

APPROVED
17-2003

Rockville, Maryland
April 23, 2003

The Board of Education of Montgomery County met in regular session at the Carver Educational Services Center, Rockville, Maryland, on Wednesday, April 23, 2003, at 7:35 p.m.

ROLL CALL Present: Mrs. Patricia B. O'Neill, President
 in the Chair
 Ms. Sharon Cox
 Mr. Reginald M. Felton
 Dr. Charles Haughey
 Mr. Walter Lange
 Mr. Mihyar Alnifaidy, Student Board Member
 Mr. Sagar Sanghvi, Student Board Member-Elect
 Dr. Jerry Weast, Secretary/Treasurer

Absent: Mr. Kermit Burnett
 Mr. Gabe Romero

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

RESOLUTION NO. 193-03 Re: **CLOSED SESSION**

On recommendation of the Superintendent and on motion of Mr. Lange seconded by Dr. Haughey, the following resolution was adopted unanimously by members present:

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 closed sessions on April 23, 2003, in Room 120 from 7:00 to 7:30 p.m. and immediately after adjournment of the business meeting to discuss the Human Resources Monthly Report and appointments, as permitted under Section 10-508(a)(1) of the *State Government Article*; and be it further

Resolved, That the Board of Education of Montgomery County a conduct portion of its closed sessions to discuss collective bargaining negotiations, as permitted under Section 10-508(a)(9) of the *State Government Article* and Section 4-107(d)(2)(ii) of the *Education Article*; and be it further

Resolved, That the Board of Education of Montgomery County dedicate part of the closed session on April 23, 2003, 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 portions of the meeting continue in closed session until the completion of business.

RESOLUTION NO. 194-03 Re: **APPROVAL OF THE AGENDA**

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

Resolved, That the Board of Education approve its agenda for April 23, 2003.

RESOLUTION NO. 195-03 Re: **NATIONAL STUDENT LEADERSHIP WEEK**

On recommendation of the Superintendent and on motion of Mr. Alnifaidy seconded by Ms. Cox, the following resolution was adopted unanimously by members present:

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

WHEREAS, The Board of Education and student organizations respect and engage in an open dialogue in matters of common concern and diverse interests that is productive and useful; and

WHEREAS, Participation by our youth is valued by the Board of Education; and

WHEREAS, In April, student leadership activities include the election of the student member of the Board of Education, the Montgomery County Region of the Maryland Association of Student Councils and Montgomery County Junior Council elections, and National Student Leadership Week; and

WHEREAS, National Student Leadership Week is a time when schools across our nation recognize student leaders for their accomplishments, efforts, and service, with this year's national theme being "Who Says You Can't Change the World?"; now therefore be it

Resolved, That the Board of Education hereby join with the superintendent of schools in designating the week of April 20-26, 2003, as Student Leadership Week in Montgomery County Public Schools; and be it further

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

RESOLUTION NO. 196-03 Re: **ASIAN PACIFIC AMERICAN HERITAGE MONTH**

On recommendation of the Superintendent and on motion of Mr. Lange seconded by Mr. Felton, the following resolution was adopted unanimously by members present:
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 "Salute to Liberty" as the national theme to promote the message of unity among all Americans and the value of the roles of Asian Pacific Americans in this effort; and

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

WHEREAS, The Board of Education is proud that Montgomery County Public Schools continues to strengthen the pre-K-12 curriculum and to foster student and community to promote a greater awareness of the legacy and contributions 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 2003 to be observed as "Asian Pacific American Heritage Month."

Re: **PUBLIC COMMENTS**

The following people testified before the Board of Education:

	<u>Person</u>	<u>Topic</u>
1.	Janice Sartucci	Facilities
2.	Linda Plummer	Community Partnerships
3.	Brian Stelter	Flexible High School Scheduling

RESOLUTION NO. 197-03 Re: **PROCUREMENT CONTRACTS OF \$25,000 OR MORE**

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

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

WHEREAS, Funds have been budgeted and/or identified for Bid No. 7107.2, Forklift for the Division of Food and Nutrition Services; and

WHEREAS, The acquisition of such equipment and furniture through lease/purchase arrangements has been reviewed by legal counsel; now therefore be it

Resolved, That Bid No. 7107.2, Forklift for the Division of Food and Nutrition Services, in the amount of \$27,138 be leased/purchased for a five-year term under the Master Lease/Purchase Agreement with Wachovia Bank; and be it further

Resolved, That the Board president and superintendent be authorized to execute the necessary documents; and be it further

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

1154.1	Maryland K–12, Digital Library Project	
	<u>Awardees</u>	
	SIRS Publishing, Inc.	\$ 295,000
	World Book, Inc.	<u>203,629</u>
	Total	\$ 498,629
9052.2	Recreation Systems-Installation—Extension	
	<u>Awardees</u>	
	Arbor Recreation	\$ 17,980
	Bosco Associates, Inc.	13,238
	West Recreation, Inc.	<u>37,959</u>
	Total	\$ 69,177
9053.2	Playground Equipment—Extension	
	<u>Awardees</u>	
	All Recreation, Inc.	\$ 60,588
	Arbor Recreation	17,024
	Rapidan Resources, Inc.	168,819
	West Recreation, Inc.	<u>105,637</u>
	Total	\$ 352,068
9057.4	Baseball Supplies and Equipment	
	<u>Awardees</u>	
	Anaconda Sports, Inc.	\$ 16,337
	Cannon Sports, Inc.*	1,642
	Marlow Sports, Inc.*	227
	Passon's Sports	6,913

	Sports Stop, Inc.	3,180
	Total	\$ 28,299
9057.4	Basketball Supplies and Equipment	
	<u>Awardees</u>	
	Anaconda Sports, Inc.	\$ 5,918
	Cannon Sports, Inc.*	9,268
	DVF Sporting Goods Company	29,411
	Gopher Athletic Sport	1,974
	Passon's Sports	34,694
	Sportmaster Recreation Equipment	21,170
	Total	\$ 102,435
9058.4	Developmental Activities Supplies and Equipment	
	<u>Awardees</u>	
	Cannon Sports, Inc.*	\$ 2,207
	DVF Sporting Goods Company	875
	Gopher Athletic Sport	56
	Morley Athletic Supply Company, Inc	4,625
	Passon's Sports	19,141
	Pyramid School Products	3,671
	S & S Worldwide	4,441
	Sportime, LLC	12,199
	Sports Stop, Inc.	1,900
	Total	\$ 49,115
9064.4	Lacrosse Supplies and Equipment	
	<u>Awardees</u>	
	Bill Fritz	\$ 5,249
	Cannon Sports*	11
	Georgi Sport/Division of Richmat, Inc.*	3,628
	Longstreth Sporting Goods*	2,862
	Morley Athletic Supply Company, Inc.	17,426
	Passon's Sports	3,544
	Sports Stop, Inc.	5,284
	Total	\$ 38,004
9351.1	HVAC Renovations at Darnestown Elementary School**	
	<u>Awardee</u>	
	M & M Welding and Fabricators, Inc*.	\$ 645,000

TOTAL PROCUREMENT CONTRACTS EXCEEDING \$25,000 \$1,782,727

* Denotes Minority-, Female-, or Disabled-owned Business

** Planned Life-cycle Asset Replacement Bid (PLAR)

RESOLUTION NO. 198-03 Re: **AWARD OF CONTRACT – REROOFING
DAMASCUS HIGH SCHOOL**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Dr. Haughey, the following resolution was adopted unanimously by members present:#

WHEREAS, The following sealed bids were received on April 7, 2003, for the reroofing of Damascus High School, Phase III:

<u>Bidder</u>	<u>Amount</u>
Interstate Corporation	\$165,000
J. E. Wood & Sons Company, Inc.	185,701
Orndorff & Spaid, Inc.	186,256
GBA Contracting, Inc.	241,200

and

WHEREAS, Interstate Corporation, a Maryland Department of Transportation-certified minority firm, has completed similar work successfully for the Montgomery County Public Schools; and

WHEREAS, The low bid is below the staff estimate of \$190,000; and

WHEREAS, The State of Maryland Interagency Committee on School Construction will fund 50 percent of the eligible work for the school as part of the state systemic renovation program; now therefore be it

Resolved, That a \$165,000 contract be awarded to Interstate Corporation for the reroofing of Damascus High School, Phase III, in accordance with drawings and specifications prepared by the Department of Facilities Management; and be it further

Resolved, That the contract be forwarded to the State of Maryland Interagency Committee on School Construction for approval to reimburse the Montgomery County Public Schools for the state-eligible portion of this project.

RESOLUTION NO. 199-03

Re: **CAPITAL PROJECTS TO BE CLOSED EFFECTIVE
JUNE 30, 2003**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Dr. Haughey, the following resolution was adopted unanimously by members present:#

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

WHEREAS, The Department of Facilities Management has reviewed capital projects that may be closed, effective June 30, 2003; now therefore be it

Resolved, That the superintendent be authorized to close, effective June 30, 2003, capital construction projects listed below, subject to final audit:

<u>Project No.</u>	<u>Project</u>	<u>Balance</u>
216-05	Travilah Elementary School	-0-
777-05	Weller Road Elementary School	-0-
782-11	Wheaton High School	-0-
9936	Fleet Management System	-0-

and be it further

Resolved, That a copy of this resolution be sent to the county executive and County Council to be included in the FY 2004 Educational Facilities Master Plan and the FY 2003-2008 Capital Improvements Program.

RESOLUTION NO. 200-03

Re: **REDUCTION OF RETENTION – LAKEWOOD
ELEMENTARY SCHOOL**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Dr. Haughey, the following resolution was adopted unanimously by members present:#

WHEREAS, Hess Construction Company, general contractor for the Lakewood Elementary School addition project, has completed 91 percent of all specified requirements as of March 31, 2003, and requested that the 10-percent retainage, which is based on completed work to date, be reduced to 5 percent; and

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

WHEREAS, The project architect, Wiencek + Zavos Architects, P.C., recommends approval of the reduction; now therefore be it

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

RESOLUTION NO. 201-03 Re: **ARCHITECTURAL APPOINTMENT –
GAITHERSBURG ELEMENTARY SCHOOL
ADDITION**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Dr. Haughey, the following resolution was adopted unanimously by members present:

WHEREAS, It is necessary to appoint an architectural firm to provide professional and technical services during the design and construction phases for the Gaithersburg Elementary School addition; and

WHEREAS, Funds for architectural planning were programmed as part of the FY 2003 Capital Budget; and

WHEREAS, An Architect Selection Committee, in accordance with procedures adopted by the Board of Education on July 14, 1998, selected Smolen-Emr & Associates, Inc., the architect for the original school facility, to provide the necessary professional architectural and engineering services; and

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

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with the architectural firm of Smolen-Emr & Associates, Inc., to provide professional architectural and engineering services for the Gaithersburg Elementary School addition for a fee of \$537,800.

RESOLUTION NO. 202-03 Re: **OFFICE SPACE LEASE EXTENSION AT METRO
PARK NORTH**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Dr. Haughey, the following resolution was adopted unanimously by members present:#

WHEREAS, Space is not available at Montgomery County Public Schools-owned facilities to accommodate staff currently housed at Metro Park North; and

WHEREAS, The Board of Education desires to extend its lease at Metro Park North beyond the September 2004 expiration; and

WHEREAS, Department of Facilities Management staff has negotiated favorable financial terms to extend the lease for office space at Metro Park North to September 2011; and

WHEREAS, The proposed Amendment and Extension of Lease will include additional space recently subleased in the same building when that sublease expires in August 2005; now therefore be it

Resolved, That the superintendent and president of the Board of Education be authorized to execute an Amendment and Extension of Lease for space located at Metro Park North.

RESOLUTION NO. 203-03 Re: **SPACE MODIFICATIONS FOR EMPLOYEE AND RETIREE SERVICES CENTER AT METRO PARK NORTH**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Dr. Haughey, the following resolution was adopted unanimously by members present:#

WHEREAS, On February 11, 2003, the Board of Education approved a sublease agreement for space at 7361 Calhoun Place to house personnel from the Employee and Retiree Services Center; and

WHEREAS, The sublease rates were substantially less than current market rates for new leases; and

WHEREAS, Tenant improvements were not included in the rental agreement, because the annual sublease rates were well below market cost; and

WHEREAS, Bids were received from the following firms to complete the tenant improvements needed to house the Employee and Retiree Services Center personnel in the leased space:

<u>Bidder</u>	<u>Amount</u>
HBW Group	\$ 59,300
The Williamson Group	\$ 59,803
Deerfield Construction Group	\$ 63,902

and

WHEREAS, the HBW Group has completed similar work satisfactorily for other office tenants; now therefore be it

Resolved, That the Board of Education approve a contract in the amount of \$59,300 with the HBW Group to complete tenant improvements for the space leased for the Employee and Retiree Services Center on the first floor of the building at 7361 Calhoun Place, Metro

Park North.

RESOLUTION NO. 204-03 Re: **UTILIZATION OF FY 2003 PROVISION FOR FUTURE SUPPORTED PROJECT FUNDS**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Dr. Haughey, the following resolution was adopted unanimously by members present:#

WHEREAS, The grant qualifies for a transfer of appropriation from the Provision for Future Supported Projects, pursuant to the provisions of County Council Resolution No. 14-1270 approved May 23, 2002; and

WHEREAS, The program does not require any present or future county funds; and

WHEREAS, Sufficient appropriation is available, within the FY 2003 Provision for Future Supported Projects, to permit the transfer within state categories; now therefore be it

Resolved, That the superintendent of schools be authorized to receive and expend, within the FY 2003 Provision for Future Supported Projects, as specified below:

<u>Project</u>	<u>Amount</u>
Regional Professional Development Project	\$ <u>37,600</u>
Total	<u>\$ 37,600</u>

and be it further

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

RESOLUTION NO. 205-03 Re: **HUMAN RESOURCES MONTHLY REPORT**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mr. Lange, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education approve the Human Resources Monthly Report dated April 23, 2003.

RESOLUTION NO. 206-03 Re: **DEATH OF ELVIA M. RAMOS, BUILDING SERVICE WORKER, ON LONG-TERM LEAVE FROM ROCKVILLE HIGH SCHOOL**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by

Mr. Lange, the following resolution was adopted unanimously by members present:

WHEREAS, The death on October 14, 2002, of Elvia M. Ramos, building service worker on long-term leave from Rockville High School, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, Mrs. Ramos had been a loyal employee of Montgomery County Public Schools for more than 18 years; and

WHEREAS, Mrs. Ramos' pride in her work and dedication to duty were recognized by staff and associates alike; now therefore be it

Resolved, That the members of the Board of Education express their sorrow at the death of Elvia M. Ramos 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. Ramos' family.

RESOLUTION NO. 207-03 Re: **DEATH OF ROBERT R. DOFFLEMYER, BUILDING SERVICE WORK LEADER II, STRAWBERRY KNOLL ELEMENTARY SCHOOL**

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

WHEREAS, The death on March 1, 2003, of Robert R. Dofflemyer, building service work leader II at Strawberry Knoll Elementary School, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, In more than 21 years of service to Montgomery County Public Schools, Mr. Dofflemyer performed his duties in an outstanding manner, and his leadership ensured that the building and grounds were always conducive to teaching and learning; and

WHEREAS, Mr. Dofflemyer's knowledge of his position, extra effort in the total operation of the school, and good rapport with coworkers were recognized by students and staff alike; now therefore be it

Resolved, That the members of the Board of Education express their sorrow at the death of Robert R. Dofflemyer 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. Dofflemyer's family.

RESOLUTION NO. 208-03

Re: **DEATH OF ROBERT J. SLACK, CLASSROOM
TEACHER, WINSTON CHURCHILL HIGH SCHOOL**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Dr. Haughey, the following resolution was adopted unanimously by members present:

WHEREAS, The death on March 3, 2003, of Robert J. Slack, classroom teacher at Winston Churchill High School, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, In more than 29 years of service to Montgomery County Public Schools, Mr. Slack was committed to students and sensitive to the needs of all people, making him an asset to the school system and community; and

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

Resolved, That the members of the Board of Education express their sorrow at the death of Robert J. Slack 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. Slack's family.

RESOLUTION NO. 209-03

Re: **APPOINTMENT**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mr. Lange, the following resolution was adopted unanimously by members present:

Resolved, That the following personnel appointment be approved effective July 1, 2003:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Suzanne Maxey	Principal, Bowie High School Prince George's County	Principal, Seneca Valley High School

RESOLUTION NO. 210-03

Re: **APPOINTMENT**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mr. Lange, the following resolution was adopted unanimously by members present:

Resolved, That the following personnel appointment be approved effective July 1, 2003:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
E. Moreno Carrasco	Principal, Eastern Middle School	Principal, Richard Montgomery High

School

RESOLUTION NO. 211-03 Re: **APPOINTMENT**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mr. Lange, the following resolution was adopted unanimously by members present:

Resolved, That the following personnel appointment be approved effective July 1, 2003:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Mary Beth Waits	Assistant Principal, Paint Branch High School	Principal, Col. E. Brooke Lee Middle School

RESOLUTION NO. 212-03 Re: **APPOINTMENT**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mr. Lange, the following resolution was adopted unanimously by members present:

Resolved, That the following personnel appointment be approved effective July 1, 2003:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Alton Sumner	Assistant Principal, Wheaton High School	Principal, North Bethesda Middle School

Re: **TENTATIVE ACTION ON POLICY JNA, STUDENT OUT-OF-POCKET EXPENSES**

On motion of Ms. Cox and seconded by Mr. Lange, the following resolution was placed on the table:

WHEREAS, Policy JNA, *Curricular Expenses for Students (Out-of-Pocket Expenses of Students)* articulates the rights of students to be provided full access to all courses and the instructional materials required for those courses; and

WHEREAS, Policy JNA establishes fair practices and requires communication to parents and students regarding curricular fees; and

WHEREAS, The Board of Education Policy Committee has considered and recommended revisions to Policy JNA, *Curricular Expenses for Students (Out-of-Pocket Expenses of Students)*; now therefore be it

Resolved, That the Board of Education take tentative action to adopt draft Policy JNA, *Curricular Expenses for Students (Out-of-Pocket Expenses of Students)*; and be it further

Resolved, That the draft Policy JNA, *Curricular Expenses for Students (Out-of-Pocket Expenses of Students)*, be sent out for public comment.

Curricular Expenses for Students

A. Purpose

To ensure that all students, regardless of their economic circumstances, have full access to all courses and the instructional materials required for those courses

To set forth the objectives to be followed with regard to student expenses

B. Process and Content

1. The school system shall provide:
 - a) Access to content materials required to meet course outcomes
 - b) Safety equipment needed in all courses requiring such equipment
 - c) Three transcripts for each student without charge
2. It may be requested that students purchase supplemental materials. Access to supplemental materials must be provided to all students.
3. When student projects become their personal property in courses such as family and consumer science economics, career and technology vocational education, art, theater, and music, supplemental curricular expenses will be charged. The cost will be established between the student and the teacher prior to starting the project, or it may be encompassed in a predetermined course fee.
4. If a student damages or breaks supplies or equipment through gross negligence, then the student is responsible for reimbursing the school system for the damage in accordance with administrative regulation.
5. Lab fees may be charged; however, no student will be excluded from participation in any course requiring lab fees based on the inability to pay the fee. Students will not be penalized academically for their inability to pay for supplemental materials.
6. Each school shall develop and publish a list of curricular expenses by course or subject area that has been approved by the appropriate Community

Superintendent in accordance with administrative regulation. The charges are to be fixed annually.

7. Schools are encouraged to provide field trips for their students that relate to the instructional program. Students should not be deprived of participating in field trips because of a lack of money.
8. There are optional expenses that students may incur during their school years which are not related to curriculum. These expenses may include voluntary purchases such as athletic shoes, school newspapers, yearbooks, and class rings.

C. Review and Reporting

This policy will be reviewed in accordance with the Board of Education policy review process.

Re: **DISCUSSION**

Ms. Cox asked staff to explain what instructional materials the Code of Maryland Regulations required of school systems. Staff stated that it requires instructional materials, as defined by MCPS, that impart knowledge. Ms. Cox explained that a workbook could be used for several years if the school system provided the book and students wrote their answers on a separate sheet of paper.

Mr. Felton thought there was a difference between providing content and providing access to the material. Mrs. O'Neill replied that a book, such as an atlas, would not be a required purchase, but all children would have access to an atlas to use. Staff answered that access can be provided in a myriad of ways, including renting some items, such as a graphing calculator.

Mr. Felton asked if it was the intent that access to materials was equitable or that materials would be available to an individual student. Staff explained that some students would purchase certain items and others would borrow the same items. Ms. Cox added that a student would never be required to purchase material defined by MCPS as instructional materials.

Mr. Lange and Dr. Haughey asked for the average costs and the range of those costs charged to students for curricular support materials.

Ms. Cox inquired whether a school in which 44 percent of students were eligible for Free and Reduced-price Meals would raise the fee for instructional materials to subsidize students who had difficulty paying. Mr. Bowers replied that the Community Superintendent will ascertain appropriate fees and review those fees annually.

Mrs. O'Neill noted that there is a separate policy for field trips, but she was appalled at the cost of some trips since there is pressure on families to allow their children to participate. Also, she asked if outdoor education fees were included in a policy or regulation. Mr. Bowers did not believe that outdoor education costs were included in another policy, but guidelines are used for those who cannot afford the fee.

RESOLUTION NO. 213-03 Re: **AN AMENDMENT TO TENTATIVE ACTION ON
POLICY JNA, *STUDENT OUT-OF-POCKET
EXPENSES***

On motion of Ms. Cox and seconded by Dr. Haughey, the following amendment was adopted unanimously by members present:

Resolved, That the Board of Education amend the policy to read at B.7:

Schools are encouraged to provide field trips for their students that relate to the instructional program. **Individual** students **may** not be deprived of participating in field trips because of a lack of money.

RESOLUTION NO. 214-03 Re: **AN AMENDMENT TO TENTATIVE ACTION ON
POLICY JNA, *STUDENT OUT-OF-POCKET
EXPENSES***

On motion of Dr. Haughey and seconded by Mr. Felton, the following amendment was adopted with Mr. Alnifaidy, Mr. Felton, Dr. Haughey, Mr. Lange, and Mrs. O'Neill voting in the affirmative; Ms. Cox voting in the negative:

Resolved, That the Board of Education amend the policy to read at B.2:

It may be requested that students purchase supplemental materials. Access to supplemental materials **may not be denied to any** students.

RESOLUTION NO. 215-03 Re: **TENTATIVE ACTION ON POLICY JNA, *STUDENT
OUT-OF-POCKET EXPENSES***

On motion of Ms. Cox and seconded by Mr. Lange, the following resolution was adopted unanimously by members present:

WHEREAS, Policy JNA, *Curricular Expenses for Students (Out-of-Pocket Expenses of Students)* articulates the rights of students to be provided full access to all courses and the instructional materials required for those courses; and

WHEREAS, Policy JNA establishes fair practices and requires communication to parents and students regarding curricular fees; and

WHEREAS, The Board of Education Policy Committee has considered and recommended revisions to Policy JNA, *Curricular Expenses for Students (Out-of-Pocket Expenses of Students)*; now therefore be it

Resolved, That the Board of Education take tentative action to adopt draft Policy JNA, *Curricular Expenses for Students (Out-of-Pocket Expenses of Students)*; and be it further

Resolved, That the draft Policy JNA, *Curricular Expenses for Students (Out-of-Pocket Expenses of Students)*, be sent out for public comment.

Curricular Expenses for Students

A. Purpose

To ensure that all students, regardless of their economic circumstances, have full access to all courses and the instructional materials required for those courses

To set forth the objectives to be followed with regard to student expenses

B. Process and Content

1. The school system shall provide:
 - a) Access to content materials required to meet course outcomes
 - b) Safety equipment needed in all courses requiring such equipment
 - c) Three transcripts for each student without charge
2. It may be requested that students purchase supplemental materials. Access to supplemental materials may not be denied to any students.
3. When student projects become their personal property in courses such as family and consumer science economics, career and technology vocational education, art, theater, and music, supplemental curricular expenses will be charged. The cost will be established between the student and the teacher prior to starting the project, or it may be encompassed in a predetermined course fee.
4. If a student damages or breaks supplies or equipment through gross negligence, then the student is responsible for reimbursing the school system for the damage in accordance with administrative regulation.

5. Lab fees may be charged, however, no student will be excluded from participation in any course requiring lab fees based on the inability to pay the fee. Students will not be penalized academically for their inability to pay for supplemental materials.
6. Each school shall develop and publish a list of curricular expenses by course or subject area that has been approved by the appropriate Community Superintendent in accordance with administrative regulation. The charges are to be fixed annually.
7. Schools are encouraged to provide field trips for their students that relate to the instructional program. Individual students may not be deprived of participating in field trips because of a lack of money.
8. There are optional expenses that students may incur during their school years which are not related to curriculum. These expenses may include voluntary purchases such as athletic shoes, school newspapers, yearbooks, and class rings.

C. Review and Reporting

This policy will be reviewed in accordance with the Board of Education policy review process.

Re: **BOARD/SUPERINTENDENT COMMENTS**

Dr. Weast commented that students in the Class of 2002 completed an MCPS survey in May of their senior year detailing their postsecondary education plans. Results are very similar to those from other recent graduating classes; 92 percent of seniors reported plans to attend an institution of higher learning. Col. Zadok Magruder High School students recently joined staff from the Smithsonian Institution to begin setting up a biodiversity area for field studies in biology and environmental science.

Mrs. O'Neill reported that she attended a celebration at Walt Whitman High School for Dr. Jerome Marco, who has worked for 40 years in MCPS. Also, Newport Mill Middle School will be rededicated on May 3, 2003.

RESOLUTION NO. 216-03

Re: **CLOSED SESSION RESOLUTION**

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

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 closed session on Tuesday, May 13, 2003, in Room 120 of the Carver Educational Services Center to meet from 8:30 to 1 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*; 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 OF CLOSED SESSION

On April 10, 2003, by unanimous vote of members present, the Board of Education voted to conduct closed sessions 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 sessions on April 10, 2003, from 9:20 to 10:00 a.m. and 12:30 to 12:50 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and

1. Reviewed and/or adjudicated the following appeals: 2003-8 and 2003-10.
2. Reviewed the Superintendent's recommendation for a Human Resources Appointment and the Human Resources Monthly Report, subsequent to which the votes to approve were taken in open session.
3. Consulted with counsel to receive legal advice as permitted under Section 10-508(a)(7) of the *State Government Article*.
4. 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: Mihyar Alnifaidy, Elizabeth Arons, Larry Bowers, Judy Bresler, Kermit Burnett, Sharon Cox, Reggie Felton, Charles Haughey, Frieda Lacey, Walter Lange, George Margolies, Pat O'Neill, Brian Porter, Lori Rogovin, Gabe Romero, Glenda Rose, Greg Thornton, Jerry Weast, and James Williams.

RESOLUTION NO. 217-03

Re: **APPEAL 2002-39**

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

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2002-39, teacher dismissal, reflective of the following vote: Mr. Burnett, Ms. Cox, Mr. Felton, and

Mrs. O'Neill voting to accept the recommendation of the superintendent; Dr. Haughey, Mr. Lange, and Mr. Romero voting to reject the recommendation of the superintendent; Mr. Alnifaidy does not have a vote on this type of appeal.

RESOLUTION NO. 218-03 Re: **APPEAL 2002-42**

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

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2002-42, teacher dismissal, reflective of the following vote: Mr. Burnett, Ms. Cox, Mr. Felton, Mr. Lange, Mrs. O'Neill, and Mr. Romero voting to accept the recommendation of the superintendent; Dr. Haughey voting to reject the recommendation of the superintendent; Mr. Alnifaidy does not have a vote on this type of appeal.

RESOLUTION NO. 219-03 Re: **APPEAL 2003-8**

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

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2003-8, challenge to school play, reflective of the following vote: Mr. Alnifaidy, Mr. Burnett, Ms. Cox, Mr. Felton, Dr. Haughey, Mr. Lange, Mrs. O'Neill, and Mr. Romero voting to dismiss.

RESOLUTION NO. 220-03 Re: **APPEAL T-2003-2**

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

Resolved, That the Board of Education adopt its Order in Appeal T-2003-2, student transfer, reflective of the following vote: Mr. Alnifaidy, Ms. Cox, Mr. Felton, Dr. Haughey, Mr. Lange, and Mrs. O'Neill voting to affirm; Mr. Burnett and Mr. Romero were absent when this case was adjudicated.

Re: **NEW BUSINESS**

There was no new business.

RESOLUTION NO. 221-03 Re: **ADJOURNMENT**

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

Resolved, That the Board of Education adjourn its meeting of April 23, 2003, at 9:10 p.m.

PRESIDENT

SECRETARY

JDW:gr

MONTGOMERY COUNTY BOARD OF EDUCATION SUMMARY SHEET

April 23, 2003

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