

APPROVED
10-2011

Rockville, Maryland
March 28, 2011

The Board of Education of Montgomery County held a business meeting at the Carver Educational Services Center, Rockville, Maryland, on March 28, 2011, at 8:00 p.m.

Present: Mr. Christopher Barclay, President
in the Chair
Ms. Laura Berthiaume
Ms. Shirley Brandman
Dr. Judy Docca
Mr. Michael Durso
Mr. Philip Kauffman
Mrs. Patricia O' Neill
Mr. Alan Xie
Dr. Jerry Weast, Secretary/Treasurer

Absent: None

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

RESOLUTION NO. 151-11 Re: **RESOLUTION FOR CLOSED SESSION**

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

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

Resolved, That the Board of Education of Montgomery County conduct a closed session on March 28, 2011, in Room 120 from 7:00 to 7:30 p.m.; and be it further

Resolved, That the Board of Education of Montgomery County dedicate part of the closed session on March 28, 2011, to acquit its administrative functions and receive legal advice to adjudicate and review appeals, which is a quasi-judicial function outside the purview of the *Open Meetings Act* under Section 10-508(a) of the *State Government Article*; and be it further

Resolved, That the meeting continue in closed session 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. 152-11 Re: APPROVAL OF THE AGENDA

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 Board of Education approve its agenda for March 28, 2011.

RESOLUTION NO. 153-11 Re: MONTH OF THE YOUNG CHILD

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

WHEREAS, Children' s experiences from birth through the first five years of life are critical in forming the foundation for their future readiness and success as lifelong learners; and

WHEREAS, Research shows that quality intervention matters, and, when necessary developmentally appropriate supports and services are provided, all young children can and do achieve at high levels; and

WHEREAS, Montgomery County Public Schools kindergarten data show that 91.7 percent of kindergarten students are able to read simple text and reached or exceeded the Text Level 4 benchmark reading level in 2010, an increase of 10.8 percent since 2006; and

WHEREAS, Data also show that 75.4 percent of kindergarten students are able to read simple text and reached or exceeded the advanced Text Level 6 benchmark in 2010, an increase of 19.1 percent since 2006; and

WHEREAS, The Montgomery County Board of Education has implemented an Early Success Performance Plan to provide comprehensive academic supports and services to children in the early years to prepare them for later school success; and

WHEREAS, Early childhood case studies conducted by the Foundation for Child Development and the Pew Center on the States Pre-K Now campaign document the Montgomery County Public Schools Early Childhood Programs as stellar models for the nation; and

WHEREAS, The early childhood case studies also highlight the collaboration of all county early childhood stakeholders and community partners within the birth to age 5 community at large who are diligently working to increase opportunities for more children to receive high quality child care as well as programs and services countywide; and

WHEREAS, Montgomery County' s early childhood stakeholders have convened an Early Care and Education Congress Steering Committee to provide opportunities for professional development, collaboration, and dissemination of information to stakeholders and the community at large about issues and services that support young children and their

families; and

WHEREAS, Montgomery County recognizes that every county resident has a vested interest in the healthy development and educational success of all of the county's children; now therefore be it

Resolved, That the Montgomery County Board of Education focuses public attention on young children and their families during April 2011, the Month of the Young Child.

RESOLUTION NO. 154-11 Re: **ARAB AMERICAN HERITAGE MONTH**

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

WHEREAS, Since the first Arab immigrants came to these shores, men and women of Arab descent have shared their rich history and the traditions of Arab culture; and

WHEREAS, Arab Americans are a highly diverse people, differing in ancestral origins, religious backgrounds, and historic identities, sharing a heritage through a common language and cultural traditions, which bind their community; and

WHEREAS, In science, medicine, education, business, culture, and government service, Arab Americans have made valuable contributions to every aspect of American life; and

WHEREAS, Montgomery County is home to a thriving Arab American community whose valued presence has added to the rich aesthetic mosaic of our county; now therefore be it

Resolved, That the Montgomery County Board of Education and the superintendent of schools hereby declare the month of April 2011 to be observed in Montgomery County Public Schools as Arab American Heritage Month.

RESOLUTION NO. 155-11 Re: **NATIONAL AUTISM AWARENESS MONTH**

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

WHEREAS, April has been designated National Autism Awareness Month by the Autism Society of America; and

WHEREAS, Autism Spectrum Disorders are a group of developmental disabilities that contribute to lifelong social, communication, and behavioral challenges; and

WHEREAS, Autism is the fastest growing developmental disability in the world; and

WHEREAS, Autism recognizes no cultural, ethnic, or socioeconomic boundaries; and

WHEREAS, Each student with autism has a complex and distinct profile; and

WHEREAS, The goal of National Autism Awareness Month is to provide an opportunity for all concerned parties to educate the public about autism and issues within the autism community; and

WHEREAS, Every student with autism is a unique learner and Montgomery County Public Schools reaffirms its commitment to tailor instruction to meet the learning needs of each student; and

WHEREAS, Montgomery County Public Schools has experienced a 51 percent average annual increase of students with autism over the past decade; and

WHEREAS, Montgomery County Public Schools is currently responsible for the education of approximately 1,642 students with autism; and

WHEREAS, Montgomery County Public Schools will provide all students with autism the respect, encouragement, and opportunities they need to build the knowledge, skills, and attitudes to be successful, contributing members of adult society; and

WHEREAS, Montgomery County Public Schools recognizes that strong and collaborative efforts among families, schools, and community organizations are the foundations upon which success for students with autism are built; now therefore be it

Resolved, That the Montgomery County Board of Education continues to pledge its support to the energy and effort of staff, family, and community members who seek to ensure learning and success for our students with Autism Spectrum Disorders.

RESOLUTION NO. 156-11 Re: **NATIONAL STUDENT LEADERSHIP WEEK**

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

WHEREAS, The Montgomery County Board of Education has a continuing commitment, with the support of school administrators and staff, parents, and community members, to instill strong citizenship values in emerging student leaders; and

WHEREAS, Student leaders are a positive influence on their peers, modeling good character and scholarship in and out of the classroom, and serve as agents of change to improve the overall climate and academic performance at their schools; and

WHEREAS, The Montgomery County Board of Education encourages our youth to participate in leadership positions to provide students with early and vital experience in exercising a voice in matters of common concern, reconciling diverse interests, and making a sustained commitment to serving others in our communities; and

WHEREAS, In April 2011, student leadership activities include the Montgomery County

Region of the Maryland Association of Student Councils and Montgomery County Junior Councils officer elections, the student voter registration drive, the election of the student member of the Board of Education, and National Student Leadership Week; and

WHEREAS, The Montgomery County Board of Education applauds this outstanding service by our youth and encourages others to become involved in youth leadership; and

WHEREAS, National Student Leadership Week is a time when schools across our nation recognize students who step into leadership positions and honor their accomplishments, efforts, and service with this year's national theme of "Student Leaders Saving Lives through Leadership and Service"; now therefore be it

Resolved, That the Montgomery County Board of Education hereby joins with the superintendent of schools in recognizing the week of April 17–23, 2011, as National Student Leadership Week in Montgomery County Public Schools; and be it further

Resolved, That the Montgomery County Board of Education commends student leaders for their achievements and service on behalf of Montgomery County Public Schools and encourages citizens to seek opportunities to recognize student leaders in our schools and support their training and activities as they prepare to become leaders of our cities, states, and nation.

RESOLUTION NO. 157-11 Re: **ADMINISTRATIVE PROFESSIONALS WEEK**

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

WHEREAS, Administrative Professionals Week will be celebrated nationally the week of April 25, 2011; and

WHEREAS, The Board of Education wishes to publicly recognize the ability, dedication, and effectiveness of its staff of administrative professional employees and express its appreciation for their efforts in the productive, courteous, and efficient operation of Montgomery County Public Schools; and

WHEREAS, The Board of Education thanks its administrative professional staff members for their contributions to excellence in education; now therefore be it

Resolved, That Administrative Professionals Week be observed by the school system during the week of April 25, 2011; and be it further

Resolved, That Wednesday, April 27, 2011, be designated as Administrative Professionals Day for Montgomery County Public Schools.

RESOLUTION NO. 158-11 Re: NATIONAL VOLUNTEER WEEK

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

WHEREAS, Montgomery County Public Schools has a continuing commitment to partner with parent and community member volunteers in our schools to ensure success for all students; and

WHEREAS, Volunteers connect with local schools to serve students by taking actions that support student learning to improve academic achievement; and

WHEREAS, Volunteers of all ages, from all walks of life and economic and cultural backgrounds, give generously of their time and knowledge; and

WHEREAS, The Montgomery County Public Schools volunteer force of more than 30,000 individuals models the best in citizenship and giving back to the community; and

WHEREAS, Montgomery County Public Schools supports the county executive's "Pledge 25 Campaign" to encourage volunteer service in Montgomery County; and

WHEREAS, During National Volunteer Week, volunteers throughout the school system are recognized for their commitment to service and to our students; and

WHEREAS, Three elementary schools, three middle schools, three high schools, and one special education center accumulating the most hours of volunteer service will be presented with the Outstanding Volunteer Program Award at Montgomery County Public Schools' Back-to-School Fair on August 27, 2011; now therefore be it

Resolved, That the Montgomery County Board of Education celebrates and recognizes our volunteers—parents, community and business partners, and students helping other students—for their dedicated service to education and the children in our schools; and be it further

Resolved, That National Volunteer Week, *Celebrating People in Action*, be observed by Montgomery County Public Schools during the week of April 10–16, 2011.

Re: PUBLIC COMMENTS

The following people offered commented before the Board of Education:

<u>Person</u>	<u>Topic</u>
1. Susan Park	Non-recommended Reductions
2. Cynthia Johnson	Music Programs
3. Thomas Murphy	Walter Johnson High School Modernization
4. Amanda Quigley	Music Programs
5. Stanley Milstein	Edison/Wheaton High Schools

6. George Gadbois	Edison/Wheaton High Schools
7. Carol Burbage	Music Programs
8. Phung Tran	Wheaton High School
9. Monica Gutierrez	Wheaton High School
10. Michael Carranza	Wheaton High School
11. Jackie Suzich	Operating Budget
12. Lori Halverson	Gifted Identification
13. Michelle Gluck	Gifted Identification
14. Laura Brown School	Library Media Programs
15. Lisa Silverberg	Gifted and Talented Programs

Ms. Berthiaume requested a response to the concern raised in Ms. Suzich's testimony and the staff reductions at Maryvale Elementary School.

When the work is done this summer, Mr. Kauffman asked for a report about the HVAC at Walter Johnson High School.

Re: **BOARD/SUPERINTENDENT COMMENTS**

Mr. Xie remarked that Richard Montgomery High School won a mock trial and will move to the state level competition. The Annual MCR Convention will be this week, and he will report to the Board on the activities.

Mr. Durso congratulated the Gaithersburg High School's girls' varsity basketball team, which was undefeated this season. He also congratulated the students from Thomas Edison High School of Technology who competed statewide, and 22 students who were awarded various honors.

Mrs. O'Neil congratulated Northwest High School, which won the state indoor track championship. The school calendar has been adopted for next year, but the presidential primary may move from February to March.

Mr. Barclay recognized the cluster meetings where there are opportunities to speak to community members. He thanked the parents and staff at Burnt Mill Elementary School for its Mini-March Madness.

Dr. Weast commented on the budget hearing before the County Council, Washington Post winners of 2011 Teaching, School Leadership Awards, 900 students who participated in the Young Professionals Conference, and MCPS students honored for Academic Achievement and Community Service.

RESOLUTION NO. 159-11

Re: **CONTRACTS OF \$25,000 OR MORE**

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

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

WHEREAS, Funds have been budgeted for the purchase of the substitute employee management system upgrade awarded through Bid No. 4314.1, and

WHEREAS, The acquisition of the substitute employee management system upgrade has been reviewed by legal counsel; now therefore be it

Resolved, That the substitute employee management system upgrade in the amount of \$78,217 be lease/purchased for a four-year term under the Master Lease/Purchase Agreement with Banc of America Public Capital Corporation Leasing company; and be it further

Resolved, That the proceeds from the aforementioned financing be used to reimburse Montgomery County Public Schools accounts to the extent that such equipment has been or will be acquired before closing; and be it further

Resolved, That the president of the Board of Education and the 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:

001B89 00505	Maintenance, Repair, and Operating Supplies—Extension	
	<u>Awardee</u> Grainger, Inc.	\$100,000
052-10	Recycling for Waste Oil and Waste Antifreeze and Purchase of Recycled Antifreeze—Extension	
	<u>Awardee</u> FCC Environmental, Inc.	\$100,000
1155.3	MDK12 Digital Library Project	
	<u>Awardee</u> (See note) ABC-CLIO, Inc. AccuWeather, Inc. Atomic Learning, Inc. Coughlan Companies, Inc. Encyclopaedia Britannica, Inc. aka: Britannica Digital Learning Facts on File, Inc.	

	FWD Media, Inc.	
	Gale Group, Inc.	
	ProQuest, LLC	
	Rosen Publishing Group, Inc.	
	Scholastic, Inc.	
	ThinkMap, Inc.	
	Thinkronize, Inc.	
	World Book School & Library	
	Total	\$695,000
4045.8	Telephone Equipment—Extension	
	<u>Awardees</u> (See note)	
	Capitol Cable & Technology, Inc.	
	Chesapeake Communications, Inc.	
	Cumberland Electronics, Inc.	
	Graybar Electric Company, Inc.	
	Total	\$300,000
4065.11	Ceramic Supplies	
	<u>Awardee</u>	
	Campbells Ceramics Supply Co.	\$ 19,771
	Chesapeake Ceramic Supply Inc.	46,920
	Clayworks Supplies, Inc.	2,479
	Creative Hobbies, Inc.	6,311
	DGS Educational Products, Inc.	1,149
	School Specialty, Inc.	<u>3,291</u>
	Total	\$ 79,921
4090.7	Envelopes	
	<u>Awardee</u>	
	Unisource Worldwide, Inc.	\$ 42,400
4114.4	Classroom Furniture	
	<u>Awardees</u>	
	Douron, Inc.*	\$375,000
4124.4	Library Furniture—Extension	
	<u>Awardee</u>	
	American Design Associates	\$ 545
	Brodart Company	4,806
	Demco, Inc.	4,303

	Douron, Inc.*	46,121
	Furniture By William Webb	1,087
	Glover Equipment, Inc.	<u>21,020</u>
	Total	\$ 77,882
4202.1	Water and Indoor Air Quality Industrial Hygiene Service—Extension	
	<u>Awardees</u> (See note)	
	Building Dynamics, Inc.	
	Chamber Environmental Group, Inc.	
	M. A. Cecil & Associates, Inc.	
	Science Applications International Corporation	
	Total	\$500,000
4314.1	Substitute Employee Management System Upgrade	
	<u>Awardee</u>	
	eSchool Solutions	\$ 78,217
7076.5	Automotive Shop Equipment Repair, Service, and Parts—Extension	
	<u>Awardees</u> (See note)	
	B & R Associates	
	Hughes Supply Company	
	SEFAC, Inc.	
	The Myco Companies	
	Total	\$ 75,000
7148.2	Purchase of New Tires—Extension	
	<u>Awardee</u>	
	Service Tire Truck Centers	\$500,000
9118.3	Produce, Fresh	
	<u>Awardee</u>	
	Lancaster Foods, Inc.	\$750,000
9398.2	Retaining Walls and Stormwater Management Modifications**	
	<u>Awardee</u>	
	Walker Willis/T/A Custom Masonry	\$250,000

9432.1	Printer, Inkjet Numbering System	
	<u>Awardee</u> MCS, Inc.	\$ 35,895
9637.2	Fire Alarm Replacement at Various Locations—Extension**	
	<u>Awardee</u> SPC, Inc.	\$800,000
9710.1	Emergency Generator for Sherwood High School	
	<u>Awardee</u> Curtis Engine & Equipment, Inc.	\$ 31,825
TOTAL PROCUREMENT CONTRACTS OVER \$25,000		\$4,791,140

* 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. 159-11 Re: **ACCEPTANCE OF WALTER JOHNSON
HIGH SCHOOL MODERNIZATION PROJECT**

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

WHEREAS, On behalf of the Board of Education, Board member Philip Kauffman inspected the Walter Johnson High School modernization project on Monday, February 28, 2011; now therefore be it

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

RESOLUTION NO. 161-11 Re: **AWARD OF CONTRACT—GYMNASIUM
FLOOR REPLACEMENT FOR VARIOUS
SCHOOLS**

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

WHEREAS, The following sealed bid was received on February 23, 2011, for the replacement of the gymnasium wood flooring system at Burtonsville and Oak View elementary schools and Sherwood High School:

<u>Bidder</u>	<u>Amount</u>
Weyer' s Floor Service, Inc.	\$152,450

and

WHEREAS, The work performed is largely self-performed by the contractor, and there is limited opportunity for Minority Business Enterprise participation; therefore, no Minority Business Enterprise goal was set; and

WHEREAS, Weyer' s Floor Service, Inc. has completed similar work successfully for Montgomery County Public Schools; now therefore be it

Resolved, That a contract in the amount of \$152,450 be awarded to Weyer' s Floor Service, Inc. for the replacement of the gymnasium wood flooring system at Burtonsville and Oak View elementary schools and Sherwood High School, in accordance with drawings and specifications.

RESOLUTION NO. 162-11

Re: **AWARD OF CONTRACT—DARNESTOWN
ELEMENTARY SCHOOL—PRE-PURCHASE
OF WASTEWATER TREATMENT PLANT
EQUIPMENT**

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

WHEREAS, The existing septic system at Darnestown Elementary School is in need of replacement; and

WHEREAS, The replacement work needs to be completed prior to start of the construction phase of the 10-classroom addition currently in the design phase; and

WHEREAS, Based upon system specifications, the equipment recommended by the state of Maryland' s Department of the Environment is Chromaglass System© and

WHEREAS, Shafer, Troxell & Howe, Inc., the distributor for the Chromaglass System©in the region, has submitted a proposal in the amount of \$216,950 for the needed equipment only; and

WHEREAS, The proposal in the amount of \$216,950 is within the Department of Facilities Management staff estimates; and

WHEREAS, Funds were allocated in the Capital Improvements Program for this work; now therefore be it

Resolved, That a contract be awarded to Shafer, Troxell & Howe, Inc. in the amount of \$216,950 for the pre-purchasing of the septic equipment for Darnestown Elementary School.

RESOLUTION NO. 163-11 Re: **AWARD OF CONTRACT—REMOVAL OF
RELOCATABLE CLASSROOMS**

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

WHEREAS, The following sealed bids were received on March 11, 2011, for the removal of 12 relocatable classrooms from Brookhaven Elementary School:

Contractor	Low Bid
EMH Environmental, Inc.	\$42,075
Prevost Construction, Inc.	\$44,770
U.S. Modular Group East, Inc.	\$48,430
J&L Services, Inc.	\$59,982

and

WHEREAS, The following sealed bids were received on March 11, 2011, for the removal of 10 relocatable classrooms from Rock View Elementary School:

<u>Contractor</u>	<u>Low Bid</u>
EMH Environmental, Inc.	\$35,084
U.S. Modular Group East, Inc.	\$38,380
J&L Services, Inc.	\$44,256
Prevost Construction, Inc.	\$44,592

and

WHEREAS, The low bidder, EMH Environmental, Inc., has completed similar work successfully for Montgomery County Public Schools and/or other jurisdictions; now therefore be it

Resolved, That contracts in the amounts of \$42,075 and \$35,084 be awarded to EMH Environmental, Inc. for the removal of relocatable classrooms from Brookhaven and Rock View elementary schools in accordance with the project specifications.

Re: **BETHESDA-CHEVY CHASE MIDDLE
SCHOOL #2—SITE SELECTION**

On recommendation of the superintendent, this item was pulled from the agenda to be rescheduled at a later Board of Education meeting:

WHEREAS, The Fiscal Year 2012 Capital Budget and *Amended Fiscal Year 2011–2016 Capital Improvements Program* recommends that a site selection process be implemented to identify a middle school site to serve students in the Bethesda-Chevy Chase Cluster; and

WHEREAS, A Site Selection Advisory Committee was convened that considered 10 potential candidate sites; and

WHEREAS, The Site Selection Advisory Committee recommended that a 17.01-acre parcel, known as the Rosemary Hills/Lyttonsville Local Park, be selected for the Bethesda-Chevy Chase Middle School #2; and

WHEREAS, The site, located at 2450 Lyttonsville Road in Chevy Chase is well located to serve the Bethesda-Chevy Chase Cluster and is titled to the Maryland-National Capital Park and Planning Commission; and

WHEREAS, The future middle school could be collocated with the existing facilities at the Rosemary Hills/Lyttonsville Local Park; now therefore be it

Resolved, That the Rosemary Hills/Lyttonsville Local Park be selected for the Bethesda-Chevy Chase Middle School #2; and be it further

Resolved, That the Maryland-National Capital Park and Planning Commission, the County Council, and the State of Maryland Interagency Committee for Public School Construction be made aware of this action.

RESOLUTION NO. 164-11

Re: **HERBERT HOOVER MIDDLE SCHOOL—
FOREST CONSERVATION AGREEMENTS**

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

WHEREAS, Forest Conservation Plan No. MR2010722 for the modernization of Herbert Hoover Middle School, located at 8810 Postoak Road in Potomac, Maryland, establishes the need for 2.16 acres of forest conservation to satisfy environmental code requirements for tree loss during construction; and

WHEREAS, The Board must acquire Forest Conservation Credits in an offsite mitigation bank that has been approved by the Maryland-National Capital Park and Planning Commission, because there is insufficient space at Herbert Hoover Middle School to accommodate the required forest conservation; and

WHEREAS, Staff in the Department of Facilities Management has negotiated a purchase price of \$55,000 for 2.16 acres of Forest Conservation Credits from Winchester Homes, Inc. in an approved Forest Conservation Mitigation Bank to satisfy requirements of the Forest Conservation Plan No. MR2010722 in compliance with Article II of Chapter 22A of the Montgomery County Code; and

WHEREAS, Winchester Homes, Inc. will accept all responsibility for the continued maintenance, monitoring, and protection of the Forest Conservation Mitigation Bank; and

WHEREAS, It is necessary to execute a Certificate of Compliance Agreement among the Board of Education, Winchester Homes, Inc., and the Maryland-National Capital Park and Planning Commission to evidence compliance and participation with the environmental code requirements for forest conservation; now therefore be it

Resolved, That the president of the Board of Education and the superintendent of schools be authorized to execute an Agreement of Sale with Winchester Homes, Inc. in the amount of \$55,000 for 2.16 acres of offsite Forest Conservation Credits for Herbert Hoover Middle School; and be it further

Resolved, That the president of the Board of Education and the superintendent of schools be authorized to execute a Certificate of Compliance Agreement with Winchester Homes, Inc. and the Maryland-National Capital Park and Planning Commission, establishing the Conservation Easement at the offsite location.

RESOLUTION NO. 165-11 Re: **GARRETT PARK ELEMENTARY SCHOOL—
DEEDS OF EASEMENT**

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

WHEREAS, The modernization of Garrett Park Elementary School, located at 4810 Oxford Street in Garrett Park, Maryland, requires the reconfiguration of utilities, storm drainage, and parking on Board of Education property and the adjacent land owned by the Town of Garrett Park; and

WHEREAS, Mutual benefits will accrue to the parties by exchanging deeds of easement to memorialize the new land configuration; and

WHEREAS, The new land configuration requires a grant of two deeds of easement from the Town of Garrett Park to the Board of Education to provide access across the Town of Garrett Park' s land parcel to construct, install, and maintain utilities in 5,578 square feet of land and a storm drainage system in 972 square feet of land to support the modernized school facility and provide continued access to the school; and

WHEREAS, The new land configuration requires a grant of two deeds of easement from

the Board of Education to the Town of Garrett Park to provide access across the Board of Education's land parcel to construct, install, and maintain utilities in 11,621 square feet of land, and in 1,008 square feet of land for parking to support the Town of Garrett Park's continued use of their property after the school modernization; and

WHEREAS, All costs of construction, installation, and maintenance of the facilities across the parcels shall be at the cost of the Board of Education as a part of the modernization project; now therefore be it

Resolved, That the president of the Board of Education and the superintendent of schools be authorized to accept a grant from the Town of Garrett Park by executing two Deeds of Easement for utilities and access in 5,578 square feet of land and for storm drainage in 972 square feet of land at Garrett Park Elementary School; and be it further

Resolved, That the president of the Board of Education and the superintendent of schools be authorized to grant to the Town of Garrett Park by executing two Deeds of Easement for utilities and access in 11,621 square feet of land and for parking in 1,008 square feet of land at Garrett Park Elementary School.

RESOLUTION NO. 166-11 Re: **RECOMMENDED CATEGORICAL
TRANSFERS FOR THE FISCAL YEAR 2011
PROVISION FOR FUTURE SUPPORTED
PROJECTS**

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

WHEREAS, The current Fiscal Year 2011 Operating Budget adopted by the Board of Education includes \$9,422,091 for the Provision for Future Supported Projects; and

WHEREAS, The Board of Education will receive additional projects that are eligible for funding through the Provision for Future Supported Projects during Fiscal Year 2011; and

WHEREAS, Actual revenue and expenditure requirements of grant projects require that categorical transfers be made in the Provision for Future Supported Projects; now therefore be it

Resolved, That the superintendent of schools be authorized to effect categorical transfers totaling \$2,330,000 within the Fiscal Year 2011 Provision for Future Supported Projects, in accordance with the County Council provision for transfers, as follows:

	<u>Category</u>	<u>From</u>	<u>To</u>
1	Administration	\$ 50,000	
2	Mid-level Administration	300,000	
3	Instructional Salaries	900,000	

5	Other Instructional Costs	900,000	
6	Special Education		\$ 1,500,000
7	Student Personnel Services	150,000	
10	Operation of Plant and Equipment		30,000
12	Fixed Charges		600,000
13	Food and Nutrition Services		200,000
14	Community Services	<u>30,000</u>	<u> </u>
	Total	<u>\$ 2,330,000</u>	<u>\$ 2,330,000</u>

and be it further

Resolved, That a copy of this resolution be sent to the county executive and the 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. 167-11 Re: **UTILIZATION OF THE FISCAL YEAR 2011
PROVISION FOR FUTURE SUPPORTED
PROJECTS FUNDS**

On recommendation of the superintendent and on motion of Ms. Brandman seconded by Mrs. O' Neill, 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. 16-1374, approved May 27, 2010; and

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

WHEREAS, Sufficient appropriation is available, within the Fiscal Year 2011 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 by the Montgomery County Board of Education to receive and expend \$907,700 within the Fiscal Year 2011 Provision for Future Supported Projects, as specified below:

Project	Positions*	Amount
Head Start Extended Year Program		\$ 104,072
Hands On Science		88,791
Council for Exceptional Children Convention and Expo Project		1,998
Maryland Technology Proficiency Partnership, Title II–D	1.0	706,615
Improving Teacher Quality Grant, Consulting Teacher Project, Title II–A		<u>6,224</u>
Total		\$ 907,700

Positions*

1.0 instructional specialist

and be it further

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

Re: RATIONALE FOR CHARTER SCHOOL DECISIONS

Mr. Barclay read the following rationale: during the Board of Education' s meeting held on June 8, 2010, the Board voted unanimously to deny the applications to establish public charter schools that were submitted by Crossway Community, Inc. (Crossway Community) and Global Garden Public Charter School (Global Garden). Both applicants appealed those decisions to the Maryland State Board of Education (State Board).

On January 25, 2011, the State Board issued its decision in both cases. The State Board reversed and remanded the cases so that the Montgomery County Board of Education could reconsider its decisions and provide a clear, legally supportable rationale for its decisions on the charter school applications. Based upon review of the materials provided for the June 8, 2010, Board meeting, the superintendent' s memorandum, and the discussion and deliberation of the Board, the following is a brief summary of the more significant concerns raised about the two charter school applications.

Crossway Community, Inc.

Crossway Community sought to expand its existing private school prekindergarten/kindergarten (pre-K/K) Montessori program to create a public charter school encompassing pre-K/K through Grade 6. The Crossway Community application presented a number of concerns.

Waiver Issues

The application submitted by Crossway Community included several waiver requests that

appear impermissible. These included the following:

- A waiver to allow some of its teachers to not hold the appropriate Maryland certification.
- A waiver to allow it to independently appoint and remove teachers.
- A waiver of the requirement that its school director and non-instructional employees be considered public school employees.
- A waiver of the open admissions requirements to give priority access to students enrolled in a pre-K program operated by the charter school applicant.
- A waiver to permit it to receive commensurate funding for its 4-year-old students.

Commingling of Resources Concerns

The integration of the proposed charter school with Crossway Community's existing programs blurs the boundaries between the public school and the other programs of the private organization. This integration would make it difficult, if not impossible, for a Montgomery County Public Schools' (MCPS) audit to confirm that all funds were properly segregated. For example:

- Some classrooms would consist of both public and private school students being taught by a charter school teacher who is a public school employee, thereby commingling private and public funds.
- The charter school principal would be performing tasks for both the public charter school and for Crossway Community's private programs.
- The same concern also arises with other non-instructional personnel. The maintenance staff, for example, would be performing their duties in both the publicly and privately funded portions of the building.

Curriculum/Academic Concerns

There is a concern about Crossway Community's ability to meet the needs of the upper elementary school-aged students because of its lack of experience with that age group. While the application sets forth learning goals for the younger students, comparable learning goals were not provided for the older students.

There also were gaps in the application regarding the academic program for the younger students including grade-level expectations, assessment models, differentiation of instruction, instruction in health education, and information/technology literacy.

The Crossway Community application did not indicate an accurate understanding of assessment requirements regarding the Maryland School Assessment (MSA) and Alternate MSA testing.

Transportation Concerns

Crossway Community indicated that parents will assume the responsibility of transporting their children to school. This does not constitute an adequate transportation plan.

Space Concerns

The materials submitted with Crossway Community's application raised a concern as to whether the proposed facility, which serves a variety of Crossway's programs, would be adequate for the public charter school.

The floor plan that was attached to the application does not illustrate how the proposed charter school could be accommodated within the space.

Food Services Concerns

There is a concern about the adequacy of the proposed food service delivery plan. Crossway Community's meal service plan for its residential program is not applicable to the meal service provided at a public day school. In addition, the institutional kitchen described would seem to be inadequate, and there is not evidence of a full understanding of the kitchen equipment that would be needed.

Global Garden Public Charter School, Inc.

The application submitted by Global Garden proposed an inquiry-based International Baccalaureate (IB) Primary Years Programme (PYP) for Grades K–8 with a foreign language component. While the application reflected an ambitious program with a creative educational approach, it also presented a number of significant concerns.

General Curricula Concerns

The application lacked information about the specific skills and knowledge that would be taught in the various disciplines at each grade level.

The Maryland State Curriculum standards listed in the application are *content standards*, which are merely broad statements that do not change across grade levels.

The specificity that is necessary for performance standards also was omitted from the Global Garden academic design.

The absence of a sufficient curriculum is a significant flaw in the application.

International Baccalaureate Programme Concerns

The application indicates that in the summer following the school's first year of operation,

teachers will have completed the required training and the Program of Inquiry will be written. However, it is not clear what would be taught in the school's first year of operation. Further, without an adequate existing curriculum, the task of creating the Program of Inquiry will be even more difficult.

It also appears that insufficient time has been allotted to develop the proposed program. Our staff has been advised that the IB organization program development timeline is typically three and a half years. Under the Global Garden proposal, teachers would have to maintain their teaching responsibilities, while at the same time engage in the lengthy and time-consuming process of developing the curriculum.

Integrated Curriculum Concerns

There also is a concern regarding Global Garden's plan for an integrated elementary school curriculum. The curricular deficiencies noted above will make it very difficult for an already over-burdened staff to develop an integrated curriculum.

The development of an integrated curriculum requires a great commitment of staff resources as well as expertise that is typically gained through extensive training or study.

It is difficult to determine how Global Garden will be able to develop lesson plans for an integrated curriculum while staff simultaneously maintains teaching responsibilities and develops the other aspects of the proposed IB program.

This concern is exacerbated by the absence of the curricular framework, which must be in place before the work of integration can begin. While the applicant provided supplemental information, it also was not clear that there was a sufficient plan regarding academic measures and student reporting.

Foreign Language Instruction Concerns

The application is confusing and contradictory regarding foreign language instruction as noted below:

- While Global Garden has stated that it is not proposing a language immersion program or a dual language program, the description of the proposed language delivery program mirrors those models.
- The academic design was confusing regarding how foreign language instruction would be delivered for native and nonnative speakers of the target language.
- The application also was unclear about how non-English-speaking students would receive direct instruction to promote English language acquisition.

Global Garden also proposed pairing instruction in Spanish during elementary school with possible instruction in Arabic during middle school. Staff has indicated that this compiling of

languages is not complementary, and the plan for foreign language instruction itself runs counter to the philosophy of the IB Programme, which emphasizes reaching proficiency in one language.

General Instructional Concerns

The academic design related to both reading and mathematics refers to drilling toward mastery. Research has proven that this rote memorization strategy is ineffective.

The academic design of the written language aspect of the application lacks needed specificity. The application does not set forth a cohesive plan detailing which writing concepts, skills, processes, purposes, and elements will be addressed and in what manner.

Staffing Concerns

Although the staffing plan provides for classroom teaching staff, it did not explicitly provide for a special education teacher. There also is a concern regarding the proposed staffing for paraeducators and English for Speakers of Other Languages (ESOL) teachers. These issues were not adequately addressed in the supplemental materials submitted by Global Garden.

In combination with the concerns about the approach to teaching foreign language, the applicant demonstrated a limited understanding of the needs of English language learners to receive direct instruction in English language acquisition programs.

Facilities Concerns

There is an additional concern that the proposed facilities are not adequate to house the number of students expected to attend the program.

It is unclear how the space would be configured to ensure grade-level access, necessary to meet safety code requirements, for Grades pre-K–1.

Further, providing suitable playground and multipurpose kitchen space appears especially challenging in the proposed facilities.

Summary

The charter school application process is thorough and detailed because of the complexity of operating a high quality school. The Board takes very seriously its obligation to hold applicants accountable for demonstrating both their understanding of and ability to meet the needs of all students.

The concerns outlined above required the Board to deny charter school applications for both Crossway Community and Global Garden. The Crossway Community application contained a series of structural problems that made the entire proposal unsound. Global

Garden' s proposal was predicated upon a deeply flawed academic design, and academic design is the foundation of any educational institution. In conjunction with the operational and facilities concerns, the application was deemed unacceptable.

Re: **RATIONALE FOR CHARTER SCHOOL DECISIONS**

On recommendation of the superintendent, the following resolution was placed on the table:

WHEREAS, On January 25, 2011, the Maryland State Board of Education reversed and remanded the cases of *Crossway Community, Inc. v. Montgomery County Board of Education* and *Global Garden Public Charter School Inc. v. Montgomery County Board of Education* so that the Montgomery County Board of Education may reconsider its decisions; and

WHEREAS, The Maryland State Board of Education directed the Montgomery County Board of Education to provide the rationale for its June 8, 2010, decisions to deny the charter school applications of Crossway Community, Inc. and Global Garden Public Charter School; and

WHEREAS, The Montgomery County Board of Education has provided the rationale for the denials of the applications for charter schools by Crossway Community, Inc. and Global Garden Public Charter School during today' s discussion; now therefore be it

Resolved, That the Board of Education denies the charter school application submitted by Crossway Community, Inc.; and be it further

Resolved, That the Board of Education denies the charter school application submitted by Global Garden Public Charter School; and be it further

Resolved, That the Board of Education directs general counsel to convey the rationale articulated in this meeting regarding the denial of both charter school applications— Crossway Community, Inc. and Global Garden Public Charter School—to the Maryland State Board of Education.

RESOLUTION NO. 168-11 Re: **SEPARATE THE VOTE**

On motion of Ms. Berthiaume and seconded by Mrs. O' Neill, the following resolution was adopted with Ms. Berthiaume, Ms. Brandman, Dr. Docca, Mr. Durso, Mr. Kauffman, Mrs. O'Neill, and Mr. Xie voting in the affirmative; Mr. Barclay voting in the negative:

Resolved, That the Board of Education take individual votes on the charter schools.

Re: **DISCUSSION**

Ms. Berthiaume suggested that the Board decide on Crossway Community, Inc. first. She

indicated that she would deny this application on the rationale that it requests an impermissible waiver based on the Maryland Charter School Law.

RESOLUTION NO. 169-11 Re: **AN AMENDMENT TO THE RATIONALE FOR CHARTER SCHOOL DECISIONS**

On motion of Mr. Kauffman and seconded by Ms. Berthiaume the following amendment was adopted with Mr. Barclay, Ms. Berthiaume, Ms. Brandman, Mr. Durso, Mr. Kauffman, and Mr. Xie voting in the affirmative; Dr. Docca voting in the negative:

WHEREAS, On January 25, 2011, the Maryland State Board of Education reversed and remanded the case of *Crossway Community, Inc. v. Montgomery County Board of Education* so that the Montgomery County Board of Education may reconsidered its decision; and

WHEREAS, The Maryland State Board of Education directed the Montgomery County Board of Education to provide the rationale for its June 8, 2010, decision to deny the charter school application of Crossway Community, Inc.; and

WHEREAS, The Montgomery County Board of Education has provided the rationale for the denial of the application for charter school by Crossway Community, Inc. during today's discussion; and

WHEREAS, The Maryland State Board of Education ruled that providing a charter school applicant with meaningful technical assistance, substantive feedback, and the opportunity to cure deficiencies in an application is one component of a fair application process; now therefore be it

Resolved, That the Board of Education denies the charter school application submitted by Crossway Community, Inc.; and be it further

Resolved, That the Board of Education directs general counsel to convey the rationale articulated in this meeting regarding the denial of the charter school application—Crossway Community, Inc.—to the Maryland State Board of Education; and be it further

Resolved, That the Board of Education directs MCPS staff to convey the rationale provided to Crossway Community, Inc. to offer meaningful technical assistance and substantive feedback in order to allow the applicant to submit a revised proposal no later than May 1, 2011.

RESOLUTION NO. 170-11 Re: **THE RATIONALE FOR CHARTER SCHOOL DECISIONS**

On motion of Mr. Kauffman and seconded by Ms. Berthiaume the following resolution was adopted unanimously:

WHEREAS, On January 25, 2011, the Maryland State Board of Education reversed and remanded the case of *Crossway Community, Inc. v. Montgomery County Board of Education* so that the Montgomery County Board of Education may reconsider its decision; and

WHEREAS, The Maryland State Board of Education directed the Montgomery County Board of Education to provide the rationale for its June 8, 2010, decision to deny the charter school application of Crossway Community, Inc.; and

WHEREAS, The Montgomery County Board of Education has provided the rationale for the denial of the application for charter school by Crossway Community, Inc. during today's discussion; and

WHEREAS, The Maryland State Board of Education ruled that providing a charter school applicant with meaningful technical assistance, substantive feedback, and the opportunity to cure deficiencies in an application is one component of a fair application process; now therefore be it

Resolved, That the Board of Education denies the charter school application submitted by Crossway Community, Inc.; and be it further

Resolved, That the Board of Education directs general counsel to convey the rationale articulated in this meeting regarding the denial of the charter school application—Crossway Community, Inc.—to the Maryland State Board of Education; and be it further

Resolved, That the Board of Education directs MCPS staff to convey the rationale provided to Crossway Community, Inc. to offer meaningful technical assistance and substantive feedback in order to allow the applicant to submit a revised proposal no later than May 1, 2011.

RESOLUTION NO. 171-11

Re: **AN AMENDMENT TO THE RATIONALE FOR CHARTER SCHOOL DECISIONS**

On motion of Mr. Kauffman and seconded by Ms. Berthiaume the following amendment was adopted with Mr. Barclay, Ms. Berthiaume, Ms. Brandman, Mr. Durso, Mr. Kauffman, and Mr. Xie voting in the affirmative; Dr. Docca voting in the negative:

WHEREAS, On January 25, 2011, the Maryland State Board of Education reversed and remanded the case of *Global Garden Public Charter School, Inc. v. Montgomery County Board of Education* so that the Montgomery County Board of Education may reconsider its decision; and

WHEREAS, The Maryland State Board of Education directed the Montgomery County Board of Education to provide the rationale for its June 8, 2010, decision to deny the charter school application of Global Garden Public Charter School, Inc.; and

WHEREAS, The Montgomery County Board of Education has provided the rationale for the denial of the application for charter school by Global Garden Public Charter School, Inc. during today' s discussion; and

WHEREAS, The Maryland State Board of Education ruled that providing a charter school applicant with meaningful technical assistance, substantive feedback, and the opportunity to cure deficiencies in an application is one component of a fair application process; now therefore be it

Resolved, That the Board of Education denies the charter school application submitted by Global Garden Public Charter School, Inc.; and be it further

Resolved, That the Board of Education directs general counsel to convey the rational articulated in this meeting regarding the denial of the charter school application—Global Garden Public Charter School, Inc.—to the Maryland State Board of Education; and be it further

Resolved, That the Board of Education directs MCPS staff to convey the rationale provided to Global Garden Public Charter School, Inc. to offer meaningful technical assistance and substantive feedback in order to allow the applicant to submit a revised proposal no later than May 1, 2011.

Re: **DISCUSSION**

Ms. Berthiaume stated that she would vote in favor of granting the charter. She had written a statement, and she asked that the statement be appended to the minutes.

RESOLUTION NO. 172-11

Re: **THE RATIONALE FOR CHARTER SCHOOL DECISIONS**

On motion of Mr. Kauffman and seconded by Ms. Brandman the following amendment was adopted with Mr. Barclay, Ms. Brandman, Dr. Docca, Mr. Kauffman, and Mr. Xie voting in the affirmative; Ms. Berthiaume and Mr. Durso voting in the negative:

WHEREAS, On January 25, 2011, the Maryland State Board of Education reversed and remanded the case of *Global Garden Public Charter School, Inc. v. Montgomery County Board of Education* so that the Montgomery County Board of Education may reconsidered its decision; and

WHEREAS, The Maryland State Board of Education directed the Montgomery County Board of Education to provide the rationale for its June 8, 2010, decision to deny the charter school application of Global Garden Public Charter School, Inc.; and

WHEREAS, The Montgomery County Board of Education has provided the rationale for the denial of the application for charter school by Global Garden Public Charter School, Inc. during today' s discussion; and

WHEREAS, The Maryland State Board of Education ruled that providing a charter school applicant with meaningful technical assistance, substantive feedback, and the opportunity to cure deficiencies in an application is one component of a fair application process; now therefore be it

Resolved, That the Board of Education denies the charter school application submitted by Global Garden Public Charter School, Inc.; and be it further

Resolved, That the Board of Education directs general counsel to convey the rationale articulated in this meeting regarding the denial of the charter school application—Global Garden Public Charter School, Inc.—to the Maryland State Board of Education; and be it further

Resolved, That the Board of Education directs MCPS staff to convey the rationale provided to Global Garden Public Charter School, Inc. to offer meaningful technical assistance and substantive feedback in order to allow the applicant to submit a revised proposal no later than May 1, 2011.

Re: **SUPERINTENDENT'S RECOMMENDATION
FOR THOMAS EDISON HIGH SCHOOL OF
TECHNOLOGY AND WHEATON HIGH
SCHOOL MODERNIZATION**

On recommendation of the superintendent and on motion of Mr. Barclay seconded by Ms. Brandman, the following resolution was placed on the table:

WHEREAS, The superintendent of schools convened the Thomas Edison High School of Technology/Wheaton High School Roundtable Advisory Committee to provide input regarding the relationship between programs in the two schools; and

WHEREAS, The Thomas Edison High School of Technology/Wheaton High School Roundtable Advisory Committee met from November 2010 through January 2011 and submitted a report to the superintendent of schools and the members of the Board of Education on January 27, 2011; and

WHEREAS, The superintendent of schools reviewed and carefully considered the Thomas Edison High School of Technology/Wheaton High School Roundtable Advisory Committee Report and feedback from the community at large and released recommendations regarding the modernization for Thomas Edison High School of Technology and Wheaton High School on February 10, 2011; and

WHEREAS, The superintendent of schools directed the Office of School Performance, the Office of Curriculum and Instructional Programs, and the Department of Facilities Management to review the relationship between the programs at the two schools to determine the most effective use of buildings, programs, and staff before moving into the

feasibility study; and

WHEREAS, The site of Thomas Edison High School of Technology and Wheaton High School is limited, and the two schools currently are located in one facility; and

WHEREAS, There are significant fiscal constraints in both the Montgomery County Public Schools capital and operating budgets; and

WHEREAS, On February 28, 2011, the Board of Education conducted a work session to consider the superintendent of schools' recommendation and requested two alternatives to the superintendent of schools' recommendation; and

WHEREAS, On March 15, 2011, the Board of Education conducted public hearings, in accordance with Board of Education Policy FAA, Long-Range Educational Facilities Planning, and Montgomery County Public Schools Regulation FAA-RA, Long-Range Educational Facilities Planning, on the superintendent of schools' recommendation and the two alternatives; now therefore be it

Resolved, That the separate identities of Thomas Edison High School of Technology and Wheaton High School be maintained; and be it further

Resolved, That the current half-day, Grades 11–12 center program model for Thomas Edison High School of Technology continue; and be it further

Resolved, That one facility with shared spaces be designed and constructed for the modernization of Thomas Edison High School of Technology and Wheaton High School; and be it further

Resolved, That the feasibility study should develop options to maximize effective use of the building and site to provide flexibility in the future; and be it further

Resolved, That the programs at both Thomas Edison High School of Technology and Wheaton High School be enhanced to increase student interest, access, participation, and successful completion of challenging Career and Technology Education programs; and be it further

Resolved, That programs requiring specialized facilities, which cannot easily be replicated at local high schools be improved and expanded; and be it further

Resolved, That beginning in the 2012–2013 school year, the Project Lead The Way Program at Wheaton High School be expanded into an application entrance program for students from the Downcounty Consortium and explore options for students from outside the Downcounty Consortium, who do not attend a school with the Project Lead The Way Program, to complete the Project Lead The Way Program at Wheaton High School; and be it further

Resolved, That the superintendent of schools directs staff to review areas of overlap staffing at Thomas Edison High School of Technology and Wheaton High School to assure maximum program effectiveness and operational budget savings and include recommended staffing changes in the Fiscal Year 2013 Operating Budget; and be it further

Resolved, That the marketing and selection process of students for the Thomas Edison High School of Technology be coordinated through the Division of Consortium Choice and Application Program Services, as is the process with other choice application programs, beginning in the 2011–2012 school year.

Re: **AN AMENDMENT TO THE
SUPERINTENDENT'S RECOMMENDATION
FOR THOMAS EDISON HS OF
TECHNOLOGY AND WHEATON HIGH
SCHOOL MODERNIZATION**

On motion of Mr. Barclay and seconded by Ms. Brandman, the following amendment for replacement of the *resolves* was placed on the table:

Resolved, That the separate identities of Thomas Edison High School of Technology (TEHST) and Wheaton High School be maintained; and be it further

Resolved, That the current half-day, Grade 11-12 center program model for Thomas Edison High School of Technology continue; and be it further

Resolved, That Thomas Edison High School of Technology and Wheaton High School be constructed as separate buildings on the site of the current shared facility, with separate identifiable structures using education specifications that are appropriate to the separate and independent missions of the two schools; and be it further

Resolved, That the feasibility study for the Thomas Edison High School of Technology and Wheaton High School facilities include options to maximize the use of space that will enhance future growth for both Thomas Edison High School of Technology and Wheaton High School, as well as future growth of Foundation programs and college and university partnerships; and be it further

Resolved, That the Facility Advisory Committee (FAC) for the feasibility study includes representatives from both the Thomas Edison High School of Technology and Wheaton High School, and shall include, for Thomas Edison High School of Technology, current TEHST administration, a broad range of TEHST students and parents, and businesses that regularly partner with TEHST and hire TEHST graduates, and for Wheaton High School, those stakeholders normally represented on every other FAC that Montgomery County Public Schools convenes; and be it further

Resolved, That the programs at Thomas Edison High School of Technology be enhanced to increase student interest, access, participation, and successful completion of challenging Career and Technology Education programs; and be it further

Resolved, That programs requiring specialized facilities which cannot be replicated at local high schools be improved and expanded at Thomas Edison High School of Technology; and be it further

Resolved, That the current Project Lead The Way (PLTW) program at Wheaton High School be developed into an application entrance program for students from the Downcounty Consortium (DCC), that pathways are developed for students from outside the DCC to complete PLTW if it is not offered at their home high school, and that funding is provided to begin implementation in 2012-2013; and be it further

Resolved, That MCPS staff develop recommendations for a strategic vision for the MCPS Career and Technology Education (CTE) curriculum including review of programs that require specialized facilities that cannot be easily replicated at local high schools and all other existing CTE programs both within MCPS and in comparable districts in preparation for a discussion of CTE with the Board of Education during the 2011-2012 school year.

Re: **AN AMENDMENT TO THE
SUPERINTENDENT'S RECOMMENDATION
FOR THOMAS EDISON HIGH SCHOOL OF
TECHNOLOGY AND WHEATON HIGH
SCHOOL MODERNIZATION**

By consensus of the Board, Mr. Barclay withdrew all *resolves* but the two facilities amendments, which subsequently failed with Mr. Barclay, Ms. Brandman, and Mrs. O' Neill voting in the affirmative; Ms. Berthiaume, Dr. Docca, Mr. Durso, Mr. Kauffman and (Mr. Xie) voting in the negative:#

Resolved, That Thomas Edison High School of Technology and Wheaton High School be constructed as separate buildings on the site of the current shared facility, with separate identifiable structures using education specifications that are appropriate to the separate and independent missions of the two schools; and be it further

Resolved, That the feasibility study for the Thomas Edison High School of Technology and Wheaton High School facilities include options to maximize the use of space that will enhance future growth for both Thomas Edison High School of Technology and Wheaton High School, as well as future growth of Foundation programs and college and university partnerships.

RESOLUTION NO. 174-11

Re: **AN AMENDMENT TO THE
SUPERINTENDENT'S RECOMMENDATION
FOR THOMAS EDISON HIGH SCHOOL OF
TECHNOLOGY AND WHEATON HIGH
SCHOOL MODERNIZATION**

On motion of Mrs. O' Neill and seconded by Ms. Brandman, the following amendment was adopted with Mr. Barclay, Ms. Brandman, Dr. Docca, Mrs. O' Neill, and (Mr. Xie) voting in

the affirmative; Ms. Berthiaume, Mr. Durso, and Mr. Kauffman voting in the negative:#

Resolved, That the feasibility study for the Thomas Edison High School of Technology and Wheaton High School facilities include options to maximize the use of space that will enhance future growth for both Thomas Edison High School of Technology and Wheaton High School and include two options: (1) two buildings on the site, and (2) one building with separate entrances, separate identities, and driveways.

RESOLUTION NO. 175-11 Re: **AN AMENDMENT TO THE
SUPERINTENDENT'S RECOMMENDATION
FOR THOMAS EDISON HIGH SCHOOL OF
TECHNOLOGY AND WHEATON HIGH
SCHOOL MODERNIZATION**

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

Resolved, That MCPS staff develop recommendations for a strategic vision for the MCPS Career and Technology Education (CTE) curriculum including review of programs that require specialized facilities that cannot be easily replicated at local high schools and all other existing CTE programs both within MCPS and in comparable districts in preparation for a discussion of CTE with the Board of Education during the 2011-2012 school year; and be it further

RESOLUTION NO. 176-11 Re: **AN AMENDMENT TO THE
SUPERINTENDENT'S RECOMMENDATION
FOR THOMAS EDISON HIGH SCHOOL OF
TECHNOLOGY AND WHEATON HIGH
SCHOOL MODERNIZATION**

On motion of Mr. Kauffman and seconded by Ms. Berthiaume, the following amendment was adopted with Mr. Barclay, Ms. Berthiaume, Dr. Docca, Mr. Durso, Mr. Kauffman, and Mr. Xie voting in the affirmative; Ms. Brandman and Mrs. O' Neill voting in the negative:

Resolved, That the Board of Education delete:

Resolved, That the superintendent of schools directs staff to review areas of overlap staffing at Thomas Edison High School of Technology and Wheaton High School to assure maximum program effectiveness and operational budget savings and include recommended staffing changes in the Fiscal Year 2013 Operating Budget; and be it further

Re: **AN AMENDMENT TO THE
SUPERINTENDENT'S RECOMMENDATION
FOR THOMAS EDISON HIGH SCHOOL OF
TECHNOLOGY AND WHEATON HIGH
SCHOOL MODERNIZATION**

On motion of Mr. Durso and seconded by Ms. Berthiaume, the following amendment was placed on the table:

Resolved, That the Board of Education delete:

Resolved, That the marketing and selection process of students for the Thomas Edison High School of Technology be coordinated through the Division of Consortium Choice and Application Program Services, as is the process with other choice application programs, beginning in the 2011–2012 school year.

RESOLUTION NO. 177-11 Re: **AN AMENDMENT TO THE
SUPERINTENDENT'S RECOMMENDATION
FOR THOMAS EDISON HIGH SCHOOL OF
TECHNOLOGY AND WHEATON HIGH
SCHOOL MODERNIZATION**

On motion of Mrs. O' Neill and seconded by Mr. Kauffman, the following substitute amendment was adopted unanimously:#

Resolved, That the marketing and selection process of students for the Thomas Edison High School of Technology be coordinated between the Thomas Edison High School of Technology and the Division of Consortium Choice and Application Program Services, as is the process with other choice application programs, beginning in the 2011–2012 school year.

** Mr. Xie temporarily left the meeting.

RESOLUTION NO. 178-11 Re: **AN AMENDMENT TO THE
SUPERINTENDENT'S RECOMMENDATION
FOR THOMAS EDISON HIGH SCHOOL OF
TECHNOLOGY AND WHEATON HIGH
SCHOOL MODERNIZATION**

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

Resolved, That the Board of Education separate the two schools, as follows:

Resolved, That the programs at both Thomas Edison High School of Technology

and Wheaton High School be enhanced to increase student interest, access, participation, and successful completion of challenging Career and Technology Education programs; and be it further

Resolved, That the programs at Wheaton High School be enhanced to increase student interest, access, participation, and successful completion; and be it further

Resolved, That the programs at Thomas Edison High School of Technology be enhanced to increase student interest, access, participation, and successful completion of challenging Career and Technology Education programs; and be it further

On motion of Mr. Kauffman and seconded by Ms. Berthiaume, the following amendment was adopted unanimously:

Resolved, That programs requiring specialized facilities, which cannot easily be replicated at local high schools be improved and expanded AT THOMAS EDISON HIGH SCHOOL OF TECHNOLOGY; and be it further

** Mr. Xie rejoined the meeting.

RESOLUTION NO. 179-11 Re: **AN AMENDMENT TO THE
SUPERINTENDENT'S RECOMMENDATION
FOR THOMAS EDISON HIGH SCHOOL OF
TECHNOLOGY AND WHEATON HIGH
SCHOOL MODERNIZATION**

On motion of Mr. Kauffman and seconded by Ms. Berthiaume, the following amendment was adopted with Ms. Berthiaume, Ms. Brandman, Dr. Docca, Mr. Durso, Mr. Kauffman, Mrs. O'Neill, and (Mr. Xie) voting in the affirmative; Mr. Barclay voting in the negative:#

Resolved, That the Facility Advisory Committee (FAC) for the feasibility study includes representatives from both the Thomas Edison High School of Technology and Wheaton High School, and shall include, for Thomas Edison High School of Technology, current TEHST administration, a broad range of TEHST students and parents, and businesses that regularly partner with TEHST and hire TEHST graduates, and for Wheaton High School, those stakeholders normally represented on every other FAC [WHAT' S FAC?]that Montgomery County Public Schools convenes; and be it further

RESOLUTION NO. 180-11 Re: **THOMAS EDISON HIGH SCHOOL OF
TECHNOLOGY AND WHEATON HIGH
SCHOOL MODERNIZATION**

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

WHEREAS, The superintendent of schools convened the Thomas Edison High School of Technology/Wheaton High School Roundtable Advisory Committee to provide input

regarding the relationship between programs in the two schools; and

WHEREAS, The Thomas Edison High School of Technology/Wheaton High School Roundtable Advisory Committee met from November 2010 through January 2011 and submitted a report to the superintendent of schools and the members of the Board of Education on January 27, 2011; and

WHEREAS, The superintendent of schools reviewed and carefully considered the Thomas Edison High School of Technology/Wheaton High School Roundtable Advisory Committee Report and feedback from the community at large and released recommendations regarding the modernization for Thomas Edison High School of Technology and Wheaton High School on February 10, 2011; and

WHEREAS, The superintendent of schools directed the Office of School Performance, the Office of Curriculum and Instructional Programs, and the Department of Facilities Management to review the relationship between the programs at the two schools to determine the most effective use of buildings, programs, and staff before moving into the feasibility study; and

WHEREAS, The site of Thomas Edison High School of Technology and Wheaton High School is limited, and the two schools currently are located in one facility; and

WHEREAS, There are significant fiscal constraints in both the Montgomery County Public Schools capital and operating budgets; and

WHEREAS, On February 28, 2011, the Board of Education conducted a work session to consider the superintendent of schools' recommendation and requested two alternatives to the superintendent of schools' recommendation; and

WHEREAS, On March 15, 2011, the Board of Education conducted public hearings, in accordance with Board of Education Policy FAA, Long-Range Educational Facilities Planning, and Montgomery County Public Schools Regulation FAA-RA, Long-Range Educational Facilities Planning, on the superintendent of schools' recommendation and the two alternatives; now therefore be it

Resolved, That the separate identities of Thomas Edison High School of Technology and Wheaton High School be maintained; and be it further

Resolved, That the current half-day, Grades 11–12 center program model for Thomas Edison High School of Technology continue; and be it further

Resolved, That the feasibility study for the Thomas Edison High School of Technology and Wheaton High School facilities include options to maximize the use of space that will enhance future growth for both Thomas Edison High School of Technology and Wheaton High School and include two options: (1) two buildings on the site, and (2) one building with separate entrances, separate identities, and driveways; and be it further

Resolved, That the Facility Advisory Committee (FAC) for the feasibility study includes representatives from both the Thomas Edison High School of Technology and Wheaton High School, and shall include, for Thomas Edison High School of Technology, current TEHST administration, a broad range of TEHST students and parents, and businesses that regularly partner with TEHST and hire TEHST graduates, and for Wheaton High School, those stakeholders normally represented on every other FAC [WHAT' S FAC?]^tthat Montgomery County Public Schools convenes; and be it further

Resolved, That the programs at Wheaton High School be enhanced to increase student interest, access, participation, and successful completion; and be it further

Resolved, That the programs at Thomas Edison High School of Technology be enhanced to increase student interest, access, participation, and successful completion of challenging Career and Technology Education programs; and be it further

Resolved, That programs requiring specialized facilities, which cannot easily be replicated at local high schools be improved and expanded at Thomas Edison High School of Technology; and be it further

Resolved, That beginning in the 2012–2013 school year, the Project Lead The Way Program at Wheaton High School be expanded into an application entrance program for students from the Downcounty Consortium and explore options for students from outside the Downcounty Consortium who do not attend a school with the Project Lead The Way Program, to complete the Project Lead The Way Program at Wheaton High School; and be it further

Resolved, That the marketing and selection process of students for the Thomas Edison High School of Technology be coordinated between the Thomas Edison High School of Technology and the Division of Consortia Choice and Application Program Services, as is the process with other choice application programs, beginning in the 2011–2012 school year; and be it further

Resolved, That MCPS staff develop recommendations for a strategic vision for the MCPS Career and Technology Education (CTE) curriculum including review of programs that require specialized facilities that cannot be easily replicated at local high schools and all other existing CTE programs both within MCPS and in comparable districts in preparation for a discussion of CTE with the Board of Education during the 2011–2012 school year.

Re: **NON-RECOMMENDED REDUCTIONS TO
THE FISCAL YEAR 2012 OPERATING
BUDGET**

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

WHEREAS, The Board of Education submitted the Fiscal Year 2012 Operating Budget Request totaling \$2,205,722,618 on March 1, 2011, including \$2,069,719,622 for tax-supported funds; and

WHEREAS, The Board of Education's request exceeds the Montgomery County Public Schools Spending Affordability Guidelines allocation of \$1,863,900,000 and a separate allocation for Other Post-Employment Benefits for retiree health prefunding of \$53,200,000 by \$158,158,789 (8.5 percent) approved by the County Council on February 8, 2011; and

WHEREAS, Section 20-62 of the Montgomery County Code requires each agency whose budget request exceeds the spending allocation approved by the Council to submit "prioritized expenditure reductions" that would be necessary to comply with the allocation no later than March 31; and

WHEREAS, On March 2, 2011, I issued a list of potential expenditure reductions that would be necessary if the Board of Education's budget request is not funded at the required Maintenance of Effort level of local contribution; and

WHEREAS, The county executive recommended a tax-supported amount of \$1,987,614,562 in tax-supported expenditures for Fiscal Year 2012 on March 15, 2011, including a local contribution of \$1,415,085,344; and

WHEREAS, Montgomery County intends to request a waiver totaling \$82,105,060 of the Maintenance of Effort requirement of a local contribution of \$1,497,190,404 (\$10,664 per student), pursuant to Section 5-202 (d) (7) of the Annotated Code of Maryland, Education Article, because the county's fiscal condition prevents it from funding the Maintenance of Effort requirement without seriously impairing other county services; and

WHEREAS, Pursuant to Maryland State Board of Education procedures, the Montgomery County Board of Education must state its position on the county's waiver request no later than April 10, 2011; and

WHEREAS, Montgomery County Public Schools staff has received information about the county's fiscal condition and has worked closely with county staff to review economic and revenue data; and

WHEREAS, The county executive's Recommended Fiscal Year 2012 Operating Budget requires the Board of Education to make \$82.1 million in non-recommended reductions in its Fiscal Year 2012 Operating Budget Request; and

WHEREAS, No further reductions below that amount can be made without seriously endangering the quality of education for Montgomery County Public Schools students; now therefore be it

Resolved, That the Board of Education supports the Montgomery County request for a waiver of the Maintenance of Effort requirements for Fiscal Year 2012, if the following

conditions are agreed to by the county executive and the County Council and are included in the action of the Maryland State Board of Education:

1. The Operating Budget amount of \$1,987,614,562 in tax-supported resources (excluding grants and enterprise funds) recommended by the county executive on March 15, 2011, is fully funded by the County Council without reducing the appropriation in any state category of expenditure below the amount recommended by the county executive. This amount necessitates \$82.1 million in non-recommended reductions in the Board of Education's Operating Budget Request.
2. The Fiscal Year 2012 appropriation does not include any transfers of functions or expenditures from the county government's budget to the Board of Education's budget unless the amount of the transfer is added to the amount recommended by the county executive.
3. Local contribution for Fiscal Year 2013 will be based on the Fiscal Year 2012 required amount of \$10,664 per student in order to prevent a permanent reduction in the required level of local support, unless subsequent action of the Maryland General Assembly changes the amount of the Fiscal Year 2013 requirement by law; and be it further

Resolved, That further reductions below that amount would seriously endanger the quality of education for Montgomery County Public Schools students; and be it further

Resolved, That the attached list of potential budget reductions meets the requirements of county law for spending affordability guidelines. These and other reductions, such as the amount budgeted for Other Post-Employment Benefits, step and longevity increases, and employee benefit plans must be considered if funding is not received at a level greater than the county executive's recommendation; and be it further

Resolved, That the president of the Board of Education be authorized to submit this resolution to the Maryland State Board of Education and to represent the Board of Education at a public hearing on the county's waiver request; and be it further

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

** Ms. Xie left the meeting.

RESOLUTION NO. 181-11

Re: **AN AMENDMENT TO THE NON-RECOMMENDED REDUCTIONS TO THE FISCAL YEAR 2012 OPERATING BUDGET**

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

The Operating Budget amount of \$1,987,614,562 in tax-supported resources (excluding grants and enterprise funds) recommended by the county executive on March 15, 2011, is fully funded by the County Council without reducing the appropriation in any state category of expenditure below the amount recommended by the county executive's **appropriation**. This amount necessitates \$82.1 million in non-recommended reductions in the Board of Education's Operating Budget Request.

RESOLUTION NO. 182-11 Re: **NON-RECOMMENDED REDUCTIONS TO
THE FISCAL YEAR 2012 OPERATING
BUDGET**

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

WHEREAS, The Board of Education submitted the Fiscal Year 2012 Operating Budget Request totaling \$2,205,722,618 on March 1, 2011, including \$2,069,719,622 for tax-supported funds; and

WHEREAS, The Board of Education's request exceeds the Montgomery County Public Schools Spending Affordability Guidelines allocation of \$1,863,900,000 and a separate allocation for Other Post-Employment Benefits for retiree health prefunding of \$53,200,000 by \$158,158,789 (8.5 percent) approved by the County Council on February 8, 2011; and

WHEREAS, Section 20-62 of the Montgomery County Code requires each agency whose budget request exceeds the spending allocation approved by the Council to submit "prioritized expenditure reductions" that would be necessary to comply with the allocation no later than March 31; and

WHEREAS, On March 2, 2011, I issued a list of potential expenditure reductions that would be necessary if the Board of Education's budget request is not funded at the required Maintenance of Effort level of local contribution; and

WHEREAS, The county executive recommended a tax-supported amount of \$1,987,614,562 in tax-supported expenditures for Fiscal Year 2012 on March 15, 2011, including a local contribution of \$1,415,085,344; and

WHEREAS, Montgomery County intends to request a waiver totaling \$82,105,060 of the Maintenance of Effort requirement of a local contribution of \$1,497,190,404 (\$10,664 per student), pursuant to Section 5-202 (d) (7) of the Annotated Code of Maryland, Education Article, because the county's fiscal condition prevents it from funding the Maintenance of Effort requirement without seriously impairing other county services; and

WHEREAS, Pursuant to Maryland State Board of Education procedures, the Montgomery County Board of Education must state its position on the county's waiver request no later than April 10, 2011; and

WHEREAS, Montgomery County Public Schools staff has received information about the county's fiscal condition and has worked closely with county staff to review economic and revenue data; and

WHEREAS, The county executive's Recommended Fiscal Year 2012 Operating Budget requires the Board of Education to make \$82.1 million in non-recommended reductions in its Fiscal Year 2012 Operating Budget Request; and

WHEREAS, No further reductions below that amount can be made without seriously endangering the quality of education for Montgomery County Public Schools' students; now therefore be it

Resolved, That the Board of Education supports the Montgomery County request for a waiver of the Maintenance of Effort requirements for Fiscal Year 2012, if the following conditions are agreed to by the county executive and the County Council and are included in the action of the Maryland State Board of Education:

1. The Operating Budget amount of \$1,987,614,562 in tax-supported resources (excluding grants and enterprise funds) recommended by the county executive on March 15, 2011, is fully funded by the County Council without reducing the county executive's appropriation. This amount necessitates \$82.1 million in non-recommended reductions in the Board of Education's Operating Budget Request.
2. The Fiscal Year 2012 appropriation does not include any transfers of functions or expenditures from the county government's budget to the Board of Education's budget unless the amount of the transfer is added to the amount recommended by the county executive.
3. Local contribution for Fiscal Year 2013 will be based on the Fiscal Year 2012 required amount of \$10,664 per student in order to prevent a permanent reduction in the required level of local support, unless subsequent action of the Maryland General Assembly changes the amount of the Fiscal Year 2013 requirement by law; and be it further

Resolved, That further reductions below that amount would seriously endanger the quality of education for Montgomery County Public Schools students; and be it further

Resolved, That the attached list of potential budget reductions meets the requirements of county law for spending affordability guidelines. These and other reductions, such as the amount budgeted for Other Post-Employment Benefits, step and longevity increases, and employee benefit plans must be considered if funding is not received at a level greater than the county executive's recommendation; and be it further

Resolved, That the president of the Board of Education be authorized to submit this resolution to the Maryland State Board of Education and to represent the Board of

Education at a public hearing on the county's waiver request; and be it further

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

**MONTGOMERY COUNTY PUBLIC SCHOOLS
FISCAL YEAR 2012 OPERATING BUDGET
REVISED SUMMARY OF POTENTIAL BUDGET REDUCTIONS**

In the event that Montgomery County Public Schools does not receive local funding for the Fiscal Year (FY) 2012 Operating Budget at the minimum Maintenance of Effort (MOE) level, it will be necessary to consider significant service reductions in the base budget. The amount of reductions will depend on how much local funding is actually received compared to the amount required by MOE. The following revised list contains potential major reductions in the budget and shows modifications since the list was originally issued. The list is not in any priority order, but will give stakeholders an overall idea of what reductions may be necessary to consider before the FY 2012 Operating Budget is approved in June 2011.

Item	Description	FTE	Savings
1	Class Size—An increase of an average of 1 student per class at the elementary and middle school levels and by .4 at the high school level would eliminate 193.4 168.4 teacher positions. This is in addition to the 240.0 positions cut to increase class size by an average of 1 for FY 2011.	193.4 168.4	\$12,608,419 \$10,978,582
2	Academic Intervention Teachers—Cutting 13.0 of the 46.4 elementary and 10.0 of the 38.5 middle school positions would significantly impact support for struggling students. This is over and above 33.8 positions cut in FY 2010 and FY 2011.	23.0	\$1,499,450
3	Staff Development Teachers—Reducing the 181.1 positions budgeted for elementary, secondary schools, special/alternative education by 79.4 51.2 (44 28 percent) would leave 101.7 129.9 positions.	79.4 51.2	\$5,761,618 \$3,715,300
4	Reading Recovery [®] Teachers—This would eliminate the support currently provided by Reading Recovery [®] teachers to elementary students who have reading delays. However, we will restore 7.0 teachers to support reading in 14 schools.	15.0 8.0	\$968,903 \$516,748

Item	Description	FTE	Savings
5	Instrumental Music Teachers—A reduction of 4.0 of the 37.2 instrumental music teacher positions would require that students receive instruction in larger groups and some students may receive less support.	4.0	\$260,774
6	School Counselors—A cut of 10.0 5.0 elementary and 10.0 middle school counselors would increase the ratio of students to professionals and severely impact services to at-risk students. In FY 2011, 9.0 school counselor positions were cut from the budget.	20.0 15.0	\$1,628,625 \$1,272,544
7	Elementary Paraeducators, Lunch Hour Aides, Parent Community Coordinators—A cut of 20.0 paraeducators, 6.0 lunch hour aides, and 2.2 parent community coordinators will reduce support at a time of significant student growth. There was a reduction of 27.0 paraeducator positions in FY 2011.	28.2	\$1,077,784
8	Instructional Data Assistants—A reduction of 16.4 elementary and 4.75 middle school positions will reduce support to administrators and teachers who use student data to drive educational decisions.	21.1	\$1,003,753
9	Media Assistants—A reduction of 23.0 elementary, 8.0 middle, and 7.5 high school positions will require a change in the current enrollment-based guidelines for allocating these positions to schools. Overall, support to students will be decreased. There were 10.5 media assistant positions cut over the last two years.	38.5	\$1,597,511
10	Middle School Extended Day/Year Program—The elimination of middle school after-school and summer school programs would cut services to middle school students who require significant support and are at risk of academic failure.		\$1,568,046
11	Assistant School Administrators—There would be a reduction of 8.0 2.0 of 15.0 middle school positions and 10.0 2.0 of 20.0 high school positions. These positions provide valuable support to the school administrative team, teachers, students, and the school community.	16.0 4.0	\$2,002,052 \$500,512

Item	Description	FTE	Savings
12	Security Assistants—School security staff will be reduced by cutting 40.0 2.0 positions at middle schools (from 69.0 to 59.0 67.0 positions), and 40.0 2.0 positions at high schools (from 112.0 to 102.0 110.0 positions). This reduction in staff would impact the ability of schools to maintain a secure learning environment.	20.0 4.0	\$858,655 \$171,731
13	Outdoor Education—Eliminating this program would deprive students of opportunities to participate in a variety of outdoor environmental field activities, including the overnight program for sixth grade students.	7.0	\$596,767
14	ESOL Counselors/Staffing Ratios—A reduction of 5.0 4.0 ESOL counselors would reduce the number of positions from 11.0 to 6.0 7.0 . A reduction of 9.1 teacher positions would increase the student-to-staff ratio by .8 for elementary schools, .5 for middle schools, and .6 for high schools. There was a reduction of 6.0 ESOL teacher positions in the FY 2011 budget.	14.1 13.1	\$956,712 \$884,022
15	Vocational Support/Career Preparation Teachers—Vocational support teachers would be reduced by 50 25 percent – from 20.0 to 10.0 15.0 positions. Career preparation teachers also would be cut by 50 25 percent from 20.5 to 10.5 15.5 positions. Remaining staff will have to serve more students with less individual attention.	20.0 10.0	\$1,303,870 \$651,934
16	Reduce High School English Composition Assistants—Reduce 9.75 of 58.3 English composition assistants. Staff would have less time to assist individual students and teachers. This will reduce valuable support guiding students to postsecondary careers.	9.75	\$456,421
17	High School Career Information Coordinators—Change schedule of high school career information coordinators from 12- to 10-month positions (same number of days as media assistants). This will reduce valuable support to students during the summer.		\$264,141

Item	Description	FTE	Savings
18	Eliminate High School Activity Buses—Eliminate bus availability for students participating in after-school and extracurricular activities. Students will need to arrange their own transportation home to continue participation. Elementary school activity bus service was eliminated in FY 2011.		\$294,000
19	Reduce Funds for High School Athletics—Reduce stipends and other expenses that support high school athletics. This cut could reduce the number of coaches, games, practices, and/or teams in various sports. This will result in fewer athletic opportunities for students and could result in additional extracurricular fees to offset budget reductions.		\$1,080,000
20	Reduce Building Service Workers—Reduce 60.0 building service worker positions from a total of 1,262 school-based positions (5 percent). Remaining staff would clean more space and there would be less flexibility in assignments. Some preventive maintenance likely will be delayed.	60.0	\$2,422,981
21	<p>Instructional Technology Systems Specialists (ITSS)—Reduce 8.0 out of 38.0 middle school ITSS positions and 1.0 out of 26.0 high school positions.</p> <p>The reduced level of support will result in longer waiting periods to resolve technology hardware and software problems that arise during the school day.</p>	9.0	\$694,276
22	Middle School Lunch Hour Aides—Reduce 20.0 lunch-hour aide positions from the 34.6 budgeted for middle schools for FY 2012. Without these positions, school administrators and security staff will have responsibility to supervise students during lunch periods.	20.0	\$622,302
23	High School Secretaries 1—Eliminate 13.25 of the 82.9 school secretary I positions (18 percent) at the high school level. Completion of general office responsibilities will be delayed. Students, parents, staff, and visitors will be required to wait longer for assistance. Also, cut a .5 registrar position.	13.75	\$572,063

Item	Description	FTE	Savings
24	High School Teacher Assistants—Reduce 3.575 teacher assistant positions at the high school level.	3.575	\$119,661
25	Reduce School Furniture and Equipment and Other K-12 Resources—Delay restoration of school furniture and equipment reductions made in FY 2011. Schools will have to continue using older furniture and equipment, except for emergency needs, until budget resources can be restored. Other reductions would reduce temporary part-time salaries for support of school improvement needs and reduce the cost of school contractual services.		\$864,000
26	Secondary Learning Centers—Continue phase-out of high school learning centers. Students already in secondary learning centers will remain through Grade 12. In addition, change staffing ratios in remaining center classes to match similar classes in other special education programs.	17.9	\$1,034,630
27	Infants and Toddlers and Preschool Programs—Reduce 26 17.55 teacher and paraeducator positions in Infants and Toddlers and Preschool programs. Staff will need to serve more students weekly in classroom and home settings. No required services will be reduced.	26.0 17.55	\$1,594,111 \$1,103,055
28	Special Education Staffing Ratios—Change staffing ratios in special education programs, including Learning and Academic Disabilities (LAD), Gifted and Talented/Learning Disabled (GT/LD), and Deaf and Hard of Hearing (DHOH) programs. LAD ratio would change from 14:1 to 15:1, GT/LD from 13:1 to 16:1, and DHOH from 15:1 to 17:1. Current services would continue based on individual student plans.	23.2	\$1,478,018
29	Special Education Nonpublic Tuition—Reduce projected rate increases for tuition for special education students in nonpublic placement based on lower inflation expectations. State sets tuition rates for nonpublic programs.		\$1,410,630 \$2,166,213

Item	Description	FTE	Savings
30	Central Office Administrative Expenditures—Reduce 13.4 38.1 central office administrative positions. Reduce non-position central office expenditures, including temporary part-time salaries, contractual services, supplies, and other expenditures. The FY 2012 budget already includes \$3.8 million in central office reductions. Over last three years, central office cuts have totaled 174.2 positions and a total of \$28 million—a 20 percent reduction in these expenditures.	13.4 38.1	\$2,715,713 \$5,015,713
31	Increases for Inflation—Eliminate projected 3 percent increase for inflation for textbooks and instructional materials.		\$656,928
	Total	649.9 608.369	\$47,976,216 \$45,139,860

RESOLUTION NO. 183-11

Re: **CLOSED SESSIONS RESOLUTION**

On recommendation of the superintendent and on motion of Ms. Brandman seconded by Ms. Berthiaume, 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 Thursday, April 28, 2011, in Room 120 of the Carver Educational Services Center to meet from 5:30 to 6:00 p.m. to discuss personnel matters, as permitted under Section 10-508(a)(1) of the *State Government Article* and Section 4-107(d) of the *Education Article*; review and adjudicate appeals in its quasi-judicial capacity; consult with counsel to obtain legal advice, as permitted under Section 10-508(a)(7) of the *State Government Article*; and discuss matters of an administrative function outside the purview of the *Open Meetings Act* (Section 10-508(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. 184-11 Re: **REPORT OF CLOSED SESSIONS**

On recommendation of the superintendent and on motion of Ms. Brandman seconded by Ms. Berthiaume, the following report was adopted unanimously by members present:

On March 8, 2011, the Board of Education voted unanimously to conduct closed sessions as permitted under the *Education Article* Section 4-107(d) and *State Government Article* §10-508(a), *et seq.*, of the *Annotated Code of Maryland*.

The Montgomery County Board of Education met in closed sessions on March 8, 2011, from 9:05 to 9:55 a.m. and 1:50 to 2:50 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and:

1. Reviewed the Monthly Human Resources and Development Report with a subsequent vote in open session, as permitted under Section 10-508(a)(1) of the *State Government Article*.
2. Discussed matters relating to the use of real property for a public purpose and matters directly related thereto, as permitted under Section 10-508(a)(3) of the *State Government Article* and Section 4-107(d) of the *Education Article*.
3. Discussed matters of an administrative function (strategies for operating budget funding and pending legislation) which are outside the purview of the *Open Meetings Act* (Section 10-508(a) of the *State Government Article*).

In attendance at the 9:00 a.m. closed session were Chris Barclay, Laura Berthiaume, Shirley Brandman, Judy Docca, Michael Durso, Phil Kauffman, Patricia O' Neill, Alan Xie, Ikhide Roland Ikheloa, Suzann King, Glenda Rose, and Laura Steinberg. At 9:10 a.m., the following staff joined the meeting: Larry Bowers, Brian Edwards, Carole Goodman, Chris Richardson, Frank Stetson, Dana Tofig, and Jerry Weast. At 1:50 p.m., the following staff and counsel joined the meeting: Bruce Crispell, Michael Molinaro, James Song, Janice Turpin, and Mary Pat Wilson.

On March 21, 2011, the Board of Education voted unanimously to conduct a closed session as permitted under the *Education Article* Section 4-107(d) and *State Government Article* §10-508(a), *et seq.*, of the *Annotated Code of Maryland*.

The Montgomery County Board of Education met in a closed session on March 21, 2011, from 5:30 to 7:25 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and:

1. Received legal advice and discussed legal strategy regarding State Board appeals and potential litigation, as permitted under Section 10-508(a)(8) of the *State Government Article*.
2. Discussed collective bargaining and related matters, as permitted under Section 10-508(a)(9) of the *State Government Article*.
3. Discussed matters of an administrative function (strategies for operating budget funding) which are outside the purview of the *Open Meetings Act* (Section 10-508(a) of the *State Government Article*).

In attendance at the 5:30 p.m. closed session were Chris Barclay, Laura Berthiaume, Larry Bowers, Shirley Brandman, Eric Broussard, Stan Damas, Judy Docca, Michael Durso, Brian Edwards, Ikhide Roland Ikheloa, Phil Kauffman, Patricia O' Neill, Glenda Rose,

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

**MONTGOMERY COUNTY BOARD OF EDUCATION
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The Maryland Public Charter School Law provides that “the primary public chartering authority for the granting of a charter shall be a county board of education.” See Section 9-103(a). This is the legal framework for the Board’s initial assessment and current reconsideration of the Global Gardens application for a public charter school in Montgomery County.

The purpose of the Maryland Public Charter School Program is “to establish an alternative means within the existing public school system in order to provide **innovative learning opportunities and creative educational approaches to improve the education of students.**” Section 9-101(b) (emphasis added). Other than this guiding set of principles, the law sets forth no substantive standards for the local Board to use in assessing whether or not to grant a charter. In fact, the number of requirements for charter schools beyond basic compliance with health and safety laws, non-discrimination laws, assessments, civil rights, collective bargaining, and special education laws are few. The school must be nonsectarian, tuition-free, open to all students on a space available basis or via a lottery if there are more applicants than spaces, require students to be physically present for a period of time substantially similar to other public school students (i.e., no virtual public charter schools are allowed), and be a “choice” option for parents rather than a mandatory assignment (i.e., the law does not permit an alternative education program for troubled students to be operated as a charter school, thereby blocking off at least some innovative and creative approaches to improving education for those who most need these approaches). See Section 9-102(1)-(12).

The Global Gardens application meets all of the basic, non-waivable requirements of the law. In my opinion, it also meets the single standard laid out in the law. It would in fact provide innovative learning opportunities using creative educational approaches to improve the education of students.

its stated plan addresses many of the deficits in current public education that are regularly criticized by parents and educational reformers alike, particularly the lack of foreign language instruction, insufficient learning time, a school year based on an outdated agricultural calendar that creates learning losses over the summer, and for many children the lack of instruction at that key intersection at which skill level and challenge level are matched in order to truly engage a child and stimulate the child’s love of learning. The Global Gardens plan addresses each of these in creative and convincing ways. The only qualm I had on initial review of the Global Gardens application was whether its facilities plan was sufficiently strong, and it was on this basis alone that I voted against the grant of the charter. I indicated at the time of my vote that if Global Gardens strengthened its facilities plan that on second review I would have no problem approving the charter.

When I cast my previous vote in June, 2010, I did so on the presumption that the procedures leading up to the vote itself were not relevant to my own inquiry as a Board member. On my own initiative, I had reviewed the charter school law and the local policies, neither of which were submitted to the Board as a part of the application review

packet. I took note of the catch-all phrase in the Maryland law that permits a tremendous amount of wiggle room on the part of the local Board of Education: The school must be “created in accordance with this title and the appropriate county board policy.” Section 9-102(13). I also noted that the Montgomery County Board of Education policy and regulation appeared to me to be written so as to provide maximum control over any charter, to force the charter as near to current MCPS values, procedures, and curriculum approaches as possible, and to provide the unions and the administration the maximum opportunity to critique, criticize, and generally poke holes in any charter application. At the time, I dismissed the fact that the administration’s review had not complied with the requirement of both the external and internal review panels because I assumed the conclusion that the administration would reach to be foregone in any event. When I received the packet containing the 1,001 reasons why the charter should not be granted, I equally dismissed almost all of them as being a “let’s throw everything at the wall that might block this and see what sticks” approach.

My conclusion that the initial process was fundamentally biased was confirmed by my examination of the makeup of the review panel, the fact that the Board did not even hear directly from the applicants but instead had at the Board table for its discussion only the determinedly critical reviewers of the application, and the totality of the minor criticisms laid out by the Superintendent’s recommendation to the Board, most of which were in essence that Global Gardens did not propose to teach in the way that MCPS teaches. Of course, the whole point of a charter school is exactly that - not to teach in the same way that the standard public school option. If the policies and regulations are written so as to force the reverse result, then of course no charter worth granting will ever be granted.

Local school policy can be hostile to charters both procedurally and substantively. Again, the procedure Maryland law actually requires is bare-bones in the extreme. The law simply states that once a charter application is submitted, the county board must review the application and render a decision within 120 days of receipt of the application. See Section 9-104. Beyond this one procedure, the county appears to be free to impose whatever restrictions and guidelines and measures of evaluation it selects, as long as it sets them forth in a policy that is copied to the State Board. See Section 9-110. Up until the State Board of Education’s recent decision directing us to reconsider the Global Gardens application, the ability of the MCPS Board to create policies that were in effect hostile to the creation of charter schools appeared to be without limit.

While the regulation has since been re-written, I note that the Board Policy CFB, a copy of which is attached, contains the following items, **none of which are required by the state law** but all of which demonstrate a distinct hostility to the success of a charter school application:

- “The superintendent or his/her designee will evaluate proposals and make recommendations the Board” (which is sort of like having your steak restaurant management team weigh in on whether the fish restaurant that senior management

proposes to open right across the street is a good idea and well supported in every aspect);

- "The superintendent will submit to the Board of Education a fiscal impact statement as a component of his/her recommendation" (although by law the charter school will serve the same students at the same per pupil cost, just without the administrative superstructure, yet this consideration could be an absolute block given that it is the steak restaurant's management team coming up with the numbers);

- "All implementation and final contracting is contingent upon the Board's final action on the MCPS budget. . . . All implementation and final contracting is contingent upon adequate financial resources." (Needless to say, the state law provides for no such contingency);

- "Public charter school decisions must not have an unduly detrimental impact on other MCPS public schools." (This standard is not contained in the state law and is completely arbitrary in its nature - what is an "unduly detrimental impact?" Perhaps from the point of the view of the steak restaurant management it would be "an unduly detrimental impact" if a charter school actually operated, had a waiting list, and had better academic and disciplinary results than the traditional public school model less than a mile away?)

- "A charter maybe granted for no longer than 4 years and will be reviewed annually by the Board of Education."

- "The superintendent must set a time frame and deadline for requests for renewals. The deadline must be at least six months prior to the expiration of the charter school contract."

I note at this point that a major item in the news lately has been the new Wisconsin state law requirement that collective bargaining agreements be renegotiated annually. Labor leaders have been up in arms about how unfair this provision is, yet **here**, the Board is requiring charter schools to go through the steak restaurant management's scrutiny every single year, and further be able to prove, every single year, that they are "able to meet the needs of their students, maintain a high degree of parent involvement and student enrollment, and remain accountable under the terms of a charter." (I suggest that this is a standard that several of our traditional public schools would most certainly fail to meet on an annual basis, even here in affluent Montgomery County.)

Despite all of this, I assumed that a member of the Board of Education could nevertheless approach and evaluate an application in fairness on its merits. Having read the State Board's decision in Global Gardens Public Charter School, Inc. v. Montgomery County Board of Education, I stand duly chastised for my assumption that I could or should ignore the procedural hurdles and procedural improprieties experienced by the applicant. It now obvious to me that I could not fairly assess the application

completely *de novo* (new and independent review) and that the applicant did suffer real harm from what occurred.

The State Board has pointed out that the school system's basic failure in its approach. The law provides that the goal of the Board (as reflected in its policies and regulations) should be to support charter applicants so as to move towards approval of charters, in compliance with the state law that there shall be charter schools, rather than to seek to force the applicant to walk on water before getting a charter approved. In addition, there is a specific failure of procedure in this case -- failing to provide sufficient timely feedback to allow the charter applicant to fix whatever serious and actual flaws its application might contain - that has acted to deny Global Gardens the opportunity to fix the one flaw that for me stood between it and a grant of its charter.

Now that the State Board has asked us to reconsider, I have actually done so. I took the initial direction of the State Board at its plain meaning. Merriam-Webster defined the term "reconsider" as follows: "To consider again especially with a view to changing or reversing."

In my view, a true reconsideration would involve requesting that the applicant update the Board with whatever steps it had taken over the last nine months to address the facilities question, which I believe was the only substantive objection raised by any member of the Board itself, as opposed to the Superintendent. Reconsideration might also include allowing the applicant time at the Board table to address any individual, specific concerns that a particular Board member might have. Reconsideration in a fair and transparent matter would certainly, at a minimum, include providing the applicant an opportunity to review and respond to the Board President's March 28, 2011 Memorandum to the members of the Board spelling out once again a theory for rejecting the Global Gardens charter. (I note that this memo was sent to the Board members late last week but not copied to the charter applicant itself.)

Unfortunately, I must conclude that the Board has not actually complied with the State Board's initial Order in this matter. I suspect, but cannot know, that Global Gardens has updated and improved its plan since we reviewed it last June. I believe the standard I applied to the question of the facility was too high in any event. Even if it has not changed its facilities plan, I would at this point grant the charter to Global Gardens since the system has been so much at fault and caused so much delay in regard to this charter application. As I am on the losing side of the vote, of course I cannot do so by myself.

Here I have to pause for a moment and note that the State Board's President sent a letter on February 2, 2011 that seems to have backtracked on what it is we as a Board were ordered to do. Rather than "reconsider," we are now told to come up with a legally supportable rationale for denying the charter or, if we cannot state one, then to grant the charter. This seems to have put today's action more in the frame of simply supplying a mutually agreed rationale for the Board's June action so that it can stand up in court. So I am a bit confused. Nothing has changed in terms of the procedural

problems that the State Board indicated prejudiced the applicant's chances, or in terms of the policy that the State Board's decision criticized regarding its financial impact consideration, or in any other important way. The applicant is just as harmed and the Board has no new information. It seems the State Board is confused as to the basis for its own decision if it says on the one hand that the applicant is entitled to a fair process but then will let the county board off the hook anyways provided it can just find a good enough lawyer. Perhaps the State Board believes that April 1st will resolve all because it thinks the charter application will be submitted anew and that it will get a fair shake this time. The judgment of past history on this prospect is not so kind.

There is, however, a remedy in the state law for sheer intransigence on the part of a local board. The "secondary public chartering authority for the granting of a charter shall be the State Board acting in its appeal review capacity ... " Section 9-103(b). If a county board denies a charter, then the State Board may reverse the decision and direct the county board to grant the charter. See Section 9-104(3). No appellate standard is set forth in the law itself, so it is unclear to me whether the State Board simply reviews the charter application *de novo* or whether it reviews it under some other standard. In Baltimore City Bd. Of School Com'rs v. City Neighbors Charter School, 929 A2d 113, 400 Md. 324(2006), the Maryland Court of Appeals stated that except for items of "*local policy or a dispute regarding rules or regulations of the local board*" the Board exercises "very broad statutory authority over the administration of the public school system in this State," and "the totality of its statutory authority constitutes 'a visitatorial power of such comprehensive character as to invest the State Board 'with the last word on any matter concerning educational policy or the administration of the system of public education,' n7 that this power is "one of general control and supervision," that it "authorizes the State Board to superintend the activities of the local boards of education to keep them within the legitimate sphere of their operations," and that "whenever a controversy or dispute arises involving the educational policy or proper administration of the public school system of the State, the State Board's visitatorial power authorizes it to correct all abuses of authority and to nullify all irregular proceedings." In sum, under Maryland law, the State Board has broad power over the public education system in Maryland, and has the power to act to reverse the MCPS Board in the case of an abuse of authority or irregular proceedings.

In contrast, with regard to local policy and local rules and regulations, the State Board "will not substitute its judgment for that of the local board in such cases unless the local decision is arbitrary, unreasonable, or illegal, but (2) SBE shall exercise its independent judgment on the record before it in the explanation and interpretation of the State public school laws and State Board regulations. A local board decision will be regarded as arbitrary or unreasonable if "[i]t is contrary to sound educational policy" and it will be regarded as illegal if it "[m]isconstrues the law" or is "an abuse of discretionary powers." COMAR 13A.01.05.05.B.(1) and C.(3) and (5)." In sum, the State Board can reverse on the basis of abuse of discretionary powers. I believe the current Montgomery County charter policy as currently formulated is clearly an abuse of discretionary powers. In the end, it is a distinction without a difference, because I believe that under either standard of review, the State Board not only has the power to

but has the legal responsibility to grant the Global Gardens charter rather than force another year's worth of fruitless hoop-jumping on the applicant.

Laura Berthiaume
Member, Montgomery County
Board of Education

POLICY

BOARD OF EDUCATION OF MONTGOMERY COUNTY

Related Entries:

Responsible Office: Superintendent of Schools

Public Charter Schools

A. PURPOSE

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

B. ISSUE

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

C. POSITION

1. The Board of Education supports the Maryland law that vests primary authority to establish charter schools with each local board of education.
2. A public charter school is defined as a public school that operates under a charter, or contract, within the public school system and is accountable to the Board of Education.
 - a) The public charter school must focus on improving student performance, strive for high academic standards, and be accountable for results.
 - b) The public charter school must function as a semi-independent education operation within the local school system. It can establish its own “learning community” governance subject to approval by the Board of Education, and create its own priorities, creative solutions, instructional design, professional development, and its system for measuring client satisfaction.

- c) The public charter school must be non-profit, non-religious, non-sectarian, and not based in private homes.
3. A public charter school is subject to the federal, state, and local policies, regulations, and statutes that affect traditional elementary and secondary public schools unless the policies, regulations, and statutes are waived by the appropriate governing authority. The public charter school must demonstrate in any waiver request that the exemption would advance the educational goals and objectives of the school. Policies, regulations, and/or statutes related to audits, health and safety, measurement of student academic achievement, or civil rights cannot be waived.
 4. A public charter school must comply with federal, state, and local provisions for all students, including those with disabilities, demonstrate the human, fiscal and organizational capacity to meet the needs of all students and have an appropriate physical plant to fulfill school responsibilities.
 5. The superintendent or his/her designee will evaluate proposals and make recommendations to the Board.
 6. The superintendent will submit to the Board of Education a fiscal impact statement as a component of his/her recommendation.
 7. All implementation and final contracting is contingent upon the Board's final action on the MCPS budget. Board of Education approval of an application is a commitment to request appropriations from funding agencies. All implementation and final contracting is contingent upon adequate financial resources.
 8. The Board will render a decision within 120 days of receipt of a completed application. The superintendent will establish a process and format for the submission of applications including application deadlines and timelines.
 9. The superintendent or his/her designee will oversee the implementation of approved public charter schools.
 10. Criteria for assessing a public charter school proposal
 - a) Application must be submitted by one or any combination of the following:
 - (1) Current MCPS staff
 - (2) Parent of a current MCPS student

- (3) A nonprofit entity that is nonsectarian in all its programs, policies, and operations
- (4) A Maryland institution of higher education that is nonsectarian in all its programs, policies, and operations
- b) Applications will not be considered from private schools, parochial schools, or home schools.
- c) A public charter school proposal must identify the innovative nature of its program.
- d) The total costs to MCPS for operating the proposed public charter school will not exceed the equivalent costs for like students in MCPS.
- e) A public charter school applicant must demonstrate fiscal and ethical integrity.
- f) The proposal must identify the means by which it will demonstrate improved student performance.
- g) The proposal must delineate how academic and programmatic reporting will occur.
- h) Public charter school decisions must not have an unduly detrimental impact on other MCPS public schools.

11. Application

- a) Those interested in applying to operate a public charter school must submit a proposal to the superintendent or designee. Each proposal shall include, but not be limited to, the following components:
 - (1) The applicant's vision of public charter school expectations and mission
 - (2) The primary mission must remain focused on student academic achievement
 - (3) Specific plans and strategies for developing and delivering educational programs

- (4) Specific educational results including student academic outcomes and how they will be measured and reported
 - (a) The public charter school must meet or exceed current accountability provisions of MCPS and state regulations and statutes.
 - (b) A waiver may not be requested from provisions of state law or regulation relating to the measurement of student academic achievement, including all assessments required for other public schools.
- (5) The public charter school may have a major emphasis, such as reclaiming dropouts or basic instructional programs or to provide innovative learning opportunities and educational approaches for the education of students.
- (6) Facilities

The applicant must submit a facilities plan that specifies cost, location, available space and its use, and, if it is a lease, the terms and conditions. The location of the public charter school must be approved by the Board of Education. Use of existing MCPS buildings must be negotiated with the Board of Education. Policies and regulations related to health and safety cannot be waived.
- (7) Student Admission
 - (a) Students residing in Montgomery County will be eligible for admittance without tuition charge. No eligible Montgomery County student may be denied admittance in order to accept an out-of-county student. Others residing outside of Montgomery County must comply with MCPS policy and state law governing non-resident students.
 - (b) The public charter school may not deny admission based on illegal discriminatory factors such as race, gender, ethnicity, religious preference, socio-economic conditions, disability, or sexual orientation.
 - (c) The public charter school must require students to be physically present on school premises for at least a period of

time substantially similar to the period of time other MCPS students are required to be on school premises.

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

(8) Staffing Plan for the school

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

(9) Management plan for the school

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

(10) Financial plan for the school

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

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

(11) Community Support

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

(12) Length of time the public charter school will operate with current contract and provisions for termination of the charter

- (a) A charter may be granted for no longer than 4 years and will be reviewed annually by the Board of Education.
 - (b) The superintendent must set a timeframe and deadline for requests for renewals. The deadline must be at least six months prior to the expiration of the charter school contract.
 - (c) A public charter school shall provide to MCPS written notice of closure or intent to renew its contract immediately upon decision of its governing board but, in any event, no later than six months prior to closure or expiration of its contract.
 - (d) For approved public charter schools to remain in operation, they must be able to meet the needs of their students, maintain a high degree of parent involvement and student enrollment, and remain accountable under the terms of the charter.
 - (e) The superintendent or designee will evaluate proposals and make a recommendation to the Board of Education for approval and renewal.
 - (f) Contract provisions must delineate contingencies for the continued education of charter school students should the charter school cease to operate. Additionally, the contract must specify how employees will be assigned should the charter school cease to exist.
12. An approved public charter school application shall become part of a contract (charter) between the public charter school and the Board of Education. The contract shall reflect all agreements including the release of the public charter school from any agreed-upon school system policies and all requests for release from state regulations. A revision of the terms of the contract may be made only with the approval of the Board and the governing body of the public charter school.
13. Denials of a public charter application may be appealed to the Maryland State Board of Education within 30 days.
14. A starting date for the public charter school will be established through the contracting process.

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

D. DESIRED OUTCOME

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

E. IMPLEMENTATION STRATEGIES

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

4. The superintendent will develop and implement a process for expediting waiver requests to the State Superintendent of Schools.
5. The superintendent will develop and implement a process for the revocation and renewal of charter schools.

F. REVIEW AND REPORTING

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

Policy History: Adopted by Resolution No. 793-98, November 10, 1998; Amended by Resolution No. 539-03, October 27, 2003.