

APPROVED  
28-2009

Rockville, Maryland  
October 26, 2009

The Board of Education of Montgomery County met at the Carver Educational Services Center, Rockville, Maryland, on Monday, October 26, 2009, at 6:15 p.m.

Present: Ms. Shirley Brandman, President  
in the Chair  
Mr. Christopher Barclay  
Ms. Laura Berthiaume  
Dr. Judy Docca  
Mr. Michael Durso  
Mr. Timothy Hwang  
Mr. Philip Kauffman  
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. 440-09Re: **RESOLUTION FOR CLOSED SESSION**

On recommendation of the superintendent and on motion of Mr. Kauffman seconded by Dr. Docca, the following resolution was adopted unanimously:

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

Resolved, That the Board of Education of Montgomery County conduct a closed session on October 26, 2009, in Room 120 from 5:30 to 6:00 p.m.; and be it further

Resolved, That the Board of Education of Montgomery County dedicate part of the closed session on October 26, 2009, to acquit its administrative functions and receive legal advice as it adjudicates and reviews appeals, which is a quasi-judicial function outside the purview of the Open Meetings Act under Section 10-503(a) of the *State Government Article*; and be it further

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

Re: **PLEDGE OF ALLEGIANCE**

"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. 441-09Re: **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 October 26, 2009.

RESOLUTION NO. 442-09Re: **IN APPRECIATION OF A. RAYMOND MYRTLE, PRINCIPAL OF HIGHLAND ELEMENTARY SCHOOL**

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

WHEREAS, Highland Elementary School has been named a National Blue Ribbon School; and

WHEREAS, This prestigious award goes to schools in either the top 10 percent of academic performance in their state, or in which at least 40 percent of the students are from disadvantaged backgrounds and demonstrate dramatic improvement; and

WHEREAS, Highland Elementary School is a Title 1 school with a poverty rate of almost 82 percent, where most students qualify for Free and Reduced-price Meals services and many speak English as a second language; and

WHEREAS, The Terrel H. Bell Award for School Leadership, is awarded every year in memory of former Secretary of Education Terrel H. Bell to ten principals nationwide who have shown strong leadership in their schools; and

WHEREAS, Mr. A. Raymond Myrtle, principal at Highland Elementary School, was chosen as the recipient of the 2009 Terrel H. Bell Award for School Leadership for his extensive record of excellence in educational leadership; and

WHEREAS, When schools face serious challenges, principals must work even harder to inspire, guide, and sustain others in making their schools great; and

WHEREAS, At Highland Elementary School, Mr. Myrtle has instilled the belief in staff that all students can learn and be successful and, as a result, achievement has increased significantly for all student groups, now therefore be it

Resolved, That the Board of Education congratulates Mr. A. Raymond Myrtle on his accomplishments and on receiving the Terrel H. Bell Award for School Leadership.

RESOLUTION NO. 443-09Re: **SUPERINTENDENT'S ANNUAL MARK  
MANN EXCELLENCE AND HARMONY  
AWARD**

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

WHEREAS, The Superintendent's Annual Mark Mann Excellence and Harmony Award was established in 1991 to honor the highest qualities and most significant accomplishments of the late Dr. Mark Mann, former principal of Parkland Junior High School; and

WHEREAS, The award is presented annually to a Montgomery County Public Schools administrator who has shown exceptional performance in promoting academic excellence, positive human relations, and community outreach; and

WHEREAS, Ms. Billie-Jean Bensen, principal at Herbert Hoover Middle School, was chosen as the recipient of the 2009 Mark Mann Excellence and Harmony Award for her dedication to academic excellence for all students; and

WHEREAS, At Herbert Hoover Middle School, Ms. Bensen, through her effective leadership, ensured that every stakeholder developed a personal investment in helping African American and Hispanic students increase Maryland School Assessment (MSA) Mathematics and Reading scores as well as helping all student groups increase their MSA scores, now therefore be it

Resolved, That the Board of Education congratulates Ms. Bensen on her accomplishments and on receiving the Mark Mann Excellence and Harmony Award.

Re: **PLAQUE PRESENTATION ON ALL KIDS  
COUNT**

Mr. Tom Jones presented a plaque to the Board of Education commemorating M. Blair G. Ewing's commitment to children, especially special needs students.

Re: **PUBLIC COMMENTS**

The following people commented before the Board of Education:

<u>Person</u>	<u>Topic</u>
1. Doug Prouty	Pledge Cards
2. Pablo Diez	Visiting Teachers in the United States
3. Randy Levinson	<i>Chicago</i> Parents
4. Shirley Roue	Closing Monocacy Elementary School

Re: **BOARD/SUPERINTENDENT COMMENTS**

Mr. Durso commented on the upcoming flu season, especially H1N1 and its impact on students and families. Staff also are impacted, and he expressed appreciation for those staff filling in for others.

Mr. Hwang stated that the Strategic Planning Forums were a success because of the attendance and statements from the community, especially students. He met with some students about the new SMOB 2.0 initiative to get students involved in the decision-making process, and he had a town hall with students to seek their input and issues. He commented on the Distinguished Service Awards (DSA), and said he was excited by recipients' contributions to the school system. Finally, he thanked the principal and staff at Viers Mill Elementary School for their warm welcome to President Obama.

Ms. Berthiaume highlighted the following events: (1) Montgomery County Transitioning Youth Resource Fair, (2) Mental Health Association Legislative Breakfast, (3) Downs Syndrome Network Dinner, and (4) Bridge Programs at Gaithersburg and Winston Churchill high schools.

Mr. Barclay congratulated the DSA awardees, and he thanked the staff for their hard work to make the occasion a success. He thanked the principals and staff for attending the NAACP Parents Council kickoff meeting.

Dr. Docca attended the same meetings as Ms. Berthiaume and Mr. Barclay. In addition, she attended the Magruder Cluster Hispanic Breakfast and the NAACP and Lincoln Park Historical Society health program.

Dr. Weast commented that Billie-Jean Bensen, principal of Herbert Hoover Middle School in Potomac, is the winner of this year's Mark Mann Excellence and Harmony Award. She has been with MCPS since 1983, when she began her career as a social studies teacher at Magruder High School. Her extensive record of excellence in educational leadership and community involvement makes her an excellent choice for this award. Dr. Weast stated that a visit to Viers Mill Elementary School by President Obama last Monday turned an ordinary lunch period in the school cafeteria into a never-to-be-forgotten experience. He was clearly

impressed with the school motto, "Read, Read, Read!"

**RESOLUTION NO. 444-09Re: UTILIZATION OF THE FY 2010 PROVISION FOR FUTURE SUPPORTED PROJECTS FUNDS**

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

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. 16-971, approved May 21, 2009; and

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

WHEREAS, Sufficient appropriation is available, within the FY 2010 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 \$53,871 within the FY 2010 Provision for Future Supported Projects, as specified below:

<u>Project</u>	<u>Amount</u>
Chess in Maryland Schools Program, White Oak Middle School	\$ 9,021
Chess in Maryland Schools Program, James Hubert Blake High School	6,050
IDEA—Least Restrictive Environment Prekindergarten Inclusion	<u>38,800</u>
 Total	 <u>\$ 53,871</u>

and be it further

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

RESOLUTION NO. 445-09Re: **SUPPLEMENTAL APPROPRIATION FOR REAL ESTATE MANAGEMENT FUND**

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

Resolved, That the superintendent of schools be authorized to receive and expend, subject to County Council approval, an FY 2010 supplemental appropriation of \$350,000 from the net assets of the Real Estate Management Fund.

<u>Category</u>	<u>Amount</u>
51 Real Estate Management Fund	<u>\$ 350,000</u>
Total	<u>\$ 350,000</u>

and be it further

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

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

RESOLUTION NO. 446-09Re: **RECOGNITION OF THE MCPS EDUCATIONAL FOUNDATION, INC.**

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

WHEREAS, The Montgomery County Public Schools Educational Foundation, Inc. has provided academic enrichment opportunities for Montgomery County Public Schools' students for 20 years; and

WHEREAS, The Foundation is committed to providing opportunities to attend college for Montgomery County Public Schools graduates who otherwise would not be able to go to college without this financial assistance; and

WHEREAS, The Foundation awarded more than \$275,000 in scholarships to financially needy Montgomery County Public Schools graduates; now therefore be it

Resolved, That the Board of Education recognizes the Montgomery County Public Schools

Educational Foundation, Inc. and all the members of the Foundation's Board of Directors for their commitment and dedication to the students of Montgomery County Public Schools; and be it further

Resolved, That the Board of Education congratulates the Foundation for its most successful scholarship campaign since beginning to award scholarships a decade ago to Montgomery County Public Schools graduates in need of financial assistance to attend college; and be it further

Resolved, That the Board of Education encourages Montgomery County businesses and citizens to contribute to the Foundation so that more of our students who would not be able to attend college without the Foundation's financial assistance can do so.

RESOLUTION NO. 447-09Re: **TENTATIVE ACTION, POLICY ECK, USE OF SMITH CENTER FOR NON-MCPS GROUPS**

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

WHEREAS, Policy ECK, Use of Smith Center for Non-MCPS Groups, authorizes the superintendent of schools to permit the use of the Smith Center by nonprofit groups; and

WHEREAS, The Montgomery County Board of Education Policy Committee has considered and recommended revisions to Policy ECK, Use of Smith Center for Non-MCPS Groups; 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 ECK, Use of Smith Center for Non-MCPS Groups; and be it further

Resolved, That Policy ECK, Use of Smith Center for Non-MCPS Groups, be sent out for public comment.

**USE OF SMITH CENTER BY NON-MONTGOMERY COUNTY PUBLIC SCHOOLS (MCPS) GROUPS**

A. PURPOSE

To permit the use of the Lathrop E. Smith Environmental Education Center (Smith Center) by nonprofit groups

B. ISSUE

The Smith Center is a facility owned and operated by MCPS to provide interdisciplinary learning opportunities in the out-of-doors. In addition to residential outdoor education programs, the Smith Center also operates day programs that are open to MCPS students and staff.

C. POSITION

The superintendent of schools is authorized to permit the limited use of the Smith Center by nonprofit groups.

MCPS reserves the right to schedule the use of the Smith Center by nonprofit groups to ensure the appropriate use of this unique facility and to maximize flexibility in scheduling its use by MCPS students and staff.

D. IMPLEMENTATION STRATEGIES

The superintendent of schools will develop regulations to guide the use of the Smith Center by nonprofit groups.

E. REVIEW AND REPORTING

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

RESOLUTION NO. 448-09Re: **TENTATIVE ACTION, POLICY GFC,  
REASSIGNMENT OF PERSONNEL AFTER  
25 YEARS OF SERVICE OR AGE 50**

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

WHEREAS, The title of Policy GFC, *Reassignment of Personnel After 25 Years of Service or Age 50*, does not reflect current practice; and

WHEREAS, Policy GFC, *Reassignment of Personnel After 25 Years of Service or Age 50*, sets forth the guidelines for maintaining salary and retirement benefit levels for personnel who are transferred or assigned to positions with a lower salary classification, especially within two years of retirement; and

WHEREAS, The Montgomery County Board of Education Policy Committee has considered

and recommended revisions to Policy GFC, *Reassignment of Personnel After 25 Years of Service or Age 50*; and

WHEREAS, The Montgomery County Board of Education has received the Policy Committee's recommendation; now therefore be it Resolved, That the title of Policy GFC be changed to *Reassignment of Employees Within Two Years of Normal Retirement Eligibility*; and be it further

Resolved, That the Montgomery County Board of Education take tentative action on Policy GFC, *Reassignment of Employees Within Two Years of Normal Retirement Eligibility*; and be it further

Resolved, That Policy GFC, *Reassignment of Employees Within Two Years of Normal Retirement Eligibility*, be sent out for public comment.

## **REASSIGNMENT OF EMPLOYEES WITHIN TWO YEARS OF NORMAL RETIREMENT ELIGIBILITY**

### **A. PURPOSE**

To establish guidelines for maintaining salary and retirement benefit levels for certain employees who are transferred or assigned to positions with a lower salary classification

### **B. ISSUE**

The Board of Education of Montgomery County is mindful that in some instances, employees who are transferred or assigned to positions with a lower salary classification have devoted many years of service to youth and education in Montgomery County.

### **C. POSITION**

When an employee is transferred or assigned to a position that would normally result in a reduction in salary classification for such person, such reduction in salary may be waived and the person's current salary classification maintained in those instances where:

1. The person has been enrolled in the State Retirement and Pension System

and/or the Montgomery County Public Schools Retirement and Pension System and is within two years of eligibility for normal retirement.

2. The person to be transferred has been employed by Montgomery County Public Schools for 15 or more years.
3. The individual signs an agreement containing the conditions of the reassignment.
4. The individual's evaluations in the new position are satisfactory.
5. The reassignment of such personnel will be brought before the Board periodically as part of the monthly Human Resources Report.

The associate superintendent, Office of Human Resources (OHR), makes recommendations through the chief operating officer for approval or disapproval of the reassignment to the superintendent of schools or designee under the provisions of this policy. If approved, the associate superintendent, OHR, will confer with the appropriate bargaining unit regarding these transfers or reassignments, and the conditions set forth in the agreement are final.

**D. DESIRED OUTCOMES**

Employees who are reassigned within two years of normal retirement eligibility will receive consideration of their years of service in Montgomery County.

**E. IMPLEMENTATION**

The superintendent of schools will develop a regulation for implementing this policy.

**F. REVIEW AND REPORTING**

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

**RESOLUTION NO. 449-09Re: FINAL ACTION, POLICY GIG, FUNDING RETIREMENT/PENSION SYSTEM**

On motion of the Policy Committee, the following resolution was adopted with Mr. Barclay, Ms. Berthiaume, Ms. Brandman, Mr. Hwang, Mr. Kauffman, and Mrs. O'Neill voting in the affirmative; Dr. Docca and Mr. Durso recused themselves from voting on this policy:

WHEREAS, Policy GIG, *Funding Retirement/Pension System*, sets forth the Montgomery County Board of Education's commitment to maintaining a plan of retirement/pension benefits; and

WHEREAS, The draft revision of Policy GIG, *Funding Retirement/Pension System*, tentatively was adopted by the Montgomery County Board of Education on July 14, 2009, and sent out for public comment; and

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

Resolved, That the Montgomery County Board of Education adopt Policy GIG, *Funding Retirement/Pension System*, as revised in the Committee Recommended Draft.

### **Funding Retirement/Pension System**

#### **A. PURPOSE**

To set forth the priorities of the Montgomery County Public Schools (MCPS) Employees' Retirement and Pension System.

#### **B. ISSUE**

The MCPS Employees' Retirement and Pension System will provide supplemental retirement/pension plan benefits for eligible employees who are members of the Maryland State Teachers' Retirement and Pension System or provide full retirement/pension plan benefit for eligible employees who are not eligible for membership in the Maryland system.

#### **C. POSITION**

1. In 1995 the Board of Education created a Board of Investment Trustees to oversee the investment of the pension assets based on an Investment Policy approved by the Board of Investment Trustees.
2. The Board of Investment Trustees shall review the Investment Policy annually and update as necessary to reflect prudent investment practice.
3. The results of the annual actuarial study will be made available at the conclusion of each fiscal year to establish funding percentages for the Board of Education's next annual operating budget request

based on the actuarial unit credit cost method. Assumptions used in developing the actuarial valuation are determined by the Board of Education and will be kept current and adjusted as economic and demographic conditions change.

4. The study will include a funding percentage known as the “normal cost contribution” rate which when applied to annual compensation shall represent the cost of operating the plan during the current year.
5. The study also will include a funding percentage known as the “accrued liability” rate which when applied to annual compensation will produce an amount sufficient to liquidate the additional accrued liability over a period of no less than 15 years from the date of the actuarial valuation reducing such gain or loss.
6. The study also will include a funding percentage known as “expenses”, which when applied to the annual compensation will represent the cost to manage and administer the plan during the current year.
7. The amount of money calculated by applying the sum of the “normal contribution”, the “expenses,” and the “accrued liability” rate to the budgeted annual compensation less the employee contribution portion will be included in the fixed charges category of the superintendent of schools’ annual recommended operating budget.
8. MCPS will have as a funding goal each year the improvement of the asset-to-accrued-liability ratio toward the 100 percent funded level by the end of the amortization period.
9. Any modifications to plan benefits will be announced in a timely manner prior to Board action, allowing opportunities to receive input from active/retired employees and all employee organizations.

#### D. DESIRED OUTCOME

Montgomery County Public Schools will maintain a plan of retirement/pension benefits which is adequately funded and will provide employees income during their retirement years.

E. IMPLEMENTATION STRATEGIES

1. Every three to five years a credentialed actuarial firm will be contracted to evaluate the plan in terms of goals and objectives and this report will be made available to the Board of Education Fiscal Management Committee.
2. Staff will meet annually each fall with the Board of Education Fiscal Management Committee to review the annual report on the actuarial valuation of the retirement/pension plan from the actuary, actuarial plan assumptions, rate of return, and budget recommendations for the coming fiscal year.

F. REVIEW AND REPORTING

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

RESOLUTION NO. 450-09Re: **FINAL ACTION, POLICY GIH, FUNDING  
OTHER POSTEMPLOYMENT BENEFITS**

On motion of the Policy Committee, the following resolution was adopted with Mr. Barclay, Ms. Berthiaume, Ms. Brandman, Mr. Hwang, Mr. Kauffman, and Mrs. O'Neill voting in the affirmative; Dr. Docca and Mr. Durso recused themselves from voting on this policy:

WHEREAS, Policy GIH, Other Postemployment Benefits, sets forth the Montgomery County Board of Education's commitment to providing postemployment health benefits for eligible employees and retirees; and

WHEREAS, The draft revision of Policy GIH, Funding Other Postemployment Benefits, was adopted by the Montgomery County Board of Education on July 14, 2009, and sent out for public comment; and

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

Resolved, That the Montgomery County Board of Education adopt Policy GIH, Funding Other Postemployment Benefits, as revised in the Committee Recommended Draft.

**Funding Other Postemployment Benefits**

A. PURPOSE

To set forth the priorities of the Montgomery County Public Schools (MCPS) Other Postemployment Benefit (OPEB) Trust

B. ISSUE

The MCPS OPEB Trust will provide postemployment health benefits for eligible employees and retirees.

C. POSITION

1. In 2007, the Board of Education created a Board of Investment Trustees to oversee the investment of other postretirement assets, based on an Investment Policy approved by the Board of Investment Trustees.
2. The Board of Investment Trustees shall review the Investment Policy annually and update as necessary to reflect prudent investment practice.
3. The results of an actuarial study conducted by a credentialed actuary at least biannually will be made available to establish funding requirements for the Board of Education's next annual operating budget request based on the actuarial unit cost method. Assumptions used in developing the actuarial valuation are determined by the Board of Education and will be kept current and adjusted as economic and demographic conditions change.
4. The study also will contain a funding amount known as the "annual required contribution" that will be an amount sufficient to liquidate the remaining liabilities. Actuarial gains and losses will cause the "annual required contribution" to be adjusted to amortize any changes to the accrued liability over a period of no less than 15 years from the date of the actuarial valuation reducing such gain or loss.
5. The study also will determine the Actuarial Accrued Liability that will estimate the amount of the liability for future postemployment benefits for current employees and retirees.
6. During an initial phase-in period that began with Fiscal Year 2008, MCPS will include "phase-in" OPEB contribution amounts in the fixed charges category of the superintendent of schools' annual recommended operating budget. After the phase-in period, full OPEB contribution amounts will be included in the superintendent of schools' annual recommended operating budget.

7. MCPS will have as a funding goal each year the improvement of the asset- to-accrued liability ratio toward the 100 percent funded level by the end of the amortization period.
8. Any modifications to plan benefits will be announced in a timely manner prior to Board of Education action, allowing opportunities to receive input from active/retired employees and all employee organizations.

D. DESIRED OUTCOME

The MCPS OPEB Trust will maintain a plan of postemployment health benefits for eligible employees and retirees that is adequately funded and will ensure eligible employees access to medical coverage during their retirement years.

E. IMPLEMENTATION STRATEGIES

1. Every three to five years a credentialed actuarial firm will be contracted to evaluate the plan in terms of goals and objectives, and this report will be made available to the Board of Education's Fiscal Management Committee.
2. Staff will meet with the Fiscal Management Committee to review the actuarial report on the actuarial valuation of the OPEB plan from the actuary, plan assumptions, rate of return, and budget recommendations for the coming fiscal years.

F. REVIEW AND REPORTING

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

RESOLUTION NO. 451-09Re: **RESCISSION AND TECHNICAL  
MODIFICATION OF TWO POLICIES**

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

WHEREAS, During the ongoing review of policies by the offices responsible for implementing the policies, two policies were identified for rescission or non-substantive modification to clarify the policy; and

WHEREAS, After reviewing staff's proposals, the Board of Education Policy Committee

recommends one policy for rescission and recommends one policy for non-substantive revision; now therefore be it

Resolved, That Policy ECD, *Use of Playgrounds*, be rescinded because the use of playgrounds is not a matter central to the governance of the school system thus warranting a policy; and be it further

Resolved, That Policy BOA, *Legal Services*, be revised with non-substantive changes to clarify the primary functions of counsel retained by the Board and that the Board will receive evaluative reports on legal services on a cycle aligned with contract reconsideration.

### **Legal Services**

#### **A. PURPOSE**

This policy reaffirms the right of the Board of Education (Board) to retain attorneys for advice and representation in legal matters and directs the superintendent of schools to present to the Board for its approval a plan for the management of legal services that will facilitate both cost control and accountability and that will promote a high quality of service.

#### **B. PROCESS AND CONTENT**

##### **1. Retention and Selection**

- a) The Board retains counsel as needed to assist it and the superintendent of schools in carrying out their duties. Counsel retained by the Board fulfills three primary functions:
  - (1) Representation in litigation in which the Board is a party.
  - (2) Advise on general legal issues that arise in the ongoing operation of the school system, including Board policy or action in which highly specialized legal expertise is required.
  - (3) Provide advice and assistance to the Board as it carries out its quasi-judicial responsibilities in appeals and hearings.
- b) The factors to be considered in the selection or retention of an attorney include the quality of his or her work, background and relevant experience, legal skills, commitment to diversity, responsiveness and sensitivity to the client's needs, style and presence, freedom from

conflict of interest, and management skills.

- c) With the advice of the superintendent of schools, the Board will identify attorneys or firms that meet its criteria and will invite them to express their interest in providing services to the Board.
- d) The Board will contract with the attorney or firm selected, subject to renewal.

2. Management of Legal Services

- a) The Board directs the superintendent of schools to implement the Board-approved legal services management plan for the purpose of coordinating and controlling the school system's use of legal services.
- b) A legal services management plan should provide at least the following elements:
  - (1) Maintenance of written agreements with counsel
  - (2) Standardization of billing practices
  - (3) Management of costs and staff access to attorneys
  - (4) A periodic appraisal of the quality of legal services, for use by the Board and the superintendent of schools
- c) The superintendent of schools will develop regulations for implementing this policy.

C. REVIEW AND REPORTING

- 1. The superintendent of schools will provide monthly reports to the Board of Education on the costs of legal services. The Board will receive evaluative reports on legal services on a cycle aligned with contract reconsideration.
- 2. This policy will be reviewed in accordance with the Board of Education policy review process.

RESOLUTION NO. 452-09Re: **TENTATIVE ACTION, POLICY JHF,  
BULLYING, HARASSMENT, OR  
INTIMIDATION**

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

WHEREAS, Policy JHF, Bullying, Harassment, or Intimidation, sets forth the Board's commitment to maintaining a school environment free from bullying, harassment, or intimidation; and

WHEREAS, The Montgomery County Board of Education Policy Committee has considered and recommended revisions to Policy JHF, Bullying, Harassment, or Intimidation; 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 takes tentative action on Policy JHF, Bullying, Harassment, or Intimidation; and be it further

Resolved, That Policy JHF, Bullying, Harassment, or Intimidation, be sent out for public comment.

### **Bullying, Harassment, or Intimidation**

#### **A. PURPOSE**

The Montgomery County Board of Education is committed to an environment that is free of bullying, harassment, or intimidation so that schools are a safe place in which to learn. Bullying, harassment, or intimidation is disruptive to learning and can adversely affect academic achievement, emotional well-being, and school climate.

The Board of Education is committed to prohibiting verbal, physical, or written (including electronic) bullying, harassment, or intimidation of any person on school property, on school buses, or at school-sponsored functions.

The Board of Education is further committed to prohibiting reprisal or retaliation against individuals who report acts of bullying, harassment, or intimidation or who are victims, witnesses, bystanders, or others with reliable information about an act of bullying, harassment, or intimidation.

#### **B. ISSUE**

The prevention of bullying, harassment, or intimidation as well as the prevention of retaliation against individuals who report acts of bullying, harassment, or intimidation requires a schoolwide effort involving prevention and intervention training with

students, administration, and school staff. Students who are bullied, and those who bully others, may experience a range of significant health, safety, and educational risks. Bullying, harassment, or intimidation means intentional verbal, physical or written (including electronic) conduct that creates a hostile environment and substantially interferes with educational benefits, opportunities or performance, or with a student's physical or psychological well-being and is motivated by an actual or perceived personal characteristic, such as race, national origin, marital status, sex, sexual orientation, gender identity, religion or disability, or is threatening or seriously intimidating.

#### C. POSITION

MCPS will implement a program to identify bullying, harassment, or intimidation; implement prevention programs that are proven to be effective; intervene when bullying, harassment, or intimidation occurs; implement intervention strategies; and provide outside referrals if needed. The prohibition of bullying, harassment, or intimidation in schools, and reprisal and retaliation against individuals who report acts of bullying, harassment, or intimidation, as well as consequences and remedial actions, must be included as a part of a schoolwide prevention and intervention program. Components of such a program must include:

1. Prevention and Intervention
  - a) Periodic and ongoing professional development for administrators and staff members to increase understanding and awareness of the prevalence, causes, and consequences of bullying, harassment, or intimidation, and to increase the use of research-based strategies, remedial measures, and consequences for preventing bullying, harassment, or intimidation. Professional development also should include how to respond to students who bully, students who are bullied, and students who are bystanders.
  - b) Student involvement in bullying, harassment, or intimidation prevention efforts, such as programs that foster peer support, mutual respect, sensitivity to diversity and culture, which encourage students to report incidents of bullying to adults.
  - c) Communication and interaction with families and the community to inform parents about the prevalence, causes, and consequences of bullying, harassment, or intimidation and strategies for supporting their children.

- d) Collaboration with community health and mental health resources to communicate that bullying, harassment, or intimidation is a public health hazard and that health resources are available to students who bully, students who are bullied, and students who are bystanders.
- e) A range of interventions developed to prevent bullying, harassment, or intimidation while ensuring the safety of students who are victims.

2. Consequences and Remedial Actions

Consequences and remedial actions for persons committing acts of bullying, harassment, or intimidation; for persons engaged in reprisal or retaliation; and for persons found to have made false accusations of bullying should be consistently and fairly applied in accordance with Montgomery County Public Schools (MCPS) Regulation JFA-RA, Student Rights and Responsibilities.

3. Procedures for Reporting Acts of Bullying, Harassment, or Intimidation

- a) The system shall provide to schools procedures that are convenient, safe, private, and age-appropriate for reporting acts of bullying, harassment, or intimidation.
- b) Students, staff, and parents should be informed of the reporting procedures at each school, including the availability of MCPS Form 230-35: Bullying, Harassment, or Intimidation Reporting.
- c) Reporting of bullying, harassment, or intimidation incidents should be encouraged and supported by MCPS. MCPS should communicate a clear message that reporting will lead to help for students who bully, students who are bullied, and bystanders.

4. Procedures for the Prompt Investigation of Acts of Bullying, Harassment, or Intimidation

- a) The principal or designee shall promptly investigate all reports of bullying, harassment, or intimidation and implement remedial measures and consequences as appropriate.
- b) After the investigation has concluded, staff members will conduct individual and private conferences with both the student who was

bullied and the student who bullied to determine if the bullying, harassment, or intimidation has continued.

5. Support Services to be Made Available to the Student Who Bullies, the Student Who is Bullied, and Bystanders

The system shall maintain and make readily available to students and families a list of support services that are available to students who bully, students who are bullied, and bystanders within both the schools and the community.

D. DESIRED OUTCOME

Schools will provide prevention and intervention strategies, as well as consequences and support, to students who bully, students who are bullied, and bystanders to create an educational environment that is free of bullying, harassment, or intimidation.

E. IMPLEMENTATION STRATEGIES

1. The superintendent of schools will develop regulations for implementing this policy that specify the name and contact information of the MSDE employee who is familiar with the reporting and investigating procedures in MCPS; procedures for reporting and investigating incidents of bullying, harassment, or intimidation; support provided for students who bully, students who are bullied, and bystanders; consequences or remedial actions; and the process for publicizing those procedures.
2. The superintendent of schools will develop educational and professional development programs for students and staff in the effort to implement this policy and prevent bullying, harassment, and intimidation in schools.
3. All regulations developed in support of BOE-adopted policies shall be sent to the BOE as items of information.

F. REVIEW AND REPORTING

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

Re: **GRADUATION RATES**

Dr. Weast invited the following people to the table: Mr. Stephen L. Bedford, chief school performance officer; Dr. Stacy L. Scott, associate superintendent, Office of Shared Accountability; Mrs. Stephanie Williams, director, Department of Policy, Records, and Reporting; and Mr. Stephen M. Zagami, director, Department of Student Services.

The purpose of this memorandum is to provide an update on the current Montgomery County Public Schools (MCPS) graduation and dropout rates, and information about factors that may have influenced them. A review of the data reveals that, while work needs to be done, there is much to celebrate.

Recently, *Education Week's 2009 Diplomas Count* recognized MCPS as the district with the highest graduation rate among the nations' 50 largest school districts, outperforming other large local districts that include Fairfax County, Baltimore County, and Anne Arundel County. When compared with other large school districts locally and nationwide, MCPS' top-ranking graduation rates are a reflection of our continuing emphasis on rigorous course taking and college readiness for all students.

In 2008, African American and Hispanic students took a record 2,510 and 2,379 Advanced Placement (AP) exams, respectively, the highest participation rates ever. Furthermore, African American and Hispanic students earned 1,152 and 1,336 AP exam scores of 3 or higher. Early indications are that the 2009 AP participation and performance results are comparable.

AP exam participation is highly correlated with college readiness and degree completion. On average, more than 75 percent of students in the MCPS Classes of 2001 to 2003 who earned at least one AP exam score of 3 or higher earned a four-year degree within six years. In addition, the college graduation rates of MCPS African American and Hispanic graduates are more than twice the national college graduation rates for all high school graduates.

MCPS' emphasis on AP exam participation and performance among African American and Hispanic graduates will help to ensure that all MCPS graduates are college ready. However, the encouraging increases in AP exam participation and performance noted among African American and Hispanic students in 2009 were accompanied by discouraging decreases in graduation rates, particularly among Hispanic students.

### **Graduation Rate Formulas**

*Education Week's 2009 Diplomas Count* brought attention to the disproportionately low graduation rates for African American and Hispanic students nationwide, with just over half of African American (51%) and Hispanic (55%) students earning high school diplomas in 2006. Analyses of the MCPS graduation rates using comparable formulas indicate that our district is above state and national averages. However, the overall graduation rate in MCPS

has declined over the last seven years; and the graduation rates for the African American, Hispanic, English for Speakers of Other Languages (ESOL), Free and Reduced-price Meals System (FARMS), and special education subgroups are lower than the overall rate. A broad array of empirical research reveals a complex interplay of socioeconomic factors contributing to the lower graduation and higher dropout rates for these subgroups. Retention and being older than other students at the same grade level are among the most prevalent risk factors. MCPS has continued to develop a variety of both broad-based and targeted strategies and interventions to engage students so they are not at risk of dropping out.

There are a variety of ways to calculate graduation rates. Organizations and states throughout the country have utilized many different formulas, making it difficult to draw precise comparisons. Currently, Maryland uses a formula called the "leaver rate," which is a method promoted by the National Center for Education Statistics (NCES). The leaver rate is calculated by dividing the graduates in a given year by the graduates plus dropouts estimated to have been in that graduating class over the preceding four years. For example, the 2010 graduation rate is calculated by dividing 2010 graduates by 2010 graduates plus 2010 Grade 12 dropouts, 2009 Grade 11 dropouts, 2008 Grade 10 dropouts, and 2007 Grade 9 dropouts.

In 2005, governors of all 50 states agreed to move toward a cohort calculation method promoted by the National Governor's Association (NGA), the NGA compact rate. The United States Department of Education (USDE) will require all states to implement a cohort model similar to the NGA compact formula by 2012. The Maryland State Department of Education (MSDE) is considering implementation as early as 2011. The cohort models follow a graduating cohort from Grade 9 through Grade 12, accounting for all students who enter and exit that cohort during each of the four years.

The primary distinction between the leaver rate and the cohort model is that the leaver rate counts any student who graduated in a given year, regardless of when he or she entered high school or how long it took the student to graduate; whereas the cohort models track cohorts of students as they enter ninth grade and measure the percentage who graduate with a regular high school diploma within four years. Both the leaver rate and the NGA compact cohort model are represented graphically.

In addition to the change in formula, MSDE will revise the graduation rate goals and annual targets for Adequate Yearly Progress (AYP). Currently, Maryland districts and schools are held accountable only for meeting the graduation rate target for students overall. After baseline data are submitted for the graduating Class of 2011, MSDE will set new goals and annual targets for students overall, as well as for all racial/ethnic and special services subgroups. Therefore, the implications for district and school AYP for the 2011 and 2012 school years and beyond are not yet known.

**MCPS Graduation Rates**

State and federal governments mandate which formula local jurisdictions will use for accountability purposes, and formulas or decision rules often are revised from year to year. However, in order to compare results among jurisdictions, the same formula for calculating graduation rates must be used for each jurisdiction. For example, *Education Week's 2009 Diplomas Count* used a calculation called the Cumulative Promotion Index to compare graduation rates among the nation's 50 largest school districts. While the rates derived under this formula are not comparable to the rates calculated in Maryland using the leaver rate, they may be used to compare rates among districts included in the study.

According to the *Diplomas Count* calculation, the 2006 graduation rate in MCPS was 80.7 percent, well above the national average of 69.2 percent. MCPS tied for first place among the nation's 50 largest school districts, outperforming Fairfax County (fourth place), Baltimore County (fifth place), Anne Arundel County (eighth place), and four other large districts in Maryland and Virginia.

Large districts vary substantially in student characteristics and district resources. Therefore, it is useful to compare our district's statistics with those of "benchmark" districts selected from across the nation. Benchmark districts are identified because they most closely resemble MCPS along multiple criteria such as enrollment, staff size, median wealth, minority enrollment, and per-pupil expenditure. In a study of 2006 graduation rates released by MPR Associates, Inc., MCPS ranked either first or a very close second among seven benchmark districts included in the analyses. MCPS' lead ranking held across All Students, African American, Hispanic, and White subgroups (statistics were not available for Asian American students) and was replicated using three different statistical procedures). However, within our district, graduation rates for African American and Hispanic students continued to lag behind those of White and Asian American students, regardless of the methodology employed. We are committed to eliminating this gap so that all MCPS students complete their high school education well-prepared for success in college and the workplace.

The MSDE 2009 graduation target for all students was 85.5 percent, using the leaver rate method. With an overall graduation rate of 87.4 percent, MCPS exceeded the state target, as well as the state average of 85.2 percent. Although we are proud of these overall figures, there are areas of need. In 2009, the following subgroups had graduation rates under the MSDE graduation target of 85.5 percent: African American (81.6%), Hispanic (77.2%), ESOL (78.6%), FARMS (81.4%), and special education (80.5%). Under current AYP guidelines, districts are held directly accountable only for the overall graduation rate. However, a subgroup must meet the graduation target in order to qualify for a Safe Harbor provision. This means that for AYP purposes, subgroup graduation rates matter.

Furthermore, between 2002 and 2009, the MCPS graduation rates declined for all students (4.4 percentage points) and all subgroups, with the greatest declines in the African American (7.5 percentage points), Hispanic (9.0 percentage points), ESOL (9.5 percentage points), and special education (7.0 percentage points) subgroups. (Table 1). As a result of the decline in graduation rate, Montgomery County's graduation rate ranking among Maryland's local education agencies (LEAs) dropped from second place in 2002 to eleventh place in 2009.

Table 1  
MCPS Graduation Rates for 2007–2009 by Student Subgroup

	2002	2003	2004	2005	2006	2007	2008	2009	7-Year % Change
All Students	91.8	92.5	92.0	91.4	91.6	90.4	89.1	87.4	-4.4
African American	89.1	86.9	88.3	88.6	87.6	87.2	83.9	81.6	-7.5
Asian American	95.0	94.9	96.3	96.9	96.5	95.6	95.5	95.3	-0.4
Hispanic	86.2	87.9	83.7	82.2	81.3	80.6	78.1	77.2	-9.0
White	93.4	95.0	94.5	94.0	95.2	94.0	94.5	93.2	-0.3
ESOL	88.1	79.7	86.5	95.5	94.2	89.6	89.8	78.6	-9.5
FARMS	*	87.9	88.4	88.8	89.4	88.6	85.6	81.4	-6.5 <sup>a</sup>
Special Education	87.5	85.7	87.4	86.1	88.4	88.3	84.4	80.5	-7.0
Male	89.6	90.6	90.3	89.7	90.0	88.8	86.7	85.5	-5.1
Female	94.2	94.4	93.6	93.2	93.2	92.0	91.6	89.4	-4.8

Source: 2009 Master Plan.

\*Data were not reported in same manner.

<sup>a</sup> Reflects a six-year percentage point change.

*Note.* Graduation rate is calculated by MSDE by dividing the number of high school graduates by the sum of students in that class who dropped out in each of the current and previous three years (Grades 9 to 12) plus the number of high school graduates. Data for American Indian students are not displayed separately but are included in totals. ESOL = English for Speakers of Other Languages; FARMS = Free and Reduced-price Meals System. Statistics for male and female groups are not considered separately in AYP determinations. Note that ESOL graduation rates for 2006 and 2007, as reported on the [mdreportcard.org](http://mdreportcard.org) website, are inaccurate due to a programming error in reporting for those years.

As stated above, MSDE will be converting to a variation of the NGA compact model by no later than 2012. The NGA compact calculation is more rigorous than the leaver rate in that it is based upon students graduating within four years, whereas the current formula is not sensitive to students who require more than four years to graduate. Therefore, it is expected that the rates calculated under this model will be lower than rates calculated using the leaver rate. For example, MSDE estimated that the cohort model would have produced

a 2007 MCPS graduation rate of 81.58 percent, as compared to 90.31 percent for that same year using the leaver rate. In fact, when MSDE recalculated the 2007 graduation rates using the NGA cohort model for all LEAs, graduation rates dropped an average of 8.2 percentage points across the state. Thus, it will be imperative to consider the change in formula when comparing and interpreting graduation rates in 2012 and subsequent years.

In the spring of 2009, the deputy superintendent of schools convened two cross-functional project teams to examine the new graduation rate formula and implications for school programming. One team is analyzing the potential impact of the new regulations and preparing tools to support schools in meeting the requirements. The second team is focusing on dropout prevention and truancy programs. Both teams are reviewing relevant research to make programmatic recommendations so all schools achieve or exceed the annual graduation rate goals established by MSDE.

### **Dropout Rates**

Clearly, dropout rates and graduation rates are related phenomena; however, because of the manner in which they are calculated, one is not the inverse of the other. MSDE's current method for calculating the dropout rate reflects students in Grades 9–12 who dropped out during a single school year; whereas the graduation rate considers students in an estimated cohort who dropped out over four school years. Thus, the 2009 graduation rate includes students within the cohort who dropped out from 2006–2009; whereas the 2009 dropout rate only includes students who dropped out in 2009 without considering their original cohort.

Since the graduation rate is dependent on four years of dropout data, it is essential to analyze dropout rates to understand trends in the graduation rate. In 2009, MCPS continued to meet the state's satisfactory dropout standard of 3.0 percent, overall (2.7%), as well as for Asian American (1.0%), White (1.3%), and female (2.1%) students (Table 2). As with graduation rates, dropout rates are disproportionately high for the African American (3.8%), Hispanic (5.2 %), ESOL (5.9%), FARMS (4.5%), and special education (3.8%) subgroups.

Between 2002 and 2009, Montgomery County dropout rates increased by nine-tenths of a percentage point, which tied with Baltimore County as the largest increase in Maryland. As a result of the increases in the percentage of dropouts, Montgomery County's dropout ranking among Maryland's LEAs dropped from first place in 2002 (lowest rate) to fourteenth place in 2009.

Table 2  
MCPS Dropout Rates for 2007–2009 by Student Subgroup

	2002	2003	2004	2005	2006	2007	2008	2009	7-Year % Change
All Students	1.8	2.0	1.8	1.8	2.0	2.7	2.9	2.7	0.9
African American	2.3	2.8	2.2	2.3	2.7	3.6	3.9	3.8	1.6
Asian American	0.9	1.1	0.8	0.9	0.7	1.0	1.1	1.0	0.1
Hispanic	3.2	3.7	3.7	3.9	4.4	5.3	5.8	5.2	2.0
White	1.4	1.4	1.2	1.0	1.0	1.5	1.4	1.3	0.1
ESOL	2.4	0.2	0.4	0.3	3.3	4.9	4.0	5.9	3.5
FARMS	1.6	2.1	1.6	1.6	2.9	3.0	4.0	4.5	2.9
Special Education	2.2	2.5	1.8	1.8	2.1	2.7	3.2	3.8	1.5
Male	2.1	2.4	2.0	2.1	2.3	3.2	3.4	3.3	1.1
Female	1.4	1.6	1.5	1.4	1.7	2.2	2.3	2.1	0.8

Source: 2009 Master Plan.

Note. Data for American Indian students are not displayed separately but are included in totals. ESOL = English for Speakers of Other Languages; FARMS = Free and Reduced-price Meals System. Note that ESOL dropout rates for 2006 and 2007, as reported on the [mdreportcard.org](http://mdreportcard.org) website, are inaccurate due to a programming error in reporting for those years.

### What the Data Tell Us

While the MCPS graduation and dropout rates remain favorable in comparison to national trends, the changes over seven years raise questions about why more students appear to be dropping out of school. To understand this trend, MCPS researchers examined academic, economic, and demographic factors that might account for an increase in dropout patterns. The risk factors identified in the literature also were risk factors for MCPS students (Capps, 2001; Crocker & Major, 2005; Noguera, 2003, Ogbu, 2003). However, the data do not explain why dropout rates have increased.

Tables E2 to E10 in Attachment E provide trend data disaggregated by race/ethnicity that compare dropout patterns associated with the following risk factors:

- Grade level retention
- Being older than peers at the same grade level
- Participation in Free and Reduced-price Meals System (FARMS) services;
- Participation in English for Speakers of Other Language (ESOL) services;
- Gender
- Absenteeism

Like their counterparts nationwide, MCPS students who are retained or who are older than peers in the same grade level are more likely to drop out than students without these risk factors. However, these factors do not explain the increases in dropout rates. Over the last seven years, retention rates have held steady; however, more retained students drop out. Older students are more likely to drop out. Most of the dropouts of all races/ethnicities were age 18 or older.

As is the case nationally, dropout rates are higher among MCPS male students who participate in FARMS and ESOL services. However, dropout rates among these groups of at-risk students have increased, particularly among African American and Hispanic students, even though the percentages of students who receive FARMS and ESOL services or are male have held steady.

Changes in attendance patterns do not explain changes in dropout rates among MCPS students. Over the last seven years, the attendance rates of future dropouts have improved even as more students have dropped out. What is surprising is that, over the last seven years, the differences in the attendance rates of students who remain in school versus those who drop out have narrowed.

Dropouts of all races/ethnicities are more likely to leave school because of a history of course failure, disinterest in academics, or because they stopped coming to school and their whereabouts were unknown. Only a small percentage of dropouts leave school due to disciplinary issues, family obligations, or for other similar reasons.

The dropout rate for Hispanic students has been disproportionately higher than the overall dropout rate since 2002. Also, the Hispanic dropout rate has increased at a faster rate than for any other subgroup. For these reasons, MCPS researchers explored factors that contribute to Hispanic dropout rates in particular, as well as dropout rates overall.

There were two small differences in the characteristics of Hispanic dropouts compared with dropouts of other races/ethnicities. First, they were slightly more likely to leave school in order to accept documented employment. Second, they tended to be at least one year older than other students at the same grade level, a finding that suggests Hispanic students may have had interrupted schooling at an early age that kept them from starting high school by age 14. Overall, the quantitative data are not sufficient to detect the myriad reasons why Hispanic dropout rates have increased faster than those of students of other races or ethnicities. Some clues were revealed from survey data that provided a more qualitative understanding.

*Student Survey Data.* A 2006 survey of 1,014 Hispanic youth conducted by the Montgomery County community organization, Identity, Inc., provides insight into the

perceptions of a sample of Hispanic youth in Montgomery County. Results revealed three risk factors that were likely to result in higher dropout rates among Hispanic students. Those risk factors were: (1) gang membership and consequent absenteeism to spend time with friends; (2) disenfranchisement and disconnectedness from classroom and extracurricular activities; and (3) lack of academic support within or outside of school. Youth who reported being current and former gang members also expressed less confidence about their likelihood of graduating from high school. While these results are anecdotal and do not represent the experiences of all Hispanic youth in MCPS, they highlight the importance of implementing strategies and interventions designed to engage Hispanic youth in school.

### **Promoting Success for Every Child**

The primary mission of MCPS is to prepare each and every student for college and career readiness. The entire infrastructure of the school system is designed to set every student upon a trajectory for engagement in school and success in life after high school. In each grade and at each level, there is a wide range of efforts to ensure that students remain engaged in school and on track to graduate with a diploma.

In addition to the comprehensive range of strategies and interventions MCPS currently employs to keep students invested in their education, there also is a range of strategies and interventions designed to help students overcome specific risk factors. For example, recognizing the numerous issues challenging some students in our growing Hispanic population, MCPS has built a strong working partnership with Identity, Inc. Like our longstanding relationship with the National Association for the Advancement of Colored People, our work with Identity, Inc. reflects our commitment to an educational model in which every voice is heard and valued. The concerns raised by the community have been thoughtfully addressed in the spirit of shared purpose. With our community partners, we are working collaboratively on a wide range of issues including increasing scholarship opportunities, meeting the needs of older students, directly supporting high school students at risk of dropping out, and preventing gang involvement.

In response to issues impacting Hispanic youth raised by Identity, Inc. and in recognition that addressing these issues is beyond the capabilities of any one agency or organization, Montgomery County agencies and community organizations have come together to form the Latino Youth Collaborative Steering Committee. This committee is charged with ensuring sustainable improvements in the quality of life for Hispanic youth and their families. MCPS will continue to partner with and support the work of this group.

Every local school has efforts in place to stimulate student engagement and success. In addition, MCPS provides a variety of targeted interventions for students who need added supports to stay on the college readiness pathway. High School Plus, for example, is a program that allows students who have failed a course required for graduation to retake that course for credit, or participate in a shorter credit recovery program in their home

school. The Gateway to College© program at Montgomery College serves imperiled youth, 16 to 20 years of age, for whom high school completion is at risk, and/or who have stopped attending MCPS. The Online Pathway to Graduation program is a third example of programming that serves former MCPS high school students who need three credits or fewer to complete academic requirements for a Maryland High School diploma.

Although these and myriad other strategies and interventions are in place throughout the school district, we continue to lose students, and there appear to be as many unique sets of factors and facts as there are students who drop out. Like all school districts throughout the country, MCPS continues to struggle to find the answers for the 2.7 percent of students who make the life-altering decision to drop out of high school every year. The data can only provide so much of the story, it is imperative that our continued study examine the individual stories that make up that number.

**Re: DISCUSSION**

Mr. Barclay asked how the system determines who is a dropout. Staff replied that the system wants to keep all students in school in order for them to achieve and learn things for their future life, such as college or work. There are many things where the school system does not have control, such as homeless, mobility, family break ups, etc. The same issues are present with truancy and absenteeism.

Mr. Durso asked how the “leaver rate” accounts for dropouts who return to school. Staff explained that it depends on when students return. If it is in the current school year, they are reenrolled as if the dropout never happened. If students return in a subsequent year, they remain coded as a dropout. Mr. Durso reasoned that one student could count for more than one person as a dropout over a four year period. Staff agreed that his assumption was correct.

Mrs. O’Neill pointed out the issue of knowing where the student is at any given time. Even with universal identification, jurisdictions are not notifying each other. Staff agreed that Maryland needs universal identification in order to match where students are located. Staff works tirelessly to track students, and staff encourages students to seek educational opportunities. There is an urgent need to work with the state of Maryland to get a new set of rules to calculate graduation rates.

Ms. Berthiaume remarked that the cohort calculation method (NGA cohort formula) would take care of the drop in and drop out because the student will be counted continually. Staff stated that if a student reentered and graduated, the dropout would not be counted as it is under the leaver rate. Ms. Brandman pointed out that if the student took longer than four years to graduate, the student would not be picked up with the cohort formula. Dr. Weast thought that was an important element since some students need longer times to graduate

based on issues such as language or disability.

Ms. Berthiaume thought the reporting to the United States Department of Education would provide matches for students using universal identification. Dr. Weast agreed that Maryland is seeking funding to improve technology and data collection.

Ms. Berthiaume asked about student in the juvenile justice system. Staff replied that the student would be counted as a transfer. Furthermore, MCPS is getting better information and reporting is more accurate than in the past.

Mr. Durso asked how early graduates are treated under both ways to calculate graduation rates. Staff replied the students are counted in both systems if they graduate within four years.

Ms. Brandman commented that there is a need to create incentives for students to stay in school. One of the largest contradictions is that students are not at the age of majority until they are 18 years old, they cannot vote until they are 18, but when they reach 16 years of age they can fill out a form to leave school. This accounts for a quarter of the dropouts from the school system. If the Board is committed to making it harder for students to leave the school system, the Board needs to revisit raising the compulsory attendance age. Nationally there are eight states that have increased the age for compulsory attendance, and there are 30 states that have a higher compulsory school attendance age than 16 years old. The research indicates that there is an impact on dropout rates. Furthermore, it indicates to students that the system is interested in their education.

**RESOLUTION NO. 453-09Re: COMPULSORY ATTENDANCE**

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

Resolved, That the Board of Education include as a priority in its Legislative Platform a statement that the Board supports raising the age that students can drop out.

**RESOLUTION NO. 454-09Re: CLOSED SESSION RESOLUTION**

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

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

Resolved, That the Board of Education of Montgomery County conduct closed sessions on Tuesday, November 10, 2009, in Room 120 of the Carver Educational Services Center to meet from 9:00 to 10:00 a.m. and 12:30 to 2:00 p.m. to discuss personnel matters, as permitted under Section 10-508(a)(1) of the *State Government Article*; consult with counsel to obtain legal advice, as permitted by Section 10-508(a)(7) of the *State Government Article*; review and adjudicate appeals in its quasi-judicial capacity; and discuss matters of an 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 such meeting shall continue in closed session until the completion of business.

RESOLUTION NO. 455-09Re: **REPORT OF CLOSED SESSION**

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

On October 13, 2009, by unanimous vote of members present, the Board of Education voted to conduct closed sessions as permitted under the *State Government Article* Section 10-501, *et seq.*, of the *Annotated Code of Maryland*.

The Montgomery County Board of Education met in closed sessions on October 26, 2009, from 9:00 to 10:00 a.m. and 12:50 to 1:55 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and

- Reviewed the closed session minutes from July 14 (amended), and July 27, 2009, which is outside the purview of the *Open Meetings Act* (Section 10-503(a) of the *State Government Article*).
- Review and approved the Decisions and Orders in Appeals 2009-15 and 2009-30.
- Reviewed and considered the following appeal in its quasi-judicial capacity outside the purview of the *Open Meetings Act* (Section 10-503(a) of the *State Government Article*): 2009-35.
- Discussed the Human Resources Monthly Report with a subsequent vote in open session, as permitted under Section 10-508(a)(1) of the *State Government Article*.
- Reviewed the Equal Employment Opportunity Report, as permitted under Section 10-508(a)(1) of the *State Government Article*.
- Discussed collective bargaining negotiations and considered matters that relate to the negotiations, as permitted under Section 10-508(a)(9) of the *State Government Article*.

- Received legal advice 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*.

In attendance at these closed sessions were Aggie Alvez, Christopher Barclay, Steve Bedford, Laura Berthiaume, Larry Bowers, Shirley Brandman, Patrick Clancy, Judy Docca, Michael Durso, Brian Edwards, Roland Ikheloa, Phil Kauffman, Suzann King, Don Kopp, Frieda Lacey, Erick Lang, Jody Leleck, Bronda Mills, Patricia O’Neill, Chris Richardson, Glenda Rose, Laura Steinberg, Jamie Virga, and Jerry Weast.

RESOLUTION NO. 456-09Re: **APPEALS**

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

WHEREAS, The Board of Education has met in closed session and deliberated on appeals brought before its members acting in its quasi-judicial capacity under Section 10-503(a) of the *State Government Article* 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>
2009-31	Personnel Placement	Oral Argument
2009-32	Early Entrance to Kindergarten	Affirmed
2009-35	Personnel Placement	Dismissed

Re: **NEW BUSINESS**

There was no new business.

RESOLUTION NO. 457-09Re: **PROPOSED AMENDMENT TO THE MONTGOMERY COUNTY PUBLIC SCHOOLS EMPLOYEES’ RETIREMENT AND PENSION SYSTEMS–CALCULATING COST-OF-LIVING ADJUSTMENTS**

On motion of the Policy Committee, the following resolution was adopted with Mr. Barclay, Ms. Berthiaume, Ms. Brandman, Mr. Hwang, Mr. Kauffman, and Mrs. O’Neill voting in the affirmative; Dr. Docca and Mr. Durso recused themselves from voting on this resolution:#

WHEREAS, Article III, Section 6.1 of the Montgomery County Public Schools Employees' Retirement and Pension Systems (the Plan) provides that, upon recommendation of the superintendent of schools, the Board of Education may amend the Montgomery County Public Schools Employees' Retirement and Pension Systems at any time; and

WHEREAS, The cost-of-living adjustment in the Plan would result in a reduction in retirees' pension payments of 1.68 percent; and

WHEREAS, A reduction in retirement benefits at a time when retirees' health care payments and other costs are increasing would be a hardship; and

WHEREAS, The superintendent of schools recommends the Plan be changed so that there would be no reduction in retiree benefits if there is a decline in the Consumer Price Index that is used as the basis for the annual cost-of-living adjustment; and

WHEREAS, Any negative Consumer Price Index would offset future cost-of-living adjustments; and

WHEREAS, The Board of Education wishes to amend the Montgomery County Public Schools Employees' Retirement and Pension Systems; now therefore be it

Resolved, That the Board of Education adopts Amendment No. 2 to the Montgomery County Public Schools Employees' Retirement and Pension Systems in substantially the form attached hereto, effective for cost-of-living adjustments made under the Montgomery County Public Schools Employees' Retirement and Pension Systems after the date hereof, and authorizes the appropriate individuals to take such further actions and execute such documents as may be necessary or advisable to effect this resolution.

RESOLUTION NO. 458-09            Re:    **ADJOURNMENT**

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 adjourn its meeting of October 26, 2009, at 9:40 p.m.

\_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
SECRETARY

JDW:gr

Resolution	Barclay	Berthiaume	Brandman	Docca	Durso	Hwang	Kauffman	O'Neill
Policy ECK	A	A	A	A	A	A	A	A
Policy GFC	A	A	A	A	A	A	A	A
Policy GIG	A	A	A	R	R	A	A	A
Policy GIH	A	A	A	R	R	A	A	A
Policy JHF	A	A	A	A	A	A	A	A
Compulsory Attendance	A	A	A	A	A	A	A	A
Retirement and Pension Systems	A	A	A	R	R	A#	A	A

A = affirmative; N = negative; O = absent; AB = abstain; R = recused

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