

APPROVED
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Rockville, Maryland
May 3, 1994

The Board of Education of Montgomery County met in special session at the Carver Educational Services Center, Rockville, Maryland, on Tuesday, May 3, 1994, 7:30 p.m.

ROLL CALL Present: Mrs. Carol Fanconi, President
 in the Chair
 Mr. Stephen Abrams
 Ms. Carrie Baker
 Mrs. Frances Brenneman
 Dr. Alan Cheung
 Mr. Blair G. Ewing
 Mrs. Beatrice Gordon

Absent: Ms. Ana Sol Gutierrez

Others Present: Dr. Paul L. Vance, Superintendent
 Dr. H. Philip Rohr, Deputy
 Mr. Thomas S. Fess, Parliamentarian
 Ms. Wendy Converse, Board member-elect

Re: ANNOUNCEMENT

Mrs. Fanconi reported that Ms. Gutierrez was out of town and Mr. Ewing would join the Board around 8 p.m.

Re: INTERAGENCY ALTERNATIVE PROGRAM FOR
 STUDENTS WHO EXHIBIT DANGEROUS
 BEHAVIORS

Mrs. Fanconi announced that this evening they had a work session on the interagency alternative program. She asked that the record show the Board had received the following pieces of correspondence:

1. Don Thorn, African-American Parents/Community Education Consortium
2. Cathy Hobbs
3. Paul DiBlasi
4. Robert R. Denny
5. J. M. Bogart, DuFief ES PTA
6. Arthur Holmes, Education Committee, NAACP
7. Jerome Lynch, Principal, Baker MS

Dr. Vance explained that they had a 20 minute presentation which would reflect modifications and changes that had been made in the interagency model. Following that they had time for community and Board comments and dialogue. He was pleased by the extent of the involvement and concern shown by organizations and several parents. They had brought a broad array of concerns, and the interagency group had made every effort to respond positively.

Dr. Hiawatha Fountain, associate superintendent, reported that since January 11, 1993, they had had a number of actions relative to this proposed program. They had met with a number of community members and groups and agencies and had listened to their recommendations and constructive suggestions. A number of suggestions had been made on how to improve this project, and he felt they had the makings of a relatively sound proposal.

Mr. Charles Short, director, Department of Family Resources, stated that a great many people had informed him about their serious concerns with the original proposal. He was pleased that they had been able to redraft the proposal and incorporate some things that were really very unique. The NAACP was concerned about advocacy for students who were potential candidates for the program. Therefore, they had incorporated an advocate program into the proposal very similar to the court-appointed special advocate program (CASA). This would be an opportunity for any family with a child needing help to get a volunteer advocate to help them with the system.

Mr. Short stated that they had also added a monitoring committee which would remain with the program for as long as the program existed. The goal of the program was to get students back into the regular school as quickly as possible; therefore, a child would spend no more than two semesters in this program, would return to a regular school, or would be channeled into a special education track. He thanked Mr. Bennett Connelly, chief of the Division of Children and Youth, and Mr. Charles D'Aiutolo, director of the Department of Alternative Programs for their outstanding work. He also thanked parents and citizens who took the time to meet with him. He believed that the new proposal, while not perfect, had gone a long way toward rescuing these youngsters from what might be a life of misery and crime which would be much more expensive to the county and the taxpayers. He was pleased with the efforts of the Board, County Council, and county executive in pressing for state funds for this program which were achieved in the amount of \$245,000 a year.

Mr. D'Aiutolo highlighted the areas of change as a result of meetings with the community. Mr. Short had mentioned the monitoring committee, and one meeting had been held. On page 5, there was a concern about not having a definition, and they had tried to define a serious violent incident as "those behaviors that are being dangerous to the student or to others." They had included year-to-date students who met the target population that were on home instruction for this school year. They had included national and Montgomery County statistics on juvenile crime, and they had tried to clarify the role of the EMT in identifying school interventions. In many cases the EMT was involved with the student well before referral to this program.

Mr. D'Aiutolo said that on page 6 they stressed again that this

was not a special education program. At the request of the community, they had included some racial/ethnic/gender data for FY 1993 and FY 1994 for the target population. On page 8 they tried to discuss the process implemented to cope with the Board of Education policy. On page 9 they talked a little bit about an advocacy group established to work with families and the student.

They thought this would occur after the first hearing level at the field office if the student were referred on to continue the second five-day suspension and consideration for expulsion. He explained that there was some discussion about parental commitment, and they had included a statement in the process that when the school was referred to the program, there would be clear expectations presented to both parents and students and a written statement signed by the parent, student, and advocate that there was agreement to participate in all components of the program.

Mr. Abrams asked where this was spelled out in the document. Mr. D'Aiutolo indicated that it was top of page 11. They had provided a flow chart that illustrated student progress through the intervention. Every nine weeks an evaluation would be done, and the student might be able to leave the program at that time.

If the student needed additional time, the student would stay the other nine weeks. After 18 weeks, if determined that the student was not ready to return, the case would be presented to the monitoring committee to get some input from them about next steps for that student.

Mr. D'Aiutolo noted that they had included a training component, and they had included money in the budget for training by MCPS staff or outside consultants. The monitoring team would serve as an oversight committee, meeting monthly to discuss issues and give guidance. They had also provided an organizational flow chart as an illustration of staff responsibilities. The program coordinator would be responsible for the day-to-day operation of the program and would work in collaboration with the Choice supervisor who would be in charge of the case workers. He envisioned this as a collaborative effort with everyone working together as a team.

Mr. D'Aiutolo recalled that the Board had discussed expanding the evaluation component. They had included additional money, and they had talked to DEA to get staff to help them design an instrument which would evaluate how well students were doing in the program as well as the process of how the students were identified. They had provided a rough budget, and they would have to get a final review by the budget office. They had added \$10,000 for training, \$15,000 for evaluation, and \$20,000 to help the assessment component of the program. They had about a week between the first hearing and the second hearing, and at that second hearing they wanted that assessment information to share with the hearing officer.

Mr. Connelly reported that there would be 18 students in the interagency program, and there would be 12 additional students who would be maintained in their home school with the case worker. They wanted to look at what interventions could work to maintain children in their own home school. They hoped over time that they could decrease the number going into the interagency program and bring services into the schools. The Choice program was a very extensive management program that the state had made available to them. They would have about \$170,000 for this purpose, and the state had contributed a total of \$240,000 for the program.

Mr. Abrams commented that the reason the Choice program was in here was that it was a state program. Therefore, there was no need to go into any competitive procurement. It would be helpful if this were highlighted in the description of the program.

Dr. Vance asked staff to talk a bit more about the exit criteria and the length of stay in the program. Mr. D'Aiutolo replied that the length of the program would be 18 weeks, and it could be shortened if staff felt the student could return sooner. If at the end of 18 weeks they determined the student needed additional intervention, this would be taken to the monitoring committee to get some guidance. There had been discussion about the identification of the student. The student would have the two hearing levels held by the field office and a designee of the superintendent. This would provide protection for students because they basically had two independent people not involved at the previous step looking at it again. Students would only be referred to this program if after the first hearing it was determined these students could not return to another school setting at that point and the student was being considered for expulsion. Many of those students had other options available, if they looked at the 93-94 school year, they were looking at 51 students for whom the second hearing officer felt there was no other viable alternatives to protect the student and/or others. Their program would provide another option which was significantly more comprehensive than the six hours a week of home instruction.

In regard to the exit criteria, the students would be evaluated on their academic success, their behavioral success, and how they were meeting the outcomes described in the program. They expected the student to demonstrate that he or she could function in a regular school as exhibited by their attendance, participation, completion of assignments, and their behavior. They should have improved self-esteem and self-confidence and demonstrate an ability to deal with conflict and stress in an appropriate manner. They should have improved interpersonal skills and improved academic achievement. They hoped that parents would have improved parenting skills, and staff would try to do some kind of assessment on this component. These matters

would be reviewed every nine weeks, and it would be a staff decision on how the student was meeting those outcomes and a decision would be made to return the student or continue the student in the program. If the student returned, there would be a transition plan for re-enrollment. There would be meetings with alternative center staff and home school staff, and there would be linkages made with the appropriate community agencies to continue support for students and parents.

Mrs. Fanconi asked Mr. Mark Shriver of Choices to come to the table. She also welcomed Ms. Wendy Converse, the student Board member-elect, who attended the IB program at Richard Montgomery HS.

Mr. Shriver said he would want to emphasize the parent involvement from the outset. When a child came into the Choice program, the parent signed a contract which had been drawn up with input from the parent. No child could come into the program without the involvement of the parent or guardian. The Choice program ran seven days a week and would run through the summer time. During the summer there would be cultural and recreational activities. Students might participate in community activities and perform community service. During this time the Choice staff would continue to work with parents as they had done since the program started in 1988.

Mr. Abrams asked whether Choice was a not-for-profit organization, a state agency, or a contract provider. Mr. Shriver replied that they were run by the University of Maryland, Baltimore County, and were a state entity. Mr. Abrams noted that the cost of the Choice participation was part of the state's contribution to this program and was not being funded out of Montgomery County school funds or other funds. This removed any requirement for any competitive procurement. He wanted to get this into the record in case there were questions as to why a particular organization was being identified.

Mrs. Fanconi suggested that they proceed to public comments. Dr. Fountain recognized Juvenile Court Judge Lee Sislen.

Re: PUBLIC COMMENTS

The following individuals appeared before the Board:

1. Karima Blackwood, NAACP
2. Charles Sye, Advisory Committee on Minority Student Education
3. Malik Chaka, African-American Parents/Community Education Consortium
4. Joan Karasik, Individual

Mrs. Fanconi asked if Judge Sislen would like to make a few comments to the Board.

Judge Sislen explained that she was one of two Juvenile Court Judges who handled 12,000 cases each year involving delinquency, abuse, and neglect. They worked with all the agencies in the state and county. She was delighted to see this program come before the Board because it encompassed a creative alternative to home instruction which they had long deplored. She said there was a labeling problem that they had been concerned about. They tried in Juvenile Court not to give a label to young people and a legacy that spelled failure. They hoped that this would trickle down to the people running this program. They were trying to avoid labeling and to give students fresh starts.

Judge Sislen hoped that the school system would work with the judges in terms of confidentiality. In Juvenile Court the hearings were not open to the public and the press because there was a federal and a state statute that mandated that the names of children would not be released. They did not want to give students that stigma, and they did not want them to be looked at as being the child who was abused, in foster care, or arrested. Their job was to help these young people succeed, and it would be her wish that the Board would work with the Juvenile Court and the Police Department to ask for clearance to disclose confidential information. This was the only way to do it under the state statute and under the federal code. They should ask the court for a due process hearing to release information and waive confidentiality for the good of the child, the public, and other children.

Judge Sislen stated that her third point was in terms of this school program, probably 40 percent of what she did was to work with MCPS to get adequate school placements. They worked for school placements within residential treatment facilities where the focus was on mental health. They worked with learning disabilities, ADD, and ADHD children, and while they worked closely with the school system, she would urge the Board to work closely with Juvenile Court. If a child was in this program and also in the courts, they would appreciate being informed so that they could plan accordingly.

Dr. Cheung noted that the courts were involved in about 12,000 cases a year, and MCPS was looking at services for about 50 middle school students. He wondered about what happened to the rest of the students. Judge Sislen replied that they did plan for the education of children along with MCPS, and they worked to get their CARDS done if they were special education. They did try to get them into the proper schools and the proper placement for rehabilitation. She added that about 35 percent of their cases were abuse/neglect and the rest were delinquency. She would assume that the students they were discussing for the program would be very violent offenders, weapons offenders, and sexual offenders, who would probably be under the court's

jurisdiction.

Dr. Cheung asked whether there were any students in the group cited who were special education. Mr. Arthur Nimetz, director of the Department of Pupil Services, replied that less than five were special education. Dr. Fountain explained that these students would not be eligible for the program because their needs would be served through OSAE. Dr. Cheung noted that they had programs for elementary students and they had programs for high school students. He would like to learn more about the high school programs. He asked what happened to the special education student who committed a serious offense. Dr. Fountain replied that they would go through a special education process, and there would be a psychological assessment and an educational assessment. There would be meetings with their parents, and a determination would be made as to whether or not the disability had any contributing factors to do with the offense. Once this determination was made, a placement decision would be made.

Dr. Cheung asked how they dealt with the high school students. Dr. Fountain replied that they had a dozen alternative programs for high school students. Mr. D'Aiutolo added that about 1,200 students a year went through these programs, and one of those programs was housed at the Noyes Detention Center. Mrs. Fanconi asked that the Board be provided with program descriptions for these programs.

In regard to Judge Sislen's comments, Mr. Abrams remarked that this program would not be voluntary. They had identified a population and a process, and as he read the process, the discretion was totally the system's. A student could not opt to go this route. Mr. Short replied that the program was voluntary, but the process was not. Once a child brought a weapon to school, the school system had to follow its procedures. They expected that this program would be offered to the child and his or her family as an alternative.

Mr. Abrams said he was asking because they had heard about due process, advocacy, confidentiality, and the role of the Juvenile Court system in the process. As a voluntary alternative, how many of those attached in terms of a requirement for a program? They had confidentiality and due process which might be implicit in the inclusion of an advocacy program. He wanted to be clear on that because there were substantial cost implications to that. There were other public policy issues as well. If this was, in fact, a voluntary alternative and the parents elected to initiate the process, he wanted to know what this did to the confidentiality issues raised by the judge. What did that do in terms of the degree of the advocacy program? If this was not legally required, were they opening themselves up to a whole system and a whole new standard in terms of this program.

Dr. Fountain replied that the student got in the program because the student had done a violent act within the school, on school property, or under school supervision. The student would be suspended for five days with a recommendation for an additional five and expulsion. This did not necessarily hook that student into the juvenile system; therefore, the child would be put on home instruction now. They would assess the child to determine whether or not the offense was created by some disability of sorts. If they ruled that out, the child might return to the home school, another school, or an alternative program if the child was in grades 9-12. Right now for middle school students they did not have an alternative, and those youngsters were on home instruction. This program was an attempt to take them off of home instruction.

Mr. Abrams said his question went to the mandatory or voluntary nature of that choice. It was a voluntary participation, and election to screen for eligibility was voluntary on the part of the student and their parents. They could choose not to participate in this, looking towards other options for how they were handled. This triggered a couple of other questions. It triggered the issue of confidentiality, and whether there were ways of dealing with confidentiality in the context of the program because it was a voluntary program. This might afford them the opportunity to do some things creatively rather than being ham-strung with it. The second issue was the question of a due process requirement in what was a voluntary alternative. If it were mandatory, he could understand the advocacy roles. This program was experimental and was to be evaluated, and the question was how much they wanted to ham string that evaluation. It might be if they chose to institutionalize this program or replicate it, that some of those issues would come in.

Mr. Short replied that the prototype program was intended to be informal. They went to great lengths not to attach a label to these students. They could have been routed into special education or sent on to the juvenile justice system and given labels. The program focused on the education of the student. They hoped to remove the child from the school into this alternative program which was a voluntary option. There would be a good opportunity for them to develop some protocols that would allow for waivers of confidentiality so that the professional associations working with this family could share information. He was certain they would have to consult with the judge in others. The intent was to make this a flexible program that encouraged collaboration. The only way to avoid going to court in each and every case was to make it voluntary. If they did require it, they would have to make sure there was proper representation for the child, and this could get very expensive. Why did they need an advocate? In meeting with the NAACP, they had been told that there would be parents who were going to be sophisticated about what was being discussed here. Whether they

needed to or not legally, they wanted to make sure that families intimidated by the system would have access to advocates to help them understand what was going on. They never waived their rights to an appeal in that expulsion process, and that would be the first thing the advocate would tell them.

It seemed to Mr. Abrams that the advocate they were talking about was somewhat different from the advocacy within the content of special education. He asked whether there was consensus in the community on that role of an advocate. He said the first thing he wondered about was whether this was paid or a volunteer or required a legal background. He also wanted to know the legal consequences of that advocacy.

Mr. Short replied that he did not think anybody anticipated a lawyer, but there had been discussion about having someone who was more of a professional with some training in mediation or social work. Dr. Fountain added that the community had told them they were not sure they trusted the staff to do the right thing; however, they wanted someone who understood how the school system worked and had their trust. Once the child was ready for placement in the program, they could be sure because such-and-such a person was there and they knew the person looked out for the best interest of the child and the family.

Mr. Abrams asked how the confidentiality issue affect the volunteer advocacy circumstance. Mr. Connelly replied that CASA had been in operation for about eight years. They had required signed permission to be enrolled in the program. The CASA volunteer received 40 hours of training, and about 250 children a year used these volunteer advocates. They were modeling the alternative program on that concept because it had been so successful. Mr. Abrams asked whether CASA dealt with the same issues of confidentiality. Mr. Connelly replied affirmatively. Mr. Abrams pointed out that the court had jurisdiction over confidentiality, and they were not necessarily talking about children involved with the courts for this program. This meant they did not have anyone who could make that waiver of confidentiality. It seemed to him there needed to be a nexus there. He thought the court had to approve the waiver of confidentiality. Mr. Connelly replied that in some cases the parents voluntarily participated in CASA. It was not a mandated court program. The parents had to sign a form in order to divulge information to the CASA volunteer, and the volunteers stayed with the program up to two years. These were dedicated people who would work with the child and family on an on-going weekly basis, and they thought this concept could be used for the alternative program.

Mrs. Brenneman thanked people for their presentation and all the work that had gone into the program. She wanted a clarification about the teachers, and Dr. Fountain explained that they would be

using the funds they had for home instruction. Mr. Connelly added that they would have to look at the credentials of the staff as well as the training of the staff. They had budgeted \$10,000 to make sure this was the best staff that they could put together for this kind of program. Looking at other programs throughout the country, the key indicator of success was staff training. Dr. Fountain commented that the community wanted to be sure these youngsters were receiving a comparable education.

Mrs. Brenneman asked whether students would return to the school they left or to another school. Mr. D'Aiutolo replied that it could be either. Mrs. Brenneman remarked that there was a lot of worry out in the community when a violent child was sent to another school. She asked about who decided which school the child would attend. Mr. D'Aiutolo replied that it would be a combination. When a student was ready to exit, the staff would review the progress and communicate with the student's home school to make a decision about what was in the best interest of the student and the student body. The administrator might say it was rally not in the best interest of the student to return, and this would come back to the group so that they could look at other options which might require their working with another administrator in another school to try and get a good transition into that school.

Mrs. Brenneman said she had seen appeals where students ended up on home instruction while awaiting a placement. Mr. D'Aiutolo envisioned the staff having to stay on top of things and do some projections for students completing the cycle and entering the program so that cases could be presented to the monitoring committee.

Mrs. Gordon was pleased they had been working with the community because a lot of the issues had been resolved; however, there were still some very valid issues they would continue to work on. They had heard some comments this evening on the advocate issue. Mrs. Blackwood had testified that the advocate should be involved at the first level at the initial suspension hearing. She knew that suspension did not automatically lead to this program but asked for a discussion of when parents were involved in an initial suspension and whether it would be possible to involve an advocate at that point. Dr. Fountain replied that in some cases it might be possible. However, if a child committed a violent act during the day when the parents were at work, the principal would call the parents and tell them the offense and what was required under the law. If parents knew about the advocate program, they could call the person to meet them at the school when they picked up their child or the advocate could be involved during the first five days of the suspension.

Mr. Connelly explained that the Choice program now operated where the case manager really did manage the entire case. The case

manager performed the advocacy role. Once the principal talked with the family and explained the program and the family agreed to work with the case manager, one of the functions of the case manager was to describe the entire process including the advocate process. He was concerned that they not overwhelm the family in those first five days. They wanted the case manager to be there to pull together all the community information and the resources.

He called attention to the chart on page 10 where it stated that the case manager role was really to be with the family throughout the process and to be sensitive to when and if it was appropriate to bring in other resources.

Mrs. Gordon said she was hearing two descriptions of the advocate. From the community, she was hearing that the advocate was someone who was their advocate and who may or may not be a case manager or someone recommended by the system. In special education, they now had parents bringing in their own advocates.

She asked if they saw a problem in coordinating that if a parent choose an advocate different from those within the system. Mr. Connelly saw no problem. He thought the system needed to be flexible enough to accommodate the needs of the family. This was the way it worked in Baltimore City and Prince George's County.

Mrs. Gordon stated that the parent's right to appeal would not be co-opted at any point, and Mr. D'Aiutolo agreed that nothing would change in the right to appeal. Mrs. Gordon knew that they were making strides in conflict resolution. She had said it before and would continue to say it. They could not wait until the students were in mid-level and high school to do conflict resolution. They had to start with the elementary schools because they were seeing students younger and younger exhibiting inappropriate behaviors and inappropriate reactions to conflict situations. If they waited until those behaviors were ingrained, it would be that much more difficult for that student to receive the help that they needed. She did not view this as a punitive program. She viewed it as a program that helped a student be successful back in the regular school. She knew this program was designed for the mid-level student, but she was hearing about incidents at the elementary school level and felt they had to do peer mediation and conflict resolution starting in kindergarten.

Mr. Ewing apologized for being late. He had been invited to a party at Blair High School to celebrate the Council's adoption of the Kay tract. He noted that the NAACP had raised an issue about a definition of the term, "serious violent crime," which was never described in the report. He thought this was a problem. There was a description of weapons violations, and the program description spoke of serious violent crimes and other kinds of behaviors that require students to be considered for this program. It seemed to him that the community, the Board, and the school system needed a clearer and fuller description of what was meant by that term. This was important for them to address this

issue.

Mr. Ewing said the NAACP testimony stated that the proposal did not incorporate a right to appeal the decision to suspend, expel, or place the student in the program. They had already heard that there was nothing in the program that eliminated that right to appeal. It seemed to him that the program description should contain a clear and explicit statement that said the right to appeal was there and a reference to the policy. Parents and community members had to understand that the appeal right was not suspended.

Mr. Ewing was also concerned about the question NAACP raised about whether the African-American community could be assured and the Board could be assured that the program would not be another dumping ground for male minority students who were labelled as disruptive or violent. If they were going to move ahead with this program, this ought to be addressed directly in the evaluation of the program itself and be a concern of the monitoring team. As a Board member, he would like to know how students arrived in the program, how did they get referred, and by what process. He would like to know what sort of behavior they exhibited, and he would like to know something about their individual characteristics. He wanted to know that by the characteristics of the group rather than by name. That would help him and the program monitoring committee to know something about both the process and also the characteristics of student behaviors and of students themselves.

It seemed to Mr. Ewing that they should be asking DEA to address the NAACP's suggestion that staff continue to look at other kinds of program efforts in other kinds of school systems across the nation. He knew these had been addressed in part and reviewed in the course of the development of the program proposal, but it seemed to him that given the likelihood that there were other school systems with other ideas about how to address this issue, it would be well to ask DEA to engage in a continuous review of other alternative program efforts. They could begin to build over time a clear understanding of what else was available to them. This was an arena where a great deal was not known, and it ought to be clear the program before the Board was by no means the absolute and final solution to the problem of children whose behavior was violent. It was a carefully thought through proposal, but it might have to be adjusted. He was glad to see this would be a consequence of the program evaluation, but it was important for them to continue to take a look at what else was going on. He hoped this would be included as part of the ongoing assessment of the MCPS and other programs.

Mr. Ewing thought that the assessment of this program ought to be done in terms of an analysis of what they were getting for their money compared with what other people got for their money or what

they could do with this money if they chose to do something different with it. This question was also raised by NAACP. After several years of spending \$635,000, they might want to see if there were better ways to spend those dollars. Was this a cost-effective program? This should be built into the evaluation. From his point of view, he was glad to see what was there in terms of evaluation, but he thought it needed to be expanded substantially. If they did expansion, they would find themselves gaining increasing community understanding and the process would have increased credibility in the community because they would be producing a variety of kinds of data. This data could let the public know how well this was going, what else was going on in the country, and alternatives to the alternative actively under consideration. The message they should convey was that they were trying this in the hope that it would be effective, but they were not certain and needed to continue to assess and evaluate not only this program, but others. He hoped they could make some additions and changes to the program design.

Mrs. Fanconi asked whether Mr. Ewing was saying he did not want to move forward with final approval of this without having some additional information. Mr. Ewing had not thought they were to act on the program this evening. For his point of view, he thought there were some issues that had been raised by the testimony as well as by other Board members that ought to be addressed. He hoped they would be addressed in a somewhat revised program design.

It seemed to Mrs. Fanconi that the Board had a dual responsibility. One was to make sure schools were safe for the children attending them. Children who attack, bring weapons, or behave in a way that made it dangerous for other children need to have a program that continued their education as an alternative to home instruction. When they first looked at safety and security several years ago, they began with increasing the amount of safety and security assistants in the schools. That had been very effective. The Board felt very strongly that they needed a very comprehensive peer mediation/conflict resolution curriculum. She requested information on how many schools had that curriculum and whether there was a plan to implement that in all schools. This needed to be a piece of their final discussion.

Mrs. Fanconi said she was concerned because society was becoming more violent, and the school system was a reflection of society. As a public institution, MCPS had a responsibility to teach young people how to handle anger. By expelling 12- and 13-year old children exhibiting violent behavior, they were almost assuring that these students would not get the education they needed to become productive members of society. In a few years these children would be in the juvenile justice or criminal system, and \$22,000 a year would be spent to house them in a penal institution. It seemed to her they were throwing away children

who could probably be turned around to become productive citizens. These were 12 or 13 year-old children with a lot of choices in front of them. This was an age group where children made poor choices. She felt very strongly that they needed to look at an alternative program, and she was very pleased when it came forward as an interagency program. However, she did have some concerns about it. She did not understand how the role, responsibility, and training of the advocates fit into the program. If they were talking about adding on to the existing contract with CASA, that was one thing. If they were talking about a volunteer advocate program without training, that was another thing. She did not see any description of this or any money or anything about the role and responsibility.

Mrs. Fanconi said she was also concerned about the monitoring committee. She thought it was a good idea to have a monitoring committee that looked at not the child's name but at the statistical information about cases every nine weeks. However, in the middle of the discussion there was mention that the monitoring committee would be making program decisions; and she had a problem with this. It seemed to her that the school system needed to be making the placement decisions, but if they had a committee involved they would get into confidentiality issues.

Mr. D'Aiutolo replied that they had met just once. At their next meeting they would discuss the roles and responsibilities of the monitoring committee and include this in the revised report. Mrs. Fanconi pointed out that the county had the family preservation program that had a monitoring board, and the program director was held accountable for the placement decisions and the treatment options. The program director reported to the local governing board, but they did not share information about the names of children and did not make placement decisions. Dr. Fountain remarked that the body would be a monitoring body, and they would not be determining what programs the children received.

Mrs. Fanconi asked about the advocate program and whether or not it would be an add-on to the CASA program. Mr. Connelly replied they had included training funds in their budget. They had not discussed this with CASA because they needed to do further program development. They were envisioning an extensive training both for the CASA as well as the staff. They would develop a protocol with the Choice program on when to bring the advocate in. He did not think they had all the pieces in place this evening to state exactly how this would operate. Mr. Short added that the model was really the CASA model, and if they were willing to do this, their contract could be modified in order to use their expertise. Mrs. Fanconi thought the Board needed those details before they could approve any budget for this program.

Mr. Abrams asked if Choice had experience with middle school

students. Mr. Connelly replied that they did. Mr. Abrams asked if they had experience in circumstances where the placements were not court-directed. Mr. Connelly indicated that now they were working with children in Prince George's County and Baltimore City placed there by the court system. Choice was altering its program design for Montgomery County. Mr. Abrams said he was a little concerned about the description provided by Dr. Fountain.

It seemed to him they had a pass-through in this program. The suspension decision did not necessarily trigger this alternative.

The advocacy would have to come from a different context. As a student passed into the program and a decision made by the parents to opt for this approach, Choice or another case manager would assume the role of an advocate. Mr. Connelly said it was his understanding that the first day the child was recommended for suspension, the case manager from Choice would be brought in by the principal. The child would be on home instruction for five days pending the first hearing, and their concern was that the child not be left home unsupervised and not receiving services. Choice would come in and start working with that child through the first and second hearings. It seemed to Mr. Abrams that Choice would be in an advocacy role even if the student did not participate in the program, and Mr. Connelly agreed. Mr. Connelly noted that if they could tap into community services, the child could be placed back into the regular program. Choice would link up the resources and stay with the child and family for a period of time.

Mr. Abrams felt that the early introduction of Choice into the program begged the question of whether the program was voluntary.

It seemed to him that they had identified a directed program on the whole issue of the identified population of potential eligibility. Mr. Connelly explained that for the family to work with a case manager, they would have to agree to do this and would have to sign certain release information to proceed with that piece of the program. The principal would talk to the family about the procedures and explain about the new interagency program. Mr. Abrams said it seemed to him they were building in a bias towards the program by having the advocate being the case manager involved in the alternative program. Mr. Connelly explained that they had 12 slots set aside for children within regular schools. These children could have intensive case management and remain in their school. The staff would be working to keep the children in a regular school setting whenever possible. The case manager would work closely with the school staff and community agencies to accomplish this. If the child were deemed a safety factor for other students and staff and went into the alternative program, the advocate would be brought in.

Mr. Abrams said he would like to see this fleshed out a little bit more. He was concerned about the early advocacy role and whether there wasn't some potential conflict by having a case management provider serving in that role early on. Mr. Connelly

replied that the case manager would be working with the student while the student was on home instruction and would be taking that child to recreation programs, medical treatment, or assessment sessions. They would see the child every day.

Mrs. Fanconi liked having the advocate in the Choice program, but she wondered if they were duplicating services if they had CASA as well. She asked them to define this when they came back to the Board. Mr. Connelly said that the role of Choice would be case management and advocacy for children; therefore, they did need to look at that more carefully as well as listening to the parents who talked about the need for an advocate.

Mrs. Fanconi stated that for the record she did want to clarify that there also was an Annotated Code of Maryland 7-304 on suspensions and expulsions that dealt with appeals. When they were writing up that part, it was not only Board policy but also the law. On page 11 it talked about testing and about evaluating the student's academic, physical, emotional, recreational, social, and family needs. She asked whether they had adequate staff in MCPS to do the kinds of psychological testing that might be needed. Mr. D'Aiutolo replied that they had included an additional \$20,000 to address that issue. Mr. Connelly added that this would be purchased through the private sector. They planned to contract out for the social worker positions and counseling function. They did add the \$20,000 for a private agency to do any kind of assessment that might be needed. It was key to get this information as quickly as possible, and the public agencies had a long waiting list. This was defined on page 11.

Mrs. Fanconi noted that they were getting some assistance from the state, and she wondered whether any of that money could be used for computerization of the administrative functions, particularly if they were going to be reporting out. A number of programs working with youth at risk had used a lot of computers, and she would like them to look at their ability to integrate this into the program. She asked Dr. Vance to remind the Board about where they were in this process and what the time frame was if they decided to go with this program for September.

Dr. Vance stated that Board members would recall that the county executive had put a placeholder on the Board's request for funds for this program. Mr. Potter had heard from various constituent groups in the community, and until those problems had been resolved, he was not recommending funding. Last week Mr. Subin had put these funds on his non-recommended list to go to the Council. He believed that when changes were made to the Board's satisfaction, they would then confer with the county executive to request a supplemental and bring this back to the education committee.

Dr. Vance reported that this morning the Council had voted six to three to approve the Kay tract for the new Blair High School. No one ever promised them that working out a solution through the democratic process was going to be easy. He thought the alternative school was another example. He was pleased that five people had testified this evening, but he was extremely disappointed that more people had not testified. He said that this evening the Board had heard from the very strong advocates for African-American youngsters because of experience. They also knew from the mail and phone calls that there was a rather considerable silent majority out there that did not support this initiative. Some people felt it was a waste of money and that the amount was excessive. Others thought these youngsters were criminals and that they were problems for juvenile justice and not the school system. Others placed the root cause on the changing demographics in Montgomery County. He did not know that these persons would ever come forward to express their points of view, but he did think it was important to have persons with these views involved. He would try to involve some of them on the monitoring committee because he believed they needed to hear this point of view and have dialogue with these individuals.

Mrs. Fanconi asked if the superintendent would be bringing this to the Board as an action agenda item in the near future. Dr. Vance explained that the Board had approved this in concept when they put the placeholder in the budget. He would bring it back again for the Board's approval and in a timely fashion. Mrs. Fanconi asked that the revised paper include the different budget pieces including the sources of the funds from the state, county government, and MCPS.

Mrs. Gordon was glad that the superintendent had brought up the subject of money because they had heard a couple of people talk about how expensive the program was. It was an expensive program, but the cost of not doing it was far more expensive than anyone could consider. She felt very strongly that they needed to move forward with this. They needed to continue involving all portions of the community. She thought there was another silent majority out there that wanted to know what was being done to make the schools safe for all children. While they needed to continue to see whether this was the best way to go, they needed to move forward. It would cost far more money in the long run if they did not meet the needs of these students and turn them around.

Mrs. Brenneman commented that this was exactly what she was going to say. They had to move forward. She thought this was an example of how interagency cooperation worked at its best. She believed this would be very helpful for these students. It was not a punitive program. It was a holistic approach to help that child. She said they had to move on with this to get it in place for September.

Dr. Cheung thanked the committee because the revised report was a significant improvement over the first one. He thought that the interagency approach was the wave of the future in terms of collaboration. They did have a common customer in this case. By law they had to educate every child, irrespective of their behavior. He said that early intervention was the best policy, and if they were successful in the middle school they would have fewer problems in the high schools. This came back to evaluation. They had to look at whether there was any change in the behavior of students. He suspected that they might have some data on high school students who violated rules in elementary or middle schools and exhibited similar behavior. They needed to have good information in order for them to be able to solve the problem and be able to tell the community how the program was helping children.

Mr. Abrams remarked that Dr. Cheung's last comment had struck fear in him. One of the concerns he had was having that kind of data. He was not sure they could develop this given the nature of the confidentiality of student records. Dr. Fountain commented that there would be some areas of confidentiality that they would have to protect as they did right now. It seemed to Mr. Abrams that the best they could do would be aggregate data out of a pilot. It might be difficult to do case studies. Mr. Short explained that these could be done anonymously as long as they had that signed parental release. He noted that the state's attorney, Andrew Sonner, was in the audience and might have a few words.

Mr. Sonner was glad to see that the program had been fleshed out, and he was happy to have been a part of it from the very beginning. He would endorse the remarks that if they did not do something about it here, they would pay later. Speaking for himself and the chief of police, he felt the dollars spent on education for these problems were dollars saved along the line. He had had a great deal of concern about suspensions. There were national studies that showed that if you corrected the truancy problem they could lower the crime rate for stolen cars, daytime house break-ins, and thefts in shopping malls. He was pleased to listen to the discussion and encouraged them to look at the suggestions, particularly having someone advocate for the child right from the beginning. For example, it was much harder to derail a decision at the third level than if the child had an advocate at the first level. He would write a letter to the Board with some other thoughts on this subject. He could not tell them how gratified he was to see this approach to what he considered to be a common problem among all of them.

Mrs. Fanconi thanked Mr. Sonner for attending the meeting. She also thanked Clarence Edwards, the chief of police; Ruby Rubens, representing the county executive; Agnes Leshner, social

services, Mr. Short and Mr. Connelly from the Department of Family Resources; Jim Herrell from the Department of Addiction, Victim, and Mental Health Services; and the many members of the community. There were many problems in schools that were not school problems. This was a community problem, and they were looking at it as a community solution. She thought they should commend themselves for being able to collaborate with other agencies. She was excited about the model and hoped they could refine it.

Re: ADJOURNMENT

Mrs. Fanconi adjourned the meeting at 9:55 p.m.

PRESIDENT

SECRETARY

PLV:mlw