

APPROVED
38-1981

Rockville, Maryland
August 11, 1981

The Board of Education of Montgomery County met in regular session at the Educational Services Center, Rockville, Maryland, August 11, 1981, at 10:20 a.m.

ROLL CALL

Present: Mrs. Carol F. Wallace,
President in the Chair
Mr. Blair G. Ewing
Dr. Marian L. Greenblatt
Mrs. Suzanne K. Peyser
Mrs. Elizabeth W. Spencer
Mrs. Eleanor D. Zappone

Absent: Mr. Joseph R. Barse
Mr. Jonathan Lipson

Others Present: Dr. Edward Andrews,
Superintendent of Schools
Dr. Robert S. Shaffner,
Executive Assistant
Mr. Thomas S. Fess,
Parliamentarian

Resolution No. 555-81

Re: Board Agenda -
August 11, 1981

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mrs. Peyser, the following resolution was adopted with Dr. Greenblatt, Mrs. Peyser, Mrs. Spencer, Mrs. Wallace, and Mrs. Zappone voting in the affirmative; Mr. Ewing not voting:

Resolved, That the Board of Education approve its agenda for August 11, 1981.

Re: Executive Session

Mrs. Wallace announced that the Board had met in executive session from 9 a.m. to 10:15 a.m. on personnel matters and to consult with legal counsel.

Re: Announcement

Mrs. Wallace read the following from Mr. Lipson:

I regret that I will be unable to attend the August 11 all-day business meeting. During the week of August 9-15 I will be attending the Maryland Leadership Workshop at St. Mary's College. While at the workshop I will be instructed by, among others, former Board members David Naimon and Traci Williams. I look forward to reviewing the minutes from the August 11 meeting.

Resolution No. 556-81

Re: Executive Session -
August 24, 1981

On recommendation of the superintendent and on motion of Mrs. Zappone seconded by Mrs. Spencer, the following resolution was adopted unanimously:

WHEREAS, The Board of Education of Montgomery County is authorized by Article 76A, Section 11(a) of the Annotated Code of Maryland to conduct certain of its meetings in executive closed session; now therefore be it

Resolved, That the Board of Education of Montgomery County hereby conduct its meeting in executive closed session beginning on August 24, 1981, at 7:30 p.m. to discuss, consider, deliberate, and/or otherwise decide the employment, assignment, appointment, promotion, demotion, compensation, discipline, removal, or resignation of employees, appointees, or officials over whom it has jurisdiction, or any other personnel matter affecting one or more particularly individuals and to comply with a specific constitutional, statutory or judicially imposed requirement protecting particular proceedings or matters from public disclosure as permitted under Article 76A, Section 11(a) and that such meeting shall continue in executive closed session until the completion of business.

Re: Board Member Comments

1. Mrs. Spencer reported that she had attended a meeting of the county executive's coordinating committee against hate/violence. She was providing the Board with a memo on this subject. She said that the meeting was chaired by Alan Dean, and she had provided the Board with goals and objectives of this group. Mrs. Wallace thanked Mrs. Spencer for attending the meeting and explained that she had been detained in North Carolina. She announced that the next meeting of the committee was September 15.
2. Dr. Greenblatt called attention to the proposed master calendar of Board meetings and expressed her strong objection to it because there were too many meetings scheduled. Mrs. Wallace suggested that the Board discuss this under new business.

Resolution No. 557-81

Re: Minutes of July 16, 1981

On motion of Mr. Ewing seconded by Mrs. Spencer, the following resolution was adopted unanimously:

Resolved, That the minutes of July 16, 1981, be approved.

Resolution No. 558-81

Re: Minutes of July 1, 1981

On motion of Mrs. Peyser seconded by Mrs. Zappone, the following resolution was adopted unanimously:

Resolved, That the minutes of July 1, 1981, be approved.

Resolution No. 559-81

Re: Support for an Appeal and
an Amicus Curiae Brief to
Maryland Appellate Courts
in Somerset v. Hornbeck

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mrs. Zappone, the following resolution was adopted unanimously:

WHEREAS, Judge David Ross of the Baltimore Supreme Bench has signed an order and final decree in the case of Somerset et. al. v. Hornbeck et. al. which, if sustained on appeal, could sharply change the financial support, governance, and local decision-making for Maryland public schools; and

WHEREAS, The Board of Education of Montgomery County believes that these changes could be detrimental to the financial support and continued excellence of the Montgomery County Public Schools, and the ability of Montgomery County citizens to continue to exercise local control over their public schools; and

WHEREAS, The defendants in this suit, The State of Maryland and the Montgomery County Government, have filed an appeal of the trial court decision in the Maryland appellate courts; and

WHEREAS, Several county boards of education have indicated a desire to file an amicus curiae brief with the state's appellate courts to express their general and specific concerns about the trial court decision and order; and

WHEREAS, The Montgomery County Board of Education hereby expresses its concern about the trial court decision and order in the case of Somerset et. al. v. Hornbeck et. al., and expresses its full support of the Montgomery County Government decision to proceed with an appeal to the Maryland appellate courts; now therefore be it

Resolved, That the Board of Education hereby authorizes its staff and legal counsel to give all appropriate assistance to any Maryland school board which shares its concerns about the trial court decision and which may wish to express those concerns in an amicus curiae brief to be filed with the Maryland appellate courts, including, if appropriate, becoming a party to such a brief; and be it further

Resolved, That, should the superintendent and legal counsel determine that it would be appropriate for the Board of Education of Montgomery County to become a party to an amicus curiae brief in the appeal of Somerset et. al. v. Hornbeck et. al., the Board will have an opportunity before it is filed to review the brief and the issues it raises; and be it further

Resolved, That the Montgomery County Council and county executive shall be sent copies of this resolution.

Resolution No. 560-81

Re: Renaming Western Junior
High School

On recommendation of the superintendent and on motion of Mrs. Zappone seconded by Mrs. Peyser, the following resolution was adopted unanimously:

WHEREAS, During the school closure process consideration has been given by the Board of Education to the creation of a "new school" at the consolidated school; and

WHEREAS, Leland Junior High School was closed effective July 1, 1981, with all of its students being assigned to Western Junior High School; and

WHEREAS, The Western/Leland transition committee has been meeting to assure a smooth transition; and

WHEREAS, The Western/Leland transition committee has studied the Hungerford Park situation and the effect of a "new" name on a consolidated school; and

WHEREAS, The transition committee has agreed on a new name for the consolidated school; now therefore be it

Resolved, That, effective immediately, the consolidated school at the Western Junior High School site be renamed Westland Intermediate School.

Resolution No. 561-81

Re: Formal Acceptance of
Bethesda-Chevy Chase
High School (Area 2)

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mrs. Peyser, the following resolution was adopted unanimously:

WHEREAS, Fidelity and Deposit Company of Maryland, surety, has requested that the Board of Education of Montgomery County accept the work under Article 9 of the General Conditions of the construction contract dated September 20, 1976, by and between the Board and Stauffer Construction Co., Inc., for certain alternations and additions to the Bethesda-Chevy Chase High

School; and

WHEREAS, The Board terminated Stauffer Construction Co., Inc., as contractor and requested Fidelity and Deposit Company of Maryland to complete the work under the construction contract; and

WHEREAS, The superintendent has recommended acceptance of the work, subject to the exceptions provided below; now therefore be it

Resolved, That the Board of Education of Montgomery County accepts the work of Fidelity and Deposit Company of Maryland under the construction contract, provided that such acceptance is without prejudice to the Board of Education's claims against Stauffer Construction Co., Inc., or Fidelity and Deposit Company of Maryland or both of them arising under any provisions of the construction contract or otherwise including without limitation claims arising from or under Article 9 and 13 of the construction contract, any warranties and guarantees required under the construction contract, failure of the contractor and surety to complete the work within the time required by the construction contract, changes in the work, and other matters; and be it further

Resolved, That no payments be made to any party, pending the completion of litigation and/or arbitration, without specific approval of the Board of Education.

Resolution No. 562-81

Re: Formal Acceptance of
Handicap Modifications -
Educational Services
Center

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mrs. Wallace, the following resolution was adopted unanimously:

Resolved, That having been duly inspected on July 29, 1981, the handicap modifications to the Educational Services Center now be formally accepted, and that the official date of completion be established as that date upon which formal notice is received from the architect that the building has been completed in accordance with the plans and specifications, and all contract requirements have been met.

Resolution No. 563-81

Re: Storm Drainage Easement
and Right-of-Way at
Germantown Future Junior
High School (Area 3)

On recommendation of the superintendent and on motion of Mrs. Zappone seconded by Dr. Greenblatt, the following resolution was adopted unanimously:

WHEREAS, Representatives of the Montgomery County Department of Transportation have requested a small dedication of land rights and future right-of-way privileges at our Germantown future junior high school location for the purpose of improving Waring Station Road at our southeastern exposure; and

WHEREAS, These improvements to Waring Station Road will greatly benefit the surrounding community and provide us with a permanent access road for future development; and

WHEREAS, The engineering firm of Johnson, Mirmiran, and Thompson has prepared documents describing the total scope of work, all of which is to be performed at no cost to the Board of Education; now therefore be it

Resolved, That the president and secretary be authorized to execute a storm drainage easement and right-of-way agreement with Montgomery County, Maryland, transferring approximately 464.58 square feet or 0.0107 acre of land from our Germantown future junior high school site to permanent county government use.

Re: Inspection - Martin
Luther King Junior High
School

The inspection date for Martin Luther King Junior High School was set for August 24, 1981, at 10:30 a.m. Mrs. Spencer and Mrs. Zappone will attend.

Resolution No. 564-81

Re: Bid 116-81, Lease
Purchase of Disk Drives
and Controller

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mr. Ewing, the following resolution was adopted unanimously:

WHEREAS, Funds have been allocated in the Fiscal Year 1982 Operating Budget for the replacement of the current obsolete disk drive equipment, and required funds will be budgeted in each of the next four years; and

WHEREAS, Six bids were received and evaluated; and

WHEREAS, Bids received from the IBM Corporation and Memorex Corporation were selected as best meeting all the technical requirements of MCPS; and

WHEREAS, The bid received from the IBM Corporation was selected as meeting best the overall technical and financial interests of MCPS; and

WHEREAS, The bid received from IBM requires the execution of a five-year State and Municipal leasing agreement which includes payment of principal and interest at 11.25 percent for five years and monthly maintenance charges; and

WHEREAS, The IBM Corporation allows the contracts to be canceled at the end of the fiscal year if the Board of Education does not appropriate the necessary funds; now therefore be it

Resolved, That having been duly advertised June 26, 1981, the contracts for 1) the purchase of IBM 3880 disk storage controller for \$64,944; 2) the five-year lease purchase of four IBM 3350 disk drives after down payment of \$12,153, and monthly payment of \$3,3136 for delivery in September; and 3) the five-year lease purchase of an additional IBM 3880 disk storage controller and four IBM 3350 disk drives at \$4,647 per month for delivery in May 1982, under Invitation to Bid 116-81 be awarded to:

International Business Machines Corporation, Bethesda, Maryland; and be it further

Resolved, That the contract for the sale of MCPS IBM 3330/3333 disk drivers for \$61,000 be awarded to:

COMDISCO, Inc., Greenbelt, Maryland.

Resolution No. 565-81

Re: Bid 120-81, Building
Materials

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mr. Ewing, the following resolution was adopted unanimously:

WHEREAS, Funds have been budgeted for the purchase of building materials; now therefore be it

Resolved, That having been duly advertised June 17, 1981, the contracts for the furnishing of building materials for the period of August 12, 1981, through August 11, 1982, under Invitation to Bid 120-81 be awarded to:

Devlin Lumber and Supply Corp., Rockville, Maryland
Leland L. Fisher, Inc., Rockville, Maryland
Mizell Lumber Company, Inc., Kensington, Maryland

low bidders meeting specifications.

Resolution No. 566-81

Re: Bid 122-81, Piano Tuning
and Maintenance

On recommendation of the superintendent and on motion of Mrs.

Spencer seconded by Mr. Ewing, the following resolution was adopted unanimously:

WHEREAS, Funds have been budgeted for piano tuning and maintenance; now therefore be it

Resolved, That having been duly advertised June 17, 1981, the contracts for the furnishing of piano tuning and maintenance for the period of August 12, 1981, through June 30, 1982, under Invitation to Bid 122-81 be awarded to:

Isaacs' Piano Service, Sykesville, Maryland
James Karukas, Silver Spring, Maryland
Schrodt's Piano Workshop, Burkittsville, Maryland
C. Martin Staub, Olney, Maryland,

low bidders meeting specifications.

Resolution No. 567-81

Re: Bid 128-81, Meat,
Poultry, and
Oleomargarine

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mr. Ewing, the following resolution was adopted unanimously:

WHEREAS, Funds have been budgeted for the purchase of meat, poultry, and oleomargarine; now therefore be it

Resolved, That having been duly advertised June 17, 1981, the contract for the furnishing of meat, poultry, and oleomargarine for the period of August 17, 1981, through January 31, 1982, under Invitation to Bid 128-81 be awarded to:

Doughties's Barbecue of Maryland, Inc., Tuxedo, Maryland,

low bidder meeting specifications.

Resolution No. 568-81

Re: Bid 129-81, Fresh Eggs,
Fresh Fruits, Vegetables,
and Salad Mixes

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mr. Ewing, the following was adopted unanimously:

WHEREAS, Funds have been budgeted for the purchase of fresh eggs, fresh fruits, vegetables, and salad mixes; now therefore be it

Resolved, That having been duly advertised June 17, 1981, the contract for the furnishing of fresh eggs, fresh fruits, vegetables, and salad mixes for the period of August 24, 1981, through August 23, 1982, under Invitation to Bid 129-81 be awarded to:

Fulks Foods, Inc., Gaithersburg, Maryland,

low bidder meeting specifications.

Resolution No. 569-81

Re: Bid 130-81, Industrial
Education Cosmetology
Supplies

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mr. Ewing, the following resolution was adopted unanimously:

WHEREAS, Funds have been budgeted for the purchase of industrial education cosmetology supplies; now therefore be it

Resolved, That having been duly advertised June 25, 1981, the contracts for the furnishing of industrial education cosmetology supplies for the period of August 25, 1981, through August 24, 1982, under Invitation to Bid 130-81 be awarded to:

ABC Supply Co., Inc., Washington, D.C.
Burmax Company, Inc., Hauppauge, New York
Davidson Supply Co., Inc., Beltsville, Maryland
Henry Kayser & Fils, Inc., New York, New York,

low bidders meeting specifications.

Resolution No. 570-81

Re: Bid 131-81, General
Music Classroom
Instruments

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mr. Ewing, the following resolution was adopted unanimously:

WHEREAS, Funds have been budgeted for the purchase of general music classroom instruments; now therefore be it

Resolved, That having been duly advertised July 8, 1981, the contracts for the furnishing of general music classroom instruments for the period of August 12, 1981, through August 11, 1982, under Invitation to Bid 131-81 be awarded to:

Beckley Cardy Co., Manassas, Virginia
Drums Unlimited, Inc., Bethesda, Maryland
Rhythm Band Inc., Fort Worth, Texas
Washington Music Center, Wheaton, Maryland
World of Peripole Inc., Browns Mills, New Jersey,

low bidders meeting specifications.

Resolution No. 571-81

Re: Bid 132-81, Meyer Snow
Plow Components and Parts

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mr. Ewing, the following resolution was adopted unanimously:

WHEREAS, Funds have been budgeted for the purchase of Meyer snow plow components and parts; now therefore be it

Resolved, That having been duly advertised July 3, 1981, the contract for the furnishing of Meyer snow plow components and parts for the period of August 12, 1981, through February 11, 1981, under Invitation to Bid 132-81 be awarded to:

S. J. Meeks' Son, Inc., Rockville, Maryland

low bidder meeting specifications.

Resolution No. 572-82

Re: Bid 133-81, Glass and
Glazing Materials

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mr. Ewing, the following resolution was adopted unanimously:

WHEREAS, Funds have been budgeted for the purchase of glass and glazing materials; now therefore be it

Resolved, That having been duly advertised June 25, 1981, the contracts for the furnishing of glass and glazing materials for the period of September 1, 1981, through August 31, 1982, under Invitation to Bid 133-81 be awarded to:

Commercial Plastics and Supply Corp., Hyattsville, Maryland
Walsh & Koehler Glass Co., Inc., Mount Rainier, Maryland

Resolution No. 573-81

Re: Bid 134-81, Tires, Tubes,
and Tire Retreading

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mr. Ewing, the following resolution was adopted unanimously:

WHEREAS, Funds have been budgeted for the purchase of tires, tubes, and tire retreading; now therefore be it

Resolved, That having been duly advertised July 2, 1981, the contracts for the furnishing of tires, tubes, and tire retreading for the period of September 1, 1981, through August 31, 1982, under Invitation to Bid 134-81 be awarded to:

Ezrine Truk Centers, Inc., Baltimore, Maryland
B. F. Goodrich Company, Washington, D.C.
Lehman's Tire Company, Inc., Washington, D.C.

Resolution No. 574-81

Re: Bid 136-81, Elementary
Mathematics Supplies

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mr. Ewing, the following resolution was adopted unanimously:

WHEREAS, Funds have been budgeted for the purchase of elementary mathematics supplies; now therefore be it

Resolved, That having been duly advertised July 3, 1981, the contracts for the furnishing of elementary mathematics supplies for the period of August 12, 1981, through August 10, 1982, under Invitation to Bid 136-81 be awarded to:

Beckley Cardy Co., Manassas, Virginia
Cuisenaire Co. of America, Inc., New Rochelle, New York
Educational Teaching Aids, Chicago, Illinois
J. L. Hammett Co., Lynchburg, Virginia
LaPine Scientific Co., Chicago, Illinois
Mid-Atlantic Educational Media, Severna Park, Maryland
Nelson C. White Co., Baltimore, Maryland
Young Playways, Washington, D.C.,

low bidders meeting specifications.

Resolution No. 575-81

Re: Bid 141-81, Custodial
Equipment

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mr. Ewing, the following resolution was adopted unanimously:

WHEREAS, Funds have been budgeted for the purchase of custodial equipment; now therefore be it

Resolved, That having been duly advertised July 8, 1981, the contracts for the furnishing of custodial equipment for the period of September 1, 1981, through August 31, 1982, under Invitation to Bid 141-81 be awarded to:

Baer Slade Corporation, Savage, Maryland
G. W. Blanchard Company, Inc., Beltsville, Maryland
Crown Supply Company, Springfield, Virginia,

low bidders meeting specifications.

Resolution No. 576-81

Re: Bid 143-81, Film Storage
Cases

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mr. Ewing, the following resolution was adopted unanimously:

WHEREAS, Funds have been budgeted for the purchase of film storage cases; now therefore be it

Resolved, That having been duly advertised July 2, 1981, the contract for the furnishing of film storage cases under Invitation to Bid 143-81 be awarded to:

J and R Film Company, Hollywood, California,

low bidder meeting specifications.

Resolution No. 577-81

Re: Bid 1-82, Cafeteria Paper
Products

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mr. Ewing, the following resolution was adopted unanimously:

WHEREAS, Funds have been budgeted for the purchase of cafeteria paper products; now therefore be it

Resolved, That having been duly advertised June 25, 1981, the contract for the furnishing of cafeteria paper products for the period of August 15, 1981, through January 31, 1982, under Invitation to Bid 1-82 be awarded to:

Kahn Paper Company, Inc., Hyattsville, Maryland,

low bidder meeting specifications.

Resolution No. 578-81

Re: Bid 4-82, Resin Coated
(RC) Film and Paper
Processor

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mr. Ewing, the following resolution was adopted unanimously:

WHEREAS, Funds have been budgeted for the purchase of RC film and paper processor; now therefore be it

Resolved, That having been duly advertised July 8, 1981, the contract for the furnishing of RC film and paper processor for the period of August 12, 1981, through February 11, 1982, under Invitation to Bid 4-82 be awarded to:

E. H. Walker Supply Company, Inc., Rockville, Maryland,

low bidder meeting specifications.

Resolution No. 579-81

Re: Purchase of a Vocational
Assessment Package for
Use with Level 5
Handicapped Students

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mr. Ewing, the following resolution was adopted unanimously:

WHEREAS, The Montgomery County Public School Office of Special and Alternative Education is committee to preparing handicapped students for successful vocational experiences; and

WHEREAS, A vocational assessment system for Level 5 handicapped students would result in better individualized vocational programming for these students; and

WHEREAS, Funds have been made available under P.L. 94-142 through the Maryland State Department of Education to purchase two Talent Assessment Packages (TAP) for use in vocational assessment; and

WHEREAS, The Talent Assessment Package (TAP) is available only from Instructional Technology, Inc., thus precluding the usual competitive bidding process; now therefore be it

Resolved, That a contract for \$6,600 for purchase of the TAP assessment package be awarded to instructional Technology, Inc., the only proposal meeting requirements.

Resolution No. 580-81

Re: FY 1982 Categorical
Transfer Within Project
ACTIVE

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mr. Ewing, the following motion was adopted unanimously:

Resolved, That the superintendent of schools be authorized, subject to County Council approval, to effect the following transfer within the FY 1982 Project ACTIVE from the Maryland State Department of Education under ESEA Title IV-C:

	<u>Category</u>	<u>From</u>	<u>To</u>
02	Instructional Salaries	\$2,173	
03	Instructional Other		\$2,521
09	Fixed Charges	348	
	TOTAL	\$2,521	\$2,521

and be it further

Resolved, That the county executive be requested to recommend approval of this transfer to the County Council and that a copy be sent to the county executive and County Council.

Resolution No. 581-81

Re: FY 1982 Supplemental
Appropriation to Provide
Transition Programs for
Refugee Children

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mr. Ewing, the following resolution was adopted unanimously:

Resolved, That the superintendent of schools be authorized, subject to County Council approval, to receive and expend in FY 1982, \$133,300 from the Maryland State Department of Education under the Indo-Chinese Refugee Children Assistance Act to provide special assistance to refugee children in the following categories:

	<u>Category</u>	<u>Supplemental</u>
02	Instructional Salaries	\$ 96,105
03	Instructional Other	9,100
09	Fixed Charges	28,095
	TOTAL	\$133,300

and be it further

Resolved, That the superintendent of schools be authorized to establish the following ten-month positions: 1.5 teacher specialist (A-D), and 1.0 teacher aide (grade 8); and be it further

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

Resolution No. 582-81

Re: FY 1982 Categorical
Transfer Within the
Multifacility Programs

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mr. Ewing, the following motion was adopted unanimously:

Resolved, That the superintendent of schools be authorized, subject to County Council approval, to effect the following transfer within the FY 1982 Multifacility Programs under P. L. 94-142 from the Maryland State Department of Education:

	<u>Category</u>	<u>From</u>	<u>To</u>
03	Instructional Other		\$11,183
05	Special Education	\$17,257	
09	Fringe Benefits		6,074
	TOTAL	\$17,257	\$17,257

and be it further

Resolved, That the county executive be requested to recommend approval of this transfer to the County Council and that a copy of this resolution be sent to the county executive and County Council.

Resolution No. 583-81

Re: Submission of an FY 1982
Adult Remedial Education
Proposal

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mr. Ewing, the following motion was adopted unanimously:

Resolved, That the superintendent of schools be authorized to submit an FY 1982 grant proposal for approximately \$85,000 to Montgomery County Government under Title IIB of the Comprehensive Employment Training Act to provide adult remedial education; and be it further

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

Resolution No. 584-81

Re: Monthly Personnel Report

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mrs. Zappone, the following resolution was adopted unanimously:

Resolved, That the following appointments, resignations, and leaves of absence for professional and supporting services personnel be approved: (TO BE APPENDED TO THESE MINUTES).

Resolution No. 585-81

Re: Death of Mrs. Nora R.
Burgess, Classroom
Teacher on leave from
Sherwood High School

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mrs. Zappone, the following resolution was adopted unanimously:

WHEREAS, The death on July 18, 1981, of Mrs. Nora R. Burgess, a classroom teacher on personal illness leave from Sherwood High

School, has deeply saddened the staff and members of the Board of Education; and

WHEREAS, Mrs. Burgess had been a teacher with Montgomery County Public Schools for seven and one-half years and was highly respected by her colleagues as an effective and knowledgeable science teacher; and

WHEREAS, Mrs. Burgess was a cooperative staff member giving of herself in time, energy, and services to staff; now therefore be it

Resolved, That the members of the Board of Education express their sorrow at the death of Mrs. Nora R. Burgess and extend deepest sympathy to her family; and be it further

Resolved, That this resolution be made part of the minutes of this meeting and a copy be forwarded to the family of the deceased.

Resolution No. 586-81

Re: Personnel Reassignment

On recommendation of the superintendent and on motion of Mrs. Spencer seconded by Mrs. Zappone, the following resolution was adopted unanimously:

Resolved, That the following personnel reassignment be approved:

<u>Name</u>	<u>From</u>	<u>To</u>
Santa M. Vadala	Classroom Teacher Col. Zadok Magruder High School MEQ + 30 L1	Teacher Assistant To be determined Will maintain salary level July 1, 1981

Resolution No. 587-81

Re: Personnel Appointment
and Transfers

On recommendation of the superintendent and on motion of Mrs. Zappone seconded by Mrs. Spencer, the following resolution was adopted unanimously:

Resolved, That the following personnel appointment and transfers be approved:

<u>Appointment</u>	<u>Present Position</u>	<u>As</u>
Donna C. Dale	Teacher Specialist Media Field Services Department of Instructional Resources	Evaluation and Selection Specialist Department of Instructional Resources

Grade H
Effective
8-12-81

<u>Transfer</u>	<u>From</u>	<u>To</u>
Arthur P. Kulick	Assistant Principal Laytonsville Elementary	Assistant Prin. Whetstone Elem. Effective 8-12-81
John L. Hamlett	Assistant Principal Watkins Mill Elementary	Assistant Prin. Laytonsville Elementary Effective 8-12-81

Re: Recommended Price
Increases in the Food
Service Program

Mrs. Zappone moved approval, and Mrs. Spencer seconded the following:

WHEREAS, Congress has enacted significant funding decreases for the child nutrition programs effective with the FY 1982 school year; and

WHEREAS, It is essential that the school food services program be operated on a fiscally solvent basis; and

WHEREAS, The Maryland State Department of Education has established that the price of the reduced price lunch be increased from 20 to 40 cents and the reduced price breakfast be increased from 5 to 30 cents; and

WHEREAS, Congressional action has eliminated the Special Milk Program; now therefore be it

Resolved, That effective September 1, 1981, the price of the student lunch be increased from 65 cents to 80 cents for the elementary and from 70 to 85 cents for secondary students; and be it further

Resolved, That effective September 1, 1981, the price of the student breakfast be increased from 40 to 50 cents; and be it further

Resolved, That effective September 1, 1981, the price of the a la carte milk be increased from 15 to 20 cents; and be it further

Resolved, That effective September 1, 1981, extra free milk no longer be provided to eligible students; and be it further

Resolved, That effective September 1, 1981, the price of reduced price lunches be increased from 20 to 40 cents and the reduced price breakfast be increased from 5 to 30 cents; and be it further

Resolved, That effective September 1, 1981, the price of a la carte items be increased overall by an average of 20 percent and the adult lunch be increased from \$1.00 to \$1.15.

Resolution No. 588-81

Re: An Amendment to the
Proposed Resolution on
Recommended Price
Increases in the Food
Service Program

On motion of Dr. Greenblatt seconded by Mrs. Zappone, the following resolution was adopted unanimously:

Resolved, That the proposed resolution on recommended price increases in the Food Services Program be amended by the addition of a Resolved clause: "Resolved, That eligible students will continue to receive free breakfast and lunch."

By consensus, it was decided to add "exclusive of beverage" after "adult lunch" in the last Resolved, and to add "each of which includes one milk" to the new Resolved clause.

Resolution No. 589-81

Re: Price Increases in the
Food Service Program

On recommendation of the superintendent and on motion of Mrs. Zappone seconded by Mrs. Spencer, the following resolution was adopted unanimously:

WHEREAS, Congress has enacted significant funding decreases for the child nutrition programs effective with the FY 1982 school year; and

WHEREAS, It is essential that the school food service program be operated on a fiscally solvent basis; and

WHEREAS, The Maryland State Department of Education has established that the price of the reduced price lunch be increased from 20 to 40 cents and the reduced price breakfast be increased from 5 to 30 cents; and

WHEREAS, Congressional action has eliminated the Special Milk Program; now therefore be it

Resolved, That effective September 1, 1981, the price of the student lunch be increased from 65 to 80 cents for elementary and from 70 to 85 cents for secondary students; and be it further

Resolved, That effective September 1, 1981, the price of the

student breakfast be increased from 40 to 50 cents; and be it further

Resolved, That effective September 1, 1981, the price of the a la carte milk be increased from 15 to 20 cents; and be it further

Resolved, That eligible students will continue to receive free breakfast and lunch, each of which includes one milk; and be it further

Resolved, That effective September 1, 1981, extra free milk no longer be provided to eligible students; and be it further

Resolved, That effective September 1, 1981, the price of reduced price lunches be increased from 20 to 40 cents and the reduced price breakfast be increased from 5 to 30 cents; and be it further

Resolved, That effective September 1, 1981, the price of a la carte items be increased overall by an average of 20 percent and the adult lunch, exclusive of beverage, be increased from \$1.00 to \$1.15.

Resolution No. 590-81

Re: Amendment to the Agenda

On motion of Mrs. Spencer seconded by Mrs. Zappone, the following resolution was adopted unanimously:

Resolved, That the Board of Education amend its agenda for August 11, 1981, to take up the Board/Press/Visitor conference at this time.

Resolution No. 591-81

Re: Approval of Revised
Curriculum -- English
Language Arts, 9-12

On recommendation of the superintendent and on motion of Mrs. Peyser seconded by Mrs. Zappone, the following resolution was adopted with Mr. Ewing, Mrs. Peyser, Mrs. Spencer, Mrs. Wallace and Mrs. Zappone voting in the affirmative; Dr. Greenblatt voting in the negative because of the writing program where they were using aides instead of teachers:

WHEREAS, The school laws of Maryland specify that the county superintendent shall prepare courses of study and recommend them for adoption by the county Board (The Education Article of the Annotated Code of the State of Maryland, Section 4-205); and

WHEREAS, The school laws of Maryland also state that the county Board, on the written recommendation of the county superintendent, shall establish courses of study for the schools under its jurisdiction (The Education Article of the Annotated Code of the State of Maryland, Section 4-110); and

WHEREAS, Board of Education policy has resolved "That newly developed curriculum documents will be presented to the Board of Education of consideration approximately one month prior to the date on which approval will be sought and the superintendent of schools may extend this period to allow further time for citizen reaction to curriculum documents dealing with sensitive topics . . ." (from Board Resolution No. 400-73, June 18, 1973); and

WHEREAS, The Program of Studies is the document which contains the prescribed curriculum elements, including instructional objectives, of all MCPS curriculum programs and courses (MCPS Regulation 345-1: Development and Approval of Curriculum and Supporting Materials); and

WHEREAS, Excellence in curriculum can be maintained only be continuing attention to the need for the curriculum change; and

WHEREAS, The Council on Instruction, charged by the superintendent with considering recommendations for curriculum changes, has recommended approval of the revised high school 9-12 English program; and

WHEREAS, The superintendent recommends that the Board of Education approve the revised English Language Arts, 9-12 curriculum presented to the Board on May 12, 1981, with subsequent modifications based upon recommendations of a representative committee of high school English teachers and specifically identified in a memorandum directed to the Board on August 11, 1981; now therefore be it

Resolved, That the Board of Education approve this modified revision for publication in the Program of Studies as the curriculum in English Language Arts, 9-12.

Re: Executive Session

Mrs. Wallace announced that the Board had met in executive session from 1:30 p.m. to 2:45 p.m. on matters dealing with negotiations, appeals, and personnel.

Resolution No. 592-81

Re: BOE Hearing 1981-4

On motion of Mrs. Spencer seconded by Mrs. Zappone, the following resolution was adopted with Mr. Ewing, Dr. Greenblatt, Mrs. Spencer, Mrs. Wallace, and Mrs. Zappone voting in the affirmative; Mrs. Peyser being temporarily absent:

WHEREAS, The Hearing Examiner in the above matter has rendered his Findings, Conclusions, and Recommendations to the Board of Education; and

WHEREAS, The Attorney for the plaintiff has requested oral argument before the Board of Education regarding the Hearing Examiner's recommendations in this case; now therefore be it

Resolved, That the Board of Education herewith establishes the date of Tuesday, August 25, at 8 p.m. for oral argument in the matter of BOE 1981-4.

Re: New Business

Mrs. Zappone stated that while she knew the Board's schedule was going to be heavy she would like the Board to see the slide/tape presentation on the foreign language camp.

Re: Report of the Task Force
on Long-range Planning
for the Future Use of
Computer Technology

The superintendent reported that the Board of Education had entered into a number of management operations studies which stated that the school system must establish a long-term plan on the use of computers. A task force was established when Mr. Richard Fazakerley, associate superintendent, came to the school system. The superintendent said that the Board's decision-point on the recommendations in the task force report would be in February in the operating budget decisions. He said that the task force was recommending that MCPS go to two computer systems.

He indicated that they were going to have to have the resources if they wanted to make all youngsters computer literate and have good management information. He said that the Board had to decide what steps to take between this meeting and the February decision-point.

Mr. Fazakerley noted that Dr. Lois Martin and Dr. Hiawatha Fountain, associate superintendents, had served on the task force which demonstrated that what they were talking about was everyone's business. The 27 members on the task force were representative of the three major tracks: instruction, pupil services, and business services. He said that thousands of hours had been put into this study, and he commented that over the years he had been involved in a number of studies but had yet to see the professionalism in industry of this entire group. He said that he was surprised about their ability to communicate the needs of their various offices and thanked them for their efforts.

Mrs. Wallace asked that each member of the County Council and the county executive receive a copy of the task force report.

Mr. Stephen M. Raucher, director of the Department of Management Information and Computer Services, reported that the task force was unanimous in endorsing all recommendations. He said that the mission of the task force was to assess the MCPS management information requirements, evaluate the current and planned information systems and use of technology, develop a plan for the use of computer technology through FY 1988, apply resource

constraints, and document a comprehensive plan for the superintendent to present to the Board of Education in time for the FY 1983 budget. Mr. Raucher said they had a steering committee composed of three associate superintendents, himself, and three subgroup chairmen. They then went out to the much larger population through an article in the Bulletin and received responses from over 200 people. In addition, they ran a series of training seminars in which 250 people participated. They tried to open the horizons and see what else could be done and what was being done around the country. They clustered the oral and written testimony and come up with benefit models and environmental trends.

Mr. Raucher explained that they had briefed the superintendent and associate superintendents. Then they made a wish list and went to a large costing exercise. In Phase 3 they looked at how they were going to manage this and pare it down to come out with recommendations. He remarked that they were sitting in an era of accountability and change and were being asked to say how well they were doing with what they had. They had three long-range planning activities for curriculum, facilities, and computers. He reported that they were in an era of change because if they looked in the journals in the 1960's MCPS was one of the national leaders in the technological activities; however, they were not now. This was caused by the budget decline, using the same systems, and having obsolete equipment. He said that technology was rapidly changing and computer power had increased dramatically while at the same time computer costs were decreasing. Because the costs had decreased, the demand for computer literacy was becoming an ever increasing activity. He stated that by the 1990's if a youngster was not familiar with computers he would be considered illiterate. He said that by 1985, 80 percent of all jobs in the United States would involve some interaction with computers, and computer literacy was now being seen as a basic skill. For example, in a period of declining enrollment if they were going to try to meet the needs of individual youngsters through computers they could meet those needs in a larger setting. He said that publishers viewed courseware as a textbook of the future.

Mr. Raucher said that the computer was useful in problem solving and simulation. He indicated that they needed the capability to have instruction in the classroom, to drill in basic skills, and to enrich the curriculum. To do this they needed equipment that was portable, simple program language, and available courseware.

He said that the publishers were now writing the courseware for the microcomputer systems.

In regard to pupil services and business services, Mr. Raucher commented that there were more and more reporting needs. He explained that with declining enrollment they could not maintain the same services' level because of inflation, and they had to look at policy revisions that would require monitoring. He said that the key requirement was the use of the computer to establish

the "bottom line" data base. He pointed out that teachers names were in three systems, and if they had a common data base it could lead them to interdependent applications. For example, the class size report should be a natural by-product out of computer scheduling.

Mr. Raucher stated that there were five major recommendations that came out of the task force. He indicated that someone was going to have to set priority of which need gets taken care of first. He felt that the ones of the greatest value were the ones that provided the data base. The task force thought MCPS needed a separate benefit assessment model for each of the three areas, and then management must make the decision of which of the three areas got how much of the pie. The next recommendation stated that they needed two strategic directions in instruction and administration. Under instruction, they needed classroom experience in computer literacy and separate hardware and support for direct instructional use in all classrooms. In administration, they saw the need for a unified management information system and an expanded data base. The task force looked at a recommended development plan. In the instructional area it was their goal that all students would have access to the microcomputer. By 1990, elementary school students should have 50 minutes a week with the computer, middle/junior students should have 90 minutes a week, and senior high school students would have 135 minutes a week.

Mr. Raucher said that they had looked at the fiscal years through FY 1988 in relation to direct instruction, curriculum management, and resource management. In pupil services, their first step was to establish the data base, and the second major emphasis was to move toward user-driven systems. If they had this they could move to gifted and talented identification, special education case management, serious incident status reporting such as drug abuse and suspension information, and international student affairs. Once they had done that they would have improved operational systems such as attendance accounting, student transcripts, etc. In business services, they needed to replace the obsolete personnel/payroll and financial accounting systems.

They needed an interrelated data base, and they needed to improve the purchasing and inventory system. Mr. Raucher said there was a need to move ahead with a facilities data base system, and they needed to be able to provide online access to schools and offices.

Mr. Raucher explained that applications to be built included a new personnel system, a payroll system, a budget system, procurement and inventory system, integrated financial systems, facilities management information system, and fringe benefit and retirement system. He said they had concluded they needed two different kinds of hardware: a stand alone system and a system that would link to the systems out in the schools. He described the phased plan which would put the microcomputers in the classrooms and described the fiscal impact of the plan. He said

they had come to four conclusions. The first was the need for increased computer literacy by staff and students. The second was the need to replace and expand existing systems with more flexible, responsive and efficient uses of technology. The third was the need for adequate resources to assure successful implementation of beneficial systems, and the fourth was to view expenditures for computer technology as long-term investments rather than short-range costs.

Mrs. Wallace suggested that Board members themselves needed a little more computer literacy and training in the field of microcomputers. Dr. Greenblatt remarked that this was an impressive report; however, she did not get any sense of what they currently had versus what they needed. She asked whether they would be discarding things or incorporating them into the new system. Dr. Martin replied that their plan was to keep what they had until they could replace it with the microcomputers. She noted that on the central computer they had 41 schools with terminals involved in the math system, and they hoped to be able to modify the math program so that the microcomputers could handle it. Mr. Raucher explained that page 101 of the report was a summary, and he said that only the instructional system would be off-loaded. The superintendent stated that the report suggested taking the instructional systems off, but he wondered why they would need a bigger computer. Mr. Raucher replied that there were enough other systems waiting in the wings to go on the computer that would be of no cost benefit to the school system.

Dr. Greenblatt recalled the discussion the Board had at the time they were deciding whether to buy or lease the present computer.

Mr. Raucher felt that they had made a good financial decision at that time. They had saved money, but they had lost the ability to grow. He explained that they used to rent the computer for \$50,000 annually, and the year they bought the computer the \$50,000 disappeared from the budget. He said that in the FY 1983 budget they would be at the budgeted figure where they should have been. Mrs. Spencer asked whether they were going to lease or purchase this time, and Mr. Raucher replied that they would have to cross that bridge when they came to it. The superintendent remarked that he thought they should make a major commitment to improve computer literacy in MCPS and the plan before the Board was a long-range one. Mrs. Wallace commented that all this before them really was just catching them up, and the superintendent said that they had several months in which to make decisions.

Mrs. Spencer noted that the report spoke to 2 percent of the budget for computer services. Mr. Raucher explained that 2 percent was a national average, and Dr. Frankel added that in the United States business operations normally spent 3 to 5 percent of their budget for computer services. He noted that while the cost of hardware was going down, the cost of software was going up. Mr. Raucher stated that at present they were spending 1.2 percent of their budget for computers while the county government

was spending 2.4 percent. The superintendent remarked that what they were proposing here was not out of line even to get them to these tremendous upgrades in instruction and business. They thought that the moment of truth was here and it was timely to do a long-range look. He said that he would like Board members to think about how staff could be helpful over the next couple of months. He suggested that they set up a planning timeline heading for the final budget decisions. Mrs. Wallace commented that she would like to spend a day touring the computer facilities.

Resolution No. 593-81

Re: Appointment of a Minority
Affairs Advisory
Committee

On recommendation of the superintendent and on motion of Dr. Greenblatt seconded by Mrs. Zappone, the following resolution was adopted with Dr. Greenblatt, Mrs. Peyser, Mrs. Spencer, Mrs. Wallace, and Mrs. Zappone voting in the affirmative; Mr. Ewing abstaining:

WHEREAS, The issues and problems involved in minority relations and the education of minority children are among the most important and most sensitive human relations matters facing the school system; and

WHEREAS, In order to assist the Board of Education and superintendent to continue implementing policies and programs that will improve minority relations and the education of minority children, the Board of Education adopted Resolution 523-81 on July 14, 1981, to establish a 15-member Minority Affairs Advisory Committee; and

WHEREAS, It is important for this advisory committee to begin work as soon as possible; now therefore be it

Resolved, That the Minority Affairs Advisory Committee is to be composed of nine citizens, three school employees, and three students; and be it further

Resolved, That the responsibilities of the Minority Affairs Advisory Committee shall be:

1. to review and evaluate school system policies and programs as they pertain to minority relations and the education of minority children
2. to recommend to the Board of Education and superintendent of schools any actions, policy, or program changes the committee believes will improve minority relations and/or the education of minority children
3. to make a written report of its work and recommendations to the Board of Education annually, or as often as the committee deems necessary;

and be it further

Resolved, That the Board of Education will advertise in several county newspapers the creation of the Minority Affairs Advisory Committee and its charge, and solicit applications for committee membership, making every effort to include in the committee membership individuals who have a demonstrated interest in improving minority relations and the education of minority children, and who represent broad and diverse ethnic, racial, and religious backgrounds; and be it further

Resolved, That the Board of Education will make every effort to appoint committee members on or before October 13, 1981, with members' terms of office staggered in such a way that the committee has continuing membership; and be it further

Resolved, That the Board will appoint a temporary chairperson to convene the committee and to chair the group until the committee can elect its own chairperson; and be it further

Resolved, That the superintendent shall appoint a staff liaison person to assist the Minority Affairs Advisory Committee and to ensure that it received necessary clerical support.

Resolution No. 594-81

Re: Aquatic Facilities

On recommendation of the superintendent and on motion of Dr. Greenblatt seconded by Mrs. Zappone, the following resolution was adopted unanimously:

WHEREAS, There has been a long-standing need to provide regional indoor swimming facilities for recreational use as well as to enhance our physical educational instructional program throughout the county; and

WHEREAS, The continuing need for such facilities has given way to higher priority capital improvement appropriations within the scope of the school system's capital budget limitations; now therefore be it

Resolved, That the Board of Education urge the county executive to proceed with the established program for development of a regional indoor swim center for the North Bethesda, Garrett Park, Bethesda, Potomac, and Travilah service areas; to include the implementation of recent site selection committee recommendations and the award of planning, design, and supervision funds in the amount of \$363,000 from the county's FY 1982 capital budget; and be it further

Resolved, That the proposed facility design and location provide maximum accessibility and compatibility with existing school facilities for use during the regular school day for swimming, diving, and water safety instructional programs; and be it

further

Resolved, That the county executive's staff be requested to include appropriate Montgomery County Public Schools' staff in the further development of design and construction phasing to guarantee optimum joint-use capabilities; and be it further

Resolved, That the county executive, County Council, and Planning Board be provided with a copy of this resolution.

Re: Report of the Office of
the Board of Education

Mr. Thomas S. Fess, ombudsman/staff assistant, stated that as they went through the activities of the Board of Education Office they decided that rather than having an ombudsman/staff assistant report they would have a report to the Board on the office supporting its members. He remarked that the ombudsman function seemed to be alive and well because the case load had maintained itself over a ten-year period of time. Additionally, the staff in the office had expanded their responsibilities in terms of intake for the ombudsman cases. He said that the staff assistant functions had increased, and the supervisory responsibility had increased when the administrative assistant and stenographic assistant were moved from the office of the superintendent. He explained that they all worked together as a team in the office.

Mrs. Wallace called attention to the increase in parent cases and professional employee cases and inquired about the reason for this. Mr. Fess replied that in the professional cases there were problems of declining enrollment and a large increase in involuntary transfers. In terms of the parent case load, he was not sure that it had increased, but what had changed was the case load relating to Continuum Education placement because the Board was removed from adjudicating concerns regarding placement. He said that the closing of schools caused an increase in the parent load in terms of what could be done.

Mrs. Spencer asked about the minority percentage of the ombudsman case load and whether it had increased or decreased. Mr. Fess replied that they had not kept statistics on this and could not answer. It seemed to Mrs. Spencer that there had been nothing about one group of parents that would cause him to keep these statistics. She inquired about the 33 percent of the transportation problems being from one area. Mr. Fess explained that the area was larger and required more transportation than any of the other areas. Mrs. Spencer asked whether there was any way they could get a handle on how many of these problems were generated because of inequalities in the way they were applying their policies or from circumstances outside the real control of the Board. Mr. Fess replied that the implementation of the policies might not be equal throughout the five areas. Mrs. Spencer suggested that from this time forward Mr. Fess keep an eye on these things and bring them to the Board's attention.

Mr. Fess indicated that with word processing they would be able to get at these kinds of statistics in the future rather than generate up the material by hand. He said that when he did encounter some patterns and concerns he did speak with the superintendent, deputy superintendent, or executive assistant. He explained that he indicated to clients that he would maintain their confidentiality within the system, but he could not maintain that if he were ordered directly in a court. He felt that this was one of the reasons why the office had been relatively successful.

Mr. Fess remarked that during the Board's evaluation of his performance they had talked about how effective the service was.

He had indicated that knowing the citizens of Montgomery County he was sure that if the service were not satisfactory the Board would hear about it. However, there was not formalized process for soliciting whether the function had been performed adequately. If he had to mark the success rate, he would venture it was in the 85 to 90 percent range. Mrs. Spencer said that when she referred clients to Mr. Fess she always asked them to get back to her if the situation was not worked out. She had never had anyone call back complaining, but she occasionally received a call or letter thanking her for sending them to the office. Mrs. Wallace inquired about the number of cases coming to Mr. Fess via Board members. Mr. Fess replied that he did not keep that statistic.

Mr. Ewing remarked that over the last six months or so the Board had had some correspondence and there had been some attention in the media about the office of the ombudsman, not criticizing its services but raising a question. The question was whether or not the ombudsman function was appropriately performed by the same person as support and staff for the Board of Education in its policy making role. The allegation was that this deprived the ombudsman function of its objectivity and its ability to assure those it served that it could deal with problems without doing so in ways that would reflect the opinions of one or more Board members. Mr. Ewing said that he had looked at the ombudsman literature in this county and abroad, and virtually all of the literature stated that the ombudsman function should be independent of those who made the decisions about both policy and execution of policy. He asked for Mr. Fess to react to the observations and questions that had been raised. He raised that question not with the expectation there was some answer he had already formulated. Mr. Fess replied that he had been a member for about six years of the National Association of Ombudsmen, and he agreed that the ideal would be total independence for the function of the ombudsman. However, even in the ideal legislative model, performance could be affected by the legislature or creating body. In the educational institutions at the college or university level, almost all were subject to the provost or the board of regents. While he understood the idea of independence, he was not sure in any institution they were going to have total independence. He recognized in 1971

which was on the authority of the superintendent of schools. Therefore, they could not undertake anything which would contravene the authority of the superintendent. Mr. Fess believed that Montgomery County had created an effective function because it provided access to the Board of Education directly which meant that one could not be suppressed in patterns or view derived from the cases. He noted that the guidelines stated that if a client's concern could not be resolved the ombudsman could convene a meeting of the president of the Board and the superintendent of schools, and if they could not agree it would go to the Board of Education itself. Mr. Fess reported that he had spoken to the 1970 Board asking them why the position had developed in this form. They replied that administrative overhead was a concern in 1970, and they decided to combine two positions into one. Additionally, they thought it was important for the Board to establish its prerogative that it needed to have some form of staff assistance, and the court order in 1971 indicated the Board's evaluation of his office the Board chose not to modify this pattern. He felt that it was an effective way unless they guaranteed that the ombudsman and his function had total independence and immediate access to the Board which might be in direct conflict with state law.

Mr. Ewing inquired about Mr. Fess's response to parents who said that they were reluctant to come to the ombudsman because they really did not feel that the ombudsman had sufficient objectivity. He said that statement was being made and being made with more frequency than in the first years of the ombudsman's operation. He said he did not know that he thought it was a fair observation, but it was one that was being made increasingly. Mr. Fess replied that when the Board drafted his charge they did not give him any line authority to make judgments. He was not sure first of all what Mr. Ewing meant by "not being objective." Mr. Ewing replied that it was not his phrase. Mr. Fess said that objectivity to him implied not finding the appropriate channels to resolve the concern brought by the client. If he were not objective in that, he did not know that they would have as many clients as they did. If objectivity meant that someone came and did not get the answer they wished to have, he said that one could say one was not being objective. Mr. Fess remarked that there were political climates which existed in Montgomery County and if one identified the objectivity of an employee of the Board of Education with the political climate than the electorate would decide what they wished to do. If they did not feel confident in the person occupying the position, they could change the person. He said that he had difficulty with allegations of less than objective unless he received definition of objectivity and how it applied to the client and the functions he performed.

Mr. Ewing stated that in positions of the kind that Mr. Fess occupied which involved confidentiality and relationships of trust in the school system and with clientele outside there was always a necessity to be certain not only is there the reality of

objectivity and fairplay but the appearance thereof. He supposed what people were really saying was that Mr. Fess was a Board employee who worked the will of the Board and, possibly, in doing so he would not respond to those kinds of cases in which there was someone approaching him who was in disagreement with the Board in some fashion.

Dr. Greenblatt raised a point of order. She stated that this was not an evaluation of the ombudsman; it was a discussion of the office. Mr. Ewing stated that he had the floor. He said he was not evaluating staff and pointed out that the effectiveness of the work of the ombudsman was reported and was germane. Dr. Greenblatt pointed out that the ombudsman's evaluation had taken place in executive session. Mr. Ewing indicated that he was asking a question, and Mrs. Wallace asked him to phrase it as a question. Mr. Ewing asked what it was that gave the full appearance of objectivity and was it, in fact, a situation where Mr. Fess was an employee of the Board for some portion of his time or would it be more objective appearance if he were spending full time being an ombudsman. Mr. Fess replied that if he had his druthers he would much prefer to be a full-time ombudsman than the staff assistant to the Board of Education. He explained that every Board from 1970 had directed that the top priority of the office be the ombudsman. He said that if the Board wished to modify that charge, then it should do so. He did not believe that in order to perform the functions that he must perform as an individual in that office or whoever was in that office should be dependent upon some definition of appearance. He pointed out that the case load had remained constant, and the report spoke for itself. If there were a segment of the community or clients who had been served and not served well, he thought the Board had an obligation to tell him that. He said that if the two functions could be separated and there was total independence given to the ombudsman function, then any question of appearance would be moot.

Mrs. Zappone thought that the report fully covered what they as Board members saw piecemeal. She said that frequently they had used the office as a safety valve to field the questions that they received. She said that in handling the functions of the ombudsman and the staff assistant it had to be difficult and yet it worked.

It seemed to Mrs. Spencer that a good demonstration of the interrelationships between the staff assistant role and the ombudsman role was given in the report itself. The appeals coming to the Board were often generated at the ombudsman level and had to be coordinated with the Board's action on those appeals by the role of staff assistant. She said that because Mr. Fess was familiar with the cases he was able to do that very smoothly. Mr. Fess pointed out that Montgomery County's Board did have a level that was different from any other jurisdiction in the state in terms of independence of its hearing officers. He indicated that this was a team effort and if it were not for

people such as Lillian Gallupe, Mary Lou Wood, Larry Bowers, Britt-Marie Johnsson, and Kate Newmyer it would not work. He said that people were proud of their work and the work product they put out.

Dr. Greenblatt commented that what was unique about having an ombudsman in the school system was that there was an individual who was not under direct line authority of the administration but was directly responsible to the Board of Education and that was where the check was. She felt that they were in a unique situation because they had been able to have a smooth relationship with the administration. She thought that the fact that Board members referred clients to the ombudsman was very important and anyone who was hired as the ombudsman would still be hired by the Board of Education rather than hired by the superintendent.

Mrs. Wallace asked whether there would be enough of a case load to warrant a full-time ombudsman if the law allowed it. Mr. Fess replied that some days yes and some days no. Mrs. Wallace stated that Mr. Fess had worn both hats so very well and if she had to choose which hat he would wear on a permanent basis she would be hard pressed to say which one. She felt that the office worked smoothly and efficiently. She said that everyone pitched in where needed, and she commented Mr. Fess for heading up the office. Mrs. Spencer said that she had a paper put together in 1977 which traced the development of the position of ombudsman.

Re: Proposed Resolution on
Board Member Expense
Standards

Mrs. Spencer moved approval of the following which was seconded by Dr. Greenblatt:

WHEREAS, The Board of Education in accordance with section 3-801 of the Public School Laws of Maryland shall be reimbursed for expenses, in addition to receiving annual compensation; and

WHEREAS, Board members need to establish Board member expense standards; now therefore be it

Resolved, That expenses for which Board members can be reimbursed shall include local travel expenses as follows (local travel is defined to mean travel and expenses in the Washington metropolitan area and intra-state travel):

1. Automobile: Non-reimbursement for all-day and evening business meetings. Reimbursement for special meetings and other travel related to Board business.
2. Other business-related transportation costs: parking, tolls, taxis, rail, bus, or air fares.

3. Meals: Actual expenses for business-related meals up to a maximum amount of \$35 per diem for three meals. Expenses for meals at banquets or other events which members are invited to attend will be reimbursed on an actual basis.
4. Telephone: Reimbursement will include installation and minimal monthly charges for an additional private line in the member's home.
5. Miscellaneous: Other expenses which a Board member may claim are:
 - (a) Montgomery county newspapers not subscribed to prior to taking office;
 - (b) Supplies;
 - (c) Postage;
 - (d) Tips.
6. Filing assistance: Should a member wish to hire filing assistance that member should submit a work plan and salary amount for approval by the Board of Education. Additionally, the member will assume responsibility for observing federal and state labor and wage laws, i.e., federal withholding tax, social security tax, minimum wage.

and be it further

Resolved, That expenses incurred during OUT-OF-STATE-TRAVEL to meetings and conferences will be reimbursed from the out-of-state travel account and will not be included in the limits established for local expenses; and be it further

Resolved, That expenses relating to the operation of the Board of Education as an entity shall be expended at the discretion of the ombudsman/staff assistant, in consultation with the officers of the Board; and be it further

Resolved, That if equipment is purchased, it will be paid for out of the furniture and equipment account of the Board office and will be listed on the Board's inventory list; all efforts will be made to locate used equipment within the system; the equipment will revert to MCPS at the end of a Board member's term of office; and be it further

Resolved, That the procedures for processing monthly expense accounts shall be as follows:

1. Expense forms should be submitted to the staff assistant during the first week of each month for all expenses incurred during the previous month.

2. The staff assistant will review the reports to make certain that they are properly completed and that all expenses claimed fall within the approved guidelines. Any questions will be resolved by the president of the Board.
3. Before the form goes to the Accounting Department for payment, it will be signed by the president of the Board and the executive assistant.
4. Whenever practical or feasible, Board members will secure appropriate receipts for expenditures.

Re: A Motion by Dr.
Greenblatt to Amend the
Proposed Resolution on
Board Member Expense
Standards (FAILED)

A motion by Dr. Greenblatt to delete "non-reimbursement for all-day and evening business meetings" failed for lack of a second.

Resolution No. 595-81

Re: Amendment to the Proposed
Resolution on Board
Member Expense Standards

On motion of Mrs. Spencer seconded by Mrs. Wallace, the following resolution was adopted unanimously:

Resolved, That the proposed resolution on Board member expense standards be amended by adding "Reimbursement for all meetings and other travel related to Board business for the student member" under 1. Automobile.

Resolution No. 596-81

Re: Amendment to the Proposed
Resolution on Board
Member Expense Standards

On motion of Mrs. Spencer seconded by Mrs. Zappone, the following resolution was adopted unanimously:

Resolved, That the proposed resolution on Board member expense standards be amended by adding "and long distance calls related directly to Board business shall be reimbursed." under 4. Telephone.

Re: A Motion by Dr.
Greenblatt to Amend the
Proposed Resolution on
Board Member Expense
Standards (FAILED)

A motion by Dr. Greenblatt to amend the proposed resolution on

Board member expense standards by substituting "reasonable" for "minimal" under 4. Telephone failed with Dr. Greenblatt, Mrs. Peyser, and Mrs. Zappone voting in the affirmative; Mrs. Spencer and Mrs. Wallace voting in the negative; and Mr. Ewing abstaining.

There was agreement to change "Montgomery County newspapers" to "local newspapers." There was agreement to change "resolved by" to "referred to" under No. 2 in the last Resolved.

Resolution No. 597-81

Re: Board Member Expense Standards

On motion of Mrs. Spencer seconded by Dr. Greenblatt, the following resolution was adopted unanimously:

WHEREAS, The Board of Education in accordance with section 3-702 of the Public School Laws of Maryland shall be reimbursed for expenses, in addition to receiving annual compensation; and

WHEREAS, Board members need to establish Board member expense standards; now therefore be it

Resolved, That expenses for which Board members can be reimbursed shall include local travel expenses as follows (local travel is defined to mean travel and expenses in the Washington metropolitan area and intra-state travel):

1. Automobile: Non-reimbursement for all-day and evening business meetings. Reimbursement for special meetings and other travel related to Board meetings. Reimbursement for all meetings and other travel related to Board business for the student member.
2. Other business-related transportation costs: parking, tolls, taxis, rail, bus, or air fares.
3. Meals: Actual expenses for business-related meals up to a maximum amount of \$35 per diem for three meals. Expenses for meals at banquets or other other events which members are invited to attend will be reimbursed on an actual basis.
4. Telephone: Reimbursement will include installation and minimal monthly charges for an additional private line in the member's home and long-distance calls related directly to Board business shall be reimbursed.
5. Miscellaneous: Other expenses which a Board member may claim are:
 - (a) Local newspapers not subscribed to prior to taking office;

(b) Supplies;

(c) Postage;

(d) Tips.

6. Filing assistance: Should a member wish to hire filing assistance that member should submit a work plan and salary amount for approval by the Board of Education. Additionally, the member will assume responsibility for observing federal and state labor and wage laws, i.e., federal withholding tax, social security tax, minimum wage.

and be it further

Resolved, That expenses incurred during OUT-OF-STATE-TRAVEL to meetings and conferences will be reimbursed from the out-of-state travel account and will not be included in the limits established local expenses; and be it further

Resolved, That expenses relating to the operation of the Board of Education as an entity shall be expended at the discretion of the ombudsman/staff assistant, in consultation with the officers of the Board; and be it further

Resolved, That if equipment is purchased, it will be paid for out of the furniture and equipment account of the Board office and will be listed on the Board's inventory list; all efforts will be made to locate used equipment within the system; the equipment will revert to MCPS at the end of a Board member's term of office; and be it further

Resolved, That the procedures for processing monthly expense accounts shall be as follows:

1. Expense forms should be submitted to the staff assistant during the first week of each month for all expenses incurred during the previous month.
2. The staff assistant will review the reports to make certain that they are properly completed and that all expenses claimed fall within the approved guidelines. Any questions will be referred to the president of the Board.
3. Before the form goes to the Accounting Department for payment, it will be signed by the president of the Board and the executive assistant.
4. Whenever practical of feasible, Board members will

secure appropriate receipts for expenditures.

Re: A Motion by Mr. Ewing on
Board Payment for Meals
(FAILED)

A motion by Mr. Ewing that Board of Education members, except the student member, be obliged to pay for meals during regular business meetings of the Board and that Board members not be reimbursed for those meals failed with Mr. Ewing voting in the affirmative; Dr. Greenblatt, Mrs. Peyser, Mrs. Spencer, Mrs. Wallace, and Mrs. Zappone voting in the negative.

Re: A Motion by Mr. Ewing on
Purchase of Liquor with
Public Funds (FAILED)

A motion by Mr. Ewing that the Board eliminate funds for the purchase of liquor by Board members for their own consumption with public funds and that the Board develop a policy which would preclude the use of public funds for the purchase of any alcoholic beverage for consumption by Board members failed with Mr. Ewing voting in the affirmative; Dr. Greenblatt, Mrs. Wallace, and Mrs. Zappone voting in the negative; Mrs. Peyser and Mrs. Spencer abstaining.

Re: Items of Information

Board members received the following items of information:

1. Items in Process
2. Construction Progress Report
3. MORE Study - Cost Accounting
4. Proposed Master Calendar of Board Meetings
5. Recommendation for Approval of Revised Curriculum -
Fundamentals of Art courses
6. Abilities Testing in FY 1982

Re: Adjournment

The president adjourned the meeting at 6:10 p.m.

President

Secretary

EA:mlw:mag