

structuring their proposals for discussion in a way that the community might better follow what the Board was doing. The Board wanted to address issues effectively and appropriately, but in far less time. One approach would be to look at how they might limit the times for discussion and the opportunities for discussion.

Mrs. Gordon suggested that the Board also discuss how they handled business in executive sessions.

Mr. Abrams thought they should bring some clarity to the way the Board operated as much as discussing efficiencies. He thought they should reexamine the structure of their meetings as to whether the structure was valid today, given the need to generate more public interest as to what the Board was doing and to provide better ways to interact with the Board. He had some difficulty with the second suggested improvement which was to examine the time permitted for discussion. It was never his intent to suggest a limitation on a dialogue between Board members. If anything, he would encourage going in the opposite direction because he would rather see a much richer debate on substantive issues.

It seemed to Mr. Abrams that the first recommendation on reviewing the discussion and action process for Board items had some promise. In regard to the structure of the agendas, he indicated that this was his initial intention. He thought that at the beginning of the meeting they should have an opportunity for Board member interaction. By the time they got to the end of agenda, it was the end of the day and people were worn out.

Mr. Abrams suggested that they needed to tailor their agendas in such a way that they could focus more on areas of Board responsibility and concern rather than the full smorgasbord they now considered. The final suggestion was to look at what they did in terms of routine. He thought it might make more sense and be more productive to look at a housekeeping meeting once a month or once a quarter. This would clear up the agendas for other Board meetings. At times there were items on consent agendas that some Board members wanted to discuss in more detail. They might circulate information about time-sensitive consent items and circulate others that could wait and find out if any member wanted to discuss these. If members wanted discussion, the item could be placed on the agenda at a time when it did not interrupt the flow of an agenda.

Mrs. King commented that she did not want to limit the discussion the Board had. However, she did think some Board questions could be answered ahead of time if Board members would contact staff. This would help speed the meetings along. As far as the agendas, Mrs. King did not want to spread the agendas out so that they would have to have more meetings.

Dr. Cheung had no problem with trying to make the Board meetings more efficient and, he hoped, more effective. Therefore, it was important to look at the role and functions of Board members. The proposal was intended to improve the time management of the Board; however, they had to examine this from the perspective of the Board's staff and the superintendent's staff. He did not know whether they had adequate staff to support some of the changes that were proposed. He was not against making the Board meetings more efficient, and there were many publications on improving the conduct of meetings and expediting discussions and agendas. It was important to prioritize what they talked about especially as it related to their areas of responsibility such as policy. He would like to hear from the superintendent and Mr. Margolies as to whether they had the staff support to make changes.

Ms. Gutierrez thought this was a timely topic for the Board. This was her fifth year on the Board, and she was still not really comfortable with the way they had their regular Board meetings. She had some frustration with certain aspects of their current structure and process because it put limitations on the Board. She noted that today's agenda was driven by the superintendent and the business of the schools. She agreed that they should look at the issue of consent items and at the placement of Board business on the agenda. She agreed with Mr. Abrams that the business of the Board should have a higher visibility in their meetings. The role of the superintendent and staff in defining what came before the Board had to be better understood.

Ms. Gutierrez agreed that they should look at having more frequent meetings. They had added meetings to focus on the Board's action areas and, by dedicating whole evenings to these topics, they could have full discussions. She would not want to limit Board discussions, but the way they ran meetings they had monologues rather than give and take. They needed more effective discussions because they were a public forum.

Ms. Gutierrez recalled that when they had pre-Board questions it was not an effective way of getting information because it only satisfied the individual asking the question. They never discussed these answers as a Board, and these answers imposed an enormous workload on staff. She encouraged the Board to consider having very short, more frequent meetings dealing with business items. She would also like to have the Board focus on coming to closure on issues. Now they extended discussion periods and delayed action unnecessarily. They needed greater flexibility with their agendas because they were not necessarily timely because of the way the agendas were developed. The National Federation of Urban-Suburban School Districts had provided them with some information about how other large systems ran their meetings. Some Boards moved on to a different part of an agenda if they got stuck on an item, and some Boards did very effective work by using subcommittees or ad hoc committees.

Mr. Ewing reported that every three or four years the Board had similar discussions. It was worth doing because circumstances changed and Board members changed. He thought they needed to be careful as they thought about making improvements because they did not want to pursue the goal of efficiency as an exclusive goal. He felt that if they wanted to pursue time conservation at the expense of discussion they would be making a mistake. Discussion was essential as a way of getting to a decision.

Mr. Ewing believed that the Board had made a lot of progress over the last several years. The establishment of action areas and the focus on those had given greater direction to the Board and staff and made clearer to the public that the Board was focusing on a set of priority areas. Over the years, he had attempted earlier receipt of Board materials. He remarked that Dr. Vance was doing better at this than his predecessors. This meant that Board members had less excuse for not being fully prepared to enter into the discussion at the Board meeting. If they received the materials earlier, they could insist on a more limited briefing by staff.

While subcommittees were useful, Mr. Ewing commented that there was also the danger that committees would get out in front of the rest of the Board. They needed to look at how frequently committees related to the Board as a whole. One big issue was how much briefing time the staff needed as against how much discussion time the Board had. Sometimes in an hour they had 40 minutes of staff briefing and only 20 minutes for Board discussion. This, again, was related to the notion of getting materials earlier.

In regard to Board member comments, Mr. Ewing said that 15 years ago they decided to move this to end of the meeting because Board members were taking too much time with comments at the beginning of the meeting. He thought they might try moving it back to the beginning of the meeting because Board members did cover important issues during this time.

Mr. Ewing noted that Board meetings no longer drew a public turnout. Therefore, they needed to give further consideration to the fact that their audience was primarily a television audience. They had to look at what they could do to assure that the television audience was fully informed and could follow what was going on. They ought to find their viewers and ask their opinions. In addition, they should ask Mr. Porter and Mr. Margolies for their advice.

Mrs. Gordon remarked that as Board president she struggled with when they did cut off debate. They needed to look at how they structured their meetings and their agendas. It was very difficult to go through agenda setting and see items that were very time sensitive but that could not be scheduled because of prior

commitments. The Board had a very small staff, and the school system staff was responsible for running the school system. Moving things around on the agenda might be very helpful.

Mrs. Gordon thought they needed to look at Robert's Rules of Order. Because they were a small board, they were not bound to follow the rules strictly; nevertheless, there were some things that could help with the flow of the discussion. Mr. Margolies had served as parliamentarian in other school system and would be able to help them with that. It might be a simple thing such as everyone having an opportunity to speak once before being allowed to speak a second or third time. She remarked that a lot of the issues they were now discussing were the responsibility of individual Board members.

Mrs. Gordon agreed that they did not have enough time to review all of the Board packet materials. They needed to talk about the issue of television because there were a lot of people who did watch the Board on television. There had to be some presentation and enough discussion so that television watchers would understand what was going on. She said that they really needed to look at agenda setting because when she came on the Board there were agenda items from Board members who had not been on the Board for at least two years. The officers had tried to pull those items together to move the agenda along. As far as subcommittees, she thought they could use that as a more viable way of doing business; however, it would be incumbent upon members to be committed to attending and scheduling these meetings. There had been several issues that had gone to committees and had not been resolved in a very positive way.

Dr. Vance remarked that he did not know whether this discussion was good or bad. It would seem to him that the value that one would put on it was contingent upon what were the by-products. He said that the issue of Board efficiency had to be made in the context of sweeping social, political, and economic changes taking place in society today. As he reviewed the Blue Ribbon Commission report, he realized that change drove that Commission, and he believed this was applicable today. The danger lurked in their ability and willingness to make adjustments. He did not know that they had an identifiable constituency anymore. The Board and superintendent needed to spend time discussing that.

Dr. Vance stated that this related to the question of what they did between meetings. They might want to look at this time for meetings with constituent groups. They should make an effort to make certain they did not behave and act in an imperial manner when they were making decisions at the Board table. This was fed by the rush into high technology which might create an elitist class of persons who had access to information. Many people in Montgomery County with children in the school did not have access to high technology. They had to look at who was determining that and having the greatest influence on how decisions were made. He said

they had to review what the Board was legally mandated to do. There was an incredible preoccupation with the mundane.

Mr. McCullough commented that on the issue of subcommittees, the only problem was having the decision of a few heavily influence the decision of the majority. He thought that what they really needed to do was exercise a little more self discipline. They had to understand why they were here and how they should proceed in getting the job done in a more efficient manner. This could be as simple as not speaking if someone else had already made your point. A Board member could express his or her opinion when it came time to vote.

In dealing with the agendas, Mr. McCullough suggested that they had to stick with the orders of the day. They adopted the agenda with specific time allotments. When the time ended for the item, they should bring that item to a close.

Mr. Felton remarked that they all agreed they were very concerned with doing what they were elected to do. He suggested that shorter time did not necessarily mean less value. It seemed to him that part of what they did was information, part was structured briefings, part was discussion, and part was decision making. The process of decision making was changing, and he thought they could have opportunities for formal briefings and discussion sessions that involved the community and still have separate decision-making sessions. He thought their concern was making the decision-making session more efficient. The question was whether they could restructure that in such a way so that they could have briefings separate from actual decision making.

Mr. Abrams explained that he was not proposing more meetings. He was proposing reorganizing the activities within the context of their meetings to focus their meetings differently. They deviated from the time allotments on the agenda when they ended up talking about something on the consent calendar. These items could be pulled off the agenda and rescheduled when discussion time was available. They could consolidate the consent agenda so that they did not have one every meeting.

Mr. Abrams thought that Dr. Vance's comments were useful and would be a terrific agenda for a Board retreat. On the issue of strict adherence to the agenda, he had always viewed the timing of the agenda as being more informational to the public as opposed to being a limitation on the way business was conducted. He would hate to see an arbitrary time limit which would cut off discussion. Conversely, there had been times when they had been able to accelerate an agenda, but they had had to wait for people to be available to have the discussion.

Mrs. Gordon thought that had been a good discussion. The follow up would be to have Mr. Margolies and Board staff look at options.

They could look at re-arranging the agendas, looking at the time allotted for discussion, separating out the routine housekeeping consent-type items, and looking at how other Boards conducted their business. They could look at information from NFUSSD and talk with other systems. She agreed they should schedule another discussion to see if there were feasible options to the way they were doing business for many years. Board members wanted to be efficient, and they wanted to be effective.

Mr. Margolies commented that in listening to Board members it was obvious that no one desired change for the sake of change. On the other hand, there were ways in which the Board could be more effective. He would welcome it if Board members would give further thought to this and share their thoughts with him so that options and alternatives could be developed. In the short time he had been with the Board, he had been making notes about Board efficiency including the consent agenda, agenda-setting, advisory committees, etc.

Mr. Margolies said the Board would have to look at the items on its agenda which by statute were vested in the Board. These items took up a lot of their time, and these were not just consent items. These items included executive session issues which caused their public starting time to be delayed. It would be the Board's decision as to whether or not they wished to maintain that status quo. This had to be part of the discussion because it spoke to freeing up time to allow the Board to debate the public's business. He would welcome the opportunity to work with the Board and the superintendent's staff. The superintendent's staff had a role in this process because they were the ones being asked to make the presentations.

Mrs. Gordon hoped that they could return to this topic by December or January.

Re: ANNOUNCEMENT

Mrs. Gordon announced that the Board had met in closed session from 11:15 a.m. to 2:35 p.m. to discuss legal matters and appeals. Because of illness, Dr. Cheung had left the meeting during closed session.

Re: PUBLIC COMMENTS

The following individuals appeared before the Board:

1. Ed Kostolansky, Lacrosse
2. Bill Shoemaker, MCCSSE

102-94 Shade and Upholstery Materials and Related
Materials - ExtensionAwardees

C.R. Daniels, Inc.	\$	6,872	
John Duer and Sons, Inc.		8,514	
Dymalon, Inc.		361	*
Frankel Associates, Inc.		13,863	
Mileham and King, Inc.		60,004	
Rocky Mount Cord Company, Inc.		2,310	
Stimpson Company, Inc.		853	
Tedco Industries, Inc.		<u>15,135</u>	
Total	\$	107,912	

402-94 Energy Incentive Program - Extension

Awardee

OmniComp	\$	245,000	
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48-95 Drug/Alcohol Testing Program

Awardees

Concern Care	\$	3,698	
Corning National Center for Forensic Science		<u>23,900</u>	
Total	\$	27,598	

49-95 Printing Supplies

Awardees

AB Dick Company	\$	161	
AM Multigraphics		16,465	
American Printing Equipment and Supply		6,676	
Arcal Chemicals, Inc.		1,497	*
Chaselle, Inc.		704	
Patton Printing Supplies, Inc.		1,794	
Washington Printing Supplies		1,445	
E.H. Walker Supply Company, Inc.		<u>47,695</u>	
Total	\$	76,437	

151-95 Vehicle Maintenance and Service

Awardee

Fleet Pro	\$	158,922	
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200-95	Netware Server Equipment			
	<u>Awardee</u>			
	Network Technologies, Inc.	\$	66,904	
205-95	Science Tables - Extension			
	<u>Awardee</u>			
	Douron, Inc.	\$	25,525	*
251-95	Audio Visual Equipment and Supplies			
	<u>Awardees</u>			
	Allegheny Electronics, Inc.	\$	5,524	
	CTL Communications Televideo, LTD		46,515	*
	Lee Hartman and Sons, Inc.		4,930	
	Kipp Visual Systems		33,880	
	Kunz, Inc.		325	
	Metropolitan Audio Visual Corporation		49,127	
	Northern Video Systems, Inc.		53,173	*
	Nicholas P. Pipino Associates		18,857	
	Ritz Camera Center		2,675	
	Total Audio-Visual Systems, Inc.		12,415	*
	Veneman Music Company, Inc.		5,390	
	Washington Professional Systems		8,815	
	The Zamoiski Company		<u>45,900</u>	
	Total	\$	287,526	
252-95	Videodisc Players and Peripherals			
	<u>Awardees</u>			
	CTL Communications Televideo, LTD.	\$	2,400	*
	Lee Hartman and Sons, Inc.		7,275	
	Latta's, Inc.		4,750	
	Professional Products, Inc.		<u>31,725</u>	
	Total	\$	46,150	
1-96	Health Room Supplies and Equipment			
	<u>Awardees</u>			
	American Whitecross	\$	610	
	Amzco Surgical Devices		371	*
	Armstrong Medical Industries, Inc.		5,831	
	Best American Products, Inc.		4,910	*
	Cal-American Medical Supplies		14,715	*
	CD Medical Distributor, Inc.		534	*

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Cole Medical, Inc.	23,842	
Eddor Safety	5,807	
Ever Ready First Aid and Medical	1,325	*
Hunter Medical Supply, Inc.	1,739	*
Laerdeal Medical Corporation	3,253	
Marva Re-Sources, Inc.	3,004	*
Micro Bio-Medics, Inc.	44,697	
National Health Supply Corporation	5,846	
Professional Medical Products	1,788	
Safeware, Inc.	41,514	
School Health Corporation	<u>8,661</u>	
Total	\$ 168,447	

2-96 Uniforms - Extension

Awardee

ATC Uniforms	\$ 75,877	*
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3-96 Custodial Supplies

Awardees

Apex Supply Company, Inc.	\$ 1,262	
Baer/Acme Paper and Supply	403,006	
Best American Products, Inc.	8,521	*
Calico Industries, Inc.	1,863	
Consolidated Maintenance Supply, Inc.	17,139	*
Daycon Products Company, Inc.	79,329	*
Fischer Lang and Company, Inc.	9,702	
General Wiping Cloth Company, Inc.	15,544	
Genesis II	3,786	*
Hill Manufacturing Company, Inc.	909	
Kahn Paper Company, Inc.	887	
Lynn Ladder and Scaffold Company/WACO	4,892	
The Mat Works	10,241	
Metrochem Industries, Inc.	6,565	
MJM Enterprises/EMGEE Brush Company	5,229	*
National Capitol Industries, Inc.	1,894	
Porter's Supply Company, Inc.	62,805	*
Potomac Rubber Company	4,956	
Pyramid School Products	2,589	
Sky Resources	2,371	*
Superior Supply Limited	6,570	
Unisource	98,429	
Viking Chemicals, Inc.	12,378	*
Frank W. Winne and Son, Inc.	<u>2,618</u>	
Total	\$ 763,485	

5-96 Polyliner Bags

Awardees

Calico Industries, Inc.	\$ 88,915
DC Plastics, Inc.	<u>42,570</u>
Total	\$ 131,485

MORE THAN \$25,000

\$2,181,268

RESOLUTION NO. 532-95 Re: REDUCTION OF RETAINAGE - ROCKY HILL
MIDDLE SCHOOL

On recommendation of the superintendent and on motion of Mr. Abrams seconded by Mrs. King, the following resolution was adopted unanimously by members present#:

WHEREAS, On January 24, 1994, the Board of Education authorized staff to act as general contractor for the proposed Rocky Hill Middle School to assure timely completion of this much needed school project; and

WHEREAS, Rocky Hill Middle School is 99 percent complete and all the subcontractors have requested that the 10 percent retainage, which is based on the completed work to date, be reduced to 5 percent; and

WHEREAS, The project architect, Delmar Architects, P.A., recommends approval of the reductions; now therefore be it

Resolved, That the 10 percent retainage withheld from periodic payments to all the subcontractors under contract for Rocky Hill Middle School be reduced to 5 percent, with the remaining 5 percent to become due and payable after completion of all remaining contract requirements and formal acceptance of the completed project.

RESOLUTION NO. 533-95 Re: REDUCTION OF RETAINAGE - BROOKHAVEN
ELEMENTARY SCHOOL

On recommendation of the superintendent and on motion of Mr. Abrams seconded by Mrs. King, the following resolution was adopted unanimously by members present#:

WHEREAS, The McAlister-Schwartz Company, general contractor for Brookhaven Elementary School, has completed 98 percent of all specified requirements, and has requested that the 10 percent retainage, which is based on the completed work to date, be reduced to 5 percent; and

August 29, 1995

WHEREAS, The project bonding company, The American Insurance Company, has consented to this reduction; and

WHEREAS, The project architect, Gauthier, Alvarado & Associates, recommends approval of the reduction; now therefore be it

Resolved, That the 10 percent retainage withheld from periodic payments to The McAlister-Schwartz Company, general contractor for Brookhaven Elementary School, be reduced to 5 percent, with the remaining 5 percent to become due and payable after completion of all remaining contract requirements and formal acceptance of the completed project.

RESOLUTION NO. 534-95 Re: AWARD OF CONTRACT - LINCOLN CENTER
REROOFING

On recommendation of the superintendent and on motion of Mr. Ewing seconded by Mr. Abrams, the following resolution was adopted unanimously by members present#:

WHEREAS, The following sealed bids were received on August 10, 1995, for reroofing portions of the warehouse, book processing, and film library buildings at the Lincoln Center, with work to begin immediately and to be completed by October 31, 1995:

<u>Bidder</u>	<u>Amount</u>
<u>Section A</u>	
Alliance Roofing & Sheet Metal, Inc.	\$116,800
J. E. Wood & Sons Co., Inc.	126,500
Shen Valley Roofing, Inc.	150,250
<u>Section B</u>	
Orndorff & Spaid, Inc.	\$159,371
J. E. Wood & Sons Co., Inc.	225,400
Shen Valley Roofing, Inc.	243,350
Alliance Roofing & Sheet Metal, Inc.	310,000

and

WHEREAS, The low bidders, Alliance Roofing & Sheet Metal, Inc., and Orndorff & Spaid, Inc., have completed similar projects successfully for Montgomery County Public Schools; and

WHEREAS, The low bids are below the staff estimates of \$125,000 and \$175,000, respectively; now therefore be it

Resolved, That a \$116,800 and a \$159,371 contract be awarded to Alliance Roofing & Sheet Metal, Inc., and Orndorff & Spaid, Inc., respectively, for reroofing portions of the warehouse, book processing, and film library buildings at the Lincoln Center, in

accordance with plans and specifications prepared by the Department of Facilities Management.

RESOLUTION NO. 535-95 Re: REJECTION OF BIDS - SHERWOOD HIGH SCHOOL ADDITION/MODERNIZATION (PHASE II)

On recommendation of the superintendent and on motion of Mr. Abrams seconded by Mr. McCullough, the following resolution was adopted unanimously by members present#:

WHEREAS, The following bids were received on July 17, 1995, for the Phase II addition project at Sherwood High School, with work to begin immediately and to be completed by August 1, 1996:

<u>Bidder</u>	<u>Amount</u>
Haris Design & Construction Company	\$4,204,600
ServiceMaster Construction Services	4,622,048
Dustin Construction, Inc.	4,715,000
Caldwell & Santmyer, Inc.	4,726,500
Kimmel & Kimmel, Inc.	4,791,400
William F. Klingensmith, Inc.	4,901,000
Henley Construction Company, Inc.	5,011,800
Meridian Construction Company, Inc.	5,169,600

and

WHEREAS, Haris Design and Construction Company has requested that their bid be withdrawn because of the interpretation of an allowance and a math error; and

WHEREAS, The second low bid exceeds the budget; and

WHEREAS, Staff and the project architect have recommended that the plans for the reconstruction of the main gymnasium floor slab be revised and rebid to lower the construction cost; and

WHEREAS, Rebidding will not impact the scheduled August 1, 1996, completion date; now therefore be it

Resolved, That all bids be rejected and that the project, including the design change, be rebid at the earliest possible date.

RESOLUTION NO. 536-95 Re: ALBERT EINSTEIN HIGH SCHOOL - LAND EXCHANGE

On recommendation of the superintendent and on motion of Mr. Ewing seconded by Mr. Abrams, the following resolution was adopted unanimously by members present#:

WHEREAS, Additional land is needed to widen and upgrade the school driveway and bus parking area as part of the overall modernization of Albert Einstein High School; and

WHEREAS, Relocation of on-site water and sanitary sewer lines requires that the existing tennis courts also be permanently relocated; and

WHEREAS, There is insufficient land available within the existing Albert Einstein High School site to undertake these projects without the loss of programmed recreational space; and

WHEREAS, The Maryland-National Capital Park and Planning Commission (M-NCPPC) has agreed to make additional land available from Newport Mill Local Park for these purposes through an off-site land exchange; and

WHEREAS, The M-NCPPC has agreed to convey 0.516 acres of park land at Newport Mill Local Park in exchange for the Board's agreement to surplus 0.868 acres at the former Lynnbrook Elementary School, located at 8001 Lynnbrook Drive in Bethesda; and

WHEREAS, The exchange will be implemented by the Montgomery County Government through an abbreviated disposition; now therefore be it

Resolved, That the Board of Education agree to accept conveyance of three small parcels, totalling 0.516 acres of park land at Newport Mill Local Park (Attachment 1) from M-NCPPC; and be it further

Resolved, That 0.868 acres of land at the former Lynnbrook Elementary School (Attachment 2) be declared surplus with the intention that it be conveyed to M-NCPPC; and be it further

Resolved, That the County Council, county executive, M-NCPPC and State Interagency Coordinating Committee be made aware of these actions.

RESOLUTION NO. 537-95 Re: REDUCTION OF RETAINAGE - ROSEMONT
ELEMENTARY SCHOOL

On recommendation of the superintendent and on motion of Mr. Ewing seconded by Mr. Abrams, the following resolution was adopted unanimously by members present#:

WHEREAS, Hess Construction Company, Inc., general contractor for Rosemont Elementary School, has completed 98 percent of all specified requirements, and has requested that the 10 percent retainage, which is based on the completed work to date, be reduced to 5 percent; and

WHEREAS, The project bonding company, Hartford Casualty Insurance Company, has consented to this reduction; and

WHEREAS, The project architect, Garrison-Schurter, Architects, recommends approval of the reduction; now therefore be it

Resolved, That the 10 percent retainage withheld from periodic payments to Hess Construction Company, Inc., general contractor for Rosemont Elementary School, be reduced to 5 percent, with the remaining 5 percent to become due and payable after completion of all remaining contract requirements and formal acceptance of the completed project.

RESOLUTION NO. 538-95 Re: REDUCTION OF RETAINAGE - GEORGIAN FOREST ELEMENTARY SCHOOL

On recommendation of the superintendent and on motion of Mr. Ewing seconded by Mr. Abrams, the following resolution was adopted unanimously by members present#:

WHEREAS, Hess Construction Company, Inc., general contractor for Georgian Forest Elementary School, has completed 99 percent of all specified requirements, and has requested that the 10 percent retainage, which is based on the completed work to date, be reduced to 5 percent; and

WHEREAS, The project bonding company, Hartford Casualty Insurance Company, has consented to this reduction; and

WHEREAS, The project architect, Anderson O'Brien/Soyejima Architects, recommends approval of the reduction; now therefore be it

Resolved, That the 10 percent retainage withheld from periodic payments to Hess Construction Company, Inc., general contractor for Georgian Forest Elementary School, be reduced to 5 percent, with the remaining 5 percent to become due and payable after completion of all remaining contract requirements and formal acceptance of the completed project.

RESOLUTION NO. 539-95 Re: ARCHITECTURAL APPOINTMENT - BETHESDA ELEMENTARY SCHOOL FEASIBILITY STUDY

On recommendation of the superintendent and on motion of Mrs. King seconded by Mr. Felton, the following resolution was adopted unanimously by members present:

WHEREAS, It is necessary to appoint an architectural firm to provide professional and technical services to conduct a design feasibility study of alternatives for the modernization of Bethesda Elementary School; and

WHEREAS, Funds for architectural planning were appropriated as part of the FY 1996 Capital Budget; and

On recommendation of the superintendent and on motion of Mr. Felton seconded by Mr. Ewing, the following resolution was adopted unanimously by members present#:

Resolved, That the superintendent of schools be authorized to receive and expend within the FY 1996 Provision for Future Supported Projects, a grant award of \$234,667 from the Maryland State Department of Education (MSDE), under the State Challenge Schools Program for summer school activities in the Wheaton cluster, in the following categories:

<u>Category</u>	<u>Amount</u>
2 Instructional Salaries	\$ 136,846
3 Other Instructional Costs	<u>97,821</u>
Total	<u>\$ 234,667</u>

and be it further

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

RESOLUTION NO. 547-95 Re: UTILIZATION OF FY 1996 FUTURE SUPPORTED FUNDS FOR THE MATHEMATICS CONTENT/CONNECTIONS PROGRAM

On recommendation of the superintendent and on motion of Mr. Felton seconded by Mr. Ewing, the following resolution was adopted unanimously by members present#:

Resolved, That the superintendent of schools be authorized to receive and expend within the FY 1996 Provision for Future Supported Projects a grant award of \$753,394 from the National Science Foundation, under the Teacher Preparation and Enhancement Program, for the second year of the Mathematics Content/Connections program, in the following categories:

<u>Category</u>	<u>Positions*</u>	<u>Amount</u>
2 Instructional Salaries	3.0	\$654,492
3 Other Instructional Costs		43,000
10 Fixed Charges	<u> </u>	<u>55,902</u>
Total	<u>3.0</u>	<u>\$753,394</u>

* 1.0 Project Specialist, Grade E (12 month)
 1.0 Fiscal Specialist, Grade 24 (12 month)
 1.0 Secretary, Grade 12 (12 month)

and be if further

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

RESOLUTION NO. 548-95 Re: UTILIZATION OF FY 1996 FUTURE SUPPORTED PROJECT FUNDS FOR THE GOVERNOR'S GIFTED AND TALENTED DEVELOPMENT GRANT

On recommendation of the superintendent and on motion of Mr. Felton seconded by Mr. Ewing, the following resolution was adopted unanimously by members present#:

Resolved, That the superintendent of schools be authorized to receive and expend within the FY 1996 Provision for Future Supported Projects a grant award of \$73,000 from the Maryland State Department of Education, under the Governor's Gifted and Talented Development Grant Program, in the following categories:

<u>Category</u>	<u>Amount</u>
2 Instructional Salaries	\$ 39,815
3 Other Instructional Costs	30,000
10 Fixed Charges	<u>3,185</u>
Total	<u>\$ 73,000</u>

and be it further

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

RESOLUTION NO. 549-95 Re: UTILIZATION OF THE FY 1996 FUTURE SUPPORTED PROJECT FUNDS FOR THE HEAD START TRANSITION DEMONSTRATION PROGRAM

On recommendation of the superintendent and on motion of Mr. Felton seconded by Mr. Ewing, the following resolution was adopted unanimously by members present#:

Resolved, That the superintendent of schools be authorized to receive and expend within the FY 1996 Provision for Future Supported Projects a grant award of \$768,401 from the U. S. Department of Health and Human Services, Administration for Children and Families, through the Montgomery County Department of Family Resources, Community Action Board, for the Head Start Transition Demonstration program, in the following categories:

<u>Category</u>	<u>Positions*</u>	<u>Amount</u>
2 Instructional Salaries	8.7	\$403,309
3 Other Instructional Costs		239,960
10 Fixed Charges		<u>125,132</u>
Total	8.7	\$768,401
	4444444	44444444

*1.0 Project Specialist, Grade E
 1.0 Social Worker, Grade E
 4.0 Parent/Community Coordinator (10 month), Grade 17
 1.0 Data Control Technician, Grade 13
 1.0 Fiscal Assistant I, Grade 13
 0.7 Teacher/Specialist, Grade C-D (10-month)

and be it further

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

RESOLUTION NO. 550-95 Re: UTILIZATION OF FY 1996 FUTURE SUPPORTED PROJECT FUNDS FOR PROGRAMS TO REDUCE DISRUPTION IN SCHOOLS

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

Resolved, That the superintendent of schools be authorized to receive and expend within the FY 1996 Provision for Future Supported Projects, two grant awards totaling \$10,000 from the Maryland State Department of Education for Reducing Student Disruption, in the following categories:

<u>Category</u>	<u>Pupil Services</u>	<u>DEA</u>
2 Instructional Salaries	\$ 2,037	\$ 2,315
3 Other Instructional Costs	3,300	2,000
10 Fixed Charges	<u>163</u>	<u>185</u>
Total		<u>\$10,000</u>

and be it further

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

RESOLUTION NO. 551-95 Re: UTILIZATION OF FY 1996 FUTURE SUPPORTED PROJECT FUNDS FOR THE TITLE VI EDUCATIONAL IMPROVEMENT PROGRAM

On recommendation of the superintendent and on motion of Ms. Gutierrez seconded by Mr. Felton, the following resolution was adopted unanimously by members present#:

Resolved, That the superintendent of schools be authorized to receive and expend within the FY 1996 Provision for Future Supported Projects a grant award of \$26,431 from the U.S. Department of Education through the Maryland State Department of Education under the Improving America's Schools Amendments of 1994, for the Title VI Educational Improvement Program, in the following categories:

<u>Category</u>	<u>Amount</u>
2 Instructional Salaries	\$ 15,882
3 Other Instructional Costs	<u>10,549</u>

Total	\$ <u>26,431</u>
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and be it further

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

RESOLUTION NO. 552-95 Re: FY 1995 OPERATING BUDGET CATEGORICAL TRANSFER

On recommendation of the superintendent and on motion of Ms. Gutierrez seconded by Mr. Felton, the following resolution was adopted unanimously by members present#

WHEREAS, Category 1 Administration reflected a deficit as of June 30, 1995, due to greater than anticipated legal expenditures; and

WHEREAS, Category 2 Instructional Salaries reflected a deficit as of June 30, 1995, due to the County Council's budget action to reduce the starting salary of new teachers from BA 5 to BA 4, lower-than-anticipated savings from the Early Retirement Incentive Program, increased use of substitute teachers, additional psychological assessments for Extended School Year efforts, and increases in long-term accounts; and

WHEREAS, Category 4 Special Education reflected a deficit as of June 30, 1995, due to higher than projected costs for students with disabilities placed in non-MCPS facilities, increased costs for

disabled students receiving services in regular educational settings, legal costs associated with the special education program, a shortfall in Medicaid reimbursements, and for the cost of implementing Extended School Year mandates; and

WHEREAS, Category 5 Student Personnel Services reflected a deficit as of June 30, 1995, due to minor variances in position salary costs; and

WHEREAS, Category 7 Student Transportation reflected a deficit as of June 30, 1995, due to underbudgeting expenditures for positions and part-time salaries, particularly substitute bus drivers, greater than anticipated costs for bus maintenance, largely due to maintaining an older fleet, and year-end inventory adjustments; and

WHEREAS, Category 11 Food Services reflected a deficit as of June 30, 1995, due to higher than budgeted expenditures for contracting food services at outdoor education centers outside Montgomery County; and

WHEREAS, Category 71 Field Trip Enterprise Fund revenues and expenditures exceeded the fund's appropriation as of June 30, 1995, due to a greater than anticipated demand for field trip services; and

WHEREAS, The required funds are available for transfer from Category 3 Other Instructional Costs, Category 8 Operation of Plant/Equipment, Category 10 Fixed Charges, Category 14 Community Services, and Category 41 Adult Education/Summer School Fund; now therefore be it

Resolved, That the superintendent of schools be authorized, subject to the approval of the County Council, to effect the following transfers:

<u>Category</u>	<u>Description</u>	<u>To</u>	<u>From</u>
1	Administration	\$ 420,000	
2	Instructional Salaries	1,848,000	
3	Other Instructional Costs		\$ 1,560,000
4	Special Education	\$ 6,000,000	
5	Student Personnel Svs.	26,000	
7	Student Transportation	1,740,000	
8	Op. of Plant/Equip.		135,000
10	Fixed Charges		8,300,000
11	Food Services	11,000	
14	Community Services		50,000
41	Adult Ed./Summer Sch.		75,000
71	Field Trip Fund	<u>75,000</u>	<u> </u>
	Total	\$10,120,000	\$10,120,000

and be it further

WHEREAS, The death on July 31, 1995, of Mr. Coy O. Gill, a building service worker at Rockville High School, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, In the short time that Mr. Gill worked for Montgomery County Public Schools, he demonstrated competence as a building service worker; and

WHEREAS, Mr. Gill's eagerness to learn made him a valuable employee; now therefore be it

Resolved, That the members of the Board of Education express their sorrow at the death of Mr. Coy O. Gill and extend deepest sympathy to his family; and be it further

Resolved, That this resolution be made part of the minutes of this meeting and a copy be forwarded to Mr. Gill's family.

RESOLUTION NO. 556-95 Re: DEATH OF MRS. PEGGY M. LEWIS, SCHOOL
SECRETARY II AT WILLIAM H. FARQUHAR
MIDDLE SCHOOL

On recommendation of the superintendent and on motion of Ms. Gutierrez seconded by Mrs. King, the following resolution was adopted unanimously by members present:

WHEREAS, The death on July 10, 1995, of Mrs. Peggy M. Lewis, a school secretary II at William H. Farquhar Middle School, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, Mrs. Lewis had been a respected and dedicated employee of Montgomery County for more than 21 years and an active volunteer prior to employment; and

WHEREAS, Mrs. Lewis' flexibility and human relations skills made her an asset to the staff, students, and the community; now therefore be it

Resolved, That the members of the Board of Education express their sorrow at the death of Mrs. Peggy M. Lewis 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 Mrs. Lewis' family.

RESOLUTION NO. 557-95 Re: DEATH OF MRS. GEORGANN MAVRRIDIS,
ELEMENTARY COUNSELOR AT COLLEGE
GARDENS ELEMENTARY SCHOOL

On recommendation of the superintendent and on motion of Ms. Gutierrez seconded by Mrs. King, the following resolution was adopted unanimously by members present:

WHEREAS, The death on July 10, 1995, of Mrs. Georgann Mavridis, an elementary counselor at College Gardens Elementary School, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, Mrs. Mavridis was a dedicated counselor with Montgomery County Public Schools for five years; and

WHEREAS, Mrs. Mavridis was committed to students and sensitive to the needs of all people, making her an asset to the school system and community; now therefore be it

Resolved, That the members of the Board of Education express their sorrow at the death of Mrs. Georgann Mavridis 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 Mrs. Mavridis' family.

RESOLUTION NO. 558-95 Re: DEATH OF MS. ALETHIA Y. TYNER,
KINDERGARTEN TEACHER AT MARYVALE
ELEMENTARY SCHOOL

On recommendation of the superintendent and on motion of Ms. Gutierrez seconded by Mrs. King, the following resolution was adopted unanimously by members present:

WHEREAS, The death on July 24, 1995, of Ms. Alethia Y. Tyner, a kindergarten teacher at Maryvale Elementary School, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, Ms. Tyner had been a member of the Montgomery County Public Schools teaching staff for two years; and

WHEREAS, During her short tenure, Ms. Tyner demonstrated an eagerness to effectively guide the total learning process of the kindergarten children assigned to her classroom; now therefore be it

Resolved, That the members of the Board of Education express their sorrow at the death of Ms. Alethia Y. Tyner 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 Ms. Tyner's family.

RESOLUTION NO. 559-95 Re: PERSONNEL APPOINTMENT

On recommendation of the superintendent and on motion of Mr. Abrams seconded by Mr. Felton, the following resolution was adopted unanimously by members present:

<u>Appointment</u>	<u>Present Position</u>	<u>As</u>
Fred Lowenbach	Principal Benjamin Banneker MS	Principal Paint Branch HS Effective: 8-30-95

RESOLUTION NO. 560-95 Re: PERSONNEL APPOINTMENT

On recommendation of the superintendent and on motion of Mrs. King seconded by Ms. Gutierrez, the following resolution was adopted unanimously by members present:

<u>Appointment</u>	<u>Present Position</u>	<u>As</u>
Donald J. Barron	Asst. Principal Montgomery Village MS	Principal Montgomery Village MS Effective: 8-30-95

RESOLUTION NO. 561-95 Re: PERSONNEL APPOINTMENT

On recommendation of the superintendent and on motion of Mr. Abrams seconded by Mrs. King, the following resolution was adopted unanimously by members present:

<u>Appointment</u>	<u>Present Position</u>	<u>As</u>
Joan V. Cisz	Asst. Principal Summit Hall ES	Principal Twinbrook ES Effective: 8-30-95

RESOLUTION NO. 562-95 Re: PERSONNEL APPOINTMENT

On recommendation of the superintendent and on motion of Mr. Felton seconded by Ms. Gutierrez, the following resolution was adopted unanimously by members present:

<u>Appointment</u>	<u>Present Position</u>	<u>As</u>
Ruby A. Rubens	Fair Housing Manager Dept. of Housing and Community Development Montgomery County Government	Staff Assistant Ombudsman/ Communications Office of the Board of Education Effective: 8-30-95

RESOLUTION NO. 563-95 Re: COUNTY EXECUTIVE'S PROPOSAL TO
TRANSFER CIP CURRENT REVENUE FUNDED
PROJECTS TO THE OPERATING BUDGET

On recommendation of the superintendent and on motion of Ms. Gutierrez seconded by Mr. Ewing, the following resolution was adopted with Mr. Abrams, Mr. Ewing, Mr. Felton, Ms. Gutierrez, Mrs. King, and Mr. McCullough voting in the affirmative; Mrs. Gordon abstaining because she was away from the table during the discussion:

Resolved, That the Board of Education send a letter to the County Council reflecting the superintendent's memo of August 29, 1995, on the subject of current-revenue funded projects; and be it further

Resolved, That the letter to the County Council address the issue of spending affordability.

RESOLUTION NO. 564-95 Re: POLICY BLC, PROCEDURES FOR INFORMAL
REVIEW AND RESOLUTION/IMPARTIAL DUE
PROCESS HEARINGS (SPECIAL EDUCATION
ONLY)

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

WHEREAS, The Board of Education has adopted Policy BLC to provide due process hearings in special education matters, consistent with federal and state requirements; and

WHEREAS, Policy BLC was first adopted in 1980 and the last substantive change to that policy was made in 1986; and

WHEREAS, A number of changes in laws and regulations have occurred as well as changes in departmental and job titles, as a result of which a general review of Policy BLC is now appropriate; and

WHEREAS, In addition to due process hearings, less formal options for resolution of disputes also are available to students with disabilities and their parents/guardians, and should be incorporated into the policy; and

WHEREAS, On June 26, 1995, the Board of Education adopted a resolution directing the superintendent to review Policy BLC; now therefore be it

Resolved, That Policy BLC, *Procedures for Informal Review and Resolution/Impartial Due Process Hearings (Special Education Only)* be tentatively adopted as shown on the following draft; and be it further

Resolved, That the public be given an opportunity to comment on the issue of one-tier versus two-tier special education appeal hearings.

Procedures for Informal Review and Resolution/
Impartial Due Process Hearings (Special Education Only)

A. PURPOSE

To establish informal review and resolution options that permit cooperative problem solving of disputes regarding identification, evaluation, or educational placement of children or the provision of a free appropriate public education and to establish hearing procedures to be initiated when a request is made to review any of these issues.

B. ISSUE

Students with disabilities and their parent(s)/guardian(s) must be guaranteed procedural safeguards with respect to their right to free appropriate education and should have available less formal options for resolution of disputes.

C. POSITION

1. Statement of Philosophy

It is the intent of the Board of Education to resolve all disputes related to special education informally and in as efficient and cooperative a manner as possible. MCPS has established informal review and resolution processes to permit the submission of disputes to administrative review or mediation without the need to utilize the formal due process hearing procedure.

The parent(s)/guardian(s)/student(s) of age may elect not to use the informal review and resolution process, and may request a formal due process hearing. In addition, if an informal review and resolution process is selected, either party may request a due process hearing if the informal review and resolution process or the results of that process are not satisfactory.

It is also the intent of the Board of Education to provide hearings on special education disputes in accordance with applicable law while safeguarding the due process rights of the student. Due process hearings are held before qualified impartial hearing officers.

If either party to the hearing is dissatisfied with the outcome, the dispute may be appealed to the state hearing

review board. Judicial review is available should either party be dissatisfied with a result of the appeal.

2. Applicable Laws, Rules, and Regulations

Where applicable, these procedures should be read in conjunction with state and federal laws, rules, and regulations that include the following:

- a) The Annotated Code of Maryland, Education Article
- b) Maryland State Board of Education bylaws:
 - (1) Bylaw 13A.05.01 deals specifically with Programs for Students with Disabilities
 - (2) Bylaw 13A.05.01.14 deals specifically with Local Hearing Procedures and Bylaw 13A.05.01.15 State Hearing Procedures
- c) The Individuals with Disabilities Education Act (IDEA) 20 U.S.C. §1400 et seq. and Rules and Regulations Implementing IDEA
- d) The Rehabilitation Act of 1973, 29 U.S.C §701 et seq. and the rules and regulations implementing that Act
- e) Family Educational Rights and Privacy Act, Protection of the Rights and Privacy of Parents and Students, 20 U.S.C. §1232g, and the rules and regulations implementing that Act
- f) Americans with Disabilities Act, 42 U.S.C. §12101 et seq., and the rules and regulations implementing that Act

3. Conflicts

In cases of conflicts between these procedures and applicable state or federal laws, rules, or regulations, the latter shall govern.

4. Options for Informal Review and Resolution

There are two options for informal review and resolution: one is an administrative review and the other is a mediation process. Either party to a dispute may select one of these two as an alternative to the formal due process hearing procedures. The selection of one of these options is voluntary. At any time, a party may

choose to file a request for a formal due process hearing.

a) Administrative Review

The process for administrative review involves reviewing all available records on the student and obtaining information required for clarification so that a decision that attempts to resolve the dispute in a way that is satisfactory to both parties can be offered.

(1) When Available

An administrative review is available whenever a party is dissatisfied with a decision regarding identification, evaluation, or educational placement of a student or the provision of a free appropriate public education and has not yet filed a request for a formal due process hearing.

(2) Procedure

To initiate the administrative review, MCPS Form 336-43A, Request for Informal Review and Resolution, must be completed, checking the appropriate box to select the administrative review process. The form is then filed with the Department of Special Education Programs and Services.

A committee of no less than two (2) professional staff members who have had no direct involvement in the decision will obtain relevant records and consider any information submitted by the parent(s)/guardian(s)/eligible student with the form or gained from other sources. Ordinarily, the administrative review should be completed within twenty (20) calendar days. However, at any time during the process, or at the completion of the process, a party may request a due process hearing. If a due process hearing is requested, the administrative review will terminate and time limitations and procedures for the formal due process hearing will begin.

When a review is completed, the Department of Special Education Programs and Services will inform the parties in writing of its suggested resolution.

b) Mediation Process

The process allows parents the opportunity to share opinions and concerns in an informal meeting with a mediator knowledgeable in the area of conflict resolution. The process involves a mediation conference with the parent(s), mediator, and an MCPS representative who was involved in the decision regarding the identification, evaluation, or educational placement, or the provision of a free appropriate public education. The mediator will facilitate the resolution of the dispute by the parties.

(1) When Available

Mediation is available whenever a party is dissatisfied with a decision regarding identification, evaluation, or educational placement of a student or the provision of a free appropriate public education and has not yet filed a request for a formal due process hearing.

(2) Procedure

To initiate mediation, MCPS Form 33643A, Request for Informal Review and Resolution, must be completed, checking the appropriate box for mediation. The form is then filed with the Department of Special Education Programs and Services.

A mediator will be selected from a list of non-MCPS employees trained in mediation.

A mediation conference will be scheduled and held whenever possible at the student's public school or at a mutually agreeable location.

The participants shall be mediator, parent(s), and an MCPS representative. Either party may consult at any point during the conference with anyone the party believes can assist in the resolution of the dispute, but such individuals may not be physically present or participate directly, in order to maintain the informality of the process.

To maintain the informality and to encourage cooperation between parties, no statements made or documents generated during the

mediation may be used in any subsequent formal due process hearing unless both parties agree.

If mediation is successful and agreement is reached, the mediator will reduce the agreement to writing for signature by the parties. Whenever possible, this should be done at the conclusion of the conference.

If unsuccessful, the mediator shall so inform the Department of Special Education Programs and Services

Ordinarily the mediation process should be completed within twenty (20) calendar days of the filing of the request. However, at any time during mediation, or at the completion of the process, a party may request a due process hearing. If a due process hearing is requested, mediation will terminate and time limitations and procedures for the formal due process hearing will begin.

5. Formal Due Process Hearing Procedures

Formal due process hearing procedures are intended to provide procedural safeguards in accordance with applicable law.

a) When Available

A parent(s)/guardian(s)/student(s) of age, or the Montgomery County Public Schools may initiate a hearing when the school system proposes to initiate or change, or refuses a request by a parent(s)/guardian(s)/student(s) of age to initiate or change the following matters¹:

- (1) The evaluation of the child
- (2) The identification of the child
- (3) The educational placement of the child
- (4) The provision of a free appropriate education for the child

¹ Disputes involving data maintained in the student's school records are governed by Regulation JOA-RA: Student Records

b) Procedure

The party desiring a formal due process hearing should complete MCPS Form 336-43B, Request for Impartial Due Process Hearing and submit it to the Department of Special Education Programs and Services.

(1) General Arrangements

Unless otherwise agreed by both parties, the hearing officer will be chosen by the Office of the Board of Education in rotating alphabetical sequence from the list of qualified hearing officers approved by the Board of Education. In the event that a hearing officer is unavailable to serve on the date for which a hearing officer is required, the next available hearing officer in alphabetical rotation shall be selected.

In accordance with state law (Education Article §8-415), the Montgomery County Public Schools shall maintain a list of at least 10 hearing officers who have general knowledge of the law relating to the identification, evaluation, or educational placement of children with disabilities and the provision of a free appropriate public education, and who meet other requirements as the Board of Education may establish.

The Office of the Board of Education shall maintain the list of persons approved by the Board of Education of Montgomery County who serve as hearing officers in Montgomery County. The list shall include a statement of the qualifications of each person. The list will be made available upon request to the Office of the Board of Education, Montgomery County Public Schools, 850 Hungerford Drive, Rockville, Maryland 20850.

The Office of the Board of Education will schedule the date, time, and location of the hearing and arrange for the electronic verbatim record of the hearing.

(2) Notice of Hearing

When ten (10) calendar days of the receipt of the request (MCPS Form 336-43B: Application

for Impartial Due Process Hearing), the Office of the Board of Education will issue a written notice to the parties which shall state:

- (a) The name and address of the hearing officer
- (b) Date, time, and place of hearing
- (c) Any other appropriate information

(3) Prehearing Duties and Rights

- (a) The parent(s)/guardian(s)/student(s) of age involved in the hearing has the right to:

- (1) Have the hearing open or closed to the public

Parent(s)/guardian(s)/student(s) of age shall designate an open or closed hearing on the application for impartial due process hearing. If not specified, the hearing shall be closed.

- (2) Have an interpreter present if English is not the primary language of the parent(s)/guardian(s)/student(s) of age
 - (3) Have the child who is the subject of the hearing attend
 - (4) Have effective communication for individuals with disabilities that might include the use of auxiliary aids, services, or other accommodations if such aid, service, or accommodation does not result in an undue burden or fundamentally alter the nature of the hearing
 - (5) Inspect and copy, at reasonable times, both before any hearing and otherwise, all records of the Montgomery County Public Schools and its agents and employees pertaining to the child, including all tests or reports upon which the proposed action may be based and such other

relevant records pertaining to the proposed action as the school system may deem relevant (Procedures and hearings concerning content of student records shall be governed by Regulation JOA-RA: Student Records.)

- (6) Be represented by counsel or a designated representative at any stage during the hearing process
- (7) Obtain an independent assessment of the child, the expense of which is to be born in accordance with applicable federal regulations² The results of these assessments must be considered by the Montgomery County Public Schools in any placement decision and may be presented as evidence at the hearing.
- (8) Obtain information about where to acquire an independent assessment by contacting

Montgomery County Public Schools
850 Hungerford Drive
Rockville, Maryland 20850

- (9) Obtain information on free or low-cost legal or other relevant services available in the area, including information regarding possible reimbursement of attorney's fees incurred as a result of due process hearings or court actions by contacting

² The Board of Education of Montgomery County shall not bear the responsibility for any fees for professional evaluations, witnesses, or representatives to assist them in due process hearings except as provide by these procedures and applicable federal or state laws and regulations and locally established policy. Whenever an independent evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, shall be the same as the criteria which the Montgomery County Public Schools uses when it initiates an evaluation.

Department of Special Education
Programs and Services
Montgomery County Public Schools
850 Hungerford Drive
Rockville, Maryland 20850, or

Office of the Board of Education
Montgomery County Public Schools
850 Hungerford Drive
Rockville, Maryland 20850

(b) Exchange of Evidence

Five (5) calendar days before the hearing, each party shall provide to the other party and the hearing officer:

- (1) A copy of each document or other writing which the party intends to introduce into evidence at the hearing
- (2) A list of witnesses the party intends to call to testify at the hearing
- (3) Any other evidence which the party intends to introduce at the hearing (This does not include the expected testimony of witnesses.)

(c) Stipulations

The parties may confer prior to the hearing in a good faith attempt to stipulate facts, introduce evidence, and discuss any other matters for the purposes of expediting the hearing and reducing the hearing costs.

(4) Hearing Rights

Any party to a hearing has the right to:

- (a) Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of students with disabilities (Witnesses who fall within this category shall not be

excluded from attending any part of the hearing.)

- (b) Have all persons present at the hearing identified for the record
- (c) Present competent evidence (Evidence must be competent, which generally means testimony from a witness or documents written by a person who is qualified, because of background or experience, to speak on the subject.)
- (d) Present relevant evidence (Evidence must be relevant, which means it must relate to the issues identified in the request for due process hearing.)
- (e) Cross-examine witnesses (Each party shall have the right to ask questions of (cross-examine) any witness called to testify on behalf of the other party.)
- (f) Prohibit the introduction of any evidence at the hearing that has not been disclosed and given to that party at least five (5) calendar days before the hearing (This shall include the exclusion of testimony from a witness whose name was not provided five (5) calendar days before the hearing.)
- (g) Obtain an electronic verbatim record of the hearing (The Montgomery County Public Schools will arrange to have an electronic (tape) recording of the hearing unless the parties agree that this record need not be made.) One copy of the tape recording is supplied free of charge.
- (h) Obtain written findings of fact and decision by the independent hearing officer based on the testimony and documented information in the record at the hearing before the hearing officer
- (i) Any party to a hearing has the right to compel the attendance of witnesses at the hearing. The request by a party shall:

- (1) Be made to the hearing officer at least ten (10) calendar days prior to the date of the hearing
 - (2) State the name, address, and title, if applicable, of the person
 - (3) State the reason(s) for the request
- (j) The hearing officer shall decide if the request will be granted.
- (1) If the request is granted, the hearing officer shall notify the person(s) involved. When a request is granted, the hearing officer and the parties to the hearing shall give consideration to minimizing interference with the regular duties of the person.
 - (2) If the request is denied, the hearing officer shall notify the parties and state the reasons for the denial. The hearing officer may deny the request if it is not shown to the satisfaction of the hearing officer that the person(s) has direct knowledge pertinent to the subject of the inquiry.

(5) Conduct of Hearing

The hearing shall be conducted in the following manner unless changes or modifications are made by the hearing officer or by mutual agreement of the parties with the consent of the hearing officer.

- (a) A general opening statement shall be made by the hearing officer and shall include an identification of the case, delineation of the issue(s) to be decided, and a reading of the application for impartial due process hearing.
- (b) All persons present shall be identified for the record. (Hereafter persons who enter the hearing shall be identified for the record.)
- (c) The hearing officer shall give each of the parties the opportunity to:
 - (1) Ask any questions about the procedure to be followed at the hearing
 - (2) Raise any preliminary matters to be decided by the hearing officer
 - (3) Agree that certain matters are not in dispute
 - (4) Place documents into evidence or object to documents being entered into evidence because of irrelevancy, incompetency, or noncompliance with the five-day rule
- (d) The Montgomery County Public Schools shall explain the initial action or placement recommendation.
- (e) The party proposing the action shall present evidence that supports its appropriateness.
- (f) The party opposing the action shall present evidence opposing the proposed action.

(6) Decision

(a) Rendering A Decision

(1) The decision shall be presented, in writing, by the hearing officer within forty-five (45) calendar days from the date the request was received for the hearing, unless an extension has been granted at the request of either party, in which case the decision shall be presented within sixty (60) calendar days from the initial request, unless good cause is shown. The written decision of the hearing officer shall be based on the applicable laws, identified and agreed upon issues, the testimony, and documented information on the record at the hearing and shall contain a statements of findings and conclusions which:

(a) Specified the nature and severity of any disabilities the child has

(b) Specifies any special education needs the child has as a result of those disabilities

(c) Specifies any modification of the child's Individualized Education Program required to provide the child with an appropriate program to meet those needs

(d) Identifies a placement that will provide the child with the required appropriate program. A placement is considered appropriate if it provides special education and related services which:

(1) Are provided at public expense, under public supervision and direction, and without charge

- (2) Meet the standards of the Maryland State Department of Education
- (3) Are provided in conformity with the Individualized Education Program
- (4) Meet the educational needs of the child
- (5) Cannot be provided satisfactorily in a less restrictive environment with the use of supplementary aids and services

(2) The decision will state the right of either party to appeal and the procedures for taking the appeal to the next higher authority

(3) The decision will be sent to the parties and, if requested, their counsel or representative of record within the time prescribed by these procedures

(b) Implementation of Decision

The decision of the hearing officer shall be implemented as soon as possible, but not sooner than fourteen (14) school days or later than thirty (30) school days after the decision, provided that during the pendency of appeals to the state level, unless the Maryland State Department of Education of the Montgomery County Public Schools and the parent(s)/guardian(s)/student of age otherwise agree, the child shall remain in the then current placement of the child.

(7) Hearing Officers

(a) Eligibility

An independent hearing officer:

- (1) Shall be knowledgeable in the fields and areas of significance to the educational review of the child
- (2) Shall not be:
 - (a) A person who was directly responsible for the recommendation of the proposed action
 - (b) A person who has furnished significant advice or consultation in reference to the recommendation
 - (c) A member of the Board of Education of Montgomery County
 - (d) An employee of the Board of Education of Montgomery County in any capacity other than as a hearing officer (An otherwise qualified person is not an employee of the Board of Education of Montgomery County solely because he or she is paid by the Board to serve as a hearing officer.)
 - (e) A person having a personal or professional interest that would conflict with his or her objectivity in the hearing

(b) Rights and Responsibilities

The independent hearing officer shall:

- (1) Be the sole and complete authority for the conduct of the hearing
- (2) Conduct the hearing to ensure that the due process rights of all parties are protected and enforced in compliance with these Rules of Procedure and applicable state and federal laws, rules, and regulations
- (3) Have the right to be assisted by a legal advisor

- (4) Not permit ex parte communication between the independent hearing officer and the parties
- (5) After the parties have received notice of the hearing, communications concerning continuances and other matters relating to the conduct of the hearing shall be made directly to the designated hearing officer. Any party who desired to communicate with the hearing officer shall advise the other party of such communication so that, if requested, a conference call can be held. Any party who communicates with the hearing officer in writing must send a copy of the communication to the other party.
- (6) The independent hearing officer may request an independent assessment of the child, which shall be at public expense either prior to rendering the decision or as part of the decision

Whenever an independent evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, shall be the same as the criteria which the Montgomery County Public Schools uses when it initiates an evaluation.

(8) Expedited Hearings

(a) When Held

An expedited hearing shall be held when a request for hearing concerning a proposed placement action is received and the child is not currently receiving free educational services. (This does not include situations where a free public school program is offered and the parent(s)/guardian(s)/

student of age refuses the proposal and chooses to place the child in a private placement.)

(b) Placement Pending Local Expedited Hearing

When a student is identified as an individual with a disability and entitled to a free and appropriate educational program in a local public school program, and the child is not receiving such, the child shall be immediately placed in the appropriate public school program with the consent of the parent(s)/guardian(s)/student of age.

(c) Time Period for Expedited Hearing and Decision

- (1) The expedited hearing shall be held within twenty (20) calendar days of the receipt of the request by the Montgomery County Public Schools (See Application for Impartial Due Process Hearing.)
- (2) The written decision shall be issued within fifteen (15) calendar days of the hearing.

(d) Implementation of Decision

The decision shall be implemented within fifteen (15) school days of the decision unless specifically stayed pending appeal or otherwise by the hearing officer; provided that during the pendency of appeals to the state level and unless the Montgomery County Public Schools and the parent(s)/guardian(s)/student of age otherwise agree, the child shall remain in his or her then current educational placement; or, if the child is not yet receiving free educational services either because the parent(s)/guardian(s)/student of age did not consent to immediate placement or for any other reason, the child shall be placed in a local public school program until all appeals have been concluded, if the parent(s)/guardian(s)/student of age consents.

(9) Appeals

Appeals by a party of the decision of the hearing officer shall be made in writing to the Office of Administrative Hearings within thirty (30) calendar days of the mailing of the final decision at the following address:

Administrative Law Bldg
Green Spring Station
10753 Falls Road
Lutherville, MD 21093

(10) Tuition Responsibility Concerning Placements Pending Appeal

While a child's placement status may not be changed during appeal except under conditions stated above, tuition responsibility for private placement during the pendency of appeals shall be as follows:

- (a) If a child with disabilities has available a free appropriate public education and the parent(s)/guardian(s)/student of age chooses a placement in a private school or facility, the Montgomery County Public Schools and the Maryland State Department of Education are not required to pay for the child's education at that private school or facility
- (b) Disagreements between the parent(s), guardian(s), or student of age and the Montgomery County Public Schools and the Maryland State Department of Education regarding the availability of a program appropriate for the child and the question of financial responsibility are subject to these due process hearing procedures
- (c) The disapproval of a nonpublic school placement that had been approved previously by the Maryland State Department of Education shall not be effective for that year until applications for administrative and judicial review have resulted in a final decision

D. DESIRED OUTCOME

Montgomery County Public Schools desired to seek early resolution of disputes in as informal and cooperative manner as possible.

E. IMPLEMENTATION STRATEGIES

1. The superintendent will publicize the options for informal review and resolution of disputes regarding identification, evaluation, or educational placement of children or the provision of a free appropriate public education as well as the procedures for applying for a formal due process hearing.
2. The superintendent will develop regulations and other procedures as necessary to implement this policy.
3. The superintendent will establish a data collection process to determine the effectiveness of the implementation of these procedures.

F. REVIEW AND REPORTING

1. The superintendent shall bring to the Board all matters related to this policy that seem to involve issues of great importance.
2. The level of authority of the superintendent to settle without specific approval of the Board of Education shall be set by resolution adopted by the Board of Education. Settlement of fees and costs that exceed the level adopted by the Board of Education shall be evaluated by legal counsel and reported to the Board of Education.
3. This policy will be reviewed on an ongoing basis in accordance with the Board of Education policy review process.

Policy History: Adopted by Resolution No. 399-80, June 23, 1980; amended by Resolution 429-80, July 8, 1980; amended by Resolution No. 536-84, October 9, 1984; amended by Resolution No. 590-85, November 6, 1986; reformatted in accordance with Resolution No. 333-86, June 12, 1986 and Resolution No. 458-86, August 12, 1986, and accepted by Resolution No. 550-88, October 24, 1988; amended by Resolution No. _____.

Re: BOARD/SUPERINTENDENT COMMENTS

1. Dr. Vance announced that Mrs. Lois Stoner, legislative aide, had called to report that State Superintendent Nancy Grasmick's appointment had been extended for another four years.

2. Dr. Vance acknowledged the incredible amount of work done and dedication shown by school system staff to prepare schools for opening day. Yesterday he and Board members had welcomed 300 new teachers to the school system, and 75 of those teachers were graduates of MCPS. Next week 180 schools with more than 120,000 students would begin the school year. Within three years they were projected to surpass their prior peak enrollment of 127,000 students, and in five years they expected to be serving 134,000 students. He also reported that they had looked back at public school versus private school enrollment, and the numbers had not changed in the past ten years. Given the dynamics of change in the county, the school system continued to serve four of every five school-aged children in the county. While MCPS was not a perfect school system, MCPS was measuring up to the expectations of its constituents, and in large measure, the Board was responsible for that. He stated that in light of SAT scores, staff would be reviewing efforts in four clusters and coming up with plans to address achievement in those clusters. They were still not satisfied with the progress of some groups, and staff would redouble their efforts.

3. Dr. Vance also extended his congratulations to Mr. Margolies on his appointment as staff director of the Board of Education. He extended the support of his office and the executive staff.

4. Mrs. King stated that she had attended the welcome meeting for new teachers, and it was refreshing to see former students from Montgomery County who would be teaching in MCPS. She commented that it was exciting to hear their new ideas and sense their enthusiasm for the school year ahead.

5. Mr. Abrams expected that Board members would soon be receiving bus route calls. He would like to know more about their practice regarding bus routes in new subdivisions particularly as it related to dedicated and undedicated roadways. He hoped that they could be lenient and apply that practice uniformly.

6. Mr. Abrams reported that the Richard Montgomery International Baccalaureate Program was now rated number one in the world. It had the highest percentage of students achieving the IB degree. This year 111 out of 112 achieved that honor. He suggested that this curriculum was one they should be proud of and one that they should try to replicate it in other settings. The rewards of that rigorous curriculum were seen when students reached college. This year the number of slots in the program was reduced from 125 to 100 students. Approximately 800 students were invited to apply, and 500 were eligible for admission. He encouraged B-CC and other high schools to continue looking at this program.

7. Mr. Ewing indicated that he had given Board members copies of an article on public support for public spending. This came from the a national opinion survey done by the University of Chicago.

The survey showed that education continued to get a very high level of support for increased funding all across the country. Support for spending to combat crime was number one, but education was number two. He indicated that 73 percent of those surveyed thought that spending was too low for education, 22 percent thought it was about right, and only 5 percent thought too much was spent on education. Mr. Ewing thought it was significant that nationally education had this level of support, but he said it was at odds with actions that local and state governments were taking. He did think they ought to be encouraged to believe that out there in the community and the nation there was strong support for education.

8. Mr. Ewing reported that the governor has spoken at MACO on the subject of funding, and the Board had a report from Mrs. Stoner and Ms. Melissa Woods on this subject. In addition, there was a session on educational accountability. It turned out that what educational accountability meant to most of the attendees was some way for the county governments to get hold of school Board budgets to cut them. One proposal was to allow county governments to conduct management and program audits of local school Boards and school systems similar to audits done of other county agencies. One speaker thought it would be desirable to alleviate the problem with the fiscal bind with school aid to exclude one-time incentive expenditures in the calculation of the maintenance of effort. It seemed to Mr. Ewing that this would reduce the level of funding that a county had to use to calculate its maintenance of effort. He believed it was intended to reduce the obligation of the counties to fund education. The speaker also said that the way to get people to be responsive was to cut their budgets until people did want the county wanted.

9. Mr. Ewing stated that the long-range planning subcommittee had some proposals for the capital and operating budget. The subcommittee hoped that it could present its recommendations on September 12.

10. In regard to the operating budget process, Mr. Ewing hoped that they could wait for Board action before launching any new approaches as to how they did business. The Board might want to make some changes to the superintendent's proposal, and Mr. Ewing was concerned about asking citizens to become involved in a process that might be changed subsequently. Mrs. Gordon suggested that they turn to this topic after Board/superintendent comments.

11. Mr. Felton commended Dr. Massie and her staff for their support to the Board and the Board's search committee in their efforts to fill the Board Office positions. He also commended Dr. Massie and her staff for the outstanding work they did in the selection process for new teachers. He hoped that at some point during the coming year that there would be another opportunity for new teachers to get together and comment. He thought that the Board would welcome that opportunity. He remarked that during the

next several weeks schools would be holding open houses for new and renovated facilities, and he hoped that community members would turn out to show their commitment to education. He further commended Dr. Vance and his staff for their work in preparing for the new school year.

12. Mrs. Gordon, too, had enjoyed seeing the enthusiasm of new teachers at the orientation meeting. She said that principals attending the meeting were looking forward to an exciting school year.

RESOLUTION NO. 565-95 Re: FY 1997 OPERATING BUDGET PROCESS

On motion of Mr. Ewing seconded by Mr. Abrams, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education give preliminary approval to the FY 1997 Operating Budget Process described in the superintendent's memorandum of August 25, 1995.

RESOLUTION NO. 566-95 Re: CLOSED SESSIONS - AUGUST 30, SEPTEMBER 9 AND SEPTEMBER 12, 1995

On recommendation of the superintendent and on motion of Ms. Gutierrez seconded by Mr. Abrams, the following resolution was adopted unanimously by members present:

WHEREAS, The Board of Education of Montgomery County is authorized by the Education Article of the Annotated Code of Maryland and Title 10 of the State Government Article to conduct certain meetings or portions of its meetings in closed session; now therefore be it

Resolved, That the Board of Education of Montgomery County hereby conduct a meeting on Wednesday, August 30, 1995, at 7:30 p.m. to discuss matters protected from public disclosure; and be it further

Resolved, That the Board of Education of Montgomery County hereby conduct a meeting on Saturday, September 9, 1995, at 9 a.m. to discuss contract negotiations; and be it further

Resolved, That the Board of Education of Montgomery County hereby conduct a portion of its meeting on Tuesday, September 12, 1995, at 9 a.m. and at noon to discuss personnel matters, matters protected from public disclosure by law, and other issues including consultation with counsel to obtain legal advice; and be it further

Resolved, That these meeting be conducted in Room 120 of the Carver Educational Services Center, Rockville, Maryland, as permitted under Section 4-106, Education Article of the Annotated Code of Maryland and State Government Article 10-501; and be it further

Resolved, That such meetings shall continue in closed session until the completion of business.

RESOLUTION NO. 567-95 Re: MINUTES OF JULY 11, 1995

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

Resolved, That the minutes of July 11, 1995, be approved, as corrected by the addition of a missing page.

RESOLUTION NO. 569-95 Re: MINUTES OF AUGUST 2, 1995

On recommendation of the superintendent and on motion of Mr. McCullough seconded by Ms. Gutierrez, the following resolution was adopted unanimously by members present:

Resolved, That the minutes of August 2, 1995, be approved.

Re: REPORT ON CLOSED SESSIONS - JULY 24
AND AUGUST 2, 1995

On July 11, 1995, by the unanimous vote of members present, the Board of Education voted to conduct a closed session on Monday, July 24, 1995, as permitted under Section 4-106, Education Article of the Annotated Code of Maryland and State Government Article 10-501.

The Montgomery County Board of Education met in closed session on Monday, July 24, 1995, from 7:30 p.m. to 8:40 p.m. The meeting took place in Room 120, Carver Educational Services Center, Rockville, Maryland.

The Board met to discuss personnel appointments and transfers (principalship of Ritchie Park ES, Takoma Park ES, East Silver Spring ES, and Thomas S. Wootton HS; assistant principalship of Ridgeview MS and Einstein HS; and staff director of the Board of Education Office). Votes taken in closed session were confirmed in open session.

In attendance at the closed session were Steve Abrams, Larry Bowers, Alan Cheung, Blair Ewing, Reggie Felton, David Fischer, Phinnize Fisher, Kathy Gemberling, Bea Gordon, Ana Sol Gutierrez, Nancy King, Elfreda Massie, Charles McCullough, Brian Porter, Paul Vance, Mary Lou Wood, and Melissa Woods.

On July 24, 1995, by the unanimous vote of members present, the Board of Education voted to conduct a closed session on Wednesday, August 2, 1995, as permitted under Section 4-106, Education Article of the Annotated Code of Maryland and State Government Article 10-501.

The Montgomery County Board of Education met in closed session on Wednesday, August 2, 1995, from 7:30 p.m. to 10:45 p.m. The meeting took place in Room 120, Carver Educational Services Center, Rockville, Maryland.

The Board met to discuss personnel appointments and transfers (principalship of Seneca Valley HS, Rock View ES, Waters Landing ES; personnel specialist; coordinator of student assessment development; administrative assistant - OIPD; and reassignment of Board Office staff assistant). Votes taken in closed session were confirmed in open session.

Board members reviewed the following appeals: T-1995-2, T-1995-3, T-1995-5, and 1995-22. Board members also held a discussion with Mr. George Margolies, the newly-appointed staff director of the Board Office, who would assume his duties on August 25.

In attendance at the closed session were Steve Abrams, Larry Bowers, Alan Cheung, Blair Ewing, David Fischer, Phinnize Fisher, Kathy Gemberling, Bea Gordon, Ana Sol Gutierrez, Nancy King, George Margolies, Elfreda Massie, Charles McCullough, Brian Porter, Mary Helen Smith, Roger Titus, Paul Vance, Mary Lou Wood, and Melissa Woods.

RESOLUTION NO. 570-95 Re: REVIEW OF SUMMER SCHOOL

On motion of Mrs. King seconded by Mr. Felton, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education request the superintendent to undertake a full review of summer school including the purpose for summer school (original credit/remediation) and what the level of expectation is for students completing a summer school course.

RESOLUTION NO. 571-95 Re: MULTICULTURAL EDUCATION POLICY

On motion of Ms. Gutierrez seconded by Mr. McCullough, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education request the superintendent to proceed with the next step in policy development which would lead to a proposal for a multicultural education policy for MCPS.

RESOLUTION NO. 572-95 Re: BOE APPEAL NO. T-1995-3

On motion of Ms. Gutierrez seconded by Mrs. King, the following resolution was adopted with Dr. Cheung* Mr. Ewing, Ms. Gutierrez, and Mrs. King voting in the affirmative; Mrs. Gordon and Mr. McCullough voting in the negative:*

Resolved, That the Board of Education adopt its Decision and Order in BOE Appeal No. T-1995-3, a transfer matter.

*Dr. Cheung participated in the appeal on August 2, 1995. Mr. Abrams and Mr. Felton were absent on August 2, 1995.

RESOLUTION NO. 573-95 Re: BOE APPEAL NO. T-1995-5

On motion of Ms. Gutierrez seconded by Mrs. King, the following resolution was adopted with Dr. Cheung*, Mr. Ewing, Mrs. Gordon, Ms. Gutierrez, Mrs. King, and Mr. McCullough voting in the affirmative:*

Resolved, That the Board of Education adopt its Decision and Order in BOE Appeal No. T-1995-5, a transfer matter.

*Dr. Cheung participated in the appeal on August 2, 1995. Mr. Abrams and Mr. Felton were absent on August 2, 1995.

RESOLUTION NO. 574-95 Re: BOE APPEAL NO. T-1995-6

On motion of Ms. Gutierrez seconded by Mr. Abrams, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education adopt its Decision and Order in BOE Appeal No. T-1995-6, a transfer matter.

RESOLUTION NO. 575-95 Re: BOE APPEAL NO. T-1995-8

On motion of Ms. Gutierrez seconded by Mr. Abrams, the following resolution was adopted with Dr. Cheung*, Mr. Ewing, Ms. Gutierrez, Mrs. King, and Mr. McCullough voting in the affirmative; Mrs. Gordon voting in the negative:

Resolved, That the Board of Education adopt its Decision and Order in BOE Appeal No. T-1995-8, a transfer matter.

*Dr. Cheung had voted in the affirmative when the appeal was adjudicated.

RESOLUTION NO. 576-95 Re: BOE APPEAL NO. T-1995-11

On motion of Ms. Gutierrez seconded by Mr. Abrams, the following resolution was adopted unanimously by members present:*

Resolved, That the Board of Education adopt its Decision and Order in BOE Appeal No. T-1995-11, a transfer matter.

*Dr. Cheung had voted in the affirmative when the appeal was adjudicated.

RESOLUTION NO. 577-95 Re: BOE APPEAL NO. T-1995-12

On motion of Ms. Gutierrez seconded by Mr. Felton, the following resolution was adopted unanimously by members present:*

Resolved, That the Board of Education adopt its Decision and Order in BOE Appeal No. T-1995-12, a transfer matter.

RESOLUTION NO. 578-95 Re: BOE APPEAL NO. T-1995-13

On motion of Ms. Gutierrez seconded by Mr. Abrams, the following resolution was adopted with Mr. Abrams, Dr. Cheung*, Mr. Ewing, Mr. Felton, Mrs. King, and Mr. McCullough voting in the affirmative; Mrs. Gordon and Ms. Gutierrez voting in the negative:

Resolved, That the Board of Education adopt its Decision and Order in BOE Appeal No. T-1995-13, a transfer matter.

*Dr. Cheung had voted in the affirmative when the appeal was adjudicated.

RESOLUTION NO. 579-95 Re: BOE APPEAL NO. T-1995-14

On motion of Ms. Gutierrez seconded by Mr. Abrams, the following resolution was adopted with Mr. Abrams, Dr. Cheung*, Mr. Ewing, Mr. Felton, and Mr. McCullough; Mrs. Gordon, Ms. Gutierrez, and Mrs. King voting in the negative:

Resolved, That the Board of Education adopt its Decision and Order in BOE Appeal No. T-1995-14, a transfer matter.

*Dr. Cheung had voted in the affirmative when the appeal was adjudicated.

RESOLUTION NO. 580-95 Re: BOE APPEAL NO. T-1995-15

On motion of Ms. Gutierrez seconded by Mr. Felton, the following resolution was adopted with Mr. Abrams, Dr. Cheung*, Mr. Ewing, Mr. Felton, and Mr. McCullough; Mrs. Gordon, Ms. Gutierrez, and Mrs. King voting in the negative:

Resolved, That the Board of Education adopt its Decision and Order in BOE Appeal No. T-1995-15, a transfer matter.

*Dr. Cheung had voted in the affirmative when the appeal was adjudicated.

Re: NEW BUSINESS

The following items of new business were raised:

1. Mr. Abrams moved and Mr. McCullough seconded the following:

Resolved, That the Board of Education schedule discussion and look into ways of providing a waiver of building fees for post-prom activities at high schools.

2. Mr. Abrams moved and Mr. Felton seconded the following:

Resolved, That the Board of Education consider utilizing an open negotiations process in their labor negotiations this year, modeled after other county programs which utilize the technique.

3. Mr. Ewing moved and Ms. Gutierrez seconded the following:

Resolved, That the Board of Education schedule a discussion of the effectiveness of the Head Start Transition Demonstration Program, when evaluation information became available.

4. Mr. Felton moved and Mrs. King seconded the following:

Resolved, That the Board of Education schedule time to discuss an expanded program for family member service to local schools as a means of expanding community support.

5. Mr. McCullough moved and Mr. Felton seconded the following:

Resolved, That in the very near future the Board of Education schedule time to discuss a student Board member scholarship/grant type of program. (in time for this legislative session)

6. Mr. McCullough moved and Mr. Abrams seconded the following:

Resolved, That the Board of Education schedule a discussion of the voting rights of the student member of the Board.

7. Mrs. King moved and Mr. Abrams seconded the following:

Resolved, That the Board of Education schedule time to discuss the use of a countywide pledge for students regarding the use of drugs or alcohol.

8. Mrs. Gordon moved and Mr. Abrams seconded the following:

Resolved, That the superintendent review the principal selection process and bring recommendations for changes to the Board especially with regard to community input, timing of appointments, and administrative prerogatives.

Re: ITEMS OF INFORMATION

Board members received the following items of information:

1. Items in Process
2. Update on Global Access
3. Construction Progress Report
4. MFD Procurement Report for the Fourth Quarter of FY 1995
5. Change Order Quarterly Report

RESOLUTION NO. 581-95 Re: ADJOURNMENT

On recommendation of the superintendent and on motion of Mr. Abrams seconded by Mr. McCullough, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education adjourn its meeting at 5:10 p.m.

PRESIDENT

SECRETARY

PLV:mlw