

APPROVED
29-1984

Rockville, Maryland
May 21, 1984

The Board of Education of Montgomery County met in regular session at the Educational Services Center, Rockville, Maryland, on Monday, May 21, 1984, at 8:10 p.m.

ROLL CALL Present: Mrs. Marilyn J. Praisner, President in the Chair
Mr. Blair G. Ewing
Dr. Marian L. Greenblatt*
Mrs. Suzanne K. Peyser*
Mr. Peter Robertson
Mrs. Odessa M. Shannon
Dr. Robert E. Shoenberg

Absent: Dr. James E. Cronin

Others Present: Dr. Wilmer S. Cody, Superintendent of Schools
Dr. Harry Pitt, Deputy Superintendent
Mr. Thomas S. Fess, Parliamentarian

Re: Announcements

Mrs. Praisner announced that the Board had been meeting in executive session on personnel matters. She reported that Dr. Cronin was out of town because his mother was having surgery.

RESOLUTION NO. 292-84 Re: Board Agenda - May 21, 1984

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

RESOLVED, That the Board of Education adopt its agenda for May 21, 1984, with the addition of an item on a maintenance management system and the change in the item on publications guidelines to discussion from action.

* Dr. Greenblatt and Mrs. Peyser joined the meeting at this point.

Re: An Evaluation of Public and Nonpublic
Special Education Programs

Dr. Philip Jones, project director from Virginia Polytechnic Institute, introduced Dr. Richard Salmon, associate professor. Dr. Jones reported that three years ago they were asked to come to Montgomery County about the possibility of doing this research and were subsequently awarded the contract. He noted that the study was of school-aged children only, and he acknowledged the fine cooperation he had received from MCPS staff. He explained that the study asked five questions:

What are the characteristics of school-aged students being served in Levels V and VI public and nonpublic programs?

What public and nonpublic programs currently exist for serving school-aged Levels V and VI handicapped students? What are the characteristics of these programs, and how do public and nonpublic services addressing similarly handicapped conditions compare? What are the characteristics of services actually being provided to school-aged students in the Levels V and VI public and nonpublic programs? What are the costs of Levels V and VI public and nonpublic programs and how do they compare? What were the overall findings and recommendations of the study?

Dr. Jones stated that they used the continuum education data system for Level V and VI students and program descriptions from MCPS Level V and nonpublic Levels V and VI. However, the only residential program that MCPS had was RICA II. They used the federal statute and the Maryland statutes and regulations. They used a variety of MCPS central office records and on-site visits. Where possible, they looked at fiscal records, developed interview and classroom observations guides, and examined IEPs and records. Finally, they did a random sample of parent interviews by telephone. He explained that they had visited 25 nonpublic programs, three of those outside the 300 mile radius from Montgomery County. They had also visited the special schools in Montgomery County.

Dr. Jones explained that they had to point out some findings which limited them in the conduct of their study. They had many problems with the data because the records were not as accurate as they had hoped. In some cases, fiscal records were not attainable and they changed their goal of reporting costs on a classroom basis to reporting on a program basis. Because the data was not readily available, the study time was lengthened. As he had stated pre-viously, he explained they did not deal with preschool or postschool students. In some instances programs served very few students and in some cases programs served only one sex.

Dr. Jones noted that they did create a matched sample on handicapping conditions, age, sex, and race. He said that the definition of autism changed from emotionally impaired: to health impaired during the course of the study. He felt they were limited by outdated program descriptions of MCPS programs and private sector programs. They had gathered the data for the 1981-82 school year, and for that year there were 11 students in RICA and 199 in placements outside the school district for Level VI comparisons.

In terms of findings, Dr. Jones explained that in Level V they did find a disproportionate number of black students. These students were found primarily in programs for the emotionally disturbed and multiply handicapped. In Level VI there was a disproportionate number of males in external placements for emotionally disturbed, and in the RICA program there was a disproportionate number of females. As far as age differences, he reported that the older youngsters tended to be in the external placements. They had found an illusive reason for this known as the "grandfather clause." He said that about 1976 the

Board had said youngsters if already placed could remain in outside placements for one year. Staff had interpreted this as permanent; however, Dr. Jones had been unable to obtain a copy of this ruling. There was another speculation in that older youngsters presented more physical problems if they were acting out.

Dr. Jones called attention to a chart detailing the over-representation of black youngsters in Level V internal programs and their under-representation in Level VI programs. They did run into some discrepancy problems in the number of youngsters according to various documents and could not account for 30 students. He said they did a thorough analysis on review of cases which was a federal and state requirement and were disturbed by the lack of documentation in MCPS and in the nonpublic schools. They also had a problem with the lack of documentation on eligibility for less restrictive programs and on educational and sociological histories. Dr. Jones explained that they had expressed many concerns about documentation and some changes had been made. He said that to do an adequate job of review, both the school and central office records should be

consistent and yet they found documents existing in one file and not the other.

In regard to programmatic issues, they found a full range of good to poor Level V and VI programs, both internally and externally. They found good teachers in both locations; however, the facilities in MCPS were superior to those in nonpublic schools. For example, while physical education is required, they found little or no opportunity for physical education in non-public schools during inclement weather. They did find life safety problems in some nonpublic schools. He said that nonpublic salaries were lower and MCPS teachers were superior in certification. He reported that in nonpublic schools they often saw a single approach to education which was not always appropriate for that particular youngster. While he felt it was a judgment call, he thought that over half of the youngsters in nonpublic placements could be served in the Montgomery County Public Schools. He said they had found more severely handicapped being served in MCPS than in nonpublic, and in some cases the nonpublic schools had expelled the youngster, and MCPS was required to educate that youngster.

Dr. Salmon explained that they had used 80-81 as a base for fiscal data. Once the system was established, they were able to move backwards and forward in time. For example, they had actual 1982 data for Level V internal programs. In general, he said the fiscal data for the external programs were difficult to obtain because the nonpublic schools were reluctant to share revenue and expenditure information. Dr. Salmon stated that they had developed cost differentials by program that could be updated annually. He displayed cost figures for per pupil costs. Model A was the per pupil cost for Level V internal programs, and Model B was the per pupil cost for Level V external programs, except in this case they had to determine costs in a somewhat round-about fashion. Model C excluded transportation costs. He explained that one table got into actual

costs and for FY 1981 four of the programs exceeded the 10 percent criterion with higher costs in the external placements. The exception was Learning Disabled which was a relative close match. He pointed out that on the Level V they would save approximately \$250,000 per annum if the youngsters were served in MCPS. He explained that they did not have a match between external and internal Level VI; however, they thought the total saving for Level VI if services were provided internally would be \$900,000 per annum.

Dr. Jones urged that MCPS undertake a thorough review of special education based on the inconsistencies they had noted. He recommended there should be a continuing review of the racial composition of the students served to make sure decisions were based on the needs of students and not other factors. They recommended that special education staff review Level V and VI placements regarding the number of males placed. They strongly recommended that Level V and VI placements be reviewed on an annual basis to determine whether a less restrictive environment was appropriate. He expressed a concern about out-dated program descriptions for both MCPS and nonpublic schools. He urged that an effort be made to make sure internal and external records were consistent. They also felt that the IEP process must reflect criteria to determine the need for changes in the program. He recommended that MCPS immediately review all Level V and VI nonpublic placements to determine which students, if any, should be returned to the public schools. They felt that well over half of these students could be returned. He reported that they found only a couple of instances where Level VI programs were equal in quality with MCPS programs, and only one case where the program exceeded.

Dr. Jones recommended expansion of MCPS programs and pointed out the possibility of sharing these programs with other school systems. He suggested that a school system the size of MCPS could and should serve the vast majority of its youngsters locally.

Mrs. Praisner noted that the Board would be receiving the staff response to the study in the near future. Mr. Ewing hoped that when the staff response was prepared that they would have more time to spend on this topic. He hoped that, in particular, they could address the cost figures because he was not comfortable with the comparisons provided and would like to see the background data. He said that his second question was whether or not there was in the background information sufficient data on special nonpublic programs of high quality and reasonable costs such that it would be not necessary for MCPS to offer programs on its own. It seemed to him that they had to look at this very carefully before launching into a residential services program. He was surprised to see in the summary the presumption that the best way for a school system of this size to go was to have all internal programs. He was uncomfortable with the sweeping generalizations in the report.

Mrs. Shannon inquired about the time frame for the staff response. She would like to see the noncompliance issue addressed. She was concerned about the disproportionate number of black students being

classified as emotionally disturbed, and she asked the staff to address this question. Dr. Cody assured the Board staff would have a full report as early as the end of June and no later than the middle of July.

Dr. Shoenberg regretted that this report was scheduled at a time when an immediate response was not possible. He hoped that people would realize that the report was not the last word, and that some of the problems might have been dealt with. He hoped there would not be sensational headlines before they had an opportunity for a full discussion. He questioned the comparison of Level VI external and internal placements because the internal placement was based on a sample of only 11 students in a facility that was at the time undergoing development and expansion. He inquired about the validity of the sample, and Dr. Jones replied that as a professional with 30 years of experience in this field he would say the comparisons were pretty accurate. He urged the Board to read all the documents provided and not just the executive summary. Dr. Shoenberg questioned the statistical reliability of comparing 11 cases to almost 200. Dr. Jones replied that they were comparing RICA II with only the emotionally disturbed nonpublic placements and not the entire group. Dr. Shoenberg noted that this was not clear in the statements made.

Mrs. Peyser indicated that she had a number of questions she would submit in writing. She said the Board had received a letter from the Maryland Association of Nonpublic Schools, and she hoped that questions on costs raised in that letter would be addressed by staff. Dr. Greenblatt stated that she was surprised by Board comments which seemed to be taking a defensive posture. She said that the purpose of having an external evaluation was that criticisms would not be weighted one way or the other. She thought they should review the documents very carefully, and she pointed out that the study was dated and on a process that was in a constant state of change. She said that the issues had been raised and it was now up to the Board to look at the situation and see what changes should be made. Mrs. Praisner agreed; however, she did not see anything defensive in the comments but rather a desire to have staff review and comment. She noted that this was the first step and, as such, should not generate conclusions or headlines. In regard to the letter received by the

Board, she requested that staff obtain copies of the 1981 Baltimore study for Board members.

It seemed to Mr. Ewing that given the intense interest in this issue that people be given the opportunity to review the documentation and provide comment. Mrs. Praisner thanked Dr. Jones and Dr. Salmon for their presentation.

Re: Board/press/visitor Conference

The following individuals appeared before the Board of Education:

1. Mr. Will Adams
2. Ms. Jane Stern, MCEA

3. Mrs. Nancy Dacek, MCCPTA
4. Mrs. Joan Karasik
5. Ms. Pat Lawson

RESOLUTION NO. 293-84 Re: Approval of Revised Curriculum - English
Language Arts K-8 - Writing and Speaking

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

WHEREAS, The school laws of Maryland specify that the county superintendent shall prepare courses of study and recommend them for adoption by the county Board (The Annotated Code of the Public General Laws of Maryland Education, Section 4-205); and

WHEREAS, The school laws of Maryland also state that the county Board, on the written recommendation of the county superintendent, shall establish courses of study for the schools under its jurisdiction (The Annotated Code of the Public General Laws of Maryland Education, Section 4-110); and

WHEREAS, Board of Education policy has resolved "that newly developed curriculum documents will be presented to the Board of Education for consideration approximately one month prior to the date on which approval will be sought and the superintendent of schools may extend this period to allow further time for citizen reaction to curriculum documents dealing with sensitive topics...- (from Board RESOLUTION NO. 400-73, June 18, 1987); and

WHEREAS, The Program of Studies is the document which contains the prescribed curriculum elements, including instructional objectives, of all MCPS curriculum programs and courses (MCPS Regulation IFB-RA Development and Approval of Curriculum and Supporting Materials); and

WHEREAS, Excellence in curriculum can be maintained only by continuing attention to the need for curriculum change; and

WHEREAS, The Council on Instruction, charged by the superintendent with considering recommendations for curriculum change, has recommended approval of the revised K-8 writing and speaking curriculum; and

WHEREAS, The superintendent recommends that the Board approve the revised K-8 writing and speaking curriculum presented to the Board on April 24, 1984; now therefore be it

RESOLVED, That the Board of Education approve the revisions of the K-8 writing and speaking curriculum for publication in the Program of Studies.

RESOLUTION NO. 294-84 Re: Approval of Revised Curriculum - Physical
Education Grades K-12

WHEREAS, The County Council has placed \$35,000 in designated surplus in the Fiscal Year 1984 Budget for purchase of applications software for MCPS maintenance management; and

WHEREAS, The superintendent of schools will submit a recommendation to the Board of Education at a later meeting for award of a contract for the Maintenance Management System software under Request for Proposals (RFP) 84-24 to the bidder best meeting the technical and business requirements of the Request for Proposals for no more than \$35,000 in State Category 1, Administration; now therefore be it

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

RESOLUTION NO. 296-84 Re: Edward U. Taylor Center - Roof
Modification and Partial Reroof (Area 3)

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

WHEREAS, Sealed bids were received on May 10 for roof modification and partial reroofing of Edward U. Taylor Center as indicated below:

Bidder	Base Bid
1. Orndorff & Spaid, Inc.	\$47,978
2. R. D. Bean, Inc.	48,830
3. J. E. Wood & Sons Co., Inc.	54,706
4. Colbert Roofing Corporation	69,869
5. Hamilton & Spiegel, Inc.	76,905 and,

WHEREAS, The low bidder, Orndorff & Spaid, Inc., has performed similar projects satisfactorily; and

WHEREAS, Low bid is within staff estimate and sufficient funds are available in account 999-42 to effect award; now therefore be it

RESOLVED, That a contract for \$47,978 be awarded to Orndorff & Spaid, Inc., to accomplish roof modification and partial reroof at the Edward U. Taylor Center, in accordance with plans and specifications dated April 24, 1984, prepared by the Department of School Facilities.

RESOLUTION NO. 297-84 Re: Architectural Appointment - Gaithersburg
High School Addition (Area 3)

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

WHEREAS, It is necessary to appoint an architect to provide required

design services and administration of the construction contract for an addition at Gaithersburg High School; and

WHEREAS, A committee representing school staff and community, area office, school facilities and educational facilities planning staffs recommends the firm of Thomas Clark Associates (TCA); now therefore be it

RESOLVED, That the Board of Education enter into a contractual agreement with the firm of Thomas Clark Associates (TCA) to provide required design services and administration of the construction contract for the lump sum total of \$132,000 for an addition at Gaithersburg High School.

RESOLUTION NO. 298-84 Re: FY 1984 Supplemental Appropriation
Requests and Amendments to the FY 1984
Capital Improvements Program

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

WHEREAS, The County Council deleted two projects requested by the Board of Education in its FY 1985 Capital Budget to allow the county executive's staff additional time for analysis, with express understanding that the projects would be considered as FY 1984 supplemental appropriations and amendments to the FY 1984 Capital Improvements Program; now therefore be it

RESOLVED, That the Board of Education requests FY 1984 Capital Budget supplemental appropriations of \$133,000 to plan a 12-classroom-addition and other modifications to Seneca Valley High School and \$65,000 to plan expanded or new administrative offices in Area 3, and that the FY 1984 Capital Improvements Program be amended accordingly; and be it further

RESOLVED, That the county executive be requested to recommend approval of these actions to the County Council.

RESOLUTION NO. 299-84 Re: Purchase of Relocatable Modular Classroom Buildings

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

WHEREAS, A sealed bid was received on May 10, 1984, to purchase twelve 24' x 36' relocatable modular classrooms as indicated below:

Bidder	Base Bid
Commercial Modular Systems, Inc.	\$429,113.00

WHEREAS, Several prospective bidders were solicited; however, only one bid was received; and

WHEREAS, Staff has reviewed the bid and has determined it to be reasonable, within the budget, and in strict accordance with the specifications; and

WHEREAS, Sufficient funds are available to award this contract; now therefore be it

RESOLVED, That a contract for \$429,113.00 be awarded to Commercial Modular Systems Inc., to furnish twelve relocatable classrooms in accordance with the plans and specifications entitled, "Relocatable Modular Classroom Buildings," dated April 26, 1984, prepared by the Department of School Facilities.

RESOLUTION NO. 300-84 Re: Reduction of Retainage - Woodlin
Elementary School Addition and Modernization
(Area 1)

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

WHEREAS, Baron Builders, Inc., general contractor for Woodlin Elementary School Addition and Modernization, has completed 80 percent of the specified requirements and has requested that the 10 percent retainage amount, which is based on the completed work to date, be reduced to 5 percent retainage; and

WHEREAS, The project bonding company, Lumbermen's Mutual Casualty Company, Long Grove, Illinois, by letter dated May 14, 1984, consented to this reduction; and

WHEREAS, The project architect, Victor Smolen & Associates, has recommended that this request for reduction in retainage be approved by letter dated May 14, 1984; now therefore be it

RESOLVED, That the contract's specified 10 percent retainage withheld from periodic construction contract payments to Baron Builders, Inc., general contractor for the Woodlin Elementary School Addition and Modernization, currently amounting to 10 percent of the contractor's request for payment to date, now be reduced to 5 percent with remaining 5 percent to become due and payable after formal acceptance of the completed project and total completion of all remaining contract requirements.

RESOLUTION NO. 301-84 Re: FY 1984 Categorical Transfer within the
Family Systems Counseling Workshop
Project

On recommendation of the superintendent and on motion of Dr. Shoenberg seconded by Mrs. Shannon, the following resolution was

adopted unanimously:

RESOLVED, That the superintendent of schools be authorized to effect the following transfer within the FY 1984 Family Systems Counseling Workshop project funded by the Maryland State Department of Education under the Education Con-solidation and Improvement Act, Chapter 2 in accordance with the FY 1984 Provision for Transfer as adopted by Council Resolution 10-470 of November 15, 1983:

Category	From	To
02 Instructional Salaries		\$370
03 Instructional Other	\$420	
10 Fixed Charges		50
Total	\$420	\$420

and be it further

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

RESOLUTION NO. 302-84 Re: FY 1984 Supplemental Appropriation for a RICA II Summer Work Experience

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

RESOLVED, That the superintendent of schools be authorized, subject to County Council approval, to receive and expend an FY 1984 supplemental appropriation of \$20,761 from the Department of Facilities and Services of the Montgomery County Government for a RICA II and Bridge Summer Work Experience in the following categories:

Category	Supplemental
04 Special Education	\$18,945
10 Fixed Charges	1,816
Total	\$20,761

RESOLUTION NO. 303-84 Re: FY 1984 Categorical Transfer within the State Categorical Funding for Vocational Education

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

RESOLVED, That the superintendent of schools be authorized to effect within the FY 1984 State Categorical Funds for Occupational Programs

the following categorical transfer in accordance with the FY 1984 Provision for Transfer as adopted by Council Resolution 10-470 of November 15, 1983:

Category	From	To
03 Instructional Other	\$1,695	
10 Fixed Charges		\$1,695

and be it further

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

RESOLUTION NO. 304-84 Re: FY 1984 Categorical Transfer within the Vocational Education Programs

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

RESOLVED, That the superintendent of schools be authorized, subject to County Council approval, to effect the following transfer within the FY 1984 Vocational Education programs for home economics and professional development under P. L. 94-482 from the Maryland State Department of Education:

Category	From	To
02 Instructional Salaries	\$15,698	
03 Instructional Other		\$15,218
08 Operation of Plant & Equip.	555	
10 Fixed Charges		1,035
Total	\$16,253	\$16,253

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 sent to the county executive and County Council.

RESOLUTION NO. 305-84 Re: Personnel Appointments and Assignments

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

RESOLVED, That the following personnel appointments and assignments be approved:

Appointment	Present Position	As
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Joseph S. Villani	Principal Montgomery Blair H.S.	Area Director for Educational Services Area Admin. Office Grade Q Effective July 1, 1984
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Janet L. Bergman	Acting Supervisor of Elementary Instruction Area Admin. Office	Supervisor of El. Instruction Area Admin. Office Grade Q Effective May 22, 1984
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Reassignment

From

To

Beverly Hopkins	Academic Leave	Supervisor of Elementary Instruction Area Admin. Office Grade 0 Effective July 1, 1984
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Lucinda Sullivan	Psychological Intern (50 percent) Diagnostic Professional and Support Team	Assistant Principal Springbrook High Effective 7-1-84
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Clifton Crockett	Principal Summit Hall ES	Elementary Assistant Principal Location to be determined Effective July 1, 1984 Retirement July 1, 1986
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Temporary Reassignment for the 1984-1985 School Year

Name and Present Position	Position Effective July 1, 1984	Position Effective July 1, 1985
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John F. Walker Personnel Specialist Division of Salary Admin. and Records	Teacher Placement Asst. (A&S Teacher) Division of Staffing	Retirement
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James Heins A&S Teacher Springbrook High (Requesting extension)	A&S Teacher	Consideration for principalship or another A&S position for which qualified
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Re: Student Publication Guidelines

Mrs. Praisner noted that this item was for discussion only, and Dr. Pitt explained that after Board review the item would be sent out to

various groups for written comments. He said that they had a small group working on this and asked Dr. Edward Shirley, administrative assistant, to explain the process.

Dr. Shirley reported that after the Walter Johnson case, the committee had looked at existing guidelines and tried to eliminate the concerns that had been expressed. They had expanded their area of concern from yearbook advertising to publication guidelines.

Ms. Judy Bresler, Board attorney, stated that the Board's directive was to review the overall content of student publications including, but not limited to, yearbooks and advertising. The committee reviewed possible guidelines as being applicable to all student publications.

The committee decided to eliminate the distinction between school-sponsored publications and publications without school-sponsorship. For example, the definition of libelous and obscene material was applicable to both publications. Ms. Bresler said that the guidelines were a combination of existing guidelines regarding non-school sponsored publications, previous guidelines for advertising, the Board's decision, and the latest from legal cases. She had assisted the committee in drafting specific language. She explained that students did have First Amendment rights, but these rights were not consistent with those of adults. They could have prior restraints on these rights, but they had to have precise criteria. She said that each of the proposed guidelines did have some basis in whole or part with existing law, and she had attempted to use the language of the courts. The committee would continue to look at the guidelines and review them. It was the consensus of the committee that these guidelines were workable and more specific than the previous ones.

Mrs. Peyser inquired about the statement "unless such use is authorized" and asked who would grant the authorization. Ms. Bresler replied that the person who was the subject of the ad would give the authorization, and Mrs. Peyser suggested that this be indicated. Mrs. Peyser questioned the footnote on a "significant number of students" being affected by a disruption. She suggested ending the footnote with "misbehavior or turmoil." Ms. Bresler explained that they were defining a "substantial" disruption either in terms of the number of students involved or the importance of the act being disruptive. Mrs. Peyser noted that the second bullet was the only one using "and" and suggested using "or." Ms. Bresler explained that this language was from court cases and the Board would be the ultimate decider of the reasons for rejection.

Dr. Greenblatt indicated that she was having problems with "taking material as a whole." In addition, she did not see the words "vulgar" and "in bad taste" in the new language. Mrs. Praisner did not interpret the regulation as not allowing them to deal with one piece of an article. Ms. Bresler explained that "as a whole" was the court language, and she would not recommend omitting this language.

Mr. Ewing thought that the proposal in front of the Board was very reasonable. He said that the Board needed to be careful about

adopting guidelines which might be too absolute and end up with endless appeals and law suits. It was his view that while there might be some items to be clarified this was basically a good approach and a workable one.

Mrs. Shannon suggested that in the first statement they indicate the person responsible for the first level of rejection. Dr. Shirley explained that they did not get into any of the appeals process. Mrs. Shannon noted that in the previous policy the principal could halt the action, and Ms. Bresler said they had included halting of the publication in here because of the previous policy. Mrs. Praisner suggested adding "by an appropriate staff member." Dr. Pitt agreed that they needed to rework some of the language.

Mr. Robertson said he had some concerns about putting together school-sponsored and non-school sponsored publications. He asked how prior restraint would apply, and Ms. Bresler replied that it would not. All the guidelines would apply to both kinds of publications. Mr. Robertson was concerned about the individuals who would be implementing the policy, and he suggested making clear which part applied to which publication. Ms. Bresler said that they could add something to the effect that school-sponsored publications might be rejected or non-school sponsored publications might be halted. Mr. Robertson said that the biggest problem was eliminating the section where students had some editorial control over their own publications as in C. 1. b. He suggested that the statement in C. 1. b be retained.

Miss Jacquie Duby was concerned about the use of the word "guidelines" and suggested that if they were setting regulations, the paper should be referred to as a "regulation." She thought they would be less vague if they retained the subsection dealing with the three criteria from the original guidelines. She also thought that students did see a value in having more definitive guidelines; however, she was concerned about how far they could go and still be in compliance with the Constitution. She hoped that student publications would still reflect the views of students, and she noted that there was a value in students exercising editorial comment.

Mr. Kevin Keegan, Rockville High School newspaper advisor, cited an Iowa guideline which suggested that one of the most important things they could do for students was to explain what the laws were and then explain what good judgment, tact, and integrity were all about. One of their responsibilities should be to encourage students to use good judgment. It was his opinion that the new guidelines were not too restrictive and in most cases the guidelines had been upheld by the law. He thought that while the students at Walter Johnson used bad judgment, he was not convinced their judgment was illegal.

Ms. Sally Walsh, coordinator of secondary English, stated that it was possible to "guide" or regulate student publications out of existence. She would endorse the guidelines before the Board, and she thought the guidelines presented a very sensible framework for advisors. Mrs. Praisner raised the question of when students would

receive information about the guidelines, and she asked for some assurance that the staff was also reviewing the timing and sequence of that material. Dr. Pitt assured her that this portion of the Board's request was undergoing study. Mrs. Praisner also asked about the signed form for the ad and the Board's disclaimer, and she also inquired about students who were involved in these activities and not participating in journalism classes. She asked that she be provided with answers or that the matter be discussed at a future meeting.

Mr. Ewing commented that it was an illusion to think they could escape the exercise of judgment. For example, if they prohibited everything, they would violate the First Amendment. He thought there would always be disagreement, but they did have to set a reasonable course of action. He said they did want to encourage student publications and yet encourage students to be responsible.

Mr. Robertson asked that the Board be provided with a rewrite of the proposed guidelines. He was particularly concerned about IV.C.1.b. of the Student Rights document. He also asked that the guidelines be scheduled for action while he was still a Board member.

Dr. Greenblatt remarked that the more the Board discussed the guidelines, the more concerned she became about the guidelines. She said that the whole question played around with legalities, and she was concerned that they were working themselves into a legal framework rather than thinking of themselves in an educational situation over which they should have some control. She said that the student editors should be responsible to a publisher, which was the school system. If they allowed objectionable material to be published, they were reneging on their responsibilities as adults. She asked that they be more specific and not give up their responsibilities. Ms. Bresler did not think the school system was abrogating its responsibilities, but rather it was guiding students to exercise good judgment. She said they got into the legalities when it came to the ultimate decision of forbidding publication.

Dr. Shoenberg pointed out that the Board got to this point because they had a set of guidelines that were not legally defensible. He hoped that the Board would have an opportunity to discuss this again. Mrs. Praisner asked that the document be sent out for reaction and then brought to the Board for adoption.

Re: Recommendations on the Fiscal 1985
Operating Budget Following County Council
Action

Dr. Greenblatt moved and Mr. Ewing seconded the following:

WHEREAS, The Board of Education's Fiscal 1985 Operating Budget of \$399,358,339 was adopted February 29, 1984; and

WHEREAS, In appropriating \$398,631,875 for the Board of Education Operating Budget, the County Council made changes resulting in (\$726,464) of reductions from various state budget categories as shown

in the schedule below:

Category	BOE	Council Changes	Total
1 Administration	\$ 25,066,787	\$ 1,150,000	\$ 26,216,787
2 Instruc. Salaries	203,301,812	(309,453)	202,992,359
3 Other Instruc. Costs	10,238,294	38,000	10,276,294
4 Special Education	41,388,588	-	41,388,588
5 Student Pers. Svs.	1,261,270	-	1,261,270
6 Health Services	31,975	-	31,975
7 Transportation	20,719,480	(1,437,500)	19,281,980
8 Plant Operations	33,572,110	(5,169)	33,566,941
9 Maintenance	11,746,973	(120,000)	11,626,973
10 Fixed Charges	38,547,787	(42,342)	38,505,445
11 Food Services	614,893	-	614,893
61 School Lunch Fund	12,868,370	-	12,868,370
Total	\$399,358,339	\$ (726,464)	\$398,631,875

and

WHEREAS, The County Council provided \$1.5 million in the Administrative State Category for the express purpose of cable research and development as provided for in Council Resolution 10-608; and

WHEREAS, This \$1.5 million represents an increase in the administrative category not requested by the Board; and

WHEREAS, The Council added \$988,036 for a countywide arts center not previously requested by the Board; and

WHEREAS, Both of these items will require extensive review by the Board because of their effect on educational policy in the public schools; now therefore be it

RESOLVED, That the Board of Education hereby adopts its original Fiscal 1985 Operating Budget as reduced by Council according to the details shown in Schedule A in the amount of \$396,143,839; and be it further

RESOLVED, That the Board of Education will continue to consider the Council additions of \$1,500,000 for cable related research and \$988,036 for a county-wide arts center to determine the most appropriate course of action; and be it further

RESOLVED, That the county executive and County Council be informed of this action.

Re: A Motion by Dr. Greenblatt to Amend the
Proposed Budget Resolution (FAILED)

A motion by Dr. Greenblatt to amend the proposed budget resolution by adding a clause, "WHEREAS, The Board views the Council action to add to the education budget as unprecedented and illegal and as usurping

the Board of Education's educational policy-making role; now therefore be it" failed with Dr. Greenblatt, Mrs. Peyser, and Mrs. Praisner voting in the affirmative; Mr. Ewing and Dr. Shoenberg voting in the negative; Mrs. Shannon abstaining (Mr. Robertson abstaining).

RESOLUTION NO. 306-84 Re: An Amendment to the Proposed Resolution on the Operating Budget

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

RESOLVED, That the proposed resolution on the operating budget be amended by the addition of a WHEREAS clause:

"WHEREAS, The Board views the Council action to add to the education budget as unprecedented and as usurping the Board of Education's educational policy-making role; now therefore be it."

RESOLUTION NO. 307-84 Re: Recommendations on the Fiscal 1985 Operating Budget Following County Council Action

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

WHEREAS, The Board of Education's Fiscal 1985 Operating Budget of \$399,358,339 was adopted February 29, 1984; and

WHEREAS, In appropriating \$398,631,875 for the Board of Education Operating Budget, the County Council made changes resulting in (\$726,464) of reductions from various state budget categories as shown in the schedule below:

Category	BOE	Council Changes	Total
1 Administration	\$ 25,066,787	\$ 1,150,000	\$ 26,216,787
2 Instruc. Salaries	203,301,812	(309,453)	202,992,359
3 Other Instruc. Costs	10,238,294	38,000	10,276,294
4 Special Education	41,388,588	-	41,388,588
5 Student Pers. Svs.	1,261,270	-	1,261,270
6 Health Services	31,975	-	31,975
7 Transportation	20,719,480	(1,437,500)	19,281,980
8 Plant Operations	33,572,110	(5,169)	33,566,941
9 Maintenance	11,746,973	(120,000)	11,626,973
10 Fixed Charges	38,547,787	(42,342)	38,505,445
11 Food Services	614,893	-	614,893
61 School Lunch Fund	12,868,370	-	12,868,370
Total	\$399,358,339	\$ (726,464)	\$398,631,875
Total	\$399,358,339	\$ (726,464)	\$398,631,875

and

WHEREAS, The County Council provided \$1.5 million in the Administrative State Category for the express purpose of cable research and development as provided for in Council Resolution 10-608; and

WHEREAS, This \$1.5 million represents an increase in the administrative category not requested by the Board; and

WHEREAS, The Council added \$988,036 for a countywide arts center not previously requested by the Board; and

WHEREAS, Both of these items will require extensive review by the Board because of their effect on educational policy in the public schools; and

WHEREAS, The Board views the Council action to add to the education budget as unprecedented and as usurping the Board of Education's educational policy-making role; now therefore be it

RESOLVED, That the Board of Education hereby adopts its original Fiscal 1985 Operating Budget as reduced by Council according to the details shown in Schedule A in the amount of \$396,143,839; and be it further

RESOLVED, That the Board of Education will continue to consider the Council additions of \$1,500,000 for cable related research and \$988,036 for a county-wide arts center to determine the most appropriate course of action; and be it further

RESOLVED, That the county executive and County Council be informed of this action.

Dr. Greenblatt left the meeting at this point.

Re: Superintendent's Task Force on Budget
Format

Mr. Ewing thought that the approach suggested by the superintendent was a good one. He said that when the task force looked at purpose it also needed to look at who were the users and for what purpose they used the budget. He felt that membership on the task force ought to include some representatives of users. For example, they might consult with the staffs of the County Council and county executive, but not necessarily as members of the task force. They should have citizen participation as well.

Mr. Robertson noted that he had sent the superintendent a memo on this subject. He pointed out that students were citizens as well and, if not members, should have an opportunity to comment. Mrs. Praisner said that the timeframe would indicate the need for a small task force with a rapid turnaround time.

Re: Board Member Comments

1. Mrs. Peyser reported that recently the Board had received an information item on smoking areas and according to the report none of the high schools had chosen to be a nonsmoking school. She said that more and more schools in Fairfax County were becoming nonsmoking schools, and she hoped the superintendent would do something about this. She remarked that she did not understand why students needed to smoke in order to learn. She pointed out that they spent time teaching students not to smoke and then rewarded them by allowing them to smoke when they got to high school.

2. Dr. Shoenberg reported that he had been meeting with a small group of people at the state level to develop a plan whereby school systems might comply with the accountability section of the Civiletti funding legislation. The effort was to try to anticipate the formation of a task force required by the Civiletti legislation to oversee the distribution of these funds. He indicated that he was very impressed by the spirit of cooperation by all of the school systems in the state and would report to the Board that the task was well in hand.

3. Mr. Ewing stated that they had heard earlier about the County Council's interest in the Northwood group which was trying to keep the school open. He understood the Board was going to receive a request for data, and he hoped that the Board would cooperate in providing the data but at the same time make it clear that this was an area where the Board had exclusive authority.

4. Mrs. Praisner indicated that she and Dr. Cody had attended a meeting of the Montgomery Connection which was soon to become their latest foundation. Sally Keeler would be serving as the staff member, and the focus of the foundation would be on science and math support for the schools and on developing a data base for use in the community.

5. Mrs. Praisner reported that the Board Office now had a packet of materials on the recent state conference on Brown vs. the Board of Education.

6. Mrs. Praisner noted that the state superintendent of schools would be visiting Montgomery County on May 29. He would attend a forum sponsored by MCCPTA on that evening.

RESOLUTION NO. 308-84 Re: Executive Session - June 12, 1984

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

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 June 12, 1984, at 10:30 a.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. 309-84 Re: Executive Session - June 14, 1984

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

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 June 14, 1984, at 8 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. 310-84 Re: Minutes of March 26, 1984

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

RESOLVED, That the minutes of March 26, 1984, be approved.

RESOLUTION NO. 311-84 Re: Minutes of March 28, 1984

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

RESOLVED, That the minutes of March 28, 1984, be approved.

RESOLUTION NO. 312-84 Re: Montgomery County Preschool

On motion of Mr. Ewing seconded by Dr. Cronin (on May 1), the following resolution was adopted with Mr. Ewing, Mrs. Praisner, Mrs. Shannon, and Dr. Shoenberg voting in the affirmative; Mrs. Peyser abstaining (Mr. Robertson voting in the affirmative):

RESOLVED, That the Board of Education schedule a discussion on the issue of the Montgomery Preschool Achievement Center.

RESOLUTION NO. 313-84 Re: Poolesville

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

RESOLVED, That the Board of Education schedule time to hear from staff regarding staffing, honors programs, and other plans for the next school year at Poolesville Junior-senior High School.

Re: New Business

Mrs. Shannon moved and Mr. Ewing seconded the following:

RESOLVED, That the Board of Education schedule a discussion in the very near future on the area of equity in application of the discipline policy.

Re: Items of Information

Board members received the following items of information:

1. Monthly Financial Report
2. Adult and Student Perceptions of ESOL Program
3. Guide to Evaluating Programs for Handicapped Preschoolers
4. Board of Education Office Annual Report

RESOLUTION NO. 314-84 Re: Adjournment

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

RESOLVED, That the Board of Education adjourn its meeting at 11:35 p.m.

PRESIDENT

SECRETARY

WSC:mlw