APPROVED
49-1983

Rockville, Maryland
August 4, 1983

The Board of Education of Montgomery County met in special session at the Educational Services Center, Rockville, Maryland, on Thursday, August 4, 1983, at 9:45 p.m.

ROLL CALL

Present: Mr. Blair G. Ewing, President in the Chair
Dr. James E. Cronin
Dr. Marian L. Greenblatt
Mrs. Suzanne K. Peyser
Mrs. Marilyn J. Praisner
Mrs. Odessa M. Shannon
Dr. Robert E. Shoenberg

Absent: Mr. Peter Robertson

Others Present: Dr. Wilmer S. Cody, Superintendent of Schools
Mr. Thomas S. Fess, Parliamentarian

Re: Special Meeting

Mr. Ewing announced that this was a special session of the Board of Education which had been called on August 1. The purpose of the meeting was to render decisions in two appeals.

Re: BOE Case 1983-3

Dr. Shoenberg moved approval of and Mrs. Shannon seconded a motion that the Board support the recommendations of the hearing examiner in BOE Case 1983-3.

Mrs. Peyser explained that she was dissenting for the reasons discussed in their very brief executive session. She said it was a terrible injustice to a person who had been an excellent teacher in the school system for many years to spend 15 minutes late at night deciding her fate. In contrast to that, the Board spent two and a half hours deciding whether a child should go to one kindergarten or another that same night but at a more reasonable hour to make intelligent decisions. She thought the punishment was overkill. The superintendent had recommended something much more reasonable, particularly in this case where someone had been an excellent teacher. She knew how badly they needed good English teachers, and she cited one case of a substitute teaching English during the summer session. She did not know what they were accomplishing by doing this. She did not know how this kind of severe punishment would improve the education of children in the county. She said she was distressed about this.

Mr. Ewing stated that he was concerned about the comment made because the Board had agreed in executive session that they would not identify this case.

For the record, Dr. Cronin stated they should note that the Board did not sit for 15 minutes and decide this. They had a hearing examiner to hear the issue. They had substantive information for Board members, and that information was in the Board's possession long before the other evening. Therefore, they had the option in the privacy of their own consciences to deliberate this and to see material which was quite substantive.

Resolution No. 664-83 Re: BOE Case 1983-3

On motion of Dr. Shoenberg seconded by Mrs. Shannon, the following resolution was adopted with Dr. Cronin, Mr. Ewing, Mrs. Praisner, Mrs. Shannon, and Dr. Shoenberg voting in the affirmative; Dr. Greenblatt and Mrs. Peyser voting in the negative:

Resolved, That the Board of Education accept the recommendations of the hearing examiner in BOE Case 1983-3.

Re: BOE Case 1983-9

Mrs. Praisner moved approval of the appeal in BOE Case 1983-9, and Dr. Cronin seconded the motion.

Mr. Ewing announced that he planned to discuss and not to vote in favor of the decision and order. He did not question the sincerity of the appellants and their desire to benefit from the program to which they wished to transfer their child, but he was not satisfied the evidence warranted a finding that a unique or special need had been demonstrated in this case that would warrant the approval of the transfer.

Mrs. Shannon said she would also dissent. She agreed with the reasons set forth by Mr. Ewing. She also believed that approval of the transfer in the instant case violated Paragraph D of MCPS Regulation JEE, in that the racial/socioeconomic balance of both East Silver Spring and Oak View Elementary Schools would be unduly affected, especially when the reasonable likelihood of requests of a similar nature being made and approved was taken into consideraation. Additionally, she did not understand how staff would be able to interpret the Board's interpretation of educational need when considering transfer requests or appeals which must also be evaluated under the QIE policy or how the Board would monitor the implementation.

Mrs. Praisner said the Board had authorized a statement on this decision. It would be a decision of the Board by what she assumed would be a majority vote to approve this transfer. In approving the transfer, the majority wished to stress that its decision was made on the basis of the unique circumstances of this child and was not any modification or change of existing Board of Education policies.

Dr. Greenblatt stated that it was Board procedure at the time of making these decisions that it was the time they could talk about

things other than in executive session. She joined with other members of the Board of Education in voting to approve the transfer on the belief that the enrollment in another school would offer the student a more likely chance for a productive and successful educational experience which was a quote from the Board's policy and regulations. In addition, she believed that students did become most fluent in a language at a young age, and she understood that this could be a professional concern of the parent. In particular, she would like to stress that Paragraph D of the regulation had been met since the uncontroverted evidence before the Board of Education indicated that approval of a single transfer in this instance would not unduly affect the racial balance at either school. She said their regulations specified that placement of children in programs should be related to educational needs rather than racial, ethnic or socioeconomic factors. Furthermore, she believed that the Board of Education should be helping in the expansion of the nationally recognized French Immersion Program in every way possible.

Resolution No. 665-83 Re: BOE Case 1983-9

On motion of Mrs. Praisner seconded by Dr. Cronin, the following resolution was adopted with Dr. Cronin, Dr. Greenblatt, Mrs. Peyser, Mrs. Praisner, and Dr. Shoenberg voting in the affirmative; Mr. Ewing and Mrs. Shannon voting in the negative:

Resolved, That the Board of Education approve the appeal in BOE Case 1983-9.

Re: Adjournment

The president adjourned the meeting at 10 p.m.

President

Secretary

WSC:mlw