities requiring academic eligibility, by providing and referring students to such support activities as contracts, tutoring programs, mentoring and monitoring programs, academic support classes and counseling, study halls during or after school, outreach programs and/or other programs.
3. Schools should share best practices that increase student academic eligibility for extracurricular activities.
4. Schools should develop mechanisms to evaluate the effectiveness of support programs.
5. The superintendent will publish regulations to implement this policy as

needed.

F. REVIEW AND REPORTING

1. The superintendent will report annually to the Board on the effects of this policy on student participation in extracurricular activities.
2. This policy will be reviewed in accordance with the Board of Education review process.

RESOLUTION NO. 567-05 Re: **AN AMENDMENT TO THE TENTATIVE ACTION ON POLICY IQD – ACADEMIC ELIGIBILITY FOR EXTRACURRICULAR ACTIVITIES**

On motion of Mr. Abrams and seconded by Dr. Haughey, the following resolution was adopted with Mr. Abrams, Ms. Cox, Dr. Haughey, Mr. Johnson, Mrs. O'Neill, and Mr. Romero voting in the affirmative; Ms. Ervin and Mrs. Navarro voting in the negative:

Resolved, That the Board of Education amend Policy IQD at B. To read:

Academic eligibility standards for middle and high school participation in some extracurricular activities **listed as nonathletic and athletic stipends in the Negotiated Agreement Between Montgomery County Education Association and the Montgomery County Board of Education** must be established and communicated.

RESOLUTION NO. 568-05 Re: **TENTATIVE ACTION ON POLICY IQD – ACADEMIC ELIGIBILITY FOR EXTRACURRICULAR ACTIVITIES**

On motion of the Policy Committee, the following resolution was adopted unanimously, as amended:

WHEREAS, Policy IQD, *Academic Eligibility for Extracurricular Activities*, affirms the valuable role that extracurricular activities play in the entire education of each student; and

WHEREAS, Policy IQD, *Academic Eligibility for Extracurricular Activities*, sets forth that participation in extracurricular activities should be maintained and supported by academic standards; and

WHEREAS, Policy IQD, *Academic Eligibility for Extracurricular Activities*, recognizes that it is the obligation of the school system to provide students with supports for maintaining academic performance and academic eligibility; and

WHEREAS, The Board of Education Policy Committee has considered and recommended revisions to Policy IQD, *Academic Eligibility for Extracurricular Activities*; and

WHEREAS, Revised Policy IQD, *Academic Eligibility for Extracurricular Activities*, shall become effective with the start of the 2006–2007 school year; now therefore be it

Resolved, That the Board of Education take tentative action on revised Policy IQD, *Academic Eligibility for Extracurricular Activities*; and be it further

Resolved, That revised Policy IQD, *Academic Eligibility for Extracurricular Activities*, be sent out for public comment.

Academic Eligibility for Extracurricular Activities

A. PURPOSE

To articulate the Board of Education's commitment to providing an array of extracurricular opportunities for students. Having a variety of extracurricular options including, but not limited to, cultural arts, athletics, and other team activities is an essential part of a complete educational experience. The Board supports having both extracurricular activities requiring academic eligibility and extracurricular activities predicated upon open enrollment.

B. ISSUE

Academic eligibility standards for middle and high school participation in some extracurricular activities listed as nonathletic and athletic stipends in the Negotiated Agreement Between Montgomery County Education Association and the Montgomery County Board of Education must be established and communicated. Extracurricular activities are a valuable part of the entire education of each student. However, participation in extracurricular activities should be maintained and supported by academic standards. It is the obligation of the school system to provide students with supports for maintaining academic performance and academic eligibility.

C. POSITION

Decisions regarding a student's academic eligibility for participation in extracurricular activities will be made as follows. Students in middle and high schools must maintain a 2.0 average with no more than one failing grade in the previous marking period to be eligible to participate in any activity listed as nonathletic and athletic stipends in the Negotiated Agreement Between Montgomery County Education Association and the Board of Education of Montgomery County Public Schools. This

does not apply to students in the fall entering middle or high school for the first time or to students engaged in activities that are extensions of a graded course.

Students in middle school who are not academically eligible may petition to be reinstated in an activity if they have shown evidence of progress toward meeting eligibility standards. Middle school principals will make final decisions regarding these petitions.

D. DESIRED OUTCOMES

Each student should maintain high academic standards while also pursuing extracurricular activities that contribute to a well-rounded education.

E. IMPLEMENTATION STRATEGIES

1. All secondary schools should provide and communicate opportunities for all students to participate in extracurricular activities by ensuring that there are a range of possibilities, including extracurricular activities with open enrollment that do not require academic eligibility.
2. Schools should help students retain or regain eligibility for all extracurricular activities requiring academic eligibility, by providing and referring students to such support activities as contracts, tutoring programs, mentoring and monitoring programs, academic support classes and counseling, study halls during or after school, outreach programs and/or other programs.
3. Schools should share best practices that increase student academic eligibility for extracurricular activities.
4. Schools should develop mechanisms to evaluate the effectiveness of support programs.
5. The superintendent will publish regulations to implement this policy as needed.

F. REVIEW AND REPORTING

1. The superintendent will report annually to the Board on the effects of this policy on student participation in extracurricular activities.
2. This policy will be reviewed in accordance with the Board of Education review process.

Re: **TENTATIVE ACTION ON POLICY JEB – EARLY**

ENTRANCE INTO KINDERGARTEN

On motion of the Policy Committee, the following resolution was placed on the table:

WHEREAS, Policy JEB, *Early Entrance to First Grade*, holds, in accordance with state regulation, that generally students are best served when they enter school at the ages research has indicated are most conducive to long-term success; and

WHEREAS, Policy JEB, *Early Entrance to First Grade*, sets forth, and state regulation prescribes, the consideration of the individual needs of students for early entrance; and

WHEREAS, Policy JEB, *Early Entrance to First Grade*, recognizes that sound decision making in the area of early entrance to prekindergarten, kindergarten, and first grade is dependent upon reliable information regarding a student's readiness and a thoughtful balancing of the myriad of factors implicated by the decision; and

WHEREAS, The Board of Education Policy Committee has considered and recommended revisions to Policy JEB, *Early Entrance to First Grade*; now therefore be it

Resolved, That the Board of Education take tentative action on Policy JEB, *Early Entrance to Prekindergarten, Kindergarten, and First Grade*; and be it further

Resolved, That Policy JEB, *Early Entrance to Prekindergarten, Kindergarten, and First Grade*, be sent out for public comment.

Early Entrance to Prekindergarten, Kindergarten, and First Grade**A. PURPOSE**

To ensure that the early years of a student's education provide the solid foundation critical to ongoing academic success. Since the first years are so essential to a successful long-term educational experience, every effort is made to ensure that students entering pre-kindergarten, kindergarten, and first grade are ready to learn and be successful. Balancing current understanding of the long-term effects of early education with the unique needs of each student requires careful consideration. The Board of Education, in accordance with state regulation, holds that generally students are best served when they enter school at the ages research has indicated is most conducive to long-term success. However, this policy and state regulation have prescribed the consideration of the individual needs of students for early entrance.

B. ISSUES

The decision regarding early entrance to prekindergarten, kindergarten, and first grade requires careful consideration of all factors. The academic, social, and emotional readiness of the student must be weighed as well as institutional factors, such as equity. Sound decision making in the area of early entrance to prekindergarten, kindergarten, and first grade is dependent upon reliable information regarding a student's readiness and a thoughtful balancing of the myriad of factors implicated by the decision.

C. POSITION

It is the presumption of the Board of Education that students will enter prekindergarten, kindergarten, and first grade at the ages prescribed by state regulation. The Board of Education understands that under exceptional circumstances students may be granted early entrance to prekindergarten, kindergarten or first grade.

1. Students from income-eligible families seeking early entrance into prekindergarten must demonstrate a need for early education, as identified by their readiness levels in developmental areas, warranting admission.
2. Students seeking early entrance to kindergarten must demonstrate capabilities warranting early admission.
3. Students seeking early entrance to first grade must demonstrate capabilities warranting early admission.
4. Decisions regarding early entrance must include consideration of the above regardless of race, color, gender, religion, ancestry, national origin, marital status, age, disability, or sexual orientation. Institutional factors, such as capacity, may also be considered.

D. IMPLEMENTATION STRATEGIES

1. The superintendent will develop regulations for implementing this policy that will include a screening process as well as procedures for appealing decisions arising out of such screening.
2. All regulations developed in support of Board of Education-adopted policies shall be sent to the Board as items of information.

E. REVIEW AND REPORTING

This policy will be reviewed in accordance with the Board of Education policy review process.

RESOLUTION NO. 569-05

Re: **AN AMENDMENT TO THE TENTATIVE ACTION ON POLICY JEB – EARLY ENTRANCE INTO KINDERGARTEN**

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

Resolved, That the Board of Education amend Policy JEB at B. to read:

The academic, social, and emotional readiness of the student must be weighed ~~as well as~~ **and** institutional factors **may also be considered** ~~such as equity~~.

RESOLUTION NO. 570-05

Re: **AN AMENDMENT TO THE TENTATIVE ACTION ON POLICY JEB – EARLY ENTRANCE INTO KINDERGARTEN**

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

Resolved, That the Board of Education amend Policy JEB at C.4 to read:

Decisions regarding early entrance must include consideration of the above regardless of race, color, gender, religion, ancestry, national origin, marital status, age, disability, or sexual orientation **of children and their families**.

RESOLUTION NO. 571-05

Re: **TENTATIVE ACTION ON POLICY JEB – EARLY ENTRANCE INTO KINDERGARTEN**

On motion of the Policy Committee, the following resolution, as amended, was adopted unanimously:

WHEREAS, Policy JEB, *Early Entrance to First Grade*, holds, in accordance with state regulation, that generally students are best served when they enter school at the ages research has indicated are most conducive to long-term success; and

WHEREAS, Policy JEB, *Early Entrance to First Grade*, sets forth, and state regulation prescribes, the consideration of the individual needs of students for early entrance; and

WHEREAS, Policy JEB, *Early Entrance to First Grade*, recognizes that sound decision making in the area of early entrance to prekindergarten, kindergarten, and first grade is dependent upon reliable information regarding a student's readiness and a thoughtful balancing of the myriad of factors implicated by the decision; and

WHEREAS, The Board of Education Policy Committee has considered and recommended revisions to Policy JEB, *Early Entrance to First Grade*; now therefore be it

Resolved, That the Board of Education take tentative action on Policy JEB, *Early Entrance to Prekindergarten, Kindergarten, and First Grade*; and be it further

Resolved, That Policy JEB, *Early Entrance to Prekindergarten, Kindergarten, and First Grade*, be sent out for public comment.

Early Entrance to Prekindergarten, Kindergarten, and First Grade

A. PURPOSE

To ensure that the early years of a student's education provide the solid foundation critical to ongoing academic success. Since the first years are so essential to a successful long-term educational experience, every effort is made to ensure that students entering pre-kindergarten, kindergarten, and first grade are ready to learn and be successful. Balancing current understanding of the long-term effects of early education with the unique needs of each student requires careful consideration. The Board of Education, in accordance with state regulation, holds that generally students are best served when they enter school at the ages research has indicated is most conducive to long-term success. However, this policy and state regulation have prescribed the consideration of the individual needs of students for early entrance.

B. ISSUES

The decision regarding early entrance to prekindergarten, kindergarten, and first grade requires careful consideration of all factors. The academic, social, and emotional readiness of the student must be weighed and institutional factors may also be considered. Sound decision making in the area of early entrance to prekindergarten, kindergarten, and first grade is dependent upon reliable information regarding a student's readiness and a thoughtful balancing of the myriad of factors implicated by the decision.

C. POSITION

It is the presumption of the Board of Education that students will enter prekindergarten, kindergarten, and first grade at the ages prescribed by state regulation. The Board of Education understands that under exceptional circumstances students may be granted early entrance to prekindergarten, kindergarten or first grade.

1. Students from income-eligible families seeking early entrance into prekindergarten must demonstrate a need for early education, as identified by their readiness levels in developmental areas, warranting admission.
2. Students seeking early entrance to kindergarten must demonstrate capabilities warranting early admission.
3. Students seeking early entrance to first grade must demonstrate capabilities warranting early admission.
4. Decisions regarding early entrance must include consideration of the above regardless of race, color, gender, religion, ancestry, national origin, marital status, age, disability, or sexual orientation of children and their families. Institutional factors, such as capacity, may also be considered.

D. IMPLEMENTATION STRATEGIES

1. The superintendent will develop regulations for implementing this policy that will include a screening process as well as procedures for appealing decisions arising out of such screening.
2. All regulations developed in support of Board of Education-adopted policies shall be sent to the Board as items of information.

E. REVIEW AND REPORTING

This policy will be reviewed in accordance with the Board of Education policy review process.

RESOLUTION NO. 572-05

Re: **CLOSED SESSION RESOLUTION**

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

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

Resolved, That the Board of Education of Montgomery County conduct a closed session on Tuesday, November 8, 2005, in Room 120 of the Carver Educational Services Center to meet from 8:30 to 10:00 a.m. and 12:15 to 2:00 p.m. to discuss personnel matters, as permitted under Section 10-508(a)(1) of the *State Government Article*, consult with counsel to obtain legal advice, as permitted by Section 10-508(a)(7) of the *State Government Article*; review and adjudicate appeals in its quasi-judicial capacity; and 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. 573-05 Re: **REPORT OF CLOSED SESSION**

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

On October 11, 2005, 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 11, 2005, from 9:00 to 9:40 a.m. and 12:50 to 1:55 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and

1. Reviewed and considered the following appeals in its quasi-judicial capacity outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*): T-2005-51, 2005-20, 2005-34, 2005-35, 2005-36, and 2005-37.
2. Reviewed and adjudicated the following appeals in its quasi-judicial capacity outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*) with a subsequent vote to approve in open session: 2005-30.
3. Discussed the Human Resources Monthly Report with a subsequent vote in open session, as permitted under Section 10-508(a)(1) of the *State Government Article*.
4. Considered the acquisition of real property for a public purpose and matters directly related thereto, as permitted under Section 10-508(a)(3) of the *State Government Article* and Section 4-107(d) of the *Education Article*.
5. Received legal advice as permitted under Section 10-508(a)(7) of the *State Government Article*.
6. 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 sessions were: Steve Abrams, Aggie Alvez, Larry Bowers, Patrick Clancy, Sharon Cox, Brian Edwards, Valerie Ervin, Charles Haughey, Richard Hawes, Roland Ikheloa, Sebastian Johnson, Don Kress, Frieda Lacey, George Margolies, Nancy Navarro, Patricia O'Neill, Brian Porter, John Q. Porter, Lori Rogovin, Gabe Romero, Glenda Rose, Matt Tronzano, and Jerry Weast.

RESOLUTION NO. 574-05

Re: **APPOINTMENTS TO THE ADVISORY COMMITTEE
ON FAMILY LIFE AND HUMAN DEVELOPMENT**

On recommendation of the Superintendent and on motion of Mrs. O'Neill seconded by Ms. Ervin, the following resolution was with Mr. Abrams, Ms. Cox, Ms. Ervin, Dr. Haughey, Mr. Johnson, Mrs. Navarro, and Mrs. O'Neill voting in the affirmative; Mr. Romero voting in the negative:

WHEREAS, By Resolution 389-05, approved July 27, 2005, the Board of Education reconstituted the Citizens Advisory Committee for Family Life and Human Development, to serve in an advisory capacity only, pursuant to COMAR 13A.04.18.03.D(1), to consult with professional educators within the school system in the course of their developing, implementing, and evaluating the family life and human development program to the degree deemed appropriate by the superintendent; and

WHEREAS, The Committee is comprised of 15 members, all of whom must be bona fide residents of Montgomery County who have not served on this committee previously; including eight members at large, one of whom shall be an MCPS high school student; and seven representatives of organizations, one of whom shall be an MCPS high school student representing the Montgomery County Region of the Maryland Association of Student Councils, one of whom shall be a representative of Citizens for Responsible Curriculum, and one of whom shall be a representative of Parents and Friends of Ex-Gays and Gays; and

WHEREAS, The Board of Education has yet to receive a qualified nominee from Citizens for Responsible Curriculum, as a result of which an appointment to its reserved seat is not being made at this time; now therefore be it

Resolved, That the following individuals be appointed to serve a term ending as of June 30, 2007, except that the terms of the two students hereby appointed shall expire as of June 30, 2006:

Organizations

Tracy Fox representing Montgomery County Council of PTAs

Eric Kay representing Montgomery County Region of the Maryland Association of Student Councils

James Kennedy representing TeachtheFacts.org

Richelle Meer representing NARAL Pro-Choice Maryland

Peter Sprigg representing Parents and Friends of Ex-Gays and Gays

Emily Wurtz representing Parents, Families and Friends of Lesbians and Gays

Community at Large

Subash Duggirala

Matthew Murguia

Victor Olano
 Maria Peña-Faustino
 Esther Pinder
 Carol Plotsky
 Elinor Walker
 Esther Lei, Student

and be it further

Resolved, That the following individual is hereby designated as the committee chairperson:

Carol Plotsky

RESOLUTION NO. 575-05

Re: **NAMES FOR THE NEW CLARKSBURG AREA HIGH SCHOOL**

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

WHEREAS, The deputy superintendent of schools has advised the Board of Education that she has asked the newly designated principal of Clarksburg Area High School to begin the process for recommending to the Board a permanent name for the school; and

WHEREAS, Policy FFA (*Naming School Facilities*) provides for the Board to "develop a listing of up to four names" to be given to a school naming committee which shall recommend "in priority order, its preference from among the listing of names provided by the Board of Education and up to two additional names recommended by the committee"; and

WHEREAS, Pursuant to Policy FFA, the final responsibility for officially naming a school building rests with the Board of Education; now therefore be it

Resolved, That the Board of Education hereby submits the following name(s) to the principal of Clarksburg Area High School for consideration by the school naming committee:

**JOHN G. CLARK HIGH SCHOOL
 CLARKSBURG HIGH SCHOOL
 SANDRA DAY O'CONNOR HIGH SCHOOL
 WILSON WIMS HIGH SCHOOL**

RESOLUTION NO. 576-05

Re: **APPEALS**

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

WHEREAS, The Board of Education has met in closed session, and deliberated on appeals brought before its members acting in its quasi-judicial capacity under Section 10-503(a) of the *State Government Article*; now therefore be it

Resolved, That the Board of Education hereby decide the following appeals, reflective of the Board members' votes in closed session, the disposition of each which shall be recorded separately in the minutes of today's meeting:

1. Decision and Order in Appeal 2005-34, complaint from the public, reflective of the following vote: Ms. Cox, Ms. Ervin, Dr. Haughey, Mr. Johnson, Mrs. O'Neill, and Mr. Romero voting to affirm; Mr. Abrams and Mrs. Navarro voting to dismiss.
2. Decision and Order in Appeal 2005-35, admission to Chinese Immersion program, reflective of the following vote: Ms. Cox, Ms. Ervin, Dr. Haughey, Mrs. Navarro, Mrs. O'Neill, and Mr. Romero voting to affirm; Mr. Abrams and Mr. Johnson voting to reverse.
3. Decision and Order in Appeal 2005-36, early entrance to kindergarten, reflective of the following vote: Mr. Abrams, Ms. Cox, Ms. Ervin, Dr. Haughey, Mr. Johnson, Mrs. Navarro, Mrs. O'Neill, and Mr. Romero voting to affirm.
4. Decision and Order in Appeal 2005-37, admission to Chinese Immersion program, reflective of the following vote: Mr. Abrams, Ms. Cox, Ms. Ervin, Mr. Johnson, Mrs. Navarro, Mrs. O'Neill, and Mr. Romero voting to reverse; Dr. Haughey to affirm.
5. Order in Appeal NEC-2005-52, consortium assignment, reflective of the following vote: Mr. Abrams, Ms. Cox, Ms. Ervin, Dr. Haughey, Mr. Johnson, Mrs. Navarro, Mrs. O'Neill, and Mr. Romero voting to reverse.

Re: **NEW BUSINESS**

There was no new business.

Re: **BOARD/SUPERINTENDENT COMMENTS**

Mr. Johnson commented that he is reaching out to his constituents. Last week, he visited Richard Montgomery High School, and he had a dialogue with student representatives. Next week, he will visit Holton Arms and Poolesville High School. Also, he has taped his TV show, *Unscripted*.

Mr. Romero asked that Donald Thomas Morgan be added to the list of possible future school names. Regarding translation services, he wanted the Board Office to avail themselves of the Superintendent's Office when needed.

Dr. Weast commented that 86 schools have earned certificates of recognition from the Maryland State Department of Education and the school performance program.

RESOLUTION NO. 577-05 Re: **ADJOURNMENT**

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

Resolved, That the Board of Education adjourn its meeting of October 24, 2005, at 10:05 p.m.

PRESIDENT

SECRETARY

JDW:gr

**MONTGOMERY COUNTY BOARD OF EDUCATION
SUMMARY SHEET**

October 24, 2005

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