

Office of the Superintendent of Schools
MONTGOMERY COUNTY PUBLIC SCHOOLS
Rockville, Maryland

November 8, 2011

MEMORANDUM

To: Members of the Board of Education

From: Joshua P. Starr, Superintendent of Schools

Subject: Site Selection Process for Bethesda-Chevy Chase Middle School #2

In accordance with my November 2, 2011, recommendation to conduct a new site selection process for Bethesda-Chevy Chase (B-CC) Middle School #2, this memorandum provides a description of how the process will be conducted and the timeline.

The Board of Education is scheduled to act on my recommended *FY 2013–2018 Capital Improvements Program (CIP)* on November 17, 2011. My recommendation to reopen the site selection process will be included in actions you take on November 17, 2011. If the Board of Education supports my recommendation and takes action to authorize a new site selection process, then I recommend that you rescind your April 28, 2011, action on the Rock Creek Hills Local Park site in order to begin the process with a clean slate. The resolution on which you will act will include language to rescind the April 28, 2011, action on the Rock Creek Hills Local Park site and to authorize a new site selection process. It is important to note that rescinding the previous action adopting the Rock Creek Hills Local Park site should not be interpreted as meaning this site is no longer a candidate for the new middle school. Indeed, this site is a viable option and could, at the end of the process, emerge as the recommended site for the new middle school.

The site selection process described in this memorandum is a change from the previous process for the B-CC Middle School #2 in a number of ways. These changes are as follows:

- The use of an external facilitator will help manage the meetings and the group dynamics effectively.
- The outreach to all Site Selection Advisory Committee (SSAC) participants, in advance of the first meeting, to solicit site options will result in a thorough review process.
- The inclusion of homeowners' association representatives on the SSAC will enable their input to be heard earlier in the process.
- The provision to allow representatives of the SSAC to submit minority reports as part of the SSAC report, if desired, will provide information on any divergent viewpoints.
- The plan to release the SSAC report publicly—if no recommended sites are private property—will help the general public review the sites and submit written comments well in advance of Board of Education action.

Participants in the Site Selection Process

The Maryland-National Capital Park and Planning Commission (M-NCPPC), the County Executive, and the County Council

As we enter into a new site selection process for the new middle school, a priority is to avoid the pitfalls we experienced on the Rock Creek Hills Local Park site selection. First and foremost, we need to implement a process that includes an earlier opportunity for advice and feedback from the M-NCPPC, the county executive, and the County Council on sites likely to be recommended for location of the new middle school. To this end, representatives from the M-NCPPC, the county executive, and the County Council will be invited to participate in the site selection process.

The inclusion of representatives from the three governmental bodies has been standard practice in Montgomery County Public Schools' (MCPS) site selection processes. I consider finding a site for the new middle school to be a shared responsibility of MCPS, M-NCPPC, the county executive, and the County Council. Therefore, I will be looking for the active and constructive participation of these representatives in finding a solution that can be supported. Providing adequate middle school facilities in the Bethesda-Chevy Chase Cluster is not just a school system issue; it is an issue that should concern all county leaders.

Representatives from M-NCPPC, the county executive, and the County Council also will be valuable in helping MCPS identify all possible candidate sites. I am pleased to learn that Ms. Francoise Carrier, chair of the Montgomery County Planning Board—in the kick-off meeting of the M-NCPPC/MCPS Joint Working Group on Site Selection—has suggested that MCPS should take more advantage of the expertise of the planning staff at M-NCPPC to identify sites for schools. I agree that this agency has unique capabilities and will be able to assist us in this activity.

Following action by the Board of Education on November 17, 2011, a letter from Mr. Christopher S. Barclay, president, Board of Education, to the Planning Board chair, the county executive, and the president of the County Council will be sent to outline the upcoming site selection process. The letter will ask for representatives of each of these bodies to serve on the site selection committee. The letter also will request that representatives from M-NCPPC, the county executive, and the County Council put forward candidate sites to MCPS staff prior to the first meeting so that they may be considered from the beginning of the process. Consistent with Ms. Carrier's advice, a special appeal for candidate sites should be made to the M-NCPPC staff that has great familiarity with land uses in this part of the county.

Bethesda-Chevy Chase Cluster Coordinators and Parent Teacher Association (PTA) Presidents

Consistent with all MCPS site selection processes, the inclusion of cluster coordinators and PTA presidents (or their representatives) from all cluster schools is critical to the success of the upcoming middle school site selection process. MCPS relies on these PTA leaders for a range of

facility planning activities, and their participation in site selection is specifically provided for in the Board of Education Policy FAA and the accompanying MCPS Regulation FAA-RA, *Long-range Educational Facilities Planning* (section VI A.2). As parents of students in the B-CC Cluster, these PTA representatives are the primary stakeholders in the process and are most able to evaluate the impact of site options on students and parents in the Cluster. The support of the parent representatives for a middle school site is essential to the success of the process.

I regret that we will be asking the B-CC Cluster PTA leaders to do double duty by participating in the site selection process for B-CC Middle School #2 for a second time. The many facility planning issues that the B-CC Cluster has faced in the past few years has placed a considerable burden on these parent volunteers. In some cases, B-CC cluster PTA leaders have received the brunt of criticism concerning planning processes and issues. MCPS is fortunate to have PTA leaders in the B-CC Cluster who are diligent in pursuing the best interest of cluster students through participation in frequently contentious facility planning processes.

Municipal and County Government Agency Staff

A number of county agencies typically are included in site selection processes and need to be included in the upcoming process. These include representatives of the Montgomery County departments of General Services, Recreation, and Transportation. The SSAC can benefit from the particular expertise staff members in these departments possess. In addition to these representatives, the previously described representatives from M-NCPPC, the county executive, and the County Council also possess special expertise that can assist in the evaluation of potential sites. It also is important to invite representatives from the municipalities within the B-CC Cluster, including the Town of Chevy Chase, the Town of Somerset, and the Village of Friendship Heights. In addition, the Town of Kensington will be invited to participate in the new site selection process. Although it is not within the B-CC Cluster, the Rock Creek Hills Local Park is very near the Town of Kensington, and officials of the Town expressed concern that they were not included in the previous site selection process.

Homeowners' Associations

The current Board Policy FAA and MCPS Regulation FAA-RA do not require homeowners' associations to be included on SSACs. These regulations assign the responsibility for community representation to cluster coordinators and PTA leaders, since these are considered the most important stakeholders in the processes. However, in the case of site selection for B-CC Middle School #2, local communities affected by the Rosemary Hills/Lyttonsville Local Park site and the Rock Creek Hills Local Park site expressed concern that they were not involved earlier in the process—and only learned about the recommendation for their park when it was due to be acted on by the Board of Education.

Therefore, I am directing that a representative of each registered homeowners' association that encompasses or is immediately adjacent to each candidate site be invited to participate on the

SSAC. This will add a number of members to the SSAC and add the perspective of the local homeowners' association as each site is reviewed. In addition like other members of the SSAC, homeowners' associations can assist the process by proposing candidate sites at the outset of the process.

MCPS Staff

SSACs typically include facilities and program staff from the school system. The community superintendent for the B-CC Cluster will serve on the new SSAC, as will staff in the Department of Facilities Management (DFM). The DFM representatives will include staff in the Division of Construction, the Division of Long-range Planning, and the Real Estate Management Team. Each of these teams has special expertise that can help assess the candidate sites. The Real Estate Management Team plays a key role in presenting candidate sites, including ones that may be proposed by other county agencies or community representatives.

Site Selection Criteria

The criteria listed below are used in all site selection processes to evaluate the merits of various properties and will be used in the upcoming process. It is seldom possible to meet all criteria 100 percent in site selection processes. In the B-CC Cluster, finding a site large enough for a middle school is a challenge. The B-CC Cluster is largely built-out with little, if any, undeveloped open space available. If private properties are considered, cost will be another challenging criterion. It can be expected that purchasing a privately owned site for the new middle school would be quite expensive, if willing sellers can even be found.

- **Location:** Sites should be located centrally within the target area (the B-CC Cluster) with adjacent residential use. If possible, a school site should be located to allow students to walk to school. Due to the location of Westland Middle School in the westernmost portion of the B-CC Cluster, a site that is a good distance from Westland Middle School would be preferred.
- **Size:** The preferred site size for middle schools is 20 acres. However, in this urbanized portion of the county, it would be difficult to find sites this large and smaller sites should be considered.
- **Topography:** Sites as close to flat are preferred. When these sites are not available, a "balanced site" in which soils in higher elevations can be used to fill low elevation areas are preferred to minimize having to bring soil to the site or remove it from the site.
- **Access:** Access to sites—in terms of road adequacy, length of road frontage, and potential entrance and exit points—is to be considered. The ideal site would have access to a primary subdivision road that consists of a 70-foot right-of-way. Sites that have at least three points of access are preferred. Community sidewalks are preferred to enhance safe student walking access to the school.

- Utilities: Sites must have access to public utilities including water, sanitary sewer, natural gas, and cable.
- Physical Condition: Existing and planned uses adjacent to sites are considered because of the potential impact on the learning environment. Excessive noise, distracting activities, or hazardous industrial-type uses on adjacent land would not be conducive to education.
- Availability and Timing: Site availability is considered in instances where a site must be purchased from a private owner or transferred from public ownership. Private property owners must be willing sellers for a site to be considered available. However, if no other site is suitable and the owner is not a willing seller, then use of the power of eminent domain may be recommended.
- Cost: The cost to acquire a site is considered.

Site Selection Process: Review of Candidates and Scoring Approach

The SSAC process will be facilitated by an external consultant skilled in conducting processes with multiple stakeholders. The SSAC process will include presentation of the criteria listed above, followed by presentation of candidate sites identified by the Real Estate Management Team. The 10 candidate sites reviewed in the first site selection process plus any additional candidate sites that are identified by members of the SSAC will be presented at the first meeting. Additional sites may be suggested at the first SSAC meeting, but after these additional suggestions, no additional candidate sites may be put on the table.

If additional sites are proposed at the first SSAC meeting, then the Real Estate Management Team will prepare information on the added sites for the following meeting. Also, representatives from the homeowners' association(s) where the additional site(s) are located will be invited to join the SSAC, if not already members. Establishing the entire range of sites by the end of the first meeting of the SSAC and including all stakeholder homeowners' association representatives in the SSAC meetings is important to creating a common base of knowledge for all SSAC members. In turn, this will help the SSAC members as they evaluate the site options.

After learning about the candidate site characteristics, the SSAC will engage in discussion of each site, using the site criteria to guide the discussion and identify pros and cons of the site options. Additional information may be requested on various candidate sites and presented at a subsequent meeting. There typically comes a time in site selection processes when it is clear to most, if not all, SSAC members that some sites are unacceptable. When this occurs the committee will vote to eliminate unsuitable candidate sites.

It may take several meetings for the SSAC to narrow the candidate sites to a few that the committee feels should be recommended to me and the Board of Education for consideration. If only one site survives the review process, then it will be a simple matter to recommend that site.

If more than one site survives the review process, the committee will score each of the remaining sites using the site criteria. This scoring process will enable a preferred site to be identified among the two or more recommended sites.

Each SSAC member will individually score each site against each criterion. A score of +1 will indicate the SSAC member believes the site is positive in terms of the criterion; a score of -1 will indicate the site is negative in terms of the criterion; and a score of 0 will indicate the site is neither positive nor negative on the criterion. For example, a site may be well located and would be scored +1 on the "Location" criterion. The same site could be in private ownership and would be expensive to purchase, so it would receive a score of -1 on "Cost." After providing a score on each of the eight criteria, SSAC members will add up their own total score for that site. After all the SSAC members have completed their scoring individually, they will submit their score sheets, without a name or identifying information, and then all SSAC member scores for each site will be tallied to arrive at a grand total score for all the remaining sites. The site with the highest total score will be the preferred site.

Site Selection Process: Conduct of Meetings

Some of the concerns that were expressed with the previous site selection process involved the confidential manner in which meetings were conducted. The requirement of a confidential process in site selection always has been important to preserving the Board of Education's ability to negotiate if a privately owned site is selected. This will continue to be a concern in the upcoming process. If private property is considered by the SSAC then the public discussions will be adjourned to a confidential session.

The *Maryland Open Meetings Act* provides guidance on how to conduct public processes, like school site selection, and still operate in confidence when private property is under consideration. The Act specifically includes procedures wherein discussions of acquisition of real property for a public purpose, and matters directly related thereto, may be conducted in closed session. The upcoming process will adhere to the requirements and procedures of the Act.

In conformance with the *Maryland Open Meetings Act*, SSAC members will be asked to sign a confidentiality agreement at the outset of the process stating they will honor the confidentiality of the meetings and materials should private property require that a portion of the meetings be held in confidence. Each SSAC meeting will begin as a public session, and if private property is to be considered as a candidate site, then a vote of SSAC members to move the meeting into closed session will be taken. If there are attendees at the public portion of the meeting who are not SSAC members, they will be asked to leave during the closed session. Finally, minutes of the public session and the closed session will be taken, as required by the *Maryland Open Meetings Act*.

Timeline, Report, Comment Period

Letters requesting participation on the SSAC will be sent to participants in December 2011. The SSAC will begin meeting in early January 2012, and it is anticipated that the process will be completed by mid-February 2012. This will enable the Board of Education to take action on a site by the end of March 2012.

The SSAC report will include a description of all candidate sites—including, if possible, private sites if identifying information can be meaningfully redacted—that were considered and a summary of the discussions that were held concerning each site’s pros and cons. The report will identify the sites that were considered unacceptable and were eliminated, the sites that are recommended, and the preferred site (based on the scoring of the recommended sites against the site criteria). The SSAC report also will include any minority reports that representatives of the SSAC may wish to attach to the report at the conclusion of the process.

If any of the recommended sites are private property, then the SSAC report will need to remain confidential until the Board of Education has decided whether to purchase the property. If all of the recommended sites are public property, then the SSAC report will be made public as soon as it is completed in mid-February 2012. A period of two weeks will be set to allow for public comment. Written comments will be requested and summarized for Board of Education consideration prior to action on a site.

Summary

The site selection process described in this memorandum is an improvement from current practice and provides more opportunity for public involvement in the process. We also are expecting our fellow government agencies to be partners in selecting and supporting a middle school site that will serve our community well.

If you have any questions concerning this process, please contact Mr. James Song, director, Department of Facilities Management, at 240-314-1064 or Mr. Bruce Crispell, director, Division of Long-range Planning, at 240-314-4702.

JPS:bc

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