

APPROVED  
15-2000

Rockville, Maryland  
April 25, 2000

The Board of Education of Montgomery County met in regular session at the Carver Educational Services Center, Rockville, Maryland, on Tuesday, April 25, 2000, at 8:10 p.m.

ROLL CALL Present:                   Mrs. Patricia B. O'Neill, President  
  in the Chair  
  Mr. Stephen Abrams  
  Mr. Kermit V. Burnett  
  Mr. Reginald M. Felton  
  Mrs. Beatrice B. Gordon  
  Mrs. Nancy J. King  
  Ms. Laura Sampedro, Student Board Member  
  Ms. Mona M. Signer  
  Dr. Jerry Weast, Secretary/Treasurer

Absent:           None

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

RESOLUTION NO. 257-00           Re:   **CLOSED SESSION**

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

WHEREAS, The Board of Education of Montgomery County is authorized by the *Education Article* and *State Government Article* of the *Annotated Code of Maryland* 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 portions of its closed session on April 25, 2000, in Room 120 from 7:30 to 8:00 p.m. to discuss the Board personnel appointments, as permitted under Section 10-508(a)(1) of the *State Government Article*; and be it further

Resolved, That the Board of Education consult with counsel to receive legal advice as permitted under Section 10-508(a)(7) of the *State Government Article*; and be it further

Resolved, That the Board of Education of Montgomery County dedicate part of the closed session on April 25, 2000, to acquit its executive functions and to adjudicate and review appeals, which is a quasi-judicial function outside the purview of the Open Meetings Act under Section 10-503(a) of the *State Government Article*; and be it further

Resolved, That these portions of the meeting continue in closed session until the

completion of business.

RESOLUTION NO. 258-00            Re:    **APPROVAL OF THE AGENDA**

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

**Resolved, That the Board of Education approve its agenda for April 25, 2000.**

RESOLUTION NO. 259-00            Re:    **ASIAN PACIFIC AMERICAN HERITAGE MONTH**

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

WHEREAS, The United States Congress has designated the month of May to honor Asian Pacific American heritage; and

WHEREAS, The Asian Pacific American Heritage Council has selected "Voices for the Millennium" as the national theme to promote the message that Asian Pacific Americans are Americans and must have a voice in our country; and

WHEREAS, It is projected that Census 2000 will find more than 10 million Asian Pacific Americans residing in the United States, making them one of the fastest growing cultural groups in the nation; and

WHEREAS, Montgomery County recognizes and celebrates the contributions of Asian Pacific Americans to our county and our country; and

WHEREAS, The Board of Education is proud that Montgomery County Public Schools continues to strengthen the K-12 curriculum in promoting a greater awareness of the legacy and achievements of Asian Pacific Americans; now therefore be it

**Resolved**, That on behalf of the superintendent, staff, students, and parents of Montgomery County Public Schools, the members of the Board of Education hereby declare the month of May 2000 to be observed as "Asian Pacific American Heritage Month."

RESOLUTION NO. 260-00            Re:    **STUDENT LEADERSHIP WEEK**

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

WHEREAS, The Montgomery County Board of Education recognizes that students want and deserve an appropriate voice in their own affairs, and that education can be better when they have such a voice; and

WHEREAS, The students in Montgomery County exercise their voice to the Board through an open dialog on matters of common concern and diverse interests; and

WHEREAS, The Board of Education has a continuing commitment to support active student participation in school and community activities; and

WHEREAS, In April and May, student leadership activities include voter registration, the election of the student member of the Board of Education, Montgomery County Region of the Maryland Association of Student Councils and Montgomery County Junior Councils elections, and National Student Leadership Week; now therefore be it

Resolved, That the Board of Education join with the superintendent of schools in designating the week of April 30 through May 6, 2000, as Student Leadership Week in Montgomery County Public Schools; and be it further

Resolved, That the Board honor all student leaders for their efforts and achievements on behalf of Montgomery County Public Schools.

RESOLUTION NO. 261-00      Re:    **NATIONAL TEACHER DAY**

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

WHEREAS, The National Education Association and the National Parent Teacher Association established Teacher Appreciation Week as the first full week of May; and

WHEREAS, May 9, 2000, has been proclaimed "National Teacher Day" by the National Education Association; and

WHEREAS, The purpose of this day is to recognize the contributions teachers make to the fabric and future of our society; and

WHEREAS, Teachers reach out to every student regardless of ability, social or economic background, disability, race, religion, creed, or ethnic origin; and

WHEREAS, The teachers in Montgomery County Public Schools are recognized as among the best in the nation; now therefore be it

Resolved, That on behalf of the superintendent and staff of the Montgomery County Public Schools, the Board of Education hereby declares the day of May 9, 2000, to be observed in Montgomery County Public Schools as "National Teacher Day."

RESOLUTION NO. 262-00      Re:    **AUTISM AWARENESS MONTH**

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

WHEREAS, April has been designated National Autism Awareness Month; and

WHEREAS, Autism is a complex developmental disability that typically appears in the first three years of life and is a lifelong, handicapping condition; and

WHEREAS, Autism impacts the normal development of the brain in the areas of social interaction and communication skills resulting in difficulties in verbal and non-verbal communication, play activities, unusual responses to people, and resistance to change; and

WHEREAS, Autism and its associated behaviors have been estimated to occur in as many as four out of 10,000 individuals; and

WHEREAS, Autism Awareness Month reaches out to the community to dispel myths and misconceptions about autism, thereby making a difference in the lives of children and adults; and

WHEREAS, There are approximately 175 children diagnosed with autism who are being taught, trained, nurtured, and provided for by Montgomery County Public Schools; and

WHEREAS, The challenge of educating and nurturing autistic children can be a daunting task, but with knowledge and compassion persons with autism can reach their full potential; now therefore be it

Resolved, That the Montgomery County Board of Education expresses its appreciation to all who teach and work in support of individuals and families who deal daily with autism.

Re:    **PUBLIC COMMENTS**

**The following people presented testimony before the Board of Education:**

	<u>Person</u>	<u>Topic</u>
1.	Mr. Dustin Jeeter	Cell Phones
2.	Barbara Selbst	Art/Aspergers

Ms. Signer asked the Superintendent to provide information on Ms. Selbst's testimony.

RESOLUTION NO. 263-00      Re:    **CURRICULUM                    AUDIT/PROGRAM  
REVIEW**

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

**WHEREAS, RFP No. 1011.1 Curriculum Audit/Program Review funds have been budgeted for the curriculum audit review; and**

**WHEREAS, Staff has evaluated and determined that Phi Delta Kappa is the best qualified to perform the curriculum audit review; and**

**WHEREAS, Phi Delta Kappa is the lowest responsive bidder and will complete the evaluation and review by July 30, 2000; now therefore be it**

**Resolved, That having been duly advertised, the following contract be awarded to Phi Delta Kappa for a total cost of \$45,900 plus expenses.**

RESOLUTION NO. 264-00      Re:    **CONSULTANT APPOINTMENT B JAMES  
HUBERT    BLAKE    HIGH    SCHOOL  
ATHLETIC FIELD LIGHTING**

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

WHEREAS, Funds were allocated to the Maryland-National Capital Park and Planning Commission (M-NCPPC) for the installation of lights for the James Hubert Blake High School athletic fields; and

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

WHEREAS, The Parks Department will assume full responsibility for the maintenance of the athletic fields, and they will provide the appropriate security during non-school events once the lights are installed; and

WHEREAS, The lighting will be available for school use; and

WHEREAS, The school community and principal support the installation of the lights; and  
WHEREAS, The Parks Department has requested that the Board of Education grant permission to install the lighting and award an engineering consultant contract to design the lighting systems, acting on behalf of M-NCPPC; and

WHEREAS, An Architectural Selection Committee identified Charles Ford & Associates as the most qualified consultant to provide the engineering services; and

WHEREAS, Staff has negotiated an equitable fee for the required services; now therefore be it

Resolved, That the Board of Education award a contract to Charles Ford & Associates for engineering design services in the amount of \$24,962 for the James Hubert Blake High School athletic field lighting; and be it further

Resolved, That this contract award be contingent upon receipt of \$24,962 from M-NCPPC for this work.

RESOLUTION NO. 265-00

Re: **CONSULTANT APPOINTMENT B  
IMPROVED SAFE ACCESS AT VARIOUS  
SCHOOLS**

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

WHEREAS, It is necessary to appoint an engineering firm to provide professional surveying and engineering services for the design of improved safe access for various schools; and

WHEREAS, Planning funds for improved safe access were programmed as part of the FY 2000 Capital Budget; and

WHEREAS, An Architect Selection Committee, in accordance with procedures adopted by the Board of Education on July 14, 1998, identified A. Morton Thomas and Associates, Inc., as the most qualified firm to provide the necessary professional surveying and engineering services; and

WHEREAS, Staff has negotiated a fee for the necessary surveying and 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 surveying and engineering services for improved safe access at various schools for \$177,280.

RESOLUTION NO. 266-00

Re: **NORTHWEST ES #6/LONGVIEW  
SPECIAL EDUCATION CENTER B  
CONSTRUCTION MANAGEMENT  
SERVICES**

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

WHEREAS, The FY 2001 Capital Budget request includes construction funds to build a new elementary school and special education center for the Northwest Cluster; and

WHEREAS, Construction of the elementary school is scheduled to begin June 2000 and be completed by June 2001, with the special education wing to be completed by December 2001; and

WHEREAS, On September 14, 1999, the Board of Education approved the selection of Bovis Lend Lease, Inc., (formerly Bovis Construction Corp.) to provide preconstruction services for cost estimating, value engineering, and constructability planning during the design phase, and general construction management services during the construction phase; and

WHEREAS, The contract with Bovis Lend Lease, Inc., was awarded to implement the services in two phases; and

WHEREAS, The initial phase consisted of the preconstruction services, and the fee was approved as part of the September 14, 1999, Board of Education action; and

WHEREAS, The negotiation of the fee for the general construction management services phase was deferred until the timeframe for the project construction funding was approved by the County Council; and

WHEREAS, Staff recently negotiated the fee for the construction management services; now therefore be it

Resolved, That the Montgomery County Board of Education amend the contractual agreement with the firm of Bovis Lend Lease, Inc., to include general construction and management services for construction of Northwest Elementary School #6/Longview Special Education Center for a cost of \$1,160,000, which is 7.3 percent of the project budget, contingent on final approval of the FY 2001-2006 Capital Improvements Program.



RESOLUTION NO. 267-00

Re: **WOOD ACRES ELEMENTARY SCHOOL B  
ADDITIONAL LAND PURCHASE**

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

WHEREAS, A private property owner of an unimproved outlot, comprising 8,732 square feet adjacent to Wood Acres Elementary School, has notified staff that the property is available for purchase; and

WHEREAS, Funds are available in the Advance Land Acquisition Revolving Fund for the purchase of additional land for minor site additions when opportunities present themselves to upgrade substandard existing school sites; and

WHEREAS, The additional land will not be incorporated into the immediate modernization plans for the school, but will provide additional site space for undetermined future uses; and

WHEREAS, The owner and her attorney have shown how the parcel could be developed for residential use by meeting minimum building setback requirements under new Minor Subdivision regulations; and

WHEREAS, Two independent appraisals valued the parcel variously at \$15,000 presuming that it is not a buildable lot, and \$77,000 presuming that it is a buildable lot; and

WHEREAS, Staff negotiated a sales price of \$35,000 based on the risk that the property may not have potential as a buildable lot for residential use; and

WHEREAS, The additional land will be a benefit to the school by increasing its site size and providing space for future school use and buffer; now therefore be it

Resolved, That the president and secretary of the Board of Education be authorized to execute a Contract of Sale for the purchase of 8,732 square feet of land at a price of \$35,000; and be it further

Resolved, That staff be authorized to lease a 4,000-square-foot portion of the property back to the seller with the initial annual rent set at \$400 and a provision that the lease arrangement can be terminated for convenience with 60 days notice.

RESOLUTION NO. 268-00

Re: **AWARD OF CONTRACT B ELECTRIC  
SERVICE TO MODULAR CLASSROOM  
BUILDINGS**

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

WHEREAS, The following sealed bids were received and considered responsive on April 11, 2000, to provide unit prices for electric service to modular classroom buildings, with work to begin as soon as possible and be completed by August 21, 2000:

Bidder

- Ferguson & Ramey Electrical Contractors, Inc. (African American-owned firm)
- Primo Electric Company
- New Spectrum Electric, Inc. (female-owned firm)

and

WHEREAS, It is necessary to have several electrical contracting firms available on-call to perform work associated with the installation of modular classrooms; and

WHEREAS, The three firms have completed similar work successfully for Montgomery County Public Schools and other jurisdictions; and

WHEREAS, Staff has verified that two of the firms are minority- and/or female-owned companies; now therefore be it

Resolved, That the Board of Education enter into on-call contracting agreements with the above firms for electrical services for modular classroom buildings for an aggregate amount not to exceed \$2,000,000.

RESOLUTION NO. 269-00      Re:    **AWARD OF CONTRACT B SPRING MILL CENTER REROOFING**

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

**WHEREAS, The following sealed bid was received on April 11, 2000, for roof replacement at Spring Mill Center, with work to begin as soon as possible and be completed by August 31, 2000:**

<u>Bidder</u>	<u>Amount</u>	<u>Estimate</u>
Interstate Corporation	\$64,500	\$60,000

and

**WHEREAS, Interstate Corporation has completed similar work successfully for Montgomery County Public Schools; and**

**WHEREAS, Interstate Corporation is an Asian American, Maryland Department of Transportation (MDOT)-certified firm; now therefore be it**

**Resolved, That a contract for \$64,500 be awarded to Interstate Corporation for the reroofing of the Spring Mill Center, in accordance with plans and specifications prepared by the Department of Facilities Management.**

RESOLUTION NO. 270-00      Re:    **GRANT OF DEED AND EASEMENT AGREEMENT  
AT BENJAMIN BANNEKER MIDDLE SCHOOL**

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

WHEREAS, Montgomery County has requested a grant of deed and temporary easement agreement at Benjamin Banneker Middle School, located at 14800 Perrywood Drive in Burtonsville, in order to improve Old Columbia Pike with sidewalks; and

WHEREAS, The road improvements will require a public dedication of 1,505 square feet in fee simple; and

WHEREAS, All construction and future maintenance will be done by Montgomery County or its contractors at no cost to the Board of Education, with Montgomery County and its contractors assuming liability for all damages or injury and all work; and

WHEREAS, The proposed grant of deed and temporary easement agreement will benefit both the school and community by providing needed sidewalks; now therefore be it

**Resolved, That the president and secretary of the Board of Education be authorized to execute a deed dedicating 1,505 square feet of land in fee simple and an agreement for a temporary grading and construction easement for road improvements at Benjamin Banneker Middle School.**

RESOLUTION NO. 271-00      Re:    **CHANGE ORDERS EXCEEDING \$25,000**

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

WHEREAS, The Department of Facilities Management has received change order proposals from various contractors that exceed \$25,000; and  
WHEREAS, Staff and the project architects have reviewed these change orders and found them to be reasonable; now therefore be it

Resolved, That the Board of Education approve the following change orders for the amounts indicated:

Activity 1

Project: James Hubert Blake High School

Description: During the excavation work for the widening of Johnson Road, unsuitable soil was uncovered. A portion of the excavated area had to be replaced with engineered fill to finalize the paving work.

Contractor: AccuBid Excavation, Inc.

Amount: \$115,000

Activity 2

Project: Seneca Valley High School

Description: The Indoor Air Quality contractor replacing duct insulation has completed the amount of work specified in its contract. Additional damaged insulation has been uncovered and needs to be replaced to ensure that the air distribution systems operate properly. This work will be done at the unit prices stipulated in the original contract.

Contractor: Tridim Filter Corporation

Amount: \$105,750

SOLUTION NO. 272-00 Re: **CAPITAL PROJECTS TO BE CLOSED EFFECTIVE JUNE 30, 2000**

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

WHEREAS, The Board of Education annually closes capital projects and transfers any unencumbered balances to the unliquidated surplus account; and

IEREAS, The Department of Facilities Management has reviewed capital projects that may be closed effective June 30, 2000; now therefore be it

solved, That the superintendent be authorized to close, effective June 30, 2000, capital construction projects listed below, subject to final audit:

<u>Project No.</u>	<u>Project</u>	<u>Balance</u>
152-15	Poolesville High School Ecology Center	\$ 65.15
9923	Clean Air Act	0.08
9904	Consolidation of County/MCPS Print Shop	0.22
9927	School Based Health Centers	0.00
757-30	Montgomery Blair High School	0.00
9931	Kitchen Fire Suppression	210.28
9935	Resume Scanning	0.00

It be it further

solved, That a copy of this resolution be sent to the county executive and County Council, to be included in the FY 2001 Educational Facilities Master Plan and the FY 2001-2006 Capital Improvements Program.

**SOLUTION NO. 273-00      Re:    ACCEPTANCE OF SLIGO CREEK ELEMENTARY SCHOOL**

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

IEREAS, Sligo Creek Elementary School was inspected on March 28, 2000; now therefore be it

solved, That Sligo Creek Elementary School now be formally accepted; and be it further

solved, 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.

**SOLUTION NO. 274-00      Re:    ACCEPTANCE OF ROCK VIEW ELEMENTARY SCHOOL**

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

IEREAS, Rock View Elementary School was inspected on April 5, 2000; now therefore be it

solved, That Rock View Elementary School now be formally accepted; and be it further

solved, 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.

SOLUTION NO. 275-00      Re:    **UTILIZATION OF FY 2000 FUTURE SUPPORTED PROJECT FUNDS FOR SUPPORT FOR SCIENCE EDUCATION: STUDENT ACTIVITIES AND TEACHER PROFESSIONAL DEVELOPMENT PROGRAMS**

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

solved, That the superintendent of schools be authorized to receive and expend within the FY 2000 Provision for Future Supported Projects two grant awards totaling \$175,000 from the Howard Hughes Medical Institute, through the Montgomery County Public Schools Educational Foundation, Inc., for the Support for Science Education: Student Activities and Teacher Professional Development programs; and be it further

solved, That the superintendent of schools be authorized to expend the grant award of \$95,000 to continue programs supported by the Support for Science Education: Student Activities grant in the following categories:

	<u>Category</u>	<u>Positions*</u>	<u>Amount</u>
2	Mid-level Administration	1.0	\$10,097
3	Instructional Salaries		43,183
4	Textbooks and Instructional Supplies		5,389
5	Other Instructional Costs		28,262
12	Fixed Charges	—	<u>8,069</u>
	Total	<u>1.0</u>	<u>\$95,000</u>

.0 Office Assistant III, Grade10 (12-month)

I be it further

solved, That the superintendent of schools be authorized to expend the grant award of \$80,000 to continue programs supported by the Support for Science Education: Teacher Professional Development grant in the following categories:

	<u>Category</u>	<u>Positions*</u>	<u>Amount</u>
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3	Instructional Salaries	1.0	\$57,481
4	Textbooks and Instructional Supplies		1,469
5	Other Instructional Costs		8,838
12	Fixed Charges	—	<u>12,212</u>
	Total	<u>1.0</u>	<u>\$80,000</u>

.0 Resource Teacher (A-D) (10-month)

I be it further

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

SOLUTION NO. 276-00      Re:    **UTILIZATION OF FY 2000 FUTURE SUPPORTED PROJECT FUNDS FOR EVENT-BASED SCIENCE: EARTH OBSERVING SATELLITE CONNECTION PROJECT**

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

solved, That the superintendent of schools be authorized to receive and expend within the FY 2000 Provision for Future Supported Projects a grant award of \$75,000 from the National Aeronautics and Space Administration for the second year of the three-year Event-Based Science: Earth Observing Satellite Connection Project, in the following categories:

<u>Category</u>	<u>Amount</u>
1 Administration	\$ 1,842
2 Mid Level Administration	72,049
12 Fixed Charges	<u>1,109</u>
Total	\$ <u>75,000</u>

I be it further

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

SOLUTION NO. 277-00      Re:    **UTILIZATION OF FY 2000 FUTURE SUPPORTED PROJECT FUNDS FOR THE PROVISIONAL TEACHER SUPPORT PROGRAM**

recommendation of the Superintendent and on motion of Mr. Abrams seconded by Ms. Signer, the

following resolution was adopted unanimously:#

solved, That the superintendent of schools be authorized to receive and expend within the FY 2000 Provision for Future Supported Projects a grant award of \$37,589 from the Maryland State Department of Education for the Provisional Teacher Support Program in the following categories:

<u>Category</u>	<u>Amount</u>
3 Instructional Salaries	\$32,000
4 Textbooks and Instructional Supplies	2,589
12 Fixed Charges	<u>3,000</u>
Total	<u>\$37,589</u>

It be it further

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

SOLUTION NO. 278-00      Re:    **RECOMMENDED FY 2000 CATEGORICAL TRANSFER FOR GLOBAL ACCESS TECHNOLOGY**

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

solved, That the superintendent of schools be authorized, subject to County Council approval, to effect an FY 2000 categorical transfer between state categories to reconcile expenditures needed to resolve the Y2K-related computer hardware and software problems for mission-critical information systems within the following categories:

<u>Category</u>	<u>From</u>	<u>To</u>
Administration		\$ 781,974
Textbooks and Instructional Supplies	\$ 535,907	
Other Instructional Costs	246,067	
Total	<u>\$ 781,974</u>	<u>\$ 781,974</u>

It be it further

solved, That the superintendent of schools be authorized to effect an FY 2000 object transfer of \$1,796,817 within the following objects of expenditure:

<u>Object of Expenditure</u>	<u>From</u>	<u>To</u>
Salaries and Wages	\$ 675,656	
Contractual Services		\$1,612,414
Supplies and Materials	995,236	
Other	125,925	
Furniture and Equipment	<u>                    </u>	<u>184,403</u>
Total	<u>\$1,796,817</u>	<u>\$1,79</u> <u>6,817</u>

and be it further

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

Resolved, That the county executive be requested to recommend approval of this categorical transfer to the County Council.

**RESOLUTION NO. 279-00 Re: RECOMMENDATION TO SUBMIT AN FY 2000 GRANT PROPOSAL FOR INTEGRATING ART INTO ACADEMICS FOR THE GIFTED/LEARNING DISABLED**

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

Resolved, That the superintendent of schools be authorized to submit an FY 2000 grant proposal in the amount of \$526,219 for a three-year period to the U.S. Department of Education under the Individuals with Disabilities Education Act (IDEA), Research and Innovation to Improve Services and Results for Children with Disabilities, Directed Research Projects entitled Integrating the Arts into the Academic Program for Learning Disabled/Gifted and Talented Students; and be it further

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

**RESOLUTION NO. 280-00 Re: RECOMMENDATION TO SUBMIT AN FY 2000 GRANT PROPOSAL FOR THE 21<sup>ST</sup> CENTURY COMMUNITY LEARNING**

**CENTER AT HIGHLAND VIEW  
ELEMENTARY SCHOOL**

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

**Resolved, That the superintendent of schools be authorized to submit an FY 2000 grant proposal to the U.S. Department of Education, under the 21<sup>st</sup> Century Community Learning Centers Program, for \$490,572 over three years to provide educational opportunities for students before and after school, in the evening, and during the summer, and to provide programming and opportunities for families to increase positive, productive involvement with Highland View Elementary School; and be it further**

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

RESOLUTION NO. 281-00

Re: **RECOMMENDATION TO SUBMIT AN FY 2000  
GRANT PROPOSAL FOR SCHOOLS FOR  
SUCCESS/GOALS 2000 PROJECT FOR A  
MATHEMATICS TEACHER CERTIFICATION  
PROGRAM**

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

**Resolved, That the superintendent of schools be authorized to submit an FY 2000 grant proposal in the amount of \$450,000 over a four-year period to the Maryland State Department of Education for the Schools for Success/Goals 2000 project to support tuition for a graduate degree program to increase secondary mathematics teacher certification of middle school teachers; and be it further**

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

RESOLUTION NO. 282-00      Re:    **RECOMMENDATION TO SUBMIT AN FY 2000 GRANT PROPOSAL FOR THE MVHS-EDGRID PROJECT AT MONTGOMERY BLAIR HIGH SCHOOL**

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

Resolved, That the superintendent of schools be authorized to submit an FY 2000 grant proposal in the amount of \$180,000 to the National Center for SuperComputing Applications (NCSA) for the MVHS-EdGrid Project at Montgomery Blair High School; and be it further

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

RESOLUTION NO. 283-00      Re:    **RECOMMENDATION TO SUBMIT AN FY 2001 GRANT PROPOSAL FOR MEETING NATIONAL STANDARDS IN IMMERSION PROGRAMS**

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

Resolved, That the superintendent of schools be authorized to submit an FY 2001 grant proposal in the amount of \$489,470 over a three-year period in federal funds to the U.S. Department of Education, Office of Bilingual Education and Language Minority Affairs, a foreign language assistance grant for Meeting National Standards in Immersion Programs; and be it further

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

RESOLUTION NO. 284-00      Re:    **AWARD OF CONTRACT B MISCELLANEOUS FLOORING**

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by Mrs. Gordon, the following resolution was adopted with Mr. Abrams, Mr. Burnett, Mrs. Gordon, Mrs. King, Mrs. O'Neill, and Ms. Signer voting in the affirmative; Mr. Felton abstaining: #

WHEREAS, The following bid was received on November 29, 1999, to provide miscellaneous replacement flooring:

<u>Bidder</u>	<u>Amount</u>
ARC Floor Company, Inc.	\$24,560

and

WHEREAS, ARC Floor Company, Inc., has completed similar work successfully; now therefore be it

Resolved, That a contract for \$24,560 be awarded to ARC Floor Company, Inc., to provide miscellaneous replacement flooring in accordance with drawings and specifications prepared by the Department of Facilities Management.

RESOLUTION NO. 285-00      Re:    **ACCEPTANCE      OF      SILVER      SPRING  
INTERNATIONAL MIDDLE SCHOOL**

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

WHEREAS, Silver Spring International Middle School was inspected on March 28, 2000; now therefore be it

Resolved, That Silver Spring International Middle 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. 286-00      Re:    **GRANT OF DEED AND AGREEMENT AT PAINT  
BRANCH HIGH SCHOOL**

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

WHEREAS, Montgomery County has requested that Montgomery County Public Schools grant 16,187 square feet in fee simple at Paint Branch High School, located at 14121 Old Columbia Pike in Burtonsville, in order to improve Old Columbia Pike with sidewalks; and

WHEREAS, All construction and future maintenance will be done by Montgomery County or its contractors at no cost to the Board of Education, with Montgomery County and its

contractors assuming liability for all damages or injury and all work; and

WHEREAS, The proposed grant will benefit both the school and community by providing needed sidewalks; now therefore be it

Resolved, That the president and secretary of the Board of Education be authorized to execute a grant of deed and agreement consisting of 16,187 square feet of land in fee simple for road improvements at Paint Branch High School.

RESOLUTION NO. 287-00      Re:    **FY 2001 OPERATING BUDGET  
AMENDMENTS: TEACHER SALARY  
CHALLENGE ACT**

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

WHEREAS, On April 10, 2000, the Maryland General Assembly adopted the Governor's Teacher Salary Challenge Act providing a one-percent salary adjustment for teachers for those school districts that provide in FY 2001 a negotiated cost-of-living increase for teachers equivalent to at least four percent of salary; and

WHEREAS, Montgomery County has qualified for this increase because the Board of Education has ratified a contract with the Montgomery County Education Association (MCEA) that meets the requirements of the Governor's Teacher Salary Challenge Act; and

WHEREAS, The additional salary adjustment will require the payment of additional Social Security (FICA) taxes; and

WHEREAS, It is anticipated that the state will provide additional funding according to the provisions of HB1247/SB810 sufficient to pay FICA taxes as well as the amount needed to pay all teachers the additional one-percent salary adjustment as required by law; now therefore be it

Resolved, That the FY 2001 Operating Budget Request be amended to reflect the additional one-percent salary adjustment and associated FICA taxes; and be it further

Resolved, That as a result of additional state aid for teacher salaries, the Board of Education amends its FY 2001 Operating Budget Request by a total increase of \$5,576,700 in the following categories:

Category	Board Adopted February 8, 2000	Amendment	Amended Budget Request
1 Administration	\$32,644,344	4,205	\$32,648,549
2 Mid-level Administration	81,909,034		81,930,424
		21,390	
3 Instructional Salaries	541,388,808	4,395,639	545,784,447
4 Textbooks and Instructional Supplies	23,233,865		23,233,865
5 Other Instructional Costs	13,160,249		13,160,249
6 Special Education	139,602,213	786,643	140,388,856
7 Student Personnel Services	4,825,877	34,130	4,860,007
8 Health Services	40,984		40,984
9 Student Transportation			53,816,540
10 Operation of Plant and Equipment	68,703,707		68,703,707
11 Maintenance of Plant	24,960,707		24,960,707
12 Fixed Charges	197,994,812	331,400	198,326,212
14 Community Services	50,000		50,000
37 Instructional Television	975,931	1,790	977,721
41 Adult Ed/Summer School Fund	3,391,956	1,503	3,393,459
51 Real Estate Management Fund	1,565,652		1,565,652
61 Food Services Fund	29,729,396		29,729,396
71 Field Trip Fund	1,884,835		1,884,835
81 Entrepreneurial Activities Fund	1,041,157		1,041,157
All Funds	<u>\$1,220,920,067</u>	<u>\$5,576,700</u>	<u>\$1,226,496,767</u>

and be it further

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

RESOLUTION NO. 288-00      Re:    **HUMAN      RESOURCES      MONTHLY  
REPORT**

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

**Resolved, That the Board of Education approve the Human Resources Monthly Report dated April 25, 2000.**

RESOLUTION NO. 289-00            Re:    **DEATH OF MRS. MARYLOU DOUGLAS, MEDIA ASSISTANT AT BLAIR HIGH SCHOOL**

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

WHEREAS, The death on March 11, 2000, of Mrs. Marylou Douglas, media assistant at Montgomery Blair High School, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, In more than 33 years with Montgomery County Public Schools, Mrs. Douglas extended great initiative in mastering and performing any task she was given and routinely did more than was expected, and

WHEREAS, Mrs. Douglas was a conscientious, dedicated professional who constantly provided high quality educational experiences for students; now therefore be it

Resolved, That the members of the Board of Education express their sorrow at the death of Mrs. Marylou Douglas 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 Mrs. Douglas's family.

RESOLUTION NO. 290-00            Re:    **DEATH OF DR. BEVERLY FAIRLEY-HARRIS, PSYCHOLOGIST IN THE SPRING MILL FIELD OFFICE**

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

WHEREAS, The death on April 7, 2000, of Dr. Beverly Fairley-Harris, psychologist in the Spring Mill Field Office, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, in more than eleven years with Montgomery County Public Schools, Dr. Fairley-Harris demonstrated enthusiasm and sincere interest in her work, facilitating effective team interactions and student/parent growth; and

WHEREAS, Dr. Fairley-Harris's commitment and high level of skills were an asset, and she was always willing to support peers and supervisory staff; now therefore be it

Resolved, That the members of the Board of Education express their sorrow at the death of Dr. Beverly Fairley-Harris 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 Dr. Fairley-Harris's family.

RESOLUTION NO. 291-00      Re:    **DEATH OF MRS. DIANA L. FERNANDEZ,  
CLASSROOM TEACHER ON LONG-TERM LEAVE  
FROM CLEARSPRING ELEMENTARY SCHOOL**

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

WHEREAS, The death on April 10, 2000, of Mrs. Diana L. Fernandez, classroom teacher on long-term personal illness leave from Clearspring Elementary School, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, Mrs. Fernandez was a conscientious, dedicated professional who constantly provided high quality educational experiences for her students; and

WHEREAS, in more than fourteen years as a teacher in Montgomery County Public Schools, Mrs. Fernandez was committed to students and sensitive to the needs of all people, making her an asset to the school system and community; now therefore be it

Resolved, That the members of the Board of Education express their sorrow at the death of Mrs. Diana L. Fernandez 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 Mrs. Fernandez's family.

RESOLUTION NO. 292-00      Re:    **DEATH OF MR. THAD H. GRACE, AUTOMOTIVE  
MECHANIC I IN THE DEPARTMENT OF  
TRANSPORTATION**

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

WHEREAS, The death on March 26, 2000, of Mr. Thad H. Grace, automotive mechanic I in the Department of Transportation, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, Mr. Grace was an automotive mechanic for Montgomery County Public Schools for more than 21 years and was recognized for his excellent technical skills; and

WHEREAS, Mr. Grace's prompt response and reliable service was commendable and appreciated; now therefore be it Resolved, That the members of the Board of Education express their sorrow at the death of Mr. Thad H. Grace 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. Grace's family.

RESOLUTION NO. 293-00      Re:    **HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective May 1, 2000:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
<b>Jody L. Silvio</b>	<b>Assistant to the Associate Superintendent, Office of Pupil and Community Services</b>	<b>Executive Assistant, Office of the Deputy Superintendent for Organizational Development</b>

RESOLUTION NO. 294-00      Re:    **HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective April 26, 2000:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
<b>Nivea C. Berrios</b>	<b>Instructional Specialist, Division of ESOL/Bilingual Programs</b>	<b>Supervisor, International Student Admissions Office</b>

Re:    **GUIDELINES FOR USE OF CELLULAR  
PHONES AND PAGERS**

Dr. Weast invited the following people to the table: Dr. Hiawatha B. Fountain, associate superintendent for pupil and community services; Mr. Wayne Whigham, principal of

Seneca Valley High School; Mrs. Karen Crawford, coordinator of student affairs; and Ms. Linna Barnes, president of the Montgomery County Council of Parent-Teacher Associations.

Dr. Weast agreed with the recommendation of the workgroup on cellular phones to eliminate the current 10-day automatic suspension for students in possession of cell phones and allow for a range in the length of suspensions from 1 to 10 days. While possession of a portable communication device by a student on public school property is still a violation of the law, an automatic 10-day suspension cannot be justified. The possession of portable communication devices by students is a major concern of principals and the Superintendent because of their strong desire to maintain a positive environment and minimize the potential for school and classroom disruption. Appropriate changes in MCPS Regulation COG-RA: *Portable Communication Devices* will be made to reflect the recommended range of consequences for this offense.

With a broader range of disciplinary actions available for the offense of possession of a cellular phone, principals are expected to use appropriate discretion and consistency in determining the consequences. To ensure fairness across schools, principals will be directed to implement the following provisions:

1. Changes to discipline plans that are necessitated by this recommendation will be discussed with parents and students through the process used to review and revise school discipline plans.
2. Changes will be clearly specified in local school discipline plans and specifically communicated to parents and students.
3. School staff will be informed that the rule applies to all school events and must be fairly and consistently enforced. Administrators, staff, and security teams are to develop and implement consistent enforcement procedures.
4. Suspensions of five or more days should be reserved for repeated or extremely serious violations of this regulation.

In December 1999, two Board members expressed concerns raised by parents over the MCPS regulation on cellular phones and pagers (COG-RA). Parents were particularly concerned about the uneven enforcement from school to school as well as the apparent lack of notification of parents about the rules regarding portable communication devices. In January 2000, the Board asked for a review of this issue, including a review of MCPS regulations, and a workgroup was convened.

The workgroup discussed the fact that the law makes no distinction between cell phones

and pagers. When on school property, students in possession of either a cell phone or a pager are in violation of the law. However, the workgroup felt that there were distinct differences in the use of cellular phones versus pagers. Recognizing these differences, the workgroup recommended that principals be allowed a range in the number of days of suspension for possession of a portable communication device. This change will allow Montgomery County Public Schools to respect the law while avoiding excessive student suspensions.

The workgroup was comprised of principals at the middle and high school levels, a middle school and a high school teacher, students from middle and high schools, along with a representative from the Montgomery County Council of Parent-Teacher Associations (MCCPTA), a parent from the Winston Churchill cluster, a pupil personnel worker, a field office instructional specialist, a field office supervisor, legal counsel, the Director of Policy and Records, and the Coordinator of Student Affairs. The group submitted its final report in March, 2000.

In addition, the Board of Education asked the superintendent to seek statewide support for appropriate changes in the law. Delegate Jean Cryor sponsored House Bill 288 to amend the prohibition against student possession of cell phones on public school property and allow students to possess and use cell phones before and after school hours. Senator Ida Ruben sponsored SB508, which mirrored HB228. The Board voted to support the intent of the bills. Montgomery County Public Schools had several students and a Board member testify in support of the bills at both the House and Senate committee hearings. Although the House committee hearing seemed favorable, the Senate committee voted the bill down. Delegate Cryor withdrew the House bill.

The appropriate changes will be made in the MCPS Regulation COG-RA: *Portable Communication Devices* to include a range of penalties for students found to be in possession of a portable communication device. These changes also will be reflected in MCPS Regulation JFA-RA, *Student Rights and Responsibilities*. Community superintendents will work with all principals on the changes and the consistency of the implementation of the regulation. Parents and students will be informed of the changes and consequences of bringing a portable communication device to school. Future legislation at the county and state levels will be monitored.

**Re: DISCUSSION**

Mrs. O'Neill stated that the issue of cell phones arose in December and a new business item requested the Superintendent to look into the issue, especially the harshness of the penalty. She thanked Delegate Jean Cryor and Senator Ida Ruben for their efforts to pass state legislation on cell phones.

Mr. Abrams thought the law was unclear and did not require the school system to suspend students for the possession of a cell phone. In fact, the penalty was to contact law enforcement officials. If the state is unwilling to change the law, the school system should leave it as a law enforcement issue. However, he would like the school system to develop some alternatives to reflect a range of options depending whether the infraction was during the school day.

Mrs. King wanted principals to have as much flexibility with discipline as possible. Each situation is different, and she did not want to bar a principal from suspending a student for 10 days if there was a reason for doing so. She had confidence in the principals ability to judge the situation and act accordingly.

Mr. Felton thanked Delegate Cryor and Senator Ruben for their support of cell phone legislation. While he supported maximum flexibility for principals to discipline students for cell phone possession, **he wanted discipline consistent throughout the system. He encouraged the workgroup to promote a collective agreement on discipline. Mrs. Crawford stated that the specific recommendation from the workgroup was to allow the principals the leeway of a 1 to 10-day range for suspensions depending on the circumstances. Ms. Barnes spoke to consistency and said the MCCPTA position was that there would be no out-of-school suspension for the first infraction. However, there was concern that there was a difference on how the suspensions would be applied. Mr. Whigham commented that the principals liked the flexibility to deal with individual cases.**

**Mr. Burnett thought it was a hard issue and went to the heart of safety for parents. The implementation of penalties must be fair and equitable.**

Re: **GUIDELINES FOR USE OF CELLULAR PHONES AND PAGERS**

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

**Resolved, That the Board of Education accepts the Superintendent's recommendation on cellular phones to eliminate the current 10-day automatic suspension for students in possession of cell phones and allow for a range in the length of suspensions from one to 10 days; and be it further**

**Resolved, That** with a broader range of disciplinary actions available for the offense of possession of a cellular phone, principals are expected to use appropriate discretion and consistency in determining the consequences, and to ensure fairness across schools, principals will be directed to implement the following provisions:

5. Changes to discipline plans that are necessitated by this recommendation will be discussed with parents and students through the process used to review and revise school discipline plans.
6. Changes will be clearly specified in local school discipline plans and specifically communicated to parents and students.
7. School staff will be informed that the rule applies to all school events and must be fairly and consistently enforced. Administrators, staff, and security teams are to develop and implement consistent enforcement procedures.
8. Suspensions of five or more days should be reserved for repeated or extremely serious violations of this regulation.

**Re: DISCUSSION**

**Ms. Signer thanked Delegate Cryor for championing the bill in the legislature. At MABE, Ms. Signer observed a great deal of difference between urban and rural counties. She thought consistency of discipline for possession or use during school hours was important, and the penalty for after-school hours should be different.**

**Ms. Sampedro knew that many students carried cell phones. There should be a range of sanctions based on the circumstances of the use and possession of a cell phone. She asked the workgroup if there were differences of opinion as to the use of a cell phone during school hours and after school hours. Mrs. Crawford noted that the law makes no distinction. However, it would be nice if a student could call home after an activity at school.**

**Mrs. Gordon thought there was confusion on what was in place and what the law said about the possession and use of a cell phone. She wanted to ensure that changes are clearly specified in local school discipline plans and communicated to parents and students. However, the school system had an obligation to communicate what the law states and that it has not changed.**

**Mr. Abrams noted that MCPS was not a law enforcement agency and the law did not require the school system to take action against a student. The Board could make a distinction between possession and use: simple possession could result in a suspension of from 0 to 10**

days and use could result in a suspension of from 1 to 10 days, both at the discretion of the principal. Given the rights and concerns of parents to make sure their children are secure and the ability of principals to differentiate circumstances, he urged the Board to take that direction in establishing policy.

Mrs. O'Neill distinguished the differences between possession and use and outside school hours and during school hours and said there must be graduated penalties based on circumstances. These distinctions must be communicated clearly to parents and students. She reiterated that it was still a violation of state law to possess or use a cell phone on school property. Also, she was concerned about consistency of discipline among the schools.

Re: **AN AMENDMENT TO THE MOTION ON  
GUIDELINES FOR USE OF CELLULAR  
PHONES AND PAGERS**

On motion of Mr. Abrams and seconded by Mr. Burnett, the following motion failed with Mr. Abrams, Mr. Burnett, Mrs. O'Neill, and Ms. Sampedro voting in the affirmative; Mr. Felton, Mrs. Gordon, Mrs. King, and Ms. Signer voting in the negative:

Resolved, That the Board of Education direct the Superintendent to make a distinction between possession and use: for simple possession have a 0 - 10-day suspension, for use have a 1- 10-day suspension, and for after-school use have a 0- 10-day suspension based on the discretion of the principal for all suspensions.

Re: **DISCUSSION**

Ms. Signer stated that she did not support the amendment because she thought the workgroup understood the Board's discussion and the regulations were the purview of the Superintendent.

RESOLUTION NO. 295-00

Re: **GUIDELINES FOR USE OF CELLULAR  
PHONES AND PAGERS**

On recommendation of the Superintendent and on motion of Mr. Burnett seconded by Mrs. King, the following resolution was adopted unanimously:

Resolved, That the Board of Education accept the Superintendent's

recommendation on cellular phones to eliminate the current 10-day automatic suspension for students in possession of cell phones and allow for a range in the length of suspensions from one to 10 days; **and be it further**

**Resolved, That** with a broader range of disciplinary actions available for the offense of possession of a cellular phone, principals are expected to use appropriate discretion and consistency in determining the consequences, and to ensure fairness across schools, principals will be directed to implement the following provisions:

9. Changes to discipline plans that are necessitated by this recommendation will be discussed with parents and students through the process used to review and revise school discipline plans.
10. Changes will be clearly specified in local school discipline plans and specifically communicated to parents and students.
11. School staff will be informed that the rule applies to all school events and must be fairly and consistently enforced. Administrators, staff, and security teams are to develop and implement consistent enforcement procedures.
12. Suspensions of five or more days should be reserved for repeated or extremely serious violations of this regulation.

Re: **SPENDING AFFORDABILITY  
GUIDELINES AND FY 2001 OPERATING  
BUDGET NON-RECOMMENDED REDUCTIONS**

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

WHEREAS, The Board of Education adopted an FY 2001 Operating Budget Request of \$1,110,495,511, excluding grants and enterprise funds, on February 8, 2000; and

WHEREAS, On March 13, 2000, the county executive recommended a budget for Montgomery County Public Schools, excluding grants and enterprise funds, of \$1,094,191,838, an amount \$16,303,673 lower than the Board of Education's request; and

WHEREAS, The county executive has stated his determination to address requested expenditures inadvertently not addressed by his recommendation; and

WHEREAS, The Maryland General Assembly approved \$2,981,083 in additional state aid in FY 2001, including \$2,224,454 for academic intervention and \$1,188,395 in Transitional Component funds, offset by a decrease of \$554,336 in personal property adjustment of

current expense aid, that compensates for equivalent expenditures included in the Board of Education's request as tax-supported local funds; and

WHEREAS, On April 11, 2000 the County Council designated a spending affordability guideline allocation for MCPS of \$1,094,200,000; and

WHEREAS, The County Council requested that its Education Committee recommend a budget for MCPS at the target allocation with an opportunity to request funding for important priorities in addition to the allocation target; now therefore be it

Resolved, That the Board of Education submit the attached prioritized non-recommended reductions as required by law totaling \$16,309,184, in the following categories:

<u>Category</u>	<u>Amount</u>
1 Administration	\$964,944
2 Mid-Level Administration	1,263,008
3 Instructional Salaries	8,116,680
4 Textbooks and Instructional Supplies	917,179
5 Other Instructional Costs	1,678,898
6 Special Education	467,824
10 Operation of Plant and Equipment	516,530
12 Fixed Charges	<u>2,384,121</u>
Total	<u>\$16,309,184</u>

and be it further

Resolved, That the detailed items suggested to the Education Committee as non-recommended reductions would have extremely detrimental long-term effects on the ability of the Montgomery County Public Schools to make significant progress in raising the bar for all students of the school system and closing the achievement gap between racial and ethnic groups; and be it further

Resolved, That the impact of these reductions on the quality of education were explained; and be it further

Resolved, That in view of these consequences the members of the County Council should fully fund the FY 2001 Operating Budget as requested by the Board of Education; and be it further

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

Re: **A SUBSTITUTE MOTION TO THE  
SPENDING AFFORDABILITY  
GUIDELINES AND FY 2001 OPERATING  
BUDGET NON-RECOMMENDED REDUCTIONS**

On motion of Ms. Signer and seconded by Mrs. Gordon, the following resolution failed with Mrs. Gordon and Ms. Signer voting in the affirmative; Mr. Abrams, Mr. Burnett, Mr. Felton, Mrs. King, and Mrs. O'Neill voting in the negative:#

Resolved, That the Board of Education remove the following items from the Superintendent-s non-recommended reductions:

1.	Student Assessments (scoring for CRTs)	\$	247,571
2.	Class Size for High Schools		2,700,000
3.	Secondary Student Support Specialists		257,401
4.	Elementary Secretarial Support		177,000
5.	Special Education Cluster Model Support		255,997
6.	High School Signature Program		202,500
7.	Summer Program B middle schools B pre-algebra		154,334
8.	AHands On@Equations in Grades 3 to 5		100,000
9.	Primary Math Project (Singapore Math Pilot)		50,000
10.	ASoar to Success@program in Grades 3 and 6		221,750
11.	William and Mary Language Arts		100,000
12.	Reading Recovery Program in Grade 1		471,825
13.	High School Improvement Program		125,000
14.	Full-day Kindergarten at 15:1 Ratio		1,821,120
15.	Grade 3 Reading to Learn Initiative		1,378,954

and be it further

Resolved, That the following items replace the previously removed items:

1.	Full-day Kindergarten at 20:1 ratio	\$	1,120,054
2.	Grade 3 Reading to Learn Initiative (training)		261,268
3.	Data Warehouse		1,660,000
4.	Cut Increase to payment to Employee Benefits Trust Fund for Retirees		3,350,000
5.	Utilities Reduction/Change Thermostats	200,000	
6.	Cut Telephone Services by 9%		300,000
7.	Delay Filling Noninstructional Vacant Positions		250,000
8.	Increase Turnover Savings		250,000
9.	Eliminate all inflation for textbooks, Instructional Material, Media Supplies		900,000

Re: **DISCUSSION**

Ms. Signer explained that the purpose of the substitute resolution was to preserve, to the extent possible, the programs that addressed the Board's academic priorities and commitments that the Board had made in prior years. She added that, in the past, the County Council had not looked favorably on non-recommended cut lists that included elimination of classroom initiatives.

RESOLUTION NO. 296-00

Re: **SPENDING AFFORDABILITY  
GUIDELINES AND FY 2001 OPERATING  
BUDGET NON-RECOMMENDED REDUCTIONS**

On recommendation of the Superintendent and on motion of Mr. Felton seconded by Mr. Abrams, the following resolution was adopted with Mr. Abrams, Mr. Burnett, Mr. Felton, Mrs. King, and Mrs. O'Neill voting in the affirmative; Mrs. Gordon and Ms. Signer voting in the negative:#

WHEREAS, The Board of Education adopted an FY 2001 Operating Budget Request of \$1,110,495,511, excluding grants and enterprise funds, on February 8, 2000; and

WHEREAS, On March 13, 2000, the county executive recommended a budget for Montgomery County Public Schools, excluding grants and enterprise funds, of \$1,094,191,838, an amount \$16,303,673 lower than the Board of Education's request; and

WHEREAS, The county executive has stated his determination to address requested expenditures inadvertently not addressed by his recommendation; and

WHEREAS, The Maryland General Assembly approved \$2,981,083 in additional state aid in FY 2001, including \$2,224,454 for academic intervention and \$1,188,395 in Transitional Component funds, offset by a decrease of \$554,336 in personal property adjustment of current expense aid, that compensates for equivalent expenditures included in the Board of Education's request as tax-supported local funds; and

WHEREAS, On April 11, 2000 the County Council designated a spending affordability guideline allocation for MCPS of \$1,094,200,000; and

WHEREAS, The County Council requested that its Education Committee recommend a budget for MCPS at the target allocation with an opportunity to request funding for important priorities in addition to the allocation target; now therefore be it

Resolved, That the Board of Education submit the attached prioritized non-recommended reductions as required by law totaling \$16,309,184, in the following categories:

<u>Category</u>	<u>Amount</u>
1 Administration	\$964,944
2 Mid-Level Administration	1,263,008
3 Instructional Salaries	8,116,680
4 Textbooks and Instructional Supplies	917,179
5 Other Instructional Costs	1,678,898
6 Special Education	467,824

10 Operation of Plant and Equipment	516,530
12 Fixed Charges	<u>2,384,121</u>
Total	<u>\$16,309,184</u>

and be it further

Resolved, That the detailed items suggested to the Education Committee as non-recommended reductions would have extremely detrimental long-term effects on the ability of the Montgomery County Public Schools to make significant progress in raising the bar for all students of the school system and closing the achievement gap between racial and ethnic groups; and be it further

Resolved, That the impact of these reductions on the quality of education were explained; and be it further

Resolved, That in view of these consequences the members of the County Council should fully fund the FY 2001 Operating Budget as requested by the Board of Education; and be it further

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

**Re: BOARD/SUPERINTENDENT COMMENTS**

**There were no comments.**

RESOLUTION NO. 297-00      Re: **CLOSED SESSION RESOLUTION**

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

WHEREAS, The Board of Education of Montgomery County is authorized by the *Education Article* and *State Government Article of the Annotated Code of Maryland* 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, May 9, 2000, in Room 120 of the Carver Educational Services Center from 9:00 to 10:00 a.m. and 12:30 to 2:00 p.m. to discuss personnel matters, as permitted under Section 10-508(a)(1) of the *State Government Article*, consult with counsel to obtain legal advice, as permitted by Section 10-508(a)(7) of the *State Government Article*; and review and adjudicate appeals in its quasi-judicial capacity and to discuss matters of an executive function outside the purview of the Open Meetings Act (Section 10-503(a) of the

*State Government Article*); and be it further

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

**Re: REPORT ON CLOSED SESSION**

On April 11, 2000, by unanimous vote, the Board of Education voted to conduct a closed session as permitted under the *Education Article* ' 4-107 and *State Government Article* ' 10-501, *et seq.*, of the *Annotated Code of Maryland*.

The Montgomery County Board of Education met in closed session on April 11, 2000, from 9:05 to 10:15 a.m. and 12:55 to 2:35 p.m. in Room 120, Carver Educational Services Center, Rockville, Maryland, and

5. Reviewed and/or adjudicated the following appeals: 1999-36, 2000-5, 2000-7, 2000-8, and 2000-10.
6. Discussed and reviewed the appointments to the Board Advisory Committees, subsequent to which the vote to approve the appointments was taken in open session.
7. Reviewed the report on Equal Employment Opportunity and sexual harassment cases.
8. Consulted with counsel to receive legal advice as permitted under Section 10-508(a)(7) of the *State Government Article*.
9. Discussed matters of an executive function outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*).

In attendance at the closed session were: Steve Abrams, Aggie Alvez, Larry Bowers, Patricia Brannan, Fran Brenneman, Judith Bresler, Kermit Burnett, Reggie Felton, Bea Gordon, Marlene Hartzman, Roland Ikheloa, Nancy King, Frieda Lacey, George Margolies, Judie Muntner, Patricia O'Neill, Dianne Piché, Brian Porter, Glenda Rose, Laura Sampedro, Mona Signer, William Taylor, Roger Titus, Jerry Weast, and Jim Williams.

RESOLUTION NO. 298-00

Re: **BOARD APPEAL 1999-36**

On motion of Mr. Burnett and seconded by Mr. Abams, the following resolution was adopted:

Resolved, That the Board of Education adopt its Decision and Order in Appeal 1999-36, administrative handling of school incident, reflective of the following vote: Mr. Abrams, Mr. Burnett, Mrs. King, Mrs. O'Neill, and Ms. Sampedro voting to affirm; Mr. Felton and Mrs. Gordon voting to reverse; and Ms. Signer recused herself.

RESOLUTION NO. 299-00      Re:    **BOARD APPEAL 2000-8**

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

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2000-8, a student expulsion matter, reflective of the following vote: Mr. Abrams, Mr. Burnett, Mr. Felton, Mrs. Gordon, Mrs. King, Mrs. O'Neill, Ms. Sampedro, and Ms. Signer voting to affirmative.

RESOLUTION NO. 300-00      Re:    **BOARD APPEAL 2000-10**

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

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2000-10, a school staff's handling of a matter, reflective of the following vote: Mr. Abrams, Mr. Burnett, Mr. Felton, Mrs. Gordon, Mrs. King, Mrs. O'Neill, Ms. Sampedro, and Ms. Signer voting to dismiss.

**Re:    NEW BUSINESS**

Ms. Signer moved and Mrs. Gordon seconded the following:

WHEREAS, On April 13, 2000, the Board of Education held its annual meeting with the Montgomery County Council of Parent Teacher Associations (MCCPTA); and

WHEREAS, At that meeting, MCCPTA and the Board of Education discussed the feasibility of town meetings that could be convened by the Board of Education in different geographic areas of Montgomery County; and

WHEREAS, The Board of Education has identified the creation of family and community partnerships as one of its priorities; now therefore be it

Resolved, That the Board of Education schedule a series of three town meetings to be held in the Fall 2000; and be it further

Resolved, That the town meetings be widely publicized to MCPS students, parents, the business community, and the general public.

**Re: ITEMS OF INFORMATION**

**The following item of information was available:**

**Change Order Report B Less Than \$25,000**

RESOLUTION NO. 301-00      Re: **ADJOURNMENT**

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

Resolved, That the Board of Education adjourn its meeting of April 25, 2000, at 10:35 p.m.

PRESIDENT

SECRETARY

JDW:gr

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April 25, 2000

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