

BOARD OF EDUCATION OF MONTGOMERY COUNTY

Rules of Procedure in Appeals and Hearings
(Other Than Special and Alternative Education)

1. PURPOSE

These Rules of Procedure are adopted pursuant to the authority of the Education Article, The Annotated Code of Maryland, Sections 4-107(4) and 6-203(g). They govern all appeals to the Board of Education and all hearings before the Board of Education requested on a recommendation by the superintendent to the Board or a final decision of the superintendent which is contested by persons who are adversely affected, unless other procedures are specifically required by statute or bylaws of the State Board of Education or policies of the Montgomery County Board.

2. APPLICABILITY

- a) These rules govern appeals and hearings within the quasi-judicial responsibilities of the Board of Education. They are not applicable to proceedings involving the Board's exercise of its legislative or policy-making function.
- b) Proceedings covered by these rules arise under the Education Article, Sections 6-202(a), 6-203, 7-304(c) and 4-205(c) and local board proceedings permitted under the Education Article.
- c)
 - (1) Hearings under Section 6-202(a) are on recommendations of the superintendent to suspend or dismiss professional and/or certified personnel. (Section 6-201(b)(2)(iv).
 - (2) Appeal hearings under Section 7-304(c) are from a finding by the superintendent that suspension of a student for more than 10 days or expulsion of a student is warranted.
 - (3) Proceedings under Section 4-205(c) are on appeals from decisions of the superintendent on controversies and disputes involving the rules and regulations of the Board or the proper administration of the county public school system.
 - (4) Hearings under Section 6-203 are those under Sections 4-205(c) and 6-202 which are referred by the Board for an initial hearing by a Hearing Examiner.

3. DEFINITIONS

- a) Filed or filing as used in these rules means received by the Board of Education.
- b) Written notice under these rules shall be complete upon actual delivery or upon deposit of said notice in the United States mail, stamped and addressed to the addressee at the mailing address provided to or appearing on the records of the Montgomery County Public Schools.

- c) Party or parties include each person, group or entity named or admitted as a party, including a student, a parent, parent surrogate or guardian of a student, and shall include the superintendent. The Presiding Officer may permit any other person, group or entity to participate for limited purposes upon satisfactory demonstration of the nature and extent of its interest.
- d) Presiding Officer means the Hearing Examiner in hearings before the Hearing Examiner. In hearings before the Board, the Presiding Officer means the President, or in the President's absence, the Vice President, or in the absence of both, a member designated by the President, or, in the absence of such designation, by the Board.
- e) Board means the Board of Education of Montgomery County.

4. INITIATION OF APPEALS OR REQUESTS FOR HEARINGS

- a) All appeals to the Board shall be from a final action or decision of the superintendent or the superintendent's designated representative which adversely affects the person or persons who are appealing. For purposes of this paragraph, the failure of the superintendent or the person designated to act upon an appeal within 60 days may, at the option of the appellant, be deemed a denial by the superintendent for purposes of appeal to the Board.
- b) All requests to the Board for hearing under Section 6-202(a) shall be from a recommendation of the superintendent to the Board for suspension or dismissal of a teacher, principal, supervisor, assistant superintendent or other professional employee who requests the hearing.
- c)
 - (1) Each appeal to the Board under Section 4-205(c) shall be initiated by filing a written notice of appeal with the Board within 30 days after written notice of the superintendent's final action or decision has been given to the person or persons affected or, where written notice is not reasonable, by publication or other communication reasonably designed to be available to persons adversely affected. (Section 4-205(c)(4))
 - (2) Each request for a hearing under Section 6-202(a) (as to recommendation for professional employee suspension or dismissal) shall be initiated by filing a written request for hearing with the Board within 10 days after the Board has sent the individual a copy of the charges against him/her and has given the individual written notice of the superintendent's recommendation and the meeting (which shall be more than 10 days after the written notice) at which the recommendation will be considered by the Board if no hearing is requested. Such notice shall advise the individual of the right to request a hearing before the Board.

- (3) Each appeal under Section 7-304(c), student suspension of more than 10 days or expulsion, shall be made by filing a notice of appeal with the Board within 10 days after written notice of the determination by the superintendent or the superintendent's designated representative to the student or the parent or guardian. Such notice shall advise the student or the parent or guardian of the right to appeal to the Board.
- d) With the notice of appeal or request for hearing, or in any event within 10 days after the notice of appeal or request for hearing has been filed, the person or persons filing the appeal or request for hearing must file with the Board, with a copy to the superintendent, the following:
 - (1) A concise statement of the issues presented by the appeal or the request for hearing for decision by the Board;
 - (2) A concise statement of the facts on which the person or persons taking the appeal or requesting the hearing rely to support their position;
 - (3) A statement by the person or persons taking the appeal or requesting the hearing that they agree or disagree with the findings of fact set forth by the superintendent, and if the person or persons taking the appeal or requesting the hearing disagree only in part with the findings of fact set forth by the superintendent, a statement of the facts with which such person or persons disagree; and
 - (4) A copy of all documents upon which the person or persons appealing or requesting a hearing relies or believes is relevant.
 - e) In appeals arising under 4-205(c), within 10 days after the submission of the information and documentation required by subsection (d), the Superintendent may submit additional information or documentation in support of the decision which is the subject of the appeal, and shall provide a copy to the appealing party. Within 5 days after the submission by the Superintendent, the appealing party may submit additional documentation in response to that submitted by the Superintendent and shall provide a copy to the Superintendent. If either party believes that oral argument or an evidentiary hearing, or both, is necessary to a decision of the appeal, such party shall include in the submission made under subsection (d) a concise statement of the reasons therefor, specifically addressing the factors set forth in section 4.i) hereof.
 - f) If an appeal or request for hearing is not filed within the period set forth in subparagraph (c), or if the statements required are not filed within the period set forth in subparagraph (d), such failure shall constitute sufficient grounds for the Board to dismiss an appeal or request for hearing.
 - g) The Board reserves the right on its own motion to take any action it deems appropriate, in the manner and to the extent

permitted by law, on recommendations of the superintendent under Section 6-202(a), even if no formal request for hearing is before it as a matter of right.

- h) In those circumstances where a negotiated employee agreement precludes appeal to the Board (e.g., those disputes or claims committed to arbitration pursuant to the Grievance Procedure established under agreements between the Board and the Montgomery County Education Association and between the Board and the Montgomery County Council of Supporting Services Employees and between the Board and the Montgomery County Association of Administrative and Supervisory Personnel) the Board shall not hear appeals involving such disputes or claims, unless both parties to the employee agreement and the grievant all agree in advance and in writing or on the record that the Board may hear the dispute or claim.
- i) (1) Appeals filed under 6-205(c) will be considered by the Board based on documents and arguments submitted in writing by the parties. The Board may grant a request by either party or the Board may direct: (1) that oral argument on the issues be presented, or (2) that a hearing be conducted in accordance with Section 6 of these rules. In determining whether to grant a request for oral argument or formal hearing, the Board may consider:
 - (a) Whether the issues involved are of constitutional or significant public importance;
 - (b) Whether resolution of the issues raised is likely to have significant value as precedent in the administration of the school system;
 - (c) Whether the issue or issues raised require determination of some substantial employee right which cannot be satisfactorily adjudicated otherwise within existing appeal procedures; and
 - (d) Other appropriate factors as determined by the Board.
- (2) In addition, the Board may request of either party that additional information or documentation be submitted.

5. REFERRALS TO HEARING EXAMINER

The Hearing Examiner shall be an attorney admitted to practice before the Maryland Court of Appeals (Section 6-203(c)).

- a) All requests for hearings under Section 6-202(a) (professional employee suspension or dismissal) will be referred to a Hearing Examiner, unless the Board in its sole discretion determines that it should hear a matter in the first instance. Among the factors which the Board may consider in determining if it wishes to hear such a matter in the first instance are:
 - (1) Whether there do not appear to be facts in dispute or whether it appears that the facts in dispute can be heard

- by the Board without a lengthy evidentiary hearing;
- (2) Whether there is an overriding need for prompt resolution of the matter; and/or
 - (3) Whether the matter is of such public importance, of such importance to the proper administration of the school system, or of such a sensitive nature that the Board concludes it should hear the evidence.
- b) All appeals under Section 4-205(c) shall be considered and decided by the Board on the basis of the information and documentation submitted pursuant to sections 4 d) and 4 e) hereof. In those instances in which the Board determines that an evidentiary hearing is necessary, the Board shall conduct such hearing, unless the Board determines in its sole discretion to refer the matter to a Hearing Examiner. Among the factors which the Board may consider in determining whether to refer such a matter to a Hearing Examiner in the first instance are:
- (1) Whether it appears that there are facts in dispute which are likely to require a lengthy evidentiary hearing; and/or
 - (2) Whether it appears there is an extensive record, substantial documentation, or additional information which the Board feels should be evaluated by a Hearing Examiner before the matter is submitted to the Board for its decision.
- c) Each appeal and request for hearing under Section 7-304(c) involving the expulsion of a student or the suspension of a student for more than 10 school days shall be heard by the Board or referred to a Hearing Examiner for hearing.

6. HEARINGS

a) Applicability

The provisions of this part apply to hearings before a Hearing Examiner and both evidentiary hearings and oral arguments before the Board unless otherwise indicated.

b) Notice

- (1) Written notice of hearings shall be given by the Board, or its designee, to all interested parties not less than twenty (20) days prior to the hearing.
- (2) Such notice shall also state the date, time and place of the hearing. Any disagreement concerning the charges, issues or facts shall be resolved as part of the disposition of the appeal.

c) Public and Private Hearings

- (1) Hearings pursuant to Section 6-202(a) will not be public unless both the party seeking the hearing and the superintendent agree in advance and in writing or on the record that a hearing be public.
- (2) Hearings pursuant to Section 7-304(c) will not be public

unless a public hearing is requested by the person appealing or seeking the hearing.

- (3) All other hearings will be public unless for good cause shown by a party or on its own motion, the Board agrees not to hear a matter in public hearing when the matter is one as to which a public hearing is not required by law.

d) Representation

All parties appearing at hearings under these rules shall have the right to appear in proper person or with counsel or with a representative of their choice. All parties shall have the right to be accompanied, represented, and advised by counsel.

e) Records--Transcript

- (1) The Presiding Officer shall prepare or cause to be prepared an official record, which shall include all pleadings, testimony, exhibits, and other memoranda or material filed in the proceedings.
- (2) An accurate record of all hearings, disputes, or controversies shall be kept by the county superintendent in order that, if an appeal is taken, the record shall be submitted.
- (3) Unless waived by all the parties, a stenographic record of that part of the proceedings which involves the presentation of evidence shall be made at the expense of the county board of education. The record need not be transcribed, however, unless requested by a party to the controversy, by the local superintendent, by the local board, by the State Superintendent, or by the State Board, as the case may be. The cost of any typewritten transcript of any proceedings, or part of proceedings, shall be paid by the party requesting it.

f) Duties and Authority of Presiding Officer

The Presiding Officer shall have charge of the hearing, with authority to permit the examination of witnesses, admit evidence, rule on the admissibility of evidence, and adjourn or recess the hearing from time to time. The Presiding Officer shall cause an oath to be administered to all witnesses testifying in a proceeding. The superintendent may administer oaths to witnesses (Section 4-205(b)).

g) Quorum

Each hearing before the Board shall be held before not less than a quorum of the Board.

h) Order of Procedure

The order in which the parties shall present their case shall be determined by the Presiding Officer, except as follows:

- (1) In a hearing on a student suspension or expulsion or the suspension or dismissal of a professional employee, the superintendent shall proceed first and carry the burden of persuasion.
- (2) In all other appeals, the appellant shall proceed first.

i) Examination of Witnesses and Introduction of Evidence

- (1) The strict judicial rules of evidence shall not be applicable to evidentiary hearings conducted hereunder, and, in each case, the test of admissibility shall be whether the evidence is reasonably relevant to a material issue and whether it has substantial probative value with respect to such material issue. The Presiding Officer may limit or refuse to admit cumulative or repetitious evidence, and may curtail redundant questioning. The Presiding Officer shall encourage (but not demand) the parties, where possible, to make stipulations as to matters not reasonably in dispute and to make proffers and stipulations in place of cumulative evidence. All testimony shall be given under oath.
- (2) A party or, where a party is represented by counsel or other representative, such counsel or other representative may submit evidence, examine and cross-examine witnesses, make objections and file exceptions and motions.
- (3) The superintendent may appear in person or through counsel or a designated representative, and shall be accorded the same rights as a party to submit evidence, examine and cross-examine witnesses, make objections, and file exceptions and motions.
- (4) The Presiding Officer may examine all witnesses. The Presiding Officer may call as a witness any person whose testimony may be relevant and material. In hearings before the Board, any Board member may examine any witness.

j) Written Memoranda

Each party and the superintendent may submit written memoranda on the issues of fact and law involved in the hearing in such form as the Presiding Officer may designate. Such memoranda may be submitted at any time prior to the hearing of a matter. With the approval of the Presiding Officer and on such schedule as the Presiding Officer may designate, written memoranda may be submitted after a hearing.

k) Counsel for the Board

The Presiding Officer of the Board may request the Board's attorney to participate in any hearings as counsel for the Board.

l) Findings of the Hearing Examiner

In all matters heard initially by a Hearing Examiner, the Hearing Examiner shall make findings of fact, conclusions of law, and

recommendations. The Hearing Examiner shall submit a transcript of the proceeding, exhibits, findings of fact and conclusions of law, and recommendations to the Board. The Hearing Examiner shall distribute or mail to all parties and the Board the findings of fact, conclusions of law, and recommendations not more than fifteen (15) days after completion of the hearing and receipt of the transcript. If the Hearing Examiner has provided for oral argument or for the submission of written memoranda after a hearing, the 15 day period shall not commence until after such oral argument or submission of written memoranda, whichever is later.

m) Oral Argument

- (1) Parties to proceedings before a Hearing Examiner may make oral arguments before the Board at the Board's hearing on the recommendations of the Hearing Examiner, but additional evidence shall not be introduced before the Board unless the Board in its sole discretion agrees to hear additional evidence for good cause shown.
- (2) Parties to appeals and hearings before the Board where no facts are in dispute may make oral arguments to the Board.
- (3) Parties to proceedings before a Hearing Examiner and to evidentiary hearings before the Board may make oral argument to the Hearing Examiner or the Board. The Presiding Officer may permit oral arguments at such times during or after an evidentiary hearing, after the submission of written memoranda or after a transcript becomes available as the Presiding Officer considers appropriate in a particular case.
- (4) The Presiding Officer may limit, in advance, the time allowed for oral argument by each party. Oral argument by each party before the Board shall not exceed 30 minutes, unless the Presiding Officer shall allow additional time for good cause shown.
- (5) The Board's attorney shall be notified and requested to be present when oral arguments are heard by the Board.

n) Decision and Order

Each decision and order of the Board shall be delivered in writing, unless it shall immediately follow the hearing, in which case it shall be delivered orally and thereafter in writing, with copies to all parties. Each written decision and order shall be accompanied by written findings of fact, conclusions of law, and a specific description of the disposition of the case. Final action of the Board shall be taken publicly at a Board meeting following the hearing.

o) Ex Parte Communications

While a matter is under consideration by a Hearing Examiner or by the Board after a hearing or by the Board if no hearing has been requested, neither the Hearing Examiner as to any matter pending before the Hearing Examiner nor the Board or any Board member as to

matters pending before the Board shall receive communications from or communicate orally with any party outside the presence of all other parties or in writing without supplying copies to all other parties and providing an opportunity for response. No information concerning a pending matter may be released by the Board, a Board member, a Hearing Examiner, or a member of the Montgomery County Public Schools administration unless it is a matter of public record or unless it is released to a party and copies supplied simultaneously to all other parties.

p) Rehearings.

- (1) A party aggrieved by the decision and order rendered in the particular case may apply for rehearing within 30 days after the date of the decision and order. An application for rehearing shall state with specificity the reasons therefore and action on any application shall lie in the sole discretion of the Board.
- (2) Unless otherwise ordered, neither the rehearing nor the application for a rehearing shall stay the enforcement of the order, or excuse the persons affected by it for failure to comply with its terms.
- (3) The Board, on rehearing, may consider facts not presented in the original hearing, including facts arising after the date of the original hearing, and may by new order abrogate, change, or modify its original order.

q) Effect on Other Procedural Regulations

These rules of procedure supersede all other procedures which may have been adopted by the Board governing hearings by a Hearing Examiner and by the Board in contested matters appealed to the Board or as to which hearings by the Board have been requested on recommendations of the superintendent.

7. TIME AND NOTICE REQUIREMENTS

- a) Computation of time. In computing any period of time prescribed by these rules or by any applicable statute, the day of the act or event after which the designated period of time begins to run is not to be included. Saturdays, Sundays and legal holidays shall be counted. When the last day so computed would fall on a Saturday, Sunday or legal holiday, the period shall extend to the first day thereafter not one of these days. For filing of documents with the Board, if the Office of the Board is not open during its regular hours on the last day of the period, the documents shall be filed on the next day thereafter when the Office of the Board is so open.
- b) Time - extension or shortening. For good cause, the Board, upon its own motion or at the request of either party, may at any time shorten or extend the time provided under these rules for filing any document or providing any notice except in those instances where the time is specified by state law.

A. Proposal

1. Initiation
 - a. Member of the Panel/Agency
 - b. County Attorney
 - c. Risk Management
2. County Attorney Review
 - a. Forward written proposal containing a brief explanation of coverage sought and proposed language to county attorney.
 - b. Review written proposal and approve/formulate appropriate Coverage Regulation.
3. Panel Review
 - a. County attorney shall forward all Coverage Regulation proposals to members of the Panel for review and comment, via Risk Management.
 - b. Panel must approve by majority vote, at either a regular meeting or by written response as deemed appropriate by Risk Management.
4. County Approval
 - a. Director of Finance shall review and submit comments to the chief administrative officer on the proposed Coverage Regulation after approval by the Panel.
 - b. The chief administrative officer shall approve the proposed Coverage Regulation after approval by the Panel and receipt of comments for the director of Finance.
 - c. Upon approval by the chief administrative officer, the proposed Coverage Regulation shall become a part of the Self-insurance Program Regulations.

B. Applicability of Approved Proposed Coverage Regulation to Agency Members

1. Coverage Regulations Increasing Coverage
 - a. Coverage Regulations increasing coverage for agency members beyond coverages applicable at the entry date of each agency member shall become effective upon approval by the Panel and the chief administrative officer.
2. Coverage Regulations Limiting Coverage
 - a. Coverage Regulations limiting, removing, modifying or conditioning coverages applicable to agency members at entry date, but not merely increasing coverages, shall become effective upon approval by the Panel and the chief administrative officer and execution of an agreement between the Agency Members and Montgomery County, by officers authorized to enter into such agreements, referencing the Coverage Regulation, in a form substantially similar to Attachment A.
3. Determination of Coverage Effect
 - a. The county attorney shall determine whether the proposed Coverage Regulation will limit coverage (and thus be subject to the requirements of B.2. above) or will only increase coverage (and thus be subject to the requirements of B.1. above).
4. Each Coverage Regulation Shall Contain an Indication of Effective Date As to Each Agency Member

C. Effect of Coverage Regulations

1. Upon approval as required in this procedure, the Coverage Regulation shall have the effect of superseding all inconsistent agreements, coverages, regulations, understandings and practices, and shall be controlling with respect to questions of coverage within the scope of the Coverage Regulation, as to all pending and future claims, demands, occurrences, or suits except those for which a final judgment has been rendered or is otherwise provided in the Coverage Regulation.

2. The county attorney shall render interpretations of Coverage Regulations upon request by any Panel or agency member.

APPROVED AND EFFECTIVE: (Contract Executive or determined to be unnecessary by county attorney)

Montgomery County (date)
Board of Education (date)
Montgomery College (date)
City of Rockville (date)

ATTACHMENT A

Agreement Amendment Number

This Agreement Amendment is entered into this day of , 198 , by and between Montgomery County, Maryland (hereinafter the "County") and (hereinafter "Agency Member").

WITNESSETH

WHEREAS, on or about the day of , 198 , the parties hereto entered into a written agreement, which from time to time has been amended, all of which is incorporated herein by reference; and

WHEREAS, the parties expressly agree that all other terms and conditions of the aforesaid agreement, as previously amended, shall remain in full force and effect without any change or modification whatsoever except as modified hereinafter with respect to "Insurance Coverage";

NOW, THEREFORE, it is agreed that the section of said agreement entitled "Insurance Coverage" is hereby amended by the following:

Notwithstanding any other provision contained in this agreement or amendments thereto, and superseding such provisions where inconsistent, the following coverage shall apply to the Agency Member:

The Self-insurance Program Regulation entitled "Reduction of Coverages to Statutory Minimum," as adopted by the Self-insurance Panel on or about August 16, 1983, a copy of which is attached and incorporated herein.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement Amendment as of the day and year first written above.

Montgomery County

BY:

AGENCY MEMBER

BY:

SELF-INSURANCE PROGRAM REGULATIONS

Coverage Regulations

Panel Adopted

Director of Finance Approval

Chief Administrative Officer Approval

CRIMINAL DEFENSE COSTS

PURPOSE

To provide for reimbursement of reasonable costs, including attorney fees but excluding loss of income, to employees in connection with defense of certain criminal charges where the employee is completely exonerated of such charges as specified herein.

COVERAGE

The Self-Insurance Fund shall reimburse an employee who applies for reimbursement pursuant to this Coverage Regulation for all reasonable costs, including attorney fees but excluding loss of income, incurred by that employee in the defense of any criminal judicial proceeding charging that employee with the commission of a criminal act where such charge arises solely out of that employee's activities within the employee's scope of employment for the County or Agency Member and provided that said reimbursement shall only be made if the charges against the employee are dropped or withdrawn, including refusal to indict and nolle prosequi, or dismissed, by motion or by a finding of not guilty; however, coverage shall not be afforded where there is entry of a plea of guilty, a finding of guilt, a plea of nolo contendere, an entry of probation without verdict or any other action which does not completely exonerate the employee, regardless of any criminal record (or lack thereof) resulting from the action with respect to the employee. Notwithstanding the foregoing, the Self-insurance Fund shall provide defense and indemnification as required by the Education Article of the Annotated Code of Maryland.

EXCEPTIONS

This coverage shall not apply to any violation of the motor vehicle laws of any state, whether a moving violation or otherwise.

PROCEDURE

1. The employee shall apply for reimbursement to Risk Management, in a form acceptable to Risk Management, which shall forward the request to the county attorney for review.
2. Upon receipt, the county attorney shall review the application for reimbursement for reasonableness of claimed fees and costs and for coverage applicability under this Coverage Regulation. The county attorney shall forward his recommendations with respect to coverage and approval of reasonable costs to Risk Management which will forward these recommendations to the employee.
3. If payment is recommended by the county attorney, Risk Management will reimburse the employee in the amount of payment recommended.
4. If payment is not recommended or if the amount for which the employee applied was reduced, the employee, within five working days

after receipt of the recommendations, may apply for reconsideration by the Panel. The Panel's decision shall be final with respect to reimbursement.

5. The employee is encouraged to request advice of the county attorney with respect to reasonableness of proposed costs in the defense of criminal actions, including reasonableness of attorney fees, expert fees and other expenses, prior to the employee being obligated for such costs.

6. It is understood that under no circumstance may the county attorney provide defense for any employee with respect to criminal proceedings or charges, pursuant to the provisions of the Charter of Montgomery County.

APPROVED AND EFFECTIVE: (Contract executed or determined to be unnecessary by county attorney).

Montgomery County	(date)
Board of Education	(date)
MNCPPC	(date)
Montgomery College	(date)
City of Rockville	(date)

SELF-INSURANCE PROGRAM REGULATIONS

COVERAGE REGULATIONS

Panel Adopted
Director of Finance
Chief Administrative Officer

REDUCTION OF COVERAGES TO STATUTORY MINIMUMS

PURPOSE

To reduce coverages applicable to the County or Agency Members to minimum statutory amounts specified in State Law waiving immunity or otherwise limiting liability of Agency Members to such amounts, if any; this reduction of coverages shall not reduce coverages in effect for Agency Members not otherwise subject to an immunity or statutory limitation of liability defense.

COVERAGE

Notwithstanding any other coverage provision, coverages for the County or for each Agency Member shall not include any claim, liability, suit or damage for which a defense of immunity or statutory limitation of liability is applicable, to the extent such defense applies; however, coverages shall apply to any statutory minimum for which immunity is waived or otherwise limited, and shall apply in full where an immunity or statutory limitation of liability defense is not applicable.

EXCEPTION

This Coverage Regulation shall not apply to the obligation to defend an Agency Member with respect to any claim, liability, demand, suit or damage otherwise covered, and costs associated therewith.

APPROVED AND EFFECTIVE: (Contract executed or determined to be unnecessary by county attorney)

Montgomery County	(date)
Board of Education	(date)
MNCPPC	(date)
Montgomery College	(date)
City of Rockville	(date)

Re: Status Report on MORE Studies -
Transportation and Maintenance and
Plant Operations

Dr. Cody explained that the MORE studies had been postponed because of the press of other business. He explained that despite the brevity of the reports before the Board it was clear to him that a lot was going on in the school system in response to these reports. Mr. Richard Fazakerley, associate superintendent, reported that there were seven MORE studies in the supportive service area. The maintenance study was completed in November, 1980, two months prior to his joining MCPS. The transportation study was underway and was completed in February, 1983. The major objectives of the transportation study were to strengthen supervision and to improve special education bus service. The maintenance study was to improve functions, reduce costs, and provide control over inventories. Both studies provided staff with data and recommendations. They would attempt to point out specific areas where they had saved actual funds. Mr. Fazakerley explained that savings had been included in the budget, and each month project managers reported to him on these studies.

Dr. Cronin requested that staff point out areas where the Board, County Council, or county executive had not appropriated funds to implement the recommendations.

Dr. F. G. Cary, director of the Division of Maintenance, stated that the MORE study was completed in 1980, and following that they had a year with an independent contract on the maintenance work order process. This was the first year of implementation of that process countywide. He said that one of the major recommendations was to improve the flow of maintenance activities and communication among schools, operations and maintenance because principals were not aware of what, where, and when maintenance activities were going to occur. They had gone to a work request system where the schools requested maintenance services. The form was sent to the area where parts and supplies were identified and a work schedule was established. The form kept principals up to date on the status of work needed in their schools. In addition to this work, they also had a preventive maintenance team.

Dr. Cary said another major recommendation was to increase supervisory controls. They had upgraded 24 personnel. For example, a lead carpenter would spend 20 percent of his time ordering materials and scheduling work. These working supervisors were

responsible for parts and supplies, with the objective of getting the right part to the right worker at the right time. These personnel did visit projects to make sure the work was being done. The third major objective was to improve controls over the purchasing and distribution of supplies and materials. Now they were getting estimates of what was needed to do the job, and orders were sent to the Shady Grove office where they were consolidated in order to take advantage of bulk purchases. This year they anticipated saving \$90,000 in avoided costs.

Dr. Cary reported that another recommendation was to improve the work process. He said that the trades personnel were not certain of the work process from the beginning, and now they had better coordination of the trades. They had cut down on people picking up parts and had reduced fleet mileage by 7 percent and had avoided about \$60,000 in mileage and time. They were improving workers' time on task; however, this was hard to quantify. He said that in talking with principals about the tradesman they felt there had been increased productivity. They were now devoting resources to preventive maintenance which allowed them to put their priorities on what should be done.

Dr. Cary said that another recommendation was to obtain and use data and information to improve the planning and budget function. Preventive maintenance was helping them prepare their long-range program. It seemed to him that this was one area where automated support would help them. In FY 1984 they had requested funds for this purpose; however, the Council had deferred that request. The GSA group asked them to look at other agency programs to see whether these could be tailored to MCPS needs.

Mr. Herman Lipford, director of the Division of School Plant Operations, explained that the merger of maintenance, operations, and energy management was considered to be too unmanageable. Therefore, it was the feeling of staff that Operations be given divisional status. This was approved by the Board of Education, and he was appointed director on July 13, 1983. He was working closely with the other divisions and felt they had contributed to the savings the division has realized. They had identified 18 maintenance tasks which building services personnel had been trained to perform. They were making efforts to correct situations before a work order had to be completed. They planned to take on more and more maintenance as time went by including glass replacement and minor plumbing repairs. Dr. Cary pointed out that it cost \$50 to get the trades people to the door of a school; therefore, any work that could be done by school personnel was a savings.

Dr. Shoenberg asked whether these studies had been done for the county agencies. Dr. Steve Frankel, director of educational accountability, replied that there was a small group in the county government; however, they were not staffed to do MORE-type studies. Dr. Cronin asked whether there would be savings in the county budget if they had these studies, and Dr. Frankel agreed.

Dr. Cody noted that the MORE studies had resulted in increased efficiency of operations. One of the problems was in managing a data base, which he was not sure would save money but would increase the efficiency. He reported that they were waiting for GSA to approve a software program. Dr. Cary explained that their responsibility was to identify other user agencies that might have programs they could use. They had looked at the WSSC program; however, it would require considerable modification for MCPS needs because it did not handle supplies or work orders. He had also looked at two or three commercial programs that could be run on a minicomputer. These programs cost about \$30,000 and would save money in supplies and transportation. Mrs. Praisner asked that the Board be kept informed about the GSA review of the computer request.

Dr. Cronin inquired about items in the report that had not been completed. Mr. Wilder replied that most of these were related to the automated system. In some cases work was in process but would not be completed if not tied in with the computer.

Mr. Ewing asked whether they had looked to the military regarding work standards and task frequency standards. Mr. Fazakerley replied that he had obtained information about these; however, they needed the computer capability to look at data on work orders.

Dr. Cronin asked about schools not being reimbursed for supplies they had purchased with school funds. Mr. Stafford explained that some schools felt they could get better supplies if they purchased them themselves. However, they would not be reimbursed for these items if they were not purchased from bid lists. In the case of one high school, they might double up on other items because they were spending their own funds to purchase wax.

Mr. Ewing said there was mention of a pretesting program for products. This raised a question about what was done now and a question about the products they bought and used. Mr. Fazakerley replied that they received literature and samples and did try to keep records regarding products. However, they did not have a real follow through program or a laboratory to test these products. Mr. Ewing asked whether the county had these capabilities or whether this could be explored on a metropolitan area basis. Mr. Wilder replied that a lot of testing occurred on an informal basis. As new products appeared, these were explained and informal testing was conducted. He agreed that it would be helpful if they were able to document this and have a centralized list.

Dr. Shoenberg hoped that they were able to document the time they were saving with preventive maintenance. Mr. Fazakerley indicated that principals continued to support this program because it had helped cut down on future needs and shorten response times. Dr. Shoenberg noted that a couple of items had to do with more realistic reporting on joint occupancy and the community use of schools. He understood that this was under review by ICB and MCPS. He asked whether there was any change they would make regarding the long-term modus vivendi in this matter. Mr. Wilder replied that the ICB

provided one percent of the MCPS utility budget to offset the cost of utilities used by community groups. They were trying to make a better judgment on the cost of providing utilities. They were working with ICB staff to come up with a formula to provide funding to improve outside play areas. Mr. Stafford added that the ICB did reimburse them for custodial supplies, and these funds were allocated to schools with a high use by outside activities. Dr. Shoenberg asked about parking lots and the use of the physical plant, and Mr. Wilder replied that they now had the base information for making some of those judgments.

Mr. Ewing commented that Mr. Fazakerley and his staff deserved high commendation for picking up on these reports, implementing them, and developing plans for action. It was testimony to the excellence of management in this area.

Dr. Larry Skinner, director of the Division of Transportation, called attention to a handout on cost savings from FY 1982 to FY 1984. He noted that actual cost avoidance was over \$1 million, and there were other accomplishments on which they could not put a dollar figure. The MORE study looked at pupil transportation, bus repairs, and inventory. Of the 54 recommendations, they had implemented or were working on 26. The basic premise of the MORE study was centralization, reorganization, and increasing the size of the transportation staff to improve management and efficiency. In FY 1983 the Board adopted a centralized plan which differed from the MORE study but was more responsive to the needs of the community. The Board plan strengthened management in the area office, and 15 positions were reconstituted which was \$150,000 less expensive than the MORE plan. In FY 1985 they would have the new planning position. He reported that most of his time had been consumed with implementing the reorganization. They had gone from a supervisory rate of 300 to 1 to 75 to 1 which had improved morale.

Dr. Skinner said they were trying to reduce unnecessary idling of buses which had saved money. They would have better cost accounting because the reorganization was in place. They had formed a school bus disruption committee which had revised pamphlets and suggested better training for special education bus drivers. The Board had approved 49 FTE bus drivers which had addressed the situation of drivers being paid out of the substitute driver account. The number of mechanics and service workers had increased but so had the number of vehicles in their fleet. They had increased productivity by purchasing diagnostic equipment, diesel buses, and radial tires. For example, by using diesels they had saved \$100,000.

Mr. William Westcoat, supervisor of automotive maintenance, reported that their inventory was within 2 percent. Dr. Skinner said they had established a night shift at Clarksburg and were establishing satellite bus parking lots. They had consolidated bus stops and had saved \$12,000 and 31 buses by changing starting times. They had improved training for bus drivers by providing simulator training and hoped that when Peary closed they would get that simulator. They were going to have preservice training for newly hired special

education bus aides and had provided training for newly hired supervisory personnel. Dr. Skinner stated that as a result of implementing the school bus accident review there was a 30 percent reduction in accidents from 1981 while mileage had increased. He said they had reduced the number of students in taxicabs by about 100 over the past three years. He reported that a lot of these savings were reflected in the FY 1985 budget.

Dr. Cronin inquired about computerized routing of buses, and Dr. Skinner replied that at this point they did not have the capability. They needed the planner and the planner had to work with the area transportation supervisors. They had to physically measure each of the areas which would take time. Mr. Stafford added that they had to determine which students should walk and might have to issue bus passes. However, once this was completed they would expect the planner to develop bus routes crossing area boundaries. They thought it would take three or four months to verify the right number of youngsters to be transported. They thought it would take a year and a half to two years for the entire process. Dr. Pitt commented that there were savings that could be realized through computerized routing of buses, but another savings would be extending the window for school opening and closing times. For example, in Prince George's County students were dropped off at school a half hour before the start of school and the walking distance for high school was 2 miles.

Dr. Cronin asked about a staff response to the county transportation study. Dr. Cody replied that staff had been meeting with the Ride-on representatives and comparing information. So far they had not seen an overlapping of routes that would have a dramatic effect on cost savings.

Dr. Shoenberg asked whether a particular person was responsible for fielding complaints, and Mr. Stafford replied that the transportation field supervisor and the assistant supervisor did this. Dr. Shoenberg commented that they had received complaints about responses and asked about training for these people. Dr. Pitt thought this was an excellent suggestion and added that when they decentralized the complaints were less. He agreed that they could do some training with people who had public contact.

Mrs. Praisner asked whether they were continuing to consolidate bus stops. Dr. Skinner replied that they were continuing to do this wherever possible. Mrs. Praisner said that the Board would be looking forward to receiving the staff response to the county transportation study. She thanked the staff for their presentation on the MORE reports.

Re: Report on Trip to Japanese Schools

Dr. Neil Shipman, principal of Fox Chapel Elementary School, introduced Ms. Rosalva Rosas, Ms. Dottie Jackson, and Mr. John Day, staff members who made a trip to see Japanese schools. Board members viewed a video tape on the trip.

Ms. Rosas commented that the Japanese were very curious about American Schools. They had one program for students who had been abroad which was their first effort at looking at individual differences in students. Mr. Day remarked that the Japanese had a very homogenous system where individual differences were blended together. As American teachers, they were asked about discipline problems because the Japanese were starting to experience these problems at their junior high school level. He explained that in Japan, high school was not mandatory. The goal of attending high school was to place a student in the high school with the best record of sending students to college. They had visited a brand-new high school with no reputation for college. Ms. Jackson commented that in that high school the teaching was done by lecture with some students listening and others not.

Dr. Shipman described his home visit to a Japanese family where the children attended school five and a half days a week. The fourth grader was preparing for examinations and spent additional time on the weekend attending a pre-school to prepare herself for the examinations. He agreed that a lot of pressure was put on these students to succeed.

Mr. Day reported that 90 percent of the Japanese students graduated from high school versus 75 percent in the United States. There were very few dropouts. Ms. Rosas said they had visited a math class and every student took the same math classes. They were given the material, and it was the students' and parents' responsibility to see the students achieve. Dr. Shipman noted that the students in the high schools were only concerned about passing the examinations for college. Mr. Robertson commented that from his visit to Japan the previous summer a lot of parents were talking about sending their children to the United States for education which would sidetrack the college examination pressure.

Dr. Shaffner inquired about their experience with Japanese teachers. Dr. Shipman replied that he was impressed with the quality of the teachers. They were respected and well-paid civil servants. He added that the elementary school teachers had strong academic backgrounds; however, he did not know much about the methodology they used.

Dr. Shoenberg asked about the type of examinations administered. Mr. Day replied that he had obtained a copy of one examination on philosophy, and a colleague had looked at it and found that it called for very specific information which was almost encyclopedic in detail.

Mrs. Praisner asked about community involvement such as PTA, public hearings, parent volunteers, etc. Dr. Shipman replied that he did not get a sense of involvement although the parent he had visited did go to PTA meetings. He recalled that when he visited the media center in the Japanese elementary school the principal had told him it was staffed by volunteers.

99-84	Industrial Arts Hardware	
	Name of Vendor(s)	
	Brodhead-Garrett Co.	\$ 3,396
	Capitol Lock & Hardware Inc.	5,717
	DoALL Baltimore Co.	1,942
	Dura-Tite Screw Co. of Md., Inc.	829
	Gaithersburg Farmers Supply Inc.	2,311
	Graves Humphreys Co.	74
	McKilligan Supply Corp.	785
	M.S.F. County Services, Inc.	1,069
	Schindel Rohrer and Co.	825
	Standard Supplies Inc.	100
	Thompson & Cooke, Inc.	6,814
	Trippe Supply Co., Inc.	3,088
	Washington Fastening Systems, Inc.	76
	TOTAL	\$ 27,026
100-84	Industrial Arts Electronic Supplies	
	Name of Vendor(s)	
	Capitol Radio Wholesalers, Inc.	\$ 9,554
	Centronic Wholesalers, Inc.	5,390
	Empire Electronics Supply Co.	8,899
	Fairway Electronics, Inc.	1,218
	Lytron Distributing Company	37
	Mark Electronics, Inc.	3,923
	Pyttronic Industries, Inc.	40
	TOTAL	\$ 29,061
104-84	Trucks, One Ton Pick Up	
	Name of Vendor(s)	
	Steuart Motor Co. T/A Steuart Ford	\$ 32,205
84-10	Security Software Package	
	Name of Vendor(s)	
	The Cambridge Systems Group	\$ 28,138
	GRAND TOTAL	\$315,566

Resolution No. 230-84 Re: Sligo Intermediate School Partial
Reroof (Area 1)

On recommendation of the superintendent and on motion of Dr. Shoenberg seconded by Mr. Ewing, the following resolution was adopted unanimously:

WHEREAS, Sealed bids were received on March 15, 1984, for roof modifications and partial reroofing at Sligo Intermediate School, as indicated below:

Bidder	Lump Sum
1. Fitts Construction Co., Inc.	\$ 52,700
2. J. E. Wood & Sons Co., Inc.	66,900
3. Orndorff & Spaid, Inc.	84,760
4. R. D. Bean, Inc.	93,380

On recommendation of the superintendent and on motion of Dr. Shoenberg seconded by Mr. Ewing, the following resolution was adopted unanimously:

WHEREAS, Sealed bids were received on April 5, 1984, for reroofing at Rolling Terrace Elementary School, as indicated below:

Bidder	Lump Sum
1. J. E. Wood & Sons Co., Inc.	\$71,685
2. Colbert Roofing Corporation	84,973
3. Orndorff & Spaid, Inc.	85,550
4. R. D. Bean, Inc.	91,275

and,

WHEREAS, The low bidder, J. E. Wood & Sons Co., Inc., has satisfactorily completed similar work in other jurisdictions; and

WHEREAS, The low bid recommended is within the staff estimate and sufficient funds are available in project #999-42 to effect award; now therefore be it

Resolved, That a contract for \$71,685 be awarded to J. E. Wood & Sons Co., Inc., to accomplish reroofing at Rolling Terrace Elementary School in accordance with plans and specifications dated March 22, 1984, prepared by the Department of School Facilities.

Resolution No. 233-84 Re: Dedication of Land for Public
Street Greencastle Future School
Site (Area 3)

On recommendation of the superintendent and on motion of Dr. Shoenberg seconded by Mr. Ewing, the following resolution was adopted unanimously:

WHEREAS, The Montgomery County Government has requested Board of Education approval of public dedication and final record plat for Briggs Chaney Road where it abuts our Greencastle Future Elementary School site; and

WHEREAS, Final approval and realignment of the new roadway includes certain easements for public improvements, public utilities, and temporary access for the grading of slopes adjacent to the school property; and

WHEREAS, All construction, restoration, and future maintenance activities will be performed at no cost to the Board of Education with the Montgomery County Government and contractors to assume liability for all damages or injury; and

WHEREAS, These easements and the land dedication for an improved roadway will benefit the surrounding community and the subject school site; now therefore be it

Resolved, That the president and secretary be authorized to execute a final record plat for the realignment of Briggs Chaney Road where it abuts the Greencastle Future School site, their endorsement to cover the dedication of additional land and all easements for public utilities, public improvements, and slope grading which are shown thereon.

Resolution No. 234-84 Re: Dedication of Land for Public
Street Jones Land Future School
Site (Area 3)

On recommendation of the superintendent and on motion of Dr. Shoenberg seconded by Mr. Ewing, the following resolution was adopted unanimously:

WHEREAS, The Montgomery County Government is planning to realign and widen Jones Lane and will require a public dedication of land from the Board of Education where the proposed realignment abuts our Jones Lane Future School site, its endorsement to cover the dedication of additional land and slope grading; and

WHEREAS, Final approval and realignment of the new roadway includes temporary access for the grading of slopes adjacent to the school property; and

WHEREAS, All construction, restoration, and future maintenance activities will be performed at no cost to the Board of Education with Montgomery County Government and contractors to assume liability for all damages or injury; and

WHEREAS, This easement and the land dedication for an improved roadway will benefit the surrounding community and subject school site; now therefore be it

Resolved, That the president and secretary be authorized to execute a final deed for the realignment of Jones Lane where it abuts the Jones Lane Future School site, their endorsement to cover the dedication of additional land and slope grading which are shown on the plan.

Dr. Greenblatt joined the meeting at this point.

Resolution No. 235-84 Re: FY 1984 Categorical Transfer
within the Chapter I Project

On recommendation of the superintendent and on motion of Mr. Ewing seconded by Dr. Shoenberg, the following resolution was adopted with Dr. Cronin, Mr. Ewing, Mrs. Praisner, and Dr. Shoenberg voting in the affirmative; Dr. Greenblatt and Mrs. Peyser abstaining:

Resolved, That the superintendent of schools be authorized, subject to County Council approval, to effect the following categorical transfer within the Chapter 1 project as funded by the Maryland State Department of Education under the Education Consolidation and

Improvement Act Chapter 1:

Category	From	To
02 Instructional Salaries	\$106,858	
03 Instructional Other		\$ 3,640
07 Student Transportation		580
10 Fixed Charges		102,638
Total	\$106,858	\$106,858

and be it further

Resolved, That the county executive be requested to recommend approval of this resolution to the County Council and a copy be given to the county executive and County Council.

Mr. Robertson rejoined the meeting at this point.

Resolution No. 236-84 Re: Personnel Reassignments

On recommendation of the superintendent and on motion of Mrs. Peyser seconded by Dr. Cronin, the following resolution was adopted unanimously:

Resolved, That the following personnel reassignments be approved:

Name	From	To
Thomas R. Peters	Area Director for Educational Services Grade Q	Secondary Assistant Principal School to be determined Effective July 1, 1984 Will maintain present salary status and retire July 1, 1985

Temporary Reassignment for the 1984-1985 School Year

Name and Present Position	Position Effective July 1, 1984	Position Effective July 1, 1985
Gwendolyn Edwards Principal Highland View Elem.	A&S Teacher	A&S position to be determined

Re: Presentation of Area 3 High School
Recommendations

Dr. Lois Martin, associate superintendent, stated that late last fall the Area 3 Task Force had reported and recommended the conversion of Martin Luther King Junior High School to a high

school. The superintendent's facilities recommendations committed the staff to accelerate the study of upcounty needs and come forth with recommendations by March 15. A study group was formed in cooperation with the county government and MNCPPC. A citizens study group was also formed, and Board and staff received copies of their recommendations. The conclusions of the staff/government planning group were brought to another staff planning group, and out of this came the superintendent's recommendations which were before the Board.

Dr. Lee Etta Powell, area associate superintendent, commented that the need for additional high school seats was a current need as of this moment. She said that the paper before the Board did reflect all of the various recommendations that had come forth.

Dr. George Fisher, director of planning, reviewed population information for the upper county. He explained that the ultimate plan was to provide four high schools where they were now two. They were looking for an increase of 7,000 high school students, and he described the process they had gone through with the various options including location of the proposed schools and timing of the construction. He explained that it was the consensus of the committee that the Hadley school should be built first and then the Quince Orchard school. Board members raised various issues dealing with the impact of a vocational center, possible solutions to the Poolesville situation, population diversity at Gaithersburg High School, accelerated construction timetables, split articulation problems, the conversion of King to a senior high school, and construction costs.

Mrs. Praisner explained that Board members could request alternatives to the superintendent's recommendation; however, it would take four votes before a staff study could be undertaken.

Resolution No. 237-84 Re: Area 3 High School - Board
Alternative

On motion of Mr. Ewing seconded by Dr. Cronin, the following resolution was adopted unanimously:

Resolved, That the superintendent be requested to develop an alternative along the lines suggested by the MCCPTA study group which would involve:

An addition to Gaithersburg High School as soon as possible.
An addition to Seneca Valley to be ready by fall, 1986.
Construction of a new high school to be opened in 1987, and an annual review of the timetable for construction of the Quince Orchard area school, currently projected for 1990.

Resolution No. 239-84 Re: Area 3 High School - Board
Alternative

On motion of Dr. Greenblatt seconded by Mrs. Peyser, the following

resolution was adopted unanimously:

Resolved, That the superintendent be requested to develop an alternative which would result in:

The construction of one high school with additions as needed to existing high schools to avoid relocatable classrooms. Include a cost analysis of the three-school model versus the four-school model.

Re: Legislative Wrap-up

Mrs. Lois Stoner, legislative aide, stated that the pension bill was a major concern of the Board. The governor had signed the bill; however, it would be going into court immediately. The other major issue was the Civiletti bill, and in its final form it was close to the original bill with some exceptions. The funding part had two modifications, a certain portion of the compensatory funds must be spent on children with special needs and in 1987 the General Assembly must make a resolution on funding the FY 1988 money if the proportion of money being spent on education is higher than 32.8 percent. She stated that the most significant part of the Civiletti bill was how closely they worked with the county government on this issue.

Mrs. Stoner reported that the special education tuition reimbursement bill was defeated as were the two other special education bills. She said that the driver education money was restored to the budget. The bill requiring flashing lights on school buses would be phased in with no retrofit for buses owned by the school system. The transportation for the handicapped bill did pass although it was heavily amended which made it much more manageable. All of the bills on mandatory curriculum failed. The bill dealing with bid advertising went to \$7,500 rather than the \$15,000 requested. The school Board residency bill and the student Board member bills were approved, and the railroad crossing bill was withdrawn. The teacher-education scholarship bills were totally amended and passed in identical forms. The major change was the money would be available to juniors and seniors rather than freshmen and sophomores.

Mrs. Stoner thanked staff members who responded to her request for information about bills. She thanked Mrs. Praisner for her assistance and Dr. Muir for his support. Mrs. Praisner thanked Mrs. Stoner for another year of excellent service to the Board.

Re: Board Member Comments

1. Mrs. Peyser expressed her concern about fund raising in schools. She said that some businesses working with students provided students with more profit than others and some offered teachers percentages. She asked that they have a committee to look into this situation.

2. Mrs. Peyser said that all schools had soft drink vending machines; however, she was not aware of juice vending machines in the schools. She had written a memo to the superintendent on this subject. She was also concerned about these machines being available to students during the school day.
3. Mr. Ewing reported that he had attended "Carousel" at Wootton and "Sweet Charity" at Seneca Valley, and these were both excellent presentations. He was particularly impressed with the lead at Seneca Valley, Miss Susan Fazakerley, who had done an outstanding job.
4. Dr. Cronin asked that the Board consider joining MSTA in the legal action about the retirement system or at least file an amicus brief.
5. Mrs. Praisner said that she, too, had attended student performance and was impressed with Seneca Valley's performance. She had also participated in the tree planting ceremony at the Smith Center and recommended that Board members go there to see the "learning tree."
6. Mrs. Praisner reported that the Damascus High School band had had an auction to raise funds for their trip to the D-Day ceremony, and the auction had produced \$6,400.
7. Mrs. Praisner quoted from the Maryland Association of Curriculum Development newsletter. She said they had had a panel discussion on "A Nation at Risk." She quoted, "Perhaps the most illustrative argument against the Commission's report was the panel's student member, Peter Robertson, whose maturity and cogent presentation belie the notion that our nation is at risk because of its schools."
8. Mrs. Praisner reported that she had received from Fairfax County some information about the Chemical People Project involving parents to take a pledge that they would not serve alcoholic beverages to students at parties and that the parties would be chaperoned. She asked about support Montgomery County was giving to this project, and she asked whether there was any legal responsibility on the part of the school system or PTA when a newsletter published a list of those individuals.

Resolution No. 239-84

Re: Executive Session - April 24, 1984

On recommendation of the superintendent and on motion of Mrs. Peyser seconded by Dr. Cronin, the following resolution was adopted unanimously:

WHEREAS, The Board of Education of Montgomery County is authorized by Article 76A, Section 11(a) of the Annotated Code of Maryland to conduct certain of its meetings in executive closed session; now therefore be it

Resolved, That the Board of Education of Montgomery County hereby conduct its meeting in executive closed session beginning on April 24, 1984, at 7:30 p.m. to discuss, consider, deliberate, and/or otherwise decide the employment, assignment, appointment, promotion, demotion, compensation, discipline, removal, or resignation of employees, appointees, or officials over whom it has jurisdiction, or any other personnel matter affecting one or more particular individuals and to comply with a specific constitutional, statutory or judicially imposed requirement protecting particular proceedings or matters from public disclosure as permitted under Article 76A, Section 11(a) and that such meeting shall continue in executive closed session until the completion of business.

Resolution No. 240-84 Re: National Secretaries Week, April
23-27, 1984

On recommendation of the superintendent and on motion of Mrs. Peyser seconded by Dr. Greenblatt, the following resolution was adopted unanimously:

WHEREAS, A well-qualified and dedicated staff of secretarial and clerical employees is an integral part of an effective school system; and

WHEREAS, The Montgomery County public school system is extremely fortunate in having such a staff; and

WHEREAS, The Board of Education wishes to recognize publicly the competency and dedication of this group of employees and express its appreciation for their efforts in the effective, courteous, and economical operation of our school system; and

WHEREAS, The week of April 23 through April 27, 1984, has been designated as National Secretaries' Week; now therefore be it

Resolved, That National Secretaries' Week be observed by the school system during the week of April 23 through 27, 1984; and be it further

Resolved, That Friday, April 27, 1984, be designated as Secretaries' Day for the Montgomery County Public Schools.

Resolution No. 241-84 Re: Minutes of January 23, 1984

On motion of Dr. Greenblatt seconded by Mrs. Peyser, the following resolution was adopted unanimously:

Resolved, That the minutes of January 23, 1984, be approved as corrected.

Resolution No. 242-84 Re: Minutes of January 31, 1984

On motion of Mrs. Peyser seconded by Dr. Cronin, the following resolution was adopted unanimously:

Resolved, That the minutes of January 31, 1984, be approved.

Resolution No. 243-84 Re: Minutes of February 14, 1984

On motion of Dr. Cronin seconded by Mrs. Praisner, the following resolution was adopted unanimously:

Resolved, That the minutes of February 14, 1984, be approved as corrected.

Resolution No. 244-84 Re: Minutes of February 29, 1984

On motion of Mr. Ewing seconded by Dr. Cronin, the following resolution was adopted unanimously:

Resolved, That the minutes of February 29, 1984, be approved.

Resolution No. 245-84 Re: Minutes of March 5, 1984

On motion of Dr. Shoenberg seconded by Mrs. Peyser, the following resolution was adopted unanimously:

Resolved, That the minutes of March 5, 1984, be approved as corrected.

Re: New Business

Dr. Greenblatt moved and Mrs. Peyser seconded the following:

WHEREAS, The Montgomery County Board of Education has met in executive session since August 1983 to the present on matters of negotiations with MCEA; and

WHEREAS, During these deliberations the Board determines by consensus the positions of the Board; and

WHEREAS, It is essential that on sensitive matters of negotiations such as salary and benefits, the Board's position be singular and clear and that only one voice be heard, not individual positions; and

WHEREAS, The Board of Education has appointed a chief negotiator to express the positions of the Board; and

WHEREAS, Mr. Ewing has been conducting his own private negotiations separate from the Board and its chief negotiator; and

WHEREAS, Mr. Ewing has on several occasions breached the code of ethics of the Board of Education, twice described in confidential memoranda to the Board and in other dialogues described in the press; and

WHEREAS, Such breach of conduct betrays the trust of the Board of

Education members to conduct negotiations in private; and

WHEREAS, Such utterances lead to continued teacher unrest, such as school sickouts, by giving the false impression of division within the Board on such matters as teacher salaries; now therefore be it Resolved, That the Montgomery County Board of Education censures Mr. Blair Ewing for all of the above reasons, and other violations not known at this time, specifically

- ~ for his breach of the code of ethics of Board members
- ~ for his violation of executive session
- ~ for letting certain groups know his individual position on negotiations for personal aggrandizement with those groups at the expense of the school system
- ~ for conducting negotiations on his own rather than through the Board's chief negotiator
- ~ for his betrayal of the Board of Education and his breach of trust
- ~ and by his actions exacerbating teacher unrest in this county.

Re: Oral Arguments - BOE Case 1984-4

Board members heard oral arguments in BOE Case 1984-4 and recessed to executive session in order to render a decision.

Resolution No. 246-84

Re: Decision in BOE Case 1984-4

On motion of Dr. Shoenberg seconded by Dr. Greenblatt, the following resolution was adopted with Mr. Ewing, Dr. Greenblatt, Mrs. Praisner, and Dr. Shoenberg voting in the affirmative; Dr. Cronin voting in the negative; and Mrs. Peyser abstaining (Mr. Robertson voting in the affirmative):

Resolved, That the Board of Education uphold the decision of the superintendent and request its attorney to prepare a decision and order in this matter.

Re: Items of Information

Board members received the following items of information:

1. Items in Process
2. Construction Progress Report
3. Proposed Board Policy on Committees
4. School Facilities Change Order/Bid Activity Quarterly Report

Resolution No. 247-84

Re: Adjournment

On recommendation of the superintendent and on motion of Dr. Shoenberg seconded by Mrs. Peyser, the following resolution was adopted unanimously:

Resolved, That the Board of Education adjourn its meeting at 5:35 p.m.

President

Secretary

WSC:mlw