

Education:

1. Darryl Runett, Ritchie Park
2. Sara Hecht
3. Ann Geldon
4. James Lee
5. Larry Goldstein
6. Douglas Metz
7. Judy Greenberg

RESOLUTION NO. 304-85 Re: PROCUREMENT CONTRACTS OVER \$25,000

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

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

RESOLVED, That having been duly advertised, the contracts be awarded to the low bidders meeting specifications as shown for the bids as follows:

| | NAME OF VENDOR | DOLLAR VALUE OF CONTRACTS |
|--------|--|---------------------------|
| 130-85 | Copying Machine, Plain Paper | |
| | Consolidated Photocopy Co. | \$257,400 |
| | Oce Business Systems, Inc. | 27,624 |
| | | ----- |
| | TOTAL | \$285,024 |
| 176-85 | Early Learning Equipment and Supplies | |
| | Beckley Cardy Co. | \$ 4,402 |
| | Chaselle, Inc. | 13,431 |
| | Community Playthings | 25,285 |
| | Constructive Playthings | 14,752 |
| | Crown Educational & Teaching Aids | 1,583 |
| | Nelson C. White Co. | 756 |
| | | ----- |
| | TOTAL | \$ 60,209 |
| 187-85 | Cash Registers | |
| | Metropolitan Cash Register Systems, Inc. | \$ 35,452 |
| 538-5 | Automotive Parts | |
| | District International | \$ 16,280 |
| | H.D.P., Inc. | 19,218 |
| | | ----- |
| | TOTAL | \$ 35,498 |
| | GRAND TOTAL | \$416,183 |

RESOLUTION NO. 305-85 Re: MODIFICATIONS TO JOHN F. KENNEDY HIGH SCHOOL (AREA 1) REJECTION OF BIDS

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

WHEREAS, A sealed bid was received on June 19, for modifications to areas 109 and 213 at John F. Kennedy High School as indicated below:

| BIDDER | BASE BID |
|-------------------------------|-----------|
| Construction-Commercial, Inc. | \$143,600 |

and

WHEREAS, The bid from Construction-Commercial, Inc., substantially exceeded the staff estimate and available funding; and

WHEREAS, School facilities staff will make the required changes in the specifications and rebid the project; now therefore be it

RESOLVED, That the bid received from Construction Commercial, Inc., on June 19 for modifications to areas 109 and 213 at John F. Kennedy High School, be rejected and the project be readvertised.

RESOLUTION NO. 306-85 Re: ASBESTOS REMOVAL, INSULATION REPAIR, AND REINSULATION AT WALTER JOHNSON HIGH AND HERBERT HOOVER JUNIOR HIGH SCHOOLS, CARVER EDUCATIONAL SERVICES CENTER - TV STUDIO AND OLD CARPENTER SHOP

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

WHEREAS, Sealed bids were received on June 20 1985, for accomplishing asbestos removal, insulation repair, and reinsulation at Walter Johnson High and Herbert Hoover Junior High Schools, T.V. Studio - Carver Educational Services Center, and old Carpenter Shop, as indicated below:

1. TBN Associates, Inc. - Proposal A - Walter Johnson \$56,926*; Proposal B - Hoover \$26,970*; Proposal C - TV Studio \$16,375*; and Proposal D - Old Carpenter Shop \$12,655
 2. Baltimore Asbestos Removal Co., Inc. - Proposal A - \$65,434; Proposal B - \$28,899; Proposal C - \$71,244; and Proposal D - \$10,464**
 3. Asbestos Environmental Services, Inc. - Proposal A - \$78,000; Proposal B - \$42,500; Proposal C - \$29,165; and Proposal D - N/B
 4. The Walter E. Campbell Co., Inc. - Proposal A - \$108,000; Proposal B - \$87,200; Proposal C - \$58,315; and Proposal D - \$18,135
- * Indicates acceptance of Proposals A through C

** Indicates acceptance of Proposal D

and

WHEREAS, Sufficient funds reside for project awards; now therefore be it

RESOLVED, That a contract be awarded to TBN Associates, Inc., in the amount of \$100,271, for the asbestos removal, insulation repair, and reinsulation at Walter Johnson High (Proposal A), Herbert Hoover Junior High School (Proposal B), and Carver Educational Services Center - T.V. Studio (Proposal C) in accordance with plans and specifications entitled, "Asbestos Removal, Insulation Repair, and Reinsulation at Walter Johnson High School, Herbert Hoover Junior High School, T.V. Studio - Carver Educational Services Center, Old Carpenter Shop," dated June 7, 1985, prepared by the Department of School Facilities; and be it further

RESOLVED, That a contract be awarded to Baltimore Asbestos Removal Co., Inc. for \$10,464, for the asbestos removal and repair to the ceiling at the Old Carpenter Shop (Proposal D) in accordance with plans and specifications entitled, "Asbestos Removal, Insulation Repair, and Reinsulation at Walter Johnson High School, Herbert Hoover Junior High School, T.V. Studio - Carver Educational Services Center, Old Carpenter Shop," dated June 7, 1985, prepared by the Department of School Facilities.

RESOLUTION NO. 307-85 Re: AWARD OF CONSTRUCTION CONTRACT - SOUTH GERMANTOWN ELEMENTARY SCHOOL (AREA 3)

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

WHEREAS, Sealed bids were received on June 19, as indicated below, for the new South Germantown Elementary School:

1. Jesse Dustin & Son, Inc. - Base Bid - \$5,590,000; Deduct Alt. 1 - \$500,000; Deduct Alt. 2 - \$13,000; Deduct Alt. 3 - \$44,000; and Total \$5,090,00*
2. Kora & Williams Corporation - Base Bid - \$5,593,000; Deduct Alt. 1 - \$476,000; Deduct Alt. 2 - \$12,600; Deduct Alt. 3 - \$40,000; and Total \$5,117,000
3. Deneau Construction, Inc. - Base Bid - \$5,627,000; Deduct Alt. 1 - \$475,000; Deduct Alt. 2 - \$11,000; Deduct Alt. 3 - \$40,000; and Total \$5,152,000
4. Kimmel & Kimmel, Inc. - Base Bid - \$5,718,000; Deduct Alt. 1 - \$519,000; Deduct Alt. 2 - \$12,600; Deduct Alt 3 - \$43,000; and Total \$5,199,000
5. L. F. Jennings, Inc. - Base Bid - \$5,750,000; Deduct Alt. 1 - \$475,000; Deduct Alt. 2 - \$16,670; Deduct Alt. 3- \$43,000; and Total \$5,275,000
6. N. S. Tavrou Construction Co., Inc. - Base Bid - \$5,810,000; Deduct Alt. 1 - \$480,000; Deduct Alt. 2 - \$16,000; Deduct Alt. 3 -

\$43,000; and Total \$5,330,000

7. Henley Construction Co., Inc. - Base Bid - \$5,846,000; Deduct Alt. 1 - \$500,000; Deduct Alt. 2 - \$9,000; Deduct Alt. 3 - \$43,000; and Total \$5,346,000

8. Van Dusen Construction Company - Base Bid - \$6,240,000; Deduct Alt. 1 - \$530,000; Deduct Alt. 2 - \$7,000; Deduct Alt. 3 - \$53,000; and Total \$5,710,000

*Indicates acceptance of base bid and deduct Alternate 1

Description of Alternatives:

Deduct Alternate 1: Planetarium

Deduct Alternate 2: Terrazzo Floor Tile

Deduct Alternate 3: Landscaping

and

WHEREAS, The apparent second low bidder, Kora & Williams Corporation, filed a protest over the language of the bonding company's letter to the apparent low bidder, Jesse Dustin & Son, Inc., agreeing to provide a performance and labor and materials payment bond; and

WHEREAS, Staff has reviewed the protest with counsel and conclude the protest is without merit as the alleged qualification does not modify the intent of the statement and is the reason a bid bond is required; and

WHEREAS, The low bidder, Jesse Dustin & Son, Inc., has successfully performed similar projects; and

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

RESOLVED, That the Board of Education finds the bid submitted by Jesse Dustin & Son, Inc., to be responsive as it adequately meets the contract requirements; and be it further

RESOLVED, That a contract for \$5,090,000 be awarded to Jesse Dustin & Sons, Inc., to accomplish the requirements of the plans and specifications entitled, "South Germantown Elementary School," dated May 28, 1985, prepared by SHWC, Inc., architects.

RESOLUTION NO. 308-85 Re: RESURFACING OF RUNNING TRACKS AND FIELD EVENT RUNWAYS

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

WHEREAS, A sealed bid was received on June 13, 1985, to resurface two running tracks and field event runways at Albert Einstein and Col. Zadok Magruder High Schools as indicated below:

| Unit Price | Alt. #1 | Alt. #2 | Alt #3 |
|---------------|---------|---------|---------|
| (Per sq.yd.)* | Sq. Yd. | Track | Sq. Yd. |

The American As- \$6.25 \$30.00 \$3,150.00 \$6.95
phalt Paving Co.,
Inc.

*Total: approximately 10,000 sq. yds.

DESCRIPTION OF ALTERNATES:

Alternate #1 is a price per sq. yd. for the removal of bad base material on the existing track or runways and its replacement with new base material.

Alternate #2 is a price per track, including field events, for the repainting of lines and new resilient surface material.

Alternate #3 is a price per sq/ yd. to furnish and install two coats of polyurethane wearing surface applied over new resilient overlay.

and

WHEREAS, The low bidder has performed successfully on similar projects and the bid is within staff estimate and sufficient funds exist to permit contract award; now therefore be it

RESOLVED, That a contract (base bid and alternates 1 through 3) not to exceed the FY 1986 appropriation of \$120,000.00) be awarded to The American Asphalt Paving Co., Inc., for the resurfacing of the running tracks and field event runways at Magruder and Einstein High Schools (Einstein will also receive the polyurethane wearing surface as it hosts regional track events), in accordance with specifications entitled, "Resurfacing of Running Tracks and Field Event Runways," dated May 30, 1985, prepared by the Division of Construction and Capital Projects.

RESOLUTION NO. 309-85 Re: STEPS, RAMPS, DECKS, AND SKIRTING FOR RELOCATABLE CLASSROOMS

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

WHEREAS, Sealed bids were received on June 20 for steps, skirts, decks, and ramps for portable classroom buildings as follows:

- | | |
|--------------------------|----------|
| 1. H & H Enterprises | \$49,950 |
| 2. Ernest R. Sines, Inc. | 61,900 |

and

WHEREAS, There are sufficient funds to effect contract award and the cost is within staff estimate; now therefore be it

RESOLVED, That a contract for \$49,950 be awarded to H & H Enterprises

to furnish and install steps, skirts, decks, and ramps for portable classrooms at various locations in accordance with plans and specifications covering this work dated May 30, 1985, prepared by the Department of School Facilities.

RESOLUTION NO. 310-85 Re: ELECTRICAL SERVICE FOR PORTABLE
CLASSROOM BUILDINGS

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

WHEREAS, Sealed bids were received on June 20, 1985, for electrical service for portable classroom buildings as follows:

| BIDDER | PROJECT 1 | PROJECT 2 |
|------------------------------------|-----------|-----------|
| Paul J. Vignola Electric Co., Inc. | \$82,828 | \$62,626 |

and

WHEREAS, While there was only one bid, the work must begin immediately if electrical service is to be available at the various portables locations; now therefore be it

RESOLVED, That a contract for \$145,454 be awarded to Paul J. Vignola Electric Co., Inc., for electrical service for portable classroom buildings in accordance with plans and specifications covering this work dated May 16, 1985, as revised on June 5, 1985, prepared by the Department of School Facilities.

RESOLUTION NO. 311-85 Re: CONTINUATION OF CONTRACT - ENERGY
MANAGEMENT PROGRAM

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

WHEREAS, The Board of Education in FY 1978 awarded a contract to Computerized Electrical Energy Systems, Inc., now Complete Building Services, Inc., (CBS) to furnish and install an energy management computer and system; and

WHEREAS, CBS has agreed to extend the unit equipment prices quoted in its original bid with an agreement that equipment which has a cost lower than that quoted in the original bid will be provided at the new, lower cost; and

WHEREAS, CBS is the only vendor qualified to effect software/equipment changes to the computerized energy management system without nullifying the original equipment warranties; and

WHEREAS, CBS has performed satisfactorily under the existing

contract; now therefore be it

RESOLVED, That the contract with Complete Building Services, Inc., for expansion of the computerized energy management system be extended from July 1, 1985, to June 30, 1986, to connect additional schools (approximately 20) utilizing funds appropriated in the FY 1986 Capital Budget for this purpose.

RESOLUTION NO. 312-85 Re: TRANSFER FROM LOCAL UNLIQUIDATED SURPLUS ACCOUNT - WASHINGTON GROVE ELEMENTARY SCHOOL (AREA 3)

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

WHEREAS, A post occupancy review has been completed by school facilities staff in conjunction with administration at Washington Grove Elementary School; and

WHEREAS, Additional furniture/equipment and construction needs have been identified and prioritized that are appropriate capital activities; and

WHEREAS, The project contingency has been depleted and a transfer from the Local Unliquidated Surplus Account is necessary to fund these additional needs; now therefore be it

RESOLVED, That the county executive be requested to recommend approval of a transfer of \$28,000 from the Local Unliquidated Surplus Account 997-01 (balance before transfer \$75,428.42) to the Washington Grove Elementary School project, No. 552-08.

RESOLUTION NO. 313-85 Re: STADIUM LIGHTING - THOMAS S. WOOTTON HIGH SCHOOL

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

WHEREAS, The mayor and City Council of Rockville and the Thomas S. Wootton Booster Club have joined forces to provide lights for the football stadium at the school; and

WHEREAS, The City Council appropriated \$65,000 from its FY 1986 Capital Improvements Budget for this purpose; and

WHEREAS, Montgomery County Public Schools' involvement will include a use agreement, agency expertise in the development of plans and specifications, bidding, contract award, and supervision of construction; and

WHEREAS, Sealed bids were received on June 18, as indicated below:

| BIDDER | LUMP SUM |
|---------------------------------------|----------|
| 1. Paul J. Vignola Electric Co., Inc. | \$62,626 |
| 2. C. G. Estabrook, Inc. | 63,100 |
| 3. Herring Electric Company, Inc. | 77,218 |
| 4. Jack Stone Electrical | 82,000 |

and

WHEREAS, The low bidder, Paul J. Vignola Electric Co., Inc. has performed similar projects satisfactorily; and

WHEREAS, Low bid is within staff estimate and the cost will be temporarily charged to Local Capital Improvements, 99-42, pending receipt of the City of Rockville appropriation; now therefore be it

RESOLVED, That a contract for \$62,626 be awarded to Paul J. Vignola Electric Co., Inc., to accomplish stadium lighting for the football field at the Thomas S. Wootton High School, in accordance with plans and specifications dated June 3, 1985, prepared by the Division of Construction and Capital Projects; and be it further

RESOLVED, That the mayor and City Council of Rockville be requested to take the necessary steps to effect reimbursement to Montgomery County Public Schools in a timely manner.

RESOLUTION NO. 314-85 Re: PERSONNEL APPOINTMENTS, TRANSFERS AND REASSIGNMENTS

On recommendation of the superintendent and on motion of Mrs. DiFonzo seconded by Mrs. Slye, the following resolution was adopted unanimously:

RESOLVED, That the following personnel appointments, transfers, and reassignments be approved:

| REASSIGNMENT | FROM | TO |
|-----------------|----------------------------------|--|
| Francis Sweeney | Principal Academic Leave | Principal Meadow Hall Elem. Effective 7/1/85 |
| | | |
| APPOINTMENT | PRESENT POSITION | AS |
| Myra Abramovitz | PPW Intern Area Admin. Office | Pupil Pers.Worker Area Admin. Office Grade G Effective 7/1/85 |
| Carrie Miller | PPW Intern Area Admin. Office | Pupil Pers.Worker Area Admin. Office Grade G Effective 7/1/85 |

| | | |
|---|---|---|
| Alberto Reluzco | PPW Intern Area Admin. Office | Pupil Pers.Worker Area Admin.Office Grade G Effective 7/1/85 |
| Judith Docca | Human Relations Spec. Dept. of Human Relations | Asst. Principal Blair High School Effective 7/1/85 |
| Marlene Hartzman | Acting Asst. Principal Gaithersburg High | Asst. Principal Gaithersburg High Effective 7/1/85 |
| Judy Patton | Academic Leave | Asst. Principal Sligo Middle School Effective 7/1/85 |
| TRANSFER | FROM | TO |
| Steve Berry | Asst. Principal Ridgeview Junior | Asst. Principal Walt Whitman High Effective 7/1/85 |
| REASSIGNMENT | FROM | TO |
| Russell L. Fleury | Asst. Principal U & I Leave | Asst. Principal Ridgeview Junior Effective 7/1/85 |
| Ann R. Mathias | Elem. Princ. Trainee Personal Illness Lv. | Elem. Asst. Princ. School Location to be Determined Effective 7/1/85 |
| NAME AND PRESENT POSITION | POSITION EFFECTIVE July 1, 1985 | POSITION EFFECTIVE July 1, 1986 |
| Betty Berger Principal Galway Elementary | A&S Counselor Area 1 | Retirement |
| Robert Hacker Principal Kennedy High School | Admin. Asst. to Area 1 Assoc. Superintendent | Principal or A&S position for which qualified |
| REASSIGNMENT | FROM | TO |
| Stanley Sincevich | Principal, temporarily reassigned to asst. princ., Beall Elem | Asst. Principal Beall Elementary Effective 7/1/85 Retirement 7/1/88 |

RESOLUTION NO. 315-85 Re: ESTABLISHMENT OF TWO POSITIONS IN

OFFICE OF THE SUPERINTENDENT OF SCHOOLS

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

WHEREAS, The superintendent has general responsibility for the direction, management, and evaluation of the school system programs and activities; and

WHEREAS, The superintendent has determined that the establishment of two positions, a special assistant to the superintendent and a secretary, in his immediate office will greatly enhance his ability to perform those general functions in an effective manner; and

WHEREAS, The special assistant would assume some of the duties of the executive assistant to the superintendent, thus allowing the executive assistant to devote more time and attention to the departments and functions that would continue under his supervision; and

WHEREAS, The special assistant's primary responsibility would be to assist the superintendent in establishing and maintaining procedures which would enhance the quality of staff work for the superintendent and assist the superintendent in ways which would enhance the effective use of the superintendent's time; now therefore be it

RESOLVED, That the position of special assistant to the superintendent in the Office of the Superintendent is thereby authorized as an unscheduled position for salary purposes; and be it further

RESOLVED, That a position of administrative secretary II (Grade 12) to support the work of the special assistant to the superintendent be authorized; and be it further

RESOLVED, That these two positions be established without an increase in the total FY 1986 Operating Budget.

Re: STUDENT RIGHTS AND RESPONSIBILITIES
POLICY

Dr. Cody explained that the review committee was established by the superintendent and made recommendations for changes in the policy. He had shared the recommendations with the Administrative Team, and it was his recommendation that the committee's proposals be adopted with one exception on the eligibility of student government officers. The committee proposed that this section be deleted and a study be undertaken on the general eligibility for all extracurricular activities. He agreed that a study was needed, but he thought the policy should not be changed until the study was completed.

Dr. Thornton Lauriat, supervision of secondary instruction, reported that the committee had spent a fair amount of time discussing what

they saw as an inconsistency which existed between the Student Rights policy in regard to attendance and the LC/E failing grade as a result of unexcused nonattendance and the grading and reporting policy which called for the grades to be issued on achievement of objectives rather than behavioral aspects. However, the committee did not make any recommendation for a change to the Student Rights policy; the committee thought the Board should address this in the future.

Miss Duby thought they had a sound policy here. The first issue dealt with the eligibility policy for extracurricular activities. They had had these requirements for sports for some time, and last year the Board added eligibility requirements for student government and class officers. She would go along with the committee in saying there had a definite inequity. She also feared that once they opened this up they would have a whole can of worms to deal with. If they were saying wait until they had a full report from the committee, she thought the Board needed to do a couple of things. She suggested the Board give the committee a charge to do this. She also had a problem with the different requirements between sports and class officers. She thought that was a blunder by the Board. If they were going to leave this in place for another year, she thought they should have equity between the two groups. Mr. Mike Michaelson, administrative assistant for student affairs, explained that the academic requirement for student government was a Board policy. The athletic eligibility was an administrative regulation and had never been adopted by the Board.

Mr. Ewing was not sure they should have an interim policy to be followed by a revised policy. He would rather see them deal with this all at once, and he thought the superintendent's recommendation was a reasonable one. He said it would not be easy to reach agreement on what standard should be applied across the board or even if they should have an across-the-board standard.

Miss Duby asked whether the Board would have to act to give a charge to the committee. Mr. Ewing was not sure this was the right forum for this issue. Dr. Pitt agreed that it was a complicated issue. He noted that the state had no academic requirement but allowed local superintendents to establish these. There was a secondary principals and athletic directors group that made recommendations on athletics, and he suggested that they might use this vehicle.

Mrs. Slye said she would be interested in knowing how many students were impacted by the two different eligibility rules as well as the LC. She also inquired about the latitude exercised from school to school in the implementation of those policies. Dr. Shoenberg agreed that they did need this information.

Dr. Cody asked for some sense of the Board as to whether the Board wanted this issue pursued because he recalled when the student government officers resolution was adopted that it was almost unanimous. He asked whether the Board was interested in having a study being done. Dr. Shoenberg stated that the Board did want to pursue this issue.

Mrs. DiFonzo agreed with Mr. Ewing that it was a difficult situation. She pointed out that a student could be a captain of an athletic team, SGA president, and have the lead in the class play. If the student had a below-C average he could not be the SGA president, but he could continue as captain of the team and be the lead in the play. If he received two failures, he would drop off the athletic team but still continue on as the lead in the play.

In regard to the E2 policy, Miss Duby thought it would be important to look back to the time when they added the step. At one point if a student got five unexcused absences, he received loss of credit. Then a few years later, the Board said not only did the student lose credit, but he failed. She asked whether fewer students were losing credit because of that extra punishment or not. She was in accordance that they were mixing discipline and grading and reporting which she thought the Board was committed never to do. Mr. Foubert indicated that he had grave problems with the E2 policy, and he intended to introduce a motion on this at some point in the future. In regard to mixing discipline and grading, Mr. Ewing recalled that there was a time when the Board wanted to do just that and did. This did not mean that the present Board could not rethink this. He thought the way the search and seizure section was rewritten was reasonable. This was based on a Supreme Court decision, and he thought they should make sure they obtained a legal opinion as to whether they needed anything else here.

In regard to the section on discipline, Mr. Foubert noted the recommendation to delete the word "punitive." He had some problem with that. Mr. Michaelson explained that it was felt that the E2 policy as written was actually punitive and suggested removal of the word "punitive."

Dr. Floyd inquired about what was meant by the rights of students in the policy. He asked about the Constitutional basis for giving students the rights to do these things. Dr. Shoenberg replied that these rights were the rights as defined by the school system rather than rights in law; however, they did have some Constitutionally protected rights.

Dr. Floyd called attention to the section reading, "items/property that are deemed to cause significant disruption to the school environment or are illegal may be confiscated." He had problems with "may be" because it seemed to him if they were illegal there shouldn't be any discretion about it. Dr. Pitt explained that there was a policy and then there were regulations added to the policy. They did have regulations on weapons. Dr. Floyd thought that students should get the same message as administrators. Dr. Lauriat added that if the material was illegal there was no question that in the mind of an administrator that the material would be taken away. Mrs. DiFonzo suggested that staff develop some better wording here.

Re: ADEQUATE PUBLIC FACILITIES ORDINANCE

Dr. Shoenberg explained that they now had an outline of the discussion, Dr. Muir's comments, and the original paper. He said that the object was to come to some kind of closure by way of agreement rather than by formal vote.

Mr. Ewing was concerned that the Council and/or the Planning Board should not act to adopt what might be before them on this subject and the Board not act to adopt anything. It seemed to him it was important to take a formal vote, in part as guidance to the staff and in part to give the Council and Planning Board the advice of the Board of Education. He asked whether this was the view of how they should proceed and, if it was, when would the Board act and when would the Council act. Dr. Cody said that they had thought earlier that in early July the Council was going to do something but now thought it might be later.

It was Dr. Shoenberg's understanding they needed to come to closure on some of these things in order to give guidance to staff in arriving at some document for cooperatively working with the Planning Board. Dr. Pitt said that Mr. Scull had brought up the question of the timing; however, it was agreed that the Council would not meet its original deadline. Dr. Pitt thought it would be helpful if MCPS staff had some guidance so that they could meet with other staffs and see if there were any areas of this present plan that the Board did not agree with at all.

*Dr. Cronin joined the meeting at this point.

Dr. Shoenberg suggested the Board did need to take a formal vote on its position at some time before the Council acted. Now they needed closure on particular details so that the staff could prepare a draft.

Mr. Bruce Crispell said that the first topic under methodology was the geographic setting they wanted to use to consider schools. The first point was the proposal versus the current method. The current method just looked at one school school. He thought the legal issues were convincing and that they did need to look wider. Dr. Shoenberg asked how much effort was going to be involved in this. Dr. George Fisher hoped that it would be done through automation and made manageable because right now it would be extremely burdensome to work with this manually.

Dr. Cody said that if an analysis led to a conclusion there were space, the approval of the subdivision would change the base data for that school, which would imply a continual recalculation. However, once they said "no" until something else happened in their own facilities plan it would be simple for any other subdivision request. He thought it would be complicated if they had a continuous total of previously approvals. Dr. Fisher explained that even now there was an effort exerted to recapture previous approvals. Even though some of this was automated, it did take time.

It seemed to Dr. Cronin that they would not be looking at anything in

Area 1; Area 2 would be Walter Johnson, Richard Montgomery, Rockville, Whitman, and Woodward; and Area 3 would only be Poolesville. They were limited to only certain sections of the county. Mr. Crispell explained that this was only for 1987-88. In 1988 a lot of this would change because of school openings in Area 3. Dr. Shoenberg asked whether this would be done once a year. Mr. Crispell replied that this would be the best way of doing it, and when the new forecasts were done in the fall a new set of data would be ready. He said they could almost draw a map which would show areas for deferral. It might involve time to go to the Planning Board and providing them with the methodology and rationale to be put in the record, but they were not sure whether they had to do this every time.

Mr. Ewing pointed out that it had been their experience in years in some parts of the county that enrollment projections changed dramatically in the course of a year. He thought they would be challenged by people to reassess their estimates in the course of a year. Mr. Crispell said that in talking with the Planning Board attorney and the county hearing examiner he had the impression that as long as their adopted methodology was reasonable this test would not be applied. It would have to be adopted by an elected body such as the Board of Education and the County Council.

Mrs. Slye said that one point was the adjacent school and whether outside the cluster should be considered by exception or as a rule. It was her impression that if the given school that the subdivision fell in was overcapacity they would look at the cluster capacity. If the cluster capacity exceeded norm, they would automatically look outside the cluster. Mr. Crispell explained that this was in the original writing of the proposal. After that, they had thought when they had a subdivision in the middle of a cluster they would not go outside and look. They would only look when it was a borderline issue. Dr. Cody added that if they did not do that it would wipe out the whole notion of the cluster as a base.

Mrs. Slye posed a theoretical problem. A proposed subdivision fell in an elementary school area where the school was already over 100 percent of capacity. In this case the nearest elementary school was also over capacity. The cluster as a whole was at 101 percent of capacity with one school around 89. Did they look outside the cluster to the next elementary school? Or did they say one school in this cluster is under 90 percent of capacity? Mr. Crispell replied that they would look at the elementary school in which the development was located and then the cluster. The look to a nearby school outside the cluster would be a last resort. Mrs. Slye asked whether the over 100 percent capacity in the cluster would preclude development automatically or would they consider the JIM and senior high level before making that decision. Mr. Crispell replied that the elementary would be cause enough for a deferral.

Dr. Shoenberg stated that there was consensus that they would look at the adjacent school when the development was on the edge of the school attendance area. Mr. Crispell asked what they would consider

to be a reasonable closeness to a boundary. Mr. Ewing thought they could argue one mile which was the walking distance. Dr. Cronin pointed out that one of the solutions would be adjusting that boundary. Mrs. DiFonzo noted that schools in the up-county area were so far apart. Dr. Shoenberg said that they probably should not write this at the Board table. Rather they should ask staff to bring language to define this.

In regard to measuring school capacity, Dr. Shoenberg said the Board was in agreement on the exclusion of portable classrooms and was eagerly awaiting the new capacity formula. Mr. Ewing said he did not know what the Council and Planning Board were likely to think about their new capacity formula. Dr. Cronin hoped they would have an arrangement with Park and Planning as to an agreement on the formula. He was concerned that the county executive would not be bound by the legislative impact of the County Council. Mr. Ewing thought it was important to have a formula that they could sell to the Council and the Planning Board.

In regard to timing and the use of the third year forecast of enrollment and facility impact, Dr. Shoenberg did not have any problem with looking three years ahead. He wondered whether a person told "no" until 1988 was barred from coming back next year with the same proposal and be granted approval for 1989. Mr. Crispell thought that a developer could always take a denial and come back to the process. Dr. Shoenberg stated that this was on the assumption that a deferral was an implied permission to go ahead. Dr. Cronin thought the three years was used because it was the maximum time a deferral could really be in effect. Mr. Crispell explained that with a fixed term deferral both parties would know when they were going to be there. Three years was the average length of time for a development to come into being if it was approved. Dr. Cronin recalled that Mrs. Praisner was talking about a five to six year run-up particularly at the secondary level. This did not seem to be practical or perhaps even legal. Mr. Crispell thought that there would be problems with that. Dr. Fisher added that Park and Planning could defer sewer authorizations for three years, making it another two years or so before they could get to development. They could also defer just to record plat. The three years enabled them to see when the school system could accommodate this growth.

Mr. Ewing noted that in Dr. Muir's memo there was a suggestion of a flexible time period of anywhere from one to three years. He thought this was reasonable and attractive. Related to that was the question of their best estimate of how the process would work and permit or not permit them to propose and include in the capital budget, get funded, and get built a project to meet the need. If it were a matter of building a whole new building, it was three years or more in many cases plus they had the time it took from the moment a deferral was made until it could be included in a capital budget. For example, they could defer in April and include the project in the capital budget for the year thereafter. This might mean four years later if it were a major project. It seemed to him it was important for them to think about what the capital process required of them

before they could answer the question of what was a reasonable deferral time.

Mr. Crispell explained that with traffic they went to the County Council to show what highways were needed to support development. He said that as one of the by-products of the process they would have better tracking and would be able to match up the CIP with deferred units waiting in the pipeline for school space.

Mr. Ewing asked Mr. William Wilder, director of school facilities, if he had a comment on the timing process. Mr. Wilder said that the timing depended on the scope of the project. They were not likely to encounter a delay in the timing and building of a new senior high school, but they could encounter a Paint Branch addition which was extremely complicated and time-consuming. Three years was not unreasonable, but in some instances it could be very tight.

Dr. Shoenberg commented that if they deferred for three years it meant the developer could start construction in three years, but it would take time to build out that development. Therefore, they would really talking five to six years. Mr. Crispell added that even in the big developments it was 50 to 75 units a year. Dr. Fisher said they had the adopted CIP which was what they would actually have in the process and what facilities would come on line in three to six years. They would also have projects where they actually had the planning money to construct which equated to the three-year time frame. He did not think as they went through the process that they would start changing the facilities structure until they got to the next adopted CIP. They would show a school until after the May 15 adoption of the CIP. There was still the question of whether they had actual money on the table to support the project. For example, they had North Germantown Elementary School to open in 1990, but there was no funding tied to 1990. They would not have to worry about that until 1987 when they should have the planning money.

Mr. Ewing asked what this required of them in terms of project planning. It seemed to him that the Board's approach which involved speaking to the necessity of two more elementary schools, unnamed and unlocated, in the CIP might be something to rethink. If they did not specify them, a developer could ask that the school be located to serve his development. On the other hand, if they had made that decision and said where the school would be located, this would give them a basis for deferral with the option of moving it prior to getting planning money. He thought they should start being very specific about things.

Dr. Shoenberg said the Board was in agreement with coordinating with Park and Planning in developing the third year forecast. He thought that the items on accounting for approvals and deferrals seemed to be staff matters not requiring Board guidance. He suggested they look at legal and procedural issues.

Mr. Crispell said that adoption of subdivision review policies by the Board and Council would give the process greater legal standing. Dr.

Cronin asked whether the staffs of the Council and county executive had been involved in all these discussions. Dr. Fisher said that they were; however, he thought there would have to be dialogue at the board levels before anything was adopted by anyone. Mr. Crispell recalled that the Board was concerned about anything adopted by the Council restricting Board of Education solutions. Park and Planning had drafted a line just referring to the Board's adopted policy for reviewing subdivisions and did not prescribe how this would be done. Dr. Shoenberg said the next one referred to the need to ensure that County Council policy adoption did not infringe on Board activities. Dr. Cronin said that this would have to wait until they saw the language and discussed how this would be adopted with the County Council.

Mr. Ewing said he was puzzled by Dr. Muir's comments about capacity calculations stating that he believed the County Council would accept any reasonable capacity calculation the Board would care to propose. He was not sure the Council would accept those calculations; however, this did depend on what they were talking about in capacity calculations. If they were talking about whether there was space in the broadest sense, then they probably would accept. If they were talking about capacity calculation in terms of the new capacity formula of what they think a school should have room for in terms of program needs, he was not so sure they would get agreement with the Council. Dr. Cody said they were talking about three years out and the program capacity of a particular school. This varied from school to school and would vary from year to year in a particular school. He pointed out that they had an objective of lowering the average class size in elementary schools and might readjust the capacity in elementaries on an annual basis so that the capacity would go down each year.

Mr. Ewing suggested that they consider what position to take if the Council were in fundamental disagreement with the Board's view of what the capacity was. Dr. Cody replied that having gone through one discussion with the staff he thought the numbers were really not going to be that much different. They would use the average class size they had operating in the school system and adjust it down to their goal. They would look at the average class size for special classes and what plans they had there. It would show any school over 80 percent of the state capacity was probably overcrowded if they used their current average class size.

Dr. Shoenberg said that the next item had to do with making other changes by September 12. Mr. Crispell explained that this had to do with the expiration of restraint on building permits in the county. The Planning Board was trying to reach this deadline. Dr. Pitt had heard Park and Planning say that the September 12 expiration date would not make a difference. Mr. Crispell said that Park and Planning was still trying to have its package in by September 12.

Mr. Ewing pointed out that they would be putting together a CIP very shortly which was very dependent on what they would do in this regard. Dr. Shoenberg thought that the CIP in the near term was

2. In regard to class sizes and staffing, Mr. Ewing said that the problem they ran into in small schools was that they got large classes and ended up with combination classes. In some cases they added staffing after the beginning of school. He wondered about options for avoiding that form of disruption in those kinds of schools including the option of extra staffing. They could have early staffing and a policy which said they were not going to have combination classes. Dr. Pitt reported that staff had given the paper on combination classes and what it would cost not to have combination classes. Dr. Cody said that one variation would be to use a different range of estimation for the smaller schools. This would avoid adding to schools after the start of the school year but would cost more money. Dr. Pitt recalled that they used to have a formula built into the budget for small school staffing which, while not avoiding combination classes, caused less disruption.

3. Mrs. Slye asked when her item on long-range Board commitments would be on an agenda. Dr. Shoenberg replied that it was scheduled for August 13.

4. Dr. Cronin said that it was a pleasure to attend the Secondary School Administrators Conference last week.

5. Dr. Cronin said that on June 19 the Board received a memo on Ride On transportation. MCPS was informed that the county government was abandoning its efforts to substitute Ride On for MCPS bus service. He believed that for two years in a row the MCPS budget sustained cuts predicated on the success of Ride On. He asked when they would ask for funds. Dr. Cody replied that staff would reconstruct that decision. Dr. Shoenberg inquired about the study that was being done, and Dr. Cody agreed to provide information for the Board.

6. Miss Duby reported that this was her last business meeting. She would make her final comments on July 1 when Mr. Foubert was sworn in, but she was aware that not all the Board members would be there. She thanked Board members for a very rewarding year. Dr. Shoenberg said that he would not be able to attend the July 1 meeting. He said that Miss Duby was extraordinary in her ability to say something clearly, succinctly, and to the point. He congratulated Mr. Foubert on his election and looked forward to working with him next year.

RESOLUTION NO. 317-85 Re: EXECUTIVE SESSION - JULY 9, 1985

On recommendation of the superintendent and on motion of Mrs. DiFonzo seconded by Mr. Ewing, 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 August 13, 1985, at 9 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; and be it further

RESOLVED, That such meeting continue in executive closed session at noon to discuss the matters listed above 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. 318-85 Re: COMMISSION ON EXCELLENCE IN TEACHING

On recommendation of the superintendent and on motion of Dr. Floyd seconded by Mrs. DiFonzo, the following resolution was adopted with Mrs. DiFonzo, Mr. Ewing, Dr. Floyd, Dr. Shoenberg, and Mrs. Slye voting in the affirmative; Dr. Cronin abstaining (Miss Duby voting in the affirmative):

WHEREAS, On April 19, 1985, the Board of Education created an advisory committee of distinguished citizens of the county, to be known as the Commission on Excellence in Teaching; and

WHEREAS, One June 12, 1985, the Board selected eleven persons who live or work in the county and who are neither current members of the Board of Education nor current employees of the Montgomery County Public Schools to serve on the Commission; now therefore be it

RESOLVED, That the Board of Education add a twelfth person and appoint Arturo Hernandez to the Commission on Excellence in Teaching.

RESOLUTION NO. 319-85 Re: CONTRACT WITH LEGISLATIVE AIDE

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

WHEREAS, The Board of Education met in executive session on June 12, 1985, to evaluate the services provided by Mrs. Lois Stoner as legislative aide; and

WHEREAS, The Board of Education expressed its appreciation for the outstanding services she has rendered; now therefore be it

RESOLVED, That the Board of Education authorizes the president of the Board and the superintendent to sign an agreement with Mrs. Lois Stoner for Fiscal Year 1986.

Re: DRAFT STATEMENT ON THE PROPOSED AMENDMENT TO THE STATE BOARD BYLAW ON SCHOOL CLOSINGS

Dr. Cronin moved and Mrs. DiFonzo seconded that the Board approve a

draft statement on the proposed amendment to the State Board Bylaw on School Closings.

Dr. Shoenberg said they would divide the question.

RESOLUTION NO. 320-85 Re: DRAFT STATEMENT ON THE PROPOSED AMENDMENT TO THE STATE BOARD BYLAW ON SCHOOL CLOSINGS

On Motion of Mr. Ewing seconded by Mrs. DiFonzo, the following resolution was adopted with Dr. Cronin, Mrs. DiFonzo, Mr. Ewing, Dr. Floyd, and Dr. Shoenberg voting in the affirmative; Mrs. Slye being temporarily absent (Miss Duby voting in the affirmative):

RESOLVED, That the draft statement on the proposed amendment to the State Board Bylaw on School Closings be approved, without the section on listing reasons for closure decisions.

RESOLUTION No. 321-85 Re: AN AMENDMENT TO THE DRAFT STATEMENT

On motion of Dr. Cronin seconded by Mrs. DiFonzo, the following resolution was adopted with Dr. Cronin, Mrs. DiFonzo, Dr. Floyd, and Dr. Shoenberg voting in the affirmative; Mr. Ewing voting in the negative; Mrs. Slye being temporarily absent (Miss Duby voting in the negative):

RESOLVED, That the draft statement on the proposed amendment to the State Board Bylaw on School Closing include the section on specific reasons for a closing decision.

RESOLUTION NO. 322-85 Re: COMPENSATION FOR HEARING EXAMINERS

On motion of Mrs. DiFonzo seconded by Dr. Cronin, the following resolution was adopted with Dr. Cronin, Mrs. DiFonzo, Mr. Ewing, Dr. Floyd, and Dr. Shoenberg voting in the affirmative; Mrs. Slye being temporarily absent (Miss Duby voting in the affirmative):

WHEREAS, Section 6-203 of the Education Article of the Annotated Code of Maryland provides that, in any proceedings brought under section 4-205(c) or section 6-202, the local board may have the proceedings heard first by a hearing examiner; and

WHEREAS, Section 6-203(c)(1) requires that the hearing examiner shall be an attorney admitted to practice before the Maryland Court of Appeals, and (2) that the hearing examiner shall be chosen by the county board; and

WHEREAS, Subsection (g) provides that each county board shall adopt reasonable rules and regulations to regulate the proceedings before the hearing examiner; and

WHEREAS, The Montgomery County Board of Education some twelve years ago established compensation for hearing examiners at a per diem rate of \$225 per case; now therefore be it

RESOLVED, That the Board of Education herewith adopts a per diem rate of \$450 per case as compensation for the hearing examiners so selected by the Montgomery County Board of Education.

For the record, Mr. Ewing stated that while they set the rate 12 years ago at \$225 they had not paid \$225 in the 12 year period. There had been increases in the interim.

RESOLUTION NO. 323-85 Re: BOE APPEAL NO. 1985-2

On motion of Mrs. DiFonzo seconded by Dr. Floyd, the following resolution was adopted unanimously (Miss Duby abstaining):

RESOLVED, That the Board of Education affirm the decision of the superintendent in BOE Appeal No. 1985-2 (teacher evaluation).

RESOLUTION NO. 324-85 Re: BOE APPEAL NO. 1985-5

On motion of Mrs. DiFonzo seconded by Dr. Floyd, the following resolution was adopted unanimously (Miss Duby abstaining):

RESOLVED, That the Board of Education affirm the decision of the superintendent in BOE Appeal No. 1985-5 (salary classification).

RESOLUTION NO. 325-85 Re: BOE APPEAL NO. 1985-7

On motion of Mrs. DiFonzo seconded by Dr. Floyd, the following resolution was adopted unanimously (Miss Duby abstaining):

RESOLVED, That the Board of Education adopt its decision and order in BOE Appeal No. 1985-7 (timeliness of an appeal).

Re: NEW BUSINESS

Mr. Ewing moved and Dr. Floyd seconded that there be placed on an agenda a motion to endorse the resolution proposed by Councilman Scott Fosler for the establishment of a Commission on the Future of Montgomery County.

Re: ITEMS OF INFORMATION

Board members received the following items of information:

1. Utilization of Civiletti Funds - FY 1986
2. Monthly Financial Report

Re: ADJOURNMENT

The president adjourned the meeting at 11:20 p.m.

President

Secretary

WSC:mlw