

APPROVED
30-1998

Rockville, Maryland
September 22, 1998

The Board of Education of Montgomery County met in regular session at the Carver Educational Services Center, Rockville, Maryland, on Tuesday, September 22, 1998, at 8:35 p.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

or () indicates student vote does not count. Four votes needed for adoption.

RESOLUTION NO. 636-98 Re: **AN AMENDMENT TO THE AGENDA**

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

Resolved, That the Board of Education amended and approved its agenda for September 22, 1998, by adding Item 2.3 (Resolution on the Recommendation for Participation in third International Mathematics and Science Study Replication).

RESOLUTION NO. 637-98 Re: **AN AMENDMENT TO THE AGENDA**

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

Resolved, That the Board of Education amended and approved its agenda for September 22, 1998, by adding Item 4.1 (Disposition of Closed Schools).

RESOLUTION NO. 638-98 Re: AMENDED AGENDA

On recommendation of the superintendent and on motion of Dr. Cheung seconded by Ms. Gutiérrez, the following resolution with Mr. Butler, Dr. Cheung, Mr. Ewing, Mr. Felton, Ms. Gutiérrez, Mrs. King, and Ms. Signer voted in the affirmative; Mrs. Gordon abstained:

Resolved, That the Board of Education amended and approved its amended agenda for September 22, 1998, by adding Item 2.3 (Resolution on the Recommendation for Participation in third International Mathematics and Science Study Replication) and Item 4.1 (Disposition of Closed Schools).

RESOLUTION NO. 639-98 Re: RECOGNITION OF ACT-SO WINNERS

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

WHEREAS, The National Association for the Advancement of Colored People (NAACP) has sponsored, on a national basis since 1976, a youth-development program called ACT-SO, an acronym for Afro-Academic, Cultural, Technological, and Scientific Olympics, that provides opportunities for African-American youth to compete and achieve excellence in 24 academically related fields; and

WHEREAS, For more than ten years, hundreds of Montgomery County youth have participated in ACT-SO with the assistance of the Montgomery County Branch of the NAACP and many MCPS staff; and

WHEREAS, Through the partnership of NAACP and MCPS with the support of the members of the Board of Education and the Superintendent, many students are provided with coaches, mentors, and counselors in subject areas that extend beyond their regular classroom assignments; and

WHEREAS, The Montgomery County Branch of the NAACP recently sent seven local gold medal winners to participate in the 1998 national competition in Atlanta, Georgia and returned with two national awards; now therefore be it

Resolved, That the Montgomery County Board of Education and the Superintendent of Schools hereby commend the Montgomery County Branch of the NAACP and the MCPS staff members for their ACT-SO efforts; and be it further

Resolved, That the Members of the Board of Education and the Superintendent of Schools extend congratulations to Lendeh Sherman; Gold medal winner in drawing, and Omar Jenkins; Silver medal winner in physics; and be it further

Resolved, That copies of this resolution be given to the two national ACT-SO winners.

Re: **PUBLIC COMMENTS**

The following people appeared before the Board of Education:

	<u>Person</u>	<u>Topic</u>
1.	Adam Jentleson	Broadcasting Policy
2.	Robert Becker	Broadcasting Policy
3.	Art Lloyd	Academic Programs
4.	Sharon Cox	Legislation/LEA Control
5.	Mark Simon	Pension Plan
6.	Sarah Steel	Pension Plan

RESOLUTION NO. 640-98

Re: **ARCHITECTURAL APPOINTMENT - GAITHERSBURG HIGH SCHOOL CIRCULATION IMPROVEMENTS**

On recommendation of the Superintendent and on motion of Mr. Felton 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 Gaithersburg High School circulation improvements 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 July 14, 1998, identified Proffitt & Pryor 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 Proffitt & Pryor Architects to provide professional architectural services for the Gaithersburg High School circulation improvements project for a fee of \$74,900, which is 9.4 percent of the program budget.

RESOLUTION NO. 641-98

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

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

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

<u>Low Bids</u>	<u>Amount</u>
<u>Athletic Equipment</u>	
Modern Door & Equipment Sales, Inc.	\$24,000
<u>Chalk/Tackboards</u>	
Steel Products, Inc.	38,800
<u>Drywall/E.I.F.S.</u>	
Tri-State Drywall, Inc.	325,000
<u>Fencing</u>	
Long Fence Company, Inc.	48,092
<u>Toilet Partitions</u>	
Steel Products, Inc.	26,400
<u>Toilet Accessories</u>	
Steel Products, Inc.	9,890
<u>Window Treatments/Sun Screen Louvers</u>	
Sun Control Systems	8,877
<u>Wood Floor</u>	
Weyer's Floor Service, Inc.	4,800

and

WHEREAS, The current aggregate minority business participation for the subcontracts bid to date is 17.67 percent; 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, Poness, Inc.

RESOLUTION NO. 642-98

Re: **ATHLETIC FIELD LIGHTING - MONTGOMERY BLAIR HIGH SCHOOL**

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

WHEREAS, Funds were provided by the state of Maryland Open Space Program for Montgomery County to use in the purchase of the athletic field portion of the new Montgomery Blair High School site; and

WHEREAS, An interagency agreement between Montgomery County Public Schools (MCPS) and the Maryland-National Capital Park and Planning Commission (M-NCPPC) was developed that allows the Parks Department priority use of the athletic fields when not being used for school programs; and

WHEREAS, The Parks Department has assumed full responsibility of all maintenance for the athletic fields at the new Montgomery Blair High School; and

WHEREAS, The Parks Department has allocated funds to install lighting for the competition softball and baseball fields at the new Montgomery Blair High School; and

WHEREAS, This lighting would be available for school use; and

WHEREAS, The Parks Department has requested that the Board of Education grant permission to install the lighting and award a contract for this work acting on behalf of M-NCPPC; and

WHEREAS, The following proposals were received for the lighting installation:

<u>Vendor</u>	<u>Amount</u>
S. Rock/Estabrook Corporation	\$125,000
Delta Electric, Inc.	174,474

and

WHEREAS, The Parks Board of the M-NCPPC was scheduled to hear public comment regarding its proposal to install lights for the Montgomery Blair High School softball and baseball fields on September 14, 1998; and

WHEREAS, Staff, the school community, and principal support the installation of the lights; now therefore be it

Resolved, That the Board of Education award a contract to S. Rock/Estabrook Corporation in the amount of \$125,000 acting on behalf of the M-NCPPC Parks Board for the installation of lights for the Montgomery Blair High School competition softball and baseball fields; and be it further

Resolved, That this contract award be contingent upon approval of the lighting installation by the Parks Board and the receipt of the \$125,000 for this work.

RESOLUTION NO. 643-98

Re: **CONTRACT AMENDMENT -- GYMNASIUM ADDITION
– LUCY V. BARNESLEY ELEMENTARY SCHOOL**

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

WHEREAS, The County Council appropriated supplemental funds in the FY 1998 Capital Budget to construct a gymnasium addition to Lucy V. Barnesley Elementary School; and

WHEREAS, These funds became available during the final phases of the construction work for the modernization project; and

WHEREAS, Staff solicited a proposal from the modernization contractor to complete site and foundation work for the gymnasium prior to the start of school to minimize the impact the addition construction would have on the building operation; and

WHEREAS, The modernization contractor agreed to complete the initial work prior to the start of school and offered to negotiate a cost to complete the entire gymnasium addition construction for an amount less than current bid prices being received for similar work; and

WHEREAS, Staff and the project architect have reviewed the modernization contractor's proposal and determined that the cost to complete the gymnasium addition as a change order to the current contract will be slightly lower than the anticipated cost if the project was bid separately; and

WHEREAS, Extending the modernization contract to include the gymnasium addition will also allow the project to be completed earlier reducing the impact the ongoing construction will have on the school operation; and

WHEREAS, Staff and the project architect have recommended that a change order be approved adding the gymnasium addition to the modernization contract for Lucy V. Barnesley Elementary School; now therefore be it

Resolved, That a change order in the amount of \$961,851 be added to the contract with Dustin Construction, Inc., for the modernization of Lucy V. Barnsley Elementary School.

RESOLUTION NO. 644-98 Re: **PARTIAL CAPITALIZATION OF SELECTED CAPITAL PROJECTS**

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

WHEREAS, The Montgomery County Office of Management and Budget has recommended the capitalization of countywide capital expenditures incurred as of June 30, 1998; and

WHEREAS, Montgomery County Public Schools' external auditors, KPMG Peat Marwick, concur with this recommendation; now therefore be it

Resolved, That the following projects be partially capitalized in FY 1999:

<u>Project No.</u>	<u>Project</u>	(Amts. in Thousands) <u>Partial Capitalization of Expended Funds</u>
510-12	Col. Zadok Magruder High School	\$ 8,837
9963	ADA Compliance	605
9928	Asbestos Abatement	715
9902	Design, Engineering and Construction	2,455
9903	Educational Technology - Global Access	9,058
9943	Elementary School Gyms	1,045
9959	Energy Conservation	922
9926	Facility Planning	215
9997	Facility Wiring for Cable TV	14
9918	Fuel Tank Management	118
9916	HVAC Replacement	1,855
9915	PLAR	1,822
9968	Relocatable Classrooms	1,724
9942	Roof Replacement	1,976

RESOLUTION NO. 645-98 Re: **ACCEPTANCE OF ALBERT EINSTEIN HIGH SCHOOL**

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

WHEREAS, Albert Einstein High School was duly inspected on September 9, 1998; now therefore be it

Resolved, That Albert Einstein High School now be formally accepted; and be it further

Resolved, That the official date of completion be established as that date upon which formal notice is received from the architect that the building has been completed in accordance with the plans and specifications, and all contract requirements have been met.

RESOLUTION NO. 646-98 Re: **AWARD OF CONTRACT FOR MAINTENANCE
PROJECT AT BROAD ACRES ELEMENTARY SCHOOL**

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

WHEREAS, The following sealed bids were received on August 3, 1998, in accordance with Montgomery County Public Schools procurement practices, for boiler replacements at Broad Acres Elementary School, with work to begin on September 23, 1998, and be completed by October 9, 1999:

<u>Bidder</u>	<u>Amount</u>
M & M Welding and Fabricators, Inc.	\$229,720.00
MIC/CO	250,151.00
Interstate Services	275,758.50
R. M. Thorton	255,664.00

and

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

WHEREAS, The low bid is below staff estimates and the low bidder met specifications; and

WHEREAS, M & M Welding & Fabricators, Inc., has submitted evidence of 14 percent minority participation; now therefore be it

Resolved, That a contract in the amount of \$229,720.00 be awarded to M & M Welding and Fabricators, Inc., for boiler replacements at Broad Acres Elementary School.

RESOLUTION NO. 647-98

Re: **UTILIZATION OF FY 1999 FUTURE SUPPORTED
PROJECT FUNDS FOR THE HOMELESS CHILDREN
AND YOUTH PROGRAM**

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

Resolved, That the superintendent of schools be authorized to receive and expend within the FY 1999 Provision for Future Supported Projects a grant award of \$50,000 from the Maryland State Department of Education, under the federal Stewart B. McKinney Homeless Assistance Act, for the Homeless Children and Youth Program, in the following categories:

<u>Category</u>	<u>Amount</u>
3 Instructional Salaries	\$ 31,603
4 Textbooks and Instructional Supplies	5,027
5 Other Instructional Costs	4,358
9 Student Transportation	6,172
12 Fixed Charges	<u>2,840</u>
Total	<u>\$ 50,000</u>

and be it further

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

** Mr. Ewing requested that data collected on Homeless Children be provided to the Board when it is shared with MSDE.

RESOLUTION NO. 648-98

Re: **UTILIZATION OF FY 1999 FUTURE SUPPORTED
PROJECT FUNDS FOR UPPER 90 II PROJECT**

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

Resolved, That the superintendent of schools be authorized to receive and expend within the FY 1999 Provision for Future Supported Projects a grant award of \$25,000 from the U.S. Department of Education through the Governor's Office of Crime Control and Prevention for the White Oak Middle School Upper 90 II Project in the following categories:

<u>Category</u>	<u>Amount</u>
3 Instructional Salaries	\$ 3,444
4 Textbooks and Instructional Supplies	200
5 Other Instructional Costs	21,080
12 Fixed Charges	<u>276</u>
Total	<u>\$25,000</u>

and be it further

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

RESOLUTION NO. 649-98

Re: **THIRD INTERNATIONAL MATHEMATICS AND
SCIENCE STUDY (TIMSS)REPLICATION**

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

WHEREAS, The U.S. Department of Education has invited Montgomery County Public Schools (MCPS) to participate in the Third International Mathematics and Science Study (TIMSS)Replication benchmarking study to be administered in the spring of 1999 for a random sample of about 1,000 MCPS students; and

WHEREAS, The ability to compare the performance of MCPS students at an international level supports our goal of reaching world class standards; and

WHEREAS, The Department of Educational Accountability staff should discuss the sample selection with both the TIMSS International Study Center at Boston College and Maryland State Department of Education (MSDE) staff to maximize the usefulness of TIMSS results and to minimize conflicts with MSPAP testing; and

WHEREAS, The Department of Educational Accountability staff will seek a waiver from Maryland School Performance Assessment Program (MSPAP) testing for the students selected for TIMSS-R and will request March and April testing times for the TIMSS-R sample, now therefore be it

Resolved, That Montgomery County Public Schools will participate in TIMSS-R contingent on the Office of Instruction and Program Development and the Department of Educational Accountability staff meeting with the Division of Planning, Results, and Information Management staff from MSDE to request MSPAP test administration relief for selected eighth grade students, and be it further

Resolved, That the Board of Education direct the superintendent to participate in the TIMSS Benchmarking study in the spring of 1999 at the cost of \$75,000 and to reallocate necessary funds from other uses.

RESOLUTION NO. 650-98

Re: **PERSONNEL APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective September 23, 1998:

<u>Appointment</u>	<u>Present Position</u>	<u>As</u>
Dianne L. Jones	Administrative Assistant, Office of Supportive Services	Director, Division of Plant Operations

Re: **AUDIT COMMITTEE'S RECOMMENDATIONS FOR THE PENSION PLAN**

On recommendation of the Audit Committee and on motion of Mrs. Gordon seconded by Mr. Felton, the following resolution was placed on the table:

WHEREAS, The Montgomery County Public Schools Employees' Pension System was established effective January 1, 1980, to provide supplemental benefits to Montgomery County Public Schools employees who participate in the Maryland State Teachers' Pension System and full benefits to Montgomery County Public Schools employees not eligible to participate in the Maryland State Teachers' Pension System; and

WHEREAS, The Maryland State General Assembly has amended the benefit formula for State Teachers' Pension System participants effective July 1, 1998, and improved the pension benefits for participants; and

WHEREAS, The Board of Education approved a resolution directing its Audit Committee to analyze the impact on MCPS of changes to the Maryland State Teachers' Pension System, to compare provisions of the new Teachers' Pension System with the local plan, to explore the feasibility of offering a defined contribution retirement plan for retirees, and to make recommendations to the Board of Education on how to proceed with respect to the local plan; and

WHEREAS, The Board of Education Audit Committee has analyzed the impact of the State

Teachers' Pension System changes on MCPS; and

WHEREAS, The Montgomery County Education Association (MCEA), the Montgomery County Association of Administrative and Supervisory Personnel (MCAASP), and the Montgomery County Council of Supporting Services Employees (MCCSSE) engaged the services of an independent actuary to analyze the options and participated in discussions with the Audit Committee presenting their findings; and

WHEREAS, The concerns of MCEA, MCAASP, MCCSSE, and the Montgomery County Delegation have been considered by the Audit Committee; and

WHEREAS, The Audit Committee has concluded that any change to the MCPS Pension System should provide for benefit parity among MCPS employees, should provide for benefit parity between MCPS employees and Montgomery County Government employees, and should ensure that no MCPS employee receives a pension benefit that is lower than the benefit provided by the Pension System prior to July 1, 1998; and

WHEREAS, The Audit Committee has carefully reviewed a variety of options with staff and the pension plan actuary; now therefore be it

Resolved, That effective July 1, 1998, the Montgomery County Public Schools Employees' Pension System be amended to provide benefits for all service prior to July 1, 1998, equal to the greater of 1) the existing pension system benefit or 2) 1.2 percent of average final compensation multiplied by years of credited service; and for all service after July 1, 1998, benefits equal to 1.4 percent of average final compensation multiplied by years of credited service; and be it further

Resolved, That employees be provided with the accrued value of the supplemental benefit for all service prior to July 1, 1998; and be it further

Resolved, That the total benefit under this plan be adjusted to ensure that no employee hired prior to July 1, 1998, receives any lower benefits than under the pension formula in effect prior to July 1, 1998; and be it further

Resolved, That effective July 1, 1998, employees in the Maryland State Teachers' Pension System be required to contribute two percent of covered earnings to the Maryland State Pension System, and employees in the Montgomery County Public Schools Employees' Pension System be required to contribute two percent of covered earnings to the MCPS Employees' Pension System; and be it further

Resolved, That there will be no change for MCPS employees enrolled in either the

Montgomery County Public Schools Employees' Retirement System, the Maryland State Teachers' Retirement System, or the bifurcated pension system; and be it further

Resolved, That the superintendent of schools is authorized to amend the Montgomery County Public Schools Employees' Pension System plan document to reflect these changes.

Re: **DISCUSSION**

Mr. Ewing hoped that during the discussion the Board could hear from the Superintendent on his position on the recommendation. He thought that was important for both the Board and public to know the Superintendent's views. Before the Board took final action, he had amendments to offer. He believed the Board needed to concern itself with options other than the recommended one. He favored the original intent of those in the legislature from Montgomery County that there would be additional benefits to Montgomery County employees with the assumption that MCPS would continue the 10 percent supplemental. It was important to recognize that the most important thing that the Board can do with respect to public education was to ensure that employees working with students were the best in their field. The way in which to find the best people was that employees are offered good salaries and benefits, and it is the policy of the system to do that deliberately. There are some who say that any vote to assure that pensions are good, is a vote that reflects commitment to or domination by unions. Do not believe it because the important part is the principle that MCPS wants the very best educators in the classroom. In American society, people are valued if they are paid well.

Mrs. Gordon had two questions. There had been a lot of discussion by members of the delegation about legislative intent. Understanding that legislative intent was viable and whether it was in the written word of the law or not, legislative intent would prevail under most circumstances. However, there was a process by which a legislative body determines legislative intent through discussions and the purpose read into the record. She knew that Mrs. Stoner had done research with the staff of the legislature about legislative intent, and she asked for information about the discussion and legislative intent that had been put forth. It was her understanding that at no time – either in committee or in full legislative sessions – was there a discussion on the MCPS supplemental. Mrs. Stoner responded that the information from staff and a delegate and senator on the respective committees, the supplement was not mentioned specifically during committee discussions. However, one must remember what Delegate Heller said. He was aware of the supplement, and he did not bring it up because it had not occurred to him that there would be a change made regarding the supplement. Mrs. Gordon stated that the requirement for establishing legislative intent was something in writing or minutes that reflected the MCPS supplement. Ms. Stoner stated that there was nothing in writing that spoke to the supplement.

Mrs. Gordon pointed out that there was a slight variation of the Audit Committee's recommendations. That variation would take into account any employee who in any year had a reduction in benefits. Initially, the Board looked at reduction in benefits over the life of the benefit; however, the new recommendation would not allow for any reduction. Mr. Bowers replied that the intent of the Audit Committee was that in the initial year of retirement that the benefit would be the greater of either the new plan or the former plans. Mrs. Gordon confirmed that the Audit Committee's recommendation would be that all employees would be held harmless and there would not be any reduction even in one year.

Dr. Cheung commented that salary and benefits are the most important and sensitive issues between management and staff. If it is handled right, trust develops between the employee and the employer. If the actions of the Board were not communicated, then management is in the wrong. The Board cannot arbitrarily make decisions on benefits and salaries without dialogue and input from staff. Good management practices demonstrate that the employer cares about the employees. The employees have worked with the school system in open dialogue when there were reductions in the budgets. Also, the state legislators failed to communicate when they proposed a bill that would impact policies within the local school districts. He was opposed to the resolution on the table based on the above philosophy of labor/management relationships and the employee as a resource. The Board must stand as a good employer and value the employee.

As a member of the Audit Committee, Mr. Felton commented that there had been a great deal of miscommunication about the former plan and the proposal. He had asked if there was a compelling reason to go beyond the three principles established by the Audit Committee in developing a proposal for the pension plan. Beyond those principles, the Audit Committee felt there was a need to monitor the implementation of any plan over the coming year to assure that those principles were preserved. He was at a loss to understand what the concerns were in view of the fiduciary responsibility of the Board which was to ensure that it has the best available talent. The Department of Personnel had assured him that there had been no adverse impact on the numbers or quality of applicants seeking positions with MCPS. The compensation package was more than just pensions. He regretted that the process had focused on whether or not the Board cared about its teachers. He hoped that whatever option was chosen by the Board, the Board wanted what was best for the community and that includes hiring the best employees. Option C preserves parity, ensures that no one suffers a loss, and affords an improved system for support services employees.

Ms. Gutiérrez spoke to legislative intent. She found it misleading to leave it at the definition that legislative intent must have discussions or documentation. The Board heard from the legislators, and they never intended the outcome from the Audit Committee's proposal. It was clear from the presentation by Delegate Heller that MCPS's 10 percent

supplement could have endangered the passage of the pension legislation. There was no need for the supplement to be addressed, but there was also no advantage. It did not serve the Board well to limit the definition of legislative intent so narrowly.

Secondly, Ms. Gutiérrez thought the history of the resolution was important. There were three major flaws in the way the proposal for the pension plan proceeded. Therefore, there was a compelling need to reconsider the options. First, there was very limited input opportunities to recommend and analyze the options from the Superintendent and the employee organizations. Those recommendations from the employee organizations were received in a very difficult environment. Second, rather than have the discussion on the supplement, it was brought to the Board as an accounting option. If the Board had discussed the history of the supplement and understood the policy implications of a change, the Board could have avoided the present position. Third, the Board did not understand the long-term political implications of its decision. The delegation has a very difficult role in any issue that favors Montgomery County. It is critical that Montgomery County has state resources for use in the school system. She urged the Board to look at options with a broader view because the impact of a decision on the pension plan could be serious with long-term implications for Montgomery County.

As a member of the Audit committee, Ms. Signer stated that the committee had spent a great deal of time over the past few months analyzing the various options that were available to address the changes made by the state in the pension plan. Before the Audit Committee debated any of the options, it set three criteria. Those were (1) benefit parity maintained among MCPS employees, (2) benefit parity with the Montgomery County government, and (3) benefits should not be lower than what an employee would have received under the old plan. Option C, as amended, met all of the above criteria. The Audit Committee unanimously voted twice for Option C. The second vote was taken after the Audit Committee had received a great deal of input from the employee organizations.

Second, a great deal had been made out of legislative intent, and it was clear that there was no documentation about the MCPS supplement. However, the legislative intent was to improve the pension benefits for state plan participants statewide. Option C did that because MCPS employees received increases in total benefits that were as much as 70 percent. At the same time, MCPS pension benefits were higher than other jurisdictions because salaries were higher. Therefore, the Audit Committee met the legislative intent because MCPS employees received improved benefits.

Third, the Board now heard that there were new options. The Audit Committee's timetable made it clear that the time for presenting new options and information were prior to the meetings scheduled by the Audit Committee. She would not vote for any option that had

not been vetted by the Audit Committee or analyzed by staff. That would be an abrogation of her fiduciary responsibility to the school system.

Fourth, Ms. Signer pointed out that Dr. Cheung was right when he spoke about communication. When an employee discussed his/her retirement with staff, they discovered that their benefits were greater under the new plan.

Fifth, the Board had heard that there were threats of legislation to overturn the Board's decision. Ms. Signer stated that she found such threats repugnant. She did not believe that it was the responsibility of the state legislature to tell any locally-elected board of education how it must handle its affairs.

Finally, Ms. Signer spoke to the fiduciary responsibilities of the Board. She thought Mr. Felton was right and that the Board had a fiduciary obligation to the students, taxpayers, and employees. The Board must make a decision that was in the best interest of the school system. Option C, as amended, met that test.

Dr. Vance commented that a lot had happened since he last addressed this issue, but things remained the same. The Superintendent must deal with reality and obtain the best from any situation. Sometimes perceived reality was more real than true reality. Perceived reality soon becomes myth and legend. He had worked on a compromise using the Board's criteria, the staff options, and the views of the employees. However, the majority of the Board would not support a supplement of 10 percent or less, and other elected officials throughout the county and state were not interested in other options. What troubled Dr. Vance the most was leaving a legacy of discord in the school system. Throughout the state, one side will have employees and the other side will represent parents. This could not happen, especially with the genius for that coming from Montgomery County. Dr. Vance stated that he would implement any option that the Board adopted. However, he had hoped to reach a decision through compromise and good politics to bring the bodies together.

Mrs. King stated that she had struggled over this whole issue since the end of June trying to find a compromise that would make everybody feel a little bit better. She had spent a lot of time, especially the last week or two, talking to various leaders, union leaders, and legislators, trying to find some way to work this out. No matter what kind of a compromise she had tried, it really had not mattered because the support was there to push legislation at the state level no matter what the compromise was. At this point, she thought that all come out losers on this issue. If she felt that Option D would end this issue and make everybody feel better, she would go along with that in a minute. Delegate Heller was insistent that legislation would go forward. She knew that MCEA was saying that Option D was not acceptable to them, and that they would pursue legislation. She knew that the perception was still there among employees that the Board had somehow taken something

away from employees. That was the reason that she really wanted to see this work out. She did not see from all that she had heard that there was a workable solution, and she would support Option C.

Re: **AN AMENDMENT TO THE AUDIT COMMITTEE'S
RECOMMENDATIONS FOR THE PENSION PLAN**

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

ADD THE FOLLOWING, FINAL, WHEREAS STATEMENT:

WHEREAS, The Board believes it is in the best interest of all parties to establish a pension supplement that is 7.5% of the state benefit; now therefore be it

MODIFY THE FIRST AND FOURTH RESOLVED STATEMENTS TO READ AS FOLLOWS:

Resolved, That effective July 1, 1998, the Montgomery County Public Schools Employees' Pension System be amended to provide benefits for all service prior to July 1, 1998, equal to the greater of 1) the existing pension system benefit or 2) ~~4.2~~ **1.29** percent of average final compensation multiplied by years of credited service; and for all service after July 1, 1998, benefits equal to ~~4.4~~ **1.505** percent of average final compensation multiplied by years of credited service; and be it further

Resolved, That effective July 1, 1998, employees in the Maryland State Teachers Pension System be required to contribute ~~two~~ 2.15 percent of covered earnings to the Maryland State Pension System, and employees in the Montgomery County Public Schools Employees' Pension System be required to contribute ~~two~~ 2.15 percent of covered earnings to the MCPS Employees' Pension System; and be it further

Re: **AN AMENDMENT TO THE AUDIT COMMITTEE'S
RECOMMENDATIONS FOR THE PENSION PLAN**

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

ADD THE FOLLOWING FINAL, WHEREAS STATEMENTS:

WHEREAS, The Board believes it is in the best interest of all parties to establish a pension supplement that is 7.5% of the state benefit; and

WHEREAS The Board is willing to fund a 5% supplement using some of the unrealized capital gain in the MCPS Pension Fund; and

WHEREAS Additional resources from the county government may be necessary to fund a 7.5% supplement; now therefore be it

MODIFY THE FIRST AND FOURTH RESOLVED STATEMENTS TO READ AS FOLLOWS:

Resolved, That effective July 1, 1998, the Montgomery County Public Schools Employees' Pension System be amended to provide benefits for all service prior to July 1, 1998, equal to the greater of 1) the existing pension system benefit or 2) ~~4.2~~ 1.26 percent of average final compensation multiplied by years of credited service; and for all service after July 1, 1998, benefits equal to ~~4.4~~ 1.47 percent of average final compensation multiplied by years of credited service; and be it further

Resolved, That effective July 1, 1998, employees in the Maryland State Teachers Pension System be required to contribute ~~two~~ 2.1 percent of covered earnings to the Maryland State Pension System, and employees in the Montgomery County Public Schools Employees' Pension System be required to contribute ~~two~~ 2.1 percent of covered earnings to the MCPS Employees' Pension System; and be it further

ADD ADDITIONAL RESOLVED STATEMENTS TO READ AS FOLLOWS:

Resolved, That the Board of Education shall submit a supplemental budget request to the County Council to provide the additional funding necessary to increase the benefit levels for all service prior to July 1, 1998 equal to the greater of 1) the existing pension system benefit or 2) 1.29 percent of average final compensation multiplied by years of credited service; and for all service after July 1, 1998, benefits equal to 1.505 percent of average final compensation multiplied by years of credited service, and be it further

Resolved, That, contingent upon appropriation of said funding, the benefit levels shall be adjusted accordingly, and employees in the Maryland State Teachers Pension System shall be required to contribute 2.15 percent of

covered earnings to the Maryland State Pension System, and employees in the Montgomery County Public Schools Employees' Pension System shall be required to contribute 2.15 percent of covered earnings to the MCPS Employees' Pension System.

Re: **AN AMENDMENT TO THE AUDIT COMMITTEE'S
RECOMMENDATIONS FOR THE PENSION PLAN**

On motion of Mr. Ewing and seconded by Dr. Cheung, the following amendment failed with 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 adopt Option D.

RESOLUTION NO. 651-98

Re: **AUDIT COMMITTEE'S RECOMMENDATIONS
FOR THE PENSION PLAN**

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

WHEREAS, The Montgomery County Public Schools Employees' Pension System was established effective January 1, 1980, to provide supplemental benefits to Montgomery County Public Schools employees who participate in the Maryland State Teachers' Pension System and full benefits to Montgomery County Public Schools employees not eligible to participate in the Maryland State Teachers' Pension System; and

WHEREAS, The Maryland State General Assembly has amended the benefit formula for State Teachers' Pension System participants effective July 1, 1998, and improved the pension benefits for participants; and

WHEREAS, The Board of Education approved a resolution directing its Audit Committee to analyze the impact on MCPS of changes to the Maryland State Teachers' Pension System, to compare provisions of the new Teachers' Pension System with the local plan, to explore the feasibility of offering a defined contribution retirement plan for retirees, and to make recommendations to the Board of Education on how to proceed with respect to the local plan; and

WHEREAS, The Board of Education Audit Committee has analyzed the impact of the State Teachers' Pension System changes on MCPS; and

WHEREAS, The Montgomery County Education Association (MCEA), the Montgomery County Association of Administrative and Supervisory Personnel (MCAASP), and the Montgomery County Council of Supporting Services Employees (MCCSSE) engaged the services of an independent actuary to analyze the options and participated in discussions with the Audit Committee presenting their findings; and

WHEREAS, The concerns of MCEA, MCAASP, MCCSSE, and the Montgomery County Delegation have been considered by the Audit Committee; and

WHEREAS, The Audit Committee has concluded that any change to the MCPS Pension System should provide for benefit parity among MCPS employees, should provide for benefit parity between MCPS employees and Montgomery County Government employees, and should ensure that no MCPS employee receives a pension benefit that is lower than the benefit provided by the Pension System prior to July 1, 1998; and

WHEREAS, The Audit Committee has carefully reviewed a variety of options with staff and the pension plan actuary; now therefore be it

Resolved, That effective July 1, 1998, the Montgomery County Public Schools Employees' Pension System be amended to provide benefits for all service prior to July 1, 1998, equal to the greater of 1) the existing pension system benefit or 2) 1.2 percent of average final compensation multiplied by years of credited service; and for all service after July 1, 1998, benefits equal to 1.4 percent of average final compensation multiplied by years of credited service; and be it further

Resolved, That employees be provided with the accrued value of the supplemental benefit for all service prior to July 1, 1998; and be it further

Resolved, That the total benefit under this plan be adjusted to ensure that no employee hired prior to July 1, 1998, receives any lower benefits than under the pension formula in effect prior to July 1, 1998; and be it further

Resolved, That effective July 1, 1998, employees in the Maryland State Teachers' Pension System be required to contribute two percent of covered earnings to the Maryland State Pension System, and employees in the Montgomery County Public Schools Employees' Pension System be required to contribute two percent of covered earnings to the MCPS Employees' Pension System; and be it further

Resolved, That there will be no change for MCPS employees enrolled in either the Montgomery County Public Schools Employees' Retirement System, the Maryland State Teachers' Retirement System, or the bifurcated pension system; and be it further

Resolved, That the superintendent of schools is authorized to amend the Montgomery County Public Schools Employees' Pension System plan document to reflect these changes.

RESOLUTION NO. 652-98

Re: **DISPOSITION OF FIVE FORMER MCPS SCHOOLS**

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

WHEREAS, The Superintendent of Schools has been asked by the State of Maryland Public School Construction Program to comment on proposals for the disposition of five former MCPS schools; now therefore be it

Resolved, That the Board of Education strongly supports the views contained in a draft letter developed by the Superintendent, specifically that former public school buildings not presently in use as schools, should not be sold but, instead, leased upon the condition that they can, when needed for public education, be retrieved for that use; and be it further

Resolved, That copies of this resolution accompany the Superintendent's letter (or be referenced in it) and be provided to the County Executive, the County Council, and members of the Montgomery County Delegation.

FOR THE RECORD: Ms. Signer stated that she would abstain on this motion because she believed that, although the Board had discussed this issue in closed session, it was an issue that ought to be subject to public scrutiny before the Board took action.

Re: **BREAK**

The Board of Education took a break from 10:30 to 10:45 p.m.

Re: **REGULATION AND GUIDELINES IMPLEMENTING POLICY IID, SELECTION AND AIRING OF PROGRAMS ON MCPS EDUCATION CHANNELS**

On recommendation of the Superintendent and on motion of Mrs. Gordon seconded by Mr. Felton, the following resolution was placed on the table:

WHEREAS, On December 9, 1997, the Board of Education discussed and took final action to adopt Policy IID, *Selection and Airing of Programs on MCPS Education Channels*; and

WHEREAS, On December 9, 1997, the Board of Education requested the superintendent bring to the Board for their approval the regulation, guidelines, and procedures associated with the adoption of Policy IID; and

WHEREAS, On April 8, 1998, the Board of Education considered the draft Regulation IID-RA, *Programs to Be Cablecast on the MCPS Education Channels*, and the *Content and Technical Guidelines for Programs Submitted for Cablecasting on the MCPS Education Channels*; and

WHEREAS, On April 8, 1998, the Board of Education adopted a resolution to postpone its discussion and possible action on Regulation IID-RA and accepted the offer of the representative from the Society for Professional Journalists and journalism teachers to consult with the school system and offer a proposal that would be different than what was proposed by staff, and

WHEREAS, The superintendent has the responsibility for developing the regulation and guidelines for implementing Policy IID, *Selection and Airing of Programs on MCPS Education Channels*, and has prepared the documents; now therefore be it

Resolved, That the Board of Education approve the attached Regulation IID-RA, *Programs to Cablecast on the MCPS Channel*, and the *Content and Technical Guidelines for Programs Submitted for Cablecasting on the MCPS Channels*.

Programs to be Cablecast on the MCPS Education Channels

I. PURPOSE

To establish procedures for schools and school-related organizations and departments to use for requesting that a taped or live program produced by MCPS or MCPS-related organizations and departments be cablecast on the MCPS Education Channels

II. DEFINITIONS

- A. The *MCPS Education Channels* are channels cablecasted on the public cable TV system franchised in Montgomery County.
- B. A *client* is the person who is submitting the request to cablecast a program on the MCPS Education Channels. For student-produced television shows, the teacher sponsor is considered the client. The staff in the Instruction Television Unit are not considered clients.

- C. A *client-produced live program* is a program originating live and cablecast on one of the Education Channels.
- D. A *client-produced taped program* is a program produced by an MCPS department, or school or MCPS-related organization and provided to the Instructional Television Unit to be cablecast on one of the Education Channels.

III. PROCEDURES

All requests for programs to be cablecast on the Education Channels will follow the process outlined below:

- A. The client is responsible for the development and production of the taped or live program. The client must be present during cablecasting of a live program.
- B. The client will request cablecasting of a live or taped program by using MCPS Form 495-7: *Request for Cablecasting an MCPS Client- Produced Program on the MCPS Education Channels*.
- C. The client will submit the form to the Instructional Television program director after obtaining signatures from the principal/supervisor. If the program is a student-produced program, the teacher sponsor must submit the request. Incomplete forms will be returned to the client for further clarification. The client's signature on the form indicates agreement to cablecast the program as described.
- D. The Instructional Television program director will review the request with the Instructional Television coordinator and make a decision within ten working days as to whether or not the program will be cablecast. The completed form will be returned to the client indicating approval or disapproval of the request.
- E. The decision whether or not to cablecast the program will be based on meeting technical and content standards and on the programming needs of the Education Channels.
- F. If the decision is made to cablecast the program, it will be scheduled to be cablecast on one of the Education Channels within the next month's programming schedule, provided that schedule has not already been finalized and distributed, in which case it will be scheduled in the month immediately following.
 - 1. Program schedules are subject to pre-emption based on high priority requests from the Board of Education, the Superintendent, or Deputy Superintendent. Every attempt will be made whenever possible, not to pre-empt a program previously scheduled.

2. When a change is made that pre-empts a previously scheduled program, the client involved will be notified immediately via telephone. If a client is not available by telephone, e-mail or FAX will be used to send information.
- G. If the submitted program is not approved, the client involved may appeal the decision in writing within ten working days following MCPS guidelines:
1. MCPS staff appeals should follow the process outlined in Regulation GKA-RA: *Administrative Complaint*.
 2. Non-MCPS clients should follow the process outlined in Regulation KLA-RA: *Responding to Inquiries and Complaints from the Public*.

Content and Technical Guidelines for Programs Submitted for Cablecasting on the MCPS Education Channels

The MCPS Instructional Television Unit cablecasts "Programs on the Education Channels the content of which supports the educational goals of MCPS and/or provides information regarding the school system to the community, consistent with MCPS policies and regulations," (Policy IID)

Content Standards

1. The content of programs supports the goals of MCPS and/or provides information regarding the school system to the community.
2. The content of programs is not commercial in nature and does not contain any form of advertising for profit.
3. Producers of programs provide an opportunity for members of the school community to express a variety of viewpoints, which is handled in a balanced, fair presentation.
4. Programs/tapes will be unacceptable for cablecasting on the MCPS Education Channels for the following reasons:
 1. The program, as a whole or in significant part, through depiction or description, encourages actions that endanger the health or safety of students.
 2. The program includes content or language that is obscene.
 3. The program contains content that is libelous or slanderous.
 4. The program condones harassment, physical violence, or illegal discrimination toward any person.
 5. The program contains language that is disrespectful, verbally abusive, or insensitive to others.
 6. The program is in violation of laws or other applicable MCPS policies and/or regulations.

5. The client provides direction and guidance on format and suitability of materials and is responsible for the content and presentation of the program.

Technical Standards

1. TV Program Components (in order)

Control Track

All tapes have an uninterrupted control track from the initial color bars or black throughout the program and an additional 10 seconds at the conclusion of the program. Continuous uninterrupted control track is necessary for the entire production. The tape contains each of the components listed below:

1. Color bars or black (20 seconds)
 2. Slate/leader (10 seconds) to include:
 1. Title of program
 2. Exact length
 3. School, advisor, and phone number
 3. Countdown (10 seconds)
 4. Program Identification: "The following program is produced by _____. (This should include the name of the school or organization that produces the tape and be approximately five seconds in length.)
 5. The body of the program
 6. Closing credits for the program: "This program has been produced by _____. (This should include the name of the school or organization that produces the tape and be approximately five seconds in length.)
 7. After conclusion of program and credits-black (10 seconds)
- ### 2. Tape Format
1. 3/4" U-Matic
 2. 1/2" VHS
 3. 1/2" Super VHS (S-VHS)
 4. Digital
- ### 3. Programs/PSA Length
1. A submitted 15 minute program must be 14 minutes or less
 2. A submitted 30 minute program must be 29 minutes or less
 3. A submitted 60 minute program must be 59 minutes or less
 4. A submitted PSA must be either 60 or 30 seconds in length
 5. If a program exceeds 59 minutes in length, it must be put on two separate tapes, and follow the guidelines listed above. These lengths are stipulated to allow the automated tape playback machines to work properly.

Video Track

1. The program cannot be more than third generation from the original tape.
2. The video images should be intelligible with sufficient light and proper focus.
3. The program should have a consistent lighting level from shot to shot.
4. The video images should have a minimum of color bleeding and/or ghosting.
5. The videotape should be free from breakup, such as white lines through the picture, intermittent white flashes and gray specks on the screen.
6. Every effort should be made to record programs on new videotapes. A tape that is being reused should first be bulk erased.

Audio Track

1. All audio levels must be consistent and undistorted.
2. All audio track must only be on Channel Two.
3. Every effort should be made to keep music, sound effects, and voice at a consistent level with each other.

Live Broadcast

If this program is to be cablecast live, the images should be reasonably clear and the audio undistorted. A test signal for a live program must be sent from the remote location to the CESC master control room one hour prior to the scheduled airing of the program. Acceptable audio and video levels must be maintained throughout the program. All live programs will be monitored for technical considerations by a master control operator at CESC.

Re: DISCUSSION

Mrs. Gordon thought the school system had been responsive to a number of the concerns and had worked to allow the maximum amount of flexibility in the regulation and guidelines governing Policy IID. Earlier in the spring there was an incident during a live broadcast where there was not the appropriate adult supervision, guests were changed, and the content and quality of the broadcast were lacking to the point where the students apologized. Mrs. Gordon wanted to know what safeguards were in the regulations that would protect against a similar situation. Mr. Walsh replied that his office was waiting until the regulations were adopted before setting procedures. If the regulation and guidelines had been in place, it may have guarded against that outcome. It was his understanding that there was a facility sponsor present during the broadcast, but he did nothing to remedy the situation since the program was live.

Mrs. Gordon believed that it should be the adult who would be responsible; however, this incident was sophomoric and totally objectionable. Again, she asked what the regulation prescribes when an objectionable incident occurs during a live broadcast. Mr. Walsh answered that the school system had not attempted to impose any technical means to stop

a live broadcast from the central office. Staff relied on the application of the program content that would be approved and followed by the responsible client.

Mrs. Gordon stated that was not sufficient. Because of the example, the school system cannot always rely on either adults or students to make sound judgments and follow procedures. She believed that the school system must have some safeguard governing a live broadcast on the education channels. That safeguard should be in the regulations because the school system would be liable for any inappropriate broadcast. Mr. Walsh thought the Board could make a decision, though not recommended, not to allow live programming except through the Global Access Office. However, professionals argue that student produced live programming simulates what happens in the commercial world of broadcasting.

Mrs. Gordon noted that there was sufficient evidence that good judgment does not always prevail. Since this was an MCPS channel, the school system should ensure to the greatest extent possible both the quality and content in the production. It has happened when people have made commitments, and they did not follow through with that commitment. There has to be some contingency plan for stopping an inappropriate broadcast. Mr. Walsh stated that it was feasible to have a delayed broadcast.

Mrs. King thought the issue was the reputation of the school system when an inappropriate live program was broadcast. She agreed with Mrs. Gordon that there needs to be some mechanism to stop such a cablecast.

Ms. Gutiérrez stated that Policy IID was bad policy, which was followed by a bad regulation and even worst set of standards. The Board started at a higher level of policy with the students' rights and responsibilities that aimed at standards of behavior that presumed correct behavior. She thought the Board was trying to fix something that was not broken. She asked if regular live programming would be possible for student broadcasts without each program adhering to the procedures set forth. Mr. Walsh thought the procedure was simple and would serve the school system well. Also, it would allow for live programming by clients submitting program descriptions. Ms. Gutiérrez asked if controversial issues would be prohibited or discouraged under the new system. Mr. Walsh thought controversial topics could be used where it lent itself to a debate or different perspectives that were relevant to education or MCPS.

Ms. Gutiérrez pointed out that broadcasts were tied to educational material, but that had been lost in the new regulation and guidelines. The new process was mechanical and bureaucratic and did not encourage the value of controversial issues. The review and approval of programming would have a chilling effect on creative and innovative student programming.

In the Regulation 3.a., Ms. Signer asked for clarification on the client present during the cablecast. It was not clear to her whether that was in the studio or at the CESC. Earlier, Mr. Walsh had told her that it was to be in the studio, and she thought an editorial change would add clarification. In Regulation 3.d., she did not concur with the idea of having the instructional television program director and the instructional television coordinator make the decision about whether or not the program should be cablecast. That decision ought to be made by the staff in the school – teacher and principal. In addition, the regulation stated that the completed form would be returned to the client indicating approval or disapproval of the request. It seemed to Ms. Signer that it ought to indicate in writing the reasons for approval or disapproval. Under Section 3.e., the programming needs of the educational channel were not spelled out. Under Section F, Ms. Signer wanted the regulation amended to include provisions for time sensitive programming when there was no series slot. Dr. Vance indicated that there would be no problem adding that language to the regulation.

Regarding the content standards, Ms. Signer thought the goals of MCPS should be more specific. All of Section D. mirrored, but was not identical to, the language in Policy JFA and Regulation JFA-RA (Student Rights and Responsibilities). She asked why they were not identical. Mr. Walsh replied that the policy, regulation, and guidelines were met to cover all programming whether or not students were involved. Ms. Signer pointed out that the guidelines were not consistent with MCPS regulations. She did not think there should be different standards for student publications regardless of the medium.

Mr. Felton had concerns with the content standards. He would prefer to have the language identical with Regulation JFA-RA. He asked what the legal implications were for client-sponsored programming. Ms. Bresler stated that the regulation reacts after the broadcast of inappropriate material and did not interrupt the broadcast. The action against a staff member would be an employee consequence and the reluctance to produce another live broadcast. There would be a case by case determination of the consequences and severity of the violation of the guidelines.

Dr. Cheung pointed out that the programming should have educational value for the students, and the teacher should be responsible and accountable for that education. Mr. Walsh indicated that one professional journalist thought the teacher should be held accountable for the content as well as the behavior of the students. If that were the case, Dr. Cheung asked why there were so many layers of approval. Dr. Vance indicated the regulation was an attempt to regulate consistency throughout the school system.

From the student's perspective, Mr. Butler thought there was a lot of pressure on the instructional television program director and coordinator to review requests for programming. Those people would be responsible for what would be aired on the cable channels. He concluded that the process made it too hard for students to bring forth an

issues, especially controversial topics. Ms. Bresler did not interpret the regulations as prohibiting controversial issues as topics of cablecasts. However, there were things that prevent issues from being presented in an abusive way.

Mr. Ewing asked if the content standards had legal guidance stemming from those decisions in cases that regulated speech. Ms. Bresler stated that there were none that dealt with educational cablecasts. The Board identified that void through the *Shades of Grey* case. There have been cases in the general broadcast media that dealt with some of the same issues, such as fair use and time for campaigns. Similarly, there have been cases on slander and libel and obscenity. Also, there have been actions involving school systems regarding sexual harassment and discrimination.

Mr. Ewing thought the Board was having difficulty with the subject. The problem with the standards was, not that there should not be standards, but that it was difficult to be specific and set out guidelines that would work well. Mr. Ewing did not know how anyone could determine language that was “disrespectful, verbally abusive, or insensitive in a consistent manner.” In political campaigns, language was abusive and insensitive, but that was part of the American dialogue. Mr. Ewing pointed out that the human relations policy taught values and encouraged desirable behavior. In this standard, television programming was the topic and speech was a major part of what was being monitored. He had a lot of trouble with the standards based on grounds of free speech. He did not have trouble with the idea that the school system needs central decisionmaking for cablecasts. The Board should encourage decisionmaking that was consistent, and, if that was not done, there would be a wide variety of interpretation of the standards from school to school.

Mrs. King temporarily left the meeting, and Mrs. Gordon assumed the chair.

Mrs. Gordon asked if it was the wish of the Board to continue to make amendments, or was it the wish of the Board to postpone the item based on the facts that it was close to midnight and there were many unresolved issues before the Board.

RESOLUTION NO. 653-98

Re: **MOTION TO POSTPONE**

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

Resolved, That the Board of Education postpone action on the Regulation and Guidelines Implementing Policy IID, *Selection and Airing of Programs on MCPS Education Channels*.

Re: DISCUSSION

Mrs. Gordon did not know when this item would be rescheduled, but she suggested that the questions raised by the Board should be shared with staff.

Ms. Gutiérrez thought the Board had spoken clearly, and staff needed to respond to the Board and make recommendations based on those concerns.

Mrs. Gordon pointed out that the Board had not reached agreement on what it wanted staff to do. She suggested that the Board officers and the Superintendent would work on how it would come back to the Board.

Re: BOARD/SUPERINTENDENT COMMENTS

Dr. Cheung commented that he attended an award banquet sponsored by the Korean Alliance. Among others, Ms. Kwang "Sunny" Lee, principal of Clarksburg Elementary School, received the Education Award.

Mr. Ewing commented on the requests that each Board member made to the Superintendent and staff. In the past, the Board had taken the posture that the Superintendent would respond to simple questions. However, more complex questions or issues that related to policy, the Board had taken the view that the majority of the Board would request a response. The Board had not raised that issue recently, but it was an important matter because the Board wanted to avoid a couple of Board members dominating and dictating to the Superintendent. Through the requests and memoranda of past members, the Board became very divided over its appropriate direction. He did not want that situation repeated. It was important for the entire Board to decide on policies and procedures.

RESOLUTION NO. 654-98**Re: CLOSED SESSION RESOLUTION**

On recommendation of the Superintendent and on motion of Mr. Felton 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 Tuesday, October 6, 1998, from 8:30 to 10:00 a.m. and 12:15 to 2:00 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 these meetings 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 meetings shall continue in closed session until the completion of business.

Mrs. King returned and assumed the chair.

Re: REPORT OF CLOSED SESSION

On July 29, 1998, by the unanimous vote of members present, the Board of Education voted to conduct a closed session on August 26, 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 August 26, 1998, from 9:00 a.m. to 1:30 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 the following appeals: 1998-15, 1998-16, 1998-17, 1998-19, 1998-23, 1998-24, NEC-1998-8, NEC-1998-9, NEC-1998-10, NEC-1998-12, NEC-1998-15, NEC-1998-16, NEC-1998-19, NEC-1998-20, NEC-1998-21, NEC-1998-30, NEC-1998-35, NEC-1998-70, T-1998-13, T-1998-17, T-1998-18, T-1998-22, T-1998-23, T-1998-24, T-1998-25, T-1998-27, T-1998-28, T-1998-31, T-1998-33, T-1998-34, T-1998-36, T-1998-37, T-1998-38, T-1998-39, T-1998-40, T-1998-41, T-1998-42, T-1998-43, T-1998-44, T-1998-45, T-1998-46, T-1998-47, T-1998-48, T-1998-49, T-1998-50, T-1998-52, T-1998-54, T-1998-55, T-1998-56, T-1998-57, T-1998-58, T-1998-59, T-1998-60, T-1998-63, T-1998-64, T-1998-65, T-1998-66, T-1998-67, T-1998-68, T-1998-69, T-1998-71, T-1998-72, T-1998-75, T-1998-78, T-1998-80, T-1998-82, T-1998-86, T-1998-87, T-1998-91, and T-1998-99.

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, Ana Sol Gutiérrez, Pat Hahn, Roland Ikheloa, Nancy King, George Margolies, Brian Porter, Glenda Rose, Ruby Rubens, Mona Signer, Roger Titus, and Paul Vance.

On August 26, 1998, by the unanimous vote of members present, the Board of Education voted to conduct a closed session on September 8, 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 September 8, 1998, from 8:00 to 9:45 a.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 the following appeals: 1998-16, 1998-23, 1998-24, NEC-1998-30, NEC-1998-35, NEC-1998-70, NEC-1998-88, T-1998-24, T-1998-25, T-1998-27, T-1998-28, T-1998-31, T-1998-34, T-1998-36, T-1998-37, T-1998-38, T-1998-39, T-1998-40, T-1998-41, T-1998-42, T-1998-43, T-1998-44, T-1998-45, T-1998-46, T-1998-47, T-1998-48, T-1998-49, T-1998-50, T-1998-52, T-1998-54, T-1998-55, T-1998-56, T-1998-57, T-1998-58, T-1998-59, T-1998-60, T-1998-63, T-1998-64, T-1998-65, T-1998-66, T-1998-67, T-1998-68, T-1998-69, T-1998-71, T-1998-72, T-1998-75, T-1998-78, T-1998-80, T-1998-82, T-1998-85, T-1998-86, T-1998-87, T-1998-90, T-1998-91, T-1998-92, T-1998-95, T-1998-97, T-1998-99, T-1998-100, T-1998-101, T-1998-102, T-1998-103, T-1998-105, T-1998-107, T-1998-108, T-1998-109, T-1998-110, and T-1998-114.

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

RESOLUTION NO. 655-98

Re: **BOARD APPEAL NO. T- 1998-96**

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-1998-96, a student transfer matter, reflective of the following vote: Mr. Butler, Dr. Cheung, Mrs. Gordon, Ms. Gutiérrez, Mrs. King, and Ms. Signer voted to affirm; Mr. Ewing voted to reverse; Mr. Felton was absent.

RESOLUTION NO. 656-98

Re: **BOARD APPEAL NO. T- 1998-113**

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-1998-113, a student transfer matter, reflective of the following vote: Mr. Butler, Dr. Cheung, Mr. Ewing, Mrs. Gordon, Ms. Gutiérrez, Mrs. King, and Ms. Signer voted to affirm; Mr. Felton was absent.

RESOLUTION NO. 657-98

Re: **BOARD APPEAL NO. T- 1998-115**

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-1998-115, a student transfer matter, reflective of the following vote: Mr. Butler, Dr. Cheung, Mr. Ewing, Ms. Gutiérrez, Mrs. King, and Ms. Signer voted to reverse; Mrs. Gordon voted to affirm; Mr. Felton was absent.

RESOLUTION NO. 658-98

Re: **BOARD APPEAL NO. T- 1998-116**

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-1998-116, a student transfer matter, reflective of the following vote: Mr. Butler, Dr. Cheung, Mr. Ewing, Mrs. Gordon, Ms. Gutiérrez, Mrs. King, and Ms. Signer voted to affirm; Mr. Felton was absent.

RESOLUTION NO. 659-98

Re: **BOARD APPEAL NO. T- 1998-117**

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-1998-117, a student transfer matter, reflective of the following vote: Mr. Butler, Dr. Cheung, Mr. Ewing, Mrs. Gordon, Ms. Gutiérrez, Mrs. King, and Ms. Signer voted to reverse; Mr. Felton was absent.

RESOLUTION NO. 660-98

Re: **BOARD APPEAL NO. T- 1998-118**

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-1998-118, a student transfer matter, reflective of the following vote: Mr. Butler, Mr. Ewing, Mrs. Gordon,

Ms. Gutiérrez, Mrs. King, and Ms. Signer voted to affirm; Dr. Cheung voted to reverse; Mr. Felton was absent.

RESOLUTION NO. 661-98

Re: **TEACHER EXAMS**

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

Resolved, That the Board of Education review and discuss the matter of new teacher exams (internal and external) in Montgomery County Public Schools based on information to be supplied by the Superintendent on the present status, including what action has been taken in the past and what is planned in the future.

RESOLUTION NO. 662-98

Re: **SCHOOL HEALTH SERVICES**

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

Resolved, That the Board of Education obtain from the Superintendent his recommendations in writing on what ought to be done about the Health and Human Services recommendations on school health services.

RESOLUTION NO. 663-98

Re: **FACILITIES FOR ADMINISTRATIVE OPERATIONS**

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

Resolved, That the Board of Education hear from the Superintendent at a time when he has recommendations developed about whether it is more beneficial to lease or build to house administrative operations of Montgomery County Public Schools, taking into account projections of rent, the cost of building, purchasing, or reusing facilities to house current and projected administrative operations.

RESOLUTION NO. 664-98

Re: **REORGANIZATION OF THE DEPARTMENT OF PERSONNEL SERVICES**

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

Resolved, That the Board of Education schedule time to discuss, review, and, if appropriate, take action on the reorganization of the Department of Personnel Services, given that the Board has the authority to approve all reorganizations.

RESOLUTION NO. 665-98

Re: **ACADEMICALLY CHALLENGING PROGRAM
FOR THE UPCOUNTY**

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

Resolved, That the Board of Education request the Superintendent to provide his views about what additional programming, which would be especially challenging academically, that would be appropriate in the upcounty area.

RESOLUTION NO. 666-98

Re: **GUIDELINES OR RECOMMENDATIONS ON
PROPOSED FEDERAL LEGISLATION**

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

Resolved, That the Board of Education schedule time to discuss the addition of an academically challenging program in the upcounty such as, but not limited to, a math/science program, International Baccalaureate program, or some other equally challenging academic program.

RESOLUTION NO. 667-98

Re: **EVENING AND SATURDAY SCHOOLS**

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

Resolved, That the Board of Education schedule a discussion on evening and Saturday schools and the effectiveness and potential improvements of the program, including such things, but not limited to, permanent sites, dedicated facilities, and possible expansion into a longer day offering.

Re: **NEW BUSINESS**

The following new business items were introduced:

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

Resolved, That the Board of Education request that the Superintendent bring forth with the next set of facilities' modernization plans and proposals an adjustment in cost to meet the lower class size standards adopted and reflected in the operating budget.

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

Resolved, That the Board officers prepare resolutions for consideration by the Board in (1) opposition to vouchers, and (2) reaffirmation in support of bilingual education.

RESOLUTION NO. 668-98

Re: **ADJOURNMENT**

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

Resolved, That the Board of Education adjourn its meeting of September 22, 1998, at 12:20 a.m.

PRESIDENT

SECRETARY

PLV:gr

MONTGOMERY COUNTY BOARD OF EDUCATION SUMMARY SHEET

September 22, 1998

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