

APPROVED
28-2003

Rockville, Maryland
September 9, 2003

The Board of Education of Montgomery County met in regular session at the Carver Educational Services Center, Rockville, Maryland, on at p.m.

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

Absent: None

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

RESOLUTION NO. 446-03 Re: **CLOSED SESSION**

On recommendation of the Superintendent and on motion of Dr. Haughey seconded by Ms. Cox, 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 closed sessions on September 9, 2003, in Room 120 from 9:00 a.m. to 10:00 a.m. and 12:30 to 2:00 p.m. to discuss the personnel matters, 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 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 consider the acquisition of real property for a public purpose and matters directly related thereto, as permitted under Section 10-508(a)(3) of the *State Government Article* and Section 4-107(d) of the *Education Article*; and be it further

Resolved, That the Board of Education of Montgomery County dedicate part of the closed sessions on September 9, 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. 447-03 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:

Resolved, That the Board of Education approve its agenda for September 9, 2003.

RESOLUTION NO. 448-03 Re: HISPANIC HERITAGE MONTH

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

WHEREAS, On August 17, 1988, the United States Congress by joint resolution authorized the President to proclaim annually the period beginning September 15 and ending on October 15 as National Hispanic Heritage Month; and

WHEREAS, The Hispanic Americans, or Latinos, are the largest, most rapidly growing ethnic group in the United States; and

WHEREAS, We celebrate today the richness of the diversity and the contributions of the peoples who are recognized as being of Hispanic or Latino culture in the United States, many of whom trace their roots to the Native American peoples of the Americas, to the Spanish explorers of the fifteenth century, and, more recently, to other European and Asian cultures; and

WHEREAS, Inspired by the legacy of the extraordinary Hispanic Americans who have preceded them, Latinos continue to fulfill their personal and professional potentials in all walks of life and continue to play a major role in contributing to the greatness of this nation; and

WHEREAS, The continued successful educational efforts of Hispanic American students and partnerships with Hispanic parents, staff, and community members contribute to the present and future success of Montgomery County, the State of Maryland, and our nation as a whole; now therefore be it

Resolved, That on behalf of the superintendent, parents, and staff of the Montgomery County Public Schools, the members of the Board of Education hereby declare the period of

September 15 to October 15, 2003, to be observed as Hispanic Heritage Month.

Re: **BOARD/SUPERINTENDENT COMMENTS**

Dr. Weast congratulated Barbara Jeweler, Montgomery County's Teacher of the Year, for being named one of eight finalists for state Teacher of the Year. A panel of citizens and community members will interview the finalists, review their extensive nomination portfolios, and make their selection for Maryland Teacher of the Year.

Also, Dr. Weast mentioned how pleased he was to see that individual school testing results are now displayed prominently in all school facilities. This information provides an important way for school communities to focus on academic progress and pinpoint areas that need improvement. Displays of disaggregated data for each school are now being prepared and will be ready soon for each school to place in an appropriate place for staff review and discussion.

Mrs. O'Neill said she had attended the dedication of the new gym at Lakewood Elementary School. She was pleased with the smooth opening of schools.

Mr. Burnett commended all staff for the opening of schools.

Mr. Felton added his congratulations to staff and said it is always an exciting time of the year. He commented on vouchers in the D.C. appropriations bill, and he thanked Congressmen Wynn and Van Hollen for their opposition to vouchers.

Ms. Cox congratulated all staff for the smooth opening of schools and the enthusiasm of students. She noted that the Lakewood gym is a community sized-gym because of the contributions of the City of Rockville.

Mr. Lange offered his congratulations to staff and the community for a successful opening. The ceremony was symbolic with the ribbon attached to the two columns of character counts – cooperation and respect. Also, he attended an Upcounty School Partnership conference addressing multi-cultural and truancy issues, and there was good outreach to the community. Finally, Mr. Lange visited Parkland Middle School and observed a tremendous relationship between the principal and students. The Linkages to Learning at Parkland also supports the community.

Mr. Sanghvi reported that he attended the MCR Executive Committee meeting on September 3, and there was a lot of good discussion.

Mr. Romero noted that the governor visited Watkins Mill Elementary School, which is a successful school. The governor was impressed by the school's progress despite its

demographics.

Mrs. O'Neill remarked that two years ago the Board was meeting on September 11 in closed session when terrorists struck the World Trade Center and the Pentagon. More than 100 people in Montgomery County were affected by the events of that day. The emergency management plan in the county sprung into place. She said it is important to stop and think about that day and added that there will be memorials this weekend.

Re: PUBLIC COMMENTS

The following people testified before the Board of Education:

| | <u>Person</u> | <u>Topic</u> |
|-----|-----------------|-----------------------|
| 1. | Bonnie Cullison | Grading and Reporting |
| 2. | Rebecca Newman | Grading and Reporting |
| 3. | Rose Krasnow | United Way |
| 4. | J. F. Wittan | Grading and Reporting |
| 5. | Cindy Tuttle | Nutrition |
| 6. | Nancy Leopold | Grading and Reporting |
| 7. | Valeria Ervin | Nutrition |
| 8. | Tracy Fox | Nutrition |
| 9. | Henry Lee | Nutrition |
| 10. | Mark Drury | Career Education |
| 11. | Michelle Yu | Grading and Reporting |
| 12. | David O'Bryon | Grading and Reporting |
| 13. | Laura Siegel | Grading and Reporting |
| 14. | Paul Smith | Portables |

Re: UPDATE ON THE FIRST WEEK OF SCHOOL

Dr. Weast invited the following people to the table: Mr. Donald Kress, coordinating community superintendent; Dr. Carey Wright, associate superintendent; and Mr. Steve Bedford, Mr. Walt Gibson, Mr. Mark Kelsch, Ms. Susan Marks, Ms. Cynthia Rattley, and Dr. Frank Stetson (community superintendents).

Dr. Weast commented that enrollment continues to grow, which exacerbates the facilities issue. The opening of schools was hampered by the electrical outage on August 27 which left 30 buildings without power and other buildings with partial power. Many staff and parents did not have power, which made communication difficult. He thanked the teachers and principals for their cooperation. The last two years have been very different with September 11, anthrax incidents, and the sniper.

Mr. Bowers noted that overall the system received fewer calls than in the past. Facilities, staffing, and transportation were ready for instruction.

Mr. Kress reported that all administrators and Board members visited schools during the first week of school. The executive staff debriefed every day to determine areas that needed followup. He commended all school staff members for their response to the power outages. School visitors saw evidence of the summer training, curriculum implementation, and greater consistency from classroom to classroom and school to school. Professional learning communities were operating with advanced planning. The data displays were available in all schools, creating conversations about student progress. Class size is reasonable, but a few areas need monitoring for additional positions. The Extended Learning Opportunity (ELO) program during the summer helped students to be ready for instruction this fall. The educational facilities officers (EFOs) are at work in the schools and are interacting positively with students and staff. Facilities staff did a great job and buildings are in good condition.

Dr. Wright reported that there were many new and relocated classes for special education children. Staff is in the process of filling 21 paraeducator vacancies. Also, staff is reducing the length of the ride for the younger students. MCPS has been recognized nationally as a best-practice site for the intensive reading needs program and use of the Wilson Reading Program. The school system was evaluated on teacher support, professional development, data collection, identification, monitoring progress, and how progress is documented. The office continues to work with homeless families to assure students attend the proper school with appropriate transportation. Staff processed 1,823 international students since July 1. All alternative programs started school on time and were not impacted by the power outages. Currently, 1,200 students are registered for evening school, and 400 students are registered for GED classes. In addition, 4,100 students are enrolled in adult ESOL classes with a waiting list of 500 people.

Mrs. O'Neill inquired about student enrollment, and Dr. Weast replied that 10th-day enrollment will be available on September 10. However, that number usually declines by about 1,200 students since the schools are confirming enrollment. The total enrollment will be approximately 140,000 students.

Mrs. O'Neill asked about the 50 teacher positions that were added, and how they were distributed throughout the system. Mr. Kress replied that there were 25 positions at the elementary level, nine at the middle school level, and 16 at the high school level. Class size was monitored throughout the summer. Dr. Weast said there has been an emphasis on early childhood education, in which more than 2,300 students are enrolled with a waiting list of 1,000 children who deserve and need the program for 4-year olds.

Mrs. O'Neill questioned staff about the number of portables not placed where needed. Mr. Bowers explained that 10 to 12 portables were not on the school sites on the first day, but

these portables are now in place. Dr. Weast added that the number of portables has risen to 700 units, but the Capital Improvements Program (CIP) will slow down the use of portables and get modernizations back on schedule.

Mr. Felton asked if some schools were unexpectedly over enrolled. Mr. Kress thought that Albert Einstein High School enrolled 100 more ninth graders than expected.

Ms. Cox asked if there were patterns of enrollment, especially with completed modernized schools. Mr. Bowers stated that there is always a surge in enrollment when a school is ready for occupancy.

Mr. Felton pointed out that during budget hearings there was concern that there would not be sufficient teachers to reallocate based on enrollment. Mr. Kress reported that there were positions in reserve and that teachers were allocated very carefully.

Mr. Felton asked if MCPS had a problem with children not having the required immunizations. Dr. Weast commented that summer school enrollment and Linkages to Learning prepared children for school this fall.

Mr. Burnett was pleased that the Extended Learning Opportunity program eased the transition for students into their new classes. How many schools have all-day kindergarten? Dr. Weast responded that 56 schools have all-day kindergarten, and the budget will increase the number through several years. The CIP will develop a strategic plan for building permanent facilities to house all-day kindergartners.

Mr. Lange thanked Mr. Kress and Dr. Wright for their presentations and data. He asked the leadership team to introduce themselves.

Ms. Cox noted that there were schools that used the Baldrige Improvement Planning Process. Is there feedback? What is the impact? Since Baldrige, Dr. Stetson replied that the Walter Johnson Cluster has augmented its school improvement planning with a sophisticated design. The evidence is in the classrooms with data notebooks. All school improvement efforts are tied to analysis.

Ms. Cox asked about the data displays in all schools, and what the feedback was from the community. Mr. Bedford replied that there is an opportunity to expand on the display with local assessments. Ms. Marks thought there was evidence of principals and teachers pulling together data to individualize instruction.

Mr. Romero asked about the implementation of technology initiatives. Dr. Stetson thought the principals appreciated information through the data warehouse.

Re: IMPLEMENTATION OF POLICY IKA (GRADING AND REPORTING)

Ms. Cox, chair of the Board's Policy Committee, reviewed the process of policy development. On March 24, 2003, the Board of Education adopted Policy IKA, *Grading and Reporting*. The purpose of the revised policy is to maintain rigorous performance and achievement standards for all students and to provide a fair process for evaluating and reporting student progress that is understandable to students and their parents and relevant for instructional purposes. The Board revised this policy to align grading and reporting practices to the MCPS curriculum, which meets and exceeds state standards, and to respond to system, state, and federal accountability mandates. During the policy revisions, it became apparent that grading and reporting practices were not in alignment even under the old policy. Changes to Policy IKA required a major shift in the meaning of a grade and how a grade is determined.

Subsequent to the adoption of Policy IKA, staff initiated the implementation process. A significant part of this effort involved the translation of operational issues into regulatory language, guidelines for school-based staff, and explanatory documents for parents. As this process continues, the MCPS community has engaged in extensive discussion concerning the complexity of implementing a policy that requires such a significant change in thinking and practice.

In response to concerns regarding implementation of this policy, the Board of Education Policy Committee requested that staff review the policy, recommend an immediate modification to implementation, develop a communication and training plan for this transitional year, and create a four-year roll-out plan to be presented at the December 2003 Board of Education meeting.

Staff recommended the following:

1. Phase in the implementation of Policy IKA, Grading and Reporting.
2. Develop a four-year plan that details the alignment of grading and reporting implementation with the curriculum revision process. The congruence of grading and reporting practices with the procedures for students with limited English proficiency and students with disabilities, the phased-in development of an elementary report card, and a long-term plan for staff development.
3. Begin an aggressive communication plan around grading and reporting with special emphasis on grades reflecting student achievement.
4. Train and develop all staff throughout this year for implementation.

5. Immediately clarify issues related to the role of effort, participation, and homework in determining a grade.

Re: **IMPLEMENTATION OF POLICY IKA (GRADING AND REPORTING)**

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

WHEREAS, On March 24, 2003, the Board of Education adopted Policy IKA, *Grading and Reporting*; and

WHEREAS, There have been significant discussions and concerns raised regarding implementation of Policy IKA, *Grading and Reporting*; now therefore be it

Resolved, That the Board of Education authorize a phased-in implementation of Policy IKA, *Grading and Reporting*; and be it further

Resolved, That the Board of Education expects extensive stakeholder involvement in a collaborative effort to develop the four-year plan for fully implementing Policy IKA, *Grading and Reporting*; and be it further

Resolved, That the four-year plan will be presented at the December 2003 meeting of the Board of Education.

Re: **DISCUSSION**

Mr. Felton noted that the language clarifies the issues and defers implementation of the policy. Ms. Cox stated that staff would continue to communicate and train, but the final plan will come to the Board in December for acceptance. The Board was not backing away from the policy, especially in counting signed yellow cards as part of the grade.

Mr. Felton thought there was a need to be very clear on what the expectations are for parents and students. Dr. Weast commended the Board for bringing this difficult issue to the table. It is not just an MCPS issue, but it is a national issue. What does a grade mean? What does it predict? The No Child Left Behind (NCLB) act stated that test results must illustrate what a child is doing; the state reiterated that no child will graduate unless performing at a certain level. With many teachers giving grades in a large system, it will take time to implement the policy. It may take longer to implement the policy than it did to develop the policy. There must be agreement on the congruency and prediction of grades. There has to be assurance that every child who graduates is fully prepared for success at the next educational level.

Mrs. O'Neill asked what will be communicated to the schools tomorrow. Dr. Thornton replied that staff will follow the policy that is in place until the implementation plan is accepted by the Board.

Ms. Cox thought the part on grading for grade-level expectations has to be delayed until there is a plan. However, non-academic indicators would not be included in a grade. Mr. Sanghvi agreed that there must be clear communication to teacher, students, and parents.

Mrs. O'Neill pointed out that the homework policy has not been revised. Ms. Brown said that policy does not address how homework is graded. Mr. Fulton thought that aggressive communication is vital since there is a lack of understanding of the complexity and issues related to the policy.

Ms. Cox thought it was similar to the new curriculum implementation. The grading and reporting policy is the goal, and the school system will work with staff to gain understanding of the policy. Once school staffs comprehend that goal, they should begin grading in accordance with the policy.

Mr. Felton thought there was not a clear interpretation of how to grade. The school system must continue to move toward the goal, but should move toward transition without penalizing students.

Mrs. O'Neill was concerned about some schools moving forward with implementation. High school students must deal with transcripts and college applications. Students may be held to different standards. This needs to be clear.

Dr. Weast pointed out that differences in grading existed before this year. There was no consistency, and some graduates needed remediation in community college. Not all students were able to do grade-level work, and they were not proficient on state and federal tests. The grading and reporting policy states that the curriculum will be clearly articulated, that teachers will be trained to deliver the curriculum, and that grade work should predict success. He was open to a delay, but he was not open to more years with students achieving below grade level and not getting the help they need.

Re: **AN AMENDMENT TO THE IMPLEMENTATION OF
POLICY IKA (GRADING AND REPORTING)**

On motion of Mr. Felton and seconded by Mr. Lange, the following amendment was placed on the table:

Resolved, That the phased-in implementation shall begin with the 2004-05 school year.

Re: **DISCUSSION**

Dr. Weast clarified that not everyone was conforming to the pre-existing policy, and staff should work toward that goal. Also, staff needs a refresher on the current homework policy.

Mr. Fulton added that the development of the policy had great stakeholder input. The plan is to put together an implementation plan with public input. What does a grade mean, and what goes into a grade? The emphasis will be on parent and student input to refocus on the grading and reporting policy and how it aligns with the improvement of teaching and learning. Communication will continue to all stakeholders through the website, one-pagers to explain participation and effort, letters to principals to interpret the actions of the Board, TV spots, and translations of all materials. Staff and stakeholders will continue to meet to clarify and interpret the transition plans for implementation of the policy.

Re: **AN AMENDMENT TO THE IMPLEMENTATION OF
POLICY IKA (GRADING AND REPORTING)**

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

Resolved, That the Board of Education expects extensive stakeholder involvement in a collaborative effort to develop the ~~four~~ **multi**-year plan for fully implementing Policy IKA, *Grading and Reporting*; and be it further

Resolved, That the ~~four~~ **multi**-year plan will be presented at the December 2003 meeting of the Board of Education.

Re: **AN AMENDMENT TO THE IMPLEMENTATION OF
POLICY IKA (GRADING AND REPORTING)**

On motion of Mr. Lange and seconded by Dr. Haughey, the following amendment was placed on the table:

Resolved, That the ~~four~~ **multi**-year plan will be presented at the ~~December 2003~~ **January 2004** meeting of the Board of Education.

RESOLUTION NO. 449-03 Re: **AN AMENDMENT TO THE IMPLEMENTATION OF
POLICY IKA (GRADING AND REPORTING)**

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

unanimously:

Resolved, That the Board of Education expects extensive stakeholder involvement in a collaborative effort to develop the ~~four~~ **multi**-year plan for fully implementing Policy IKA, *Grading and Reporting*; and be it further

Resolved, That the ~~four~~ **multi**-year plan will be presented at the ~~December 2003~~ **January 2004** meeting of the Board of Education.

RESOLUTION NO. 450-03 Re: **AN AMENDMENT TO THE IMPLEMENTATION OF POLICY IKA (GRADING AND REPORTING)**

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

Resolved, That the phased-in implementation shall begin with the 2004-05 school year.

RESOLUTION NO. 451-03 Re: **IMPLEMENTATION OF POLICY IKA (GRADING AND REPORTING)**

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

WHEREAS, On March 24, 2003, the Board of Education adopted Policy IKA, *Grading and Reporting*; and

WHEREAS, There have been significant discussions and concerns raised regarding implementation of Policy IKA, *Grading and Reporting*; now therefore be it

Resolved, That the Board of Education authorize a phased-in implementation of Policy IKA, *Grading and Reporting*; and be it further

Resolved, That the Board of Education expects extensive stakeholder involvement in a collaborative effort to develop the multi-year plan for fully implementing Policy IKA, *Grading and Reporting*; and be it further

Resolved, That the multi-year plan will be presented at the January 2004 meeting of the Board of Education; and be it further

Resolved, That the phased in implementation shall begin with the 2004-05 school year.

Re: **LUNCH AND CLOSED SESSION**

The Board of Education recessed for lunch and closed session from 1:00 to 2:30 p.m.

**Ms. Cox temporarily left the meeting.

RESOLUTION NO. 452-03 Re: **PROCUREMENT CONTRACTS OF \$25,000 OR MORE**

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

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

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

03-03 Tree Removal and Stump Grinding

Awardee

Mead Tree and Turf Care, Inc.

\$ 120,000

1090.2 Services for Infants and Toddlers with Developmental Delays—Extension

Awardees

Care Resources, Inc.*

National Speech/Language Therapy Center*

Pediatric Therapy Association*

Therapy Needs, Inc.*

TRI Rehab of Germantown, Inc.*

Total

\$ 60,000

1092.2 Propane Gas—Extension

Awardee

Suburban Propane L.P.

\$ 45,000

1142.2 Scan Forms and Miscellaneous Annual Forms—Extension

Awardees

Data Management Corporation

\$ 55,717

| | | |
|--------|---|----------------|
| | Metro Graphic Communications | <u>4,283</u> |
| | Total | \$ 60,000 |
| 4041.3 | Boiler Supplies and Associated Materials | |
| | <u>Awardees</u> | |
| | Applied Industrial Technologies | \$ 17,799 |
| | Complete Boiler System | 44,091 |
| | HM Sweeny Company | 38,040 |
| | M&M Controls, Inc. | 10,000 |
| | Noland Company | 114,214 |
| | Southern Utilities Company, Inc. | 33,366 |
| | The Boiler Store | 19,000 |
| | Thomas Somerville Company | <u>129,491</u> |
| | Total | \$ 406,001 |
| 4046.4 | Flooring Materials | |
| | <u>Awardees</u> | |
| | B & B Concepts* | \$ 846 |
| | Capitol Building Supply | 30,761 |
| | Continental Flooring Company | <u>5,543</u> |
| | Total | \$ 37,150 |
| 4074.3 | Plumbing Supplies | |
| | <u>Awardees</u> | |
| | Best Plumbing Specialties, Inc. | \$ 802 |
| | Colt Plumbing | 2,000 |
| | Grainger, Inc. | 3,205 |
| | Interline Brands, Inc./dba JA Sexauer, Inc. | 814 |
| | PDQ Supply, Inc. | 1,208 |
| | Share Corporation | 540 |
| | Southern Utilities Company, Inc. | 1,338 |
| | Superior Specialties Company, Inc | 46,750 |
| | Thomas Somerville Company | 127,044 |
| | Trayco of SC, Inc. | 4,857 |
| | US Supply Company | 1,741 |
| | Wolverine Brass Works | <u>1,044</u> |
| | Total | \$ 191,343 |
| 4144.1 | HVAC/Refrigeration Equipment and Parts—Supplement | |

| | | |
|--------|---|---------------|
| | <u>Awardees</u> | |
| | Aireco Supply, Inc. | \$ 25,000 |
| | Havtech | 50,000 |
| | RE Michel Company, Inc. | <u>14,000</u> |
| | Total | \$ 89,000 |
| 7049.6 | Photographic Supplies and Equipment | |
| | <u>Awardees</u> | |
| | B&H Photo Video | \$ 48,946 |
| | Calumet Photographic, Inc. | 172 |
| | Freestyle Sales Company | 7,243 |
| | HPI International, Inc. | 6,108 |
| | Kunz, Inc.* | 853 |
| | Penn Camera Exchange, Inc. | 5,220 |
| | Photo Warehouse | 12,088 |
| | Service Photo Supply, Inc. | 10,768 |
| | Valley Litho Supply | <u>11,048</u> |
| | Total | \$ 102,446 |
| 9054.2 | Hardwood Wood Chips—Extension | |
| | <u>Awardee</u> | |
| | Metro Ground Covers | \$ 74,400 |
| 9096.3 | Removal, Disposal, and Testing Underground Fuel Tanks—Extension | |
| | <u>Awardee</u> | |
| | Apex Environmental | \$ 28,461 |
| 9317.1 | Public Address System Replacement at Various Facilities**—Extension | |
| | <u>Awardee</u> | |
| | Corbett Technology Solutions, Inc. | \$ 800,000 |
| 9319.1 | Exterior Wall Façade Replacement Portable Classroom at Various Facilities**—Extension | |
| | <u>Awardee</u> | |
| | Custom Masonry | \$ 100,000 |

TOTAL PROCUREMENT CONTRACTS EXCEEDING \$25,000 \$2,113,801

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

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

Note: Contract amounts will be based on individual requirements.

RESOLUTION NO. 453-03 Re: **ARCHITECTURAL APPOINTMENT – NORTHWEST
ELEMENTARY SCHOOL #7**

On recommendation of the Superintendent and on motion of Mr. Felton 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 new Northwest Elementary School #7 that includes construction of a building of approximately 75,000 square feet designed to obtain Leadership in Energy and Environmental Design certification on 12 acres; and

WHEREAS, The preliminary construction cost estimate for this work is approximately \$11,500,000; and

WHEREAS, Funds for architectural planning were programmed as part of the FY 2004 Capital Budget; and

WHEREAS, An Architect Selection Committee, in accordance with procedures adopted by the Board of Education on July 14, 1998, selected Grimm and Parker, P.C., to provide the necessary professional architectural and engineering services; and

WHEREAS, Staff has negotiated a fee for the architectural services that includes two consultants who are Maryland Department of Transportation-certified minority firms; now therefore be it

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with the architectural firm of Grimm and Parker, P.C., to provide professional architectural and engineering services for the new facility for Northwest Elementary School #7 for a fee of \$850,000.

RESOLUTION NO. 454-03 Re: **REDUCTION OF RETENTION – WILLIAM TYLER PAGE
ELEMENTARY SCHOOL**

On recommendation of the Superintendent and on motion of Mr. Felton seconded by

Dr. Haughey, the following resolution was adopted unanimously by members present:#

WHEREAS, HRGM Corporation, general contractor for the William Tyler Page Elementary School modernization project, has completed 92 percent of all specified requirements as of August 30, 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, Atlantic Mutual Company, has consented to this reduction; and

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

Resolved, That the 10-percent retainage withheld from periodic payments to HRGM Corporation, general contractor for the William Tyler Page Elementary School modernization 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. 455-03 Re: **DELEGATION OF AUTHORITY TO EXECUTE SHORT-TERM FACILITIES LEASES AND RELATED AGREEMENTS**

On recommendation of the Superintendent and on motion of Ms. Cox and seconded by Dr. Haughey, the following resolution was adopted with Mr. Burnett, Ms. Cox, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting in the affirmative; Mr. Felton voting in the negative:#

(This item was delayed until Ms. Cox returned to the table, but is placed here in the minutes for consistency.)

WHEREAS, The Board of Education of Montgomery County holds all property in trust for the benefit of the county public schools, in accordance with Maryland's Public School Law; and

WHEREAS, The Board of Education retains authority and control over the granting of utility easements, perpetual licenses, and other grants that might encumber or impair Board-owned property; and

WHEREAS, The management of school property requires certain administrative functioning, including the execution of joint-occupancy leases, rights of entry, construction easements, estoppel certificates, and other documents of a routine and temporary nature; and

WHEREAS, Efficient management of school property will be improved by the delegation of authority to the superintendent, or his/her designee, to administer the short-term transactions (five years or less) whereby MCPS leases school property to third party users and in which MCPS leases private property on a short-term basis for school use; now therefore be it

Resolved, That the Board of Education delegate authority to the superintendent, or his/her designee, to approve and to execute documents for short-term land use agreements, licenses, rights of entry, and temporary easements for real property owned by Montgomery County Public Schools for durations of five years or less as part of the administrative management of school property; and be it further

Resolved, That the Board of Education authorize the superintendent, or his/her designee, to approve and execute routine documents required in short-term private property leases of five years or less for amounts not exceeding \$100,000 annually that are necessary for school use, and to report such transactions to the Board from time to time.

RESOLUTION NO. 456-03 Re: **UTILIZATION OF FY 2004 PROVISION FOR FUTURE SUPPORTED PROJECT FUNDS**

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

WHEREAS, The grants qualify 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 programs do not require any present or future county funds; and

WHEREAS, Sufficient appropriation is available, within the FY 2004 Provision for Future Supported Projects, to permit the transfers within state categories; now therefore be it

Resolved, That the superintendent of schools be authorized to receive and expend, within the FY 2004 Provision for Future Supported Projects, as specified below:

| <u>Projects</u> | <u>Amount</u> |
|---|------------------|
| Least Restrictive Environment (LRE) | \$188,955 |
| Improving Collaborative Problem Solving | <u>25,000</u> |
| Total | <u>\$213,955</u> |

and be it further

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

RESOLUTION NO. 457-03 Re: **MONTGOMERY COUNTY EMPLOYEES CHARITY CAMPAIGN FOR 2003-04**

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

WHEREAS, The Board of Education, by Resolution No. 263-03, Recommendation of Partners for Annual MCPS Charity Campaign, designated participation in the 2003 Montgomery County Employees' Charity Campaign; and

WHEREAS, The Montgomery County Government has designated the United Way of the National Capital Area as the vehicle for its employee charity campaign; and

WHEREAS, The Board of Education supports the use of the United Way affiliate which will best serve the interest of the citizens of Montgomery County and the employees of MCPS; now therefore be it

Resolved, That the Board of Education authorize the United Way of the National Capital Area in place of the United Way of Central Maryland to be designated as the United Way affiliate to be used as a vehicle for charity giving by employees during a 2003 campaign; and be it further

Resolved, That the superintendent of schools be authorized to execute the documents necessary to carry out the intent and accomplish the purpose of this resolution with the United Way of the National Capital Area.

RESOLUTION NO. 458-03 Re: HUMAN RESOURCES MONTHLY REPORT

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

Resolved, That the Board of Education accept the Human Resources Monthly Report dated September 9, 2003.

RESOLUTION NO. 459-03 Re: APPOINTMENT

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

Resolved, That the following personnel appointment be approved effective September 22, 2003:

| <u>Appointment</u> | <u>Current Position</u> | <u>As</u> |
|--------------------|---------------------------|--|
| Lynn T. Brown | Human Resource Specialist | Coordinator of Accountability Initiatives |

**Ms. Cox rejoined the meeting.

Re: UPDATE ON TECHNOLOGY INITIATIVES AND DATA WAREHOUSE PRESENTATION

Dr. Weast invited the following people to the table: Mr. John Q. Porter, chief information officer; Mr. Steven Bedford, acting community superintendent; Ms. Doreen Heath, assistant chief information officer; and Mr. John Burke, director of information services.

The presentation provided an update on key initiatives in the Office of Global Access Technology (OGAT) that are included in the MCPS Strategic Plan—*Our Call to Action: Pursuit of Excellence*. It summarizes the rollout of the technology modernization project, the deployment of the Data Warehouse System, the ongoing implementation of the Instructional Management System (IMS), and continuing advances in information technology security.

Technology Modernization—Work to enhance the technology in schools continued throughout the summer. The modernization work plan conducted this summer was the most ambitious and extensive to date. More than 8,200 systems have been installed in 17 elementary, nine middle, and 11 high schools.

Data Warehouse System—The Data Warehouse System was launched in July 2003. This system provides a central source of information used to assist administrators in developing school and systemwide improvement plans.

Instructional Management System—The Web-based IMS successfully completed a full year of implementation, offering immediate access to individual student biographical and assessment data, along with resources to implement the curriculum.

Information Technology Security—Information technology security staff continued to develop and incorporate the necessary systems and protections to safeguard the MCPS information technology systems.

Re: **DISCUSSION**

Mr. Lange asked about 13 high schools that had been modernized or refreshed in the past few years. The remaining high schools are coming up to four years. How does that compare with the goal of refreshment? Mr. Porter replied that next year's Tech Mod will complete 98%.

Mr. Felton asked what year MCPS would have computers in the schools that are not more than five years old. Mr. Porter replied that it would be 2006, with a four-year refresh cycle.

Ms. Cox asked about formative assessments in reading and math. Mr. Porter responded that the IMS system has a reading emphasis. Ms. Cox asked if the curriculum changes in science and social studies would be captured. Will those complete records be available to parents? Mr. Porter replied that is the goal, and the system has been developed to allow access to the public.

Ms. Cox noticed that the performance measures at the high school level did not include the PSAT. Mr. Porter replied that the PSAT is a requirement of the next generation.

Mrs. O'Neill thought the data was critical to ascertain each child's needs, especially with No

Child Left Behind.

Mr. Lange asked about capacity, especially with student research and older computers. Is there adequate server and pipe capacity? Mr. Porter replied that MCPS has sufficient pipe capacity since the network was increased by tenfold. Access to technology is in evolution with Tech Mod.

Mr. Burnett asked what is the maximum user capacity. Mr. Porter stated that there is architecture for a 5-to-1 capacity, or 40,000 systems.

Mr. Lange inquired about parent access. Mr. Porter responded that staff is still working on that access, and there will need to be security or a firewall to protect data.

Mr. Lange noted that OGAT is providing a wide variety of services and asked how priorities are established. Mr. Porter replied that his team and the executive staff make those decisions.

Mr. Lange sought clarification about grading and reporting and the impact on OGAT's day-to-day roll out and the multi-year plan. Mr. Porter replied that his office is working with all the planning groups.

Mr. Lange noted that the Board discussed performance measures a couple of months ago. Mr. Porter said he would look at those from the operating budget document, and he had identified some that needed improvement, enhancement, and refinement. Mr. Lange said he was looking forward to getting those refined and revised performance measures. He also wanted staff to put together the out-year costs for hardware, software, training, and the full range of resources that are necessary to make this happen. Mr. Porter responded that it is coming forward for the FY 2005 Operating Budget.

Mr. Felton wanted to know what made the difference from the past crisis, and what are the biggest challenges before the Board. Mr. Porter responded that staff developed a plan vetted by all stakeholders, and the right team has been employed. Also, staff held creative negotiations with vendors, generated a finance model, focused on performance measures, and benchmarked against other districts.

Mr. Felton wanted to know more about collaboration and partnerships. Mr. Porter explained that any vendor will work with the school system to be a partner, beyond just providing a resource.

Mr. Felton asked if there was a partnership with contractors building housing complexes where computers are on site. Mr. Porter explained that staff is working to develop a model for technology focused on the 60 targeted schools to link to community groups with

educational activities. Mr. Felton would be interested in knowing more about community collaboration and technology.

Mr. Burnett asked if MCPS was moving to a single platform. Mr. Porter stated that by the end of 2005, 89 percent of the school system will be on a single platform.

Ms. Cox inquired about training for administrative use and integration of technology aligned with the curriculum. Also, what is a special education resource computer? Mr. Porter stated that there are computers not supported by OGAT, which are deployed equally across all categories of students. The office will automate all alternative programs this fall.

Ms. Cox asked if the computers support the IEP requirements. Mr. Porter assured her that that is the case.

Ms. Cox noted that the National School Boards Association has selected MCPS to be a technology site.

Mr. Romero inquired about E-learning in MCPS. Staff explained that this past summer teachers and administrators participated in training to be a resource in the schools to help integrate technology. Also, specialists are assigned to all schools to help integrate technology aligned with the curriculum.

Re: FOOD AND NUTRITION SERVICES

Dr. Weast invited the following people to the table: Mrs. Kathleen Lazor, director, Division of Food and Nutrition Services; Mr. Russell G. Henke, coordinator, health education, Department of Curriculum and Instruction; and Ms. Terri McCauley, coordinator, physical education, Department of Curriculum and Instruction.

In 2001, *The Surgeon General's Call to Action to Prevent and Decrease Overweight and Obesity* was released, setting forth five overarching principles to achieve good public health. The goal was set to support individuals in making healthy lifestyle choices for themselves and their families. Children spend a large portion of their time in school; therefore, schools were identified as a key setting for offering information and programs to promote a healthy lifestyle.

There has been a threefold increase in overweight children and teens in the last two decades. Twenty-five percent of children are either overweight or at risk of being overweight. Diseases that were once thought to be "adult" diseases, such as hypertension, elevated cholesterol levels, and Type II diabetes, are now appearing in children. There has been a tenfold increase in the number of children with Type II diabetes in the last five years. Causes for obesity can be attributed to a decrease in physical activity and changes in food supply, portions, and kinds of foods eaten. For example, only 2 percent of youth meets the Food Guide Pyramid

recommendations for all five major food groups and fewer than 20 percent of teenage girls meet the recommended daily intake of calcium.

Schools play a powerful role in influencing student behavior. Dietary habits that contribute to students' learning, achievement, and lifelong health are influenced at school. Nutrition education equips students with the knowledge and skills that provide a foundation for healthy eating. MCPS has always been a leader in the educational arena. The school system has a well-integrated nutrition education and physical activity program. The school meals program is nationally known for its foresight and for being an integral part of the school day. Currently, approximately 58 percent of MCPS elementary school students take part in the school meals program. At the secondary level, 18 percent of the students purchase reimbursable meals, with a larger percent taking part in the purchase of à la carte items.

The National School Lunch Act was passed in 1946 as a measure of national security because many of the recruits for World War II were found to be malnourished and unfit for battle. From 1946 until the early 1990s, the focus of both the National School Lunch and Breakfast programs has been on under-nutrition. Now, with changes in lifestyles and environment, the focus is over-nutrition and providing students with well-balanced meals that meet their nutritional and health needs.

School breakfast and lunch meals must meet the nutritional requirements established by the United States Department of Agriculture. Averaged over a week, the breakfast meal must meet 25 percent of the Recommended Dietary Allowances and the lunch meal must meet 33 percent of the Recommended Dietary Allowances for children, based on age ranges. The meals must provide 30 percent or less of their calories from fat and less than 10 percent of their calories from saturated fat. The meals also must meet specific requirements for protein, calcium, iron, vitamin A, and vitamin C. MCPS follows the nutrient standard menu planning option.

The Division of Food and Nutrition Services is staffed with highly talented, well-educated personnel with many years of experience in food service. There are seven registered dietitians on staff. The division's staff explores products and preparation techniques that enhance the nutritional integrity of the program. Processed meats are made from poultry as a way to lower fat and sodium content. A low-fat cheese is used on sandwiches and pizza. When available, plum puree is used in hamburger patties and as an ingredient in cookies and brownies to reduce fat and retain moisture, and applesauce is used in bakery products. Low-sodium soup bases and low-fat salad dressings are used. Foods are baked instead of fried and no additional fat or salt is added to cooked vegetables.

While choices on the menus must be appealing to students, the meals also must be affordable. Meal planning must take into consideration the cultural diversity of students and be adaptable to meet students' health and nutrition needs. Dietary modifications are made

for religious preferences, and vegetarian meals are available every day. The meals also must include students' preferences for popular commercial items. Therefore, schools offer healthy versions of chef and grilled chicken Caesar salads; red beans and rice; veggie egg rolls; chicken, beef, or veggie fajitas; lo mein dishes; spicy chicken strips; low-fat yogurt; and stromboli. Entrée salads and salad and baked potato bars are available. In addition, "Grab n'Go" options are available for students who need something fast.

Meeting students' needs and expectations are the division's highest priorities; however, it also must address the interests of parents, teachers, and administrators. Marketing the nutritional and economic benefits of the school meals program is accomplished through many different vehicles. The printed menu and the division's Web site continue to be the main means of communication. Other effective avenues are Back-to-School Night activities, MCPS *Bulletin* articles, press releases, classroom instruction, interviews with school newspapers, and MCPS cable television.

Partnerships with the community are encouraged and include booths at school fairs and the Montgomery County Agricultural Fair that provide nutrition information. Also, the division has been actively involved in Team Nutrition activities, which involve students and staff. Schools participate in the 5-A-Day Campaign to promote vegetable and fruit consumption. MCPS is an active partner in Action for Healthy Kids—Maryland and the School Health Council.

In November 1991, the Maryland State Board of Education adopted COMAR 13A.04.18, *Program in Comprehensive Health Education*. This regulation requires health education instruction to be provided for every student in kindergarten through Grade 8. The regulation identifies seven units of instruction, including nutrition and fitness. The MCPS comprehensive health education program was approved by the Board of Education in November 1994, and implementation was initiated during the 1995–1996 school year.

The topic of nutrition is introduced to students in kindergarten through Grade 2 with the Food Guide Pyramid. This excellent teaching tool provides students with a graphic representation of how many servings they should have from each food category. In kindergarten through Grade 2, teachers use this tool to explain the essential foods needed by the body for growth and development. Students in Grades 3–5 use the Food Guide Pyramid to make decisions about food selection as they learn about the nutrients provided by foods in each of the categories.

Students in Grades 6–8 receive nine weeks of health education each year. A five- to 10-day unit on nutrition and fitness is taught each year and students analyze their food selection using the Food Guide Pyramid. Students also learn about the benefits of physical activity and how to design their personal fitness plan. At the high school level, students must complete one-half credit of health education as a Maryland graduation requirement. A 10- to 15-day unit on nutrition and fitness includes information and practice in menu planning and nutritional and

caloric analysis. With the increase in child and adolescent obesity in recent years, greater information on the health risks associated with obesity has been added to the middle and high school curriculum. Issues such as food selection, portion size, and caloric intake versus energy output and minimal physical activity are studied as major contributors to overweight and obesity.

MCPS has been very fortunate to have excellent partnerships with several community agencies concerned with nutrition, physical activity, and obesity prevention. The MCPS Division of Food and Nutrition Services and the Montgomery County Department of Health and Human Services have provided speakers for teacher training workshops. The division has benefitted from partnerships with such agencies as the University of Maryland Extension Service, American Institute for Cancer Research, American Heart Association, National Dairy Council, and the American Cancer Society.

In physical education, teaching behaviors emphasizing physical activity and good nutrition are cornerstones of preventing obesity in children and adolescents. Physical activity is essential for learning, healthy growth, and development. According to the United States Surgeon General, regular physical activity is one of the most important things people can do to maintain and improve their physical health, mental health, and overall well-being. Scientists are finding that exercise not only has tremendous benefits in preventing obesity, but it also fuels the brain with oxygen, thus strengthening memory capacity.

In kindergarten through Grade 12, the primary purpose is to help the learner develop an understanding of fitness and a desire to achieve and maintain fitness. Students in MCPS physical education programs are receiving the knowledge, information, and skills to make healthy decisions. Research studies emphasize that the focus in physical education is moving from a sport-based program to a fitness-based program. The goal is to provide an individualized, developmentally appropriate, and personally challenging instructional program to all students that advances their knowledge, confidence, skills, and motivation to engage in a lifelong healthy, active lifestyle.

COMAR regulations outline the requirements for physical education programs for kindergarten through Grade 12 (COMAR 13A.04.13.01). The MCPS physical education program meets, and in the case of high school physical education, exceeds the state requirements for students.

The primary goal in the physical education classroom is to strive to develop “physically educated people.” A physically educated person is defined by the National Association of Sport and Physical Education (NASPE) as a person who:

- has learned the skills necessary to perform a variety of physical activities,
- is physically fit,
- participates regularly in physical activity,

- knows the implications of and benefits from involvement in physical activities, and
- values physical activity and its contributions to a healthful lifestyle.

In MCPS, the physical education curricula focus on five health-related fitness components—flexibility, muscular strength, muscular endurance, cardiovascular fitness, and body composition. Students engage in activities that reinforce movement and an understanding of fitness.

Health-related problems like overweight and obesity are common among all parts of the population. In an ongoing effort to encourage MCPS staff to maintain their personal level of wellness, the school system has entered into a working relationship with the Shady Grove Adventist Hospital. Through the Internet, MCPS staff may access the Adventist Health Care Web site. Once on the Web site, staff may retrieve information about numerous health-related issues. With a click of the mouse, a staff member can access a fitness tracker that will request information about the kind of exercise, the duration of time, and an approximation of calories burned and the health-related benefits. The staff member can keep a daily log of exercise and food intake and the tracker will store and analyze the information entered. In this way, individuals will be able to monitor health behaviors and analyze the effect on their health.

The Division of Food and Nutrition Services and the Department of Curriculum and Instruction have coordinated efforts to educate students and staff about health and physical fitness. The policies regarding food available during the school day combine with the health and physical education curriculum to offer students and staff the information and programs necessary to achieve a healthy lifestyle.

Obesity in children, adolescents, and adults is a serious issue with many health and social consequences. The participation of staff and students in physical education programs, fitness awareness programs, nutrition programs, and meals programs is critical to their health and well-being.

The administration is committed to a comprehensive approach that supports a healthy school environment and is continually improving programs to keep pace with the latest health and nutrition findings.

Re: DISCUSSION

Dr. Haughey asked staff to quantify the changes in the vending machine choices available to youngsters over the last five years. Ms. Cox was interested in a comparison of schools that have not provided healthier products and the difference in the way students make their choices.

Mr. Romero asked where staff would seek improvement, such as more physical education for

students. Ms. Lazor stated that the school system would provide enough time for the children to eat lunch. Dr. Weast stated that is where the CIP can help, because students have to eat in a number of shifts. Ms. McCauley thought more time with the students would be ideal, but staff focuses on quality and encouragement of outside activities.

Mr. Felton asked what is done to educate parents to promote health. Ms. Lazor replied that information is supplied to parents through the PTA newsletters and the Web site. Also, the elementary menus have information on good nutrition at home. Dr. Weast added that staff is trying to show the linkage between health and the curriculum on fitness.

Mr. Lange asked how exercise is integrated into the school day. Ms. McCauley replied that teachers do things informally, such as stretching and moving during class time.

Mrs. O'Neill pointed out that middle schools have nine-week periods of physical education and a nine-week period of health. Are there physical activities during health education? Mr. Henke replied that health education teachers are also physical education teachers, and they use a variety of approaches to promote physical activity.

Mr. Lange asked if dietary information to parents is available in other languages. Ms. Lazor said that will be done in the near future.

Mr. Lange had heard that some schools do not have functioning water fountains or have health issues with the water. Mr. Bowers assured the Board that all schools have fully functioning water fountains with a safe water supply.

Ms. Cox was pleased with the change in the emphasis of the physical education program from sports to fitness. Does the elementary curriculum have an integration of health units? Mr. Henke replied that was the intent.

Ms. Cox asked how the school system ensures consistency in the delivery of the health curriculum. Staff indicated that they would provide this information at a later date.

Ms. Cox also asked if MCPS monitors the success of other school system's food services and health curriculum. Ms. Lazor explained that is done regularly with food services in Maryland and nationally. Ms. McCauley replied that other jurisdictions are moving in the same direction as Montgomery County.

Mr. Burnett wanted the information to be presented to PTAs and at Back-to-School nights. It is important that parents know that MCPS is meeting state requirements.

Mrs. O'Neill thought that educating children to make wise choices is especially important in high school, especially since they go out to lunch. Ms. Lazor reported that pizza and other "fast

food” items are not prepared the same way as in restaurants. Those items must meet nutritional parameters.

Mr. Burnett thought that the information in the classroom should dovetail with the practices in the dining room.

Re: UPDATE ON THE ANNUAL GROWTH POLICY

Dr. Weast invited the following people to the table: Mr. Joseph Lavorgna, director, and Mr. Bruce Crispell, senior planner, MCPS Department of Planning and Capital Programming; and Mr. Karl Moritz, research manager, Research and Technology Center, Maryland-National Capital Park and Planning Commission.

The Board of Education has closely monitored changes that are being proposed for the Annual Growth Policy (AGP) as it pertains to schools. On May 27, 2003, the Board adopted a resolution that supported a Planning Board staff recommendation to tighten the schools test and charge developers a fee to develop in cluster areas that fail the schools test. In the Board's resolution, a request was made for the Planning Board to consider revenue approaches, including impact taxes on new development dedicated to school construction and dedication of the recordation tax increase to school construction.

Subsequent to receiving its staff's recommendation, the Planning Board shifted direction quite dramatically. The Planning Board is now recommending the elimination of the schools test and transportation test in favor of establishing an annual growth rate for housing and jobs and impact taxes dedicated to school construction and transportation improvements.

On July 10, 2003, Mrs. Patricia O'Neill testified on behalf of the Board of Education to the Planning Board in support of the shift from a schools test to an impact tax dedicated to school construction. In her testimony, Mrs. O'Neill noted that if the schools test is eliminated, the amount of revenue generated by the impact tax must be sufficient to make a meaningful contribution to school construction.

On August 6, 2003, the Montgomery County Planning Board transmitted its recommendations for a new Annual Growth Policy. The Board of Education now has an opportunity to provide comments on the Planning Board recommendation to the County Council.

The following is the upcoming policy review timetable for the AGP:

| | |
|------------------------|--|
| August 6, 2003 | Planning Board's draft recommendation transmitted to the County Council, county executive, MCPS, and the Washington Suburban Sanitary Commission (WSSC) for review |
| September 2003 | County executive, MCPS, and WSSC comments transmitted to the County Council |
| September–October 2003 | County Council review of recommendation |
| September 13, 2003 | County Council-sponsored public "teach-in" on the AGP |

September 16 & 18, 2003 County Council public hearings on the AGP

November 1, 2003 County Council adoption of new AGP policy element

The Planning Board determined at the outset of its work on the AGP that the county's transportation network and public schools have both reached capacity. As the Planning Board wrote in one report, "Our roads and schools do not have the capacity to adequately support additional growth." The Planning Board dismissed the value of a total moratorium on new development until the county can "catch up" with new transportation and school facilities. The Planning Board concluded that a moratorium approach is not in the best economic interests of county residents. Furthermore, existing moratoria in sub-areas of the county have not been effective ways to "catch up" with roads and school needs.

Based on the belief that some amount of development is in the best interest of the county, the Planning Board explored ways to set an overall limit on the pace of growth. In conjunction with setting an annual growth rate, the Planning Board decided that an additional revenue source levied on nonresidential and residential projects is needed to assist the county in building roads and schools. These two components, the setting of annual growth rates and the imposition of impact taxes, form the heart of the Planning Board's AGP recommendations.

After reviewing past development rates and considering the number of jobs and housing units already approved for construction, the Planning Board is recommending an annual rate of housing and job growth of 1 percent. This rate would be called the *preliminary plan approval rate*. The growth rate set in the AGP would be reviewed on a biennial basis as new AGP policy elements are adopted in the future. The setting of growth rates in the future would be set after reviewing a number of factors, including the amount of transportation improvements and school facilities funded in the capital improvements program and the balance between jobs and housing in the county (with the desired ratio being 1.6 jobs per housing unit).

It is estimated that a 1-percent growth rate would allow approximately 5,800 jobs and 3,625 housing units to be approved annually. This rate is below levels seen in recent years. The Planning Board considered a 1-percent growth rate prudent, since a large number of development plans are already approved and in the "pipeline" for construction. The annual growth rate set in the AGP would apply to preliminary plan approvals and would not affect the construction of units approved in the past. However, all development would be subject to payment of the recommended impact taxes for roads and schools. The municipalities would be requested to collect the recommended impact taxes. Impact taxes would be collected at the issuance of building permits.

Currently, the pipeline of approved nonresidential development for jobs totals 114,930, and the pipeline of approved housing units totals 30,755 (including projects in the county and municipalities). Because these nonresidential and residential projects may proceed to

construction at any time, the actual growth rate seen in the next few years is likely to exceed the 1-percent that is recommended to guide new plan approvals. Over time, as the pipeline is reduced through construction of approved projects, the annual growth rate set in the AGP would achieve greater control over the actual rate of construction. Naturally, market conditions also play a prominent role in the rate of construction.

An important feature of the recommendation to set annual growth rates is the Planning Board's recommendation to allocate the number of housing units in a given year to eight sub-areas of the county. Based on the principle of "smart growth," more housing development would be allowed in areas with high transit usage (close to Metro stations) than in suburban and rural areas with low transit usage. The most favored residential development would be the kind of high density, multi-family and townhouse communities that are currently under way at the Grosvenor and White Flint Metro stations. The same disproportionate allocation approach would apply to nonresidential development that supports job growth. Affordable housing developments, strategic economic development projects, and development within Metro station areas would be exempt from the annual growth rate ceilings.

Impact taxes dedicated to transportation improvements would be charged on a square-foot basis to developers of nonresidential projects that support job growth. Impact taxes would be charged on a per-housing-unit basis for transportation improvements and for school construction for residential projects. Each housing unit would be charged two impact taxes, one for transportation and the other for schools.

In terms of residential development, the Planning Board is recommending school impact taxes at the following rates (affordable housing units would be exempt from the school and transportation impact taxes):

- Single-family detached houses \$8,000 per unit
- Townhouses \$6,000 per unit
- Garden apartments \$4,000 per unit
- High-rise apartments \$1,600 per unit
- Apartments for seniors \$0
- Moderately-priced dwelling units \$0
(MPDUs)

The same school impact tax rates would apply throughout the county. Rates for the transportation impact tax would vary depending on the location of the proposed development. Lower rates would apply to development in smart-growth areas near transit. For example, the recommended rates for the transportation impact tax range from a low of \$1,500 per single-family detached housing unit at Metro stations, to a high of \$6,500 per single-family detached housing unit in rural areas. This is intended to place an incentive on smart-growth projects.

The Planning Board has estimated that the recommended school impact would generate \$20 million annually for school construction, depending on the number of housing units that obtain building permits each year. This would fund approximately 10 to 20 percent of the annual capital budget.

The school impact tax rates recommended by the Planning Board in the AGP are substantially higher than those introduced in legislation by Councilmembers Perez and Andrews last April. That legislation was withdrawn awaiting the outcome of the AGP review. The proposal by Councilmembers Perez and Andrews was for a school impact tax rate of \$3,920 for single-family detached units, \$3,220 for townhouse units, \$1,960 for multi-family units, and \$770 for high-rise units.

Further attesting to its interest in raising revenue for school construction, the Planning Board acted to support the dedication of the increase in the recordation tax to school construction. This important revenue source addresses the impact that turnover of existing communities has in raising enrollment levels. This impact may be greater than that of new housing development.

Dr. Weast recommended that the Board of Education support the Planning Board's recommendation for a new Annual Growth Policy dedicated to setting reasonable annual growth rates and collecting revenue through impact taxes dedicated to school construction and transportation improvements.

The Planning Board has done an admirable job of redirecting the AGP in a way that is better suited to alleviating conditions of congestion in schools and on roads. The emphasis on revenue collection reflects the interests expressed by the Board of Education at the joint dinner meeting with the Planning Board on January 23, 2003, and in the May 27, 2003, Board resolution on the draft agenda prepared by staff.

Re: UPDATE ON THE ANNUAL GROWTH POLICY

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

WHEREAS, A comprehensive review of the Annual Growth Policy's Policy Element has been conducted over the past year, and this review has included consideration of alternative approaches to the role of the Annual Growth Policy as it pertains to schools; and

WHEREAS, The Montgomery County Board of Education has participated in the review of the Annual Growth Policy and promoted dialogue among the Montgomery County Planning

Board; the mayors of the cities of Gaithersburg, Rockville, and Takoma Park; school community leaders; and the business community; and

WHEREAS, The Montgomery County Planning Board has recommended changes to the Annual Growth Policy that replace the schools test with the setting of annual preliminary plan approval rates and collection of school impact taxes on housing units when building permits are issued; and

WHEREAS, The shift from a schools test to the recommended approach should provide greater opportunity to fund school construction than the current schools test with potential development moratoria for areas of the county; now therefore be it

Resolved, That the Board of Education support the Planning Board recommendation for the Annual Growth Policy as it pertains to schools, including the recommended school impact tax rates per housing unit; and be it further

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

Resolved, That a copy of this resolution be forwarded to mayors and councils of Montgomery County municipalities with a request that they participate in the collection of school impact taxes recommended by the Planning Board.

Re: **DISCUSSION**

Mr. Perez, County Council Member, spoke to the Board about perspectives of the Council.

RESOLUTION NO. 460-03 Re: **AN AMENDMENT TO THE UPDATE ON THE ANNUAL GROWTH POLICY**

On motion of Mrs. O'Neill and seconded by Ms. Cox, the following amendment was adopted unanimously:

Resolved, That the Board of Education believe it is critical that the impact tax be levied at the time a building permit is issued to capture revenue from newly approved subdivisions and from units that have been previously approved but not yet built (units in the "pipeline"); and be it further

Resolved, That, should the amount of the impact tax proposed by the Planning Board be reduced, or if the other revenues needed to fund the CIP (i.e., state aid, increases in Spending Affordability Guidelines for the CIP dedicated to schools, or the dedicated Recordation Tax) be reduced, the Board of Education would seek

the safety net of a tighter "schools test" as previously recommended by the Planning Board staff and supported by the Board of Education on May 27, 2003; and be it further

RESOLUTION NO. 461-03 Re: UPDATE ON THE ANNUAL GROWTH POLICY

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

WHEREAS, A comprehensive review of the Annual Growth Policy's Policy Element has been conducted over the past year, and this review has included consideration of alternative approaches to the role of the Annual Growth Policy as it pertains to schools; and

WHEREAS, The Montgomery County Board of Education has participated in the review of the Annual Growth Policy and promoted dialogue among the Montgomery County Planning Board; the mayors of the cities of Gaithersburg, Rockville, and Takoma Park; school community leaders; and the business community; and

WHEREAS, The Montgomery County Planning Board has recommended changes to the Annual Growth Policy that replace the schools test with the setting of annual preliminary plan approval rates and collection of school impact taxes on housing units when building permits are issued; and

WHEREAS, The shift from a schools test to the recommended approach should provide greater opportunity to fund school construction than the current schools test with potential development moratoria for areas of the county; now therefore be it

Resolved, That the Board of Education support the Planning Board recommendation for the Annual Growth Policy as it pertains to schools, including the recommended school impact tax rates per housing unit; and be it further

Resolved, That the Board of Education believe it is critical that the impact tax be levied at the time a building permit is issued to capture revenue from newly approved subdivisions and from units that have been previously approved but not yet built (units in the "pipeline"); and be it further

Resolved, That, should the amount of the impact tax proposed by the Planning Board be reduced, or if the other revenues needed to fund the CIP (i.e., state aid, increases in Spending Affordability Guidelines for the CIP dedicated to schools, or the dedicated Recordation Tax) be reduced, the Board of Education would seek the safety net of a tighter "schools test" as previously recommended by the Planning Board staff and

supported by the Board of Education on May 27, 2003; and be it further

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

Resolved, That a copy of this resolution be forwarded to mayors and councils of Montgomery County municipalities with a request that they participate in the collection of school impact taxes recommended by the Planning Board.

RESOLUTION NO. 462-03 Re: **CLOSED SESSION RESOLUTION**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Dr. Haughey, 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 closed session on Monday, September 22, 2003, in Room 120 of the Carver Educational Services Center to meet from 7:00 to 7:30 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 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.

RESOLUTION NO. 463-03 Re: **REPORT OF CLOSED SESSION**

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

On August 25, 2003, by unanimous vote of members present, 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 August 25, 2003, from 8:30 to 11:55 a.m. and 6:30 to 7:20 p.m. in Room 120 of the Carver Educational

Services Center, Rockville, Maryland, and

1. Adjudicated the following appeals: 2003-34, 2003-35, 2003-37, 2003-39, 2003-40, 2003-45, T-2003-32, T-2003-33, T-2003-34, T-2003-35, T-2003-39, T-2003-40 T-2003-41, T-2003-42, T-2003-43, T-2003-44, and T-2003-45 with a subsequent vote to approve in open session.
2. Reviewed the Superintendent's recommendation for a Human Resources Monthly Report and Appointments with subsequent votes to approve in open session.
3. Discussed 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*.
4. Consult with staff, consultants, or other individuals about pending or potential litigation under Section 10-508(a)(8).
5. Consulted with counsel to receive legal advice as permitted under Section 10-508(a)(7) of the *State Government Article*.
6. 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: Elizabeth Arons, Larry Bowers, Kermit Burnett, Dan China, Patrick Clancy, Sharon Cox, Reggie Felton, Dale Fulton, Charles Haughey, Richard Hawes, Roland Ikheloa, Frieda Lacey, Walter Lange, George Margolies, Pat O'Neill, Brian Porter, John Q. Porter, Lori Rogovin, Gabe Romero, Glenda Rose, Sagar Sanghvi, Greg Thornton, Roger Titus, Jerry Weast, and Carey Wright.

RESOLUTION NO. 464-03 Re: **APPEAL NO. 2003-35**

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 2003-35, final exam grade, reflective of the following vote: Mr. Burnett, Ms. Cox, Mr. Felton, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to affirm.

RESOLUTION NO. 465-03 Re: **APPEAL NO. 2003-37**

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

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2003-37, denial of bus privileges, reflective of the following vote: Mr. Burnett, Ms. Cox, Mr. Felton, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to affirm.

RESOLUTION NO. 466-03 Re: **APPEAL NO. 2003-39**

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

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2003-39, denial of bus privileges, reflective of the following vote: Mr. Burnett, Ms. Cox, Mr. Felton, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to affirm.

RESOLUTION NO. 467-03 Re: **APPEAL NO. 2003-40**

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

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2003-40, selection for pom-pon squad, reflective of the following vote: Mr. Burnett, Ms. Cox, Mr. Felton, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to affirm.

RESOLUTION NO. 468-03 Re: **EARLY CHILDHOOD EDUCATION**

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

WHEREAS, Montgomery County Schools is committed to academic achievement for all students; and

WHEREAS, Significant resources have been invested in developing a rigorous yet developmentally appropriate curriculum for students in kindergarten; and

WHEREAS, The United States Congress has enacted legislation, *No Child Left Behind*, that holds local school districts accountable for the academic achievement of every student; and

WHEREAS, Academic success in grades K-3 is very much dependent upon school readiness of children entering MCPS; be it

Resolved, That the Board of Education direct the superintendent to develop a proposal that would offer early childhood development providers instruction and/or guidance at their expense on the MCPS kindergarten curriculum in order to assist those providers in preparing future students for academic success.

Re: **NEW BUSINESS**

There was no new business.

Re: **ITEMS OF INFORMATION**

The following items were available:

1. Legal Fees Report
2. Construction Progress Report

RESOLUTION NO. 469-03 Re: **ADJOURNMENT**

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

Resolved, That the Board of Education adjourn its meeting of September 9, 2003, at 5:10 p.m.

PRESIDENT

SECRETARY

JDW:gr

**MONTGOMERY COUNTY BOARD OF EDUCATION
SUMMARY SHEET
September 9, 2003**

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