

APPROVED  
29-2008

Rockville, Maryland  
November 11, 2008

The Board of Education of Montgomery County met at the Carver Educational Services Center, Rockville, Maryland, on November 11, 2008, at 10:15 a.m.

Present: Mrs. Nancy Navarro, President  
in the Chair  
Mr. Steve Abrams  
Mr. Christopher Barclay  
Ms. Shirley Brandman  
Ms Laura Berthiaume, Board Member-Elect  
Ms. Sharon Cox  
Dr. Judy Docca  
Mr. Philip Kauffman, Board member-Elect  
Ms. Quratul-Ann Malik, Student Member  
Mrs. Patricia O'Neill  
Dr. Jerry Weast, Secretary/Treasurer

Absent: None

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

RESOLUTION NO. 396-08 Re: **RESOLUTION FOR CLOSED SESSIONS**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Barclay, 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 conduct closed sessions on November 11, 2008, in Room 120, from 9:00 to 10:00 a.m. and 11:30 a.m. to 1:30 p.m.; and be it further

Resolved, That the Board of Education review 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*; and be it further

Resolved, That the Board of Education dedicate part of the closed sessions on November 11, 2008, to acquit its administrative 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 the meeting continue in closed session until the completion of business.

RESOLUTION NO. 397-08      Re:    **APPROVAL OF THE AGENDA**

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

Resolved, That the Board of Education approve its agenda for November 11, 2008.

Re:    **PLEDGE OF ALLEGIANCE (THE  
GAITHERSBURG HIGH SCHOOL COLOR  
GUARD)**

"I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

RESOLUTION NO. 398-08      Re:    **IN HONOR OF VETERANS**

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

WHEREAS, Each Veterans Day, Americans continue to celebrate with ceremonies and speeches remembering and honoring those who fought for peace; and

WHEREAS, In 2001, United States Senate Resolution 143 designated November 11 through November 17 of each year "National Veterans Awareness Week;" and

WHEREAS, Tens of millions of Americans have served in the Armed Forces of the United States, and hundreds of thousands of Americans have given their lives while serving in the Armed Forces during the past century; and

WHEREAS, The month of November provides us an opportunity to remember and acknowledge the sacrifices of men and women who served our country in the Armed Forces of the United States, especially our parents, staff, and community members; now therefore be it

Resolved, That the Board of Education, along with students, parents, Montgomery County Public Schools staff, and the entire community, salutes the sacrifice of the men and women of the United States Armed Forces.

RESOLUTION NO. 399-08      Re:    **AMERICAN EDUCATION WEEK**

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

WHEREAS, Montgomery County Public Schools cares about children and their future, educating our students so they have the knowledge, skills, and disposition to be productive citizens and tomorrow’s leaders; and

WHEREAS, Excellence in education enables us to achieve our greatest potential as individuals, a school system, a county, a state, and a nation; and

WHEREAS, The teachers, support staff, and administrators who work in our school system need the commitment of the entire community to help children learn and reach their full potential; and

WHEREAS, Parent and community involvement in our schools provide vital support and open opportunities for students to participate in community learning and outreach activities; and

WHEREAS, Schools bring together students, educators, parents, volunteers, business leaders, and elected officials together for a common goal; and

WHEREAS, When students apply what they learn in the classroom to meet community needs, they gain a deeper understanding of their academic learning and achieve at high levels; and

WHEREAS, Well-educated students ready for college and the workforce drive innovation that can solve world problems in the fields of government, business, industry, and human relations; now therefore be it

Resolved, That the Montgomery County Board of Education hereby declares November 16 through November 22, 2008, to be observed in Montgomery County Public Schools as American Education Week as a time to appreciate the importance of continuing support for our schools.

Re: **PUBLIC COMMENTS**

The following people testified before the Board of Education:

	<u>Person</u>	<u>Topic</u>
1.	Kay Romero	School Calendar
2.	Peter James	Curriculum
3.	Christopher Lloyd	Councils on Teaching Learning
4.	Mildred Rivera	Bilingual Program
5.	Colleen Gallagher	Dual Language Education
6.	Beatrice Hanson	Redland Middle School

**Re: BOARD/SUPERINTENDENT COMMENTS**

Mr. Barclay commented on a community meeting attended by Ms. Navarro and him at Montgomery Blair High School. They came to respond to the unfortunate death of Mr. Lam, a freshman at the school. Mr. Barclay said it was important to come together as a community to ensure the safety and security of ourselves and our children. It is the responsibility of everyone to band together to make sure that this type of thing does not happen. The government will help, but it is not entirely its responsibility. Ms. Navarro commented on the need for economic revitalize in that segment of the county. In light of this, the Kennedy Cluster Project is moving in the right direction.

Ms. Navarro followed up by emphasizing the spirit of the community coming together to embrace the family. It was important for the Board to express its support and commitment to providing the best education possible and understanding that there are factors we cannot control. Ms. Navarro then welcomed the two Board members-elect.

Ms. Berthiaume stated that she was pleased to join the Board.

Mr. Kauffman commented that he looked forward to working with the Board members.

Ms. Cox congratulated the two new Board members-elect. She thanked the staff who threw a party at the Baldrige Leadership Team meeting.

Ms. Malik commented that the Student Advisory Committee is a group of strong leaders who get together to share issues and opinions. She said she was interested in attending the meetings monthly. Anyone interested in becoming involved should contact her through the website.

Mrs. O'Neill stated that she was proud of the young men of the Gaithersburg High School Color Guard, especially since this was the 90<sup>th</sup> anniversary of Armistice Day.

Dr. Docca commented that she met with the following groups: Breakfast at IMPACT Silver Spring, Montero Education Foundation Awards, and the Montgomery County Student Environmental Activists.

Mr. Abrams stated that it had been a pleasure to serve MCPS as a Board member. It had been a pleasure to be a part of MCPS. He said that had developed a respect for what the institution does, especially with the Weast reforms. The recent fiscal downturns are an opportunity to look at what is working and what is not. All programs that can withstand that perspective will continue. The Board can no longer add to the budget without a counter decrease or think of ways to deliver services differently.

Dr. Weast commented that last week, Gov. O'Malley and his cabinet came to Gaithersburg as part of the "Capital for a Day" program that brings state government to local jurisdictions

for a day of meetings, briefings, and tours. The visit included stops at both Gaithersburg High School and Summit Hall Elementary School. The recent presidential election provided another opportunity for students to show how tuned in they are to the major issues of the day. The morning after the election, a group of wonderfully articulate students from Magruder High School was featured on a National Public Radio report discussing what this historic presidential election means to their generation. In addition, a great classroom lesson and discussion about the election held at White Oak Middle School was captured in a Washington Post story. Finally, he thanked all those who testified before the State Board of Education on October 28, arguing for a delay in implementation of the HSA graduation requirements. Board Vice President Shirley Brandman pointed out that the Class of 2009 is being required to pass a test that is substantially different in format from that for students graduating in 2010 and beyond. We will continue to press the issues for special education students and English Language learners that meet the needs of these students.

\*\* Ms. Navarro temporarily left the meeting.

Re: **LEGISLATIVE PLATFORM**

Ms. Laura Steinberg, Legislative and Intergovernment Relations, presented the Legislative Platform for the 2009 session of the Maryland General Assembly for the Board's consideration. The Montgomery County Board of Education adopted its first legislative platform in 2001, in preparation for the 2002 legislative session. Since that time, the development, adoption, and distribution of a platform statement prior to the beginning of each legislative session has enhanced the effectiveness of Board advocacy on state budget and legislative issues.

The platform provides 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. Similar to previous years' efforts, the 2009 document will be distributed to members of the General Assembly, partner organizations, and the community before and during the legislative session, and will be posted on the Board of Education's website.

Re: **LEGISLATIVE PLATFORM**

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

Resolved, That the Board of Education adopt the following Legislative Platform:

**FUNDING/ACCOUNTABILITY**

Today's investments in Montgomery County Public Schools are key to a prosperous economy, strong business growth, and students' ability to compete for good jobs in the

global, high-tech economy. If we do not invest adequate funds now, the future of our youth and economic health will be in serious jeopardy.

#### *Pension/Retirement*

In 2006, the General Assembly approved legislation that significantly improved Maryland's teacher pension system. The improvements provide critical support to employees and enhance the ability to attract and retain highly qualified staff to serve public school children in our county and across the state. Improvements in the pension system would be compromised by any shift in funding responsibility from the state to local governments that have no fiduciary obligation for the payment of teacher pensions.

The Montgomery County Board of Education supports the following:

- Maintaining the teacher retirement program as a state-funded categorical program
- Full state funding of the teacher retirement program
- An evaluation process for monitoring and updating employee benefit programs

The Montgomery County Board of Education opposes the following:

- Any shift in funding responsibility from the state to the counties
- Any imposition of a cap on the state's share of teacher retirement funding

#### *Capital Budget/School Construction*

State construction funds continue to be inadequate to meet the substantial capital funding needs. School construction costs are escalating rapidly, resulting in project costs that dramatically exceed state and local appropriations. Enrollment growth, coupled with maintenance needs in older schools, continues to put enormous pressures on school facilities. Limited state funding has forced Montgomery County to forward-fund critical projects that are eligible for state funding. Moreover, without adequate funding, over-reliance on portable classrooms and increasingly deteriorating facilities will become the norm.

The Montgomery County Board of Education supports the following:

- Adequate state capital funding for FY 2010 to address school facility needs.
- Consideration of expanding the state's bonding capacity to meet Maryland's growing school facility needs.
- Reviewing current standards for the Interagency Committee square footage allowances for new and modernized schools.
- Developing a mechanism to ensure that locally forward-funded projects remain eligible for state funding, even if the project has been completed.
- Changing the Public School Construction Program to allow the legitimate funding needs of larger LEAs to be recognized.
- Eliminating the penalty for building additional classrooms, which are intended to reduce class size in support of student achievement.

The Montgomery County Board of Education opposes the following:

- Any effort to reduce the \$1.23 million Aging School Program funds legislated for Montgomery County.
- Any reduction to the state and local cost share formula.

### **FUNDING/ACCOUNTABILITY**

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#### *Operating Budget*

Over the past eight years, the local effort to support the Montgomery County Public Schools (MCPS) operating budget has continually increased and allowed for many new and innovative initiatives. The Bridge to Excellence in Public Schools Act of 2003 (BTE) was broadly conceived to provide both adequacy and equity to education funding. However, since adoption, MCPS has not received the anticipated state share of education funds. Like other eligible districts, MCPS did not receive the funds promised under the BTE legislation for the Geographic Cost of Education Index (GCEI) that was partially funded only in FY 2009.

The Montgomery County Board of Education supports the following:

- Full commitment to the funding incorporated in BTE, including the Geographic Cost of Education Index (GCEI) and student transportation.
- Resumption of the annual inflation adjustment.
- Additional funding to support English for Speakers of Other Languages by recognizing the costs of Limited English Proficient students in follow-up monitoring. Maintaining teacher retirement as a state-funded categorical program.
- Reimbursement for students placed by state agencies at RICA.
- State aid reimbursement for educational programming at RICA.

The Montgomery County Board of Education opposes the following:

- Any retreat from funding identified in BTE.
- Additional state mandates, unless accompanied by sufficient and ongoing state funding.

#### *Maintenance of Effort*

The Bridge to Excellence in Public Schools Act OF 2003 (BTE) requires significant increase in state funding without modifying the minimum maintenance of effort requirement for county governments. Maintenance of effort requires that each district receive the same local appropriation per pupil in the subsequent year that was provided during the current year. An increase in basic state aid can be denied if this requirement is not met. Funds for one-time projects do not count toward the requirement, if approved by the Maryland State

Department of Education. If a county cannot afford to pay the minimum amount because of serious economic trouble, it may petition the state for a waiver.

While maintenance of effort help provides a local increase to reflect enrollment changes, the formula does not address hidden costs of regulatory mandates, rising costs of commodities such as fuel, or other inflationary increases to annual budgets, including salary and employee benefit increases.

The Montgomery County Board of Education supports the following:

- Continuing current maintenance-of-effort provision.
- Changes in the maintenance-of-effort formula to require that local funding is consistent with the adequacy goals of BTE.

### **FUNDING/ACCOUNTABILITY**

Today's investments in Montgomery County Public Schools are key to a prosperous economy, strong business growth, and students' ability to compete for good jobs in the global, high-tech economy. If we do not invest adequate funds now, the future of our youth and economic health will be in serious jeopardy.

#### *Special Education Nonpublic Tuition*

Montgomery County Public Schools (MCPS) and the Maryland State Department of Education (MSDE) share the costs for providing services for special education students who are served in nonpublic schools. The Nonpublic Tuition Assistance Program has been beneficial in supporting our obligation to provide appropriate services to students who require intensive special education services. The program requires local school systems to pay 300 percent of the average per-pupil cost plus 20 percent of any amount in excess; MSDE is required to fund the remaining 80 percent.

The Montgomery County Board of Education supports maintaining the 80/20 cost-sharing formula of the Nonpublic Tuition Assistance Program.

The Montgomery County Board of Education opposes any attempts to increase the local share of tuition for special education students served in nonpublic schools.

#### *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 public school students in Montgomery County and throughout the state.

The Montgomery County Board of Education supports strong accountability for all public dollars spent on education.

The Montgomery County Board of Education opposes the following:

- Appropriation of public funds for private and parochial schools.
- Direct aid to private and parochial students.
- Tuition tax credits, vouchers, or tax credits as a means of reimbursing parents who choose to send their children to private or parochial schools.
- Continuation or expansion of providing textbooks to private schools.

### **FUNDING/ACCOUNTABILITY**

Today's investments in Montgomery County Public Schools are key to a prosperous economy, strong business growth, and students' ability to compete for good jobs in the global, high-tech economy. If we do not invest adequate funds now, the future of our youth and economic health will be in serious jeopardy.

#### *Comprehensive Master Plan*

The Bridge to Excellence in Public Schools Act of 2003 (BTE) requires all Maryland school systems to develop a five-year comprehensive master plan that describes goals, objectives, and strategies to improve performance for all students and to align the district's budget to address the goals and objectives of the plan. For school systems with robust strategic plans that include goals, objectives, and strategies, creating a separate master plan both requires extensive effort with little added value and duplicates work already done.

The Montgomery County Public Schools (MCPS) strategic plan, *Our Call to Action: Pursuit of Excellence*, is the outcome of a rigorous, systematic, systemic, results-driven strategic planning process that is responsive to and aligned with student and stakeholder needs. The strategic planning process employed addresses the requirements of, and is aligned with, the Maryland Bridge to Excellence Act.

The Montgomery County Board of Education supports the following:

- Requiring the state superintendent to allow a local school Board's strategic plan to serve as a comprehensive master plan as long as it describes the goals, objectives, and strategies that will be used to improve student achievement, as well as meet state and local performance standards for all students, as specified in the BTE.
- Eliminating the state superintendent's ability to require additional information from local boards beyond the requirements of the BTE, without the approval of the General Assembly.
- Eliminating the requirement that a county board cannot implement a plan until it is approved by the state superintendent.

### **LOCAL BOARD AUTHORITY**

While the State Board of Education establishes, through regulations, broad statewide policies and mandates, local boards of education are responsible for establishing policies and procedures for the public schools within its jurisdiction. By retaining decision-making authority at the local level, a Board of education can best balance educational practices, available resources, public input, and accountability.

*Curriculum*

In creating the State Board and local boards of education, the General Assembly has delegated to them the responsibility for content standards and curriculum. The State Board establishes state standards and the local boards adopt and implement locally developed programs with local funding to ensure that these standards are met. Local boards of education can best balance educational practices, available resources, public input, and accountability.

The Montgomery County Board of Education supports the following:

- Maintaining the authority of local boards of education to determine educational policy, curriculum, and administration
- Retaining decision-making authority at the local level

The Montgomery County Board of Education opposes any efforts by the General Assembly to legislate curriculum, firmly believing that this role belongs to local boards of education in conjunction with the State Board.

*Collective Bargaining*

Currently, local boards of education and employee organizations must negotiate all matters that relate to salaries, wages, hours, and other working conditions. Among prohibited matters are school calendar and class size. If a Board and employee organization cannot agree on whether an item is mandatory, illegal, or permissible, the State Board of Education is responsible for resolving the dispute.

If and when negotiations reach an impasse, current law requires an arbitrator to try to bring the Board and employee organization into agreement. If unsuccessful, a fact-finding report is written for the benefit of all parties. The report is advisory and intended to assist in finding agreement. However, if no agreement is reached, then the local board of education is authorized to make a final decision regarding items that were negotiated.

The Montgomery County Board of Education supports the following:

- Maintaining that matters for bargaining are considered to be mandatory, illegal, or permissible.
- Ensuring that decision makers regarding negotiated matters have expertise in education and are committed to act in the interest of all key stakeholders.
- Ensuring that decisions that effect the education of students be made with full consideration of the decision's impact on staff, students, their parents, and the local community.

The Montgomery County Board of Education opposes the following:

- Allowing class size, school calendar, or any matter already covered by statutory law to be a permissible subject of negotiation.
- Mandating specific content in a negotiated agreement.

- Including in impasse proceedings any permissive subject of negotiations that the parties have not mutually agreed to negotiate on.

### **LOCAL BOARD AUTHORITY**

While the State Board of Education establishes, through regulations, broad statewide policies and mandates, local boards of education are responsible for establishing policies and procedures for the public schools within its jurisdiction. By retaining decision-making authority at the local level, a Board of education can best balance educational practices, available resources, public input, and accountability.

#### *Charter Schools*

In 2003, the General Assembly enacted legislation that created a charter school program. While the Maryland Public Charter School Act establishes an alternative means within a public school system to provide teaching and learning, there remains the need for a strong accountability system to ensure that any public charter school funds are appropriately spent.

The Montgomery County Board of Education supports the following:

- Reaffirming that the sole authority for establishing public charter schools is vested in local boards of education with an appropriate procedure for appeals of local decisions.
- Defining “commensurate funding” as 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.

The Montgomery County Board of Education opposes the following:

- Efforts to expand charter school authority beyond local school boards
- Efforts to weaken academic or fiscal accountability requirements
- Funding requirements that give charter schools more resources per student than other public schools in each district
- Any attempt to deprive charter school employees of the rights and responsibilities of other public employees

### **STUDENTS**

Montgomery County Public Schools is committed to providing a high-quality, world-class education that ensures success for every student through excellence in teaching and learning. A high-quality education is the fundamental right of every child. Montgomery County Public Schools is steadfast in ensuring that all students will receive the respect, encouragement, and opportunities they need to build the knowledge, skills, and attitudes to be successful, contributing members of a global society.

#### *Early Childhood Education*

Montgomery County Public Schools (MCPS) believes that investments in early childhood education are both wise and essential to ensuring success for every student. The Task

Force on Universal Preschool Education recently recommended creation of a voluntary, free, standards-based universal preschool program for all four-year olds. MCPS is a significant partner in Montgomery County's Early Childhood Initiative, which ensures that family-focused programs and services for young children are neighborhood-based, effective, responsive to cultural diversity, make a measurable, positive difference in children's well-being, and help prepare them for success in school.

The Montgomery County Board of Education supports the following:

- Statewide initiatives supporting high-quality early childhood programs, including child care.
- Efforts that encourage the provision of an array of services by a variety of agencies.
- State fiscal support for any expansion of local prekindergarten services.
- Maximum use of community organizations to provide prekindergarten services, with commitment to supporting local curriculum requirements.

#### *Nutrition and Health*

Thousands of low-income children in Maryland depend on school meals for the nutrition they need to learn and grow. Maryland Meals for Achievement provides funding for schools with high concentrations of poverty to provide breakfast to all students, regardless of family income. Most recently, of the 62 eligible schools to apply for the program, only 29 were approved. The Maryland State Department of Education (MSDE) would only accept applications for the currently enrolled schools and a priority list for those eligible but not in the program. We were able to add Arcola ES this year as a new school because Mark Twain closed.

The Montgomery County Board of Education supports the expansion of Maryland Meals for Achievement as an entitlement, to include all eligible schools that choose to apply.

The Montgomery County Board of Education opposes limiting the number of schools eligible to participate in Maryland Meals for Achievement.

## **STUDENTS**

Montgomery County Public Schools is committed to providing a high-quality, world-class education that ensures success for every student through excellence in teaching and learning. A high-quality education is the fundamental right of every child. Montgomery County Public Schools is steadfast in ensuring that all students will receive the respect, encouragement, and opportunities they need to build the knowledge, skills, and attitudes to be successful, contributing members of a global society.

#### *Safety and Security*

Safety in public schools has become increasingly important as threats to national and community security have taken on new meaning. The prevention of disruption and violence has always been a key component of long-term effective school safety

strategies. The pursuit of a safe environment must be tempered by a balanced emphasis on the protection of individual student rights.

The Montgomery County Board of Education supports the following:

- Innovative initiatives that address gang prevention and involvement and promote targeted interventions to reduce gang activity
- Innovative initiatives that speak to strategies that ensure a safe and secure learning and working environment for students and staff

The Montgomery County Board of Education opposes the following:

- Statewide approach to discipline that limits a school system's ability to respond to unique and unusual circumstances
- Unnecessary mandates on school systems that divert resources from programs that directly help students

RESOLUTION NO. 400-08

Re: **AN AMENDMENT TO THE LEGISLATIVE PLATFORM**

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

Resolved, That the Board of Education amend the Legislative Platform to include the following statement:

The Montgomery County Board of Education opposes any change to the threshold requirements for prevailing wage.

\*\* Ms. Navarro rejoined the meeting.

RESOLUTION NO. 401-08

Re: **AN AMENDMENT TO THE LEGISLATIVE PLATFORM**

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

Resolved, That the Board of Education amend the Legislative Platform to include the following statement:

Changing the Public School Construction Program to address inequities in funding needs related to the size and location of an LEA.

RESOLUTION NO. 402-08

Re: **AN AMENDMENT TO THE LEGISLATIVE PLATFORM**

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

Resolved, That the Board of Education amend the Legislative Platform to include the following statement:

Incentives for the distribution of funds for green and energy-efficient school construction.

RESOLUTION NO. 403-08            Re:    **AN AMENDMENT TO THE LEGISLATIVE PLATFORM**

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

Resolved, That the Board of Education amend the Legislative Platform to include the following statement:

Additional funding to support English for Speakers of Other Languages by recognizing the costs of **educating** Limited English Proficient students and follow-up monitoring.

RESOLUTION NO. 404-08            Re:    **AN AMENDMENT TO THE LEGISLATIVE PLATFORM**

On motion of Ms. Brandman and seconded by Mrs. O'Neill, the following resolution was adopted with Ms. Brandman, Ms. Cox, Dr. Docca, Ms. Malik, Mrs. Navarro, and Mrs. O'Neill voting in the affirmative; Mr. Abrams and Mr. Barclay voting in the negative:

Resolved, That the Board of Education amend the Legislative Platform to include the following statement:

The Montgomery County Board of Education opposes additional waivers to maintenance of effort provisions.

RESOLUTION NO. 405-08            Re:    **AN AMENDMENT TO THE LEGISLATIVE PLATFORM**

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

Resolved, That the Board of Education amend the Legislative Platform to include the following statement:

Our school system cannot afford any unfunded mandates or shifting of costs to our county. Any legislation that shifts or imposes new costs must have a designated and sufficient revenue source.

Re: **AN AMENDMENT TO THE LEGISLATIVE PLATFORM**

On motion of Ms. Brandman and seconded by Ms. Navarro, the following substitute was placed on the table:

Resolved, That the Board of Education amend the Legislative Platform to include the following statements under collective bargaining:

The Montgomery County Board of Education supports the following:

1. Ensuring that the fiscal implications associated with any changes to collective bargaining are fully considered.
2. Preserving the distinction between matters that are predominantly working conditions and those that are predominately educational policy in bargaining.
3. Promotions of interest-based bargaining as an effective, collaborative strategy for negotiation between willing parties.

The Montgomery County Board of Education opposes the following:

Allowing class size, school calendar, or any matter already precluded by statutory law to be a permissible subject of negotiation.

RESOLUTION NO. 406-08

Re: **AN AMENDMENT TO THE LEGISLATIVE PLATFORM**

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

Resolved, That the Board of Education amend the Legislative Platform to include the following statement that the Montgomery County Board of Education supports:

Preserving the current two-prong test to determine the distinction between matters that are predominantly working conditions and those that are predominantly educational policy in bargaining.

Re: **AN AMENDMENT TO THE LEGISLATIVE PLATFORM**

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

Resolved, That the Board of Education amend the Legislative Platform to include the following statement:

The Montgomery County Board of Education opposes any change of jurisdiction over educational collective bargaining issues and any attempt to require binding arbitration.

RESOLUTION NO. 406(a)-08    Re:    **AN AMENDMENT TO THE LEGISLATIVE PLATFORM**

On motion of Mrs. O'Neill and seconded by Mr. Barclay, the following resolution was adopted with Mr. Barclay, Ms. Brandman, Dr. Docca, Ms. Navarro, Ms. Malik, and Mrs. O'Neill voting in the affirmative; Mr. Abrams and Ms. Cox voting in the negative:

Resolved, That the Board of Education amend the Legislative Platform to include the following statement that the Montgomery County Board of Education supports:

Ensuring that decision makers regarding negotiated matters have expertise in education and are committed to act in the interest of all key stakeholders.

RESOLUTION NO. 406(b)-08    Re:    **AN AMENDMENT TO THE LEGISLATIVE PLATFORM**

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

Resolved, That the Board of Education amend the Legislative Platform to include the following statement that the Montgomery County Board of Education supports:

Ensuring that policy decisions that affect the education of students be made with full consideration of and input from staff, students, their parents, and the local community.

RESOLUTION NO. 406(c)-08    Re:    **AN AMENDMENT TO THE LEGISLATIVE PLATFORM**

On motion of Mrs. O'Neill and seconded by Ms. Brandman, the following resolution was adopted, with Ms. Brandman, Dr. Docca, Ms. Malik, Ms. Navarro, and Mrs. O'Neill voting in the affirmative; Mr. Abrams and Ms. Cox voting in the negative; and Mr. Barclay abstaining:

Resolved, That the Board of Education amend the Legislative Platform to include the following statement that the Montgomery County Board of Education supports:

Further scrutiny of the potential impact of binding interest and binding grievance arbitration on negotiations in the absence of developed standards or consideration of specific exceptions

RESOLUTION NO. 407-08      Re:    **AN AMENDMENT TO THE LEGISLATIVE PLATFORM**

On motion of Mr. Abrams and seconded by Ms. Cox, the following resolution was adopted, with Mr. Abrams, Mr. Barclay, Ms. Cox, Dr. Docca, and Ms. Navarro voting in the affirmative; Ms. Brandman and Mrs. O'Neill voting in the negative; and Ms. Malik abstaining:

Resolved, That the Board of Education amend the Legislative Platform to include the following statement that the Montgomery County Board of Education supports:

In the event of a jurisdictional change at the state level over collective bargaining for public education, that irrespective of the change, the precedent-setting value of decisions rendered to that point carry over.

Re:    **AN AMENDMENT TO THE LEGISLATIVE PLATFORM**

Without objection, the Board of Education supported the following:

- Ensuring that the fiscal implications associated with any changes to collective bargaining are fully considered
- Promotion of interest-based bargaining as an effective, collaborative strategy for negotiation between willing parties.

RESOLUTION NO. 408-08      Re:    **AN AMENDMENT TO THE LEGISLATIVE PLATFORM**

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

Resolved, That the Board of Education amend the Legislative Platform to include the following statement that the Montgomery County Board of Education opposes

Allowing class size, school calendar, or any matter already covered by statutory law to be a permissible subject of negotiation.

RESOLUTION NO. 409-08

Re: **AN AMENDMENT TO THE LEGISLATIVE PLATFORM**

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

Resolved, That the Board of Education amend the Legislative Platform to include the following statement that the Montgomery County Board of Education opposes:

Including in impasse proceedings any permissive subject of negotiations that the parties have not mutually agreed to negotiate on.

RESOLUTION NO. 410-08

Re: **AN AMENDMENT TO THE LEGISLATIVE PLATFORM**

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

Resolved, That the Board of Education amend the Legislative Platform to include the following statement that the Montgomery County Board of Education opposes:

Mandating specific content in a negotiated agreement.

RESOLUTION NO. 411-08

Re: **AN AMENDMENT TO THE LEGISLATIVE PLATFORM**

On motion of Mrs. O'Neill and seconded by Dr. Docca, the following resolution was adopted with Mr. Barclay, Ms. Brandman, Ms. Cox, Dr. Docca, Ms. Malik, Mrs. Navarro, and Mrs. O'Neill voting in the affirmative; Mr. Abrams abstaining:

Resolved, That the Board of Education amend the Legislative Platform to include the following statement

*The Montgomery County Board of Education opposes:*

- Any requirement that home school students be allowed to participate in public school athletics or other extracurricular activities.

RESOLUTION NO. 412-08

Re: **LEGISLATIVE PLATFORM**

On motion of Ms. Cox and seconded by Mr. Abrams, the following resolution was adopted with Mr. Barclay, Ms. Brandman, Ms. Cox, Dr. Docca, Ms. Malik, Ms. Navarro, and Mrs. O'Neill voting in the affirmative; Mr. Abrams abstaining:

Resolved, That the Board of Education approve the Legislative Platform, as edited and amended:

### **FUNDING/ACCOUNTABILITY**

*Today's investments in Montgomery County Public Schools are key to a prosperous economy, strong business growth, and students' ability to compete for good jobs in the global, high-tech economy. If we do not invest adequate funds now, the future of our youth and economic health will be in serious jeopardy. Our school system cannot afford any unfunded mandates or shifting of costs to our county. Any legislation that shifts or imposes new costs must have a designated and sufficient revenue source.*

#### **Pension/Retirement**

In 2006, the General Assembly approved legislation that significantly improved Maryland's teacher pension system. The improvements provide critical support to employees and enhance the ability to attract and retain highly qualified staff to serve public school children in our county and across the state. Improvements in the pension system would be compromised by any shift in funding responsibility from the state to local governments, which have no fiduciary obligation for the payment of teacher pensions.

The Montgomery County Board of Education supports the following:

- Maintaining the teacher retirement program as a state-funded categorical program
- Full state funding of the teacher retirement program
- An evaluation process for monitoring and updating employee benefit programs

The Montgomery County Board of Education opposes: the following

- Any shift in funding responsibility from the state to the counties
- Any imposition of a cap on the state's share of teacher retirement funding

#### **Capital Budget/School Construction**

State construction funds continue to be inadequate to meet the substantial capital funding needs. School construction costs are escalating rapidly, resulting in project costs that dramatically exceed state and local appropriations. Enrollment growth, coupled with maintenance needs in older schools, continues to put enormous pressures on school facilities. Limited state funding has forced Montgomery County to forward-fund critical projects that are eligible for state funding. Moreover, without adequate funding, over-reliance on portable classrooms and increasingly deteriorating facilities will become the norm.

The Montgomery County Board of Education supports the following:

- Adequate state capital funding for FY 2010 to address school facility needs.

- Consideration of expanding the state's bonding capacity to meet Maryland's growing school facility needs.
- Reviewing current standards for the Interagency Committee square footage allowances for new and modernized schools.
- Developing a mechanism to ensure locally forward-funded projects remain eligible for state funding, even if the project has been completed.
- Changing the Public School Construction Program to address inequities in funding needs related to the size and location of an LEA.
- Eliminating the penalty for building additional classrooms which are intended to reduce class size in support of student achievement.
- Promoting incentives for the distribution of funds for green and energy-efficient school construction.

The Montgomery County Board of Education opposes the following:

- Any effort to reduce the \$1.23 million Aging School Program funds legislated for Montgomery County
- Any reduction to the state and local cost-share formula
- Any change to the threshold requirements for prevailing wages

### **Operating Budget**

Over the past eight years, the local effort to support the Montgomery County Public Schools (MCPS) operating budget has continually increased and allowed for many new and innovative initiatives. The *Bridge to Excellence in Public Schools Act of 2003 (BTE)* was broadly conceived to provide both adequacy and equity to education funding. However, since adoption, MCPS has not received the anticipated state share of education funds. Like other eligible districts, MCPS did not receive the funds promised under the BTE legislation for the Geographic Cost of Education Index (GCEI), which was only partially funded in FY 2009.

The Montgomery County Board of Education supports the following:

- Full commitment to the funding incorporated in BTE, including the Geographic Cost of Education Index (GCEI) and student transportation.
- Resumption of the annual inflation adjustment.
- Additional funding to support English for Speakers of Other Languages by recognizing the costs of educating Limited English Proficient students and follow-up monitoring .
- Maintaining teacher retirement as a state-funded categorical program.
- Reimbursement for students placed by state agencies at RICA.
- State aid reimbursement for educational programming at RICA.

The Montgomery County Board of Education opposes the following:

- Any retreat from funding identified in BTE.

- Additional state mandates, unless accompanied by sufficient and ongoing state funding.

**Maintenance of Effort**

The *Bridge to Excellence in Public Schools Act OF 2003 (BTE)* requires significant increase in state funding without modifying the minimum maintenance-of-effort requirement for county governments. Maintenance of effort requires that each district receive the same local appropriation per pupil in the subsequent year that was provided during the current year. An increase in basic state aid can be denied if this requirement is not met. Funds for one-time projects do not count toward the requirement, if approved by the Maryland State Department of Education. If a county cannot afford to pay the minimum amount because of serious economic trouble, it may petition the state for a waiver.

While maintenance-of-effort help provides a local increase to reflect enrollment changes, the formula does not address hidden costs of regulatory mandates, rising costs of commodities such as fuel, or other inflationary increases to annual budgets, including salary and increases in employee benefits.

The Montgomery County Board of Education supports the following:

- Continuing the current maintenance-of-effort provision.
- Establishing changes in the maintenance-of-effort formula to require that local funding is consistent with the adequacy goals of BTE.
- 

The Montgomery County Board of Education opposes additional waivers to maintenance-of-effort provisions.

**Special Education Nonpublic Tuition**

Montgomery County Public Schools (MCPS) and the Maryland State Department of Education (MSDE) share the costs for providing services for special education students who are served in nonpublic schools. The Nonpublic Tuition Assistance program has been beneficial in supporting our obligation to provide appropriate services to students who require intensive special education services. The program requires local school systems to pay 300 percent of the average per-pupil cost plus 20 percent of any amount in excess; MSDE is required to fund the remaining 80 percent.

The Montgomery County Board of Education supports maintaining the 80/20 cost-sharing formula of the Nonpublic Tuition Assistance program.

The Montgomery County Board of Education opposes any attempts to increase the local share of tuition for special education students served in nonpublic schools.

**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 public school students in Montgomery County and throughout the state.

The Montgomery County Board of Education supports strong accountability for all public dollars spent on education.

The Montgomery County Board of Education opposes the following:

- Appropriation of public funds for private and parochial schools.
- Direct aid to private and parochial students.
- Tuition tax credits, vouchers, or tax credits as a means of reimbursing parents who choose to send their children to private or parochial schools.
- Continuation and expansion of programs to provide textbooks to private schools.

**Comprehensive Master Plan**

The *Bridge to Excellence in Public Schools Act of 2003* (BTE) requires all Maryland school systems to develop a five-year comprehensive master plan that describes goals, objectives, and strategies to improve performance for all students and to align the district's budget to address the goals and objectives of the plan. For school systems with robust strategic plans that include goals, objectives, and strategies, creating a separate master plan requires extensive effort with little added value and duplicates work already done.

The Montgomery County Public Schools (MCPS) strategic plan, *Our Call to Action: Pursuit of Excellence*, is the outcome of a rigorous, systematic, systemic, results-driven strategic planning process that is responsive to and aligned with student and stakeholder needs. The strategic planning process employed addresses the requirements of, and is aligned with, the *Maryland Bridge to Excellence Act*.

The Montgomery County Board of Education supports the following:

- Requiring the state superintendent to allow a local school board's strategic plan to serve as a comprehensive master plan, as long as it describes the goals, objectives, and strategies that will be used to improve student achievement, as well as meet state and local performance standards for all students, as specified in BTE.
- Eliminating the state superintendent's ability to require additional information from local boards beyond the requirements of BTE, without the approval of the General Assembly.
- Eliminating the requirement that a county board cannot implement a plan until it is approved by the state superintendent.

### **LOCAL BOARD AUTHORITY**

*While the State Board of Education establishes, through regulations, broad statewide policies and mandates, local boards of education are responsible for establishing policies and procedures for the public schools within their jurisdictions. A board of education can best balance educational practices, available resources, public input, and accountability by retaining decision-making authority at the local level.*

#### **Curriculum**

In creating the State Board of Education and local boards of education, the General Assembly has delegated to them the responsibility for content standards and curriculum. The State Board of Education establishes state standards and the local boards adopt and implement locally developed programs with local funding to ensure that these standards are met. Local boards of education can best balance educational practices, available resources, public input, and accountability.

The Montgomery County Board of Education supports the following:

- Maintaining the authority of local boards of education to determine educational policy, curriculum, and administration.
- Retaining decision-making authority at the local level.

The Montgomery County Board of Education opposes any efforts by the General Assembly to legislate curriculum, firmly believing that this role belongs to local boards of education, in conjunction with the State Board of Education.

#### **Collective Bargaining**

Currently, local boards of education and employee organizations must negotiate all matters that relate to salaries, wages, hours, and other working conditions. Among prohibited matters are school calendar and class size. If a board and employee organization cannot agree on whether an item is mandatory, illegal, or permissible, the State Board of Education is responsible for resolving the dispute.

If and when negotiations reach an impasse, current law requires an arbitrator to try to bring the board and employee organization into agreement. If this effort proves unsuccessful, a fact-finding report is written for the benefit of all parties. The report is advisory and intended to assist in finding agreement. However, if no agreement is reached, then the local Board of education is authorized to make a final decision regarding those items that were negotiated.

The Montgomery County Board of Education supports ensuring the following:

- Matters for bargaining are considered to be mandatory, illegal, or permissible.
- Decision makers regarding negotiated matters have an expertise in education and are committed to act in the interest of all key stakeholders.
- Policy decisions that affect the education of students be made with full consideration of and input from staff, students, their parents, and the local community.
- Fiscal implications associated with any changes to collective bargaining are fully considered.

- The current two-pronged test to determine the distinction between matters that are predominantly working conditions and those that are predominantly educational policy in bargaining is preserved.
- Interest-based bargaining as an effective, collaborative strategy for negotiation between willing parties is promoted.
- Further scrutiny of the potential impact of binding interest and binding grievance arbitration on negotiations, in the absence of developed standards or consideration of specific exceptions.
- In the event of a jurisdictional change, at the state level, over collective bargaining for public education, that irrespective of the change, the precedent-setting value of decisions rendered to that point carry over.

The Montgomery County Board of Education opposes the following:

- Allowing class size, school calendar, or any matter already covered by statutory law to be a permissible subject of negotiation.
- Mandating specific content in a negotiated agreement.
- Including in impasse proceedings any permissive subject of negotiations that the parties have not mutually agreed to negotiate on.

### **Charter Schools**

In 2003, the General Assembly enacted legislation that created a charter school program. While the *Maryland Public Charter School Act* establishes an alternative means within a public school system to provide teaching and learning, there remains the need for a strong accountability system to ensure that any public charter school funds are appropriately spent.

The Montgomery County Board of Education supports the following:

- Reaffirming that the sole authority for establishing public charter schools is vested in local boards of education with an appropriate procedure for appeals of local decisions.
- Defining “commensurate funding” as 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.

The Montgomery County Board of Education opposes the following:

- Efforts to expand charter school authority beyond local school boards.
- Efforts to weaken academic or fiscal accountability requirements.
- Funding requirements that give charter schools more resources per student than other public schools in each district.
- Any attempt to deprive charter school employees of the rights and responsibilities of other public employees.

### **STUDENTS**

*Montgomery County Public Schools is committed to providing a high-quality, world-class education that ensures success for every student through excellence in teaching and learning. A high-quality education is the fundamental right of every child. Montgomery County Public Schools is steadfast in ensuring that all students will receive the respect, encouragement, and opportunities they need to build the knowledge, skills, and attitudes to be successful, contributing members of a global society.*

### **Early Childhood Education**

Montgomery County Public Schools (MCPS) believes that investments in early childhood education are both wise and essential to ensuring success for every student. The Task Force on Universal Preschool Education recently recommended creation of a voluntary, free, standards-based universal preschool program for all 4-year-old children. MCPS is a significant partner in Montgomery County's Early Childhood Initiative, which ensures that family-focused programs and services for young children are neighborhood-based; effective; responsive to cultural diversity; make a measurable, positive difference in children's well-being; and help prepare them for success in school.

The Montgomery County Board of Education supports the following:

- Statewide initiatives supporting high-quality early childhood programs, including child care.
- Efforts that encourage the provision of an array of services by a variety of agencies.
- State fiscal support for any expansion of local prekindergarten services.
- Maximum use of community organizations to provide prekindergarten services, with commitment to support of local curriculum requirements.

### **Nutrition and Health**

Thousands of low-income children in Maryland depend on school meals for the nutrition they need to learn and grow. Maryland Meals for Achievement provides funding for schools in areas with high concentrations of poverty to provide breakfast to all students, regardless of family income. Most recently, of the 62 eligible schools to apply for the program, only 29 were approved. The Maryland State Department of Education (MSDE) would only accept applications for the currently enrolled schools and created a priority list for those eligible but not in the program. In addition, the Summer Food Service Program ensures that children in lower-income areas continue to receive nutritious meals during the summer months, when school breakfasts and lunches are not available.

The Montgomery County Board of Education supports the following:

- Expansion of Maryland Meals for Achievement as an entitlement, to include all eligible schools that choose to apply.
- Efforts to increase federal funding for the Summer Food Service program.

The Montgomery County Board of Education opposes the following:

- Limiting the number of eligible schools from participation in Maryland Meals for Achievement.

## **STUDENTS**

*Montgomery County Public Schools is committed to providing a high-quality, world-class education that ensures success for every student through excellence in teaching and learning. A high-quality education is the fundamental right of every child. Montgomery County Public Schools is steadfast in ensuring that all students will receive the respect, encouragement, and opportunities they need to build the knowledge, skills, and attitudes to be successful, contributing members of a global society.*

### **Safety and Security**

Safety in public schools has become increasingly important as threats to national and community security have taken on new meaning. The prevention of disruption and violence has always been a key component of long-term effective school safety strategies. The pursuit of a safe environment must be tempered by a balanced emphasis on the protection of individual student rights.

The Montgomery County Board of Education supports the following:

- Innovative initiatives and funding that address gang prevention and involvement and promote targeted interventions to reduce gang activity.
- Innovative initiatives and funding that speak to strategies that ensure a safe and secure learning and working environment for students and staff.
- 

The Montgomery County Board of Education opposes the following:

- Statewide approach to discipline that limits a school system's ability to respond to unique and unusual circumstances.
- Unnecessary mandates on school systems that divert resources from programs that directly help students.

### **Home Schooling**

Maryland law recognizes home instruction as an alternative to public school enrollment and as a means for students to receive regular, thorough instruction. Currently, home school students are expressly authorized to participate in public school standardized testing.

The Montgomery County Board of Education opposes the following:

- Any requirement that home school students be allowed to participate in public school athletics or other extracurricular activities.

Re: **LUNCH AND CLOSED SESSION**

The Board of Education recessed from 12:50 to 2:55 p.m. for closed session and lunch.

\*\* Mr. Abrams left the meeting.

RESOLUTION NO. 413-08      Re: **2009–2010 SCHOOL CALENDAR**

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

WHEREAS, The establishment of school terms by the Board of Education is required by state law; and

WHEREAS, The Montgomery County Public Schools parents, community members, students, and staff should be informed of the Board-adopted school calendar each year and the subsequent contingency plan identifying days that will be used to make up lost instructional time due to emergency closings; now therefore be it

Resolved, That the proposed calendar and contingency plan for Montgomery County Public Schools for the 2009–2010 school year be adopted; and be it further

Resolved, That the early release day on Wednesday, November 25, 2009, is tentative and dependent on the experience of the current school year.

RESOLUTION NO. 414-08      Re: **CONTRACTS OF \$25,000 OR MORE**

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

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

WHEREAS, Funds have been budgeted for the lease/purchase of school buses through Bid No. 7055.11; and

WHEREAS, The acquisition of school buses through a lease/purchase has been reviewed by legal counsel; now therefore be it

Resolved, That the school buses in the amount of \$3,927,882 be lease/purchased for a seven-year term under the Master Lease/Purchase Agreement with First Southwest Leasing Company; and be it further

Resolved, That the Board president and superintendent of schools be authorized to execute the documents necessary for these transactions; and be it further

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

XX07-911 Poster Printer and Supplies—Extension  
731-69A

Awardee

Audio Visual Innovations \$ 75,000

4082.5 Science Equipment

Awardees

Amerisochi, Inc.*	\$ 5,598
Benz Microscope Optics Center	1,903
Carolina Biological Supply Company	2,278
Cynmar Corporation*	513
Edvotek, Inc.	7,964
Fisher Science Education	105,853
Frey Scientific	16,069
Para Scientific Company	18,911
Pasco Scientific	75,898
Pitsco, Inc.	2,578
Sargent Welch	13,668
Science Kit, Inc.	16,244
Total	\$ 267,477

4144.2 Technology Laboratory Workstations—Extension

Awardee

Diversified Educational Systems \$ 158,781

4233.1 Professional Library Reclassification and Data Conversion

Awardee

Library Associates Companies \$ 52,140

7005.5 Hand-Held Calculators and Cable Data Collection System

Awardees

AFP Industries, Inc.*	\$ 8,748
D&H Distributing Company	251,197

	EAI Education	186,620
	Vernier Software	<u>85,090</u>
	Total	\$ 531,655
7054.11	Purchase of School Buses	
	<u>Awardee</u>	
	American Truck & Bus, Inc.	\$3,927,882
7114.5	Early Childhood Equipment and Supplies	
	<u>Awardees</u>	
	Childcraft Education Corporation	\$ 127,687
	Community Products, LLC	118,750
	Kaplan School Supply Corporation	114,042
	Lakeshore Learning Materials	945
	Pyramid School Products	23,429
	Wood Etc. Corporation*	<u>35,980</u>
	Total	\$ 420,833
7116.3	Snowplow and Pump Parts	
	<u>Awardee</u>	
	Gaithersburg Equipment Company	\$ 52,401
7128.2	Audio & Video Equipment Parts—Extension	
	<u>Awardees</u> (See note)	
	Central Audio Visual	
	Cumberland Electronics, Inc.	
	Total	\$ 73,200
9052.3	Recreation Systems—Extension	
	<u>Awardees</u> (See note)	
	Bosco Associates, Inc.	
	Playground Specialists, Inc.	
	West Recreation, Inc.	
	Total	\$ 800,000
9108.6	Snack Cakes, a La Carte	
	<u>Awardee</u>	
	McKee Foods Corporation	\$2,044,000

9193.3	Gymnasium Wood Flooring, Sanding and Refinishing at Various Locations—Extension**	
	<u>Awardee</u> Weyer's Floor Service, Inc.	\$ 65,720
9363.4	Line Painting of Asphalt Parking Lots at Various Locations—Extension**	
	<u>Awardee</u> Colossal Contractors*	\$ 32,945
9418.1	Energy Management System Upgrade at Various Locations	
	<u>Awardee</u> Control Sources, LLC	\$ 212,687
9617.1	Restroom Renovations at Various Locations—Extension**	
	<u>Awardee</u> Smith & Haines, Inc.	\$ 900,000
9619.1	Replace Suspended Ceiling System and Lighting at Various Locations—Extension**	
	<u>Awardee</u> Walker Willis/T/A Custom Masonry	\$ 200,000
TOTAL PROCUREMENT CONTRACTS OVER \$25,000		\$9,814,721

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

\*\* Planned Life-cycle Asset Replacement bid (PLAR)

Note: Contract amounts will be based on individual requirements.

RESOLUTION NO. 415-08      Re:    **AWARD OF CONTRACT—CARDEROCK SPRINGS ELEMENTARY SCHOOL MODERNIZATION**

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

WHEREAS, On September 11, 2007, the Board of Education authorized staff to utilize a construction management process for the Carderock Springs Elementary School

modernization project and awarded a contract for preconstruction services to Hess Construction + Engineering Services; and

WHEREAS, The following low bids were received on October 7, 2008, for the Carderock Springs Elementary School modernization project:

<u>Low Bidders</u>	<u>Amount</u>
2B-Earthwork/Utilities—Ross Contracting, Inc.	\$2,302,000
2C-Geothermal—Chesapeake Geosystems, Inc.	998,300
3A-Concrete—Dance Brothers, Inc.	894,350
4A-Masonry—Manganaro Midatlantic, LLC	1,974,625
5A-Steel—S. A. Halac Iron Works, Inc.	1,952,070
7A-Roofing—Interstate Corporation	589,500
9A-Drywall and Acoustical—Can-Am Contractors, Inc.	504,100
15A-PHVAC—Mallick Plumbing & Heating, Inc.	2,570,287
15B-Fire Sprinkler—Kennedy Fire Protection, LLC	243,400
16A-Electrical—C. T. Electrical Corporation	1,303,550

and

WHEREAS, On October 7, 2008, Hess Construction + Engineering Services received bid proposals for the remaining trade contracts for the project, which will be included in the guaranteed maximum price; and

WHEREAS, Detailed information on these bid proposals is available for review in the Department of Facilities Management; and

WHEREAS, The construction management contract contains provisions that permit Montgomery County Public Schools to assign the awarded trade contracts to Hess Construction + Engineering Services, as part of a guaranteed price agreement, to complete the Carderock Springs Elementary School modernization project; and

WHEREAS, Staff has negotiated and recommends approval of a guaranteed price contract with Hess Construction + Engineering Services for the completion of the Carderock Springs Elementary School modernization project that includes the assignment of trade work awarded by Montgomery County Public Schools, along with all management and general conditions costs; and

WHEREAS, Hess Construction + Engineering Services has agreed to accept the assignment of the Carderock Springs Elementary School trade contracts awarded on November 11, 2008, and complete the project for the guaranteed price; and

WHEREAS, The goal for Maryland Department of Transportation-certified Minority Business Enterprise participation established for this project was 15 percent; and

WHEREAS, The aggregate Minority Business Enterprise participation submitted is 15.54 percent Maryland Department of Transportation-certified, of which 2.87 percent is African American, 2.95 percent is women-owned, and 9.72 percent is other-minority-owned; and

WHEREAS, That 0.67 percent non-Maryland Department of Transportation-certified Minority Business Enterprise participation has also been submitted, totaling 16.21 percent Minority Business Enterprise participation; and

WHEREAS, On June 23, 2008, the Board of Education approved the request of the Carderock Springs Elementary School Educational Foundation, Inc. (Foundation), to raise funds to be used for various improvements, which were designed as add-alternates to the project; and

WHEREAS, Bids received on October 7, 2008, included add-alternate pricing for the various improvements to be funded by the Foundation in the amount of \$154,648; now therefore be it

Resolved, That the following trade contract packages be awarded to the low bidders for the construction of Carderock Springs Elementary School modernization:

<u>Low Bidders</u>	<u>Amounts</u>
2B-Earthwork/Utilities—Ross Contracting, Inc.	\$2,302,000
2C-Geothermal—Chesapeake Geosystems, Inc.	998,300
3A-Concrete—Dance Brothers, Inc.	894,350
4A-Masonry—Manganaro Midatlantic, LLC	1,974,625
5A-Steel—S. A. Halac Iron Works, Inc.	1,952,070
7A-Roofing—Interstate Corporation	589,500
9A-Drywall and Acoustical—Can-Am Contractors, Inc.	504,100
15A-PHVAC—Mallick Plumbing & Heating, Inc.	2,570,287
15B-Fire Sprinkler—Kennedy Fire Protection, LLC	243,400
16A-Electrical—C. T. Electrical Corporation	1,303,550

and be it further

Resolved, That the trade contracts awarded for the Carderock Springs Elementary School modernization project be assigned to Hess Construction + Engineering Services; and be it further

Resolved, That a contract in the amount of \$21,294,787, to include the assignment of the trade contract awards, be awarded to Hess Construction + Engineering Services for the

Carderock Springs Elementary School modernization project, in accordance with drawings and specifications prepared by BeeryRio Architecture + Interiors; and be it further

Resolved, That a change order in the amount of \$154,648 be issued to Hess Construction + Engineering Services for the add-alternates requested by the Carderock Springs Elementary School Educational Foundation, Inc. (Foundation), contingent upon receipt of funds and approval of the County Council appropriating the private funds to the project budget; and be it further

Resolved, That an FY 2009 supplemental appropriation in the amount of \$154,648 be requested to add the Foundation-funded alternates to the contract with Hess Construction + Engineering Services for the modernization of Carderock Springs Elementary School, contingent on the donation of private funds from the Foundation; and be it further

Resolved, That the supplemental appropriation request be forwarded to the county executive, requesting it be recommended to the County Council.

RESOLUTION NO. 416-08            Re:    **AWARD OF CONTRACT—CRESTHAVEN  
ELEMENTARY SCHOOL MODERNIZATION**

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

WHEREAS, On September 24, 2007, the Board of Education authorized staff to utilize a construction management process for the Cresthaven Elementary School modernization project and awarded a contract for preconstruction services to Oak Contracting, LLC; and

WHEREAS, The following low bids were received on October 15, 2008, for the Cresthaven Elementary School modernization project:

<u>Low Bidders</u>	<u>Amount</u>
2A-Sitework—Urban N. Zink Contractor, Inc.	\$3,507,484
3A-Concrete—Sody Concrete Construction, Inc.	1,151,800
4A-Masonry—George Moehrle Masonry, Inc.	1,973,000
5A-Steel—S. A. Halac Iron Works, Inc.	2,475,860
6A-Carpentry—Hancock & Albanese, Inc.	2,314,400
7A-Roofing—Interstate Corporation	615,000
9A-Drywall & Acoustical—J. A. Argetakis Contracting Co., Inc.	721,800
15A-Mechanical—Towson Mechanical, Inc.	3,298,000
16A-Electrical—Altimate Electric, Inc.	1,406,500

and

WHEREAS, On October 15, 2008, Oak Contracting, LLC, received bid proposals for the remaining trade contracts for the project, which will be included in the guaranteed maximum price; and

WHEREAS, Detailed information on these bid proposals is available for review in the Department of Facilities Management; and

WHEREAS, The construction management contract contains provisions that permit Montgomery County Public Schools to assign the awarded trade contracts to Oak Contracting, LLC, as part of a guaranteed price agreement to complete the Cresthaven Elementary School modernization project; and

WHEREAS, Staff has negotiated and recommends approval of a guaranteed price contract with Oak Contracting, LLC, for the completion of the Cresthaven Elementary School modernization project that includes the assignment of trade work awarded by Montgomery County Public Schools, along with all management and general conditions costs; and

WHEREAS, Oak Contracting, LLC, has agreed to accept the assignment of the Cresthaven Elementary School trade contracts awarded on November 11, 2008, and complete the project for the guaranteed price; and

WHEREAS, The goal for Maryland Department of Transportation-certified Minority Business Enterprise participation established for this project was 19 percent; and

WHEREAS, The aggregate Minority Business Enterprise participation submitted is 23.98 percent Maryland Department of Transportation-certified, of which 3.61 percent is African American, 15.03 percent is women-owned, and 5.34 percent is other minority-owned; and

WHEREAS, That 1.31 percent non-Maryland Department of Transportation-certified Minority Business Enterprise participation has also been submitted, totaling 25.29 percent Minority Business Enterprise participation; now therefore be it

Resolved, That the following trade contract packages be awarded to the low bidders for the construction of Cresthaven Elementary School modernization:

<u>Low Bidders</u>	<u>Amount</u>
2A-Sitework—Urban N. Zink Contractor, Inc.	\$3,507,484
3A-Concrete—Sody Concrete Construction, Inc.	1,151,800
4A-Masonry—George Moehrle Masonry, Inc.	1,973,000
5A-Steel—S. A. Halac Iron Works, Inc.	2,475,860
6A-Carpentry—Hancock & Albanese, Inc.	2,314,400
7A-Roofing—Interstate Corporation	615,000
9A-Drywall & Acoustical—J. A. Argetakis Contracting Co., Inc.	721,800

15A-Mechanical—Towson Mechanical, Inc.	3,298,000
16A-Electrical—Altimate Electric, Inc.	1,406,500

and be it further

Resolved, That the trade contracts awarded for the Cresthaven Elementary School modernization project be assigned to Oak Contracting, LLC; and be it further

Resolved, That a contract in the amount of \$22,517,682, to include the assignment of the trade contract awards, be awarded to Oak Contracting, LLC, for the Cresthaven Elementary School modernization project, in accordance with drawings and specifications prepared by Sorg and Associates, P.C.

RESOLUTION NO. 417-08      Re:    **AWARD OF CONTRACT—TAKOMA PARK  
ELEMENTARY SCHOOL ADDITION**

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

WHEREAS, The following sealed bids were received on October 21, 2008, for the Takoma Park Elementary School addition project:

<u>Bidder</u>	<u>Amount</u>
Keller Brothers, Inc.	\$9,372,733
Tuckman-Barbee Construction Company, Inc.	9,802,000
Dustin Construction, Inc.	9,911,500
Grunley Construction Company, Inc.	10,125,000
Henley Construction Company, Inc.	10,132,300
Meridian Construction Company, Inc.	10,968,000
The Whiting-Turner Contracting Company	11,012,000
Roy Kirby & Sons, Inc.	11,088,000

and

WHEREAS, The goal for Maryland Department of Transportation-certified Minority Business Enterprise participation established for this project was 18 percent; and

WHEREAS, The low bidder, Keller Brothers, Inc., has submitted 22.11 percent Maryland Department of Transportation-certified Minority Business Enterprise participation, of which 17.64 percent is African American, 1.87 percent is women-owned, and 2.60 percent is other-minority-owned; and

WHEREAS, One percent non-Maryland Department of Transportation-certified Minority Business Enterprise participation has also been submitted, totaling 23.11 percent Minority Business Enterprise participation; and

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

Resolved, That a \$9,372,733 contract be awarded to Keller Brothers, Inc., for the Takoma Park Elementary School addition project, in accordance with drawings and specifications prepared by Smolen Emr + Associates Architects.

RESOLUTION NO. 418-08            Re:    **ARCHITECTURAL APPOINTMENT—  
NORTHWOOD HIGH SCHOOL WELLNESS  
CENTER**

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

WHEREAS, It is necessary to appoint an architectural firm to provide professional and technical services during the design and construction phases for the Northwood High School Wellness Center project; and

WHEREAS, The preliminary construction cost estimate for this work is approximately \$2,000,000; and

WHEREAS, Funds for architectural planning were programmed as part of the FY 2009 Capital Budget; and

WHEREAS, An Architect Selection Committee, in accordance with procedures adopted by the Board of Education on April 20, 2006, identified Samaha Associates, P.C., as the most qualified firm to provide the necessary professional architectural and engineering services; and

WHEREAS, Staff has negotiated a fee for the necessary architectural services that includes a Maryland Department of Transportation-certified minority business consultant; now therefore be it

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with the architectural firm of Samaha Associates, P.C., to provide professional architectural and engineering services for the Northwood High School Wellness Center for a fee of \$97,992.

RESOLUTION NO. 419-08

Re: **FY 2009 TRANSFER AND SUPPLEMENTAL APPROPRIATION FOR EMERGENCY REPAIRS AT VARIOUS SCHOOLS**

On motion of Ms. Brandman and seconded by Mrs. O'Neill, the following resolution was adopted unanimously by members present:#

WHEREAS, Emergency repairs are necessary to keep the identified schools operational; and

WHEREAS, Montgomery County Public Schools staff has received engineering estimates for this work; and

WHEREAS, There is currently a balance in the Montgomery County Public Schools Unliquidated Surplus account of \$523,000; and

WHEREAS, the following projects require additional funds to award contracts for the repairs:

<u>Project</u>	<u>Amount</u>
Heating, Ventilation, and Air Conditioning Replacement	\$775,000
Planned Life-cycle Asset Replacement	1,250,000
Stormwater Management	1,500,000

now therefore be it

Resolved, That the Montgomery County Board of Education requests that the \$523,000 in the Unliquidated Surplus account be transferred to the Heating, Ventilation, and Air Conditioning replacement project; and be it further

Resolved, That the Montgomery County Board of Education requests a FY 2009 supplemental appropriation and amendment to the FY 2009–2014 Capital Improvements Program in the amount of \$3,002,000, to be appropriated to the following projects:

<u>Project</u>	<u>Amount</u>
HVAC Replacement	\$252,000
Planned Life-cycle Asset Replacement	1,250,000
Storm Water Management	1,500,000

and be it further

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

RESOLUTION NO. 420-08

Re: **WASHINGTON GROVE ELEMENTARY SCHOOL—GRANT OF EASEMENT AND RIGHT-OF-WAY**

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

WHEREAS, The Board of Education intends to install a water line and service connection across two separate land parcels that comprise the Washington Grove Elementary School, located at 8712 Oakmont Avenue in Gaithersburg, in connection with the school addition project; and

WHEREAS, The Washington Suburban Sanitary Commission requested that the Board of Education record a grant of easement and right-of-way to itself in order to memorialize the location of the water line, thus burdening one parcel for the benefit of the other in the event that the parcels should ever cease to be united under the same ownership; and

WHEREAS, The grant of easement, consisting of 6,000 square feet ,will not affect any land that could be used for school programming and recreational activities; now therefore be it

Resolved, That the president and secretary of the Board of Education be authorized to execute a grant of easement and right of way consisting of 6,000 square feet for a water line and service connection at Washington Grove Elementary School.

RESOLUTION NO. 421-08

Re: **PRECONSTRUCTION/CONSTRUCTION MANAGEMENT SERVICES—CANNON ROAD ELEMENTARY SCHOOL MODERNIZATION**

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

WHEREAS, The FY 2009 Capital Improvements Program includes planning and construction funds for the modernization of Cannon Road Elementary School; and

WHEREAS, The design phase of this project is proceeding, with construction scheduled to begin in July 2010 and be completed by January 2012; and

WHEREAS, Staff has recommended that this project be completed using a construction management delivery system due to its complexities and scope of work; and

WHEREAS, A Consultant Selection Committee, utilizing procedures adopted by the Board of Education on April 20, 2006, identified Hess Construction + Engineering Services as the most qualified firm to provide the necessary management services; and

WHEREAS, The management services will be implemented in two phases; and

WHEREAS, The initial phase will consist of preconstruction services for cost estimating, value engineering, constructability reviews, and the development of the construction implementation schedule; and

WHEREAS, Staff has negotiated a fee for the preconstruction services; and

WHEREAS, The second phase will consist of general construction management services, and a fee for this phase will be negotiated once the preconstruction services are completed; now therefore be it

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with Hess Construction + Engineering Services to provide phase one preconstruction services for cost estimating, value engineering, constructability reviews, and the development of the construction implementation schedule for the modernization of Cannon Road Elementary School for a fee of \$75,000

RESOLUTION NO. 422-08

Re: **PRECONSTRUCTION/CONSTRUCTION  
MANAGEMENT SERVICES—FARMLAND  
ELEMENTARY SCHOOL MODERNIZATION**

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

WHEREAS, The FY 2009 Capital Improvements Program includes planning and construction funds for the modernization of Farmland Elementary School; and

WHEREAS, The design phase of this project is proceeding, with construction scheduled to begin in January 2010 and be completed by August 2011; and

WHEREAS, Staff has recommended that this project be completed using a construction management delivery system due to its complexities and scope of work; and

WHEREAS, A Consultant Selection Committee, utilizing procedures adopted by the Board of Education on April 20, 2006, identified Meridian Construction Company, Inc., as the most qualified firm to provide the necessary management services; and

WHEREAS, The management services will be implemented in two phases; and

WHEREAS, The initial phase will consist of preconstruction services for cost estimating, value engineering, constructability reviews, and the development of the construction implementation schedule; and

WHEREAS, Staff has negotiated a fee for the preconstruction services; and

WHEREAS, The second phase will consist of general construction management services, and a fee for this phase will be negotiated once the preconstruction services are completed; now therefore be it

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with Meridian Construction Company, Inc., to provide phase one preconstruction services for cost estimating, value engineering, constructability reviews, and the development of the construction implementation schedule for the modernization of Farmland Elementary School, for a fee of \$60,000.

RESOLUTION NO. 423-08      Re:    **PRECONSTRUCTION/CONSTRUCTION  
MANAGEMENT SERVICES—GARRETT PARK  
ELEMENTARY SCHOOL MODERNIZATION**

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

WHEREAS, The FY 2009 Capital Improvements Program includes planning and construction funds for the modernization of Garrett Park Elementary School; and

WHEREAS, The design phase of this project is proceeding, with construction scheduled to begin in July 2010 and be completed by January 2012; and

WHEREAS, Staff has recommended that this project be completed using a construction management delivery system, due to its complexities and scope of work; and

WHEREAS, A Consultant Selection Committee, utilizing procedures adopted by the Board of Education on April 20, 2006, identified Dustin Enterprises, Inc., as the most qualified firm to provide the necessary management services; and

WHEREAS, The management services will be implemented in two phases; and

WHEREAS, The initial phase will consist of preconstruction services for cost estimating, value engineering, constructability reviews, and development of the construction implementation schedule; and

WHEREAS, Staff has negotiated a fee for the preconstruction services; and

WHEREAS, The second phase will consist of general construction management services, and a fee for this phase will be negotiated once the preconstruction services are completed; now therefore be it

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with Dustin Enterprises, Inc., to provide phase one preconstruction services for cost estimating, value engineering, constructability reviews, and development of the construction implementation schedule for the modernization of Garrett Park Elementary School, for a fee of \$75,000.

RESOLUTION NO. 424-08      Re:    **PRECONSTRUCTION/CONSTRUCTION  
MANAGEMENT SERVICES—SEVEN LOCKS  
ELEMENTARY SCHOOL MODERNIZATION**

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

WHEREAS, The FY 2009 Capital Improvements Program includes planning and construction funds for the modernization of Seven Locks Elementary School; and

WHEREAS, The design phase of this project is proceeding, with construction scheduled to begin in July 2010 and be completed by January 2012; and

WHEREAS, Staff has recommended that this project be completed using a construction management delivery system, due to its complexities and scope of work; and

WHEREAS, A Consultant Selection Committee utilizing procedures adopted by the Board of Education on April 20, 2006, identified Oak Contracting, LLC, as the most qualified firm to provide the necessary management services; and

WHEREAS, The management services will be implemented in two phases; and

WHEREAS, The initial phase will consist of preconstruction services for cost estimating, value engineering, constructability reviews, and the development of the construction implementation schedule; and

WHEREAS, Staff has negotiated a fee for the preconstruction services; and

WHEREAS, The second phase will consist of general construction management services, and a fee for this phase will be negotiated once the preconstruction services are completed; now therefore be it

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with Oak Contracting, LLC, to provide phase one preconstruction services for cost estimating, value engineering, constructability reviews, and development of the construction implementation schedule for the modernization of Seven Locks Elementary School for a fee of \$87,500.

RESOLUTION NO. 425-08

Re: **UTILIZATION OF THE FY 2009 PROVISION  
FOR FUTURE SUPPORTED PROJECTS  
FUNDS**

On motion of Ms. Brandman and seconded by Mrs. O'Neill, the following resolution was adopted unanimously by members present:#

WHEREAS, The above-noted grants qualify for a transfer of appropriation from the Provision for Future Supported Projects, pursuant to the provisions of County Council Resolution No. 16-578, approved May 22, 2008; and

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

WHEREAS, Sufficient appropriation is available, within the FY 2009 Provision for Future Supported Projects, to permit the above-noted transfers within state categories; now therefore be it

Resolved, That the superintendent of schools be authorized to receive and expend \$1,997,086 within the FY 2009 Provision for Future Supported Projects, as specified below:

<u>Project</u>	<u>Positions*</u>	<u>Amount</u>
Learn and Serve America		\$ 15,000
MDK-12 Digital Library Project	1.0	250,075
Title II, Part D-Enhancing Education through Technology	1.0	163,807
Carl D. Perkins Career and Technical Education Act- Career and Technology Education Reserve Grant Funds		48,926
Ambassadors Invested in Mentorship		154,259
Reading First	<u>6.0</u>	<u>1,365,019</u>
	<u>8.0</u>	<u>\$ 1,997,086</u>

Positions\*

1.01 project specialist  
1.02 instructional specialists  
1.01 fiscal assistant  
1.04 teachers

and be it further

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

RESOLUTION NO. 426-08

Re: **FY 2009 FIRST QUARTER CATEGORY AND  
OBJECT TRANSFERS REQUEST**

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

Resolved, That the superintendent of schools be authorize to effect FY 2009 categorical transfers of \$1,670,902 in the following categories:

21<sup>st</sup> Century Community Learning Centers: Cybercafe Strategies for Success

	<u>Category</u>	<u>From</u>	<u>To</u>
1	Administration	\$ 6,000	
2	Mid-level Administration		\$ 10,500
3	Instruction Salaries	15,000	
4	Textbooks and Instructional Supplies		578
5	Other Instructional Costs		9,860
9	Student Transportation		150
12	Fixed Charges	<u>88</u>	<u>          </u>
	Total	<u>\$ 21,088</u>	<u>\$ 21,088</u>

Title V, Part A—Innovative Education Program Strategies

	<u>Category</u>	<u>From</u>	<u>To</u>
3	Instruction Salaries	\$ 2,633	
4	Textbooks and Instructional Supplies		\$ 2,815
5	Other Instructional Costs		1,366
12	Fixed Charges	<u>1,548</u>	<u>          </u>
	Total	<u>\$ 4,181</u>	<u>\$ 4,181</u>

Title I–A, FY 2008

	<u>Category</u>	<u>From</u>	<u>To</u>
9	Student Transportation		\$ 37,537
12	Fixed Charges	<u>\$ 37,537</u>	<u>          </u>
	Total	<u>\$ 37,537</u>	<u>\$ 37,537</u>

Title I–A, FY 2009

	<u>Category</u>	<u>From</u>	<u>To</u>
2	Mid-level Administration		\$ 868,187
3	Instruction Salaries	\$ 1,027,564	
4	Textbooks and Instructional Supplies	107,104	
5	Other Instructional Costs		33,319
9	Student Transportation		206,619
12	Fixed Charges		<u>206,619</u>
	Total	<u>\$ 1,134,668</u>	<u>\$ 1,134,668</u>

## Title 1–A, State School Improvement

	<u>Category</u>	<u>From</u>	<u>To</u>
2	Mid-level Administration	\$ 11,454	
3	Instruction Salaries		\$ 28,719
4	Textbooks and Instructional Supplies	20,041	
5	Other Instructional Costs		1,398
12	Fixed Charges		<u>1,378</u>
	Total	<u>\$ 31,495</u>	<u>\$ 31,495</u>

## Transition From Laboratory to Classroom (TLC)

	<u>Category</u>	<u>From</u>	<u>To</u>
3	Instruction Salaries	\$ 120,000	
5	Other Instructional Costs		\$ 129,600
12	Fixed Charges	<u>9,600</u>	
	Total	<u>\$ 129,600</u>	<u>\$ 129,600</u>

## Early Intervening Services Projects

	<u>Category</u>	<u>From</u>	<u>To</u>
3	Instruction Salaries	\$ 11,317	
4	Textbooks and Instructional Supplies		\$ 1,046
5	Other Instructional Costs		<u>10,271</u>
	Total	<u>\$ 11,317</u>	<u>\$ 11,317</u>

## Reading First Project

	<u>Category</u>	<u>From</u>	<u>To</u>
2	Mid-level Administration	\$ 5,236	
3	Instruction Salaries	85,939	
4	Textbooks and Instructional Supplies		\$ 132,399
5	Other Instructional Costs	22,843	
12	Fixed Charges	<u>18,282</u>	<u>                    </u>
	Total	<u>\$ 132,300</u>	<u>\$ 132,300</u>

## Title I, Part D–Neglected Delinquent or At-Risk Children, FY 2008

	<u>Category</u>	<u>From</u>	<u>To</u>
3	Instruction Salaries	\$ 3,200	
12	Fixed Charges	<u>                    </u>	<u>\$ 3,200</u>
	Total	<u>\$ 3,200</u>	<u>\$ 3,200</u>

## Title I, Part D–Neglected, Delinquent, or At-Risk Children, FY 2009

	<u>Category</u>	<u>From</u>	<u>To</u>
3	Instruction Salaries	\$ 2,753	
12	Fixed Charges	<u>                    </u>	<u>2,753</u>
	Total	<u>\$ 2,753</u>	<u>\$ 2,753</u>

## Infants and Toddlers

	<u>Category</u>	<u>From</u>	<u>To</u>
1	Administration	\$ 5,991	
2	Special Education		\$ 30,453
12	Fixed Charges	<u>24,462</u>	<u>                    </u>
	Total	<u>\$ 30,453</u>	<u>\$ 30,453</u>

## Carl D. Perkins Career and Technical Education Improvement

	<u>Category</u>	<u>From</u>	<u>To</u>
3	Instruction Salaries	\$ 38,019	
4	Textbooks and Instructional Supplies		\$ 106,989

5	Other Instructional Costs	65,940	
12	Fixed Charges	<u>3,030</u>	<u>          </u>
	Total	<u>\$ 106,989</u>	<u>\$ 106,989</u>

## American Indian Education

	<u>Category</u>	<u>From</u>	<u>To</u>
3	Instruction Salaries		\$ 1,773
4	Textbooks and Instructional Supplies	\$ 2,286	
5	Other Instructional Costs	1,542	
9	Student Transportation		1,690
12	Fixed Charges	<u>          </u>	<u>365</u>
	Total	<u>\$ 3,828</u>	<u>\$ 3,828</u>

## English Language Learners in the Content Areas

	<u>Category</u>	<u>From</u>	<u>To</u>
2	Mid-level Administration	\$ 1,400	
4	Textbooks and Instructional Supplies	3,136	
5	Other Instructional Costs		\$ 4,648
12	Fixed Charges	<u>112</u>	<u>          </u>
	Total	<u>\$ 4,648</u>	<u>\$ 4,648</u>

## Science, Technology, Engineering, and Mathematics (STEM) Initiative

	<u>Category</u>	<u>From</u>	<u>To</u>
4	Textbooks and Instructional Supplies		\$ 16,845
5	Other Instructional Costs	\$ 15,480	
12	Fixed Charges	<u>1,365</u>	<u>          </u>
	Total	<u>\$ 21,088</u>	<u>\$ 21,088</u>

and be it further

Resolved, That the superintendent of schools be authorized to effect FY 2009 object transfers of \$386, 481 in the following projects:

Title I-A, State School Improvement

	<u>Object</u>	<u>From</u>	<u>To</u>
01	Salaries and Wages	\$ 159,377	
02	Contractual Services		\$ 31,319
03	Supplies and Materials	107,104	
04	Other Expenditures		233,162
05	Equipment		2,000
	Total	<u>\$ 266,481</u>	<u>\$ 266,481</u>

## Transition from Laboratory to Classroom (TLC)

	<u>Object</u>	<u>From</u>	<u>To</u>
01	Salaries and Wages	\$ 120,000	
04	Other Expenditures		\$ 120,000
	Total	<u>\$ 120,000</u>	<u>\$ 120,000</u>

and be it further

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

RESOLUTION NO. 427-08      Re:    **HUMAN RESOURCES MONTHLY REPORT**

On motion of Mrs. O'Neill and seconded by Ms. Brandman, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education approves the Human Resources Monthly Report dated November 11, 2008.

RESOLUTION NO. 428-08      Re:    **DEATH OF PATRICIA A. KENNEY, BUS ATTENDANT—SPECIAL EDUCATION, DEPARTMENT OF TRANSPORTATION**

On motion of Mrs. O'Neill and seconded by Ms. Brandman, the following resolution was adopted unanimously by members present:#

WHEREAS, The death on October 1, 2008, of Ms. Patricia A. Kenney, bus attendant—special education at the Shady Grove South Depot in the Department of Transportation, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, Ms. Kenney worked for Montgomery County Public Schools for 16 years, and she worked very well with the special needs students; and

WHEREAS, Ms. Kenney had a great attitude, which allowed her to get along well with others, and her first priority was the safety of her students; now therefore be it

Resolved, That the members of the Board of Education and the superintendent of schools express their sorrow at the death of Patricia A. Kenney and extend deepest sympathy to her family; and be it further

Resolved, That this resolution be made a part of the minutes of this meeting and a copy be forwarded to Ms. Kenney's family.

Re: **MONTHLY FINANCIAL REPORT**

Mr. Larry Bowers, chief operating officer, stated that this financial report reflects the actual financial condition of Montgomery County Public Schools (MCPS), as of September 30, 2008, and projections through June 30, 2009, based on program requirements and estimates made by primary and secondary account managers. At this time revenues are on target, while expenses have a projected surplus of \$3,000,000. Staff will continue to closely monitor both revenues and expenditures.

RESOLUTION NO. 429-08      Re: **TENTATIVE ACTION, POLICY AEB,  
STRATEGIC PLANNING FOR CONTINUOUS  
IMPROVEMENT**

On motion of the Policy Committee, the following resolution was adopted unanimously by members present:

WHEREAS, Policy AEB, *Strategic Planning for Continuous Improvement*, sets forth the Board's commitment to strategic planning for continuous improvement in order to ensure success for every student, provide an effective instructional program, strengthen productive partnerships for education, create a positive work environment in a self-renewing organization, and provide high-quality business services that are essential to the educational success of students; and,

WHEREAS, The Montgomery County Board of Education also is committed to a management system founded on the Malcolm Baldrige Education Criteria for Performance Excellence, which requires significant stakeholder involvement and ensures that strategic planning guides budget preparation; and

WHEREAS, The Montgomery County Board of Education Policy Committee has considered and recommended revisions to Policy AEB, *Strategic Planning for Continuous*

*Improvement*, that reflect the Board's interest in strong partnerships and the involvement of students, staff, parents, and community in achieving our goals and ensuring that budgets reflect strategic plan priorities; and

WHEREAS, The Montgomery County Board of Education has received the Policy Committee's recommendation; now therefore be it

Resolved, That the Montgomery County Board of Education take tentative action on Policy AEB, *Strategic Planning for Continuous Improvement*, and be it further

Resolved, That Policy AEB, *Strategic Planning for Continuous Improvement*, be sent out for public comment.

### **Strategic Planning for Continuous Improvement**

#### A. PURPOSE

The Board of Education (Board) is committed to strategic planning for continuous improvement in order to ensure success for every student, provide an effective instructional program, strengthen productive partnerships for education, create a positive work environment in a self-renewing organization, and provide high-quality business services that are essential to the educational success of students. The Board is also committed to ensuring that the budget process is aligned with the Strategic Plan.

#### B. ISSUES

Strategic planning must guide budget preparation and procedures and the work of MCPS in providing a high-quality, world-class education that ensures success for every student through excellence in teaching and learning. It is essential that a broad range of stakeholders actively participate in the strategic planning process. This strategic planning process must do the following:

1. Use the Malcolm Baldrige Education Criteria for Performance Excellence to incorporate leadership; strategic planning; students, stakeholder, and community focus; measurement analysis and knowledge management; workforce focus; process management; and organizational performance results.
2. Develop (on an ongoing basis) a multiyear plan that will describe the goals of Montgomery County Public Schools and methods to reach those goals. The plan will guide the work of the school system and engage the community to improve student performance and close the performance gap by race,

ethnicity, gender, socioeconomic status, limited English proficiency, and disability. The plan will serve also to unify the system's work and guide how resources and personnel are allocated to schools so that all students receive a high-quality education.

3. Be guided by the MCPS core values:
  - a) Every child can learn and succeed
  - b) The pursuit of excellence is fundamental and unending
  - c) An ethical school system requires fair treatment, honesty, openness, integrity, and respect
  - d) A high-quality school system strives to be responsive and accountable to customers
4. Provide for ongoing monitoring and continuous improvement.
5. Ensure the alignment of MCPS' strategic plan with state and federal requirements.
6. Predicate major budget priorities on the strategic plan, as reflected in both the proposed and adopted capital and operating budgets.

## C. POSITION

### 1. Board participation

The Board will participate in strategic planning through several means:

- a) The Board Strategic Planning Committee will meet with the superintendent and/or his designees to discuss alignment of the budget with strategic plan priorities.
- b) The Board will receive input from students, staff, parents, and community regarding the budget and the strategic plan.
- c) The Board will incorporate public input into the decision-making process for developing the operating and capital budgets.
- d) Through its standing Strategic Planning Committee, the Board shall provide leadership and monitor the progress of the strategic plan and receive recommendations for its consideration.
- e) An annual meeting with the superintendent and senior staff to review progress on the implementation of priorities, initiatives, and strategic

plans; to determine which goals have been achieved; whether any new efforts are needed; and to review major issues.

- f) The Board's agenda-setting process shall determine, from time to time, specific initiatives and priorities to be addressed as part of a business meeting

## 2. Planning procedures

- a) The superintendent will integrate the Malcolm Baldrige Education Criteria for Performance Excellence into the comprehensive strategic planning process for all schools and offices. The criteria are built upon the following core values:

- 1) Visionary leadership
- 2) Learning-centered education
- 3) Organizational and personal learning
- 4) Valuing workforce members and partners
- 5) Agility
- 6) Focus on the future
- 7) Managing for innovation
- 8) Management by fact
- 9) Social responsibility
- 10) Focus on results and creating value
- 11) Systems perspective

- b) Schools will build relationships with and provide opportunities for staff, students, parents, community members, and other stakeholders to determine the academic and personal needs of students and set the direction for the school. These opportunities include, but are not limited to, participation on the School Improvement Team (SIT).

## 3. Staff, student, parent, and community involvement

The Board will actively seek the participation of a broad range of internal and external stakeholders representing the rich cultural and linguistic diversity of the system and the community in the strategic planning process.

## 4. Progress reports

The Strategic Planning Committee will periodically review and report on the efficacy of the planning process and provide the Board with periodic reports. The Annual Report will provide information on the progress and success of the strategic plan and its planning process.

**D. DESIRED OUTCOMES**

There will be a strategic planning process that supports continuous improvement and alignment with the budget. This process will create a high-quality, world-class school system, where success for every student is ensured through excellence in teaching and learning.

**E. REVIEW AND REPORTING**

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

**Re: APPROVAL OF BOARD OF EDUCATION  
HANDBOOK**

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

WHEREAS, On September 10, 1985, the Board adopted a *Handbook for the Montgomery County Board of Education*, governing the operations and procedures of the Board; and

WHEREAS, On July 14, 1998, the Board of Education last comprehensively updated the handbook; now therefore be it

Resolved, That the Board of Education approve the attached *Handbook for the Montgomery County Board of Education*, superseding all previous resolutions addressing matters contained in the handbook; and be it further

Resolved, That staff be directed to publish the handbook in a convenient format to be made readily available, as soon as feasible, to Board members, MCPS staff, Board candidates, and the community at large; and be it further

Resolved, That staff to the Board of Education will, in a timely manner, update provisions of the handbook whenever the Board enacts future resolutions pertaining to matters contained in the handbook; and be it further

Resolved, That the Board's policy committee will engage in a comprehensive review of the handbook at least once every four years to ensure it remains a viable and valid resource.

**Montgomery County Board of Education  
HANDBOOK**

Introduction

The purpose of this Handbook is to provide a useful tool for members of the Board, staff, residents and students regarding the manner by which the Board typically operates and carries out the authority delegated to it by law. This Handbook is not intended to mandate any process that is binding upon the Board unless that process is otherwise required by law. To that end, the particular laws that are applicable to the Board shall govern over the terms of this Handbook.

## AUTHORITY AND RESPONSIBILITIES OF THE BOARD OF EDUCATION

The powers and mandatory duties of the Board of Education are defined in the Education Article of the Annotated Code of Maryland and Title 13A of the Code of Maryland Regulations. The Board's primary responsibilities, aligned to support the school system's strategic plan *Our Call to Action: Pursuit of Excellence*, include, but are not limited to the following:

1. Selecting and appointing the superintendent of schools.
2. Formulating and interpreting policies.
3. Adopting operating and capital budgets.
4. Making decisions on educational, budgetary, facility and financial matters (including authorization of legal settlements).
5. Establishing curriculum guides and courses of study.
6. Making a continuous appraisal of the educational and administrative management of the school system.
7. Establishing school boundaries.
8. Communicating with residents, staff, and students.
9. Acting in a quasi-judicial capacity, in particular, deciding appeals.
10. Advancing a legislative agenda.
11. Appointing personnel.

In addition to those mandatory duties that are defined in law, the Board is committed to the "Key Work of School Boards," developed by the National School Boards Association. The "Key Work of School Boards" encompasses the following eight areas of action:

1. Establishing a clear vision of student achievement as the top priority of the school board, staff, and community.
2. Setting clear standards for student performance.
3. Establishing an assessment process that measures success at regular intervals.
4. Establishing a strong accountability process.
5. Aligning resources to focus on students meeting the standards.
6. Creating a positive climate for student success.
7. Building collaborative relationships with political and business leaders, with a focus on developing a consensus for student success as a top community priority.

8. Committing to continuous improvement for student achievement.

*Legal Reference:* Sections 4-108, 4-109, 4-111, and 4-114, Education Article, Annotated Code of Maryland

## AUTHORITY OF INDIVIDUAL BOARD MEMBERS

State law sets forth that power belongs not to individual members of a Board of Education but to the Board of Education itself. Board members have authority only when acting as a Board of Education in a legally constituted session, with a quorum being present. The statement or action of an individual member or group of members of the Board of Education does not bind the Board of Education itself, except when that statement or action is authorized by an official act of the Board.

## COMPOSITION OF THE BOARD AND BOARD MEMBER QUALIFICATIONS

The Board is comprised of eight members: 5 elected members, each of whom resides in a different board of education district; 2 elected at-large members, and 1 student member. With the exception of the student member, all Board members must be registered voters of Montgomery County and may not be subject to the authority of the Board.

The seven full-voting members are elected to a four-year term at the general election every two years. Four members (three by district and one at large) are elected in gubernatorial election years, and three members (two by district and one at large) are elected in presidential election years. All voters in the county vote for all elected members of the Board of Education, regardless of the candidate's district. Notwithstanding when the ceremonial oath of office is administered, the Board member's term begins on December 1 after the election and continues until a successor is elected and qualifies.

The student member must be a resident of Montgomery County and a regularly enrolled junior- or senior-year student from a Montgomery County public high school. The student Board member is elected for a one-year term each year by students enrolled in middle and high schools in the Montgomery County Public Schools. The student's term of office begins on July 1 after the election.

*Legal Reference:* Section 3-901, Education Article, Annotated Code of Maryland

## STUDENT BOARD MEMBER

The qualifications, election, and provisions relating to the student member of the Board are set forth in state law. The student member has the same rights and privileges of an elected member, except that the student member may not vote on matters relating to capital and operating budgets, school closings, school reopenings, school boundaries, personnel matters governed by Section 6-202 of the Education Article, and collective bargaining. The student member may indicate a preference, and the vote of the student is recorded in parentheses on these issues. If invited to do so by a majority vote of the seven full-voting

members of the Board, notwithstanding the lack of a vote, the student member may attend personnel hearings pursuant to Section 6-202 and closed sessions related to collective bargaining. The student member may also make motions or second motions made by others. However, his or her right to vote on such motions is predicated upon whether it concerns a matter on which the student member's vote counts.

A student member who completes a full term on the Board shall be granted a scholarship of \$5,000, to be applied toward the student's higher education costs. Upon completion of the tenure on the Board, the student member is awarded one full credit in social studies and student service learning hours equivalent to hours devoted to being the student member of the Board.

The student member may distribute diplomas and/or certificates at high school commencements but may not confer his or her own diploma.

*Legal Reference:* Sections 3-901, 3-902, and 6-202, Education Article, Annotated Code of Maryland

## ELECTED BOARD CANDIDATES AND MEMBERS-ELECT

Election procedures are found in the *Election Article of the Annotated Code of Maryland*. Board candidates for election by the general public are required to file public financial disclosure statements for the preceding calendar year with the Montgomery County Board of Supervisors of Elections at the time they submit their certificate of candidacy. After the candidate's election to the Board of Education, the Board of Supervisors of Elections sends the financial disclosure form to the Board of Education's Ethics Panel.

The Board's practice is to use the following processes for Board member candidates:

1. Materials, except items of a confidential nature, for Board business meetings are available to candidates and the general public on the school system's website.
2. Members-elect, including the student member-elect, receive all Board materials, (excluding items of a confidential nature) that are provided to Board members and are invited to attend all meetings of the Board (except for closed sessions) but are not permitted to vote at those meetings.
3. Newly elected Board members are usually seated at the outside ends of the Board table.

*Legal Reference:* Section 8-801 et seq., Election Article, Annotated Code of Maryland

## NEW BOARD MEMBER ORIENTATION

Following the election of new members, the Board of Education officers provide for an orientation to the Board's operation and processes. Information is provided about the functions of the office of the Board of Education and the working relationships with the superintendent of schools and the staff of the Montgomery County Public Schools. In addition, information is provided about the roles and responsibilities of Board members as well as the role and responsibilities of the superintendent of schools. New Board members are encouraged to attend the orientation sessions organized by the Maryland Association of Boards of Education (MABE). The orientation sessions are usually held twice a year; in the fall just before the MABE conference and in December after the general elections. New Board members that are elected by the general public are informed that they must file financial disclosure statements annually with the Board's Ethics Panel.

## FILLING VACANCY OF BOARD MEMBER'S UNEXPIRED TERM

In the event of the resignation, death or removal from office of an elected Board member (all members except the student board member), the remaining members of the Board will select a qualified individual to fill the vacancy. In the event the vacancy is caused by a member who is required to reside in a particular education district, the person appointed to fill the vacancy also must reside in the same district at the time of appointment and while serving out the unexpired term. This individual will serve for the remainder of the term and until a successor is elected.

State law also requires that the individual must be a registered voter of Montgomery County and that individual subject to the authority of the county board may not serve as a member of the board. For example, although an employee of the school system would be eligible for appointment, he or she would have to resign as an employee in order to serve as a member of the Board.

When filling Board vacancies, the Board typically discusses the establishment of the process in closed session. The incumbent Board member who is resigning does not take part in the appointment process.

Traditionally, the process commences with the Board soliciting interest among individuals within the appropriate district and inviting application to be made to the Board office by a set date. The public notice sets out the qualifications established by law and any questions prepared by the Board. Interested persons are asked to submit a résumé or brief record of their personal history and relevant civic, professional, employment, and other experience, along with a cover letter indicating their home address and certifying to their being a registered voter and a resident of the affected district. Notice is typically disseminated through a general press release, a posting on the website, a circulation via email/Quick Notes, and on cable television.

Selected candidates are interviewed by the Board in a public session. At the interview, the candidates provide responses to questions that address their experience, priorities, and expectations for the job. The Board appoints the individual who garners a majority vote of the remaining Board members.

In the event of a vacancy in the student Board member position, the individual receiving the second highest vote in the most recent election shall be seated as the student member for the remainder of the term.

## REMOVAL OF BOARD MEMBER

Pursuant to statute, the County Council may remove a Board member for immorality, misconduct in office, incompetence, or willful neglect of duty. The member may request a hearing and have an opportunity to be heard publicly before the County Council. The member also has the right to a *de novo* review of the removal by the Circuit Court of Montgomery County.

**Legal Reference:** Section 3-901, Education Article, Annotated Code of Maryland

## DUTIES OF BOARD OFFICERS

The officers of the Board of Education are the president, vice president, and, by law, the superintendent of schools as the executive officer, secretary, and treasurer.

The president presides at all meetings, signs authorized or approved contracts and other documents on behalf of the Board, represents the views of the Board in all communications and correspondence, and performs other duties prescribed by law or by the Board. The president may appoint ad hoc committees of the Board and/or staff members to assist the Board with its work, study specific issues or undertake Board projects. In the absence of the president, the vice president performs these duties.

If both the president and vice president are absent from a Board meeting, the superintendent of schools presides until a president pro tem is elected from among the Board members. The president and vice president are elected at the Board's annual organization meeting.

## ETHICS AND CODE OF CONDUCT

The Board of Education, the superintendent of schools, and Montgomery County Public Schools employee organizations have adopted a compact of an organizational culture of respect. The compact is part of the school system's strategic plan, *Our Call to Action: Pursuit of Excellence*. With this compact, all parties commit to an organization that recognizes and values the role of all employees as contributors to a learning community that sets high standards of performance for staff and students.

In addition to the Board's Policy BBB: *Ethics Policy*, which governs actions of its members, school officials, and employees, the Board has also adopted the following Code of Ethics, as recommended by the National School Boards Association:

"As a member of my local Board of education I will strive to improve public education, and to that end I will—

Attend all regularly scheduled Board meetings insofar as possible, and become informed concerning the issues to be considered at those meetings;

Recognize that I should endeavor to make policy decisions only after full discussion at publicly held Board meetings;

Render all decisions based on the available facts and my independent judgment, and refuse to surrender that judgment to individuals or special interest groups;

Encourage the free expression of opinion by all Board members, and seek systematic communications between the Board and students, staff, and all elements of the community;

Work with other Board members to establish effective Board policies and to delegate authority for the administration of the schools to the superintendent of schools;

Communicate to other Board members and the superintendent of schools expressions of public reaction to Board policies and school programs;

Inform myself about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by my state and national school boards associations;

Support the employment of those persons best qualified to serve as school staff, and insist on a regular and impartial evaluation of all staff;

Avoid being placed in a position of conflict of interest, and refrain from using my Board position for personal or partisan gain;

Take no private action that will compromise the Board or administration, and respect the confidentiality of information that is privileged under applicable law; and

Remember always that my first and greatest concern must be the educational welfare of the students attending the public schools.”

The Board adheres to the following principles which reflect its commitment to work together as a Board in the best interest of the school system:

Respecting individual differences and opinions and being open-minded

Being prepared to do the work of the Board

Supporting decisions of the Board and not working against them

Reassessing the way the Board does business

Disagreeing on issues without making it personal

Keeping confidential issues and closed session issues within the Board

Being candid in expressing opinions

Improving communications among all Board members

Maintaining professional decorum during Board meetings

Members shall maintain the confidentiality appropriate to sensitive issues and information that otherwise may tend to compromise the integrity or legal positions of the Board or the school system, especially those matters discussed in closed session. If, for any reason, a Board member prefers not to participate in a confidential discussion that is authorized or has a conflict of interest with the subject under discussion, he or she should leave the meeting before it begins or that particular subject is discussed. (See "Closed Session" section of this handbook for additional information.)

During the annual organizational meeting which is described below, the Board should review and re-affirm all the principles concerning the Code of Conduct and the compact concerning the organizational culture of respect. Given that the Board is committed to faithful compliance with the provisions of these documents and the Board's policies, the Board may take appropriate action in the event of a member's willful and continuing violation.

## FINANCIAL DISCLOSURE

Policy BBB, *Ethics*, requires that each Board member complete an annual financial disclosure statement for the preceding calendar year. These statements will be made available during normal office hours for examination and copying by the public, subject to whatever reasonable fees and administrative procedures are established. Financial disclosure statements must be completed by candidates seeking election by the general

public to the Board of Education. Candidates will file the statement with the Board of Supervisors of Elections at the time candidates submit their certificate of candidacy. Upon a candidate's election by the general public to the Board of Education, the Board of Supervisors of Elections should transmit that disclosure statement to the Board Ethics Panel. The Board's Ethics Panel is responsible for reviewing all financial disclosure statements for completeness of form and for determination of any existing or potential conflicts of interest. The Student Member of the Board does not complete a financial disclosure form.

## Appointment of the Superintendent of Schools

Maryland state law governs the appointment, term, qualifications, vacancy, and removal of the superintendent of schools. The term of the superintendent of schools is four years beginning on July 1. The superintendent of schools serves until a successor is appointed and qualifies. By February 1 of the year in which a term ends, the county superintendent of schools must notify the Board whether or not he/she is a candidate for reappointment.

In the year in which a term begins, the Board of Education appoints the superintendent of schools between February 1 and June 30. Should the Board decide to reappoint the incumbent superintendent of schools, the Board must take final action at a public meeting no later than March 1 of that year.

The appointment of the superintendent of schools is subject to written approval of the state superintendent of schools. If there is a vacancy in the office, the Board shall appoint an interim superintendent of schools who serves until July 1 after his/her appointment.

*Legal Reference:* Section 4-201, Education Article, Annotated Code of Maryland

## RESPONSIBILITIES AND DUTIES OF THE SUPERINTENDENT OF SCHOOLS

The superintendent of schools is responsible for the administration of his/her office and carries out the laws, bylaws, and policies of the Maryland State Board of Education as well as the rules, regulations, and policies of the Montgomery County Board of Education.

The superintendent of schools advises the Board of Education on educational policies of the school system, school attendance areas, curriculum guides and courses of study, and any question under consideration by the Board. The superintendent of schools recommends contracts, to the extent required by law, and other documents for Board approval. The superintendent of schools also informs the Board in advance of administrative reorganizations, including transfers of functions, establishment of positions and offices, and consolidations of positions and offices.

The superintendent of schools proposes annual operating and capital budgets to the Board of Education. The superintendent of schools attends all meetings of the Board, as well as committee meetings as requested, except when the Board is considering appeals in its quasi-judicial role in closed session, or when the superintendent of schools' tenure, salary or the administration of his/her office is under consideration. The superintendent of schools may advise the Board on any question under consideration at the meetings which he/she is permitted to attend but may not vote. In the absence of the superintendent of schools, the deputy superintendent of schools or designee fulfills these duties. By contract, the Board of Education regularly evaluates the superintendent of schools on the achievement of mutually agreed upon priorities and objectives.

By law, the superintendent of schools, as executive officer, secretary, and treasurer of the Board, keeps a record of the proceedings of each meeting of the Board and of all actions taken by the Board.

The superintendent of schools recommends the appointment of administrative and supervisory personnel to the Board of Education for its approval, whether by discrete personnel actions or by way of a monthly personnel report approved by the Board. The superintendent of schools also informs the Board in advance of transfers of administrative and supervisory personnel. In the monthly personnel report, the superintendent of schools recommends approval of personnel appointments, terminations, and disciplinary actions of MCPS personnel.

*Legal Reference:* Sections 4-205 and 6-201, Education Article, Annotated Code of Maryland

## MEETINGS OF THE BOARD OF EDUCATION

All meetings of the Board of Education are public meetings, except for closed sessions and as otherwise permitted under state law.

### **Agenda Setting for Business Meetings**

The Board of Education has control over educational matters that affect the county and promotes the interests of schools under its jurisdiction. The Board of Education adopts a strategic plan to guide the school system in developing, implementing, and improving educational programs for its students. With the advice of the superintendent of schools, the Board of Education establishes priorities together with specific objectives for the attainment of these priorities. Following the establishment of priorities, the superintendent of schools and Board members recommend agenda items for Board meetings based on these priorities and by adhering to the following process:

1. Prior to July of each year, the Board of Education receives a master calendar of Board meetings and hearings for the ensuing year.

2. The Board office schedules regular agenda-setting meetings with Board officers, the superintendent of schools, and designated staff. The following items are discussed at these meetings:
  - a) The agenda for future business meetings. The superintendent of schools or his/her designee advises the Board officers of time requirements for agenda items, the status of major items to be discussed at Board meetings, and the availability of staff to be present for Board discussions.
  - b) A list of items to be scheduled for future business meetings. The superintendent of schools or his/her designee informs the Board officers of the status of items to be scheduled and suggests dates for their presentation. The Board office maintains a continuous listing of future agenda items.
  - c) Review of future Board meetings. The superintendent of schools or designee and Board officers review a calendar of future Board meetings (regular and special), closed sessions, public hearings, and work sessions.

After the agenda-setting meeting, copies of materials agreed upon are sent to Board members, executive staff, and posted to the Board's website. Board members are encouraged to share their interest regarding scheduled items to inform staff presentations.

3. An item may also be placed on a Board meeting agenda through a motion and a second motion under the "New Business" portion at a business meeting provided a majority of the Board approves that motion at a subsequent meeting. Unless stated in the motion, the scheduling of any New Business item may be determined by the Board officers and superintendent of schools, with every effort being made to schedule major action items when all Board members can be present.
4. Prior to a Board meeting, with as much advance notice as possible, Board members who need information or desire staff members to be available to answer questions at the table about an issue should alert Board staff to request that the superintendent of schools answer those questions and/or provide the information needed.
5. After business meetings and public hearings, the Board and superintendent's staff discuss items raised during the Board meeting, assign responsibilities for follow-up items, and review draft agendas and calendars for future Board meetings.

## **Preparation of Meeting Materials**

Before every business meeting, packets of Board agenda materials are prepared for Board members and key staff. Board packet materials are not released to the public until Board members have received them. Board meeting packets are normally available online on the Fridays prior to regular Board meetings. Complex items which require extensive study should be distributed to Board members in advance of the regular distribution of Board materials to allow sufficient time for review and Board consideration.

## **Open Public Meetings and Notice**

Meetings of the Board of Education, including its standing committees, are open to the public except when meetings may be held in closed session under the Maryland Open Meetings Act. The public must be provided with adequate notice of the time and location of meetings. When a meeting is held in open session, the general public is entitled to attend. Under state law, the Board of Education has the authority to adopt and enforce reasonable rules regarding the conduct of persons attending its meetings, as well as the videotaping, televising, photographing, broadcasting or recording of its meetings. If the presiding officer determines that the behavior of an individual is disrupting an open session, the public body may have an individual removed. Unless the Board of Education, its members or its agents acted maliciously, they are not liable for having an individual removed from the meeting.

*Legal Reference:* Sections 10-501 et seq., State Government Article, Annotated Code of Maryland

## **Annual Organizational Meeting**

According to state law, the Board of Education must conduct an annual meeting on or before January 10 for the election of a president and vice president. However, the Board traditionally conducts its election of officers as the first order of business at its first business meeting in December, but, in any event, no earlier than December 1 or the date on which new members are sworn in, whichever is later.

The annual organizational meeting is traditionally combined with a regular business meeting.

The meeting is called to order by the secretary-treasurer (by law, the superintendent of schools). The names of all members are automatically placed in nomination. Through an individually recorded written vote, the members elect a president and vice president from among the currently sitting members by majority vote. The election for president shall precede the election for vice president. Immediately upon their election, the president and vice president shall assume the duties of their office.

In addition to selecting the president and vice president, the Board must also fill vacancies on the Board's standing committees, including designating the chair for each of the committees. The Board should also reaffirm its commitment to the Code of Ethics and the compact concerning the organizational culture of respect.

*Legal Reference:* Section 4-107, Education Article, Annotated Code of Maryland

### ***Regular Business Meetings***

1. The Board usually conducts two business meetings per month, except for the month of August during which the Board is in recess. The all-day business meeting is usually held on the second Tuesday of the month, and the evening business meeting is usually held on the second Monday following the all-day meeting. These meetings are held at the offices of the Board of Education at the Carver Educational Services Center in Rockville, Maryland, unless otherwise designated.
2. Every effort is made to schedule items of significant public interest at times convenient to the general public, and a special effort is made to group similar and major educational issues together during business meetings.
3. At every business meeting, 30 minutes are set aside for Public Comments from residents to encourage public participation. The first fifteen (15) speakers who contact the Board office by telephone on the Monday prior to the business meetings are granted two (2) minutes each to speak as follows:

The Board will reserve ten (10) of the fifteen (15) slots for public comments for speakers who wish to comment on issues that are on the agenda for that day's Board meeting. The other five (5) slots will be reserved for speakers who wish to comment on other issues that are not specifically on the agenda. The Board office accepts phone calls on the Monday before the Board meeting. If the Board office is closed on a Monday, callers may register to speak by calling as of 8:30 a.m. that Tuesday. The time period from 10:00 to 10:30 a.m. will be for speakers who wish to address issues relating to the day's agenda, and 11:00 to 11:30 a.m. will be for speakers who wish to address other issues.

Unallocated slots may be filled—first come, first served—on the day of the meeting by signing the appropriate sheet at the Board meeting no later than 15 minutes prior to the scheduled time for Public Comments. Public input on policy, program, and practices are encouraged, but Public Comments is not the proper avenue to address specific student or employee matters. Everyone is encouraged to utilize existing avenues of redress for complaints. Comments about the actions or statements of individual staff members should be referred to the superintendent of schools or processed through

available channels. Speakers are requested to provide twenty (20) copies of their testimony.

4. The advance meeting agenda shall indicate if an item is intended for discussion (D), action (A), and information (I). Notwithstanding the designation, any member can make a motion germane to an agenda item before the Board.
5. In addition to taking action on scheduled items, the agenda of each business meeting contains an opportunity for Board members and the superintendent of schools to make comments on activities, request information, and ask questions of a general nature. Requests for information that the majority of the Board agrees would entail the commitment of a considerable amount of time of staff to respond shall require approval by the Board.

During the meeting, presentations by staff to the Board emphasize key highlights of the paper and recommendations, ensuring that the Board has sufficient time to discuss the agenda item.

6. An item may be placed on the Board agenda through a motion and a second under New Business at a business meeting, and for a majority of the Board to approve that motion at a subsequent meeting. Unless stated in the motion, the scheduling of any New Business item shall be determined through the agenda-setting process described above. Except for policy matters, items that are time sensitive may be voted upon during the same meeting as introduced if the Board members by majority vote so concur. Board member proposals to establish special programs where a substantial amount of staff time is needed to develop the programs must be approved in accordance with Board procedure for establishing and evaluating special programs. Prior to voting on an item of new business which seeks a paper from the superintendent of schools, the superintendent shall be asked how much time it would take staff to prepare a response.
7. At every business meeting, time shall be set aside for Consent Items, consisting of matters which the Board president or superintendent of schools believes will be adopted by unanimous vote. Approval of the consent agenda shall include the approval, of all items included as consent items, provided that any member may defer to the end any item on which discussion is desired, after which a separate vote shall be taken.
8. Meetings are to begin promptly at the starting time on the agenda, a quorum being present. Closed sessions normally are scheduled at the start, lunch hour, and/or end of the meeting. Usually, evening meetings will be scheduled

to begin with closed session at 5:30 p.m., open session at 6:00 p.m., and attempt to conclude no later than 9:30 p.m.

### ***Special Meetings***

Other than regularly scheduled business and committee meetings publicized in advance, the Board may meet for work sessions and policy development sessions. As part of its master calendar, the Board schedules annual meetings with the officers of the Montgomery County Region of Student Councils, Montgomery County Junior Councils, Student Government Association presidents, Montgomery County Council of Parent Teacher Associations, Montgomery County Association of Administrative and Supervisory Personnel, Montgomery County Education Association, Service Employees International Union (SEIU) Local 500, and PTA clusters (the latter on a rotating basis). The Board may also meet from time to time in informal meetings with other elected and appointed officials and education, civic, and community organizations. These meetings may be held at the offices of the Board of Education or in communities throughout the county.

Special meetings may also be called by the president of the Board, by the superintendent of schools, or at the written request of a majority of the Board. Whenever possible, at least 24 hours' notice of special meetings and their purpose will be given to each Board member and, whenever feasible, meeting dates will be determined in consultation with Board members.

Business that does not come within the purposes set forth in the call for the meeting may not be transacted at a special meeting, unless all Board members are present and agree unanimously to the consideration of the additional item(s).

### ***Retreats***

The Board usually schedules at least two annual retreats a year for team building, priority setting, discussion of board operations and goals, and to prepare for contract negotiations. Following an election, one of the annual retreats will be scheduled in January with the new Board. The retreats will be held in compliance with the Maryland Open Meetings Act as required by law.

### ***Closed Sessions***

Under the Maryland Open Meetings Act, the Board of Education is authorized to meet in closed session and retreats to discuss among other things, personnel matters, acquisition of real estate, pending litigation, collective bargaining issues, matters protected from public disclosure by law, and to obtain legal advice. The Open Meetings Act also requires that, before meeting in closed session, the Board must give reasonable advance notice of the closed session. Further, after a closed session is held, the Board must also provide a

report concerning the closed session's topic(s) of discussion. In order to accomplish these objectives, at every business meeting, the Board adheres to the following guidelines:

1. For the closed session that occurred at the previous Board meeting, a statement will be made at the next Board meeting that includes the time, place, and purpose of the closed session; a record of the vote of each member as to closing the session; a citation of the authority for closing the session; and a listing of topics of discussion, persons present, and each action taken during the session.
2. Immediately prior to convening a closed session for the current Board meeting, the president shall conduct a recorded vote on closing the session. Further, the Board shall adopt a resolution in open session that includes the reason for closing the meeting, including a citation of legal authority and a listing of the topics to be discussed.
3. For the closed session that is to occur at the next Board meeting, the Board shall adopt a resolution that provides the date, time, and place of the session and, if appropriate, a statement that all or part of the meeting will be conducted in closed session.
4. Closed sessions may be called by the president at any time, at the request of any member or the superintendent of schools. However, the Board must take a public vote to go into closed session and must give public notice of the meeting by delivering a notice of the date, time, and place of the meeting to the news media or posting the notice at the meeting site. If an emergency session is required, the Board must give notice of the session and take a public vote to go into closed session. The presiding officer shall conduct a recorded vote on the closing of the meeting and shall make a written statement setting out the reason for closing the meeting, the specific provision of the Open Meetings Act that allows the meeting to be closed, and the topics to be discussed at the closed session.
5. It is the responsibility of all Board members to monitor the topics discussed in closed session to ensure that the topics discussed are appropriate for closed session.
6. Board members and staff are expected to maintain the confidentiality of closed session. The attorney general has ruled that, although the Montgomery County Board of Education is without power to discipline its members, it is free to adopt a resolution that expresses its disapproval of a member's action in disclosing the contents of a closed session discussion.

## PROTOCOLS FOR ABSENTEE PARTICIPATION

Members of the Board may participate in a regular or special meeting of the Board of Education, including any closed session thereof, by means of a telephone conference call, pursuant to the following protocols:

1. The absent Board member may participate in the meeting by telephone conference only when a family, work, or other bona fide emergency prevents the Board member from attending the meeting in person. Board members are expected to attend meetings in person; this provision is not to be used as a mechanism for Board members to cease attending meetings in person.
2. The absent Board member who wishes to participate in the meeting, or a portion of the meeting, by telephone, must make his or her request known to the Board President and the Board Office at least 24 hours prior to the scheduled commencement of the meeting, along with the direct telephone number at which the absent Board member will be reachable for the item(s) on the agenda he or she wishes to participate.
3. To comply with the Open Meetings Act, the absent Board member may participate in the open session of a regular or special meeting only if the telephone call can and will be broadcast over a speaker phone or other similar technology capable of allowing the absent Board member to hear, and be heard by, the attending Board members and members of the staff, public, and press present at such meeting, or a portion thereof.
4. Any member of the Board who participates in a Board meeting by telephone conference call will not count toward the number of members necessary to constitute a quorum at such meeting.
5. However, any Board member who participates in a meeting by telephone conference call will be permitted to consider, discuss, and vote upon any matter properly before the Board in the same fashion and with the same effect as if such member were physically present at the meeting. The minutes of any meeting at which such absent Board member participates in this manner will reflect that such member participated by telephone conference call and was not physically present during such meeting.
6. For open sessions of the Board meeting, the absent Board member will call in at an appointed time on the open session's meeting agenda into a pre-designated phone number to staff or staff will call the absent Board member, after which the Board member will be advised to wait until the Board President invites the absent member to join in the dialogue. Concurrently, the

Board President will be notified by staff as to the name(s) of the Board member(s) who is (are) holding on the telephone line to join in the dialogue. The absent Board member should not speak until called upon by the Board President.

7. For closed sessions of the Board meeting, at which an absent Board member wishes to participate by telephone, a multi-directional speaker phone shall be placed on the conference room table and utilized so that the absent Board member(s) can hear, and be heard by, the attending Board members and staff, and to participate fully in the closed session of the meeting. Staff present at the closed session will make the call to the absent Board member(s) designated phone number to get them on the telephone at the desired portion of the closed session agenda.
8. To avoid dropped calls and to preserve confidentiality of any calls during closed session deliberations, calls from absentee Board members are strongly encouraged to be made from land line telephones.
9. To avoid either electronic interference or multi-second time delay, the absent Board member should undertake all efforts to mitigate any noise in his/her proximity, including but not limited to turning off any sound of the cablecast or webcast of the Board meeting while participating by telephone.
10. Due to the limitation on the number of outside telephone lines running to the control booth and Board Room, and to ensure the presence of a quorum, no more than three absentee Board members may participate by telephone conference call concurrently.

**Legal Reference:** Section 10-501 et seq., State Government Article, Annotated Code of Maryland

## RULES OF ORDER

The Board of Education observes Robert's Rules of Order, Newly Revised in conducting its meetings, except as provided otherwise either in this handbook or Board policy. Moreover, the Board is guided by its own rules, state statutes, and Maryland State Department of Education bylaws, which establish the following:

1. A motion is not adopted without the approval of five members, with the exception of those matters on which the student member's vote does not count, in which instance the motion requires the approval of only four members.

2. The Board adopts its agenda at the beginning of a business meeting. Times listed on the agenda are intended for guidance only. Unless changed by the Board, the order in which items appear on an agenda will be followed. Any changes in the adopted agenda are made by majority vote.
3. A quorum consisting of a majority of the full Board shall be present to convene a meeting. Thereafter, the quorum required to transact business will vary depending upon whether the student member's vote counts.
4. A new business item shall lie on the table until the next business meeting before being voted upon by the Board. This provision may be waived without notice if all members are present and there is unanimous agreement.
5. The rules and regulations governing the operations of the Board (except those required by statute and governing special meetings and policy issues) may be amended by a majority vote of the Board at any meeting, provided that each member shall have been furnished a copy of the proposed amendment at least one week in advance. Robert's Rules state, "Rules protecting absentees or a basic right of the individual member cannot be suspended, even by general consent or a unanimous vote."
6. The Board's chief of staff serves as parliamentarian to the Board of Education.

## RECORD OF BOARD MEETINGS

The Board of Education maintains records of meetings as follows:

1. Records of the Board's business meetings and hearings are retained in the Board Office and online. All Board business meetings are televised and are available online via webcast.
2. The minutes of all public meetings contain actions taken by the Board and a summary of the Board's discussion. A Board member may specifically request that a statement on a subject be reflected in the minutes. Although the student's vote does not count on some issues, the minutes will reflect the student's voting preference.
3. Minutes of closed sessions include a list of each item considered, the action taken, and each recorded vote.
4. Recordings and minutes of meetings open to the public are available as a matter of public record on the Board's website, as well as in the Board Office.

## PUBLIC PARTICIPATION

The members of the Board of Education desire to hear the views and have the advice of interested residents. To help ensure effective public participation in the decision-making process, the Board:

1. Advertises the agenda and supporting documents on the school system's website no later than the Friday before the business meeting. Furthermore, copies of agenda materials are available to the public on the day of the business and special meetings.
2. Involves residents and students on advisory committees.
3. Holds public hearings on the strategic plan, the operating and capital budgets, and on issues of wide public interest.
4. Provides time at its business meetings for the public to comment on educational issues and other matters before the Board.
5. Encourages residents to communicate with Board members by publishing public telephone numbers, fax numbers, mailing addresses, and e-mail addresses.
6. Widely circulates proposed policies for comment.

## POLICY DEVELOPMENT AND ADOPTION

The Board of Education has adopted Policy BFA: *Polycysetting*, which includes a definition of "policy" and a uniform format for policy development and implementation, including publication, monitoring of implementation, and review. Discussion of a new policy usually takes place over four meetings—one for the Board's Policy Committee to discuss the superintendent's policy analysis, the second for the Board to take tentative action on the Policy Committee's recommendations, the third for the Policy Committee to review public comments on the policy and any additional staff recommendations, and the fourth for the Board to take final action on the policy.

## Board Committee Meetings

As the Board deems appropriate, standing and ad hoc committees and subcommittees shall be established by resolution, reflecting their mission and composition. After initial

appointments for standing committees are made, future vacancies shall be filled at the all-day meeting each December. Committees shall decide upon their own meeting schedules and make recommendations and updates to the full Board, as appropriate. The Board shall consider any recommendations from a committee after having provided the opportunity to the superintendent of schools to make a recommendation or otherwise advise the Board as to its committee recommendation. All committee meetings are governed by the Opening Meetings Act.

## BOARD ADVISORY COMMITTEES

The Board of Education is empowered by state law to create citizen advisory committees to advise the Board, facilitate activities and programs in the school system, and recommend possible changes in Board policy. This input guides and informs decisions made by the Board.

Committees may be ongoing or created for special purposes on a short-term basis. A listing of current Board advisory committees is available online. Committees appointed by the Board are subject to the Open Meetings Act.

Moreover, pursuant to law and policy, the Board of Education has appointed an Ethics Panel, which interprets the Board's ethics policy, reviews financial disclosure statements, and advises persons subject to the policy as to its application.

In addition, there are advisory committees that report to the superintendent of schools. As provided by their charges, these committees present their annual reports to the Board of Education.

**Legal Reference:** Section 4-112, Education Article, Annotated Code of Maryland

## PUBLIC HEARINGS

The Board of Education schedules public hearings on issues it determines to be of widespread interest and concern. A quorum of the Board is not required to be present for a hearing to be conducted. In addition to special public hearings, the Board holds hearings on its strategic plan, annual operating budget, proposed Capital Improvement Program (CIP), and school boundaries. Hearings for the proposed capital budget and CIP and/or boundaries are governed by Board Policy FAA, *Long-Range Educational Facilities Planning*.

General guidelines for public hearings are as follows:

1. The subject, date, and opportunities for signup for a public hearing is typically publicized through the Board's customary communications channels and by a release to the news media.
2. The agenda for the hearing is closed when the maximum number of speakers is registered or at the close of business the day before the hearing.
3. The following time limits for testimony apply to public hearings unless otherwise specified by the Board in the hearing notice:

Organizations*/Municipalities/Elected Officials	5 minutes
Individuals	3 minutes

Students, municipalities and the Montgomery County Council of Parent Teacher Associations (MCCPTA) shall be accorded the opportunity to testify first, followed by PTAs and then, on a first come, first served basis, individuals, civic, and countywide organizations. Usually, MCCPTA cluster coordinators, in consultation with the local PTA presidents, will coordinate testimony on behalf of local PTAs and notify the Board office of speakers within their allotted cluster time. Alternatively, such testimony may be coordinated by MCCPTA area vice presidents, in which case testimony may be grouped by areas and time allotted differently than stated above. Cluster coordinators and area vice presidents are strongly encouraged to ensure that diversity of opinions is accommodated when scheduling testimony.

A person calling to speak, other than a cluster coordinator or area vice president, may reserve only one space. Only one speaker will be registered for any organization, unless the Board provides otherwise. Individuals and organizations may not cede time to others who have signed up. Elected officials are given the courtesy of being placed on the agenda at the time of their choice.

4. For all other hearings and forums not governed by a specific Board policy, all speakers are accorded two minutes to present their testimony. A person calling to speak may reserve only one space. Only one speaker will be registered for any organization. Individuals and organizations may not cede time to others who have signed up.
5. Speakers are requested to provide 20 copies of their statements at the hearing for distribution to the Board, staff, and press. Speakers are requested to submit their testimony to the Board of Education office at least 24 hours in advance of the hearing.
6. Public hearings are recorded, televised, and web cast.

7. If the speakers are not present at their designated time, every effort will be made to accommodate their testimony prior to adjournment of the meeting.
8. To expedite the hearing, Board members and the superintendent of schools will limit their participation solely to asking questions of the speakers or requesting follow-ups of staff. Copies of follow-up responses to questions raised will typically be posted on the Board's website.
9. Written statements submitted in lieu of testimony will be given equal consideration, but, in order to be considered, must reach the Board no later than 48 hours before the time scheduled for action by the Board.

\*Organizations include: Montgomery County Regional Student Government Association, Montgomery County Junior Councils, community organizations, MCCPTA, clusters and the unions.

## STRATEGIC PLAN DEVELOPMENT AND APPROVAL PROCESS

The strategic plan for MCPS, *Our Call to Action: Pursuit of Excellence*, is to guide the work of schools and offices for achieving the visionary goals approved by the Board of Education. In 2004, the Board of Education adopted a set of recommendations to change the process for public involvement in the development of its strategic plan and operating budget. The Board's goals included greater public involvement in the development phase of the strategic plan and operating budget.

As a result of the initiative, annually, the Board of Education's Strategic Planning Committee works with staff to review and recommend changes to the strategic plan. In addition, community forums are held in which participants are asked to address principal questions to assist the Board in developing/modifying the strategic plan. Substantial feedback on a wide range of issues involving the strategic plan has been received at the forums and summaries of the comments made at the forums are generally posted on the MCPS website.

## OPERATING BUDGET APPROVAL PROCESS AND LONG-RANGE EDUCATIONAL FACILITIES/CAPITAL BUDGET PROCESS

Two major issues that come before the Board of Education each year are the operating budget and the long-range educational facilities plan, which includes action on the capital budget.

The operating budget includes salaries, contractual services, supplies and materials, furniture and equipment, and other funds necessary for the daily operation of the school system. The operating budget is developed under the direction of the superintendent of

schools who receives a wide range of input. The superintendent of schools recommends the budget's adoption to the members of the Board. The Board holds work sessions and public hearings in January prior to adoption of the budget to secure additional information on the recommendations of the superintendent of schools.

The date for submission of the operating budget to the County Council is established by county law. The budget must be submitted to the county by March 1 of each year and adopted by the Council by June 1. In June the Board makes adjustments to the budget to conform to council action and to reflect the final judgment of the Board on expenditure priorities prior to the July 1 deadline for submitting the school system's final operating budget to the council.

Each spring the superintendent of schools reviews all Board of Education facilities decisions and capital budget requests. The capital budget includes construction and planning funds for new facilities, modernizations and renovations; furniture and equipment associated with these projects; and countywide maintenance efforts. Facilities issues include building utilization, educational program capacity, enrollment projections, boundary changes, and school closings/consolidation. During the spring, cluster, school, and community representatives meet to discuss feasible school program and facility alternatives and, by June 1, cluster representatives send the superintendent of schools proposed solutions, priorities, or concerns the cluster has identified for its schools.

Early in October the superintendent of schools holds a public work session with the Board to discuss new school enrollments and projections. On or about November 1, the superintendent of schools publishes a proposed six-year Capital Improvements Program or amendments thereto, subsequent to which the Board holds a work session at which members may propose alternative solutions to boundary changes. During November, the Board holds public hearings on facilities and boundary proposals, with decisions scheduled prior to the end of November. The Board may opt to defer until a later time (usually March) selected boundaries and facilities decisions. (See Policy FAA and Regulation FAA-RA: *Long-Range Educational Facilities Planning* for more details.)

## APPEALS TO THE BOARD OF EDUCATION

In addition to state law requirements, the major documents governing appeals to the Board of Education are Policy BLB: Rules of Procedure in Appeals and Hearings, Policy JEE: *Student Transfers*, and Regulation JEE-RA: *Transfer of Students*. There are generally three categories of appeals under various section of the Education Article of the Annotated Code of Maryland: Disputes involving rules and regulations of the Board; suspensions or dismissals of professional and/or certificated personnel; and student suspensions of more than 10 days or expulsions.

Once an appeal is started through the process, it is not appropriate for Board members to discuss the issue with the appellant, the public, or staff. Once the appeal is properly filed, unless the appeal is subsequently withdrawn by the appellant or the superintendent of schools has granted the requested relief, only the Board itself can dismiss the appeal. It is expected that Board members will maintain the confidentiality of documents related to the appeal and not discuss these materials with those who should not be privy to such information.

Generally, matters relating to special education and Section 504 of the Rehabilitation Act of 1973 are not subject to review by the Board of Education, pursuant to Policy BLC: *Procedure for Review and Resolution of Special Education Disputes*; MCPS Regulation IOG-RB: *Accommodations and Services to Students Qualifying Under Section 504 of the Rehabilitation Act of 1973*, and by mandates of other state and federal laws. Furthermore, complaints concerning the conduct of MCPS personnel should be directed to the superintendent.

**Legal Reference:** Sections 4-205 (c), 7-305 (c), and 6-202(a), Education Article, Annotated Code of Maryland

## NEGOTIATIONS

The Board of Education designates the superintendent of schools as its representative in contract negotiations with the Montgomery County Association of Administrative and Supervisory Personnel (MCAASP), the Montgomery County Education Association (MCEA), and the Service Employees International Union Local 500 (SEIU Local 500). By law, the Board of Education is permitted to meet in closed session to discuss issues related to contract negotiations with the employee organizations. It is expected that Board members will maintain the confidentiality of issues discussed during closed sessions.

**Legal Reference:** Sections 6-408 and 6-510, Education Article, Annotated Code of Maryland

## PERSONNEL APPOINTMENT PROCEDURES

1. Under state law, it is the responsibility of the superintendent of schools to recommend the appointment of personnel to administrative and supervisory positions. These appointments are discussed by the Board of Education in closed session and confirmed by majority vote in public session.
2. The superintendent of schools notifies the Board in advance of the transfers of personnel to administrative and supervisory positions.
3. The Board of Education also receives and reviews a monthly personnel report in closed session and takes a public vote on the report. The report contains appointments of administrative and supervisory personnel, teachers

and supporting services personnel, terminations for all personnel, and notice of suspension and dismissal actions. In addition, the Board adopts resolutions expressing sympathy on the death of an employee.

## STAFF TO THE BOARD OF EDUCATION

In the case of *Fiscella, et al. vs. the Board of Education for Montgomery County, Maryland*, (Equity No. 40,161), the Circuit Court for Montgomery County Maryland, held that the Board had the authority to engage staff as necessary to enable the Board to carry out its functions. The Board adopted Policy BNB: *Board Staff Management and Operations*, which establishes guidelines for outlining the duties of the staff to the Board of Education and delineating the management and operations, including, but not limited to, hiring, evaluation, and professional development of Board staff.

Acting under the supervision of the chief of staff, the Board of Education staff shall provide general support to the Board of Education and its members to facilitate the discharge of their statutory responsibilities and coordinate with the superintendent of schools. Specifically, the Board office—

- responds to requests from members of the Board of Education, the superintendent of schools, staff, public, and other governmental agencies for information on past or pending Board business;

- provides legislative and intergovernmental information and support, including representation of the Board of Education's interests before appropriate legislative bodies and the Maryland State Board of Education;

- provides research assistance and analysis to members of the Board of Education;

- provides assistance and support to the Board in the selection of a superintendent of schools;

- keeps official records of Board of Education business and attends all Board of Education meetings when permitted;

- provides staff support, minutes, and follow-ups to Board of Education committees;

- coordinates the process of recruitment of nominations for appointment to Board of Education advisory committees;

- directs all appeal matters before the Board of Education in consultation with legal counsel to the Board;

carries out the responsibility of the administration of the office of the members of the Board of Education, which includes various logistical and administrative functions such as those relating to correspondence, scheduling, general staff support, ethics panel matters, financial disclosure process, travel expenses, use of technology, and Board member orientation;

provides timely reports on meetings attended by Board staff, reports and analysis on Board functions such as ombudsman activities, ethics work, legislative work and development of a legislative platform, and appeals; and

serves as an ombudsman;

attends meetings of public committees and of other school-community organizations at the direction of the Board in the capacity of an observer.

**Legal Reference:** Sections 6-201, Education Article, Annotated Code of Maryland

### ***Guidelines for the Function of the Ombudsman***

There are formal appeal procedures that protect the due process rights of parents, students, and residents, and grievance procedures to protect the right of employees. However, there are times when it is appropriate to initiate less formal inquiries into people's concerns and problems. As described in Policy BNB, *Board Staff Management and Operations*, the function of the ombudsman shall be retained by the Board of Education and the principal functions of the ombudsman shall be:

1. To assist employees, parents, residents, and students who have issues, complaints, information, or suggestions and bring them to the attention of school system officials at the most appropriate administrative level.
2. To periodically review with the Board and the superintendent of schools, all cases for inferences and suggestions with respect to opportunities for policy and administration improvements.

In carrying out these duties, the ombudsman shall:

1. Have access to all pertinent files, records, data, reference and research materials, and other such informational resources from the public schools, subject to the provision that material in the personnel file shall be made available only with the consent of the employee about whom the information is sought; confidential material in a pupil personnel file shall be made available only with the consent of the parent or guardian concerned.

2. Receive the cooperation of all employees of the public schools in the performance of these duties. It is essential to the function of the ombudsman that information be furnished to the ombudsman on a confidential basis and that such confidences be preserved.
3. Not undertake any duties or assignments which contravene the authority of the superintendent of schools as specified in the *Annotated Code of Maryland*, Education, or any other laws, bylaws, rules or policies of the State Board of Education; he/she shall not interfere with contractual grievance procedures but shall provide services in accordance with rights of staff members as specified in the Negotiated Agreements; and he/she shall not, while acting in the capacity of ombudsman, violate any of the constitutional rights of complainants or of the persons against whom complaints have been brought.

## BOARD OF EDUCATION CORRESPONDENCE PROCEDURE

The Board office maintains logs of all incoming and outgoing correspondence to/from the Board.

1. Incoming correspondence is distributed to all members of the Board and the superintendent of schools. Board Office staff determines whether correspondence requires a response and, if a response is required, assigns a due date for the preparation of the reply and directs the correspondence to the appropriate staff member. Staff prepares responses for the signature of the Board president or, in special cases, the Board president responds personally. Copies are provided to members of the Board.
2. Petitions and form letters are not duplicated for Board members. Staff counts the signatures and provides a sample page of the petition. One copy of the form letter is provided to the Board with a count of the number of form letters received.
3. Individual Board members have the option of responding directly to correspondence addressed to the Board or the individual member; however, that correspondence must clearly reflect that the views expressed therein are those of the individual member and not necessarily those of the entire Board of Education.
4. All incoming and outgoing memoranda to the Board are distributed to all Board members, the superintendent of schools, and appropriate staff. The superintendent of schools assigns the responsibility of preparing replies to Board memoranda and follows up to make sure a timely response is

prepared. Exceptions are confidential memoranda which may have expressly limited distribution. Board members and staff are expected to maintain the confidentiality of confidential memoranda.

## PUBLIC ACCESS TO CORRESPONDENCE AND MEMORANDA

1. It is the practice of the Board of Education to facilitate and allow access to its public records relating to written communications. Except as otherwise provided by law or herein, in general all written communications between the superintendent of schools or any other employee of the Montgomery County Public Schools and the Board of Education are available for inspection by members of the public. However, all written communications between the superintendent of schools or any other employee of the Montgomery County Public Schools and the Board of Education that contain confidential opinions or deliberative advice, which may assist the Board of Education in exercising its decision-making function shall not be made available to the public so as to preserve the integrity of and promote candor in the decision-making process. Such documents shall be marked "CONFIDENTIAL" and maintained by the Board of Education in a manner to preserve such confidentiality.

Examples of documents that generally will not be made available by the Board of Education to any member of the public pursuant to this section include, but are not limited to, documents containing confidential commercial information, confidential financial information, the home address or home telephone number of an employee of the Montgomery County Public Schools, personnel records of any employee of the Montgomery County Public Schools or the home address, home telephone number, biography, family, physiology, religion, academic achievement, or physical or mental ability of a student of the Montgomery County Public Schools.

2. All correspondence addressed to the Board of Education, the Board president, or to Board members that are received in connection with the transaction of public business are available for public inspection at reasonable times, unless they meet one of the criteria for denial in Maryland's *Public Information Act*.
3. The superintendent of schools is the official custodian of the records, with the authority to delegate this responsibility.
4. The requestor of records may be charged fees to cover the cost of searching, preparing, or photocopying a public record.

5. If the request for records is denied, the reasons must be consistent with Maryland's *Public Information Act*, subject to review by the Circuit Court of Montgomery County.

**Legal Reference:** Section 10-611 et seq., State Government Article, Annotated Code of Maryland

## ASSOCIATION MEMBERSHIPS

The Board of Education maintains membership in state and national school board associations, as well as educational associations. The Board determines which, if any, state and/or national affiliations it wishes to add or maintain. Organizational memberships currently include the Maryland Association of Boards of Education, the Legal Services Association, and the National School Boards Association.

## SCHOOL BOARD ATTORNEY

By state law, the Board of Education is empowered to retain counsel to represent it in legal matters. The Board's procedures for retaining, appointing, and reviewing the performance of counsel are contained in Policy BOA: *Legal Services*.

## BOARD MEMBER COMPENSATION AND EXPENSE STANDARDS

All members of the Board of Education are entitled to be reimbursed for expenses directly related to Board business, beyond compensation provided by law. Elected adult members receive an annual compensation of \$18,500, and the president receives an additional \$4,000. The student member receives a scholarship and is reimbursed for expenses. All Board members traveling on official business must exercise due care and prudence in incurring expenses. The expenses directly related to Board business for which a Board member may be reimbursed are as follows:

1. Automobile mileage (except for two regular business meetings a month) for hearings, special meetings, and other travel related to Board business or their responsibilities as Board members.
2. Parking, tolls, taxis, rail, bus, or air fare at a reasonable coach class rate.
3. Actual expenses for business-related meals for three meals per day. Actual expenses for meals at banquets or other events are reimbursed.
4. Telephone installation and monthly charges for an additional private line, fax line, Internet access, and telephone calls related directly to Board business.

5. Reimbursement for local newspapers and professional publications; supplies, postage, and other materials necessary to support Board members in discharging their responsibilities of Board members.
6. Transportation, meals, registration fees, and incidental expenses for non-local travel to meetings and conferences. Overnight stays in the Washington metropolitan area and counties outside of Montgomery County are considered local travel and will be by the most economic means.
7. All expenditures must be clearly documented with an original itemized receipt. All restaurant receipts must be annotated with the names of the meeting participants and purpose of the meeting.
8. Board members may not be reimbursed for the purchase of alcohol or cigarettes. No travel expenses will be paid or reimbursed for spouses and/or family members who accompany Board members. Expenses related to the operation of the Board of Education as an entity shall be expended at the discretion of the Board's chief of staff, in consultation with the Board officers.

Board members will be provided computer equipment and equipment appropriate for a home office. If equipment is purchased by MCPS for the use of a Board member, that equipment is the property of MCPS and reverts to MCPS at the conclusion of the member's term of office.

Once equipment funds budgeted for the Board of Education are expended, only the Board officers may authorize additional purchases. Board members will be provided with a semi-annual report on the status of Board office expenditures.

Procedures for processing monthly expense accounts are as follows:

1. Expense forms should be submitted to the Board office at the beginning of the next month for the prior month's expenses.
2. The chief of staff processes the reports and refers questions to the president of the Board.
3. The expense form is reviewed and signed by the chief of staff and the superintendent of schools (or his designee). Whenever possible, the expense form must be accompanied by appropriate itemized receipts and phone bills. Receipts for meal expenses must indicate clearly the names of meeting participants and an explanation of the purpose of the meal. Should a question arise about whether an expense is covered under these provisions, the matter shall be referred to the Board president for a ruling,

and if unresolved by the president, referred to the Board's Ethics Panel for a ruling. In the case of a dispute, the member shall be entitled to address the panel and to present evidence as to the nature of the challenged expense. Any decision of the panel as to whether a charge is covered by these provisions may be appealed to the Board, provided that any decision of the Board to overrule a recommendation by the panel must be made by recorded vote.

*Legal Reference:* Section 3-902, Education Article, Annotated Code of Maryland

## COMMENCEMENTS

Board members typically attend and officiate a number of high school graduations, which are proportionate for each member of the Board. The Board office staff works with the superintendent of schools to develop the protocols that principals are to follow during the commencement ceremony. These protocols should be reviewed and distributed annually with the commencement schedule. By tradition, Board members certify the graduation of students from high school by the following statement:

By virtue of the authority vested in the Board of Education of Montgomery County under the laws of the state of Maryland, I do now award diplomas or certificates evidencing the satisfactory completion of prescribed courses of study to the students of \_\_\_\_\_ High School who are recommended for graduation by the faculty of this school. In receiving this diploma or certificate, each of you is entitled to all of the privileges and honors accorded graduates of a high school accredited by the Maryland State Department of Education and the Middle States Association of Colleges and Secondary Schools.

RESOLUTION NO. 430-08

Re: **AMENDMENT TO THE HANDBOOK**

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

Resolved, That the Board of Education amend to following paragraph to read:

The Board of Education is empowered by state law to create advisory committees to advise the Board, facilitate activities and programs in the school system, and recommend possible changed in Board policy. This input guides and inform as decisions made by the Board. **Since input from the advisory committees guides and informs decisions by the Board, member of the Board should not routinely attend or participate in these meetings.**

In addition, there are advisory committees that report to the superintendent of schools. As provided by their charges, the **Board** and superintendent of schools advisory committees present their annual reports to the Board of Education.

Re: **AMENDMENT TO THE HANDBOOK**

Without objection, the amended to following paragraph to read:

**For operating budget and CIP hearings**, students, municipalities and the Montgomery County Council of Parent Teacher Associations (MCCPTA) shall be accorded the opportunity to testify first, followed by PTAs and then, on a first come, first served basis, individuals, civic, and countywide organizations. Usually, MCCPTA cluster coordinators, in consultation with the local PTA presidents, will coordinate testimony on behalf of local PTAs and notify the Board office of speakers within their allotted cluster time. Alternatively, such testimony may be coordinated by MCCPTA area vice presidents, in which case testimony may be grouped by areas and time allotted differently than stated above. Cluster coordinators and area vice presidents are strongly encouraged to ensure that diversity of opinions is accommodated when scheduling testimony.

\*Organizations include: Montgomery County Regional Student Government Association/ Montgomery County Junior Councils (MCR/MCJC), **National Association for the Advancement of Colored People (NAACP) Parents Council**, community organizations, MCCPTA, clusters and the unions.

RESOLUTION NO. 431-08

Re: **AMENDMENT TO THE HANDBOOK**

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

Resolved, That the Board of Education amend to following paragraph to read:

Transportation, meals, registration fees, and incidental expenses for non-local travel to meetings and conferences. ~~Overnight stays in the Washington metropolitan area and counties outside of Montgomery County are considered local travel and will be by the most economic means.~~ All Board members are encouraged to attend **conferences sponsored** by the Maryland Association of Boards of Education (MABE) and the National School Boards Association (NSBA) as part of their professional development. Board members interested in attending any other conferences or meetings that would require expenditure of fees for travel outside of Montgomery County must first seek review and approval by the Board Officers and the Board's Chief of Staff who will consider whether participation is necessary to promote the Board's priorities and is in alignment with the work of the Board. **Board officers cannot participate in the approval process for their requests.**

Re: **AMENDMENT TO THE HANDBOOK**

Without objection, the amended to following paragraph to read:

As described in Policy BNB, *Board Staff Management and Operations*, the function of the ombudsman shall be retained by the Board of Education **and performed by staff in the Board of Education office**, with the principal functions as follows:

- b) A list of items to be scheduled for future business meetings. The superintendent of schools or his/her designee ~~informs~~ **works with** Board officers **to identify** of the status of items to be scheduled and suggests dates for their presentation. The Board office maintains a continuous listing of future agenda items.

RESOLUTION NO. 432-08

Re: **APPROVAL OF BOARD OF EDUCATION HANDBOOK**

On motion of the Policy Committee, the following resolution was adopted unanimously by members present:

WHEREAS, On September 10, 1985, the Board adopted a Handbook for the Montgomery County Board of Education, governing the operations and procedures of the Board; and

WHEREAS, On July 14, 1998, the Board of Education last comprehensively updated the handbook; now therefore be it

Resolved, That the Board of Education approve the attached Handbook for the Montgomery County Board of Education, superseding all previous resolutions addressing matters contained in the handbook; and be it further

Resolved, That staff be directed to publish the handbook in a convenient format to be made readily available, as soon as feasible, to Board members, MCPS staff, Board candidates, and the community-at-large; and be it further

Resolved, That staff to the Board of Education will, in a timely manner, update provisions of the handbook whenever the Board enacts future resolutions pertaining to matters contained in the handbook; and be it further

Resolved, That the Board's policy committee will engage in a comprehensive review of the handbook at least once every four years to ensure its remains a viable and valid resource.

**BOARD OF EDUCATION HANDBOOK**

## Introduction

The purpose of this Handbook is to provide a useful tool for members of the Board, staff, residents and students regarding the manner by which the Board typically operates and carries out the authority delegated to it by law. This Handbook is not intended to mandate any process that is binding upon the Board unless that process is otherwise required by law. To that end, the particular laws that are applicable to the Board shall govern over the terms of this Handbook.

### AUTHORITY AND RESPONSIBILITIES OF THE BOARD OF EDUCATION

The powers and mandatory duties of the Board of Education are defined in the Education Article of the Annotated Code of Maryland and Title 13A of the Code of Maryland Regulations. The Board's primary responsibilities, aligned to support the school system's strategic plan *Our Call to Action: Pursuit of Excellence*, include, but are not limited to the following:

1. Selecting and appointing the superintendent of schools.
2. Formulating and interpreting policies.
3. Adopting operating and capital budgets.
4. Making decisions on educational, budgetary, facility and financial matters (including authorization of legal settlements).
5. Establishing curriculum guides and courses of study.
6. Making a continuous appraisal of the educational and administrative management of the school system.
7. Establishing school boundaries.
8. Communicating with residents, staff, and students.
9. Acting in a quasi-judicial capacity, in particular, deciding appeals.
10. Advancing a legislative agenda.
11. Appointing personnel.

In addition to those mandatory duties that are defined in law, the Board is committed to the "Key Work of School Boards," developed by the National School Boards Association. The "Key Work of School Boards" encompasses the following eight areas of action:

1. Establishing a clear vision of student achievement as the top priority of the school Board, staff, and community.
2. Setting clear standards for student performance.
3. Establishing an assessment process that measures success at regular intervals.
4. Establishing a strong accountability process.
5. Aligning resources to focus on students meeting the standards.
6. Creating a positive climate for student success.
7. Building collaborative relationships with political and business leaders, with a focus on developing a consensus for student success as a top community priority.

8. Committing to continuous improvement for student achievement.

**Legal Reference:** Sections 4-108, 4-109, 4-111, and 4-114, *Education Article, Annotated Code of Maryland*

#### AUTHORITY OF INDIVIDUAL BOARD MEMBERS

State law sets forth that power belongs not to individual members of a Board of Education but to the Board of Education itself. Board members have authority only when acting as a Board of Education in a legally constituted session, with a quorum being present. The statement or action of an individual member or group of members of the Board of Education does not bind the Board of Education itself, except when that statement or action is authorized by an official act of the Board.

#### COMPOSITION OF THE BOARD AND BOARD MEMBER QUALIFICATIONS

The Board is comprised of eight members: 5 elected members, each of whom resides in a different Board of education district; 2 elected at-large members, and 1 student member. With the exception of the student member, all Board members must be registered voters of Montgomery County and may not be subject to the authority of the Board.

The seven full-voting members are elected to a four-year term at the general election every two years. Four members (three by district and one at large) are elected in gubernatorial election years, and three members (two by district and one at large) are elected in presidential election years. All voters in the county vote for all elected members of the Board of Education, regardless of the candidate's district. Notwithstanding when the ceremonial oath of office is administered, the Board member's term begins on December 1 after the election and continues until a successor is elected and qualifies.

The student member must be a resident of Montgomery County and a regularly enrolled junior- or senior-year student from a Montgomery County public high school. The student Board member is elected for a one-year term each year by students enrolled in middle and high schools in the Montgomery County Public Schools. The student's term of office begins on July 1 after the election.

**Legal Reference:** Section 3-901, *Education Article, Annotated Code of Maryland*

#### STUDENT BOARD MEMBER

The qualifications, election, and provisions relating to the student member of the Board are set forth in state law. The student member has the same rights and privileges of an elected member, except that the student member may not vote on matters relating to capital and operating budgets, school closings, school reopenings, school boundaries, personnel matters governed by Section 6-202 of the Education Article, and collective bargaining. The student member may indicate a preference, and the vote of the student is recorded in parentheses on these issues. If invited to do so by a majority vote of the seven full-voting members of the Board, notwithstanding the lack of a vote, the student member may attend

personnel hearings pursuant to Section 6-202 and closed sessions related to collective bargaining. The student member may also make motions or second motions made by others. However, his or her right to vote on such motions is predicated upon whether it concerns a matter on which the student member's vote counts.

A student member who completes a full term on the Board shall be granted a scholarship of \$5,000, to be applied toward the student's higher education costs. Upon completion of the tenure on the Board, the student member is awarded one full credit in social studies and student service learning hours equivalent to hours devoted to being the student member of the Board.

The student member may distribute diplomas and/or certificates at high school commencements but may not confer his or her own diploma.

**Legal Reference:** Sections 3-901, 3-902, and 6-202, *Education Article, Annotated Code of Maryland*

#### ELECTED BOARD CANDIDATES AND MEMBERS-ELECT

Election procedures are found in the Election Article of the Annotated Code of Maryland. Board candidates for election by the general public are required to file public financial disclosure statements for the preceding calendar year with the Montgomery County Board of Supervisors of Elections at the time they submit their certificate of candidacy. After the candidate's election to the Board of Education, the Board of Supervisors of Elections sends the financial disclosure form to the Board of Education's Ethics Panel.

The Board's practice is to use the following processes for Board member candidates:

1. Materials, except items of a confidential nature, for Board business meetings are available to candidates and the general public on the school system's website.
2. Members-elect, including the student member-elect, receive all Board materials, (excluding items of a confidential nature) that are provided to Board members and are invited to attend all meetings of the Board (except for closed sessions) but are not permitted to vote at those meetings.
3. Newly elected Board members are usually seated at the outside ends of the Board table.

**Legal Reference:** Section 8-801 et seq., *Election Article, Annotated Code of Maryland*

#### NEW BOARD MEMBER ORIENTATION

Following the election of new members, the Board of Education officers provide for an orientation to the Board's operation and processes. Information is provided about the functions of the office of the Board of Education and the working relationships with the superintendent of schools and the staff of the Montgomery County Public Schools. In addition, information is provided about the roles and responsibilities of Board members as well as the role and responsibilities of the superintendent of schools. New Board members are encouraged to attend the orientation sessions organized by the Maryland Association of Boards of Education (MABE). The orientation sessions are usually held twice a year; in the fall just before the MABE conference and in December after the general elections. New

Board members that are elected by the general public are informed that they must file financial disclosure statements annually with the Board's Ethics Panel.

FILLING VACANCY OF BOARD  
MEMBER'S UNEXPIRED TERM

In the event of the resignation, death or removal from office of an elected Board member (all members except the student Board member), the remaining members of the Board will select a qualified individual to fill the vacancy. In the event the vacancy is caused by a member who is required to reside in a particular education district, the person appointed to fill the vacancy also must reside in the same district at the time of appointment and while serving out the unexpired term. This individual will serve for the remainder of the term and until a successor is elected.

State law also requires that the individual must be a registered voter of Montgomery County and that individual subject to the authority of the county Board may not serve as a member of the Board. For example, although an employee of the school system would be eligible for appointment, he or she would have to resign as an employee in order to serve as a member of the Board.

When filling Board vacancies, the Board typically discusses the establishment of the process in closed session. The incumbent Board member who is resigning does not take part in the appointment process.

Traditionally, the process commences with the Board soliciting interest among individuals within the appropriate district and inviting application to be made to the Board office by a set date. The public notice sets out the qualifications established by law and any questions prepared by the Board. Interested persons are asked to submit a resume or brief record of their personal history and relevant civic, professional, employment, and other experience, along with a cover letter indicating their home address and certifying to their being a registered voter and a resident of the affected district. Notice is typically disseminated through a general press release, a posting on the website, a circulation via email/Quick Notes, and on cable television.

Selected candidates are interviewed by the Board in a public session. At the interview, the candidates provide responses to questions that address their experience, priorities, and expectations for the job. The Board appoints the individual who garners a majority vote of the remaining Board members.

In the event of a vacancy in the student Board member position, the individual receiving the second highest vote in the most recent election shall be seated as the student member for the remainder of the term.

**Legal Reference:** Sections 3-901 and 3-114(b), *Education Article, Annotated Code of*

*Maryland*

## REMOVAL OF BOARD MEMBER

Pursuant to statute, the County Council may remove a Board member for immorality, misconduct in office, incompetence, or willful neglect of duty. The member may request a hearing and have an opportunity to be heard publicly before the County Council. The member also has the right to a *de novo* review of the removal by the Circuit Court of Montgomery County.

**Legal Reference:** Section 3-901, Education Article, Annotated Code of Maryland

## DUTIES OF BOARD OFFICERS

The officers of the Board of Education are the president, vice president, and, by law, the superintendent of schools as the executive officer, secretary, and treasurer.

The president presides at all meetings, signs authorized or approved contracts and other documents on behalf of the Board, represents the views of the Board in all communications and correspondence, and performs other duties prescribed by law or by the Board. The president may appoint ad hoc committees of the Board and/or staff members to assist the Board with its work, study specific issues or undertake Board projects. In the absence of the president, the vice president performs these duties.

If both the president and vice president are absent from a Board meeting, the superintendent of schools presides until a president pro tem is elected from among the Board members. The president and vice president are elected at the Board's annual organization meeting.

## ETHICS AND CODE OF CONDUCT

The Board of Education, the superintendent of schools, and Montgomery County Public Schools employee organizations have adopted a compact of an organizational culture of respect. The compact is part of the school system's strategic plan, *Our Call to Action: Pursuit of Excellence*. With this compact, all parties commit to an organization that recognizes and values the role of all employees as contributors to a learning community that sets high standards of performance for staff and students.

In addition to the Board's Policy BBB: *Ethics Policy*, which governs actions of its members, school officials, and employees, the Board has also adopted the following Code of Ethics, as recommended by the National School Boards Association:

"As a member of my local Board of education I will strive to improve public education, and to that end I will—

Attend all regularly scheduled Board meetings insofar as possible, and become informed concerning the issues to be considered at those meetings;

Recognize that I should endeavor to make policy decisions only after full discussion at publicly held Board meetings;

Render all decisions based on the available facts and my independent judgment, and refuse to surrender that judgment to individuals or special interest groups;

Encourage the free expression of opinion by all Board members, and seek systematic communications between the Board and students, staff, and all elements of the community;

Work with other Board members to establish effective Board policies and to delegate authority for the administration of the schools to the superintendent of schools;

Communicate to other Board members and the superintendent of schools expressions of public reaction to Board policies and school programs;

Inform myself about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by my state and national school boards associations;

Support the employment of those persons best qualified to serve as school staff, and insist on a regular and impartial evaluation of all staff;

Avoid being placed in a position of conflict of interest, and refrain from using my Board position for personal or partisan gain;

Take no private action that will compromise the Board or administration, and respect the confidentiality of information that is privileged under applicable law; and

Remember always that my first and greatest concern must be the educational welfare of the students attending the public schools.

The Board adheres to the following principles which reflect its commitment to work together as a Board in the best interest of the school system:

Respecting individual differences and opinions and being open-minded  
Being prepared to do the work of the Board

Supporting decisions of the Board and not working against them

Reassessing the way the Board does business

Disagreeing on issues without making it personal

Keeping confidential issues and closed session issues within the Board

Being candid in expressing opinions

Improving communications among all Board members

Maintaining professional decorum during Board meetings

Members shall maintain the confidentiality appropriate to sensitive issues and information that otherwise may tend to compromise the integrity or legal positions of the Board or the school system, especially those matters discussed in closed session. If, for any reason, a Board member prefers not to participate in a confidential discussion that is authorized or has a conflict of interest with the subject under discussion, he or she should leave the meeting before it begins or that particular subject is discussed. (See "Closed Session" section of this handbook for additional information.)

During the annual organizational meeting which is described below, the Board should review and re-affirm all the principles concerning the Code of Conduct and the compact concerning the organizational culture of respect. Given that the Board is committed to faithful compliance with the provisions of these documents and the Board's policies, the Board may take appropriate action in the event of a member's willful and continuing violation.

### **FINANCIAL DISCLOSURE**

Policy BBB, *Ethics*, requires that each Board member complete an annual financial disclosure statement for the preceding calendar year. These statements will be made available during normal office hours for examination and copying by the public, subject to whatever reasonable fees and administrative procedures are established. Financial disclosure statements must be completed by candidates seeking election by the general public to the Board of Education. Candidates will file the statement with the Board of Supervisors of Elections at the time candidates submit their certificate of candidacy. Upon a candidate's election by the general public to the Board of Education, the Board of Supervisors of Elections should transmit that disclosure statement to the Board Ethics Panel. The Board's Ethics Panel is responsible for reviewing all financial disclosure statements for completeness of form and for determination of any existing or potential conflicts of interest. The Student Member of the Board does not complete a financial disclosure form.

### **APPOINTMENT OF THE SUPERINTENDENT OF SCHOOLS**

Maryland state law governs the appointment, term, qualifications, vacancy, and removal of the superintendent of schools. The term of the superintendent of schools is four years beginning on July 1. The superintendent of schools serves until a successor is appointed and qualifies. By February 1 of the year in which a term ends, the county superintendent of schools must notify the Board whether or not he/she is a candidate for reappointment.

In the year in which a term begins, the Board of Education appoints the superintendent of schools between February 1 and June 30. Should the Board decide to reappoint the incumbent superintendent of schools, the Board must take final action at a public meeting no later than March 1 of that year.

The appointment of the superintendent of schools is subject to written approval of the state superintendent of schools. If there is a vacancy in the office, the Board shall appoint an interim superintendent of schools who serves until July 1 after his/her appointment.

**Legal Reference:** Section 4-201, Education Article, Annotated Code of Maryland

RESPONSIBILITIES AND DUTIES OF  
THE SUPERINTENDENT OF SCHOOLS

The superintendent of schools is responsible for the administration of his/her office and carries out the laws, bylaws, and policies of the Maryland State Board of Education as well as the rules, regulations, and policies of the Montgomery County Board of Education.

The superintendent of schools advises the Board of Education on educational policies of the school system, school attendance areas, curriculum guides and courses of study, and any question under consideration by the Board. The superintendent of schools recommends contracts, to the extent required by law, and other documents for Board approval. The superintendent of schools also informs the Board in advance of administrative reorganizations, including transfers of functions, establishment of positions and offices, and consolidations of positions and offices.

The superintendent of schools proposes annual operating and capital budgets to the Board of Education. The superintendent of schools attends all meetings of the Board, as well as committee meetings as requested, except when the Board is considering appeals in its quasi-judicial role in closed session, or when the superintendent of schools' tenure, salary or the administration of his/her office is under consideration. The superintendent of schools may advise the Board on any question under consideration at the meetings which he/she is permitted to attend but may not vote. In the absence of the superintendent of schools, the deputy superintendent of schools or designee fulfills these duties. By contract, the Board of Education regularly evaluates the superintendent of schools on the achievement of mutually agreed upon priorities and objectives.

By law, the superintendent of schools, as executive officer, secretary, and treasurer of the Board, keeps a record of the proceedings of each meeting of the Board and of all actions taken by the Board.

The superintendent of schools recommends the appointment of administrative and supervisory personnel to the Board of Education for its approval, whether by discrete

personnel actions or by way of a monthly personnel report approved by the Board. The superintendent of schools also informs the Board in advance of transfers of administrative and supervisory personnel. In the monthly personnel report, the superintendent of schools recommends approval of personnel appointments, terminations, and disciplinary actions of MCPS personnel.

**Legal Reference:** Sections 4-205 and 6-201, *Education Article, Annotated Code of Maryland*

#### MEETINGS OF THE BOARD OF EDUCATION

All meetings of the Board of Education are public meetings, except for closed sessions and as otherwise permitted under state law.

#### **Agenda Setting for Business Meetings**

The Board of Education has control over educational matters that affect the county and promotes the interests of schools under its jurisdiction. The Board of Education adopts a strategic plan to guide the school system in developing, implementing, and improving educational programs for its students. With the advice of the superintendent of schools, the Board of Education establishes priorities together with specific objectives for the attainment of these priorities. Following the establishment of priorities, the superintendent of schools and Board members recommend agenda items for Board meetings based on these priorities and by adhering to the following process:

1. Prior to July of each year, the Board of Education receives a master calendar of Board meetings and hearings for the ensuing year.
2. The Board office schedules regular agenda-setting meetings with Board officers, the superintendent of schools, and designated staff. The following items are discussed at these meetings:
  - a) The agenda for future business meetings. The superintendent of schools or his/her designee advises the Board officers of time requirements for agenda items, the status of major items to be discussed at Board meetings, and the availability of staff to be present for Board discussions.
  - b) A list of items to be scheduled for future business meetings. The superintendent of schools or his/her designee works with Board officers to identify the status of items to be scheduled and suggests dates for their presentation. The Board office maintains a continuous listing of future agenda items.
  - c) Review of future Board meetings. The superintendent of schools or designee and Board officers review a calendar of future Board meetings

(regular and special), closed sessions, public hearings, and work sessions.

After the agenda-setting meeting, copies of materials agreed upon are sent to Board members, executive staff, and posted to the Board's website. Board members are encouraged to share their interest regarding scheduled items to inform staff presentations.

3. An item may also be placed on a Board meeting agenda through a motion and a second under the "New Business" portion at a business meeting provided a majority of the Board approves that motion at a subsequent meeting. Unless stated in the motion, the scheduling of any New Business item may be determined by the Board officers and superintendent of schools, with every effort being made to schedule major action items when all Board members can be present.

4. Prior to a Board meeting, with as much advance notice as possible, Board members who need information or desire staff members to be available to answer questions at the table about an issue should alert Board staff to request that the superintendent of schools answer those questions and/or provide the information needed.

5. After business meetings and public hearings, the Board and superintendent's staff discuss items raised during the Board meeting, assign responsibilities for follow-up items, and review draft agendas and calendars for future Board meetings.

### **Preparation of Meeting Materials**

Before every business meeting, packets of Board agenda materials are prepared for Board members and key staff. Board packet materials are not released to the public until Board members have received them. Board meeting packets are normally available online on the Fridays prior to regular Board meetings. Complex items which require extensive study should be distributed to Board members in advance of the regular distribution of Board materials to allow sufficient time for review and Board consideration.

### **Open Public Meetings and Notice**

Meetings of the Board of Education, including its standing committees, are open to the public except when meetings may be held in closed session under the Maryland Open Meetings Act. The public must be provided with adequate notice of the time and location of meetings. When a meeting is held in open session, the general public is entitled to attend. Under state law, the Board of Education has the authority to adopt and enforce reasonable rules regarding the conduct of persons attending its meetings, as well as the videotaping, televising, photographing, broadcasting or recording of its meetings. If the presiding officer determines that the behavior of an individual is disrupting an open session, the public body may have an individual removed. Unless the Board of Education, its members or its agents acted maliciously, they are not liable for having an individual removed from the meeting.

**Legal Reference:** Sections 10-501 et seq., *State Government Article, Annotated Code of Maryland*

### **Annual Organizational Meeting**

According to state law, the Board of Education must conduct an annual meeting on or before January 10 for the election of a president and vice president. However, the Board traditionally conducts its election of officers as the first order of business at its first business meeting in December, but, in any event, no earlier than December 1 or the date on which new members are sworn in, whichever is later.

The annual organizational meeting is traditionally combined with a regular business meeting.

The meeting is called to order by the secretary-treasurer (by law, the superintendent of schools). The names of all members are automatically placed in nomination. Through an individually recorded written vote, the members elect a president and vice president from among the currently sitting members by majority vote. The election for president shall precede the election for vice president. Immediately upon their election, the president and vice president shall assume the duties of their office.

In addition to selecting the president and vice president, the Board must also fill vacancies on the Board's standing committees, including designating the chair for each of the committees. The Board should also reaffirm its commitment to the Code of Ethics and the compact concerning the organizational culture of respect.

**Legal Reference:** Section 4-107, *Education Article, Annotated Code of Maryland*

### **Regular Business Meetings**

1. The Board usually conducts two business meetings per month, except for the month of August during which the Board is in recess. The all-day business meeting is usually held on the second Tuesday of the month, and the evening business meeting is usually held on the second Monday following the all-day meeting. These meetings are held at the offices of the Board of Education at the Carver Educational Services Center in Rockville, Maryland, unless otherwise designated.

2. Every effort is made to schedule items of significant public interest at times convenient to the general public, and a special effort is made to group similar and major educational issues together during business meetings.

3. At every business meeting, 30 minutes are set aside for Public Comments from residents to encourage public participation. The first fifteen (15) speakers who contact

the Board office by telephone on the Monday prior to the business meetings are granted two (2) minutes each to speak as follows:

The Board will reserve ten (10) of the fifteen (15) slots for public comments for speakers who wish to comment on issues that are on the agenda for that day's Board meeting. The other five (5) slots will be reserved for speakers who wish to comment on other issues that are not specifically on the agenda. The Board office accepts phone calls on the Monday before the Board meeting. If the Board office is closed on a Monday, callers may register to speak by calling as of 8:30 a.m. that Tuesday. The time period from 10:00 to 10:30 a.m. will be for speakers who wish to address issues relating to the day's agenda, and 11:00 to 11:30 a.m. will be for speakers who wish to address other issues.

Unallocated slots may be filled—first come, first served—on the day of the meeting by signing the appropriate sheet at the Board meeting no later than 15 minutes prior to the scheduled time for Public Comments. Public input on policy, program, and practices are encouraged, but Public Comments is not the proper avenue to address specific student or employee matters. Everyone is encouraged to utilize existing avenues of redress for complaints. Comments about the actions or statements of individual staff members should be referred to the superintendent of schools or processed through available channels. Speakers are requested to provide twenty (20) copies of their testimony.

4. The advance meeting agenda shall indicate if an item is intended for discussion (D), action (A), and information (I). Notwithstanding the designation, any member can make a motion germane to an agenda item before the Board.

5. In addition to taking action on scheduled items, the agenda of each business meeting contains an opportunity for Board members and the superintendent of schools to make comments on activities, request information, and ask questions of a general nature. Requests for information that the majority of the Board agrees would entail the commitment of a considerable amount of time of staff to respond shall require approval by the Board. During the meeting, presentations by staff to the Board emphasize key highlights of the paper and recommendations, ensuring that the Board has sufficient time to discuss the agenda item.

6. An item may be placed on the Board agenda through a motion and a second under New Business at a business meeting, provided a majority of the Board approves that motion at a subsequent meeting. Unless stated in the motion, the scheduling of any New Business item shall be determined through the agenda-setting process described above. Except for policy matters, items that are time sensitive may be voted upon during the same meeting as introduced if the Board members by majority vote so concur. Board member proposals to establish special programs where a substantial amount of staff time is needed to develop the programs must be approved in accordance with Board procedure for establishing and evaluating special programs. Prior to voting on an item of new business

which seeks a paper from the superintendent of schools, the superintendent shall be asked how much time it would take staff to prepare a response.

7. At every business meeting, time shall be set aside for Consent Items, consisting of matters which the Board president or superintendent of schools believes will be adopted by unanimous vote. Approval of the consent agenda shall include the approval, of all items included as consent items, provided that any member may defer to the end any item on which discussion is desired, after which a separate vote shall be taken.

8. Meetings are to begin promptly at the starting time on the agenda, a quorum being present. Closed sessions normally are scheduled at the start, lunch hour, and/or end of the meeting. Usually, evening meetings will be scheduled to begin with closed session at 5:30 p.m., open session at 6:00 p.m., and attempt to conclude no later than 9:30 p.m.

### ***Special Meetings***

Other than regularly scheduled business and committee meetings publicized in advance, the Board may meet for work sessions and policy development sessions. As part of its master calendar, the Board schedules annual meetings with the officers of the Montgomery County Region of Student Councils, Montgomery County Junior Councils, Student Government Association presidents, Montgomery County Council of Parent Teacher Associations, Montgomery County Association of Administrative and Supervisory Personnel, Montgomery County Education Association, Service Employees International Union (SEIU) Local 500, and PTA clusters (the latter on a rotating basis). The Board may also meet from time to time in informal meetings with other elected and appointed officials and education, civic, and community organizations. These meetings may be held at the offices of the Board of Education or in communities throughout the county.

Special meetings may also be called by the president of the Board, by the superintendent of schools, or at the written request of a majority of the Board. Whenever possible, at least 24 hours' notice of special meetings and their purpose will be given to each Board member and, whenever feasible, meeting dates will be determined in consultation with Board members.

Business that does not come within the purposes set forth in the call for the meeting may not be transacted at a special meeting, unless all Board members are present and agree unanimously to the consideration of the additional item(s).

### ***Retreats***

The Board usually schedules at least two annual retreats a year for team building, priority setting, discussion of Board operations and goals, and to prepare for contract negotiations. Following an election, one of the annual retreats will be scheduled in January with the new

Board. The retreats will be held in compliance with the Maryland Open Meetings Act as required by law.

### ***Closed Sessions***

Under the Maryland Open Meetings Act, the Board of Education is authorized to meet in closed session and retreats to discuss among other things, personnel matters, acquisition of real estate, pending litigation, collective bargaining issues, matters protected from public disclosure by law, and to obtain legal advice. The Open Meetings Act also requires that, before meeting in closed session, the Board must give reasonable advance notice of the closed session. Further, after a closed session is held, the Board must also provide a report concerning the closed session's topic(s) of discussion. In order to accomplish these objectives, at every business meeting, the Board adheres to the following guidelines:

1. For the closed session that occurred at the previous Board meeting, a statement will be made at the next Board meeting that includes the time, place, and purpose of the closed session; a record of the vote of each member as to closing the session; a citation of the authority for closing the session; and a listing of topics of discussion, persons present, and each action taken during the session.

2. Immediately prior to convening a closed session for the current Board meeting, the president shall conduct a recorded vote on closing the session. Further, the Board shall adopt a resolution in open session that includes the reason for closing the meeting, including a citation of legal authority and a listing of the topics to be discussed.

3. For the closed session that is to occur at the next Board meeting, the Board shall adopt a resolution that provides the date, time, and place of the session and, if appropriate, a statement that all or part of the meeting will be conducted in closed session.

4. Closed sessions may be called by the president at any time, at the request of any member or the superintendent of schools. However, the Board must take a public vote to go into closed session and must give public notice of the meeting by delivering a notice of the date, time, and place of the meeting to the news media or posting the notice at the meeting site. If an emergency session is required, the Board must give notice of the session and take a public vote to go into closed session. The presiding officer shall conduct a recorded vote on the closing of the meeting and shall make a written statement setting out the reason for closing the meeting, the specific provision of the Open Meetings Act that allows the meeting to be closed, and the topics to be discussed at the closed session.

5. It is the responsibility of all Board members to monitor the topics discussed in closed session to ensure that the topics discussed are appropriate for closed session.

6. Board members and staff are expected to maintain the confidentiality of closed session. The attorney general has ruled that, although the Montgomery County

Board of Education is without power to discipline its members, it is free to adopt a resolution that expresses its disapproval of a member's action in disclosing the contents of a closed session discussion.

**Legal Reference:** Section 4-104, *Education Article* and Section 10-508, *State Government Article, Annotated Code of Maryland*

#### PROTOCOLS FOR ABSENTEE PARTICIPATION

Members of the Board may participate in a regular or special meeting of the Board of Education, including any closed session thereof, by means of a telephone conference call, pursuant to the following protocols:

1. The absent Board member may participate in the meeting by telephone conference only when a family, work, or other bona fide emergency prevents the Board member from attending the meeting in person. Board members are expected to attend meetings in person; this provision is not to be used as a mechanism for Board members to cease attending meetings in person.

2. The absent Board member who wishes to participate in the meeting, or a portion of the meeting, by telephone, must make his or her request known to the Board President and the Board Office at least 24 hours prior to the scheduled commencement of the meeting, along with the direct telephone number at which the absent Board member will be reachable for the item(s) on the agenda he or she wishes to participate.

3. To comply with the Open Meetings Act, the absent Board member may participate in the open session of a regular or special meeting only if the telephone call can and will be broadcast over a speaker phone or other similar technology capable of allowing the absent Board member to hear, and be heard by, the attending Board members and members of the staff, public, and press present at such meeting, or a portion thereof.

4. Any member of the Board who participates in a Board meeting by telephone conference call will not count toward the number of members necessary to constitute a quorum at such meeting.

5. However, any Board member who participates in a meeting by telephone conference call will be permitted to consider, discuss, and vote upon any matter properly before the Board in the same fashion and with the same effect as if such member were physically present at the meeting. The minutes of any meeting at which such absent Board member participates in this manner will reflect that such member participated by telephone conference call and was not physically present during such meeting.

6. For open sessions of the Board meeting, the absent Board member will call in at an appointed time on the open session's meeting agenda into a pre-designated phone

number to staff or staff will call the absent Board member, after which the Board member will be advised to wait until the Board President invites the absent member to join in the dialogue. Concurrently, the Board President will be notified by staff as to the name(s) of the Board member(s) who is (are) holding on the telephone line to join in the dialogue. The absent Board member should not speak until called upon by the Board President.

7. For closed sessions of the Board meeting, at which an absent Board member wishes to participate by telephone, a multi-directional speaker phone shall be placed on the conference room table and utilized so that the absent Board member(s) can hear, and be heard by, the attending Board members and staff, and to participate fully in the closed session of the meeting. Staff present at the closed session will make the call to the absent Board member(s) designated phone number to get them on the telephone at the desired portion of the closed session agenda.

8. To avoid dropped calls and to preserve confidentiality of any calls during closed session deliberations, calls from absentee Board members are strongly encouraged to be made from land line telephones.

9. To avoid either electronic interference or multi-second time delay, the absent Board member should undertake all efforts to mitigate any noise in his/her proximity, including but not limited to turning off any sound of the cablecast or webcast of the Board meeting while participating by telephone.

10. Due to the limitation on the number of outside telephone lines running to the control booth and Board Room, and to ensure the presence of a quorum, no more than three absentee Board members may participate by telephone conference call concurrently.

**Legal Reference:** Section 10-501 et seq., *State Government Article, Annotated Code of Maryland*

#### RULES OF ORDER

The Board of Education observes *Robert's Rules of Order, Newly Revised* in conducting its meetings, except as provided otherwise either in this handbook or Board policy. Moreover, the Board is guided by its own rules, state statutes, and Maryland State Department of Education bylaws, which establish the following:

1. A motion is not adopted without the approval of five members, with the exception of those matters on which the student member's vote does not count, in which instance the motion requires the approval of only four members.

2. The Board adopts its agenda at the beginning of a business meeting. Times listed on the agenda are intended for guidance only. Unless changed by the Board, the order in which items appear on an agenda will be followed. Any changes in the adopted agenda are made by majority vote.

3. A quorum consisting of a majority of the full Board shall be present to convene a meeting. Thereafter, the quorum required to transact business will vary depending upon whether the student member's vote counts.

4. A new business item shall lie on the table until the next business meeting before being voted upon by the Board. This provision may be waived without notice if all members are present and there is unanimous agreement.

5. The rules and regulations governing the operations of the Board (except those required by statute and governing special meetings and policy issues) may be amended by a majority vote of the Board at any meeting, provided that each member shall have been furnished a copy of the proposed amendment at least one week in advance. Robert's Rules state, "Rules protecting absentees or a basic right of the individual member cannot be suspended, even by general consent or a unanimous vote."

6. The Board's chief of staff serves as parliamentarian to the Board of Education.

#### RECORD OF BOARD MEETINGS

The Board of Education maintains records of meetings as follows:

1. Records of the Board's business meetings and hearings are retained in the Board Office and online. All Board business meetings are televised and are available online via webcast.

2. The minutes of all public meetings contain actions taken by the Board and a summary of the Board's discussion. A Board member may specifically request that a statement on a subject be reflected in the minutes. Although the student's vote does not count on some issues, the minutes will reflect the student's voting preference.

3. Minutes of closed sessions include a list of each item considered, the action taken, and each recorded vote.

4. Recordings and minutes of meetings open to the public are available as a matter of public record on the Board's website, as well as in the Board Office.

#### PUBLIC PARTICIPATION

The members of the Board of Education desire to hear the views and have the advice of interested residents. To help ensure effective public participation in the decision-making process, the Board:

1. Advertises the agenda and supporting documents on the school system's website no later than the Friday before the business meeting. Furthermore, copies of agenda materials are available to the public on the day of the business and special meetings.

2. Involves residents and students on advisory committees.
3. Holds public hearings on the strategic plan, the operating and capital budgets, and on issues of wide public interest.
4. Provides time at its business meetings for the public to comment on educational issues and other matters before the Board.
5. Encourages residents to communicate with Board members by publishing public telephone numbers, fax numbers, mailing addresses, and e-mail addresses.
6. Widely circulates proposed policies for comment.

#### POLICY DEVELOPMENT AND ADOPTION

The Board of Education has adopted Policy BFA: *Policysetting*, which includes a definition of “policy” and a uniform format for policy development and implementation, including publication, monitoring of implementation, and review. Discussion of a new policy usually takes place over four meetings—one for the Board’s Policy Committee to discuss the superintendent’s policy analysis, the second for the Board to take tentative action on the Policy Committee’s recommendations, the third for the Policy Committee to review public comments on the policy and any additional staff recommendations, and the fourth for the Board to take final action on the policy.

#### Board Committee Meetings

As the Board deems appropriate, standing and ad hoc committees and subcommittees shall be established by resolution, reflecting their mission and composition. After initial appointments for standing committees are made, future vacancies shall be filled at the all-day meeting each December. Committees shall decide upon their own meeting schedules and make recommendations and updates to the full Board, as appropriate. The Board shall consider any recommendations from a committee after having provided the opportunity to the superintendent of schools to make a recommendation or otherwise advise the Board as to its committee recommendation. All committee meetings are governed by the Opening Meetings Act.

#### BOARD ADVISORY COMMITTEES

The Board of Education is empowered by state law to create citizen advisory committees to advise the Board, facilitate activities and programs in the school system, and recommend possible changes in Board policy. This input guides and informs decisions made by the Board. Since input from the advisory committees guides and informs decisions by the Board, members of the Board should not routinely attend or participate in those meetings.

Committees may be ongoing or created for special purposes on a short-term basis. A listing

of current Board advisory committees is available online. Committees appointed by the Board are subject to the Open Meetings Act.

Moreover, pursuant to law and policy, the Board of Education has appointed an Ethics Panel, which interprets the Board's ethics policy, reviews financial disclosure statements, and advises persons subject to the policy as to its application.

In addition, there are advisory committees that report to the superintendent of schools. As provided by their charges, the Board and superintendent of schools advisory committees present their annual reports to the Board of Education.

***Legal Reference:*** Section 4-112, *Education Article, Annotated Code of Maryland*

#### PUBLIC HEARINGS

The Board of Education schedules public hearings on issues it determines to be of widespread interest and concern. A quorum of the Board is not required to be present for a hearing to be conducted. In addition to special public hearings, the Board holds hearings on its strategic plan, annual operating budget, proposed Capital Improvement Program (CIP), and school boundaries. Hearings for the proposed capital budget and CIP and/or boundaries are governed by Board Policy FAA, *Long-Range Educational Facilities Planning*.

General guidelines for public hearings are as follows:

1. The subject, date, and opportunities for signup for a public hearing is typically publicized through the Board's customary communications channels and by a release to the news media.
2. The agenda for the hearing is closed when the maximum number of speakers is registered or at the close of business the day before the hearing.
3. The following time limits for testimony apply to public hearings unless otherwise specified by the Board in the hearing notice:

Organizations*/Municipalities/Elected Officials	5 minutes
Individuals	3 minutes

For operating budget and CIP hearings, students, municipalities and the Montgomery County Council of Parent Teacher Associations (MCCPTA) shall be accorded the opportunity to testify first, followed by PTAs and then, on a first come, first served basis, individuals, civic, and countywide organizations. Usually, MCCPTA cluster coordinators, in consultation with the local PTA presidents, will coordinate testimony on behalf of local PTAs and notify the Board office of speakers within their allotted cluster time. Alternatively,

such testimony may be coordinated by MCCPTA area vice presidents, in which case testimony may be grouped by areas and time allotted differently than stated above. Cluster coordinators and area vice presidents are strongly encouraged to ensure that diversity of opinions is accommodated when scheduling testimony.

A person calling to speak, other than a cluster coordinator or area vice president, may reserve only one space. Only one speaker will be registered for any organization, unless the Board provides otherwise. Individuals and organizations may not cede time to others who have signed up. Elected officials are given the courtesy of being placed on the agenda at the time of their choice.

4. For all other hearings and forums not governed by a specific Board policy, all speakers are accorded two minutes to present their testimony. A person calling to speak may reserve only one space. Only one speaker will be registered for any organization. Individuals and organizations may not cede time to others who have signed up.

5. Speakers are requested to provide 20 copies of their statements at the hearing for distribution to the Board, staff, and press. Speakers are requested to submit their testimony to the Board of Education office at least 24 hours in advance of the hearing.

6. Public hearings are recorded, televised, and web cast.

7. If the speakers are not present at their designated time, every effort will be made to accommodate their testimony prior to adjournment of the meeting.

8. To expedite the hearing, Board members and the superintendent of schools will limit their participation solely to asking questions of the speakers or requesting follow-ups of staff. Copies of follow-up responses to questions raised will typically be posted on the Board's website.

9. Written statements submitted in lieu of testimony will be given equal consideration, but, in order to be considered, must reach the Board no later than 48 hours before the time scheduled for action by the Board.

\*Organizations include: Montgomery County Regional Student Government Association/Montgomery County Junior Councils (MCR/MCJC), National Association for the Advancement of Colored People (NAACP) Parents Council, community organizations, MCCPTA, clusters and the unions.

#### STRATEGIC PLAN DEVELOPMENT AND APPROVAL PROCESS

The strategic plan for MCPS, *Our Call to Action: Pursuit of Excellence*, is to guide the work of schools and offices for achieving the visionary goals approved by the Board of Education. In 2004, the Board of Education adopted a set of recommendations to change

the process for public involvement in the development of its strategic plan and operating budget. The Board's goals included greater public involvement in the development phase of the strategic plan and operating budget.

As a result of the initiative, annually, the Board of Education's Strategic Planning Committee works with staff to review and recommend changes to the strategic plan. In addition, community forums are held in which participants are asked to address principal questions to assist the Board in developing/modifying the strategic plan. Substantial feedback on a wide range of issues involving the strategic plan has been received at the forums and summaries of the comments made at the forums are generally posted on the MCPS website.

#### OPERATING BUDGET APPROVAL PROCESS AND LONG-RANGE EDUCATIONAL FACILITIES/CAPITAL BUDGET PROCESS

Two major issues that come before the Board of Education each year are the operating budget and the long-range educational facilities plan, which includes action on the capital budget.

The operating budget includes salaries, contractual services, supplies and materials, furniture and equipment, and other funds necessary for the daily operation of the school system. The operating budget is developed under the direction of the superintendent of schools who receives a wide range of input. The superintendent of schools recommends the budget's adoption to the members of the Board. The Board holds work sessions and public hearings in January prior to adoption of the budget to secure additional information on the recommendations of the superintendent of schools.

The date for submission of the operating budget to the County Council is established by county law. The budget must be submitted to the county by March 1 of each year and adopted by the Council by June 1. In June the Board makes adjustments to the budget to conform to council action and to reflect the final judgment of the Board on expenditure priorities prior to the July 1 deadline for submitting the school system's final operating budget to the council.

Each spring the superintendent of schools reviews all Board of Education facilities decisions and capital budget requests. The capital budget includes construction and planning funds for new facilities, modernizations and renovations; furniture and equipment associated with these projects; and countywide maintenance efforts. Facilities issues include building utilization, educational program capacity, enrollment projections, boundary changes, and school closings/consolidation. During the spring, cluster, school, and community representatives meet to discuss feasible school program and facility alternatives and, by June 1, cluster representatives send the superintendent of schools proposed solutions, priorities, or concerns the cluster has identified for its schools.

Early in October the superintendent of schools holds a public work session with the Board to discuss new school enrollments and projections. On or about November 1, the superintendent of schools publishes a proposed six-year Capital Improvements Program or amendments thereto, subsequent to which the Board holds a work session at which members may propose alternative solutions to boundary changes. During November, the Board holds public hearings on facilities and boundary proposals, with decisions scheduled prior to the end of November. The Board may opt to defer until a later time (usually March) selected boundaries and facilities decisions. (See Policy FAA and Regulation FAA-RA: *Long-Range Educational Facilities Planning* for more details.)

#### APPEALS TO THE BOARD OF EDUCATION

In addition to state law requirements, the major documents governing appeals to the Board of Education are Policy BLB: *Rules of Procedure in Appeals and Hearings*, Policy JEE: *Student Transfers*, and Regulation JEE-RA: *Transfer of Students*. There are generally three categories of appeals under various section of the Education Article of the Annotated Code of Maryland: Disputes involving rules and regulations of the Board; suspensions or dismissals of professional and/or certificated personnel; and student suspensions of more than 10 days or expulsions.

Once an appeal is started through the process, it is not appropriate for Board members to discuss the issue with the appellant, the public, or staff. Once the appeal is properly filed, unless the appeal is subsequently withdrawn by the appellant or the superintendent of schools has granted the requested relief, only the Board itself can dismiss the appeal. It is expected that Board members will maintain the confidentiality of documents related to the appeal and not discuss these materials with those who should not be privy to such information.

Generally, matters relating to special education and Section 504 of the Rehabilitation Act of 1973 are not subject to review by the Board of Education, pursuant to Policy BLC: *Procedure for Review and Resolution of Special Education Disputes*; MCPS Regulation IOG-RB: *Accommodations and Services to Students Qualifying Under Section 504 of the Rehabilitation Act of 1973*, and by mandates of other state and federal laws. Furthermore, complaints concerning the conduct of MCPS personnel should be directed to the superintendent.

**Legal Reference:** Sections 4-205 (c), 7-305 (c), and 6-202(a), *Education Article, Annotated Code of Maryland*

#### NEGOTIATIONS

The Board of Education designates the superintendent of schools as its representative in contract negotiations with the Montgomery County Association of Administrative and Supervisory Personnel (MCAASP), the Montgomery County Education Association

(MCEA), and the Service Employees International Union Local 500 (SEIU Local 500). By law, the Board of Education is permitted to meet in closed session to discuss issues related to contract negotiations with the employee organizations. It is expected that Board members will maintain the confidentiality of issues discussed during closed sessions.

**Legal Reference:** Sections 6-408 and 6-510, Education Article, Annotated Code of Maryland

#### PERSONNEL APPOINTMENT PROCEDURES

1. Under state law, it is the responsibility of the superintendent of schools to recommend the appointment of personnel to administrative and supervisory positions. These appointments are discussed by the Board of Education in closed session and confirmed by majority vote in public session.

2. The superintendent of schools notifies the Board in advance of the transfers of personnel to administrative and supervisory positions.

3. The Board of Education also receives and reviews a monthly personnel report in closed session and takes a public vote on the report. The report contains appointments of administrative and supervisory personnel, teachers and supporting services personnel, terminations for all personnel, and notice of suspension and dismissal actions. In addition, the Board adopts resolutions expressing sympathy on the death of an employee.

#### STAFF TO THE BOARD OF EDUCATION

In the case of *Fiscella, et al. vs. the Board of Education for Montgomery County, Maryland*, (Equity No. 40,161), the Circuit Court for Montgomery County Maryland, held that the Board had the authority to engage staff as necessary to enable the Board to carry out its functions. The Board adopted Policy BNB: *Board Staff Management and Operations*, which establishes guidelines for outlining the duties of the staff to the Board of Education and delineating the management and operations, including, but not limited to, hiring, evaluation, and professional development of Board staff.

Acting under the supervision of the chief of staff, the Board of Education staff shall provide general support to the Board of Education and its members to facilitate the discharge of their statutory responsibilities and coordinate with the superintendent of schools. Specifically, the Board office—

responds to requests from members of the Board of Education, the superintendent of schools, staff, public, and other governmental agencies for information on past or pending Board business;

provides legislative and intergovernmental information and support, including representation of the Board of Education's interests before appropriate legislative bodies and the Maryland State Board of Education;

provides research assistance and analysis to members of the Board of Education;

provides assistance and support to the Board in the selection of a superintendent of schools;

keeps official records of Board of Education business and attends all Board of Education meetings when permitted;

provides staff support, minutes, and follow-ups to Board of Education committees;

coordinates the process of recruitment of nominations for appointment to Board of Education advisory committees;

directs all appeal matters before the Board of Education in consultation with legal counsel to the Board;

carries out the responsibility of the administration of the office of the members of the Board of Education, which includes various logistical and administrative functions such as those relating to correspondence, scheduling, general staff support, ethics panel matters, financial disclosure process, travel expenses, use of technology, and Board member orientation;

provides timely reports on meetings attended by Board staff, reports and analysis on Board functions such as ombudsman activities, ethics work, legislative work and development of a legislative platform, and appeals; and

serves as an ombudsman;

attends meetings of public committees and of other school-community organizations at the direction of the Board in the capacity of an observer.

***Legal Reference:*** Sections 6-201, *Education Article, Annotated Code of Maryland*

***Guidelines for the Function of the Ombudsman***

There are formal appeal procedures that protect the due process rights of parents, students, and residents, and grievance procedures to protect the right of employees. However, there are times when it is appropriate to initiate less formal inquiries into people's concerns and problems. As described in Policy BNB, *Board Staff Management and Operations*, the function of the ombudsman shall be retained by the Board of Education and performed by staff in the Board of Education office, with the principal functions as follows:

1. To assist employees, parents, residents, and students who have issues, complaints, information, or suggestions and bring them to the attention of school system officials at the most appropriate administrative level.
2. To periodically review with the Board and the superintendent of schools, all cases for inferences and suggestions with respect to opportunities for policy and administration improvements.

In carrying out these duties, the ombudsman shall:

1. Have access to all pertinent files, records, data, reference and research materials, and other such informational resources from the public schools, subject to the provision that material in the personnel file shall be made available only with the consent of the employee about whom the information is sought; confidential material in a pupil personnel file shall be made available only with the consent of the parent or guardian concerned.
2. Receive the cooperation of all employees of the public schools in the performance of these duties. It is essential to the function of the ombudsman that information be furnished to the ombudsman on a confidential basis and that such confidences be preserved.
3. Not undertake any duties or assignments which contravene the authority of the superintendent of schools as specified in the *Annotated Code of Maryland*, Education, or any other laws, bylaws, rules or policies of the State Board of Education; he/she shall not interfere with contractual grievance procedures but shall provide services in accordance with rights of staff members as specified in the Negotiated Agreements; and he/she shall not, while acting in the capacity of ombudsman, violate any of the constitutional rights of complainants or of the persons against whom complaints have been brought.

#### BOARD OF EDUCATION CORRESPONDENCE PROCEDURE

The Board office maintains logs of all incoming and outgoing correspondence to/from the Board.

1. Incoming correspondence is distributed to all members of the Board and the superintendent of schools. Board Office staff determines whether correspondence requires a response and, if a response is required, assigns a due date for the preparation of the reply and directs the correspondence to the appropriate staff member. Staff prepares responses for the signature of the Board president or, in special cases, the Board president responds personally. Copies are provided to members of the Board.

2. Petitions and form letters are not duplicated for Board members. Staff counts the signatures and provides a sample page of the petition. One copy of the form letter is provided to the Board with a count of the number of form letters received.

3. Individual Board members have the option of responding directly to correspondence addressed to the Board or the individual member; however, that correspondence must clearly reflect that the views expressed therein are those of the individual member and not necessarily those of the entire Board of Education.

4. All incoming and outgoing memoranda to the Board are distributed to all Board members, the superintendent of schools, and appropriate staff. The superintendent of schools assigns the responsibility of preparing replies to Board memoranda and follows up to make sure a timely response is prepared. Exceptions are confidential memoranda which may have expressly limited distribution. Board members and staff are expected to maintain the confidentiality of confidential memoranda.

#### PUBLIC ACCESS TO CORRESPONDENCE AND MEMORANDA

1. It is the practice of the Board of Education to facilitate and allow access to its public records relating to written communications. Except as otherwise provided by law or herein, in general all written communications between the superintendent of schools or any other employee of the Montgomery County Public Schools and the Board of Education are available for inspection by members of the public. However, all written communications between the superintendent of schools or any other employee of the Montgomery County Public Schools and the Board of Education that contain confidential opinions or deliberative advice, which may assist the Board of Education in exercising its decision-making function shall not be made available to the public so as to preserve the integrity of and promote candor in the decision-making process. Such documents shall be marked "CONFIDENTIAL" and maintained by the Board of Education in a manner to preserve such confidentiality.

Examples of documents that generally will not be made available by the Board of Education to any member of the public pursuant to this section include, but are not limited to, documents containing confidential commercial information, confidential financial information, the home address or home telephone number of an employee of the Montgomery County Public Schools, personnel records of any employee of the Montgomery County Public Schools or the home address, home telephone number, biography, family, physiology, religion, academic achievement, or physical or mental ability of a student of the Montgomery County Public Schools.

2. All correspondence addressed to the Board of Education, the Board president, or to Board members that are received in connection with the transaction of public business are available for public inspection at reasonable times, unless they meet one of the criteria for denial in Maryland's *Public Information Act*.

3. The superintendent of schools is the official custodian of the records, with the authority to delegate this responsibility.

4. The requestor of records may be charged fees to cover the cost of searching, preparing, or photocopying a public record.

5. If the request for records is denied, the reasons must be consistent with Maryland's *Public Information Act*, subject to review by the Circuit Court of Montgomery County.

**Legal Reference:** Section 10-611 et seq., *State Government Article, Annotated Code of Maryland*

#### ASSOCIATION MEMBERSHIPS

The Board of Education maintains membership in state and national school Board associations, as well as educational associations. The Board determines which, if any, state and/or national affiliations it wishes to add or maintain. Organizational memberships currently include the Maryland Association of Boards of Education, the Legal Services Association, and the National School Boards Association.

#### SCHOOL BOARD ATTORNEY

By state law, the Board of Education is empowered to retain counsel to represent it in legal matters. The Board's procedures for retaining, appointing, and reviewing the performance of counsel are contained in Policy BOA: *Legal Services*.

#### BOARD MEMBER COMPENSATION AND EXPENSE STANDARDS

All members of the Board of Education are entitled to be reimbursed for expenses directly related to Board business, beyond compensation provided by law. Elected adult members receive an annual compensation of \$18,500, and the president receives an additional \$4,000. The student member receives a scholarship and is reimbursed for expenses. All Board members traveling on official business must exercise due care and prudence in incurring expenses. The expenses directly related to Board business for which a Board member may be reimbursed are as follows:

1. Automobile mileage (except for two regular business meetings a month) for hearings, special meetings, and other travel related to Board business or their responsibilities as Board members.

2. Parking, tolls, taxis, rail, bus, or air fare at a reasonable coach class rate.

3. Actual expenses for business-related meals for three meals per day. Actual expenses for meals at banquets or other events are reimbursed.

4. Telephone installation and monthly charges for an additional private line, fax line, Internet access, and telephone calls related directly to Board business.

5. Reimbursement for local newspapers and professional publications; supplies, postage, and other materials necessary to support Board members in discharging their responsibilities of Board members.

6. Transportation, meals, registration fees, and incidental expenses for non-local travel to meetings and conferences. All Board members are encouraged to attend conferences sponsored by the Maryland Association of Boards of Education (MABE) and the National School Boards Association (NSBA) as part of their professional development. Board members interested in attending any other conferences or meetings that would require expenditure of fees for travel outside of Montgomery County must first seek review and approval by the Board Officers and the Board's Chief of Staff who will consider whether participation is necessary to promote the Board's priorities and is in alignment with the work of the Board. Board officers cannot participate in the approval process for their requests.

7. All expenditures must be clearly documented with an original itemized receipt. All restaurant receipts must be annotated with the names of the meeting participants and purpose of the meeting.

8. Board members may not be reimbursed for the purchase of alcohol or cigarettes. No travel expenses will be paid or reimbursed for spouses and/or family members who accompany Board members. Expenses related to the operation of the Board of Education as an entity shall be expended at the discretion of the Board's chief of staff, in consultation with the Board officers.

Board members will be provided computer equipment and equipment appropriate for a home office. If equipment is purchased by MCPS for the use of a Board member, that equipment is the property of MCPS and reverts to MCPS at the conclusion of the member's term of office.

Once equipment funds budgeted for the Board of Education are expended, only the Board officers may authorize additional purchases. Board members will be provided with a semi-annual report on the status of Board office expenditures.

Procedures for processing monthly expense accounts are as follows:

1. Expense forms should be submitted to the Board office at the beginning of the next month for the prior month's expenses.

2. The chief of staff processes the reports and refers questions to the president of the Board.

3. The expense form is reviewed and signed by the chief of staff and the superintendent of schools (or his designee). Whenever possible, the expense form must be accompanied by appropriate itemized receipts and phone bills. Receipts for meal expenses must indicate clearly the names of meeting participants and an explanation of the purpose of the meal.

Should a question arise about whether an expense is covered under these provisions, the

matter shall be referred to the Board president for a ruling, and if unresolved by the president, referred to the Board's Ethics Panel for a ruling. In the case of a dispute, the member shall be entitled to address the panel and to present evidence as to the nature of the challenged expense. Any decision of the panel as to whether a charge is covered by these provisions may be appealed to the Board, provided that any decision of the Board to overrule a recommendation by the panel must be made by recorded vote.

***Legal Reference:*** Section 3-902, *Education Article, Annotated Code of Maryland*

#### COMMENCEMENTS

Board members typically attend and officiate at a number of high school graduations, which are proportionate for each member of the Board. The Board office staff works with the superintendent of schools to develop the protocols that principals are to follow during the commencement ceremony. These protocols should be reviewed and distributed annually with the commencement schedule. By tradition, Board members certify the graduation of students from high school by the following statement:

By virtue of the authority vested in the Board of Education of Montgomery County under the laws of the state of Maryland, I do now award diplomas or certificates evidencing the satisfactory completion of prescribed courses of study to the students of \_\_\_\_\_ High School who are recommended for graduation by the faculty of this school. In receiving this diploma or certificate, each of you is entitled to all of the privileges and honors accorded graduates of a high school accredited by the Maryland State Department of Education and the Middle States Association of Colleges and Secondary Schools.

RESOLUTION NO. 433-08            Re:    **RESCISSION OF TWO POLICIES**

On motion of the Policy Committee, the following resolution was adopted unanimously by members present:

WHEREAS, During the ongoing review of policies by the offices responsible for the content, two policies were identified for possible rescission; and

WHEREAS, After reviewing staff member proposals, the Montgomery County Board of Education Policy Committee recommends two policies for rescission; now therefore be it

Resolved, That Policy ECL, *Use of School Space by Montgomery College*, be rescinded because it does not rise to the level of a policy; and be it further

Resolved, That Policy JFB, *Return of Graded Work, K-12*, be rescinded because it has been superseded by Policy IKA, *Grading and Reporting*.

RESOLUTION NO. 434-08            Re:    **PRESENTATION PLANS—REDLAND MIDDLE**

### **SCHOOL IMPROVEMENTS**

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

WHEREAS, The architect for the proposed Redland Middle School improvements project, Delmar Architects, P.A., has prepared a schematic design, in accordance with the educational specifications; and

WHEREAS, The Redland Middle School Facility Advisory Committee has provided input for the proposed schematic design; now therefore be it

Resolved, That the Board of Education approve the preliminary plans report for the Redland Middle School improvements project developed by Delmar Architects, P.A.

RESOLUTION NO. 435-08      Re:    **PRESENTATION PLANS—FOX CHAPEL  
ELEMENTARY SCHOOL ADDITION**

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

WHEREAS, The architect for the proposed Fox Chapel Elementary School addition project, JK Architects & Associates, Inc., has prepared a schematic design, in accordance with the educational specifications; and

WHEREAS, The Fox Chapel Elementary School Facility Advisory Committee has provided input for the proposed schematic design; now therefore be it

Resolved, That the Board of Education approve the preliminary plans report for the Fox Chapel Elementary School addition project developed by JK Architects & Associates, Inc.

RESOLUTION NO. 436-08      Re:    **SECONDARY PILOT COURSES**

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

WHEREAS, On February 13, 2001, Montgomery County Board of Education adopted Policy IFA, *Curriculum*, governing all curriculum development and implementation; and

WHEREAS, Montgomery County Public Schools established procedures under Regulation IFA-RA, *Curriculum*, to allow school staff to develop and pilot noncore curriculum courses through the Office of Curriculum and Instructional Programs; and

WHEREAS, Montgomery County Public Schools established procedures under Regulation

IFA-RA, *Curriculum*, to allow externally developed curriculum and instructional programs to be used in place of Montgomery County Public Schools curriculum after review and approval, using the process for noncore curriculum development; and

WHEREAS, The proposed courses have met all of the requirements established in the procedures; and

WHEREAS, These proposed courses support and extend high school signature, academy, career and technology, and elective programs; now therefore be it

Resolved, That the Montgomery County Board of Education approve the following courses as pilot courses or active courses, in accordance with the procedures established in Regulation IFA-RA, *Curriculum*.

Summary of Proposed Courses  
and Schools Joining Pilot Courses in Progress

<b>Career and Technology Education Courses for High School Students</b>	
Foundations of Design A/B (Thomas Edison High School of Technology)	Designing Technology Solutions A/B (Bethesda-Chevy Chase HS, Clarksburg HS, Walter Johnson HS, Sherwood HS, and Thomas S. Wootton HS)
Physical Rehabilitation Science A/B (Montgomery Blair HS, John F. Kennedy HS, and Paint Branch HS)	Technological Design A/B (All high schools)
Medical Interventions A/B (Wheaton HS)	Advanced Design Applications A/B (All high schools)
<b>Proposed Externally Developed Courses</b>	
IB Italian 5 A/B (Bethesda-Chevy Chase HS)	IB Italian 6 A/B (Bethesda-Chevy Chase HS)
IB Philosophy A/B (Richard Montgomery HS)	
<b>Proposed Noncore High School Courses</b>	
Short Fiction and Composition (Northwood HS)	
<b>Schools Joining Pilot Courses in Progress</b>	
Academic Acceleration for English Language Learners (Montgomery Blair HS joining Albert Einstein HS)	Foundations in Arts, Humanities, Media, and Communications A/B (Sherwood HS joining James Hubert Blake HS, Winston Churchill HS, Walter Johnson HS, and Northwood HS)
Astronomy A/B (John F. Kennedy HS and Sherwood HS joining James Hubert Blake HS, Winston Churchill HS, Albert Einstein HS, Walter Johnson HS, Paint Branch HS, Quince Orchard HS, and Thomas S. Wootton HS)	

Re: **GOAL 1: ENSURE SUCCESS FOR EVERY STUDENT: ACHIEVEMENT STEERING COMMITTEES (CONTINUING THE DIALOGUE ON RACE)**

Due to time constraints, this item was deferred.

RESOLUTION NO. 437-08 Re: **CLOSED SESSION RESOLUTION**

On recommendation of the superintendent and on motion of Ms. Brandman seconded by Mrs. O'Neill, 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 Tuesday, December 9, 2008, in Room 120 of the Carver Educational Services Center to meet from 9:00 to 10:00 a.m. and 12:30 to 1:30 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 administrative function outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*); and be it further

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

RESOLUTION NO. 438-08 Re: **REPORT OF CLOSED SESSION**

On recommendation of the superintendent and on motion of Ms. Brandman seconded by Mrs. O'Neill, the following resolution was adopted unanimously by members present:

On October 27, 2008, by unanimous vote of members present, the Board of Education voted to conduct a closed session, 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 a closed session on October 27, 2008, from 5:30 to 6:00 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and

1. Reviewed and considered Appeal T-2008-62 in its quasi-judicial capacity outside the purview of the Open Meetings Act, as permitted by Section 10-503(a) of the *State Government Article*, with a subsequent vote in open

session.

2. Received legal advice concerning the Maryland Public Information Act, as permitted under Section 10-508(a)(7) of the *State Government Article*.
3. Discussed matters of an administrative 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 Christopher Barclay, Steve Bedford, Larry Bowers, Shirley Brandman, Patrick Clancy, Sharon Cox, Judy Docca, Roland Ikheloa, Suzann King, Frieda Lacey, Erick Lang, Susan Marks, Quratul-Ann Malik, Nancy Navarro, Patricia O'Neill, Glenda Rose, and Jerry Weast.

RESOLUTION NO. 439-08      Re:    **APPEAL**

On motion of Ms. Brandman seconded by Mrs. O'Neill, the following resolution was adopted unanimously by members present:

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

Resolved, That the Board of Education hereby decides the following appeal, reflective of the Board members' votes in closed session, the disposition of which will be recorded in the minutes of today's meeting:

<u>Appeal Number</u>	<u>Type</u>	<u>Disposition</u>
2008-49	Residency	Affirmed

Re:    **STUDENT TRANSFER**

On September 22, 2008, I moved and Ms. Cox seconded the following new business item:

Resolved, That the Board of Education amend Policy JEE, *Student Transfers*, to include an alternative to the hardship requirement when the transfer is supported by the school that a student wishes to transfer into and believes that the transfer would aid that school.

RESOLUTION NO. 440-08      Re:    **SUBSTITUTE    MOTION ON STUDENT TRANSFER**

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

Resolved, That the Board of Education direct the Policy Committee to review Policy JEE, *Student Transfers*, in consultation with staff and counsel the feasibility and advisability of

providing for an alternative to the hardship requirement when a transfer is supported by the requested school because it would aid that school's academic program; and be it further

Resolved, That the Policy Committee will report its findings and any recommendations to the full Board by the all-day meeting in April 2009.

Re: **BOARD COMMITTEE UPDATES (IF NEEDED)**

There were no updates.

Re: **NEW BUSINESS**

There was no new business.

Re: **ITEMS OF INFORMATION**

The following items were available:

1. Legal Fees Report
2. Construction Progress Report
3. Minority-, Female-, or Disabled-owned Business Procurement Report for the First Quarter of Fiscal Year 2008

RESOLUTION NO. 441-08 Re: **ADJOURNMENT**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Ms. Cox, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education adjourn its meeting of November 11, 2008, at 5:33 p.m.

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PRESIDENT

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SECRETARY

JDW:gr

Resolution	Abrams	Barclay	Brandman	Cox	Docca	Malik	Navarro	O'Neill
Legislative Platform	AB	A	A	A	A	A	A	A

Tentative Approval of Policy AEB	O	A	A	A	A	A	A	A
Board Handbook	O	A	A	A	A	A	A	A

A = affirmative; N = negative; O = absent; AB = abstain

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SUMMARY SHEET  
November 11, 2008**

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