

APPROVED
26-1998

Rockville, Maryland
July 14, 1998

The Board of Education of Montgomery County met in a regular session at the Carver Educational Services Center, Rockville, Maryland, on Tuesday, July 14, 1998, at 10:10 a.m.

ROLL CALL Present: Mrs. Nancy J. King, President
 in the Chair
 Mr. Geonard F. Butler, Jr.
 Dr. Alan Cheung
 Mr. Blair G. Ewing
 Mr. Reginald M. Felton
 Mrs. Beatrice B. Gordon
 Ms. Ana Sol Gutiérrez
 Ms. Mona M. Signer
 Dr. Paul L. Vance, Secretary/Treasurer

Absent: None

#indicates student vote does not count. Four votes needed for adoption.

Re: **AMENDMENT TO THE AGENDA (FAILED)**

On motion of Ms. Gutiérrez and seconded by Mr. Ewing, the following motion failed with Mr. Butler, Dr. Cheung, Mr. Ewing, and Ms. Gutiérrez voting in the affirmative; Mr. Felton, Mrs. Gordon, Mrs. King, and Ms. Signer voting in the negative:

Resolved, That the Board of Education amend its agenda to have a discussion regarding questions and observations on the vote taken on the pension plan at the previous meeting.

RESOLUTION NO. 441-98 Re: **APPROVAL OF THE AGENDA**

On recommendation of the Superintendent and on motion of Mrs. Gordon seconded by Ms. Signer, the following resolution was adopted with Mr. Butler, Dr. Cheung, Mr. Felton, Mrs. Gordon, Mrs. King, and Ms. Signer voting in the affirmative; Mr. Ewing and Ms. Gutiérrez voting in the negative:

Resolved, That the Board of Education approve its agenda for July 14, 1998.

Re: **BOARD/SUPERINTENDENT COMMENTS**

Ms. Gutiérrez voiced her disappointment that her fellow Board members did not support her amendment to the agenda that would allow further discussion of the pension plan. At

the previous meeting, Mr. Ewing had made a strong appeal for the Board to postpone any action on the pension plan. When she returned from vacation, she was surprised to see the actions taken by the Board to that request. Again, she expressed her dismay at the lack of collaboration and collegiality from her fellow Board members and disassociated herself from the action taken by the Board.

Mrs. King stated that if Dr. Cheung or Ms. Gutiérrez had personally asked her as president to postpone discussion on the pension plan, she would have honored that request. However, neither Dr. Cheung nor Ms. Gutiérrez had made such a request.

Ms. Gutiérrez objected to that statement because there had been a discussion before the Board at a previous meeting when all Board members were present; however, there was no motion made regarding a postponement at that time. Of course, she wanted to be present to discuss the pension plan that was vital to so many employees.

Mr. Ewing asked the Superintendent for the policy or guidelines governing drivers dropping off disabled students prior to the designated time and then leaving the site.

Mr. Ewing inquired about the county's policy on leasing closed schools. There is a Montgomery County Government interim policy that deals with the retrieval of school buildings by the school system, and it was the understanding from the community that MCPS has not been consulted about this policy. He asked for clarification by staff.

The Board had adopted a requirement that new teachers in elementary schools have 12 hours of math and 12 hours of science. Mr. Ewing asked the Superintendent to provide the Board with (1) how many teachers met that requirement to date; (2) how many were hired without the requirement; and (3) what were the plans to achieve that requirement.

Mr. Ewing asked whether or not the teacher tests had been discontinued, and, if so, why.

Mr. Ewing had heard there was a major reorganization planned for the Department of Personnel Services. Mr. Ewing asked why that was contemplated, and what was the proposal, and he asked the Superintendent to bring any changes to the Board.

Mr. Felton participated in the Carver re-enactment commencement. He commended the Superintendent and staff for their support in this historical event.

Re: **REVIEW OF RESOLUTIONS CHARTERING BOARD
ADVISORY COMMITTEES**

On motion of Mrs. Gordon and seconded by Dr. Cheung, the following resolution was placed on the table:

WHEREAS, The Board currently has eight advisory committees, some of which have been in existence for three decades without a substantive review of their mission or composition; and

WHEREAS, The Board has had several discussions about the efficacy of the present committee structure, with certain issues recurring, such as: recruitment difficulties, imbalance among membership, poor attendance, untimely reports, the lack of input as to policy, delays in staff response to recommendations, and impediments to scheduling appearances before the Board as part of Board agendas; and

WHEREAS, The Board continues to have a genuine interest in receiving meaningful and timely advice from a citizen advisory body; and

WHEREAS, The Board desires to have input from a broadly-comprised advisory body, that can focus on issues and concerns facing the Board, particularly proposed policies, selected new business items, and other matters identified by the Board on an annual or biennial basis for consideration by this body; now therefore be it

Resolved, That the Board hereby directs its staff to draft, for Board review and consideration at the evening meeting in October 1998 along with recommendations to repeal or revise any inconsistent Board policy, a charter of a new citizen advisory committee--comprised of students, parents, staff, and representatives of businesses and community organizations--to be appointed no later than the all-day meeting in June 1999 after a broad outreach effort; and be it further

Resolved, That the Charter shall stipulate that the new advisory committee shall be charged with the responsibility for reviewing proposed Board policies, considering new business items referred to it by the Board from time to time, and studying priority issues identified by the Board on an annual or biennial basis, in addition to any core areas that may be embodied by the Board in the on-going mission of the advisory committee; and be it further

Resolved, That the new citizen advisory committee be authorized to establish standing or ad hoc subcommittees drawn from its overall membership, some of which may be formed at its own behest or upon the suggestion of the Board to consider matters within the purview of the former advisory committees; and be it further

Resolved, That the Board meet on an annual basis at a time set aside solely for this purpose, with the chair(s) of the committee and working subcommittees to receive their report and engage in dialogue with them; and be it further

Resolved, That, upon the appointment of the members of the new advisory committee, the

existing Board advisory committees, with the exception of the two committees referenced in the paragraph below, shall cease to exist and the resolutions that created such committees shall be deemed to be repealed; provided, however, that the Superintendent shall consider whether or not to reconstitute any of the expiring committees as an advisory committee adjunct to his office or that of a subordinate office; and be it further

Resolved, That during the intervening school year each of the expiring committees shall be requested to recommend to the new advisory committee any issue that it believes should be a part of the agenda of the new committee; and be it further

Resolved, That, consistent with State regulation, the Career and Technology Education Committee and the Family Life and Human Development Committee shall remain as Board advisory committees, in accordance with existing resolutions; and be it further

Resolved, That this resolution and the foregoing paper be widely disseminated to all of the existing Board advisory committees and to the community at large, requesting that comment be received by the Board no later than mid-September so that the Board may consider such input at the time action is taken on a proposed charter for a new advisory committee.

Re: **DISCUSSION**

Ms. Gutiérrez understood the objective of the resolution. The Board recognizes that the current advisory committee structure was not as effective as it had been in the past. However, many of the problems that the committees were encountering were not inherent to the committee structure but reflected broader issues that involve the Board and its role. There were policies that established advisory committees, and those policies would have to be rescinded. Also, the timeline for revision of the advisory committee structure would need to be extended to allow for the policymaking process to be implemented.

She was not questioning the need to review the Board's advisory committees, and Ms. Gutiérrez suggested (1) community input; (2) a thorough evaluation of the past benefits from the advisory committees; and (3) the Board's expectations of what it requires from its advisory committees. She thought that 25 people serving on an umbrella committee would limit community involvement. She did not think the current proposal dealt in depth with the intended value of the advisory committees and eliminated some committees which was not substantiated by the proposal before the Board. She suggested that the Board get feedback from the community on the proposed policy changes.

Mrs. King pointed out that suggestion would go out for public comments and the change would take place in July 1999.

Mr. Felton thought the real issue was to what extent the Board wanted participation of citizens coupled with technology that would allow for more opportunities for interaction with the community. He hoped that some responses on the draft proposal would address other options for ensuring community input. The Board needed to think beyond the traditional advisory committee approach as well as the number and mission of the committees. He thought there was enough in the proposal that the Board could get community reaction regarding other options to be considered.

Mrs. Gordon stated that when the discussion began about advisory committees, their operation, and how the Board uses the committees and their recommendations, the Board asked staff to develop recommendations. It was the Board's expectations that the draft would not be the final document. This draft was generated for the Board's input as to its needs and expectations from its advisory committees. Therefore, the start date of July 1999 gave the current advisory committees a year to communicate to the Board the missions that would be important to continue under the new committee structure.

Ms. Signer shared many of the concerns raised by Ms. Gutiérrez and Mr. Felton. Mr. Felton's point was to what extent did the Board want public comments and what was the best way to gain that input. She agreed that many advisory committees felt that the process was not working for them. That was a problem that must be addressed. However, she had concerns that a single umbrella committee, even with the ability to form subcommittees, would lack the broad base input and expertise from community leaders. She was anxious to see alternatives between consolidation of the advisory committees and the current committee structure. She would be concerned if there was only one umbrella advisory committee reporting to the Board once a year since the only other input from the community that the Board has is public comments and hearings of specific issues. She worried that the Board might be sending the wrong message that it was trying to reduce the amount of public input when, in fact, the Board meets to find a more effective way of receiving public input.

Whatever the intent of the resolution, Mr. Ewing thought that the message the community would receive was that this proposal would limit and constrict accessibility to the Board for public comment and citizen involvement. He thought that was exactly the wrong message. Historically speaking, the last time the Board eliminated a committee it was received as a negative action and has reverberated over the years to the Board's disadvantage. He thought that the same would happen if the Board adopted the resolution before it. This was a policy issue that needed to be acted on in accord with the requirements of Policy on Policysetting. He was not going to support the resolution. If, however, the Board adopted this, it should make certain that draft was reviewed by all the committees affected as well as the PTAs and other groups throughout the community.

Mr. Ewing stated that the advisory committees, as they stand, had changed repeatedly

over the years. Committees have been divided, absorbed, and, in general, modified to reflect the changing times and requirements. He believed the problem of the advisory committees was how much time and energy the Board wanted to put into the issue of consulting with, instructing, and involving these committees in the work of the school system. There was a time when the Board spent more time with the advisory committees, and often there were special meetings. The Board thought they were important, and they knew the Board thought they were important. The Board gave the committees clear guidance, but that had not happened lately. His view was not to abolish the committees, but to find a way to work with them, design their work, and that the work is useful and meaningful to the committees and the Board.

Mr. Ewing thought that asking 25 people to deal with issues relating to minority education, mental health, Title IX and gender equity, technology usage, counseling and guidance, and a variety of other issues was unrealistic. He envisioned it would be a committee composed of individuals who would only have a portion of the information they would need to work as a committee, and that would not work well.

Mr. Ewing thought the resolution went in the wrong direction, and he concluded the Board could have a meeting with the advisory committees and staff liaisons to discuss what must be done to improve the function of those committees. He was opposed to the resolution and would not vote for it.

Mrs. Gordon asked Mr. Margolies and Mrs. Rubens to give the background and genius of the proposed changes.

Mr. Margolies stated that the Board had two extensive discussions about the efficacy of the advisory committee structure. Following those discussions, there was a desire to make the mechanism more meaningful for Board members without limiting input from the community. The Board was looking for input (1) on policy development while the policies are in draft form, (2) from the committees on items that were before the Board, and (3) on new business items. The umbrella committee would have a prominent profile in rendering its advice to the Board on a regular basis, such as the Budget Advisory Committee.

Mrs. Rubens added that advisory committee chairs and the members have sought more guidance in the tasks they are asked to perform for the Board. The new format could be a better vehicle to direct specific policy recommendations for community and advisory committee input. Also, it might allow the Board to assign priority projects to the committee with a deadline. In addition to the umbrella advisory committee, Recommendation 3 provided for specific ad hoc or standing subcommittees that would have the expert members for a specific assignment and would be able to bring in added staff or citizen participants, as needed. It would afford the opportunity for community members to be on subcommittees with short-term and intensive involvement on a project where they could

see results. The proposal before the Board was only one option. Some advisory committees were doing very well, but others were struggling.

Ms. Gutiérrez believed that the *resolves* did not allow for the Policy on Policyssetting. The *resolves* state that the Board would direct staff, not the general public, to bring forth in October a complete process. The Board has established policies wherein an advisory committee was established, such as the technology policy. She suggested that the motion be voted down and proceed as the Board had in the past with a policy analysis and a deliberate process of engaging the public.

Dr. Cheung thought the Board's advisory committees were a creation of the Board. If the Board was not sure of the role and function of those committees as circumstances have changed, those committees' missions should be revised to address policy issues. The Superintendent has advisory committees that counsel him on programmatic issues with specific outcomes. The Board has public hearings on critical issues, but those issues are not included for comment by the Board's advisory committees. The Board established it priority issues every two years, and the advisory committees have not been charged to offer counsel on those areas. The issue was not the advisory committees, but the Board itself and how much commitment the Board had to ensure that the committees serve the needs of the Board. Dr. Cheung urged the Board to have a retreat or special meeting followed by public comments and alternative suggestions regarding the advisory committee structure.

Mr. Felton agreed with the comments of Dr. Cheung and his other colleagues. He thought the Board was in agreement to examine the committee structure, but the Board was not in agreement with the proposed resolution. He suggested developing another proposal in a retreat, by the Board officers, or other members of the Board.

Mrs. King pointed out that the proposal had been put forward to start the dialogue in an attempt to better utilize the time and talents of advisory committee members.

Mrs. Gordon reminded the Board that there was another agenda item to review the charges of all advisory committees. If the Board felt that there was a better approach, the charges and missions of the established advisory committees could be revised to reflect the Board's goals and priorities. Each committee will need to be reviewed separately to determine its mission, charge, and membership, and it should take place over several meetings. She withdrew her motion.

Mr. Ewing proposed that a common set of questions be sent to the advisory committees in order to determine their views on their mission, charge, and membership. Also, the advisory committees could evaluate different options on committee structure, including but not limited to an umbrella committee, combined committees, or establish new committees.

Ms. Gutiérrez wanted clear action taken on the advisory committee process with the involvement of the committees through a questionnaire or an ad hoc Board subcommittee that could meet with the committees and conduct brainstorming sessions in order to form a basis for an effective organization of the Board's advisory committees.

Mrs. Gordon thought it was important to have the input from the advisory committees, but each was established by resolution that needed to be reviewed to determine the genius of each committee. That was her specific intent when she offered the motion to review the committee structure. If a committee was established in the 70s based on an issue, the committee might still be relevant, but the charge may need to be changed for the Board to get pertinent advice for decisionmaking.

Re: GLOBAL ACCESS UPDATE

Dr. Vance invited the following people to the table: Mr. Ronald H. Walsh, chief information technology officer; Ms. Deeva Garel, director of the Network and Computer Services Team; and Mr. David Barr, Supportive Services Development Manager.

Mr. Walsh stated that this update was the latest in an ongoing series of reports on the progress of the Global Access initiative that began in July 1994 to implement the Board of Education's *Educational Technology Policy* in Montgomery County Public Schools (MCPS). The previous report was presented to the Board on December 9, 1997. This report describes progress on five key instructional and administrative Global Access projects:

- ✓ Global Access Implementation Initiated in FY 1999 for 16 Additional Schools
- ✓ Global Access Implementation Schedule for Elementary Schools in FY 2000-FY 2005
- ✓ Student Information System
- ✓ Human Resources Information System
- ✓ Year 2000 Personal Computer Replacement

Three of these projects -- the Student Information System, Human Resources Information System, and personal computer replacement -- are designed to solve the Year 2000 problem in which older software and hardware that use a two-digit, rather than a four-digit, year recognize 00 as 1900 rather than 2000.

The first two projects continue to implement the 1994 *Educational Technology Global Access* plan as revised in 1997. As approved by the County Council in the Capital Improvements Program (CIP) budget process over the last four years, the Global Access plan has changed from a six-year to a ten-year to an eleven-year plan now to be completed in FY 2005. To lessen the instructional impact of receiving classroom

technology in some elementary schools so late in the project, an accelerated implementation schedule will be recommended by staff during the next CIP planning cycle. Funding for full Global Access technology in the 14 alternative centers also will be requested to complete the implementation of Global Access in all MCPS schools and centers.

Re: DISCUSSION

Mr. Ewing asked how much more could be done to remedy the Y2K problem, if there were adequate resources. Mr. Walsh replied that staff was very focused and prioritized those areas that were identified as mission critical, including the Human Resources Information System (HRIS), the financial system, and other systems such as the Student Information System (SIS).

Ms. Gutiérrez congratulated staff for their clear and informative report. The educational technology policy that started in 1993 was intended to be a short-term infusion of technology, but it has extended over 11 years. It was very satisfying to know that the school system anticipated and planned for problems, especially in the area of recommendations in the CIP. She was delighted that the criteria of educational load and equity were clearly incorporated into some of the technology decisions made by staff. Ms. Gutiérrez asked for the overall cost implications of the Y2K problem. She wanted to know if staff had a list of software and hardware that were proven tools through lessons learned, and whether that information was available electronically. Mr. Walsh replied that the information would be shared with the Board.

Dr. Cheung was pleased that the new information systems were complete, but wanted to know if the new SIS and HRIS systems were user friendly. He asked if the older computers could be used for a different purpose, such as dumb terminals. Mr. Walsh responded that user friendliness was essential in the selection and implementation of both SIS and HRIS. Staff will recommission older computers where it makes sense; however, some computers that are being replaced have no use because those machines are severely outdated.

Ms. Signer pointed out that staff was trying to balance the need to wire new schools with the fact that some computers were obsolete in the schools that were wired first. She asked what the criteria was to determine when computers were scheduled for replacement and how much overlap there was between those computers that were obsolete, because they could not run modern programs, and those computers that were not Y2K compliant. Mr. Walsh replied that staff had just begun developing guidelines for the replacement of computers that would look at all aspects of the usefulness of instructional and administrative computers based on economic and logical replacement strategies.

Mr. Felton asked if there were cost savings in using technology in business practices and delivery of the school systems core mission.

Re: **LUNCH AND CLOSED SESSION**

The Board of Education recessed for lunch and closed session from 12:04 to 2:15 p.m.

Re: **PUBLIC COMMENTS**

The following people testified before the Board:

	<u>Person</u>	<u>Topic</u>
1.	Mark Simon	Pensions
2.	Dana Guyer	Personnel Investigative Process
3.	Tamara Belden	Personnel Investigative Process
4.	Kenneth Colburn	Pensions
5.	JoAnn Zuercher	Personnel Investigative Process
6.	John Hoven	Accelerated Math
7.	Vickie Olafson	French Immersion
8.	Florence Zaudtky	Accelerated Math
9.	Michael Sobeck	Personnel Investigative Process
10.	Lori Cohen	Class Size
11.	David Sobeck	Personnel Investigative Process
12.	Mike Calsetta	Surplus Schools
13.	George Allen	Personnel Investigative Process
14.	Karen Allen	Personnel Investigative Process
15.	Terry Lierman	Personnel Investigative Process

Mrs. King asked the Superintendent to supply the information requested by Ms. Cohen, and Mrs. Gordon asked the Superintendent to send to Mr. Sobeck a copy of the Policy on Sexual Harassment.

RESOLUTION NO. 442-98 Re: **CONTRACTS FOR MORE THAN \$25,000**

On recommendation of the Superintendent and on motion of Mr. Felton seconded by Ms. Signer, the following resolution was adopted unanimously:#

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

WHEREAS, It is recommended that Bid No. 1030.1, Upgrade Integral Payroll Application/ Install CICS, be rejected due to change in requirements; and

WHEREAS, It is recommended that Bid No. 1047.1, Computer Network Equipment, be rejected due to lack of responsive bidding; now therefore be it

Resolved, That Bid No. 1030.1, Upgrade Integral Payroll Application/ Install CICS, be rejected due to change in requirements; and be it further

Resolved, That Bid #1047.1, Computer Network Equipment, be rejected due to lack of responsive bidding; and be it further

Resolved, That having been duly advertised, as required, the following contracts be awarded to the low bidders meeting specifications as shown for the bids as follows:

COG R- Tire Retread Service
RRS024

Awardee

Rice Retreading, Inc.	\$ 96,048
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10-97 Plumbing Supplies - Extension

Awardees

Best Plumbing Specialties, Inc.	\$3,816
Daubers, Inc.	1,525
Industrial Controls	590
Noland Company	90,024
Northeastern Supply	15,996
Thomas Somerville Company	51,240
J.A. Sexauer, Inc.	1,233
Spartan Tool	3,520
Superior Specialty Company	39,970
Wolverine Brass Works	<u>1,785</u>
Total	\$ 209,699

112-97 Lamps - Extension

Awardee

C.N. Robinson Lighting Supply Company, Inc. \$ 122,850

114-97 Shade/Upholstery Material and Related Items - Extension

Awardees

Dymalon, Inc.	\$ 386
Frankel Associates, Inc.	15,355
Loktite, Inc.	3,105
Mileham and King, Inc.	38,676
Rocky Mount Cord Company, Inc.	3,685
Stimpson Company, Inc.	996
Tedco Industries, Inc.	<u>17,773</u>
Total	\$ 79,976

151-97 Actuarial Consulting Services - Extension

Awardee

William M. Mercer, Inc. \$ 25,000

175-97 Health and Welfare Consulting Services for the MCPS Employee Benefit Plan - Extension

Awardee

AON Consultants, Inc. \$ 25,000

1052.1 Computer Peripheral Devices for Special Needs Students

Awardees

Ablenet, Inc.	\$ 10,107
Adamlab	14,100
Intellitools	58,519
Don Johnston Developmental Equipment	34,379

Mayer Johnson Company	9,182
William MacGill and Company	<u>\$ 824</u>
Total	\$ 127,111

4012.1 Maintenance Lumber - Extension

<u>Awardees</u>	
Grainger, Inc.	\$ 138
Leland L. Fisher, Inc.	164,550
Mizell Lumber and Hardware Company, Inc. *	59,396
Roberts Company of DC	<u>6,000</u>
Total	\$ 230,084

4033.1 Industrial and Technology Education Equipment for Montgomery Blair High School

<u>Awardees</u>	
Midwest Tech Products and Services *	\$ 29,319
Satco, Inc.	<u>22,427</u>
Total	\$ 51,746

4043.1 Turn-Key Music Laboratory for James Hubert Blake High School

<u>Awardee</u>	
Soundtree	\$ 131,965

4626.1 Boilers for Damascus Elementary School

<u>Awardee</u>	
United Energy Products	\$ 48,900

4627.1 Heat Pump Repair Service for Gaithersburg High School

<u>Awardee</u>	
John J. Kurlin	\$ 46,194

7042.1 Science Laboratory Chemicals

Awardee

VWR Scientific Products	\$ 26,295
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7044.1 Science Equipment for High Schools

Awardees

Associated Microscope, Inc.	\$ 38,931
Beckley Cardy Group	298
Carolina Biological Supply Company	810
Edmund Scientific Company	336
Edvotek, Inc.	1,327
Fisher Scientific Company	330
Para Scientific Company	1,674
Pasco Scientific	3,280
VWR Scientific Products	4,251
Wards Natural Science Est., Inc.	<u>1,995</u>
Total	\$ 53,232

7046.1 Soft Pretzels

Awardee

Glennco, Inc.	\$ 224,640
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MORE THAN \$25,000	\$1,498,740
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* Denotes MFD vendor

RESOLUTION NO. 443-98

Re: **AWARD OF CONTRACTS - BETHESDA
ELEMENTARY SCHOOL**

On recommendation of the Superintendent and on motion of Ms. Signer seconded by Dr. Cheung, the following resolution was adopted unanimously:#

WHEREAS, The following sealed bids represent the third in a series of subcontracts that were bid as part of a construction management process for the Bethesda Elementary School project:

<u>Bidder</u>	<u>Amount</u>
<u>Caulking and Sealant</u>	
Chamberlain-Washington, Inc.	\$ 55,939
<u>Concrete Paving</u>	
AMA Construction Company, Inc.	110,000
<u>Food Service Equipment</u>	
Restaurant Equipment Sales	74,400
<u>Roof</u>	
R. D. Bean, Inc.	174,890
<u>Structural Concrete</u>	
William F. Klingensmith, Inc.	325,700
<u>Structural Steel/Miscellaneous Metals</u>	
Miscellaneous Metals, Inc.	472,275

and

WHEREAS, Staff has verified that the subcontractors have made good faith efforts to obtain minority participation; and

WHEREAS, Details of the bid activity are available in the Department of Facilities Management; and

WHEREAS, The low bids are within the estimates and sufficient funds are available to award the contracts; now therefore be it

Resolved, That contracts be awarded for the above referenced subcontractors meeting specifications for the Bethesda Elementary School project, in accordance with plans and specifications prepared by Walton, Madden, Cooper, Robinson, Pones, Inc.

RESOLUTION NO. 444-98 Re: **AWARD OF CONTRACTS - PINEY BRANCH
ELEMENTARY SCHOOL POOL REPAIRS**

On recommendation of the Superintendent and on motion of Ms. Signer seconded by Dr. Cheung, the following resolution was adopted unanimously:#

On June 18, 1998, a bid was received to complete repairs to the Piney Branch Elementary School pool. Board members will recall that funds for this work were programmed as part of the Montgomery County Department of Recreation's FY 1999 Capital Budget. Based on our agreement with the county government, Montgomery County Public Schools' staff solicited bids for this project. The award of the contract will be authorized by the Board of Education, acting as the agent for Montgomery County Government. This is similar to the agreement we had to construct the joint Kingsview Middle School/Germantown

Community Center and pool project.

The following resolution is recommended for approval:

WHEREAS, The following bid was received on June 18, 1998, for pool repairs at Piney Branch Elementary School, with work to begin immediately and be completed by August 30, 1998:

<u>Bid</u>	<u>Amount</u>
Paddock Swimming Pool Company	\$171,186

and

WHEREAS, Although only one bid was received, it was within the estimate of \$200,000; now therefore be it

Resolved, That a contract for \$171,186 be awarded to Paddock Swimming Pool Company for pool repairs at Piney Branch Elementary School in accordance with plans and specifications prepared by the Montgomery County Department of Recreation.

RESOLUTION NO. 445-98 Re: **AWARD OF CONTRACT - ENGINEERING SERVICES FOR SAFE ACCESS TO SCHOOLS MODIFICATIONS TO THE SELECTION CRITERIA FOR ARCHITECTURAL/ENGINEERING**

On recommendation of the Superintendent and on motion of Ms. Signer seconded by Dr. Cheung, the following resolution was adopted unanimously:#

WHEREAS, Funds were appropriated in the FY 1999 Capital Budget to improve safe access to four existing facilities; and

WHEREAS, It is necessary to appoint an engineering firm to design site improvements and prepare surveys and construction documents for Woodfield and Weller Road elementary schools, Tilden Middle School, and Gaithersburg High School; and

WHEREAS, An Engineering Selection Committee, in accordance with procedures adopted by the Board of Education, identified A. Morton Thomas and Associates, Inc., as the most qualified firm to provide the necessary professional engineering services; and

WHEREAS, A. Morton Thomas and Associates, Inc., is a certified minority firm with the Maryland Department of Transportation; and

WHEREAS, Staff has negotiated a fee for necessary engineering services; now therefore be it

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with the engineering firm of A. Morton Thomas and Associates, Inc., to provide professional services to design safe access improvements at four schools for a fee of \$106,335.

RESOLUTION NO. 446-98 Re: **MODIFICATIONS TO THE SELECTION CRITERIA FOR ARCHITECTURAL/ENGINEERING FIRMS**

On recommendation of the Superintendent and on motion of Ms. Signer seconded by Dr. Cheung, the following resolution was adopted unanimously:

WHEREAS, On April 8, 1998, the Board of Education requested that the superintendent of schools review the criteria for selecting architectural firms and recommend revisions to include criteria that demonstrate the firm's ability to integrate design and information technology requirements that create effective learning environments for the 21st century; and

WHEREAS, Staff members have reviewed the current architectural selection procedures and recommend that the following items be added to the criteria used for evaluating architects; now therefore be it

Resolved, That the Board of Education adopted procedure for selecting architects be revised to include the following items as additional criteria for evaluating architectural firms for capital construction projects:

1. Demonstrated experience or knowledge of design techniques for K-12 educational facilities that create flexible teaching spaces compatible with requirements for effective learning environments in the 21st century.

2. Demonstrated experience or knowledge of current information technology systems used in K-12 educational facilities and the ability to integrate technology and building design in a manner that meets the requirements of effective learning environments for the 21st century.

RESOLUTION NO. 447-98 Re: **MINORITY BUSINESS ENTERPRISE ACTIVITIES ON STATE-FUNDED CONSTRUCTION**

On recommendation of the Superintendent and on motion of Ms. Signer seconded by Dr. Cheung, the following resolution was adopted unanimously:

WHEREAS, The Board of Education adopted procedures for Minority Business Participation on School Construction projects that include a provision that an MBE coordinator for state funded projects be named to ensure compliance with the procedures and provide outreach for minority and female-owned construction service firms; and

WHEREAS, Staff has discussed the MBE coordinator's position with other local school systems and recommends that the fiscal assistant's position in the Division of Construction be assigned the duties of MBE coordinator for state funded projects; and

WHEREAS, The Board of Education adopted a resolution on April 8, 1998, requesting that the superintendent recommend measures to expand outreach for minority and female-owned architectural firms; and

WHEREAS, Staff has recommended that the MBE coordinator review a recently completed MCPS staff report on MBE outreach with local minority and female-owned construction and architectural services firms and prepare recommendations on outreach measures to be submitted at a later date for Board of Education adoption; now therefore be it

Resolved, That the fiscal assistant in the Division of Construction be assigned the duties of the MCPS MBE coordinator for state funded school construction projects; and be it further

Resolved, That the superintendent provide the Board of Education with recommendations to expand outreach based on input from local minority and female-owned construction services and architectural firms.

RESOLUTION NO. 448-98 Re: **ARCHITECTURAL APPOINTMENT - JOHN POOLE
MIDDLE SCHOOL GYMNASIUM ADDITION**

On recommendation of the Superintendent and on motion of Ms. Signer seconded by Dr. Cheung, the following resolution was adopted unanimously:

WHEREAS, It is necessary to appoint an architectural firm to provide professional and technical services during the design and construction phases of the John Poole Middle School gymnasium addition project; and

WHEREAS, Funds for architectural planning were programmed as part of the FY 1999 Capital Budget; and

WHEREAS, The Architect Selection Committee, in accordance with procedures adopted by the Board of Education on May 13, 1986, identified Grimm and Parker, P.C., Architects, as the most qualified firm to provide the necessary professional architectural and

engineering services; and

WHEREAS, Staff has negotiated a fee for necessary architectural services; now therefore be it

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with the architectural firm of Grimm and Parker, P.C., Architects, to provide professional architectural services for the John Poole Middle School gymnasium addition project for a fee of \$90,000, which is 7.2 percent of the construction budget.

RESOLUTION NO. 449-98 Re: **ARCHITECTURAL APPOINTMENT - WALT WHITMAN HIGH SCHOOL**

On recommendation of the Superintendent and on motion of Ms. Signer seconded by Dr. Cheung, the following resolution was adopted unanimously:

WHEREAS, It is necessary to appoint an architectural firm to provide professional and technical services during the design and construction phases of the Walt Whitman High School addition project; and

WHEREAS, Funds for architectural planning were programmed as part of the FY 1999 Capital Budget; and

WHEREAS, The Architect Selection Committee, in accordance with procedures adopted by the Board of Education on May 13, 1986, identified Grimm and Parker, P.C., Architects, as the most qualified firm to provide the necessary professional architectural and engineering services; and

WHEREAS, Staff has negotiated a fee for necessary architectural services; now therefore be it

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with the architectural firm of Grimm and Parker, P.C., Architects, to provide professional architectural services for the Walt Whitman High School addition project for a fee of \$70,000, which is 6.8 percent of the construction budget.

RESOLUTION NO. 450-98 Re: **RIGHT-OF-WAY CONVEYANCE TO MONTGOMERY COUNTY GOVERNMENT AT JAMES HUBERT BLAKE HIGH SCHOOL**

On recommendation of the Superintendent and on motion of Ms. Signer seconded by Dr. Cheung, the following resolution was adopted unanimously:

WHEREAS, The Montgomery County Government requested that the Board of Education convey certain rights-of-way to improve Norwood Road in connection with the construction of James Hubert Blake High School; and

WHEREAS, The Board's consulting engineer identified 39,053 square feet of right-of-way and 6,665 square feet of storm drain easement needed from the 93.44-acre parcel school site; and

WHEREAS, The proposed dedication will not adversely affect any land anticipated to be utilized for school purposes and will benefit both the school and community by providing needed road improvements for safe access to and from the school; and

WHEREAS, The Montgomery County Government will accept all future maintenance and liability for the road improvements after construction; now therefore be it

Resolved, That the president and secretary of the Board of Education be authorized to execute a deed dedicating 39,053 square feet of land in fee simple and 6,665 square feet of storm drain easement to the Montgomery County Government in connection with road and storm drainage improvements for James Hubert Blake High School.

RESOLUTION NO. 451-98 Re: **SUPPLEMENTAL APPROPRIATION - CHILD CARE FUNDED RELOCATABLE**

On recommendation of the Superintendent and on motion of Ms. Signer seconded by Dr. Cheung, the following resolution was adopted unanimously:#

WHEREAS, The Board of Education has a longstanding policy of supporting child care at school sites; and

WHEREAS, Increasing enrollment requires use of classrooms that have housed child care centers; and

WHEREAS, Several school communities want to establish an arrangement whereby the child care provider funds a relocatable to be used by the school in exchange for continued use of a licensable classroom within the school; and

WHEREAS, Non-county funds exist within the real estate management enterprise fund to implement these arrangements; now therefore be it

Resolved, That the Board of Education request the superintendent of schools to submit a supplemental operating budget request to the county executive and County Council for \$240,000 to increase budget category 51 to implement this program in FY 1999.

RESOLUTION NO. 452-98

Re: **PERSONNEL APPOINTMENT**

On recommendation of the Superintendent and on motion of Mr. Ewing seconded by Dr. Cheung, the following resolution was adopted unanimously:

Resolved, That the following personnel appointment be approved effective July 15, 1998:

<u>Appointment</u>	<u>Present Position</u>	<u>As</u>
Kevin Sawyer	Assistant Principal Francis Scott Key MS	Principal, Sligo MS

RESOLUTION NO. 453-98

Re: **PERSONNEL APPOINTMENT**

On recommendation of the Superintendent and on motion of Ms. Gutiérrez seconded by Mr. Felton, the following resolution was adopted unanimously:

Resolved, That the following personnel appointment be approved effective July 15, 1998:

<u>Appointment</u>	<u>Present Position</u>	<u>As</u>
C. Michael Kline	Assistant Principal Strawberry Knoll ES	Principal, Ronald McNair ES

RESOLUTION NO. 454-98

Re: **PERSONNEL APPOINTMENT**

On recommendation of the Superintendent and on motion of Mrs. Gordon seconded by Ms. Gutiérrez, the following resolution was adopted unanimously:

Resolved, That the following personnel appointment be approved effective July 15, 1998:

<u>Appointment</u>	<u>Present Position</u>	<u>As</u>
D. Eric Jackson	Vice Principal DuVal HS, PGCPs	Assistant Principal Paint Branch HS

RESOLUTION NO. 454-98

Re: **PERSONNEL APPOINTMENT**

On recommendation of the Superintendent and on motion of Mr. Felton seconded by Ms. Signer, the following resolution was adopted unanimously:

Resolved, That the following personnel appointment be approved effective July 15, 1998:

<u>Appointment</u>	<u>Present Position</u>	<u>As</u>
Rhonda Dedmond	Assistant Principal Lower Merion HS Ardmore, PA	Assistant Principal Thomas S. Wootton HS

RESOLUTION NO. 455-98 Re: **DEATH OF MR. SAM SHVARTS, BUS ATTENDANT-SPECIAL EDUCATION, DIVISION OF TRANSPORTATION**

On recommendation of the Superintendent and on motion of Ms. Signer seconded by Mr. Ewing, the following resolution was adopted unanimously:

WHEREAS, The death on May 28, 1998, of Mr. Sam Shvarts, bus attendant-special education in the Division of Transportation, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, In more than four years with Montgomery County Public Schools, Mr. Shvarts demonstrated his ability to handle the requirements of a bus attendant-special education; and

WHEREAS, His cooperative attitude and his concern for his passengers were a credit to the entire pupil transportation program; now therefore be it

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

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

RESOLUTION NO. 457-98 Re: **DEATH OF MS. SAPORA A. GRAHAM, INSTRUCTIONAL ASSISTANT, BEALL ELEMENTARY SCHOOL**

On recommendation of the Superintendent and on motion of Mrs. Gordon seconded by Ms. Signer, the following resolution was adopted unanimously:

WHEREAS, The death on June 20, 1998, of Ms. Sapora A. Graham, instructional assistant at Beall Elementary School, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, In the eight years that Ms. Graham had been a member of the staff of

Montgomery County Public Schools, she had made valuable contributions to the school system; and

WHEREAS, Ms. Graham displayed a good rapport with students, always set very good behavior expectations, and was interested in helping students toward success; now therefore be it

Resolved, That the members of the Board of Education express their sorrow at the death of Ms. Sapora A. Graham and extend deepest sympathy to her family; and be it further

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

RESOLUTION NO. 458-98 Re: **PERSONNEL MONTHLY REPORT**

On recommendation of the Superintendent and on motion of Ms. Signer seconded by Mr. Ewing, the following resolution was adopted unanimously:

Resolved, That the Board of Education approve the Personnel Monthly Report dated July 14, 1998.

Re: **MONTHLY FINANCIAL REPORT**

Mr. Bowers reported that total revenue was projected to be \$976,474,232. That amount was \$112,080 over last month and \$263,409 over the revised budget estimate. That projection included an estimated shortfall in state revenue that was partially offset by the net surplus carried forward from FY 1997. The expenditures as of May 31, 1998, projected a surplus of \$500,000. Projected deficits were in Categories 1, 2, 5, 9, and 11 and were offset by surpluses in Categories 3, 4, 6, 7, 10, and 12.

For the past several months, Ms. Signer noted that there was a projected surplus. The explanation has been that the surplus was the result of changes in state budget categories and that restricted the flexibility previously available to principals to move funds for instructional costs between materials of instruction and equipment accounts. She asked Mr. Bowers to explain why those changes had not allowed the school system to spend all the money in the textbook and supplies accounts. Mr. Bowers responded that the school system had expended those funds. In the past, principals were given the flexibility to move money between objects of expenditures – Object 3, 4, and 5. These objects were in the same category, but have now been split between categories.

Ms. Signer clarified that the deficit in Category 5 was offset partially by the surplus in Category 4. However, the deficit in Category 5 had increased from \$400,000 to \$800,000.

Mr. Bowers explained that money was budgeted in Category 1 for the Y2K problem, but it was spent in Category 5 for equipment in the schools.

Ms. Gutiérrez asked when the final financial report would be available to the Board and would there be more specific information provided to the Board. Mr. Bowers stated that the report was generally available to the Board in August, including categorical transfer. Ms. Gutiérrez wanted the final report to contain as much detail as necessary to avoid wrong perceptions or interpretations.

Re: CONSTRUCTION STATUS REPORT

Mr. David G. Fischer, associate Superintendent for the Office of Supportive Services reported that there were three new facilities: the new Montgomery Blair, Northwest, and James Hubert Blake high schools; two modernizations: Lucy V. Barnsley and Westover elementary schools; and a classroom addition to Kingsview Middle School being readied to open in September. Also, the school system moved 73 relocatable classrooms to handle overcrowding at various facilities.

The challenge of opening three new high schools in one summer, along with other tasks, was a milestone for the school system. Staff would meet this challenge and expect to have all projects substantially complete and ready for occupancy no later than August 1.

In general, the contractors were continuing to make good progress. A new and modernized school opening work group continued to meet periodically to monitor construction progress, assist with the resolution of problems, and confer with impacted parties to keep everyone updated.

The following is a list of the major construction projects being completed this summer:

- ✓ Montgomery Blair High School
- ✓ Northwest High School
- ✓ James Hubert Blake High School
- ✓ Kingsview Middle School
- ✓ Lucy V. Barnsley Elementary School
- ✓ Westover Elementary School

Ms. Gutiérrez asked for an update on the Kingsley Wilderness facilities. Mr. Wilder explained that the program would be in temporary facilities while the detention center project was being completed, and staff was pleased with the housing arrangements.

Re: **BOARD OF EDUCATION HANDBOOK (OPERATING GUIDELINES AND PROCEDURES)**

On motion of Mrs. Gordon and seconded by Ms. Signer, the following resolution was placed on the table:

WHEREAS, The Board, on September 10, 1985, first adopted a "Handbook for the Montgomery County Board of Education," governing the operations and procedures of the Board; and

WHEREAS, On November, 10, 1988, the Board of Education approved an update of the contents of the handbook; and

WHEREAS, On July 13, 1993, the Board of Education last comprehensively updated the handbook; and

WHEREAS, Staff has undertaken, in light of experience over the past several years, a substantive and editorial review of each of the provisions of the handbook and has drafted other provisions to address matters absent from the current version of the handbook; now therefore be it

Resolved, That the Board of Education approve the attached revisions to the "Handbook for the Montgomery County Board of Education," superseding all previous resolutions addressing the provisions of the handbook; and be it further

Resolved, That staff be directed to publish the handbook in a convenient format to be made readily available, as soon as feasible, to MCPS staff, Board candidates, and the community-at-large; and be it further

Resolved, That the provisions of the handbook be automatically updated as changes occur via future resolution of the Board of Education.

A Handbook for the Montgomery County Board of Education

Authority and Responsibilities of the Board of Education

The powers and mandatory duties of the Board of Education are defined in the Education Article of the Annotated Code of Maryland and **Title 13A of** the Code of Maryland Regulations, ~~13.1, State Board of Education~~. The Board's **primary** ~~accepts the following general~~ responsibilities as **paramount** ~~are~~:

1. **Selecting** ~~The selection and appointing~~ **ment** of the Superintendent of Schools;

2. Formulating and interpreting policies;
3. **Adopting operating and capital budgets;** ~~Making decisions on educational, budgetary, financial including authorization of legal settlements (with the exception of special education settlements up to a level adopted by the Board); and facility matters~~
4. **Providing oversight** ~~Making a continuous appraisal of the educational and administrative~~ **management of the school system;** ~~process~~
5. **Establishing school boundaries;** ~~Delegating administrative duties~~
6. Communicating with citizenry, staff, and students;
7. **Deciding appeals** ~~Acting in a quasi-judicial~~ **capacity;** ~~role, when required~~
8. Acting on personnel matters; **and**
9. **Advancing a legislative agenda before the County Council and General Assembly.**

Board Member Authority

State law determines that power belongs not to individual members of a Board of Education but to the Board of Education itself. Board members have authority only when acting as a Board of Education in a legally constituted session, **a quorum being present**. The statement or action of an individual member **or group of members** of the Board of Education does not bind the Board of Education itself, **except when that statement or action is authorized by an official act of the Board.**

~~State Law: Annotated Code of Maryland, Education, §3-104.~~

Board Member Qualifications

A full-voting member of the Board of Education must be a registered voter of Montgomery County. An individual subject to the authority of the county Board may not serve.

The seven full-voting members are elected for a four-year term at the general election every two years. Four members (three by district and one at large) are elected in gubernatorial election years, and three members (two by district and one at large) are elected in presidential election years. Unlike County Council elections, all voters in the county vote for members of the Board of Education regardless of the candidate's district. **Notwithstanding when the ceremonial oath of office is administered**, the term begins on December 1 after the election and continues until a successor is elected and qualifies.

The student member must be a resident of Montgomery County and a regularly enrolled junior or senior year student from a Montgomery County public high school.

The student Board member is elected for a one-year term each year by students enrolled in grades **6 7** through 12 in the Montgomery County Public Schools. The student term of office begins on July 1 after the election.

State Law: Annotated Code of Maryland, Education, §3-701 and 3-113.

Board Candidates and Members-Elect

~~The regulations for~~ Election procedures are found in Article 33 **of** the Election Article of the *Annotated Code of Maryland*.

~~Board-member~~ candidates are required to file public financial disclosure statements for the preceding calendar year with the Board of Supervisors of Elections at the time they submit their certificate of candidacy. After the candidate's election to the Board of Education, the Board of Supervisors of Elections sends the financial disclosure form to the Board of Education Ethics Panel. School system practice is to use the following processes for Board member candidates:

1. ~~As candidates file they are provided with~~ **Materials**, except items of a confidential nature, for Board business meetings **are made available to be picked up by candidates who have filed**.
2. After the primary election, **the remaining** candidates receive these materials at their homes.
3. After the general election and prior to being sworn in, members-elect receive all materials, **including items of a confidential nature**, provided to Board members. Except for voting, they participate fully in all meetings of the Board.
4. After the student member is elected, he or she receives all Board materials at his/her home. He/she participates in meetings of the Board of Education.
5. Newly elected Board members are seated at the outside ends of the Board table.

New Board Member Orientation

Following the election of new members, the **staff director of the Board of Education, in conjunction with the assistant to the Superintendent**, ~~currently sitting Board of Education~~ provides for an orientation to **the Board's** operation and processes. ~~At the meeting,~~ Information is provided about the functions of the office of the Board of Education and the working relationships with the Superintendent and the staff of the Montgomery County Public Schools. ~~In addition to this more formal structure, Board members have opportunities to meet with each other in an informal setting early in the term of a new Board.~~ New Board members are informed that Board members must file financial disclosure statements annually with the Board's Ethics Panel.

Student Board Member

The student member has the same rights and privileges of an elected member except that the student member may not vote on **matters relating to** capital and operating budgets, school closings, school reopenings **and** boundaries, personnel matters **governed by** ~~relating to~~ §6-202 **of the Education Article**, and collective bargaining. The student member may

indicate a preference, and the vote of the student is recorded in parentheses on these issues. ~~If invited to do so by the majority of the Board,~~ **Notwithstanding the lack of a vote**, the student member, **upon the majority vote of the other board members**, may attend personnel hearings related **pursuant** to §6-202(a) and closed sessions ~~for~~ **related to** collective bargaining. **The student member may also make motions or second motions made by others. However, his or her right to vote on such motions is predicated upon whether it concerns a matter on which the student member's vote counts.**

The student member is awarded one full credit in social studies **and student service learning hours equivalent to hours devoted to being the student member of the Board** upon completion of a one-year term on the Board of Education.

The student member may distribute diplomas and/or certificates at high school commencements but may not confer his or her own diploma.

Filling Vacancy of Board Member's Unexpired Term Fulfillment

In the event of **an adult** Board member's resignation, death, or removal from office, the remaining members of the Board will select a qualified individual to fill the vacancy. This individual will serve for the remainder of the term and until a successor is elected. The Board determines the process for the selection of the new Board member. **In the event of a vacancy in the student Board member, the individual receiving the second highest vote in the most recent election shall be seated as the student member for the remainder of the term.**

Removal of Board Member

Pursuant to statute, the County Council may remove a Board member for immorality, misconduct in office, incompetency, or willful neglect of duty. The member may request a hearing and have an opportunity to be heard. The member also has the right to a de novo review of the removal by the Circuit Court of Montgomery County.

Code of Ethics

The Board of Education ~~has adopted~~ **endorses** the following Code of Ethics as recommended by the National School Boards Association:

"As a member of my local Board of education I will strive to improve public education, and to that end I will:

Attend all regularly scheduled Board meetings insofar as possible, and become informed concerning the issues to be considered at those meetings;

Recognize that I should endeavor to make policy decisions only after full discussion at

publicly held Board meetings;

Render all decisions based on the available facts and my independent judgment, and refuse to surrender that judgment to individuals or special interest groups;

Encourage the free expression of opinion by all Board members, and seek systematic communications between the Board and students, staff, and all elements of the community;

Work with other Board members to establish effective Board policies and to delegate authority for the administration of the schools to the Superintendent;

Communicate to other Board members and the Superintendent expressions of public reaction to Board policies and school programs;

Inform myself about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by my state and national school Board associations;

Support the employment of those persons best qualified to serve as school staff, and insist on a regular and impartial evaluation of all staff;

Avoid being placed in a position of conflict of interest, and refrain from using my Board position for personal or partisan gain;

Take no private action that will compromise the Board or administration, and respect the confidentiality of information that is privileged under applicable law; and

Remember always that my first and greatest concern must be the educational welfare of the students attending the public schools."

Moreover, the Board has adopted Policy BBB, *Ethics Policy*, to govern actions of its members, school officials, and employees.

Board of Education Goals and Priorities

The Board of Education has control over educational matters **in that affect** the county and promotes the interests of schools under its jurisdiction. The Board of Education adopts **a strategic plan** ~~Goals of Education~~ to guide the school system in developing, implementing, and improving educational programs for its students. ~~Accompanying these goals are commitments to the citizens of Montgomery County to create and maintain an educational environment that promotes the attainment by all students of the Goals of Education.~~

With the advice of the Superintendent of Schools, the Board of Education establishes **action areas for a biennial following each election of adult Board members.** establishes

~~priorities for each school year together with specific objectives for the attainment of these priorities. Following the establishment of priorities, the Superintendent recommends a calendar of Board meetings based on these priorities.~~

Appointment of the Superintendent of Schools

The term of the Superintendent is four years beginning on July 1. The Superintendent serves until a successor is appointed and qualifies. By February 1 of the year in which a term ends, the county Superintendent must notify the Board whether or not he/she is a candidate for reappointment.

In the year in which a term begins, the Board of Education appoints the Superintendent between February 1 and June 30. Should the Board decide to reappoint the incumbent Superintendent, the Board must take final action at a public meeting no later than March 1 of that year.

The appointment of the Superintendent is subject to **written** approval of the state Superintendent of Schools. If there is a vacancy in the office, the Board shall appoint an interim Superintendent who serves until July 1 after his/her appointment.

Responsibilities and Duties of the Superintendent of Schools

~~The Superintendent is appointed for a four-year term beginning on July 1 and may have an individual contract. The Superintendent continues to serve until a successor is appointed and qualifies.~~

The Superintendent is responsible for the administration of his/her office and carries out the laws, bylaws, and policies of the state Board of Education as well as the rules, regulations, and policies of the county Board of Education. **He or she shall devote full time to public school business.**

The Superintendent advises the Board of Education on educational policies of the school system, school attendance areas, ~~and~~ curriculum guides and courses of study, **and any question under consideration by the Board.** The Superintendent recommends contracts, **to the extent required by law,** and other documents for Board approval. The Superintendent also recommends **informs the Board in advance of** administrative reorganizations, including transfers of functions, establishment of positions and offices, and consolidations of positions and offices, **all of which are subject to the Board's** disapproval. The Superintendent proposes annual operating and capital budgets to the Board of Education. The Superintendent attends all meetings of the Board and its committees unless his/her tenure or salary or the administration of his/her office is under consideration, **and except when the Board is considering appeals in its quasi-judicial role in closed session.** In the absence of the Superintendent, the deputy Superintendent or designee fulfills these duties. By contract,

the Superintendent is evaluated annually ~~in August~~ on the achievement of mutually agreed upon priorities and objectives.

By law, the Superintendent as executive officer, secretary, and treasurer **of the Board** keeps a record of the proceedings of each meeting of the Board and of all actions taken by the Board.

The Superintendent recommends the appointment of administrative and supervisory personnel to the Board of Education for its approval, **whether by discrete personnel actions or by way of a monthly personnel report approved by the Board.** ~~In Montgomery County, The Superintendent also recommends~~ **informs the Board in advance of** transfers of administrative and supervisory personnel. ~~to the Board of Education as well as amendments to the Position Classification and Pay Plan. In the monthly personnel report, the Superintendent recommends approval of personnel appointments, requests for leave, terminations of MCPS personnel, and disciplinary actions.~~

~~State Law: Annotated Code of Maryland, Education, §4-102, §4-204, and §4-205.~~

Duties of Officers

The officers of the Board of Education are the president, vice president, and, by law, the Superintendent of Schools as the executive officer, secretary and treasurer.

The president presides at all meetings, signs authorized or approved contracts and other documents on behalf of the Board, represents the views of the Board in all communications and correspondence, and performs other duties prescribed by law or by the Board. The president may appoint **ad hoc** committees of the Board and/or staff members to study specific issues or undertake desired projects. In the absence of the president, the vice president performs these duties.

Board Organizational Meeting

The Board of Education must conduct an annual meeting on or before January 10 for the election of a president and vice president. The Board traditionally conducts its election of officers **as the first order of business** at its first business meeting in December, **but, in any event, the election shall take place no earlier than December 1 or the date on which new members are sworn in, whichever is later.**

The meeting is called to order by the secretary-treasurer (by law, the Superintendent of Schools), **the names of all members are automatically placed in nomination**, and, through an individually recorded **written** vote, the members elect a president and vice president from among the members **by majority vote. The election for president shall precede the election for vice president. Immediately upon their election, the president and vice president shall assume the duties of their office.**

If both the president and vice president are absent from a Board meeting, the Superintendent

presides until a president pro tem is elected from among the Board members.

Meetings of the Board of Education

All meetings of the Board of Education are public meetings, except for closed sessions as permitted under state law.

Regular Meetings

1. The Board **usually** conducts two business meetings per month. The all-day business meeting is usually held on the second Tuesday of the month, and the evening business meeting is **usually** held on the second Monday following the all-day meeting (13 days later). These meetings are held at the offices of the Board of Education at the Carver Educational Services Center in Rockville, Maryland, **unless otherwise designated**.
- ~~2. Every effort is made to schedule items of significant public interest at times convenient to the general public, and a special effort is made to group similar and major educational issues together during business meetings.~~
2. At every business meeting, 30 minutes are set aside for Public Comments to encourage public participation. **Unless the president should reserve priority slots for organizations or elected officials to address matters of concern on that meeting's agenda**, the first fifteen (15) speakers who call **contact** the Board Office **by telephone after from 3 p.m. to 4:30 p.m.** on Monday prior to the business meetings are granted two (2) minutes to speak. **If the Board Office is closed on a Monday, callers may register to speak by calling as of 8:30 a.m. the following Tuesday. Unallocated slots may be filled -- first come, first served -- by signing the appropriate sheet at the Board meeting no later than 15 minutes prior to the scheduled time for Public Comments.** Speakers are requested to adhere to the rules for public participation in Board meetings. Matters of administrative detail or Comments about the actions or statements of individual staff members are not appropriate for Public Comments and should be referred to the Superintendent of Schools or processed through available channels. If submitting written testimony, speakers are requested to provide 20 copies.
3. **The advance agenda shall indicate if an item is intended for discussion (D), action (A), information (I), and/or recognition (R). Notwithstanding the designation, any member can introduce for action a resolution germane to a matter before the Board.**
4. In addition to taking action on scheduled items, the agenda of each business meeting contains an opportunity for Board and Superintendent comments on activities, requests for information, and questions of a general concern.

Requests for information that would entail a commitment of considerable amount of time of staff to respond shall require either approval by the Board as an item of new business or voicing of a consensus on the part of the entire Board.

5. There are two ways to place an item on Board agendas. One way is for the Board officers and the Superintendent, when setting the Board **agenda**, to agree that certain items need to appear. The other method is for an item to be brought before the Board through a motion and a second under "new business" at a business meeting, and for a majority of the Board to approve that motion at a subsequent meeting. **Unless stated in the motion, the scheduling of any new business item shall be determined by the Board officers and Superintendent. Items that are time- sensitive may be voted upon during the same meeting as introduced if the Board members by consensus or majority vote so concur.** Board member proposals to establish special programs where a substantial amount of staff time is needed to develop the programs must be approved in accordance with Board procedure for establishing and evaluating special programs.
6. At every business meeting, an item is scheduled on future and past closed sessions. For future closed sessions, the Board will adopt a resolution citing the reason(s) for the sessions as well as the time and place of the sessions. For past closed sessions, a statement will be made on the time, place, and purpose of the closed session; a record of the vote of each member as to closing the session; a citation of the authority for closing the session; and a listing of topics of discussions, **and** persons present, ~~and each action taken during the session.~~
7. **At every business meeting, time shall be set aside for "Consent Items," consisting of matters which the president or Superintendent believes will be adopted by unanimous vote. Approval of the consent agenda shall include the approval, by one voice vote, of all items included as consent items, provided that any member may defer to the end any item on which discussion is desired, after which a separate vote shall be taken.**
8. Meetings are to begin promptly at the starting time on the agenda, **a quorum being present.** Closed sessions ~~would~~ normally **are** be scheduled at the start, **lunch hour, and/or** end of the meeting. Evening meetings will be scheduled to conclude **no later than** at 11 p.m. and, normally, no new item of discussion or action will be taken up after 11 p.m.
9. The Board of Education schedules a ~~summer~~ recess for two or three weeks during the summer. ~~and~~ The Board officers **shall establish the** ~~work-out-a~~ timeframe for the recess.

Special Meetings

Other than **regularly-scheduled** business meetings **publicized in advance**, the Board may meet for work sessions, policy development sessions, annual meetings with organizations **and other public bodies**, meetings with students, public hearings, **cluster meetings**, and public forums. These meetings may be held at the offices of the Board of Education or in communities throughout the county.

Special meetings may also be called by the president of the Board, by the Superintendent, or at the written request of a majority of the Board. Whenever possible, at least 24 hours notice of special meetings and their purpose will be given to each Board member and, whenever possible **feasible**, meeting dates will be determined in consultation with Board members.

No business may be transacted at a special meeting which does not come within the purposes set forth in the call for the meeting unless all Board members are present and agree unanimously to the consideration of the additional item(s).

Retreats

The Board holds retreats **from time to time for such purposes as** to provide orientation to newly elected Board members, to provide background for contract negotiations and to provide ~~in-service training~~ **the opportunity** for members ~~on to discuss~~ Board operations, goals, and priorities. Any substantive conclusions about priorities, **and other specific actions of a policy or budgetary nature**, reached during Board retreats are **must be** publicized afterward **and adopted formally by the Board** in recognition of the fact that Board business must be conducted in public. ~~Unless the retreat is formally scheduled as a special meeting of the Board, conclusions reached will need to be subsequently acted on formally by the Board.~~

Closed Sessions

Under Title 10 of the *State Government Article* of the *Annotated Code of Maryland*, the Board of Education is authorized to meet in closed session to discuss personnel matters, acquisition of real estate, pending litigation, collective bargaining issues, matters protected from public disclosure by law, and other issues including consultation with counsel to obtain specific legal advice under Section 4-104 of the *Education Article* ~~of the Annotated Code of Maryland~~ and Section 10-508 of the *State Government Article* **of the Annotated Code of Maryland**. The Board of Education adopts a resolution prior to going into closed session and states the reason for the session; if an emergency session is required, the Board must give notice of the session and take a public vote to go into closed session. The following are guidelines for closed sessions:

1. Closed sessions may be called by the president at any time, at the request of any member or the Superintendent. However, the Board must take a public vote to go into closed session and must give public notice of the meeting by delivering a notice of the date, time, and place of meeting to the news media or posting the notice at the meeting site.

2. The presiding officer shall conduct a recorded vote on the closing of the meeting and shall make a written statement setting out the reason for closing the meeting, the specific provision of the Open Meetings Act that allows the meeting to be closed, and the topics to be discussed at the closed session.
3. All final ~~decisions~~ **actions** reached during closed session must be confirmed at a public meeting.
4. It is the responsibility of Board members to monitor the topics discussed in closed session to assure that the topics discussed are appropriate for closed session.
5. Board members and staff are expected to maintain the confidentiality of closed session.
6. The attorney general has ruled that although the Montgomery County Board of Education is without power to discipline its members, it is free to adopt a resolution that expresses its disapproval of a member's action in disclosing the contents of a closed session discussion.

Committees

As the Board deems appropriate, standing and ad hoc committees shall be established by resolution, reflecting their mission and composition. After initial appointments being made for staggered terms, future vacancies shall be filled at the all day meeting each December. Committees shall decide upon their own meeting schedules and make recommendations to the full Board, as appropriate.

Rules of Order

The Board of Education observes *Robert's Rules of Order, Newly Revised* **in conducting its meetings, except as provided otherwise either in this Handbook or Board Policy.** ~~It is the practice of~~ **Moreover,** the Board ~~to be~~ **is** guided by its own rules, state statutes, and state Department of Education bylaws which establish the following:

1. A motion is not adopted without the approval of five members with the exception of ~~collective bargaining and negative personnel actions~~ **those matters on which the student member's vote does not count, in which instance the motion** which requires the approval of only four members ~~because the student member may not vote on these issues.~~
2. The Board adopts its agenda at the beginning of a business meeting. **Times listed are intended for guidance only. Unless changed by the Board, the order in which items appear on an agenda will be followed.** Any changes in the adopted agenda are made by consensus or by majority vote.

3. **A quorum consisting of a majority of the full Board shall be present to convene a meeting. Thereafter, the quorum required to transact business will vary depending upon whether the student member's vote counts.**
4. Any resolution introduced which involves a matter of policy shall lie on the table for at least one week before being voted upon. The presiding officer rules as to whether any proposed resolution is a policy. If there is an emergency, this provision may be waived without notice if all members are present and there is unanimous agreement.
5. The rules and regulations governing the Board (except those required by statute and governing special meetings and policy issues) may be amended by a majority vote of the Board at any meeting, provided that each member shall have been furnished a copy of the proposed amendment at least one week in advance. Robert's Rules state: "Rules protecting absentees or a basic right of the individual member cannot be suspended, even by general consent or a unanimous vote."
6. Board members may not vote in absentia or by proxy.
7. The ~~ombudsman/staff assistant~~ **staff director** serves as parliamentarian to the Board of Education.

Record of Meetings

The Board of Education maintains records of meetings as follows:

1. **Audio** tape recordings of all public meetings and video tapes ~~made~~ of major meetings that are televised.
2. The minutes of all public meetings, ~~are~~ limited to action taken by the Board unless a Board member specifically requests that a statement on a subject be reflected in the minutes. The minutes record the vote of the student member in parentheses when the student's vote does not count.
3. Minutes of closed sessions, which include a list of each item considered, the action taken, and each recorded vote.
4. The tape recordings and minutes of public meetings are available as a matter of public record. Arrangements can be made to purchase audio and video tape recordings of Board meetings.

Negotiations

The Board of Education engages in contract negotiations with the Montgomery County Association of Administrative and Supervisory Personnel (MCAASP), the Montgomery County Education Association (MCEA), and the Montgomery County Council of Supporting Services Employees (MCCSSE). By law, the Board of Education is permitted to meet in closed session to discuss issues related to contract negotiations with the employee organizations. It is expected that Board members will maintain the confidentiality of issues discussed during closed sessions.

The *Annotated Code of Maryland*, Education Article, §§6-408 and 6-510, provide the mechanism **framework** for negotiations **procedures**.

Personnel Appointment Procedures

1. Under state law, it is the responsibility of the Superintendent of Schools to recommend the appointment of personnel to administrative and supervisory positions. These appointments are discussed by the Board of Education in closed session and confirmed by majority vote in public session.
2. ~~By practice,~~ The Superintendent also ~~recommends~~ **notifies the Board in advance of** the transfers of personnel to administrative and supervisory positions. These transfers are discussed in closed session and ~~confirmed~~ **subject to disapproval** by majority vote in public session.
3. The Board of Education also receives and reviews a monthly personnel report in closed session and takes a public vote on the report. The report contains appointments ~~and transfers~~ of administrative and supervisory personnel, ~~appointments of~~ teachers and supporting services personnel, and **extended** leaves of absence and terminations for all personnel. The report also contains notice of suspension and dismissal actions. In addition, the Board adopts resolutions ~~extending sick leave to employees whose leave has expired and~~ expressing sympathy when an employee has died.
4. ~~The Board also receives and reviews a proposed resolution on academic leave in closed session and takes a public vote on the recommendation of the Superintendent.~~

Meetings with Various Organizations

As part of its master calendar, the Board schedules annual meetings with the officers of the Montgomery County Region of Student Councils, **Montgomery County Junior Councils, and Student Government Association presidents**, Montgomery County Council of PTAs, Montgomery County Association of Administrative and Supervisory Personnel, Montgomery County Education Association, Montgomery County Council of Supporting Services Employees, and PTA clusters **(the latter on a rotating basis)**. The Board may also meet from time to time

in informal meetings with the Montgomery County Council, the County Executive, **the Board of Trustees of Montgomery College, and the Montgomery County Planning Board.**

The Board of Education also schedules annual informal meetings with the Montgomery County Junior Council and with representatives of the Montgomery County Region of the Maryland Association of Student Councils.

By Board policy, every Board of Education committee presents an annual report to the Board. These reports are scheduled on a Board business agenda with a staff response presented shortly after the discussion. (See also Board policies on committees.)

Public Hearings -- Other Than Facilities Hearings

The Board of Education schedules public hearings on issues it determines to be of widespread interest and concern. In addition to special public hearings, the Board holds hearings on its annual operating budget, **its proposed capital budget and CIP, and on school boundaries. Insofar as boundary issues are concerned, the Board retains the option of not holding a hearing if no Board alternatives are placed on the table pursuant to Policy FAA. Moreover, during the off year of the biennial capital budget, the Board may opt not to receive oral testimony at a public hearing except from cluster schools potentially affected by a boundary change.**

General guidelines for these public hearings are as follows:

1. Whenever possible, a public hearing will be scheduled one month in advance. The subject and date of the hearing will be publicized through the Board's customary communications channels and by a release to the news media.
2. The public may sign up to speak beginning at 9 a.m. on the day three weeks prior to the hearing **or, in the event of the Superintendent's proposed CIP or boundary changes, upon the release of his recommendations.** The agenda for the hearing is closed when the maximum number of speakers is registered or at the close of business the day before the hearing. Hearings **usually** begin at ~~7:30~~ **6:30** p.m. and conclude at ~~11~~ **10:30** p.m., **unless the Board decides to schedule a hearing during a weekday or weekend.**
3. The following time limits for testimony apply:
 - 5 minutes Organizations/Municipalities/Elected Officials
 - Individuals
 - 3 minutes
 - Clusters (depending on number of schools)
 - 10-15 minutes

4. ~~The order of speakers at a hearing is determined by the order in which they sign up.~~ **Municipalities and the MCCPTA shall be accorded the opportunity to testify first, followed by PTA's and then--on a first come, first served basis--individuals, civic and countywide organizations. Usually, MCCPTA Cluster Coordinators in consultation with their PTA Presidents, will coordinate testimony on behalf of local PTAs and notify the Board Office of speakers within their allotted cluster time. Alternatively, such testimony may be coordinated by MCCPTA Area Coordinators, in which case testimony may be grouped by areas and time allotted differently than stated above. Cluster Coordinators and Area Coordinators are strongly encouraged to ensure that diversity of opinions are accommodated when scheduling testimony.**
5. A person calling to speak, other than a Cluster or Area Coordinator, may reserve only one space. Only one speaker will be registered for any organization unless the Board provides otherwise. **Individuals and organizations may not cede time to others who have signed up.** Elected officials are given the courtesy of being placed at the time of their choice on the agenda.
6. Speakers are encouraged to provide **25** ~~a predetermined number (usually 20)~~ of copies of their statements at the hearing for distribution to Board, staff, and press.
7. Public hearings are tape (audio and video) recorded, and arrangements can be made to purchase the recording at a later date, if desired.
8. If the speakers are not present at their designated time, every effort will be made to accommodate their testimony prior to adjournment of the meeting.
9. To expedite the hearing, Board members and the Superintendent will limit their participation solely to asking questions of the speakers **or followups of staff. Cluster coordinators, and other interested citizens upon request, shall be provided copies of follow-up responses to questions raised at hearings.**
10. Written statements submitted in lieu of testimony will be given equal consideration, **but, in order to be considered, must reach the Board no later than 48 hours before the time scheduled for action by the Board.** ~~Whenever possible, the public record will remain open for two weeks following the public hearings.~~

See also the Policy on Long-range Education Facilities Planning for the procedure for facilities hearings.

Public Participation in Board Meetings

The members of the Board of Education desire to hear the views and have the advice of interested citizens. To help ensure effective public participation in the decision-making process, the Board:

1. Makes agenda materials available to the public on the day of the evening business **and special** meetings and the Monday prior to the all-day business meetings.
2. Maintains an agenda mailing list for interested citizens and press.
3. **Posts the agenda on the school system's e-mail system and Internet site.**
4. Involves citizens and students on advisory committees.
5. Holds public hearings on **the operating and capital budgets on** issues of wide public interest.
6. Provides time at its business meetings for the public and press to comment on educational issues **and other matters before the Board.**
7. Encourages citizens to communicate with Board members **by publishing public telephone numbers, fax numbers, addresses, and e-mail addresses.**
8. **Widely circulates proposed policies for comment. (See below.)**

Policy Development and Adoption, ~~Dissemination,~~ and Suspension

The Board of Education has a policy on policy-setting which includes a definition of "policy" and a uniform format for policy development and implementation, including ~~instructions for~~ publication, monitoring of implementation, and review. Discussion of a new policy **usually** occurs over three meetings: one to discuss the Superintendent's policy analysis, the second to take tentative action, and the third to take final action on the policy.

Any resolution introduced which involves a matter of policy shall lie on the table for at least one week before being voted upon. The presiding officer rules as to whether any proposed resolution is a policy. If there is an emergency, this provision may be waived without notice if all members are present and there is unanimous agreement.

Agenda-Setting and Board Materials

1. ~~Early in each fiscal~~ **Prior to July of each** year, the Board of Education receives a master calendar of Board meetings **and hearings for the ensuing year.** ~~When known, the calendar shows major topics to be discussed.~~
2. A continuous listing of future agenda items is maintained; **provided, however, that subsequent to the last meeting in November following each biennial election of Board members, upon the adjournment of the Board sine die, the Board officers and Superintendent of Schools shall determine those items to remain**

on the list of "items to be scheduled," giving due regard to items of new business approved by the Board and considered input of individual members.

Information on topics to be discussed is made available to the press, staff, and public through "items in process," an information item distributed at the all-day business meeting, as well as through materials developed at the agenda-setting meeting (explained below).

3. Pre-Board and Post-Board:

- a) Pre-Board. ~~By noon~~ Prior to a Board meeting, **with as much advance notice as feasible**, Board members who need information or **desire** ~~would believe they would require~~ staff members to **be available to** answer questions at the table about an issue should alert the ~~ombudsman/staff assistant to request the Superintendent~~ **in writing, if possible**, to provide ~~knowledgeable staff at the meeting to~~ answer those questions and/or provide the information needed.
- b) Post-Board. After business meetings **and hearings**, the Board staff and Superintendent's staff discuss items raised during the Board meeting, assign responsibilities for follow-up items, and review draft agendas and calendars for future Board meetings.

4. The Board Office schedules a monthly agenda-setting meeting with Board officers, the Superintendent, and designated staff. At these meetings, the following items are discussed:

- a) The agenda for the next **several** business meetings. The Superintendent and/or designee **and the Staff Director** advise the Board officers of time requirements for agenda items, the status of major items to be discussed, and the availability of staff to be present for Board discussions.
- b) A list of items to be scheduled. The Superintendent and/or designee **and the Staff Director** inform the officers of the status of items to be scheduled and suggest dates for their presentation.
- c) ~~Future agendas. The Superintendent and/or designee provide the officers with an update on future agendas, including time requirements, the status of major items, and the availability of staff.~~
- c) Calendar. The Superintendent and/or designee **and Staff Director** review a calendar of future Board meetings (regular and special), closed sessions, public hearings, and work sessions.
- d) After the agenda-setting meeting, copies of materials **agreed upon discussed** ~~by the Superintendent and/or designee and officers~~ are sent to Board members, executive staff, employee organizations, MCCPTA, and MCR. Upon request, copies are made available to the public and the press.

5. An agenda mailing list, which is updated annually, is maintained for designated organizations, government agencies, and individuals.
6. Packets of Board agenda materials are prepared for Board members, key staff, selected organizations, and the press. Board members receive duplicate copies of materials previously distributed.
7. Board folder materials are not released to the public until Board members have received them. Press packets are normally available on Monday mornings prior to regular Board meetings.
8. **Upon distribution of the Board folder materials, the agenda for all business meetings shall be posted on the school system's e-mail system and Internet site.**
9. Major reports and policies which require extensive study and review are distributed to Board members at least ~~one regular meeting~~ **two weeks** in advance of the meeting when they are scheduled for Board consideration. ~~These items are designated by a diamond ♦ symbol on the agenda and on Items to be Scheduled.~~

Appeals to the Board of Education

The various procedures **governing appeals to the Board** are listed in the MCPS Policies and Regulations Handbook as well as state law.

The major documents for **governing** appeals to the Board of Education ~~is contained~~ **are** in MCPS Policy BLB: *Rules of Procedure in Appeals and Hearings* and **MCPS Regulation JEE-RA, Transfer of Students**. Appeals are of three types pursuant to *Annotated Code of Maryland, Education Article*: §4-205(c) disputes involving rules and regulations of the Board; §6-202(a) suspensions or dismissals of professional and/or certificated personnel; and §7-304(c) student suspensions of more than 10 days or expulsions.

~~Board members should be aware that~~ **Once** an appeal is started through the process, it is inappropriate for Board members to discuss the issue with the appellant, the public, or staff. Once the appeal is **properly** filed, **unless the appeal is subsequently withdrawn by the appellant or the Superintendent has granted the requested relief**, only the Board itself can dismiss the appeal. It is expected that Board members will maintain the confidentiality of documents related to the appeal and not discuss these materials **with those not privy to such information**.

Board of Education Correspondence and Memoranda Procedure

Logs are maintained of incoming and outgoing correspondence and memoranda to the Board and from the Board members.

Correspondence, Form Letters, and Petitions

1. Incoming correspondence is duplicated for all members of the Board and Superintendent. Board Office staff determines whether correspondence requires a response and, if a response is required, assigns a due date for the preparation of the reply and directs the correspondence to the appropriate staff member. Staff prepares responses for the signature of the Board president, or in special cases the Board president responds personally. When the reply is signed by the Board president, copies of the response are duplicated for Board members.
2. Petitions and form letters are not duplicated for Board members. Staff counts the signatures and provides a sample page of the petition. One copy of the form letter is provided to the Board with a count of the number of form letters received.
3. When a heavy volume of single issue mail is received, the Board president determines whether these letters can be responded to by postcard. The postcard acknowledges receipt of the letter.
4. Individual Board members have the option of responding directly to correspondence addressed to the Board or the individual member.
5. The ombudsman/staff assistant ~~receives and~~ **maintains oversight of the incoming mail process and** reviews all legal **outgoing** correspondence pertaining to the Board of Education.

Memoranda

1. A memorandum written by a Board member is automatically duplicated for all Board members, the Superintendent, Deputy **Superintendent**, appropriate associate superintendents, and ~~ombudsman~~ **Board staff**. The Superintendent assigns the responsibility of preparing replies to Board memoranda and follows up to make sure a timely response is prepared.
2. A memorandum written to a Board member is automatically duplicated for all Board members, the Superintendent, Deputy **Superintendent**, appropriate associate superintendents, and ~~ombudsman~~ **Board staff**. Exceptions are confidential memoranda which may have expressly limited distribution.

Public Access to Correspondence and Memoranda

1. All correspondence and memoranda addressed to the ~~Montgomery County Public Schools~~ **Board of Education, the Board President**, or to Board members that is received in connection with the transaction of public business is available for public inspection **at reasonable times** unless it meets one of the criteria **for denial** in Maryland's Public Information Act (**Annotated Code of**

Maryland, State Government Article, Sections 10-611 et seq.).

2. The Superintendent is the official custodian of the records with the responsibility **authority to** delegate ~~d to the administrative assistant for Board matters~~ **this responsibility**.
3. The requestor of records ~~must pay~~ **may be charged fees to cover** the cost of **searching, preparing, or photocopying a public record**.
4. If the request for records is denied, the reasons must be ~~based on~~ **consistent with** Maryland's Public Information Act, ~~or be approved by~~ **subject to review by** the ~~District~~ **Circuit** Court of Montgomery County.

Board Advisory Committees

The Board of Education is empowered by state law to create ~~committees, both~~ citizen advisory **committees** and Board subcommittees to **advise the Board, to facilitate activities and programs in the school system, and to recommend** help identify areas for improvements in the MCPS and possible changes in Board policy. Committees may be on-going or created for special purposes on a short term basis. **A listing of** current Board advisory committees ~~include:~~ **and subcommittees shall be available from the Board Office.**

In addition, there are advisory committees reporting to the Superintendent of Schools. On occasion, these committees present their annual reports to the Board of Education.

Moreover, pursuant to law and policy, the Board of Education has **appointed an Ethics Panel** ~~the following special committee which is required by law and~~ which interprets the Board's ethics policy, reviews financial disclosure statements, and advises persons subject to the policy as to its application.

Board of Education Memberships

The Board of Education maintains membership in state and national school boards associations as well as educational associations. The Board determines ~~through budget action~~ which, if any, state and/or national affiliations it wishes to add or maintain. Organizational memberships **currently** include the Maryland Association of Boards of Education, the Legal Services Association, the National School Boards Association, the National Federation of Urban-Suburban School Districts, and the American Association of School Administrators.

Operating Budget Approval Process and Long-Range Educational Facilities/Capital Budget Process

Two major issues which come before the Board of Education each year are the operating budget and the long-range educational facilities plan which includes action on the capital

budget.

The operating budget includes salaries, contractual services, supplies and materials, furniture and equipment, and other funds necessary for the daily operation of the school system. The Board holds operating budget hearings in January after the **December** presentation of the Superintendent's recommended budget.

The **operating** budget is developed under the direction of the Superintendent who ~~utilizes~~ **receives** a wide range of community and parental **advice input, including that of the Budget Review Committee established by resolution of the Board**. The Superintendent recommends **the budget's** ~~its~~ adoption to the members of the Board. The Board may hold work sessions prior to the adoption of the budget to secure additional information on the recommendations of the Superintendent and on items the Board itself is considering.

The date for submission of the operating budget to the County Council is established by county law. The budget must be submitted to the county by March 1 of each year and be adopted by the Council by June 1. In ~~early~~ June the Board makes adjustments to the budget to ~~comply~~ **conform** with Council action **and to reflect the final judgment of the Board on expenditure priorities** prior to the July 1 deadline for submitting the school system's final operating budget to the ~~County-State~~.

Each spring, the Superintendent reviews all Board of Education facilities decisions and capital budget requests. The capital budget includes construction and planning funds for new facilities, modernizations and renovations; furniture and equipment associated with these projects; and countywide maintenance efforts. Facilities issues include building utilization, educational program capacity, enrollment projections, boundary changes, and school closings/consolidation. During the spring, cluster, school, and community representatives meet to discuss feasible school program and facility alternatives, and by July 1, cluster representatives send the Superintendent **proposed** solutions, priorities, or concerns the cluster has identified for its schools.

Early in October, the Superintendent holds a public work session with the Board to discuss new school enrollments ~~and potential facility solutions and projections~~. On or about November 1, the Superintendent publishes a proposed Six-year Capital Improvements Program, ~~and during the first week in November~~ **subsequent to which** the Board holds a work session at which members may propose alternative solutions **to boundary changes**. During ~~the third week in~~ November, the Board holds public hearings on facilities **and boundary** proposals with decisions scheduled ~~for the fourth week in~~ **prior to the end of** November. **The Board may opt to defer until a later time (usually March) selected boundaries and facilities decisions**. ~~Dates for submission of the budget are established by state law. The Board/Council-approved capital budget must be submitted to the State Interagency Committee for Public School Construction by December 7 of each year. Deferred proposals are considered in February and March. (See the Policy on Long-range Education Facilities Planning (FAA) for more details.)~~

Board Office Staff

Acting under the direction of the ombudsman/staff assistant, the Board of Education staff has a dual responsibility. The ombudsman/staff assistant position was created to provide assistance to community, employees, students, and other citizens having problems, complaints, information or suggestions to bring to the attention of school authorities for which no channels of communication appropriate to their needs are available. The other function of the staff is to assist Board members in carrying out their duties as Board members.

The Board staff responds to requests from members of the Board, the Superintendent, staff, public, and other governmental agencies for information on past or pending Board business. The staff provides legislative and intergovernmental information and assistance; provides research assistance to members of the Board of Education; keeps records of Board business; attends all Board meetings; and is responsible for the daily administration of the office of the members of the Board of Education, including providing for correspondence, appeals (including the assignment of hearing officers and examiners), calendar and general staff support.

Acting under the supervision of the Staff Director, the Board of Education staff:

- **assists employees, parents, citizens and students having problems, complaints, information or suggestions and brings them to the attention of Board of Education members and other school officials, as appropriate;**
- **responds to requests from members of the Board of Education, the Superintendent, staff, public, and other governmental agencies for information on past or pending Board business;**
- **provides legislative and intergovernmental information and support, including representation of the Board of Education's interests before the General Assembly and State Board of Education;**
- **provides research assistance and analysis to members of the Board of Education;**
- **keeps official records of Board of Education business;**
- **attends all appropriate Board meetings;**
- **provides staff support, minutes, and follow-ups to Board of Education committees;**
- **coordinates the process of recruitment of nominations for appointment to Board of Education advisory committees;**
- **directs all appeal matters before the Board of Education;**

- **carries out responsibility of the daily administration of the office of the members of the Board of Education, including correspondence, calendar and general staff support.**

School Board Attorney

By state law, the Board of Education is empowered to retain counsel to represent it in legal matters. The procedures for retaining, appointing, and reviewing the performance of counsel are contained in the Board of Education Policy on Legal Services (**BOA**).

Board Member Expense Standards

All members of the Board of Education are entitled to be reimbursed for expenses directly related to Board business, **beyond compensation provided by law** (the adult members receive an annual compensation of \$12,000, and the president receives an additional \$2,000). The expenses directly related to Board business for which a Board member may be reimbursed include local travel expenses (travel and expenses in the Washington metropolitan area and intrastate travel) as follows:

1. Automobile **mileage for** ~~except for two regular business meetings, a month-~~ ~~Reimbursement for~~ hearings, special meetings, and other travel related to Board business **or their responsibilities as Board members**. The student member receives **similar reimbursement for expenses incurred in connection with official duties** ~~for the business meetings as well.~~
2. Parking, tolls, taxis, rail, bus or air fare.
3. Meals -- actual expenses for business-related meals up to a maximum of ~~\$35~~ **\$50** per day for three meals. Actual expenses for meals at banquets or other events are reimbursed.
4. Telephone installation and monthly charges for an additional private line, **fax line, computer line**, and long-distance calls related directly to Board business are reimbursed.
5. Reimbursement for local newspapers **and publications** not subscribed to prior to taking office; supplies, postage, and ~~tips~~ **other materials necessary for discharging the responsibilities of Board members**.
6. ~~Clerical or other assistance -- a member should submit a work plan and salary amount for approval by the Board of Education.~~

Actual expenses directly related to Board business for out-of-state travel to meetings and conferences are reimbursed and are not included in the limits established for local expenses. Overnight stays in the Washington metropolitan area and ~~intrastate~~ **elsewhere in Maryland** are considered to be out-of-state travel. These expenses include transportation, meals, registration fees, and incidental expenses.

Expenses relating to the operation of the Board of Education as an entity shall be expended at the discretion of the ~~ombudsman/staff assistant~~, **Staff Director** in consultation with the officers of the Board.

If equipment is purchased by MCPS for the use of a Board member, that equipment is the property of MCPS and reverts to MCPS at the conclusion of the member's term of office. All efforts will be made to supply the member with ~~used~~ **operable** equipment from within **the inventory of MCPS**.

Once equipment funds budgeted for the Board of Education are expended, only the Board officers may authorize additional purchases. Board ~~members~~ **officers** will be provided with a ~~quarterly~~ **semi-annual** report on the status of Board Office expenditures.

Procedures for processing monthly expense accounts are as follows:

1. Expense forms ~~are~~ **should be** submitted to the ~~staff assistant~~ **Board Office** at the beginning of the next month for the prior month's expenses.
2. The Staff ~~assistant~~ **Director** processes the reports and refers questions to the president of the Board.
3. The expense form is reviewed and signed by the ~~president of the Board, the ombudsman/staff assistant~~, **Staff Director** and the primary account manager before being forwarded for payment. Whenever possible, the expense form must be accompanied by appropriate receipts **and phone bills**.

Commencements

One of the major responsibilities of a Board member is to officiate at high school commencements. Board members typically attend a number of graduations which are proportionate for each member of the Board. The Superintendent has the responsibility for ensuring that Board members are informed in advance of the role Board members are likely to play at commencements. By tradition, Board members certify the graduation of students from high school by the following statement:

By virtue of the authority vested in the Board of Education of Montgomery County under the laws of the State of Maryland, I do now award diplomas or certificates evidencing the satisfactory completion of prescribed courses of study to the students of

_____ High School who are recommended for graduation by the faculty of this school. In receiving this diploma or certificate, each of you is entitled to all of the privileges and honors accorded graduates of a high school accredited by the Maryland State Department of Education and the Middle States Association of Colleges and Secondary Schools.

Re: **DISCUSSION**

Mr. Margolies noted that the new and revised language were in bold print and the language deleted was crossed through in the original text.

Board members made the following general comments:

1. Mrs. Gordon thought there were many substantive changes, and she would support making changes at this meeting with the final vote on the handbook as revised by the Board at a subsequent meeting.
2. Mrs. Gordon and Ms. Gutiérrez agreed that the new language in certain sections was too restrictive and legalistic.
3. Ms. Gutiérrez commented that the approach with the handbook in the past was a clarification of the issues and served as an informal guide to the Board in its practices rather than a policy or legally binding. She wanted the handbook to continue in that manner and tone.

A page by page review of the draft handbook lead to specific language changes made by Board members and is reflected in the following draft handbook.

RESOLUTION NO. 459-98

Re: **BOARD OF EDUCATION HANDBOOK (OPERATING GUIDELINES AND PROCEDURES)**

On motion of Mrs. Gordon and seconded by Ms. Signer, the following resolution was adopted unanimously:

WHEREAS, The Board, on September 10, 1985, first adopted a "Handbook for the Montgomery County Board of Education," governing the operations and procedures of the Board; and

WHEREAS, On November, 10, 1988, the Board of Education approved an update of the contents of the handbook; and

WHEREAS, On July 13, 1993, the Board of Education last comprehensively updated the handbook; and

WHEREAS, Staff has undertaken, in light of experience over the past several years, a

substantive and editorial review of each of the provisions of the handbook and has drafted other provisions to address matters absent from the current version of the handbook; and

WHEREAS, The Board of Education reviewed and amended each of the draft provisions in the handbook; now therefore be it

Resolved, That the following revisions will be scheduled for final approval at a future Board of Education meeting.

A Handbook for the Montgomery County Board of Education

Authority and Responsibilities of the Board of Education

The powers and mandatory duties of the Board of Education are defined in the Education Article of the Annotated Code of Maryland and Title 13A of the Code of Maryland Regulations. The Board's primary responsibilities are **include, but are not limited to:**

1. Selecting and appointing the Superintendent of Schools;
2. Formulating and interpreting policies;
3. Adopting operating and capital budgets;
4. **Making decisions on educational, budgetary, financial (including authorization of legal settlements with the exception of special education settlements up to a level adopted by the Board), and facility matters;**
5. **Establishing curriculum guides and courses of study;**
6. ~~Providing oversight~~ **Making a continuous appraisal** of the educational and administrative management of the school system;
7. Establishing school boundaries;
8. Communicating with citizenry, staff, and students;
9. ~~Deciding appeals~~ **Acting** in a quasi-judicial **capacity, in particular, deciding appeals;**
10. Acting on personnel matters; and
11. Advancing a legislative agenda before the County Council and General Assembly.

Board Member Authority

State law determines that power belongs not to individual members of a Board of Education but to the Board of Education itself. Board members have authority only when acting as a Board of Education in a legally constituted session, a quorum being present. The statement or action of an individual member or group of members of the Board of Education does not bind the Board of Education itself, except when that statement or action is authorized by an official act of the Board.

Board Member Qualifications

A full-voting member of the Board of Education must be a registered voter of Montgomery County. An individual subject to the authority of the county Board may not serve.

The seven full-voting members are elected for a four-year term at the general election every two years. Four members (three by district and one at large) are elected in gubernatorial election years, and three members (two by district and one at large) are elected in presidential election years. Unlike County Council elections, all voters in the county vote for members of the Board of Education regardless of the candidate's district. Notwithstanding when the ceremonial oath of office is administered, the term begins on December 1 after the election and continues until a successor is elected and qualifies.

The student member must be a resident of Montgomery County and a regularly enrolled junior or senior year student from a Montgomery County public high school.

The student Board member is elected for a one-year term each year by students enrolled in grades 6 through 12 in the Montgomery County Public Schools. The student term of office begins on July 1 after the election.

Board Candidates and Members-Elect

Election procedures are found in Article 33 of the Election Article of the *Annotated Code of Maryland*.

Board candidates are required to file public financial disclosure statements for the preceding calendar year with the Board of Supervisors of Elections at the time they submit their certificate of candidacy. After the candidate's election to the Board of Education, the Board of Supervisors of Elections sends the financial disclosure form to the Board of Education Ethics Panel. School system practice is to use the following processes for Board member candidates:

1. Materials, except items of a confidential nature, for Board business meetings are made available to be picked up by candidates who have filed.
2. After the primary election, the remaining candidates receive these materials at their homes.
3. After the general election and prior to being sworn in, members-elect receive all materials, including items of a confidential nature, provided to Board members. Except for voting, they participate fully in all meetings of the Board.
4. After the student member is elected, he or she receives all Board materials at his/her home. He/she participates in meetings of the Board of Education.
5. Newly elected Board members are **usually** seated at the outside ends of the Board table.

New Board Member Orientation

Following the election of new members, the ~~staff director of the Board of Education, in conjunction with the assistant to the Superintendent,~~ **currently sitting Board of Education** provides for an orientation to the Board's operation and processes. Information is provided about the functions of the office of the Board of Education and the working relationships with the Superintendent and the staff of the Montgomery County Public Schools. New Board members are informed that Board members must file financial disclosure statements annually with the Board's Ethics Panel.

Student Board Member

The student member has the same rights and privileges of an elected member except that the student member may not vote on matters relating to capital and operating budgets, school closings, school reopenings and boundaries, personnel matters governed by §6-202 of the Education Article, and collective bargaining. The student member may indicate a preference, and the vote of the student is recorded in parentheses on these issues. **If invited to do so by the majority of the Board**, notwithstanding the lack of a vote, the student member, ~~upon the majority vote of the other board members,~~ may attend personnel hearings pursuant to §6-202 and closed sessions related to collective bargaining. The student member may also make motions or second motions made by others. However, his or her right to vote on such motions is predicated upon whether it concerns a matter on which the student member's vote counts.

The student member is awarded one full credit in social studies and student service learning hours equivalent to hours devoted to being the student member of the Board upon completion of a one-year term on the Board of Education.

The student member may distribute diplomas and/or certificates at high school commencements but may not confer his or her own diploma.

Filling Vacancy of Board Member's Unexpired Term

In the event of an adult Board member's resignation, death, or removal from office, the remaining members of the Board will select a qualified individual to fill the vacancy. This individual will serve for the remainder of the term and until a successor is elected. The Board determines the process for the selection of the new Board member. In the event of a vacancy in the student Board member, the individual receiving the second highest vote in the most recent election shall be seated as the student member for the remainder of the term.

Removal of Board Member

Pursuant to statute, the County Council may remove a Board member for immorality, misconduct in office, incompetency, or willful neglect of duty. The member may request a

hearing and have an opportunity to be heard. The member also has the right to a de novo review of the removal by the Circuit Court of Montgomery County.

Code of Ethics

The Board of Education **has adopted** ~~endorses~~ the following Code of Ethics as recommended by the National School Boards Association:

"As a member of my local Board of education I will strive to improve public education, and to that end I will:

Attend all regularly scheduled Board meetings insofar as possible, and become informed concerning the issues to be considered at those meetings;

Recognize that I should endeavor to make policy decisions only after full discussion at publicly held Board meetings;

Render all decisions based on the available facts and my independent judgment, and refuse to surrender that judgment to individuals or special interest groups;

Encourage the free expression of opinion by all Board members, and seek systematic communications between the Board and students, staff, and all elements of the community;

Work with other Board members to establish effective Board policies and to delegate authority for the administration of the schools to the Superintendent;

Communicate to other Board members and the Superintendent expressions of public reaction to Board policies and school programs;

Inform myself about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by my state and national school Board associations;

Support the employment of those persons best qualified to serve as school staff, and insist on a regular and impartial evaluation of all staff;

Avoid being placed in a position of conflict of interest, and refrain from using my Board position for personal or partisan gain;

Take no private action that will compromise the Board or administration, and respect the confidentiality of information that is privileged under applicable law; and

Remember always that my first and greatest concern must be the educational welfare of the students attending the public schools."

Moreover, the Board has adopted Policy BBB, *Ethics Policy*, to govern actions of its members, school officials, and employees.

Board of Education Goals and Priorities

The Board of Education has control over educational matters that affect the county and promotes the interests of schools under its jurisdiction. The Board of Education adopts a strategic plan to guide the school system in developing, implementing, and improving educational programs for its students.

With the advice of the Superintendent of Schools, the Board of Education ~~action areas for a biennial following each election of adult Board members.~~ **establishes priorities biennially for each school year together with specific objectives for the attainment of these priorities. Following the establishment of priorities, the Superintendent recommends a calendar of Board meetings based on these priorities.**

Appointment of the Superintendent of Schools

The term of the Superintendent is four years beginning on July 1. The Superintendent serves until a successor is appointed and qualifies. By February 1 of the year in which a term ends, the county Superintendent must notify the Board whether or not he/she is a candidate for reappointment.

In the year in which a term begins, the Board of Education appoints the Superintendent between February 1 and June 30. Should the Board decide to reappoint the incumbent Superintendent, the Board must take final action at a public meeting no later than March 1 of that year.

The appointment of the Superintendent is subject to written approval of the state Superintendent of Schools. If there is a vacancy in the office, the Board shall appoint an interim Superintendent who serves until July 1 after his/her appointment.

Responsibilities and Duties of the Superintendent of Schools

The Superintendent is responsible for the administration of his/her office and carries out the laws, bylaws, and policies of the state Board of Education as well as the rules, regulations, and policies of the county Board of Education. ~~He or she shall devote full time to public school business.~~

The Superintendent advises the Board of Education on educational policies of the school

system, school attendance areas, curriculum guides and courses of study, and any question under consideration by the Board. The Superintendent recommends contracts, to the extent required by law, and other documents for Board approval. The Superintendent also **recommends** ~~informs the Board in advance of~~ administrative reorganizations, including transfers of functions, establishment of positions and offices, and consolidations of positions and offices. ~~all of which are subject to the Board's disapproval.~~ The Superintendent proposes annual operating and capital budgets to the Board of Education. The Superintendent attends all meetings of the Board and its committees unless his/her tenure or salary or the administration of his/her office is under consideration, and except when the Board is considering appeals in its quasi-judicial role in closed session. In the absence of the Superintendent, the Deputy Superintendent or designee fulfills these duties. By contract, the Superintendent is evaluated annually on the achievement of mutually agreed upon priorities and objectives.

By law, the Superintendent as executive officer, secretary, and treasurer of the Board keeps a record of the proceedings of each meeting of the Board and of all actions taken by the Board.

The Superintendent recommends the appointment of administrative and supervisory personnel to the Board of Education for its approval, whether by discrete personnel actions or by way of a monthly personnel report approved by the Board. The Superintendent also informs the Board in advance of transfers of administrative and supervisory personnel. **In the monthly personnel report, the Superintendent recommends approval of personnel appointments, terminations of MCPS personnel, and disciplinary actions.**

Officers

The officers of the Board of Education are the president, vice president, and, by law, the Superintendent of Schools as the executive officer, secretary and treasurer.

The president presides at all meetings, signs authorized or approved contracts and other documents on behalf of the Board, represents the views of the Board in all communications and correspondence, and performs other duties prescribed by law or by the Board. The president may appoint ad hoc committees of the Board and/or staff members to study specific issues or undertake desired projects. In the absence of the president, the vice president performs these duties.

Board Organizational Meeting

The Board of Education must conduct an annual meeting on or before January 10 for the election of a president and vice president. The Board traditionally conducts its election of officers as the first order of business at its first business meeting in December, but, in any event, the election shall take place no earlier than December 1 or the date on which new members are sworn in, whichever is later.

The meeting is called to order by the secretary-treasurer (by law, the Superintendent of Schools), the names of all members are automatically placed in nomination, and, through an individually recorded written vote, the members elect a president and vice president from among the members by majority vote. The election for president shall precede the election for vice president. Immediately upon their election, the president and vice president shall assume the duties of their office.

If both the president and vice president are absent from a Board meeting, the Superintendent presides until a president pro tem is elected from among the Board members.

Meetings of the Board of Education

All meetings of the Board of Education are public meetings, except for closed sessions as permitted under state law.

Regular Meetings

1. The Board usually conducts two business meetings per month. The all-day business meeting is usually held on the second Tuesday of the month, and the evening business meeting is usually held on the second Monday following the all-day meeting (13 days later). These meetings are held at the offices of the Board of Education at the Carver Educational Services Center in Rockville, Maryland, unless otherwise designated.
2. **Every effort is made to schedule items of significant public interest at times convenient to the general public, and a special effort is made to group similar and major educational issues together during business meetings.**
3. At every business meeting, 30 minutes are set aside for Public Comments to encourage public participation. ~~Unless the president should reserve priority slots for organizations or elected officials to address matters of concern on that meeting's agenda,~~ The first fifteen (15) speakers who contact the Board Office by telephone from 3 p.m. to 4:30 p.m. on Monday prior to the business meetings are granted two (2) minutes to speak. If the Board Office is closed on a Monday, callers may register to speak by calling as of 8:30 a.m. the following Tuesday. Unallocated slots may be filled -- first come, first served -- by signing the appropriate sheet at the Board meeting no later than 15 minutes prior to the scheduled time for Public Comments. Comments about the actions or statements of individual staff members are not appropriate for Public Comments and should be referred to the Superintendent of Schools or processed through available channels. If submitting written testimony, speakers are requested to provide 20 copies.
4. The advance agenda shall indicate if an item is intended for discussion (D),

action (A), information (I), and/or recognition (R). Notwithstanding the designation, any member can introduce ~~for action~~ a resolution germane to an **agenda item matter** before the Board.

5. In addition to taking action on scheduled items, the agenda of each business meeting contains an opportunity for Board and Superintendent comments on activities, requests for information, and questions of a general concern. Requests for information that would entail a commitment of considerable amount of time of staff to respond shall require either approval by the Board as an item of new business or voicing of a consensus on the part of the entire Board.
6. There are two ways to place an item on Board agendas. One way is for the Board officers and the Superintendent, when setting the Board agenda, to agree that certain items need to appear. The other method is for an item to be brought before the Board through a motion and a second under "new business" at a business meeting, and for a majority of the Board to approve that motion at a subsequent meeting. Unless stated in the motion, the scheduling of any new business item shall be determined by the Board officers and Superintendent, **with every effort being made to schedule major action items when all Board Members can be present. Except for policy matters**, items that are time- sensitive may be voted upon during the same meeting as introduced if the Board members by ~~consensus~~ or majority vote so concur. Board member proposals to establish special programs where a substantial amount of staff time is needed to develop the programs must be approved in accordance with Board procedure for establishing and evaluating special programs.
7. At every business meeting, an item is scheduled on future and past closed sessions. For future closed sessions, the Board will adopt a resolution citing the reason(s) for the sessions as well as the time and place of the sessions. For past closed sessions, a statement will be made on the time, place, and purpose of the closed session; a record of the vote of each member as to closing the session; a citation of the authority for closing the session; and a listing of topics of discussions, and persons present, and each action taken during the session.
- ~~8. At every business meeting, time shall be set aside for "Consent Items," consisting of matters which the president or Superintendent believes will be adopted by unanimous vote. Approval of the consent agenda shall include the approval, by one voice vote, of all items included as consent items, provided that any member may defer to the end any item on which discussion is desired, after which a separate vote shall be taken.~~
8. Meetings are to begin promptly at the starting time on the agenda, a quorum being present. Closed sessions normally are scheduled at the start, lunch hour, and/or end of the meeting. Evening meetings will be scheduled to conclude no later than 11 p.m. and, normally, no new item of discussion or action will be taken up after 11 p.m.

9. The Board of Education schedules a recess for ~~two or three weeks~~ during **August** ~~the summer~~. The Board officers shall establish the timeframe for the recess.

Special Meetings

Other than regularly scheduled business **and committee** meetings publicized in advance, the Board may meet for work sessions, policy development sessions, annual meetings with organizations and other public bodies, meetings with students, public hearings, cluster meetings, and public forums. These meetings may be held at the offices of the Board of Education or in communities throughout the county.

Special meetings may also be called by the president of the Board, by the Superintendent, or at the written request of a majority of the Board. Whenever possible, at least 24 hours notice of special meetings and their purpose will be given to each Board member and, whenever feasible, meeting dates will be determined in consultation with Board members.

No business may be transacted at a special meeting which does not come within the purposes set forth in the call for the meeting unless all Board members are present and agree unanimously to the consideration of the additional item(s).

Retreats

The Board holds retreats from time to time for such purposes as to provide orientation to newly elected Board members, to provide background for contract negotiations and to provide the opportunity for members to discuss Board operations, goals, and priorities. Any substantive conclusions about priorities, and other specific actions of a policy or budgetary nature, reached during Board retreats must be publicized afterward and adopted formally by the Board in recognition of the fact that Board business must be conducted in public.

Closed Sessions

Meetings of the Board and its committees are subject to the Open Meetings Act. Under Title 10 of the *State Government Article* of the *Annotated Code of Maryland*, the Board of Education is authorized to meet in closed session **and retreats** to discuss personnel matters, acquisition of real estate, pending litigation, collective bargaining issues, matters protected from public disclosure by law, and other issues including consultation with counsel to obtain specific legal advice under Section 4-104 of the *Education Article* and Section 10-508 of the *State Government Article* of the *Annotated Code of Maryland*. The Board of Education adopts a resolution prior to going into closed session and states the reason for the session; if an emergency session is required, the Board must give notice of the session and take a public vote to go into closed session. The following are guidelines for closed sessions:

1. Closed sessions may be called by the president at any time, at the request of any member or the Superintendent. However, the Board must take a public vote to go into closed session and must give public notice of the meeting by delivering

a notice of the date, time, and place of meeting to the news media or posting the notice at the meeting site.

2. The presiding officer shall conduct a recorded vote on the closing of the meeting and shall make a written statement setting out the reason for closing the meeting, the specific provision of the Open Meetings Act that allows the meeting to be closed, and the topics to be discussed at the closed session.
3. ~~All final actions reached during closed session must be confirmed at a public meeting.~~
3. It is the responsibility of Board members to monitor the topics discussed in closed session to assure that the topics discussed are appropriate for closed session.
4. Board members and staff are expected to maintain the confidentiality of closed session.
5. The attorney general has ruled that although the Montgomery County Board of Education is without power to discipline its members, it is free to adopt a resolution that expresses its disapproval of a member's action in disclosing the contents of a closed session discussion.

Committees

As the Board deems appropriate, standing and ad hoc committees **and subcommittees** shall be established by resolution, reflecting their mission and composition. After initial appointments being made for staggered terms, future vacancies shall be filled at the all day meeting each December. Committees shall decide upon their own meeting schedules and make recommendations to the full Board, as appropriate. **The Board shall consider any recommendations from a committee or subcommittee after having provided the opportunity to the Superintendent of School to make a recommendation or otherwise advise the Board as to its committee or subcommittee's recommendation. Committee and subcommittee meetings are governed by the Opening Meetings Act.**

Rules of Order

The Board of Education observes *Robert's Rules of Order, Newly Revised*, in conducting its meetings, except as provided otherwise either in this Handbook or Board Policy. Moreover, the Board is guided by its own rules, state statutes, and state Department of Education bylaws which establish the following:

1. A motion is not adopted without the approval of five members with the exception of those matters on which the student member's vote does not count, in which instance the motion requires the approval of only four members.

2. The Board adopts its agenda at the beginning of a business meeting. Times listed are intended for guidance only. Unless changed by the Board, the order in which items appear on an agenda will be followed. Any changes in the adopted agenda are made by consensus or by majority vote.
3. A quorum consisting of a majority of the full Board shall be present to convene a meeting. Thereafter, the quorum required to transact business will vary depending upon whether the student member's vote counts.
4. Any resolution introduced which involves a matter of policy shall lie on the table for at least one week before being voted upon. The presiding officer rules as to whether any proposed resolution is a policy. If there is an emergency, this provision may be waived without notice if all members are present and there is unanimous agreement.
5. The rules and regulations governing the Board (except those required by statute and governing special meetings and policy issues) may be amended by a majority vote of the Board at any meeting, provided that each member shall have been furnished a copy of the proposed amendment at least one week in advance. Robert's Rules state: "Rules protecting absentees or a basic right of the individual member cannot be suspended, even by general consent or a unanimous vote."
6. Board members may not vote in absentia or by proxy.
7. The staff director serves as parliamentarian to the Board of Education.

Record of Meetings

The Board of Education maintains records of meetings as follows:

1. Audio tape recordings of all public meetings and video tapes of major meetings that are televised.
2. The minutes of all public meetings, **contain** ~~are limited to actions~~ taken by the Board **and a summary of the Board's discussion.** ~~unless~~ **A** Board member **may** specifically request that a statement on a subject be reflected in the minutes. The minutes record the vote of the student member in parentheses when the student's vote does not count.
3. Minutes of closed sessions, which include a list of each item considered, the action taken, and each recorded vote.
4. The tape recordings and minutes of public meetings are available as a matter of public record. Arrangements can be made to purchase audio and video tape

recordings of Board meetings.

Negotiations

The Board of Education engages in contract negotiations with the Montgomery County Association of Administrative and Supervisory Personnel (MCAASP), the Montgomery County Education Association (MCEA), and the Montgomery County Council of Supporting Services Employees (MCCSSE). By law, the Board of Education is permitted to meet in closed session to discuss issues related to contract negotiations with the employee organizations. It is expected that Board members will maintain the confidentiality of issues discussed during closed sessions.

The *Annotated Code of Maryland*, Education Article, §§6-408 and 6-510, provide the framework for negotiations.

Personnel Appointment Procedures

1. Under state law, it is the responsibility of the Superintendent of Schools to recommend the appointment of personnel to administrative and supervisory positions. These appointments are discussed by the Board of Education in closed session and confirmed by majority vote in public session.
2. The Superintendent also notifies the Board in advance of the transfers of personnel to administrative and supervisory positions. These transfers are discussed in closed session and subject to disapproval by majority vote in public session.
3. The Board of Education also receives and reviews a monthly personnel report in closed session and takes a public vote on the report. The report contains appointments and of administrative and supervisory personnel, teachers and supporting services personnel, ~~and extended leaves of absence and terminations for all personnel, and~~ ~~The report also contains~~ notice of suspension and dismissal actions. In addition, the Board adopts resolutions expressing sympathy when an employee has died.

Meetings with Various Organizations

As part of its master calendar, the Board schedules annual meetings with the officers of the Montgomery County Region of Student Councils, Montgomery County Junior Councils, and Student Government Association presidents, Montgomery County Council of PTAs, Montgomery County Association of Administrative and Supervisory Personnel, Montgomery County Education Association, Montgomery County Council of Supporting Services Employees, and PTA clusters (the latter on a rotating basis). The Board may also meet from time to time in informal meetings with the Montgomery County Council, the County Executive, the Board of Trustees of Montgomery College, and the Montgomery County Planning Board.

Public Hearings -- Other Than Facilities Hearings

The Board of Education schedules public hearings on issues it determines to be of widespread interest and concern. **A quorum of the Board is not required to be present for a hearing to be conducted.** In addition to special public hearings, the Board holds hearings on its annual operating budget, its proposed capital budget and CIP, and on school boundaries. **Hearings for the proposed capital budget and CIP and/or boundaries are governed by Board Policy FAA.** ~~Insofar as boundary issues are concerned, the Board retains the option of not holding a hearing if no Board alternatives are placed on the table pursuant to Policy FAA. Moreover, during the off year of the biennial capital budget, the Board may opt not to receive oral testimony at a public hearing except from cluster schools potentially affected by a boundary change.~~

General guidelines for these public hearings are as follows:

1. Whenever possible, a public hearing will be scheduled one month in advance. The subject and date of the hearing will be publicized through the Board's customary communications channels and by a release to the news media.
2. The public may sign up to speak beginning at 9 a.m. on the day three weeks prior to the hearing. ~~or, in the event of the Superintendent's proposed CIP or boundary changes, upon the release of his recommendations.~~ The agenda for the hearing is closed when the maximum number of speakers is registered or at the close of business the day before the hearing. Hearings usually begin at ~~6:30~~ **7:00** p.m. and conclude at 10:30 p.m., unless the Board decides to schedule a hearing during a weekday or weekend.
3. The following time limits for testimony apply:
 - Organizations/Municipalities/Elected Officials
5 minutes
 - Individuals
3 minutes
 - Clusters (depending on number of schools)
10-15 minutes
4. Municipalities and the MCCPTA shall be accorded the opportunity to testify first, followed by PTA's and then--on a first come, first served basis--individuals, civic and countywide organizations. Usually, MCCPTA Cluster Coordinators in consultation with their PTA Presidents, will coordinate testimony on behalf of local PTAs and notify the Board Office of speakers within their allotted cluster time. Alternatively, such testimony may be coordinated by MCCPTA Area Coordinators, in which case testimony may be grouped by areas and time allotted differently than stated above. Cluster Coordinators and Area Coordinators are strongly encouraged to ensure that diversity of opinions are accommodated when scheduling testimony.

5. A person calling to speak, other than a Cluster or Area Coordinator, may reserve only one space. Only one speaker will be registered for any organization unless the Board provides otherwise. Individuals and organizations may not cede time to others who have signed up. Elected officials are given the courtesy of being placed at the time of their choice on the agenda.
6. Speakers are encouraged to provide 25 copies of their statements at the hearing for distribution to Board, staff, and press.
7. Public hearings are tape (audio and video) recorded, and arrangements can be made to purchase the recording at a later date, if desired.
8. If the speakers are not present at their designated time, every effort will be made to accommodate their testimony prior to adjournment of the meeting.
9. To expedite the hearing, Board members and the Superintendent will limit their participation solely to asking questions of the speakers or followups of staff. Cluster coordinators, and other interested citizens upon request, shall be provided copies of follow-up responses to questions raised at hearings.
10. Written statements submitted in lieu of testimony will be given equal consideration, but, in order to be considered, must reach the Board no later than 48 hours before the time scheduled for action by the Board. **Whenever possible, the public record will remain open for two weeks following the public hearings.**

Public Participation in Board Meetings

The members of the Board of Education desire to hear the views and have the advice of interested citizens. To help ensure effective public participation in the decision-making process, the Board:

1. Makes agenda materials available to the public on the day of the evening business and special meetings and the Monday prior to the all-day business meetings.
2. Maintains an agenda mailing list for interested citizens and press.
3. Posts the agenda on the school system's e-mail system and Internet site.
4. Involves citizens and students on advisory committees.
5. Holds public hearings on the operating and capital budgets on issues of wide public interest.
6. Provides time at its business meetings for the public ~~and press~~ to comment on educational issues and other matters before the Board.
7. Encourages citizens to communicate with Board members by publishing public telephone numbers, fax numbers, addresses, and e-mail addresses.
8. Widely circulates proposed policies for comment. (See below.)

Policy Development and Adoption

The Board of Education has a policy on policy-setting which includes a definition of "policy" and a uniform format for policy development and implementation, including publication, monitoring of implementation, and review. Discussion of a new policy usually occurs over three meetings: one to discuss the Superintendent's policy analysis, the second to take tentative action, and the third to take final action on the policy.

Any resolution introduced which involves a matter of policy shall lie on the table for at least one week before being voted upon. The presiding officer rules as to whether any proposed resolution is a policy. If there is an emergency, this provision may be waived without notice if all members are present and there is unanimous agreement.

Agenda-Setting and Board Materials

1. Prior to July of each year, the Board of Education receives a master calendar of Board meetings and hearings for the ensuing year.
2. A continuous listing of future agenda items is maintained; provided, however, that subsequent to the last meeting in November following each biennial election of Board members, upon the adjournment of the Board *sine die*, the Board officers and Superintendent of Schools shall determine those items to remain on the list of "items to be scheduled," giving due regard to items of new business approved by the Board and considered input of individual members. **As a result of this biennial review, respective Board Members shall be notified of the deletion of any items which they had originally introduced.** Information on topics to be discussed is made available to the press, staff, and public through "items in process," an information item distributed at the all-day business meeting, as well as through materials developed at the agenda-setting meeting (explained below).
3. Pre-Board and Post-Board:
 - a) Pre-Board. Prior to a Board meeting, with as much advance notice as feasible, Board members who need information or desire staff members to be available to answer questions at the table about an issue should alert **Board staff to request that the Superintendent in writing**, if possible, answer those questions and/or provide the information needed.
 - b) Post-Board. After business meetings and hearings, the Board staff and Superintendent's staff discuss items raised during the Board meeting, assign responsibilities for follow-up items, and review draft agendas and calendars for future Board meetings.
4. The Board Office schedules a monthly agenda-setting meeting with Board officers, the Superintendent, and designated staff. At these meetings, the following items are discussed:

- a) The agenda for ~~future the next several~~ business meetings. The Superintendent and/or designee ~~and the Staff Director~~ advise the Board officers of time requirements for agenda items, the status of major items to be discussed, and the availability of staff to be present for Board discussions.
 - b) A list of items to be scheduled. The Superintendent and/or designee ~~and the Staff Director~~ inform the officers of the status of items to be scheduled and suggest dates for their presentation.
 - c) Calendar. The Superintendent and/or designee and **Board officers** ~~Staff Director~~ review a calendar of future Board meetings (regular and special), closed sessions, public hearings, and work sessions.
 - d) After the agenda-setting meeting, copies of materials agreed upon are sent to Board members, executive staff, employee organizations, MCCPTA, and MCR. Upon request, copies are made available to the public and the press.
5. An agenda mailing list, which is updated annually, is maintained for designated organizations, government agencies, and individuals.
 6. Packets of Board agenda materials are prepared for Board members, key staff, selected organizations, and the press. Board members receive duplicate copies of materials previously distributed.
 7. Board folder materials are not released to the public until Board members have received them. Press packets are normally available on Monday mornings prior to regular Board meetings.
 8. Upon distribution of the Board folder materials, the agenda for all business meetings shall be posted on the school system's e-mail system and Internet site.
 9. Major reports and policies which require extensive study and review are distributed to Board members at least **one regular meeting** ~~two weeks~~ in advance of the meeting when they are scheduled for Board consideration.

Appeals to the Board of Education

The various procedures governing appeals to the Board are listed in the MCPS Policies and Regulations Handbook as well as state law.

The major documents governing appeals to the Board of Education are in MCPS Policy BLB: *Rules of Procedure in Appeals and Hearings* and MCPS Regulation JEE-RA, *Transfer of Students*. Appeals are of three types pursuant to *Annotated Code of Maryland, Education Article*: §4-205(c) disputes involving rules and regulations of the Board; §6-202(a) suspensions or dismissals of professional and/or certificated personnel; and §7-304(c) student suspensions

of more than 10 days or expulsions.

Once an appeal is started through the process, it is inappropriate for Board members to discuss the issue with the appellant, the public, or staff. Once the appeal is properly filed, unless the appeal is subsequently withdrawn by the appellant or the Superintendent has granted the requested relief, only the Board itself can dismiss the appeal. It is expected that Board members will maintain the confidentiality of documents related to the appeal and not discuss these materials with those not privy to such information.

Board of Education Correspondence and Memoranda Procedure

Logs are maintained of incoming and outgoing correspondence and memoranda to the Board and from the Board members.

Correspondence, Form Letters, and Petitions

1. Incoming correspondence is duplicated for all members of the Board and Superintendent. Board Office staff determines whether correspondence requires a response and, if a response is required, assigns a due date for the preparation of the reply and directs the correspondence to the appropriate staff member. Staff prepares responses for the signature of the Board president, or in special cases the Board president responds personally. When the reply is signed by the Board president, copies of the response are duplicated for Board members.
2. Petitions and form letters are not duplicated for Board members. Staff counts the signatures and provides a sample page of the petition. One copy of the form letter is provided to the Board with a count of the number of form letters received.
3. When a heavy volume of single issue mail is received, the Board president determines whether these letters can be responded to by postcard. The postcard acknowledges receipt of the letter.
4. Individual Board members have the option of responding directly to correspondence addressed to the Board or the individual member.
5. The ombudsman/staff assistant maintains oversight of the incoming mail process and reviews all outgoing correspondence pertaining to the Board of Education.

Memoranda

1. A memorandum written by a Board member is automatically duplicated for all Board members, the Superintendent, Deputy Superintendent, appropriate associate superintendents, and Board staff. The Superintendent assigns the

responsibility of preparing replies to Board memoranda and follows up to make sure a timely response is prepared.

2. A memorandum written to a Board member is automatically duplicated for all Board members, the Superintendent, Deputy Superintendent, appropriate associate superintendents, and Board staff. Exceptions are confidential memoranda which may have expressly limited distribution.

Public Access to Correspondence and Memoranda

1. All correspondence and memoranda addressed to the Board of Education, the Board President, or to Board members that is received in connection with the transaction of public business is available for public inspection at reasonable times unless it meets one of the criteria for denial in Maryland's Public Information Act (Annotated Code of Maryland, State Government Article, Sections 10-611 et seq.).
2. The Superintendent is the official custodian of the records with the authority to delegate this responsibility.
3. The requestor of records may be charged fees to cover the cost of searching, preparing, or photocopying a public record.
4. If the request for records is denied, the reasons must be consistent with Maryland's Public Information Act, subject to review by the Circuit Court of Montgomery County.

Board Advisory Committees

The Board of Education is empowered by state law to create citizen advisory committees to advise the Board, to facilitate activities and programs in the school system, and to recommend possible changes in Board policy. Committees may be on-going or created for special purposes on a short term basis. A listing of current Board advisory committees and subcommittees shall be available from the Board Office.

In addition, there are advisory committees reporting to the Superintendent of Schools. On occasion, these committees present their annual reports to the Board of Education.

Moreover, pursuant to law and policy, the Board of Education has appointed an Ethics Panel which interprets the Board's ethics policy, reviews financial disclosure statements, and advises persons subject to the policy as to its application.

Board of Education Memberships

The Board of Education maintains membership in state and national school boards associations as well as educational associations. The Board determines which, if any, state and/or national affiliations it wishes to add or maintain. Organizational memberships currently include the Maryland Association of Boards of Education, the Legal Services Association, the National School Boards Association, the National Federation of Urban-Suburban School Districts, and the American Association of School Administrators.

Operating Budget Approval Process and Long-Range Educational Facilities/Capital Budget Process

Two major issues which come before the Board of Education each year are the operating budget and the long-range educational facilities plan which includes action on the capital budget.

The operating budget includes salaries, contractual services, supplies and materials, furniture and equipment, and other funds necessary for the daily operation of the school system. The Board holds operating budget hearings in January after the December presentation of the Superintendent's recommended budget.

The operating budget is developed under the direction of the Superintendent who receives a wide range of community and parental input, including that of the Budget Review Committee established by resolution of the Board. The Superintendent recommends the budget's adoption to the members of the Board. The Board may hold work sessions prior to the adoption of the budget to secure additional information on the recommendations of the Superintendent and on items the Board itself is considering.

The date for submission of the operating budget to the County Council is established by county law. The budget must be submitted to the county by March 1 of each year and be adopted by the Council by June 1. In June the Board makes adjustments to the budget to conform with Council action and to reflect the final judgment of the Board on expenditure priorities prior to the July 1 deadline for submitting the school system's final operating budget to the County.

Each spring, the Superintendent reviews all Board of Education facilities decisions and capital budget requests. The capital budget includes construction and planning funds for new facilities, modernizations and renovations; furniture and equipment associated with these projects; and countywide maintenance efforts. Facilities issues include building utilization, educational program capacity, enrollment projections, boundary changes, and school closings/consolidation. During the spring, cluster, school, and community representatives meet to discuss feasible school program and facility alternatives, and by July 1, cluster representatives send the Superintendent proposed solutions, priorities, or concerns the cluster has identified for its schools.

Early in October, the Superintendent holds a public work session with the Board to discuss

new school enrollments and projections. On or about November 1, the Superintendent publishes a proposed Six-year Capital Improvements Program **or amendments thereto**, subsequent to which the Board holds a work session at which members may propose alternative solutions to boundary changes. During November, the Board holds public hearings on facilities and boundary proposals with decisions scheduled prior to the end of November. The Board may opt to defer until a later time (usually March) selected boundaries and facilities decisions. (See the Policy on Long-range Education Facilities Planning (FAA) for more details.)

Board Office Staff

Acting under the supervision of the Staff Director, the Board of Education staff **shall provide general support to the Board of Education and its members to facilitate the discharge of their statutory responsibilities. Specifically, staff**

- assists employees, parents, citizens and students having problems, complaints, information or suggestions and brings them to the attention of Board of Education members and other school officials, as appropriate;
- responds to requests from members of the Board of Education, the Superintendent, staff, public, and other governmental agencies for information on past or pending Board business;
- provides legislative and intergovernmental information and support, including representation of the Board of Education's interests before the General Assembly and State Board of Education;
- provides research assistance and analysis to members of the Board of Education;
- keeps official records of Board of Education business;
- attends all appropriate Board meetings;
- provides staff support, minutes, and follow-ups to Board of Education committees;
- coordinates the process of recruitment of nominations for appointment to Board of Education advisory committees;
- directs all appeal matters before the Board of Education;
- carries out responsibility of the daily administration of the office of the members of the Board of Education, including correspondence, calendar and general staff support.

School Board Attorney

By state law, the Board of Education is empowered to retain counsel to represent it in legal matters. The procedures for retaining, appointing, and reviewing the performance of counsel are contained in the Board of Education Policy on Legal Services (BOA).

Board Member Expense Standards

All members of the Board of Education are entitled to be reimbursed for expenses directly related to Board business, beyond compensation provided by law (the adult members receive an annual compensation of \$12,000, and the president receives an additional \$2,000). The expenses directly related to Board business for which a Board member may be reimbursed include local travel expenses (travel and expenses in the Washington metropolitan area and **elsewhere in Maryland** ~~intrastate travel~~) as follows:

1. Automobile mileage, **except for two** regular business meetings **a month**, ~~Reimbursement~~ for hearings, special meetings, and other travel related to Board business or their responsibilities as Board members. The student member receives similar reimbursement for expenses incurred in connection with official duties.
2. Parking, tolls, taxis, rail, bus or air fare.
3. Meals -- actual expenses for business-related meals ~~up to a maximum of \$50 per day~~ for three meals. Actual expenses for meals at banquets or other events are reimbursed.
4. Telephone installation and monthly charges for an additional private line, fax line, computer line, and long-distance calls related directly to Board business are reimbursed.
5. Reimbursement for local newspapers and publications not subscribed to prior to taking office; supplies, postage, and other materials necessary for discharging the responsibilities of Board members.

Actual expenses directly related to Board business for out-of-state travel to meetings and conferences are reimbursed and are not included in the limits established for local expenses. Overnight stays in the Washington metropolitan area and elsewhere in Maryland are considered to be out-of-state travel. These expenses include transportation, meals, registration fees, and incidental expenses.

Expenses relating to the operation of the Board of Education as an entity shall be expended at the discretion of the Staff Director in consultation with the officers of the Board.

If equipment is purchased by MCPS for the use of a Board member, that equipment is the property of MCPS and reverts to MCPS at the conclusion of the member's term of office. All efforts will be

made to supply the member with operable equipment from within the inventory of MCPS.

Once equipment funds budgeted for the Board of Education are expended, only the Board officers may authorize additional purchases. Board ~~members~~ **officers** will be provided with a **quarterly** ~~semi-annual~~ report on the status of Board Office expenditures.

Procedures for processing monthly expense accounts are as follows:

1. Expense forms should be submitted to the Board Office at the beginning of the next month for the prior month's expenses.
2. The Staff Director processes the reports and refers questions to the president of the Board.
3. The expense form is reviewed and signed by the **president of the Board Staff Director** and the primary account manager before being forwarded for payment. Whenever possible, the expense form must be accompanied by appropriate receipts and phone bills.

Commencements

One of the major responsibilities of a Board member is to officiate at high school commencements. Board members typically attend a number of graduations which are proportionate for each member of the Board. The Superintendent has the responsibility for ensuring that Board members are informed in advance of the role Board members are likely to play at commencements. By tradition, Board members certify the graduation of students from high school by the following statement:

By virtue of the authority vested in the Board of Education of Montgomery County under the laws of the State of Maryland, I do now award diplomas or certificates evidencing the satisfactory completion of prescribed courses of study to the students of _____ High School who are recommended for graduation by the faculty of this school. In receiving this diploma or certificate, each of you is entitled to all of the privileges and honors accorded graduates of a high school accredited by the Maryland State Department of Education and the Middle States Association of Colleges and Secondary Schools.

RESOLUTION NO. 460-98

Re: **CLOSED SESSION RESOLUTION**

On recommendation of the Superintendent and on motion of Ms. Gutiérrez seconded by Ms. Signer, the following resolution was adopted unanimously:

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 sessions; now therefore be it

Resolved, That the Board of Education of Montgomery County conduct a portion of its meeting on Wednesday, July 29, 1998, from 7:00 - 9:00 p.m. to discuss personnel matters and other matters protected from public disclosure by law, to review and adjudicate appeals, and to address other issues including consultation with counsel to obtain legal advice; and be it further

Resolved, That the meeting be conducted in Room 120 of the Carver Educational Services Center, Rockville, Maryland, as permitted under Section 4-107, *Education Article of the Annotated Code of Maryland* and Section 10-508 of the *State Government Article*; and be it further

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

Re: REPORT OF CLOSED SESSION

On June 9, 1998, by the unanimous vote of members present, the Board of Education voted to conduct a closed session on June 22, 1998, as permitted under § 4-107, *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 June 22, 1998, from 7:30 to 7:55 p.m. The meeting took place in Room 120, Carver Educational Services Center, Rockville, Maryland.

The Board met to discuss personnel matters, and the Board reviewed and adjudicated Appeals 1998-10 and 1998-22.

In attendance at part or all of the above closed session were: Elizabeth Arons, Larry Bowers, Geonard Butler, Reggie Felton, David Fischer, Bea Gordon, Pat Hahn, Roland Ikheloa, Nancy King, George Margolies, Brian Porter, Glenda Rose, Ruby Rubens, Mona Signer, Steve Seleznow, Paul Vance, and Debbie Wheat.

On June 22, 1998, by the unanimous vote of members present, the Board of Education voted to conduct a closed session on July 1, 1998, as permitted under § 4-107, *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 July 1, 1998, from 9:15 to 9:25 p.m. The meeting took place in Room 120, Carver Educational Services Center, Rockville, Maryland. The Board met to discuss personnel matters.

In attendance at part or all of the above closed session were: Elizabeth Arons, Larry Bowers, Geonard Butler, Alan Cheung, Blair Ewing, Reggie Felton, David Fischer, Kathy Gemberling, Bea Gordon, Pat Hahn, Roland Ikheloa, Nancy King, George Margolies, Brian Porter, Glenda Rose, Ruby Rubens, Mona Signer, Steve Seleznow, and Paul Vance.

RESOLUTION NO. 461-98 Re: **MINUTES OF MARCH 23, 1998**

On motion of Mr. Felton and seconded by Ms. Signer, the following resolution was adopted unanimously:

Resolved, That the Board of Education approve its minutes for March 23, 1998.

RESOLUTION NO. 462-98 Re: **MINUTES OF APRIL 8, 1998**

On motion of Ms. Gutiérrez and seconded by Ms. Signer, the following resolution was adopted unanimously:

Resolved, That the Board of Education approve its minutes for April 8, 1998.

RESOLUTION NO. 463-98 Re: **MINUTES OF APRIL 20, 1998**

On motion of Dr. Cheung and seconded by Mr. Butler, the following resolution was adopted unanimously:

Resolved, That the Board of Education approve its minutes for April 20, 1998.

RESOLUTION NO. 464-98 Re: **MINUTES OF APRIL 23, 1998**

On motion of Ms. Signer and seconded by Mr. Felton, the following resolution was adopted unanimously:

Resolved, That the Board of Education approve its minutes for April 23, 1998, (Non-recommended Reductions).

RESOLUTION NO. 465-98 Re: **MINUTES OF APRIL 23, 1998**

On motion of Mr. Ewing and seconded by Ms. Signer, the following resolution was adopted unanimously:

Resolved, That the Board of Education approve its minutes for April 23, 1998, (MCCPTA).

RESOLUTION NO. 466-98

Re: **BOARD APPEAL NO. T-1998-5**

On motion of Mrs. Gordon and seconded by Ms. Gutiérrez, the following resolution was adopted:

Resolved, That the Board of Education adopts its Order in Appeal T-1998-5, a student transfer matter, reflective of the following vote: Mr. Butler, Mr. Felton, Mrs. Gordon, Ms. Gutiérrez Mrs. King, and Ms. Signer voting to affirm; Dr. Cheung and Mr. Ewing voting to reverse.

RESOLUTION NO. 467-98

Re: **BOARD APPEAL NO. T-1998-6**

On motion of Mrs. Gordon and seconded by Dr. Cheung, the following resolution was adopted:

Resolved, That the Board of Education adopts its Order in Appeal T-1998-6, a student transfer matter, reflective of the following vote: Mr. Butler, Dr. Cheung, Mr. Ewing, Ms. Gutiérrez, and Mrs. King voting to reverse; Mr. Felton, Mrs. Gordon, and Ms. Signer voting to affirm.

RESOLUTION NO. 468-98

Re: **BEHAVIORAL CONTRACTS**

On motion of Ms. Gutiérrez and seconded by Mr. Ewing, the following resolution was adopted unanimously:

Resolved, That the Board of Education schedule time to discuss the current guidelines or practices on the use of behavioral contracts and the impact of those contracts in preventing dropouts, including quantitative indicators of how the contracts are used.

RESOLUTION NO. 469-98

Re: **SERVICE LEARNING**

On motion of Mr. Felton and seconded by Ms. Signer, the following resolution was adopted unanimously:

WHEREAS, The Board of Education is a strong supporter of Service Learning as an important aspect of public education; and

WHEREAS, The Board of Education has established a minimum number of Service Learning hours as a prerequisite for graduation for all students; and

WHEREAS, A number of MCPS courses have been identified, which provide credit toward the Service Learning Requirement; and

WHEREAS, These identified courses require Service Learning projects as a natural outgrowth of the curriculum; now therefore be it

Resolved, That the Board of Education request the Superintendent to bring to the Board a report on the impact of the Service Learning Requirement on the curricula, and the additional training, guidance, and staff support currently provided to teachers and instructional assistants in the implementation of these new requirements through MCPS courses; and be it further

Resolved, That the Superintendent bring forth specific recommendations regarding any training, funding reallocations, staff realignments, and staff accountability necessary to ensure that the spirit and intent of the Service Learning requirements are successfully achieved by MCPS.

Re: **GIFTED AND TALENTED EDUCATION**

Mr. Ewing moved and Mr. Felton seconded the following:

WHEREAS, The Board of Education has reviewed standards for gifted and talented education, Grades K - 5; and

WHEREAS, There are further actions needed to ensure effective implementation of the gifted and talented policy; now therefore be it

Resolved, That the Board of Education directs the Superintendent of Schools to implement the draft math standards for gifted and talented elementary students, as broadly as possible this fall, with the expectation that gifted students will complete on average 1 ½ years of math per year beginning in kindergarten; and be it further

Resolved, That a like effort be made to implement science standards as broadly as possible this fall; and be it further

Resolved, That monitoring and evaluation of implementation of the gifted and talented policy be continued and intensified and that individual schools implementation scores be provided to the Board of Education at least annually; and be it further

Resolved, That the Superintendent identify as specifically as possible the materials, training, curriculum, and other resources still needed to implement the gifted and talented program throughout MCPS, so that the time lines for implementation can be either maintained or accelerated, with the expectation

that implementation will begin to occur in every elementary and middle school in math and science in the fall of 1998, but could be accelerated more broadly if resources were available; and be it further

Resolved, That MCPS explore the development and publication of a brief booklet or set of guidelines primarily intended for parents, but also for teachers and administrators, on what parents ought to expect in every elementary and middle school in gifted and talented education.

Re: **DISCUSSION**

At the request of the Board, the Superintendent provided suggestions on the language for the resolution as well as implementation strategies. Those clarifications were presented to the Board in a written paper and explained by Dr. Mary Helen Smith, associate superintendent for the Office of Instructional Programs and Development.

Mr. Felton asked for clarification on the highly able as related to the gifted and talented student. Dr. Smith explained that approximately 10% of MCPS students are ready for high level math and ready for AEM 7 math in grade 6. Another 10% of the students need to be challenged in math.

Mrs. Gordon stated that this was not limited to those students who were identified as gifted and talented, but there may be other highly able students who do not have the identification, but could handle the curriculum at the same pace. Dr. Smith responded that staff was trying to find students who could do well in math.

Ms. Signer's concern was that staff was trying to find those students without an objective method of identifying gifted and talented or highly able students prior to the CRTs. Dr. Flynn (director of Academic Programs) reported that a portion of the AEM program was very specific to the issue of preassessment prior to the administration of the CRTs in the third grade.

Ms. Signer asked if all students were administered the AEM lesson plans. Dr. Flynn responded that for the most part they are not. It is a program for students who have already been identified as gifted. Ms. Signer stated that that approach troubled her since it was a very subjective way of identifying highly able students.

Mr. Ewing thought the suggested alternative *resolve* did not mention completing the sequence by gifted and talented students by the end of the fifth grade. The resolution could include the expectation that 10% of the gifted and talented students (highly able) ought to be able to complete the K-8 mathematics sequence by the end of the fifth grade, and all gifted and talented students should be challenged to move as rapidly as possible

through the AEM program.

Ms. Gutiérrez thought the staff's plan was broader than the original resolution. She questioned whether there was a need for additional requirements placed in a resolution adopted by the Board. There could be documentation in order for the Board to have a clearer definition of what is taking place in the area of mathematics.

Re: **SUBSTITUTE MOTION ON GIFTED AND TALENTED EDUCATION**

On motion of Mr. Ewing and seconded by Mrs. Gordon, the following substitute motion was placed on the table:

Resolved, That the Board of Education direct the Superintendent of Schools to implement the draft elementary mathematics standards and the supporting instructional guides, materials, and resources of the Accelerated and Enriched Mathematics (AEM) program in no fewer than 70 schools during the 1998-99 school year; and be it further

Resolved, That a like effort be made to implement the science standards in no fewer than 70 schools during the 1998-99 school year; and be it further

Resolved, That the staff from the Office of Instruction and Program Development (OIPD) Department of Education Accountability (DEA), and the Office of School Administration (OSA) collaborate on the development of a process for monitoring and evaluating the implementation of the Policy on Gifted and Talented Education in individual schools; and be it further

Resolved, That the Superintendent identify as specifically as possible the materials, training, curriculum, and other resources needed to implement the science and mathematics gifted and talented standards in these 70 schools, so that the timelines for implementation can be accelerated; and be it further

Resolved, that MCPS explore the development and publication of a brief booklet or set of guidelines primarily intended for parents, but also for teachers and administrators, on what ought to be expected in every elementary and middle schools in its implementation of gifted and talented education.

RESOLUTION NO. 470-98

Re: **AN AMENDMENT TO THE SUBSTITUTION ON GIFTED AND TALENTED EDUCATION**

On motion of Mr. Ewing and seconded by Ms. Signer, the following amendment to the first

resolve of the substitute motion was adopted with Mr. Butler, Dr. Cheung, Mr. Ewing, Mr. Felton, and Ms. Signer voting in the affirmative; Mrs. Gordon, Ms. Gutiérrez, and Mrs. King voting in the negative:

Resolved, That the Board of Education direct the Superintendent of Schools to implement the draft elementary mathematics standards and the supporting instructional guides, materials, and resources of the Accelerated and Enriched Mathematics (AEM) program in no fewer than 70 schools during the 1998-99 school year. **The expectation will be that highly able math students who are estimated to comprise roughly 10 percent of the population of gifted and talented students should be able to complete to K-8 mathematics sequence by the end of 5th grade. Further, all gifted and talented students should be challenged to move as rapidly as possible through the AEM program and the expectation that many of them could complete the K-8 math sequence early;** and be it further

Re: **AN AMENDMENT TO THE SUBSTITUTION ON GIFTED AND TALENTED EDUCATION**

On motion of Ms. Signer and seconded by Mr. Ewing, the following amendment failed with Mr. Ewing and Ms. Signer voting in the affirmative; Mr. Butler, Dr. Cheung, Mr. Felton, Mrs. Gordon, Ms. Gutiérrez, and Mrs. King voting in the negative:

Resolved, That a like effort be made to implement the reading/language arts standards in no fewer than 25 schools.

RESOLUTION NO. 471-98 Re: **SUBSTITUTION ON GIFTED AND TALENTED EDUCATION**

On recommendation of the Superintendent and on motion of Mr. Ewing seconded by Mrs. Gordon, the following resolution as amended was adopted with Mr. Butler, Mr. Ewing, Mr. Felton, Ms. Gutiérrez, Mrs. King, and Ms. Signer voting in the affirmative; Mrs. Gordon voting in the negative; Dr. Cheung abstained:

Resolved, That the Board of Education direct the Superintendent of Schools to implement the draft elementary mathematics standards and the supporting instructional guides, materials, and resources of the Accelerated and Enriched Mathematics (AEM) program in no fewer than 70 schools during the 1998-99 school year. The expectation will be that highly able math students who are estimated to comprise roughly 10 percent of the population of gifted and talented students should be able to complete to K-8 mathematics sequence by the end of 5th grade. Further, all gifted and talented students should be challenged to move as rapidly as possible through the AEM program and the expectation

that many of them could complete the K-8 math sequence early; and be it further

Resolved, That a like effort be made to implement the science standards in no fewer than 70 schools during the 1998-99 school year; and be it further

Resolved, That staff from the Office of Instruction and Program Development and the Office of School Administration collaborate on the development of a process for monitoring and evaluating the implementation of the Policy on Gifted and Talented Education in individual schools; and be it further

Resolved, That the Superintendent of Schools identify as specifically as possible the materials, training, curriculum, and other resources needed to implement the science and mathematics gifted and talented standards in these 70 schools, so that the timelines for implementation can be accelerated; and be it further

Resolved, That MCPS explore the development and publication of a brief booklet or set of guidelines primarily intended for parents, but also for teachers and administrators, on what ought to be expected in every elementary and middle school in its implementation of gifted and talented education.

For the Record: Mrs. Gordon pointed out that the Board adopted the *resolves*, as amended. We did not adopt the entire Superintendent's paper.

Re: **NEW BUSINESS**

The following new business items were introduced:

1. Mr. Ewing moved and Ms. Gutiérrez seconded the following:

Resolved, That the Board of Education ask the Superintendent for an information item which spells out how personnel investigations are conducted, by whom, and in accordance with what guidelines.

2. Mr. Ewing moved and Ms. Gutiérrez seconded the following:

Resolved, That the Board of Education request a meeting with the County Council or an appropriate committee of the County Council to discuss the Belt facility and how it affects the Board's plans for future modernizations of middle schools.

Re: **ITEMS OF INFORMATION**

The following items were available for information:

1. Items in Process
2. Construction Progress Report

RESOLUTION NO. 472-98 Re: **ADJOURNMENT**

On recommendation of the Superintendent and on motion of Dr. Cheung seconded by Mr. Butler the following resolution was adopted unanimously:

Resolved, That the Board of Education adjourn its meeting of July 14, 1998, at 6:00 p.m.

PRESIDENT

SECRETARY

PLV:gr

MONTGOMERY COUNTY BOARD OF EDUCATION
SUMMARY SHEET
 July 14, 1998

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