

Office of the Superintendent of Schools
MONTGOMERY COUNTY PUBLIC SCHOOLS
Rockville, Maryland

April 17, 2012

MEMORANDUM

To: Members of the Board of Education

From: Joshua P. Starr, Superintendent of Schools

Subject: Site Selection for Bethesda-Chevy Chase Middle School #2

Background

Enrollment growth in the Bethesda-Chevy Chase Cluster has made this area of the county a focus of facility planning and capital projects for the past several years. Since 2007, elementary school enrollment in the cluster has increased by nearly 600 students, the equivalent of an entire elementary school. Classrooms are being added to all Bethesda-Chevy Chase Cluster elementary schools, with the exception of Chevy Chase Elementary School. By August 2015, all of the scheduled elementary school expansions, including the Rock Creek Forest Elementary School modernization, will be complete and the cluster schools will be within capacity for the first time in many years. Significant middle school enrollment increases follow on the heels of the growth in elementary school enrollments.

Westland Middle School, with a capacity of 1,063 students, is the only middle school in the Bethesda-Chevy Chase Cluster. Enrollment in Grades 6 to 8 in the Bethesda-Chevy Chase Cluster is projected to be 1,600 students by 2017 including the Grade 6 students from Chevy Chase and North Chevy Chase elementary schools. The need for a new middle school has been apparent since 2010. Identifying a location for the new school has been extremely challenging in this built-out area of the county.

On November 18, 2011, the Board of Education adopted the *Fiscal Year (FY) 2013 Capital Budget and 2013–2018 Capital Improvements Program (CIP)*, which includes a request for funding for the new middle school in the Bethesda-Chevy Chase Cluster. The planning name for the school is Bethesda-Chevy Chase Middle School #2, and it is scheduled to open in August 2017. The additional capacity provided by the new middle school also is needed to avoid a residential development moratorium in the Bethesda-Chevy Chase Cluster under the Montgomery County Subdivision Staging Policy's school test. The following provides background on the challenges Montgomery County Public Schools (MCPS) faced in site

selection for the middle school in the past, and how these have been addressed in the recently completed process.

First Site Selection Process

Planning for a new Bethesda-Chevy Chase Cluster middle school first began in the fall of 2010 when the Board of Education authorized initiation of a site selection process as part of the *FY 2012 Capital Budget and Amendments to the FY 2011–2016 Capital Improvements Program (CIP)*. A Site Selection Advisory Committee (SSAC) was formed and met in December 2010 and January 2011 and issued its report and recommendation on March 8, 2011. This site selection process followed the standard MCPS approach in terms of representation on the SSAC and followed the requirement that members of the SSAC keep all site information confidential so that if private property were recommended, it would not be disclosed and compromise the negotiating position of the Board of Education. However, at the time this process was conducted, MCPS staff was unaware of an opinion by the Open Meetings Compliance Board that, for the first time, interpreted the *Maryland Open Meetings Act* in a way that applied the same requirements for conducting meetings to a citizen advisory committee as those that apply to a publicly elected governmental body, such as a board of education.

Also consistent with standard practice at the time, the location of the SSAC recommended site was not disclosed until just before the Board of Education was scheduled to act on the site on March 28, 2011. The SSAC preferred recommended site at that time was the Rosemary Hills/Lyttonsville Local Park, and the recommended alternate site was the Rock Creek Hills Local Park. As a result of community opposition to the selection of Rosemary Hills/Lyttonsville Local Park, and concern about the short timeframe between the posting of the Board of Education agenda indicating Rosemary Hills/Lyttonsville Local Park was recommended and the Board of Education action session scheduled for the following week, the Board of Education postponed action on a site until April 28, 2011. On April 13, 2011, the Board of Education authorized the public release of the SSAC report so that community members could understand the reasoning behind the recommended sites in advance of the Board of Education decision.

Additionally, the Board of Education received a letter on April 27, 2011, from the chair of the Montgomery County Planning Board, stating her opposition to consideration of park sites for a middle school, and indicating that the Maryland-National Capital Park and Planning Commission (M-NCPPC) opposed conversion of the Rosemary Hills/Lyttonsville Local Park site for use as a middle school. In the same letter in which the chair expressed opposition to consideration of any park site for use as a school, including the alternate recommended Rock Creek Hills Local Park site, she acknowledged that the deed that transferred the property to M-NCPPC in 1990 contained a provision that allowed the Board of Education to reclaim the property if needed as a school in the future.

On April 28, 2011, the Board of Education acted to select the Rock Creek Hills Local Park as the site for the new middle school. This action reflected concern that M-NCPPC would not convey

the preferred Rosemary Hills/Lyttonsville Local Park site and the knowledge that the Rock Creek Hills Local Park site could be reclaimed and was the SSAC recommended alternate site.

Following the April 28, 2011, Board of Education selection of the Rock Creek Hills Local Park site, a number of concerns were raised about the process leading up to its selection. The Rock Creek Hills Citizens Association appealed the decision to the Maryland State Board of Education, and a member of the Rock Creek Hills Citizens Association filed a complaint with the state of Maryland Open Meetings Compliance Board, stating that the SSAC did not comply with the requirements of the *Maryland Open Meetings Act*. In addition, some community members made the claim that there were better sites available for the middle school that were not considered in the first site selection process.

New Site Selection Process

During the fall of 2011, when the FY 2013 Capital Budget and FY 2013–2018 CIP process began, the controversy surrounding the first site selection process continued. On September 15, 2011, the Maryland Open Meetings Compliance Board issued its advisory opinion. It found that the first SSAC violated the *Maryland Open Meetings Act* by failing to follow “procedures required by a public body meeting out of the public eye.” The Board of Education acknowledged this shortcoming and indicated that future committees would adhere to the *Maryland Open Meetings Act* requirements.

It was evident by November 2011 that a new site selection process was the best way to address process concerns that had been raised about the first SSAC process. I also determined that a new site selection process was the best way to stop the erosion of support for the selected site that seemed to be occurring as the controversies continued. Opening a new middle school in the Bethesda-Chevy Chase Cluster is a high priority, and it was important to try to remove these controversies.

On November 2, 2011, I recommended the site selection process be restarted. In my November 8, 2011, memorandum, I detailed how the process would be conducted and what changes would be made to address issues with the first process. The changes from the previous process included the following:

- Use of an external facilitator
- Outreach to all SSAC participants—in advance of the first meeting—to solicit site options
- Inclusion on the SSAC of homeowners’ association representatives that have candidate sites in their communities
- Inclusion in the SSAC report of minority reports for representatives who either disagree with the SSAC recommendations or wish to provide additional information
- Release of the SSAC report and recommendation publicly for a comment period prior to the superintendent’s recommendation

All of these changes were in place when the new SSAC met in January and February 2012. In addition, the new site selection process adhered to the requirements of the *Maryland Open Meetings Act*. Notifications of the process prior to the first meeting were distributed and posted on the MCPS website, and meeting summaries for open and closed sessions were maintained. All meeting summaries and candidate site information (excluding private properties) were posted as they became available on the website at the following address:

www.montgomeryschoolsmd.org/departments/facilities/REM/

The new SSAC process was successful in being more inclusive. The committee was composed of 47 representatives, including representatives from homeowners' associations that had candidate sites in their communities. This had been one of the primary complaints registered against the first process. In addition, several SSAC members, including M-NCPPC staff, took advantage of the opportunity to suggest candidate sites. As a result, the original list of 10 candidate sites was expanded to 38 candidate sites.

The new site selection process concluded with the SSAC report of March 12, 2012. The report contains the SSAC recommendation of the Rock Creek Hills Local Park and the North Chevy Chase Local Park as sites for the new middle school. The scoring of the two sites showed a strong preference for the Rock Creek Hills Local Park as the preferred location of the middle school.

Superintendent's Recommendation

My recommendation was released on March 30, 2012. I support the SSAC recommendation of Rock Creek Hills Local Park as the site of the new middle school. I thoroughly reviewed the basis for the SSAC's elimination of 36 of the candidate sites, and I strongly concurred with the reasoning behind these eliminations. Most of the candidate sites were overwhelmingly eliminated by the SSAC. Among the sites readily eliminated by the SSAC were several sites outside the Bethesda-Chevy Chase Cluster and sites of currently operating Bethesda-Chevy Chase Cluster elementary schools. In addition, sites of less than the minimum acres needed to construct the middle school (10.1 acres) were eliminated, as were sites in areas of a flood plain. Many sites that were private property were below the minimum 10.1 acres for the middle school, and most had unwilling sellers, high costs for acquisition, or both. Concern over the need to preserve park land and the opposition of M-NCPPC to convey park property contributed to the elimination of most of the park candidate sites.

The ability of the school system to reclaim the Rock Creek Hills Local Park was a significant consideration in the SSAC's deliberations. I agree that this provision is very important to the choice of Rock Creek Hills Local Park as the site for the new middle school. We are fortunate that this property was subject to a reclamation provision and grateful for those who had foresight to include this provision when the property was transferred. While the need for park land is indisputable, so is the need for a new middle school. I am aware that M-NCPPC is reluctant to

convey the Rock Creek Hills Local Park back for use by the Board of Education. However, I know that it respects the legal right of the Board of Education to reclaim the property.

I am satisfied that the new site selection process has been conducted in an inclusive manner and has resulted in a thorough review of all possible locations for the new middle school. I believe the SSAC recommendation of Rock Creek Hills Local Park as the preferred location for the school is well founded and sound. At this time, I recommend the Board of Education select the Rock Creek Hills Local Park as the site for the new Bethesda-Chevy Chase Middle School #2.

WHEREAS, The Report of the Site Selection Advisory Committee for Bethesda-Chevy Chase Middle School #2 identified Rock Creek Hills Local Park, located at 3701 Saul Road, Kensington, as the preferred site for the middle school and North Chevy Chase Local Park, located at 4105 Jones Bridge Road, Chevy Chase, as the recommended alternate site; and

WHEREAS, The Site Selection Advisory Committee, comprising 47 members who reviewed 38 candidate sites, met in January and February 2012 and submitted their report, along with 7 minority reports, to the superintendent of schools and the members of the Board of Education on March 12, 2012; and

WHEREAS, The Report of the Site Selection Advisory Committee was posted for public comment on the Montgomery County Public Schools website from March 12, 2012, through the close of business on March 26, 2012; and

WHEREAS, On March 15, 2012, the Montgomery County Planning Board was briefed by Montgomery County Public Schools staff on the report and recommendations of the Site Selection Advisory Committee, and the superintendent of schools was made aware of comments and advice of the Montgomery County Planning Board during the briefing; and

WHEREAS, On March 30, 2012, the superintendent of schools released his recommendation of Rock Creek Hills Local Park as the site for Bethesda-Chevy Chase Middle School #2; and

WHEREAS, On April 9, 2012, the Montgomery County Planning Board conducted the mandatory referral process regarding the report and recommendations of the Site Selection Advisory Committee, and the Board of Education subsequently received the comments and advice of the Montgomery County Planning Board; and

WHEREAS, Following the closing of Kensington Junior High School in 1979, the Board of Education-owned property was transferred to the county, and the county subsequently transferred a 13.38-acre portion of the property to the Maryland-National Capital Park and Planning Commission in 1990, which became Rock Creek Hills Local Park; and

WHEREAS, Montgomery County and subsequently the Maryland-National Capital Park and Planning Commission accepted the property subject to the ability of the Board of Education to reclaim the property for use as a public school if needed; and

WHEREAS, The Board of Education notes that the middle school building and outdoor play area will be available for community use after school hours and that school facilities frequently become important anchors in a community; now therefore be it

Resolved, That the Rock Creek Hills Local Park site, located at 3701 Saul Road, Kensington, is selected as the site for Bethesda-Chevy Chase Middle School #2 (see Attachment A—location map and Attachment B—aerial photograph); and be it further

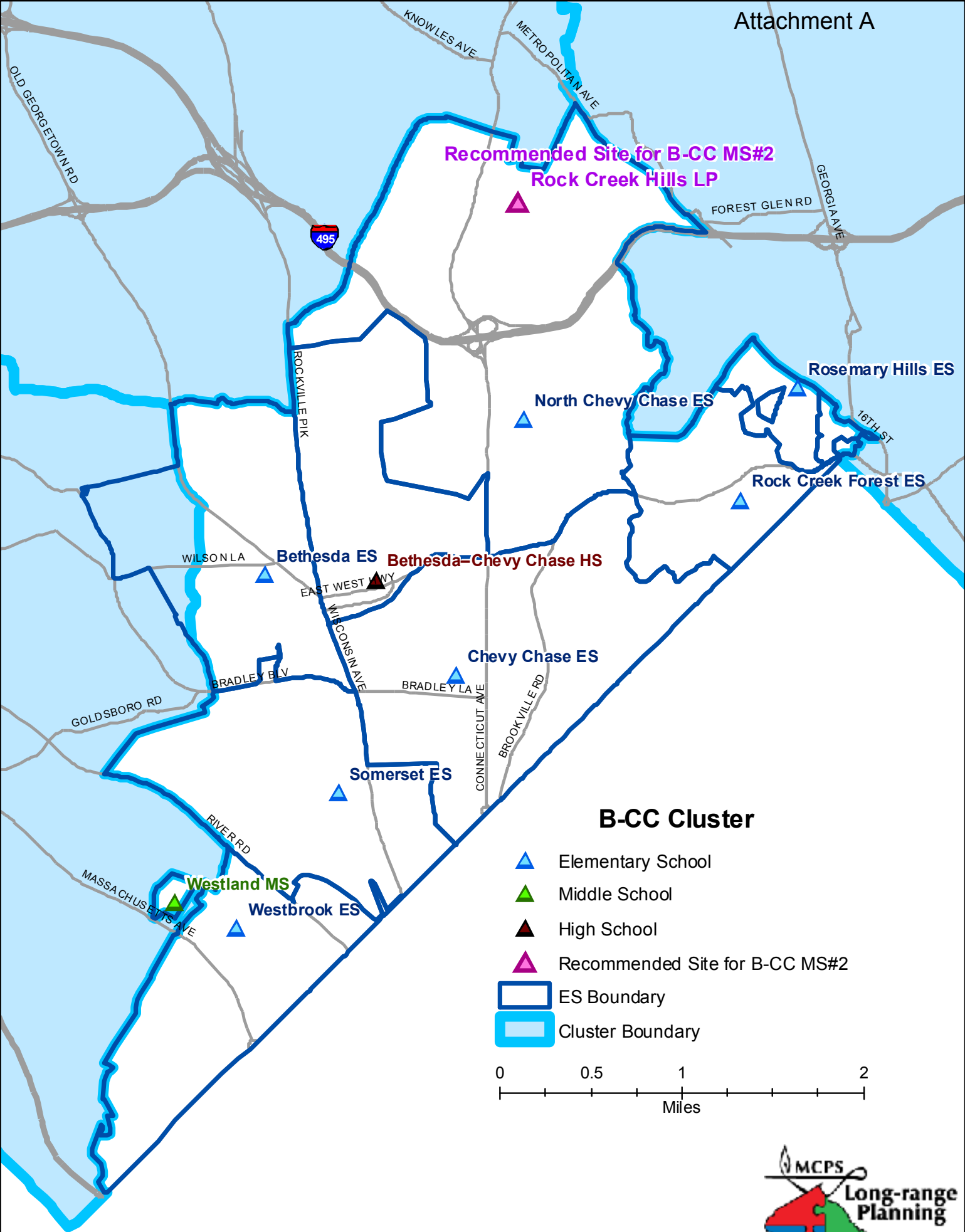
Resolved, That the Board of Education requests that the county executive be notified of the need for the new middle school at this location and that the reclamation provision be used so that the property can be transferred back to Board of Education ownership as soon as possible; and be it further

Resolved, That pursuant to Maryland State law, the Montgomery County Superintendent of Schools shall request the Maryland State Superintendent of Schools to approve the school site selected by this resolution; and be it further

Resolved, That the Maryland-National Capital Park and Planning Commission, county executive, County Council, and the state of Maryland Interagency Committee for Public School Construction be made aware of this action.

JPS:LAB:JS:lm

Attachments



Recommended Site for B-CC MS#2
Rock Creek Hills LP

Rosemary Hills ES

North Chevy Chase ES

Rock Creek Forest ES

Bethesda ES Bethesda-Chevy Chase HS







Chevy Chase ES

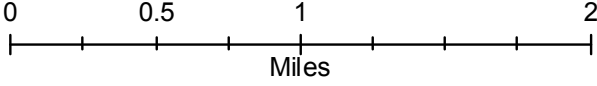
Somerset ES

Westland MS

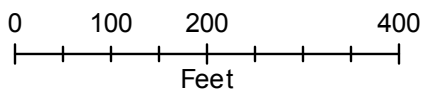
Westbrook ES

B-CC Cluster

-  Elementary School
-  Middle School
-  High School
-  Recommended Site for B-CC MS#2
-  ES Boundary
-  Cluster Boundary



Attachment B
**Recommended Site for
B-CC MS #2**



0 100 200 400
Feet

Montgomery County Public Schools
Division of Long-range Planning
March 15, 2012

