

APPROVED
9-2004

Rockville, Maryland
February 23, 2004

The Board of Education of Montgomery County met in regular session at the Carver Educational Services Center, Rockville, Maryland, on February 23, 2004, at 7:40 p.m.

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

Absent: Mr. Gabriel Romero

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

RESOLUTION NO. 114-04 Re: **CLOSED SESSION**

On recommendation of the Superintendent and on motion of Mr. Felton seconded by Mr. Sanghvi, 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 February 23, 2004, in Room 120 from 7:00 to 7:30 p.m. 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 this portion of the meeting continue in closed session until the completion of business.

RESOLUTION NO. 115-04 Re: **APPROVAL OF THE AGENDA**

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

Resolved, That the Board of Education approve its agenda for February 23, 2004.

RESOLUTION NO. 116-04 Re: WOMEN'S HISTORY MONTH

On recommendation of the Superintendent and on motion of Mrs. O'Neill seconded by Dr. Haughey, the following resolution was adopted unanimously by members present:

WHEREAS, In 1987, the United States Congress passed a resolution proclaiming the month of March as National Women's History Month; and

WHEREAS, The Maryland Women's History Project has selected the theme, *Women Inspiring Hope and Possibility*, to commemorate Women's History Month in 2004; and

WHEREAS, Maryland women have a rich heritage of accomplishments and contributions that has been an inspiration to families, communities, and their country; and

WHEREAS, Women have helped to shape our nation's history and inspired hope and possibility for others; and

WHEREAS, The Board of Education takes pride in its efforts to create an awareness of the often unrecognized contributions of women; and

WHEREAS, The Board of Education and the superintendent of schools are committed to providing learning and working environments that encourage the pursuit of academic and career opportunities for women; now therefore be it

Resolved, That on behalf of the superintendent, staff, students, and parents of the Montgomery County Public Schools, the members of the Board of Education hereby declare the month of March 2004 to be observed as Women's History Month; and be it further

Resolved, That the Montgomery County Board of Education and the superintendent of schools recognize and honor our female students, staff, and business and community leaders who, by their hard work, vision, and achievements, are creating a better tomorrow.

RESOLUTION NO. 117-04 Re: ITEM OF LEGISLATION

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

Resolved, That the Board of Education strongly support **HB 901/SB 752 Education – Geographic Cost of Education Index – Funding** which would require that the foundation program of the Bridge to Excellence in Public Schools Act be adjusted in a specified manner to reflect regional differences in the cost of education for FY 2005 and beyond.

RESOLUTION NO. 118-04 Re: ITEM OF LEGISLATION

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

Resolved, That the Board of Education support (with the amendment) **HB 731 – Public School Construction – Obligation of State to Pay** which would require the state to fund at least half of the total sum requested by LEAs in State CIP submissions that complied with the rules, regulations, and procedures of the Board of Public Works.

RESOLUTION NO. 119-04 Re: ITEM OF LEGISLATION

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

Resolved, That the Board of Education support **HB 1055 – Public School Construction – Minimum Annual Funding Level** which would require the Governor to include at least \$200 million for public school construction in the capital budget for each fiscal year.

RESOLUTION NO. 120-04 Re: ITEM OF LEGISLATION

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

Resolved, That the Board of Education support (with an amendment) **HB 909 – Education – Registered Child Sexual Offenders Attending Public School** which would authorize a county superintendent of schools, after receiving written notice of the registration of a child sexual offender from a local law enforcement unit, to refuse to enroll the child sexual offender in a particular public school, and the bill would require a county superintendent who refuses to enroll a child sexual offender in a neighborhood public school to provide an alternative education program for the child sexual offender. (Amendment – The notification would include information about whether or not the student is enrolled in the school system. It should be determined whether or not a person convicted under juvenile laws would be included in that bill.)

Testimony should state that the intent of the bill is to provide the superintendent with the ability to balance the needs of the student against the concerns of the community with the same educational goals for the student.

RESOLUTION NO. 121-04 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education support with new funding **HB 629/SB 331 – Adult Education and Literacy Services – Waiting List – Funding** which would require MSDE and the General Assembly to work together to create an ongoing method for funding adult ESOL and literacy services and require that state funding for adult education be increased by \$1.47 million over the FY 2004 appropriation for FY 2006 and 2007 in order to reduce the waitlist for services to the extent possible.

RESOLUTION NO. 122-04 Re: **ITEM OF LEGISLATION**

On recommendation of the Superintendent and on motion of Mrs. O'Neill seconded by Dr. Haughey, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education strongly support with an amendment **SB 115 – Task Force to Study the Maryland Teachers' Pension System and the Teachers' Retirement System** which would establish the Task Force to review and evaluate the viability of the Maryland's retirement systems to assess the financial and actuarial condition of the systems in order to determine whether the systems are adequately positioned to provide benefits for teachers and other employees of boards of education, public libraries, and community colleges in the State.

RESOLUTION NO. 123-04 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education strong support with an amendment **HB 155 – Education – Comprehensive Master Plan Annual Updates** which would extend the deadline for submission of local master plan updates each year from July 1 to August 15.

Re: **PUBLIC COMMENTS**

The following people testified before the Board of Education:

- | | <u>Person</u> | <u>Topic</u> |
|----|----------------|--------------------------------------|
| 1. | Mary Edwards | Boundary Review |
| 2. | Darnell Daisey | School Assignment (Hampshire Greens) |

3. Tina Connolly Banneker/Briggs Chaney Boundary
4. Debra Murphy School Assignment (Hampshire Greens)
5. Stephen Szot School Assignment (Hampshire Greens)
6. Janis Sartucci School Sites
7. Jill Hsu School Assignment (Hampshire Greens)
8. William Crump Brickyard Road Site
9. Alicia Arnold School Assignment (Hampshire Greens)
10. Julio Pena School Assignment (Hampshire Greens)
11. Ken Roper School Assignment (Hampshire Greens)

RESOLUTION NO. 124-04 Re: **AWARD OF CONTRACT – HVAC MODIFICATIONS AT VARIOUS SCHOOLS**

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

WHEREAS, Sealed bids were received on February 10, 2004, from four contractors for various heating, ventilation, and air conditioning (HVAC) modifications at 26 schools, with work to be completed over the summer of 2004; and

WHEREAS, The scope of the work permits the Montgomery County Public Schools to award the work at each site individually; and

WHEREAS, The detailed bid activity is available for review in the Department of Facilities Management; and

WHEREAS, The low bidders, AR-RO Construction, Inc.; C. V. Carlson Company, Inc.; and Hot & Cold Corporation have completed similar work successfully; and

WHEREAS, AR-RO Construction, Inc., is a female-owned firm and Hot & Cold Corporation is a Maryland-Department of Transportation-certified minority firm; and

WHEREAS, The aggregate of the bids received is within the engineer's estimate; now therefore be it

Resolved, That contracts be awarded to AR-RO Construction, Inc.; C. V. Carlson Company, Inc.; and Hot & Cold Corporation in the amounts of \$121,430, \$136,605, and \$9,980, respectively, for HVAC modifications at various schools; and be it further

Resolved, That the appropriate contracts be forwarded to the Interagency Committee on School Construction for approval to reimburse the Montgomery County Public Schools for the eligible portions of this project.

RESOLUTION NO. 125-04 Re: **ARCHITECTURAL APPOINTMENT – DOWNCOUNTY CONSORTIUM ELEMENTARY SCHOOL #27**

On recommendation of the Superintendent and on motion of Mr. Felton seconded by Mrs. O'Neill, 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 Downcounty Consortium Elementary School #27 (formerly Connecticut Park) re-opening project; and

WHEREAS, The preliminary construction cost estimate for this work is approximately \$12,500,000; and

WHEREAS, An FY 2004 Capital Budget transfer and supplemental appropriation has been approved by the County Council to accelerate architectural planning to allow more time to prepare the construction documents; and

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

WHEREAS, Staff has negotiated a fee for the architectural services that includes one consultant who is a Maryland Department of Transportation-certified minority firm; now therefore be it

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with the architectural firm of Architecture, Inc., to provide professional architectural and engineering services for the Downcounty Consortium Elementary School #27 re-opening project for a fee of \$792,500.

RESOLUTION NO. 126-04 Re: **ARCHITECTURAL APPOINTMENT – SPARK MATSUNAGA ELEMENTARY SCHOOL**

On recommendation of the Superintendent and on motion of Mr. Felton seconded by Mrs. O'Neill, 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 Spark Matsunaga Elementary School addition; and

WHEREAS, The preliminary construction cost estimate for this work is approximately \$875,000; and

WHEREAS, Funds for architectural planning have been approved by the County Council as part of a FY 2004 Capital Budget transfer and supplemental appropriation; and

WHEREAS, An Architect Selection Committee, in accordance with procedures adopted by the Board of Education on July 14, 1998, selected SHW Group, 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 SHW Group, Inc., to provide professional architectural and engineering services for the Spark Matsunaga Elementary School addition for a fee of \$60,251.

RESOLUTION NO. 127-04 Re: **CLARKSBURG AREA HIGH SCHOOL –
PRECONSTRUCTION/CONSTRUCTION MANAGEMENT
SERVICES**

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

WHEREAS, The FY 2004 Capital Budget request includes planning funds for the conversion of Clarksburg Area High School; and

WHEREAS, The design phase of this project is proceeding with the preconstruction services scheduled to start in July 2004, contingent on final approval of the FY 2005–2010 Capital Improvements Program; and

WHEREAS, Staff has recommended that this project be completed using a construction management delivery system due to the project complexities and phasing of the construction work; and

WHEREAS, A Consultant Selection Committee, in accordance with procedures adopted by the Board of Education on July 14, 1998, identified Hess Construction Company, Inc., as the most qualified firm to provide the necessary management services; and

WHEREAS, The management services will be implemented in two phases; and

WHEREAS, The initial phase will consist of preconstruction services for cost estimating, value engineering, constructability planning, and the construction phasing schedule; and

WHEREAS, Staff has negotiated a fee for the preconstruction services; and

WHEREAS, The second phase will consist of general construction management services, and a fee for this phase will be negotiated once the construction funding for the project has been approved by the County Council; now therefore be it

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with the firm of Hess Construction Company, Inc., to provide phase-one preconstruction services for cost estimating, value engineering, constructability planning services, and the construction phasing schedule for the Clarksburg Area High School conversion project for a fee of \$158,420.

RESOLUTION NO. 128-04 Re: ACCEPTANCE OF WALTER JOHNSON HIGH SCHOOL

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

WHEREAS, The Walter Johnson High School addition was inspected on February 5, 2004; now therefore be it

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

RESOLUTION NO. 129-04 Re: DELEGATION OF AUTHORITY TO AWARD A CONTRACT FOR ELECTRICITY SUPPLY

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

WHEREAS, The Board of Education has participated in a joint procurement of electricity with the Montgomery County government since 1999; and

WHEREAS, This joint procurement has been very beneficial, providing a total savings of \$3.3 million to the participants, of which \$1.2 million were savings to the Montgomery County Public Schools; and

WHEREAS, The current agreement expires July 1, 2004; and

WHEREAS, The Montgomery County Government, as the lead county agency in the joint procurement effort, has collaborated with the contract participants, including Montgomery County Public Schools staff, to develop a bid solicitation for a new agreement; and

WHEREAS, The solicitation and contract provisions comply with the procurement requirements for Maryland State boards of education and were sent to all of the companies licensed to sell electricity in the State of Maryland; and

WHEREAS, There is a very short duration for analyzing and accepting bids due to the volatility of the electricity market; and

WHEREAS, The Montgomery County Government representative for the joint procurement has requested that participating agencies have preauthorized representatives with the authority to agree on the electricity supply contract within the short duration of the price offering; and

WHEREAS, A limited delegation of authority to award the Board of Education's portion of the joint procurement contract has been recommended to facilitate the electricity supply contract award; and

WHEREAS, The Board of Education's legal counsel has reviewed this matter and concurs with the recommendation; now therefore be it

Resolved, That, based on the bid price recommendation of the Joint Procurement Committee, authority to commit the Montgomery County Public Schools to a contract for the supply of electricity be delegated to Mr. Larry Bowers, chief operating officer, or Mr. Richard Hawes, director, Department of Facilities Management, to approve a bid; and be it further

Resolved, That the delegation of authority is limited to the upcoming contract for the Montgomery County joint electricity procurement, to begin July 1, 2004, and expire in 2007; and be it further

Resolved, That the Board president and the superintendent are authorized to execute the contract documents procuring electricity for the period from July 1, 2004, through June 30, 2007.

**RESOLUTION NO. 130-04 Re: REQUEST FOR FY 2004 SPECIAL APPROPRIATION
FOR RELOCATABLE CLASSROOMS**

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

WHEREAS, The Board of Education Requested FY 2005–2010 Capital Improvements Program (CIP) includes \$5 million in expenditures in FY 2005 for relocatable classrooms to accommodate student population changes and implement expanded prekindergarten and full-day kindergarten programs for the 2004–2005 school year; and

WHEREAS, As part of the current request, these funds will not be appropriated until the County Council takes final action on the Board of Education's CIP request in May 2004; and

WHEREAS, The contracts for the relocation and installation work for the FY 2005 relocatable classroom moves must be executed prior to April 1, 2004, in order to have the units ready for the start of school; and

WHEREAS, The appropriation authority to expend the funds programmed for FY 2005 must be approved by the County Council before the Board of Education can enter into contracts; now therefore be it

Resolved, That the Board of Education revise its Requested FY 2005–2010 Capital Improvements Program and request an amendment to the FY 2004 Capital Budget to include a special appropriation in the amount of \$5 million to contract for the relocatable classroom moves that are proposed for the summer of 2004 to meet student population changes and the implementation of expanded pre-kindergarten and full-day kindergarten programs for the 2004–05 school year; and be it further

Resolved, That this request be forwarded to the county executive and the County Council for action.

RESOLUTION NO. 131-04 Re: **UTILIZATION OF FY 2004 PROVISION FOR FUTURE SUPPORTED PROJECT FUNDS**

On recommendation of the Superintendent and on motion of Mr. Felton seconded by Mrs. O'Neill, 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. 15-184, approved May 22, 2003; 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>
Homeless Children and Youth Program	\$ 100,000
Maryland Model for School Readiness Program	118,994
Regional Professional Development Project	<u>8,300</u>
Total	<u>\$ 227,294</u>

and be it further

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

Re: **FINAL ACTION ON POLICY FFA – NAMING
SCHOOL FACILITIES**

On motion of the Policy Committee, the following resolution was placed on the table:

WHEREAS, Policy FFA, *Naming School Facilities*, identifies the approval authority and process for naming school facilities; and

WHEREAS, The draft revision of Policy FFA, *Naming School Facilities*, tentatively was adopted by the Board of Education on November 11, 2003, and sent out for public comment; and

WHEREAS, The Board of Education has received the superintendent's recommendation; now therefore be it

Resolved, That the Board of Education adopt Policy FFA, *Naming School Facilities* as revised.

Naming Schools Facilities

A. PURPOSE

To establish an equitable process by which the Board of Education can assume its responsibility for naming school facilities

B. ISSUE

When it is necessary to open new schools or rename existing school facilities, the Board of Education must have an equitable process to select school names.

C. POSITION

1. It is the responsibility of the Board of Education to adopt official names for county public school facilities. In fulfilling this responsibility, the Board will make every effort to respect community preferences.
2. When a new school site is purchased, or a planning project for a new school facility is initiated, the superintendent will establish a temporary, generic name to designate the site or building for planning purposes. As a new school facility nears completion, the Board shall develop a listing of up to four names. The superintendent shall establish a process through which interested groups in the community that the school will serve shall be charged with the responsibility of recommending, in priority order, its preference from among the listing of names provided by the Board of Education and up to two additional names recommended by the committee.
3. It is preferred that school facilities be named for deceased distinguished persons who have made an outstanding contribution to the community, county, state, or nation. The Board of Education will give strong consideration to names of women and minorities so that these are equitably represented among county school names.
4. Geographic names may also be considered for new school facilities. These names should be clearly identifying, widely known, and recognized.
5. Although the Board will consider carefully community recommendations for school facility names, the final responsibility for officially naming a school building rests with the Board of Education.
6. The Board of Education welcomes suggestions for school facility names on an ongoing basis. These names will be kept on file by the Board of Education and used as references.
7. If there is strong interest within the community, the Board of Education will consider petitions to rename existing school facilities. If the Board decides to proceed with a renaming, the Board will follow the procedures outlined in Section C.2.
8. If there is strong interest within the community, petitions will be considered for naming a portion of a school facility, to include athletic facilities. The responsibility for naming a portion of a school facility will rest with the superintendent of schools or his/her designee after careful consideration of

community input. Petitions received to name a portion of a school facility to generate financial gain are prohibited unless expressly approved by the Board of Education.

D. DESIRED OUTCOME

An equitable process by which the Board of Education can assume its responsibility for naming school facilities.

E. IMPLEMENTATION STRATEGIES

The superintendent will publish a regulation to implement this policy.

F. REVIEW AND REPORTING

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

Re: **AN AMENDMENT TO FINAL ACTION ON POLICY
FFA – NAMING SCHOOL FACILITIES**

On motion of Mr. Felton and seconded by Mr. Lange, the following resolution failed with Mr. Felton and Dr. Haughey voting in the affirmation; Mr. Burnett, Ms. Cox, Mr. Lange, Mrs. O'Neill, and Mr. Sanghvi voting in the negative:

Resolved, That the Board of Education amend Policy FFA at C.8. to read

The responsibility for naming a portion of a school facility ~~will rest with~~ **may be delegated by the Board of Education to** the superintendent of schools or his/her designee after careful consideration of community input.

RESOLUTION NO. 132-04 Re: **FINAL ACTION ON POLICY FFA – NAMING SCHOOL
FACILITIES**

On motion of the Policy Committee, the following resolution was adopted unanimously by members present:

WHEREAS, Policy FFA, *Naming School Facilities*, identifies the approval authority and process for naming school facilities; and

WHEREAS, The draft revision of Policy FFA, *Naming School Facilities*, tentatively was adopted by the Board of Education on November 11, 2003, and sent out for public comment;

and

WHEREAS, The Board of Education has received the superintendent's recommendation; now therefore be it

Resolved, That the Board of Education adopt Policy FFA, *Naming School Facilities* as revised.

Naming Schools Facilities

A. PURPOSE

To establish an equitable process by which the Board of Education can assume its responsibility for naming school facilities

B. ISSUE

When it is necessary to open new schools or rename existing school facilities, the Board of Education must have an equitable process to select school names.

C. POSITION

1. It is the responsibility of the Board of Education to adopt official names for county public school facilities. In fulfilling this responsibility, the Board will make every effort to respect community preferences.
2. When a new school site is purchased, or a planning project for a new school facility is initiated, the superintendent will establish a temporary, generic name to designate the site or building for planning purposes. As a new school facility nears completion, the Board shall develop a listing of up to four names. The superintendent shall establish a process through which interested groups in the community that the school will serve shall be charged with the responsibility of recommending, in priority order, its preference from among the listing of names provided by the Board of Education and up to two additional names recommended by the committee.
3. It is preferred that school facilities be named for deceased distinguished persons who have made an outstanding contribution to the community, county, state, or nation. The Board of Education will give strong consideration to names of women and minorities so that these are equitably represented among county school names.

4. Geographic names may also be considered for new school facilities. These names should be clearly identifying, widely known, and recognized.
5. Although the Board will consider carefully community recommendations for school facility names, the final responsibility for officially naming a school building rests with the Board of Education.
6. The Board of Education welcomes suggestions for school facility names on an ongoing basis. These names will be kept on file by the Board of Education and used as references.
7. If there is strong interest within the community, the Board of Education will consider petitions to rename existing school facilities. If the Board decides to proceed with a renaming, the Board will follow the procedures outlined in Section C.2.
8. If there is strong interest within the community, petitions will be considered for naming a portion of a school facility, to include athletic facilities. The responsibility for naming a portion of a school facility will rest with the superintendent of schools or his/her designee after careful consideration of community input. Petitions received to name a portion of a school facility to generate financial gain are prohibited unless expressly approved by the Board of Education.

D. DESIRED OUTCOME

An equitable process by which the Board of Education can assume its responsibility for naming school facilities.

E. IMPLEMENTATION STRATEGIES

The superintendent will publish a regulation to implement this policy.

F. REVIEW AND REPORTING

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

RESOLUTION NO. 133-04 Re: **FINAL ACTION ON POLICY FED – REDUCTION OF FUNDS RETAINED PENDING COMPLETION OF A CONTRACT**

On motion of the Policy Committee, the following resolution was adopted unanimously by members present:

WHEREAS, Policy FED, *Reduction of Funds Retained Pending Completion of a Contract*, identifies the amount to be retained from progress payments to construction contractors until a project is completed; and

WHEREAS, Recent changes in State of Maryland statutes regarding the amounts that can be retained from progress payments on state-funded projects necessitates that Policy FED be revised to comply with the new statutes; and

WHEREAS, The draft revision of Policy FED, *Reduction of Funds Retained Pending Completion of a Contract*, tentatively was adopted by the Board of Education on November 11, 2003, and sent out for public comment; and

WHEREAS, The Board of Education has received comments and the superintendent's recommendations; now therefore be it

Resolved, That the Board of Education adopt Policy FED, *Reduction of Funds Retained Pending Completion of a Contract*, as revised.

RETAINAGE REDUCTION OF FUNDS RETAINED PENDING COMPLETION OF A CONTRACT FOR CONTRACTORS

A. PURPOSE

To set forth policy guidelines for reduction of funds retained pending completion of a contract retainage on capital construction projects.

B. ISSUE

State law defines certain circumstances which necessitate the reduction of retainage on capital construction projects.

C. POSITION PROCESS AND CONTENT

1. The retainage on capital projects may be reduced, with Board approval, from 10 percent to 5 percent when:
 - a) MCPS construction staff reports to the Board of Education that the

project is, at a minimum, 50 percent complete and is scheduled to be finished within the contract completion date.

- b) The project architect recommends in favor of the contractor's request for reduction of retainage
 - c) The reduction is approved by the contractor's surety agent
2. The remaining 5-percent retention will be held until the project is fully completed and only released when the architect certifies that all of the contract requirements have been fulfilled and the Maryland State Comptroller verifies that there are no outstanding taxes or other state mandated fees due by the contractor.

C. REVIEW AND REPORTING

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

Re: **SUMMARY OF HIGH SCHOOL ASSESSMENTS AND IMPLICATIONS**

Dr. Weast invited the following people to the table: Dr. Frieda K. Lacey, chief of staff; Mr. Donald H. Kress, coordinating community superintendent; Mr. Dale E. Fulton, associate superintendent for curriculum and instructional programs; Mrs. Darlene Merry, associate superintendent for staff development; Dr. Theresa Alban, acting director of shared accountability; and Ms. Carol Blum, director of high school instruction and achievement.

In August 2003, the Maryland State Board of Education (MSBE) adopted passing standards for the High School Assessments (HSA) in algebra/data analysis, biology, English 1, and government. In December 2003, the Maryland State Department of Education (MSDE) released the 2003 HSA results for the state, school systems, and individual schools. The MSDE also released recalculated 2002 results based on the adopted passing standards. A report presenting the results of the 2003 administration of the four HSA in MCPS was sent to the Board of Education on January 23, 2004.

Currently, the Code of Maryland Regulations (COMAR) stipulates that all diploma-bound Maryland students complete the four HSA courses and take the corresponding HSA as a graduation requirement. Students are not yet required to pass the HSA to receive a diploma. The MSBE voted in December 2003 to draft regulations to link passing the HSA to high school graduation, beginning with students who are slated to graduate in 2009 (current Grade 7 students). The Montgomery County Board of Education, at its meeting on January 13, 2004,

discussed the implications of the state's December 2003 proposal for a tiered diploma system tied to passing the HSA. Today, staff will focus on the results of the 2003 HSA and implications for curriculum, assessment, and monitoring.

Because the MSDE does not provide subscores for the HSA, there is no way to determine specific instructional implications based on the test results. For example, if a student, or even all the students at a school, received a low score on one of the HSA, staff has no way of knowing if the low score was caused by weaknesses in writing, comprehension, content knowledge, or vocabulary. Also, the state does not provide a breakdown of scores, either by content or type of question. As a result of this lack of specific information from the state, staff has determined that it would be inadvisable to make significant instructional decisions based on a simple total score. In contrast, MCPS semester final examinations have been designed to mirror the HSA and to provide detailed results that identify areas of strengths and weaknesses and can be used to inform classroom instruction and curriculum revision when necessary.

The percentage of MCPS students who earned a passing score on each of the 2003 HSA ranged from 56.3 percent on the English 1 examination to 77.3 percent on the government examination. More MCPS students took each of the assessments in 2003 than in 2002. The percentage of students earning a passing score on the government assessment increased by 5.1 percentage points over the 2002 results. On the other three assessments, the percentage of students earning a passing score declined by a range of 0.9 to 5.4 percentage points, compared with 2002 results. A substantial achievement gap among racial/ethnic groups exists on each of the tests. The percentage of African American and Hispanic students earning passing scores ranges from approximately 31 percentage points lower than their Asian American and white counterparts on the government test to 44 percentage points lower on the algebra test.

Statewide, the percentage of students who passed an HSA ranged from a low of 39.8 percent in English 1 to a high of 60.2 percent on the government test. The percentage of MCPS students who earned a passing score on each HSA exceeds the statewide results by 14–17 percentage points.

Issues and Challenges

In February 2003, the Board of Education approved the MCPS High School Curriculum Frameworks for the HSA courses. Subsequently, the Office of Curriculum and Instructional Programs (OCIP) developed instructional guides for those courses. These guides are being implemented for the first time during the current school year. Each of the instructional guides provides a challenging and rigorous curriculum, aligned with the Maryland content standards, that provides the foundation for the HSA. The guides also include pre-assessments, formative assessments, and unit assessments that mirror the content and format of the HSA. The

assessments and countywide semester examinations incorporate selected response items (SR), student-produced responses (SPR), brief constructed responses (BCR), and extended constructed responses (ECR) as they are used on the HSA. Students experience HSA-like tasks throughout the school year, and teachers are able to adjust instruction according to student performance. The continued focus on the curriculum, instruction, and assessment program will support student success on other, more rigorous, measures such as SAT and Advanced Placement.

Literacy skills are critical for success on the HSA. The literacy needs of most middle school students will be met through the curriculum and embedded literacy instruction and, for those students who require additional support, through the middle school afterschool intervention program. High school literacy needs are addressed in high school content courses. To provide support to identified students, however, reading instruction must be articulated clearly from middle to high school. At the middle school level, reading intervention is in place for students who are not performing on grade level through new curriculum and instructional guides in Reading 7 and Reading 8 courses. At the high school level, literacy instruction occurs in English 9 and through reading and writing instruction in content-area courses. The MCPS social studies instructional guides for middle school courses and the high school government course are models of successfully embedding these critical reading skills into curriculum and instruction. The instructional guides include extensive sample lessons and instructional strategies in reading and writing for use in the social studies classroom. Science guides also include examples of effective writing and reading practices.

At countywide monthly meetings, program supervisors in English, mathematics, social studies, and science assist resource teachers (RT) in all disciplines in middle schools and high schools as they plan training and support for teachers implementing new curriculum in the HSA courses. They conduct sessions to orient RTs to the instructional guides; analyze high school exam results to inform instructional decisions; identify effective, discipline-specific instructional strategies; and apply scoring rubrics and student exemplars to evaluate student work.

Staff Development

The Office of Staff Development (OSD) and OCIP have collaborated to provide professional development for teachers implementing the revised curriculum in the HSA courses. In addition, OCIP supervisors and specialists have been working with teachers of special populations, including English language learners and special education students, to provide differentiated strategies that lead to success on the HSA and other assessments.

Range finding, or group scoring, an integral part of staff development provided by OCIP and OSD, is designed to achieve consistency in scoring written responses. During range-finding sessions, teachers score student work in groups in order to establish consistent scoring sets

of student exemplars. These sets of student papers provide examples at each score point of the rubric, as well as samples of the range of papers within a score point. Teachers then use the scoring set, together with the rubric, to score student papers. This process is a fundamental step toward achieving consistency and objectivity in scoring across the system and is consistent with the process used by the MSDE to score the HSA. Teachers involved in range-finding sessions also gain new and powerful insights into the decisions they make about instruction, which they are able to apply immediately in their classrooms.

Currently, students are required by COMAR to take the four HSA, and local districts are required to record the HSA results on each student's transcript. Many of the HSA test-takers are students in Grades 9 and 10 who are not yet aware that their transcripts will be part of their college application. Therefore, motivation to succeed on these tests will not be strong unless students understand the importance of their individual results. The MSBE will vote in June 2004 on a final decision about linking high school graduation to passing the four HSA. According to Ed Trust, scores on end-of-course examinations in other states rose sharply when passing them became a graduation requirement. Principals and teachers must continue to help students understand the significance of the HSA, set clear expectations for students, and establish a positive school climate that says, "These tests matter."

The community superintendents and directors of school performance work closely with principals to monitor instruction and curriculum implementation. Community superintendents and directors regularly attend leadership team meetings, instructional council meetings, and departmental meetings at the schools to provide direction, input, and feedback about the school focus. In addition, community superintendents review the HSA results and other appropriate student achievement data with principals on an ongoing basis. It is expected that the school improvement goals are reflective of the data analysis, and the school improvement plan is reviewed on an ongoing basis.

Community superintendents and directors of school performance provide direct monitoring and supervision through supervisory school visits and school walk-throughs. There is considerable collaboration between the Office of School Performance (OSP) and OCIP in providing feedback to schools about the implementation of the curriculum, particularly in the HSA courses.

The community superintendents and directors of school performance conduct regular supervisory school visits. The community superintendents determine what is to be observed related to curriculum and instruction. The follow-up to each visit is focused on communicating to the principal what is working and where there are opportunities for improvement.

The school walk-throughs are accomplished in collaboration with the community superintendent, director of school performance, and school staff. These walk-throughs are becoming common practice in the schools. In addition, when a principal is interested in

obtaining feedback about a particular program or initiative, staff members from central services visit to observe that program or initiative and provide specific feedback on implementation. This kind of walk-through also is reciprocal and provides insight for central services staff regarding support needed by the local school. After visiting the classrooms, the team meets and debriefs. The debriefing, structured around the stated outcomes of the school walk-through, engages all team members. The follow-up from the visits is focused on communicating to and providing support for staff on what is working and identifying opportunities for continuous improvement.

During the current school year, the Office of Shared Accountability (OSA) will be conducting an evaluation of the implementation of Algebra 1 in the 45-minute instructional period in several middle and high schools. The purpose of the evaluation is twofold. First is an evaluation of factors affecting implementation of the new curriculum. Second is an evaluation of whether the new curriculum is achieving the desired mastery of the course content that will lead to success on countywide final examinations and the HSA.

In addition, OCIP and OSP plan to collaborate on program reviews of algebra and English 9 at four or five high schools during the spring semester of 2004. The purpose of these reviews is to determine fidelity of curriculum implementation, the need for revision of the instructional guides, successful instructional strategies and school practices, professional development needs, and school organization for instruction. OCIP also is collaborating with OSA to determine the reliability and validity of the end-of-unit assessments in the HSA instructional guides.

OCIP and OSA are collaborating to collect and analyze data that will support increased student performance on the HSA. These plans include gathering data on the HSA results for students who had the same teacher for both semesters. Staff believes that linking first and second semesters with the same teacher in the HSA courses will allow effective use of the first semester final exam diagnostic information, and allow for more personalized instruction for students.

Program supervisors continue to revise and refine countywide final examinations in the HSA subjects. These examinations provide teachers, schools, and the system with diagnostic information on students' strengths and weaknesses. They are aligned with state content standards and indicators, accurately measure the skills and concepts expected by the state, and serve as predictors of student success on the HSA. MCPS' countywide final examinations are designed to reflect mastery of the curriculum and predict student success on the HSA. The item and correlation analyses of the selected response questions conducted by OSA in the past have provided detailed and specific information to be used at the classroom, school, and system levels to adjust instruction and curriculum content. As a result of these analyses, program supervisors have infused additional opportunities for developing writing and literacy skills into the instructional guides for each course. This collaboration with

OSA will continue to be an integral part of the ongoing revision and improvement of these assessments. Achieve, Inc., in its report on MCPS curriculum documents, noted that the MCPS final examinations are high-quality tests, thoughtfully constructed and well aligned to both the county's frameworks and the state's content standards.

Communication and outreach to parents and students continue to be of great importance. As the state revises the HSA requirements for students, staff must continue to keep students and their parents informed of these changes. Staff in OSA, OSP, and OCIP present information about the topic regularly to parent and community groups at school and cluster PTA meetings and at meetings of the Montgomery County Council of Parent Teacher Associations (MCCPTA), Montgomery County Business Roundtable for Education (MCBRE), and the Parents' Council of the education committee of the NAACP. The commitment to informing parents about the significance of the HSA and their impact on students must continue and should be expanded wherever possible. OCIP staff will update parent brochures as needed and secure translations of important correspondence for the community. Media such as MCPS Instructional Television, the MCPS Web site, and school newsletters also will be used to deliver messages related to the HSA.

Re: **DISCUSSION**

Mr. Felton appreciated the update and the serious concerns of assessing the academic performance of students. He asked for the school system's direction on this issue. Dr. Weast stated that the system was predisposed to work on a remedy. The system has tried many constructive suggestions, volunteered to assist, organized psychometric professionals, and sought outside advice. To date, there has been no resolution.

Ms. Cox asked if the state prepared the tests or hired a vendor. Mr. Fulton replied that the tests are from a vendor but are developed by Maryland teachers. Ms. Alban clarified that there are two vendors – one to help develop and administer the tests and one to score the tests.

Ms. Cox noted that the tests have been administered twice without a technical manual, and she asked how a technical manual helps administrators. Ms. Alban explained that this manual describes the checks done to establish reliability of the tests. Dr. Thornton continued that the manual helps principals to set educational priorities. Ms. Alban added that there never has been a validity study to demonstrate that the core learning goals align with the HSA.

Mr. Felton remarked that an assessment without reliability or validity leaves LEAs in limbo with the state requirements, and he wanted to know the options for the system. Dr. Weast replied that there is a need for cooperation and collaboration with the state to resolve issues.

Mrs. O'Neill thought that the most troubling aspect is that if the school system trusts the state,

MCPS could be gambling with students' futures. In the near future, the Maryland Association of Boards of Education (MABE) will construct a position on tiered diplomas and HSA. The MSBE acted to include public discussion on diplomas and HSAs.

Ms. Cox stated that the school system welcomes accountability, but the Board wants to have confidence in the instrument. However, there is not enough information from the state that gives the Board that confidence, and the school system has been working to get more information. The Board will work with MABE to help resolve the issue. Further, the Board should communicate with MSBE regarding its concerns.

Mrs. O'Neill thought the Board should craft a position with its concerns.

Dr. Haughey remarked that he has had many questions from Maryland legislators about the state assessment process. Is the school system guaranteed that the same contractors are included in developing and assessing the test to assure continuity? Dr. Weast noted that was an issue that caused concern since there was a switch in the vendor.

Dr. Haughey was concerned about the impact of this kind of testing and the creation of a two-tiered school system. There is a group of students who will excel in the HSA, but there are youngsters who will encounter serious problems. His second concern is the matter of time and attention. The more tests students take, the more difficult it is for them to budget their energies. He thought the HSA looks more like test preparation than education, and that is not what MCPS wants to do.

Mr. Burnett thought this issue was one of the most important that faces the Board. The current seventh graders will be affected by the HSA. If these problems are pervasive throughout the state, he asked if there was a collective force of all superintendents on this issue. Ms. Alban stated that five to six counties had superintendents with assessment experience.

Mr. Lange thought the presentation was very distressing, and he believed that the system should "trust but verify." However, the state provided no verification. When HSAs were being considered, staff and the community testified on the same issues, which have not been resolved in 10 years. MABE should take a very strong position regarding clarity and support.

Mr. Sanghvi asked if the HSA invalidated MCPS curriculum and exams with a tiered diploma. Mr. Fulton replied that with a tiered diploma, the state requires a student to pass a specific test for graduation. The core learning goals have been taken into consideration, but MCPS has set a higher standard.

Mr. Sanghvi asked if an LEA could provide a substitute test if approved by the state. Mr. Fulton stated that the state has proposed different ways to get a diploma – pass all state assessments, substitute assessments, or a local final exam.

Dr. Haughey noted that the Board was an agency of the state, and there is a process that is closed from the school system.

Mr. Burnett asked what the remedy was. He thought the Board had to express very strong concerns to the state. Dr. Thornton stated that superintendents in the state and the Board will express concerns. However, staff will continue to work with students with a strong curriculum. Therefore, the remedy is bifurcated with action on the governance level and strong instruction for students.

Ms. Cox stated that her concerns would be in the form of a memorandum. Staff will prepare a letter to the state superintendent for Ms. Cox's signature regarding the Board's concerns about the HSA.

Re: **BANNEKER-BRIGGS CHANEY BOUNDARY CHANGES**

On February 12, 2004, Dr. Weast sent a recommendation for boundary changes between Benjamin Banneker and Briggs Chaney middle schools. The purpose of these boundary changes is to relieve Benjamin Banneker of overutilization by reassigning students to Briggs Chaney, where space is available. The recommendation was to reassign Zones F4 and F5 from Benjamin Banneker to Briggs Chaney.

On March 3, 2004, beginning at 7:00 p.m., the Board will conduct a public hearing on the recommendation and any alternatives the Board may adopt. On March 22 at 9:00 p.m., the Board is scheduled to take action on the recommendation.

RESOLUTION NO. 134-04 Re: **AN ALTERNATIVE FOR THE BANNEKER-BRIGGS CHANEY BOUNDARY CHANGES**

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

Resolved, That the Board of Education modify the superintendent's recommendation and reassign from Benjamin Banneker Middle School to Brigg Chaney Middle School the area east of Old Columbia Pike and south of Briggs Chaney Road, inclusive of the neighborhoods of Avonshire and Fairland Ridge.

Re: **BRICKYARD ROAD, KENDALE ROAD, AND EDSON LANE SCHOOL SITES**

The superintendent has made the following recommendation on the county's request to

surplus the Brickyard Road, Kendale Road, and Edson Lane properties. This recommendation paper covered a wide range of issues surrounding a request received by MCPS to surplus three properties (two school sites and one expansion parcel) to the county as part of its workforce housing initiative. The request has sparked passionate discussion about whether or not the Board of Education should surplus any school sites for any reason. As is the case with most seemingly simple requests, there is never a simple answer when there are many competing interests in the answer.

To address the request from the county to surplus the properties, this recommendation discusses the background regarding the request, the legal requirements concerning the surplusing of Board of Education property, and a brief description of the properties in question. Then, there is a discussion of issues and questions that have bearing on a recommendation of whether or not to surplus the properties. These issues and questions include the following:

1. Are the sites needed for school purposes?
2. How does the need for workforce housing affect MCPS?
3. How will potential funding shortfalls affect the Board of Education's Requested FY 2005–2010 Capital Improvements Program (CIP)?
4. Is there an opportunity to include a public-private partnership to address some of the funding issues?
5. Is there a better facilities plan for addressing the Seven Locks and Potomac elementary schools facility needs?

The county executive wrote to Dr. Weast on October 20, 2003, requesting that the Board of Education declare three undeveloped sites in its real property inventory as no longer needed for school purposes. Further, the county executive asked that the property be transferred to the county for the purpose of providing sites for the development of affordable housing. The properties requested are:

Brickyard Road: 20 acre middle school site—Winston Churchill Cluster

Kendale Road: 10.54 acre elementary school site—Winston Churchill Cluster

Edson Lane: 1.75 acre expansion parcel—Walter Johnson Cluster

Dr. Weast responded to Mr. Doug Duncan, county executive, on November 10, 2003, indicating that this request would be discussed with the Board of Education by mid-January 2004 as part of its FY 2005–2010 CIP deliberations. The correspondence from Mr. Duncan and the superintendent's responses are included in a briefing memorandum dated January 16, 2004. The briefing memorandum was discussed by the County Council Planning, Housing, and Economic Development (PHED) Committee on January 20, 2004. This memorandum provides background on the PHED Committee's housing action plan and this priority item of using publicly owned land for affordable and special needs housing.

The Board of Education cannot sell land from its inventory. The Education Article of the *Annotated Code of Maryland*, § 4-115©) *Disposition of Real Property*—(1) (l) states “...if, with the approval of the State Superintendent, a county board finds that any land, school site, or building no longer is needed for school purposes, it shall be transferred by the county board to the county commissioners or county council and may be used, sold, leased, or otherwise disposed of, except by gift, by the county commissioners or county council.”

Significant in § 4-115©) is the need for the Board of Education to find that any land or building is no longer needed for school purposes before a property can be declared surplus, and that the State Superintendent of Schools must approve the transfer of the property. It also is important to note that once the title is transferred to the county, it is up to the County Council to determine the disposition of the property.

The three properties requested to be surplus by the county executive are part of the Board of Education’s real property inventory that includes 14 school sites and several expansion parcels for existing schools.

The Brickyard Road and Kendale Road sites are located in Potomac and are middle and elementary school sites respectively. The Edson Lane site is an expansion site located adjacent to Tilden Middle School in Rockville. A listing of inventoried sites and a map showing their locations throughout the county has been provided to the Board. The Edson Lane site is not shown on the map. The map also indicates the locations of 12 more prospective sites that are master planned for schools as new areas develop. A brief description of each of the properties requested to be surplus is as follows:

Brickyard Road Middle School Site consists of 20 acres of gently rolling, nearly flat land in Potomac in the southwestern-most area of the Winston Churchill Cluster. The site fronts on Brickyard Road on the south and was acquired in 1973 at a cost of \$215,274. The site is currently cleared and leased for agricultural purposes as an interim use. The zoning, consistent with the Potomac Master Plan, is rural cluster at one dwelling unit per every two acres (RE-2C). The site is currently in the W-1 (currently available) and S-6 (septic systems only) water and sewer categories, but water and sewer mains are located in Brickyard Road. Aerial and tax maps of the site are attached for information.

Kendale Road Elementary School Site consists of 10.54 acres of wooded land in Potomac within the Winston Churchill Cluster in the Seven Locks Elementary School service area. It was acquired in two parts in 1965 at a cost of \$117,667. The zoning, consistent with the Potomac Master Plan is rural cluster at one dwelling unit per every two acres (RE-2C). The site is currently in W-1 and S-1 (currently available) water and sewer categories, but would need a 150-foot sewer extension to the property. Aerial and tax maps of the site have been provided to the Board.

Edson Lane Site (Expansion Parcel) consists of 1.75 acres of wooded land in Rockville within the Walter Johnson Cluster adjacent to Tilden Middle School. It was acquired in 1980 at no cost. The zoning is for planned development of nine dwelling units per acre (PD-9). The site is currently in W-1 and S-1 water and sewer categories. Aerial and tax maps of the site have been provided to the Board.

Are the sites needed for school purposes?

Brickyard Road Middle School Site: Middle school enrollment in the Winston Churchill Cluster is projected to trend downward slightly over the next 10 to 15 years. Two middle schools serve the Winston Churchill Cluster—Cabin John and Herbert Hoover middle schools. Cabin John is shared with the Thomas S. Wootton Cluster, with about half of the school's enrollment articulating to Winston Churchill High School and the other half to Thomas S. Wootton High School. Total enrollment at the two middle schools is 2,079 students this year and is projected to level off at 1,950 students through 2015. Total capacity of the two middle schools is 1,902.

While middle school enrollment is projected to stay slightly above capacity in the Winston Churchill Cluster, both middle schools are scheduled for modernization and could be expanded to accommodate 1,000–1,100 students each. There is not a sufficient amount of projected enrollment deficit to justify constructing another middle school in the area.

The Brickyard Road site is on the southwestern border of the Winston Churchill Cluster and is poorly positioned to serve the cluster. In addition, if a new middle school were to be constructed, it would be better to locate it in the Thomas S. Wootton Cluster, because there are already two middle schools in the Winston Churchill Cluster. If a new Thomas S. Wootton Cluster middle school were constructed in the future, the students attending Cabin John Middle School from the Thomas S. Wootton Cluster would be reassigned to the new middle school, resulting in additional space for Winston Churchill Cluster students at Cabin John and Herbert Hoover middle schools.

Given these enrollment trends and related considerations, it does not appear that the Brickyard Road middle school site will be needed for a new middle school in the Winston Churchill Cluster for the foreseeable future. There may be, however, other school purposes for which the Brickyard Road site could be used that will be discussed later in this recommendation.

Kendale Road Elementary School Site: Elementary enrollment in the Winston Churchill Cluster is projected to increase modestly over the next 10 to 15 years. This year, 2,439 students are enrolled in Winston Churchill Cluster elementary schools. By the 2009–2010 school year, this enrollment is projected to be 2,546. The longer-term forecast is for elementary enrollment to level off at approximately 2,600 students through 2015.

This year, total elementary school capacity in the Winston Churchill Cluster is 2,360. The FY 2005–2010 CIP includes plans to add elementary capacity, increasing the cluster elementary capacity to 2,544 students by the 2009–2010 school year. (This total capacity includes reductions in capacities that result from implementing full-day kindergarten in all Winston Churchill Cluster schools by the 2007–2008 school year.)

The Winston Churchill Cluster, with two small elementary schools, is able to accommodate more student capacity by providing additions to these existing schools. Scheduled in the FY 2005–2010 CIP is a 10-room addition at Seven Locks Elementary School, raising its capacity from 294 to 519 students in the 2006–2007 school year. Also, an addition to Bells Mill Elementary School will be constructed when the school is modernized, raising its capacity from 376 to 479 students in the 2009–2010 school year.

It is far more cost effective to add onto existing schools than to open additional schools when the amount of projected space needed is modest, as is the case in the Winston Churchill Cluster. Also, should there be a future need to open another elementary school in the Winston Churchill Cluster, the former Tuckerman Elementary School property remains titled to the Board of Education and could be reclaimed for use as an elementary school.

Given this set of circumstances, it does not appear that the Kendale Road site is needed for a new elementary school in the Winston Churchill Cluster. However, the Kendale Road site could be used to build a replacement Seven Locks Elementary School. Further discussion of this possible school use for the Kendale Road site is contained in a later section of this recommendation.

Edson Lane (Expansion Parcel) Site: At one time, while the school was known and operated as Charles Woodward High School, a driveway was considered for development through the parcel to obtain access to Edson Lane and relieve on-site traffic congestion. There was a great deal of opposition by the neighboring community to provide access to the school from Edson Lane. The driveway was never built and is no longer needed for the operation of the middle school, since an additional traffic signal was installed on Old Georgetown Road to facilitate ingress and egress from the school. It is unlikely that this parcel will be needed in the future.

How does the need for workforce housing affect MCPS?

Each year MCPS hires more than 1,000 new employees, most notably teachers, but also a number of support staff, including bus drivers, paraeducators, food service workers, and building service workers. The system's ability to recruit and retain high quality employees is tempered by the availability of moderately priced housing in the county. The same difficulty in recruiting and retaining other county employees, such as police officers and firefighters, affects other county agencies.

The 2002 median price of an existing townhouse in Montgomery County was \$185,000, and the household income required to qualify for a mortgage in this price range is approximately \$61,700. The starting salary for new teachers is \$38,700, for police officers is \$38,600, and for firefighters is \$32,500. These salaries are all higher than the average starting salary for support services staff.

The 2002 median price for a new townhouse and a new single-family detached house were \$278,000 and \$481,300 respectively. Using the rule of thumb that the amount of mortgage a household can qualify for is approximately three times the household income, it becomes obvious how difficult it is for teachers and others to buy a home in Montgomery County.

The areawide median income for a family of four in Montgomery County is \$84,000. Based on 80 percent to 120 percent of that figure, the possible price range for the workforce housing that could be developed on the surplus properties would be approximately \$180,000 to \$300,000.

It is important for MCPS to assist the county in providing opportunities for the county workforce, because it is discouraging for these valuable employees not to be able to afford to live in the communities for which they are providing education and life-saving services. A school system such as MCPS relies on the quality of its workforce to educate students.

How will potential funding shortfalls affect the Requested FY 2005–2010 CIP?

The county executive recommended the Board of Education's full \$956.2 million request for the six-year period, for which the Board is very appreciative. However, the county executive's recommendation modifies year-by-year expenditures, reducing expenditures in the first three years and increasing them in the last three years of the CIP. The county executive stated in his recommendation that he would look to the Board to adjust requested construction schedules to fit within annual affordability limits. Furthermore, the county executive's recommendation relies on \$148 million of state funding for the six-year period, which, given the state's other fiscal priorities, may not be realized.

Based on the county executive's recommendation for FY2005 expenditures and the current commitment from the state for only \$6.4 million, MCPS would have a potential combined revenue shortfall of approximately \$49 million in FY 2005. The Board of Education has been advised that if the potential shortfall cannot be closed for FY 2005, project schedules would need to be delayed.

A list of projects that would need to be delayed one year if additional local and/or state funds are not approved to support the Board's CIP request has been provided to the Board. This list has been shared with the County Council. The schools are listed based on the Board of Education's adopted priorities: health and safety, capacity, capital maintenance,

modernizations, and gymnasiums. Projects on the top of the list would be the first to be delayed. The expenditures for the 23 projects on the list total approximately \$47.7 million in FY2005. It should be noted that five of the 23 projects are scheduled for bidding this spring.

Is there an opportunity to address some of the funding shortfall and workforce housing issues by creating a public-private partnership?

Fairfax County recently entered into a public/private partnership to accelerate the construction of a high school and the development of other recreation and senior housing projects. Through the partnership agreement, the county was able to use the value of a portion of county-owned property to have a private developer build a high school and fund the debt service payments for the project until county financing became available later in its six-year CIP. No other school projects were delayed by the arrangement, and the county was able to occupy the high school three years ahead of schedule. Through the partnership agreement, the county was able to retain title to the site while transferring the ownership of the improvements to the developer in exchange for the developer constructing county-specified projects. The developer structured the financing for all the assets developed in this project.

A similar approach could be used to help fund some of the potential shortfall in the Board's six-year CIP request. As part of this approach, the Board of Education would transfer the surplus properties to the county to assist with meeting the goal of providing workforce housing. In return, through a public-private partnership, the county could request proposals from private firms both to develop the selected sites in accordance with the approved land use plans for workforce housing and to use the value of the property to provide funding for the construction of needed school projects. While the benefits of the public/private partnership or the value of the property would not be realized in time to help offset the potential FY 2005 shortfall due to the time it will take to finalize the workforce housing land use issues and select a developer, the financial benefits could be applied to the six-year total to offset any shortfall in state aid.

Is there a better facilities plan for addressing the Seven Locks and Potomac elementary schools facility needs?

Coinciding with all of the above issues and questions is the question of the best approach for addressing the facilities needs for both Seven Locks and Potomac elementary schools. The existing Seven Locks Elementary School site is located at the intersection of Seven Locks Road and Bradley Boulevard. The school faces undesirable traffic constraints and will undergo two major construction projects over the next five years—a 10-classroom and gymnasium addition project and a separate modernization project that will require the students to be relocated to a holding facility.

The currently adopted facilities plan for Seven Locks Elementary School includes the completion of the addition and gymnasium in September 2006 and January 2007

respectively, with the modernization to be started in 2008 and completed by September 2010. Partial funding for the planning of the classroom addition and gymnasium has been approved as part of the FY 2004 Capital Budget. The balance of the planning and construction funding for the additional classrooms, gymnasium, and modernization are included in the Board of Education's Requested FY 2005–2010 CIP.

The classrooms and gymnasium are needed prior to the modernization to accommodate approximately 200 students that will be reassigned to Seven Locks from Potomac Elementary School to relieve the overutilization at Potomac. The additional students will be reassigned once the classroom addition is completed.

The Seven Locks community is concerned about the disruption that will occur during the classroom and gymnasium additions followed 18 months later by a complete modernization. The other major concern of the community is the traffic congestion experienced by the school at its current site at the intersection of Seven Locks Road and Bradley Boulevard. The community also questions the current site's ability to handle the building and other amenities needed for the expansion to accommodate the 200 students that will be reassigned from Potomac Elementary School.

Winston Churchill Cluster leadership and the Seven Locks Parent-Teacher Association have proposed a plan to build a replacement Seven Locks Elementary School on the Kendale Road site. When the replacement facility is completed, the students from Seven Locks and the reassigned students from Potomac would all move together to the new facility and the Seven Locks site could be transferred to the county for workforce housing. Given the complexity of the phased construction and the site measures planned as part of the modernization to address traffic concerns, it appears that building a new school on the Kendale site would be more cost effective. However, a feasibility study would have to be conducted to show conclusively that the new school was the best approach.

It may be possible with a public/private partnership, as discussed above, to create the funding necessary to construct a replacement facility for Seven Locks at the Kendale site without delaying any other projects in the CIP. If a replacement school project could be funded on a timeline that would provide needed capacity relief for Potomac Elementary School and not affect the queue of elementary school modernizations, Dr. Weast believed the community would support the plan to surplus the Seven Locks site.

For all of the reasons outlined above, Dr. Weast believed it would be in the best interest of the Board of Education to surplus the Edson Lane and Brickyard Road sites as requested by the county, contingent on being able to generate funding to support facility improvements for MCPS and workforce housing.

Dr. Weast felt that the feasibility of building a new school on the Kendale site to serve the

student needs of the current Seven Locks and address overcrowding at Potomac should be evaluated before a decision is made on the disposition of the Kendale site. If it proves more cost effective to build a new school on the Kendale site, Dr. Weast was inclined to recommend that the Seven Locks site be transferred to the county for workforce housing, contingent on being able to generate funding for the completion of the new school by September 2007 without affecting funding for the current queue of elementary school modernizations.

A public hearing on this and other CIP items will take place on March 3, 2004, at 7:00 p.m. in the auditorium at the Carver Educational Services Center. The Board is scheduled to act on the CIP and boundary items at its regularly scheduled meeting on March 22, 2004.

Re: DISCUSSION

Mr. Lange was clear on what the recommendation was for the Kendale property, but he was interested in hearing more about the recommendation for the Brickyard Road site. Mr. Lavorgna described how the all the properties were located in the communities and the current school boundaries. In terms of utilization, the combined middle school capacity is sufficient for long-term planning.

Ms. Cox saw a benefit to the school system if a workforce housing were developed on the site. Mobility of teachers is a result of their moving closer to their residences outside of Montgomery County. However, the bottom line is the financial benefit for the system. She asked what the system could expect. Mr. Hawes replied that with the Kendale property, the school system would find a developer that would make land use decisions for the Seven Locks property to establish a commercial value. Through the bid system, a developer would agree to build a new school on Kendale in exchange for the Seven Locks site. The same could be done for Brickyard Road and Edson Lane, and the commercial value of the land would be given to the school system in terms of either cash for capital improvements or school improvements. The highest value would be realized if the developer built out the property and did school improvements for the value of the land. Mr. Lavorgna explained that the sequence of events would have to be a bid through the county government followed by a Memorandum of Understanding that the Board would surplus the properties contingent on a satisfactory joint partnership agreement.

Mrs. O'Neill noted that was the first of her concerns because the packet states that once the title is transferred to the county, it is up to the County Council to determine the disposition of the property. There are many steps in this process, and, before the Board comes to a conclusion, the school system should get something significant. She noted that if the property is developed for workforce housing, this would mean young people with children that would affect the demographics. If the property were in the Wootton Cluster, a new school would eliminate the split articulation of Cabin John Middle School and overcrowding at Robert Frost

Middle School. It is on the cusp with the Whitman Cluster. Could it relieve the utilization at Thomas S. Pyle Middle School? Mr. Lavorgna stated that the only relief could be an addition or boundary study.

Ms. Cox remarked that the funding that would be available to the school system would be greater with workforce housing than affordable housing.

Dr. Haughey commented that there had been a lot of community input about the difficulty with the renovation at Seven Locks, plus the overcrowding at Potomac. How would this proposal affect the Potomac site improvements? Mr. Hawes replied that the recommendation would open the new Seven Locks on the Kendale site in 2007 which is when the Potomac addition is planned. Therefore, the recommendation is consistent with the plan to relieve overcrowding at Potomac by 2007.

Mrs. O'Neill pointed out that Seven Locks is unsafe for walkers to the school because of the road improvements.

Mr. Felton thought there were many variables and the expectations might not be realized.

**Re: EAST SILVER SPRING, TAKOMA PARK, AND
PINEY BRANCH ELEMENTARY SCHOOLS
ARTICULATION**

On November 20, 2003, as part of the FY 2005–2010 Capital Improvements Program (CIP), the Board of Education took action to change the articulation pattern for East Silver Spring Elementary School from Grades K–3 to Grades K–2 and to change the grade organization for Piney Branch Elementary School to include Grade 3 from East Silver Spring Elementary School. As part of the action, the Board directed the Office of School Performance to develop an implementation plan for this articulation change for Board of Education action in March 2004.

After consultation with the staff and communities of East Silver Spring, Takoma Park, and Piney Branch elementary schools, Dr. Weast recommended that the articulation change occur in September 2004. Staff from the schools will work together to ensure a smooth transition for the students as they move to Piney Branch and modify the instructional program at East Silver Spring for Grades K–2. The Board will take action on this recommendation and other CIP items on March 22, 2004.

Re: BOARD/SUPERINTENDENT COMMENTS

Dr. Weast commented that the Consortium of School Networking (CoSN) has honored MCPS with the first-ever TEAM Award for exemplary use of technology in education. The inaugural

TEAM award recognizes MCPS for the recent implementation of the revised curriculum that has been so ably supported by technology. Congratulations to John Q. Porter, chief information officer, Office of Global Access Technology, and Dale Fulton, associate superintendent, Office of Curriculum and Instructional Programs. This has been a team effort that has included key leadership from administration, teachers, parents, and students.

Dr. Weast added that the Maryland State Department of Education has awarded a grant of \$32,100 to help implement Project Great Expectations in the Wheaton Cluster. The project is designed to increase the number of students successfully participating in Advanced Placement courses. Despite an increase in enrollment of low-income students in AP courses since 2002, participation of Wheaton High School students in AP courses still is significantly lower than the average for Montgomery County. The grant will be used to develop support programs, with input from students and parents, that better meet the needs of Wheaton students who are culturally diverse and from low-income families.

RESOLUTION NO. 135-04 Re: CLOSED SESSION RESOLUTION

On recommendation of the Superintendent and on motion of Dr. Haughey seconded by Mr. Sanghvi, 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 Tuesday, March 9, 2004, in Room 120 of the Carver Educational Services Center to meet from 9:00 to 10:00 a.m. and 12:00 to 2:00 p.m. to discuss personnel matters, as permitted under Section 10-508(a)(1) of the *State Government Article*; consult with counsel to obtain legal advice, as permitted by Section 10-508(a)(7) of the *State Government Article*; 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. 136-04 Re: REPORT OF 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:

On February 10, 2004, 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 February 10, 2004, from 9:10 to 10:00 a.m. and 12:55 to 1:45 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and

1. Reviewed and adjudicated the following appeals in its quasi-judicial capacity outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*) with a subsequent vote to approve in open session: 2003-57, 2003-59, 2003-60, 2003-61, 2003-62, 2003-63, T-2004-1, and T-2004-2.
2. Reviewed the Superintendent's recommendation for a Human Resources Appointment and Human Resources Monthly Report with a subsequent vote to approve in open session.
3. Conducted a 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*.
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 sessions were: Larry Bowers, Kermit Burnett, Sharon Cox, Susanne DeGraba, Reggie Felton, Wes Girling, Charles Haughey, Roland Ikheloa, Don Kopp, Frieda Lacey, Walter Lange, George Margolies, Susan Marks, Pat O'Neill, Brian Porter, Gabe Romero, Lori Rogovin, Glenda Rose, Sagar Sanghvi, Frank Stetson, Greg Thornton, Matt Tronzano, and Jerry Weast.

RESOLUTION NO. 137-04 Re: **APPEAL T-2004-3**

On motion of Mr. Felton and seconded by Mrs. O'Neill, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education adopt its Order in Appeal T-2004-3, student transfer, reflective of the following vote: Mr. Burnett, Ms. Cox, Mr. Felton, Dr. Haughey, Mrs. O'Neill, and Mr. Sanghvi voting to reverse; Mr. Lange and Mr. Romero were absent when this case was adjudicated.

RESOLUTION NO. 138-04 Re: **FOREIGN LANGUAGE PROGRAMS**

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

Resolved, That the Board of Education direct the Board's Research and Evaluation

Subcommittee to develop a plan to conduct a comprehensive study of the efficacy of the present foreign language programs and the potential for alternative approaches to accomplish maximum benefit for students.

Re: **NEW BUSINESS**

On motion of Mr. Felton and seconded by Mr. Burnett, the following new business item was introduced:

Resolved, That the Board of Education approve a middle school and elementary school boundary study for the Hampshire Greens neighborhood, currently assigned to Francis Scott Key Middle School and Dr. Charles Drew Elementary School, to determine the feasibility of its reassignment to William H. Farquhar Middle School and Cloverly Elementary School and/or Stonegate Elementary School, with Board action scheduled for June 2004.

RESOLUTION NO. 139-04

Re: **ADJOURNMENT**

On recommendation of the Superintendent and on motion of Mrs. O'Neill seconded by Mr. Sanghvi, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education adjourn its meeting of February 23, 2004, at 11:10 p.m.

PRESIDENT

SECRETARY

JDW:gr

MONTGOMERY COUNTY BOARD OF EDUCATION SUMMARY SHEET

February 23, 2004

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