

APPROVED
27-1995

Rockville, Maryland
June 26, 1995

The Board of Education of Montgomery County met in regular session at the Carver Educational Services Center, Rockville, Maryland, on Monday, June 26, 1995, at 8:55 p.m.

ROLL CALL Present: Mrs. Beatrice B. Gordon, President
 in the Chair
 Mr. Stephen Abrams
 Dr. Alan Cheung
 Mr. Blair G. Ewing
 Mr. Reginald Felton
 Ms. Ana Sol Gutierrez
 Mrs. Nancy King

Absent: Ms. Wendy Converse

Others Present: Dr. Paul L. Vance, Superintendent
 Mrs. Katheryn W. Gemberling, Deputy
 Mr. Larry A. Bowers, Acting Deputy
 Mr. Thomas S. Fess, Parliamentarian

Re: ANNOUNCEMENT

Mrs. Gordon apologized for the delay in the start of the meeting and explained that the Board had been meeting in closed session on personnel and legal matters.

RESOLUTION NO. 440-95 Re: APPROVAL OF AGENDA FOR JUNE 26, 1995

On recommendation of the superintendent and on motion of Mrs. King seconded by Mr. Felton, the following resolution was adopted with Mr. Abrams, Dr. Cheung, Mr. Ewing, Mr. Felton, Mrs. Gordon, and Mrs. King voting in the affirmative; Ms. Gutierrez being temporarily absent:

Resolved, That the Board of Education approve its agenda for June 26, 1995, with the deletion of an item on computer and cable television network installations.

RESOLUTION NO. 441-95 Re: APPROVAL OF THE AMENDED AGREEMENT
 WITH THE MONTGOMERY COUNTY
 ASSOCIATION OF ADMINISTRATIVE AND
 SUPERVISORY PERSONNEL

On recommendation of the superintendent and on motion of Mr. Abrams seconded by Mr. Ewing, the following resolution was adopted unanimously by members present#:

WHEREAS, Section 6-408 of the Education Article, Annotated Code of Maryland, requires the Board of Education to enter into negotiations with the designated employee organization concerning "salaries, wages, hours, and other working conditions"; and

WHEREAS, The Montgomery County Association of Administrative and Supervisory Personnel (MCAASP) was properly designated as the employee organization to be exclusive representative for these negotiations; and

WHEREAS, The parties have a negotiated agreement for the 1994-1997 school years and said agreement provided that negotiations be reopened on salaries for the 1995-1996 school year; and

WHEREAS, The parties have reached a tentative agreement on salaries and the Board has authorized funds for said agreement in its FY 1996 budget; and

WHEREAS, The tentative agreement has been duly ratified by the membership of the Montgomery County Association of Administrative and Supervisory Personnel; now therefore be it

Resolved, That the Board of Education approve the amended agreement for the period of July 1, 1995, through June 30, 1996; and be it further

Resolved, That the president of the Board of Education be authorized to sign the agreement which will be implemented by the Board of Education on July 1, 1995.

#indicates student vote does not count. Four votes are needed for adoption.

Re: PUBLIC COMMENTS

The following individuals appeared before the Board of Education:

1. Win Fox and Carroll Carter, MCEMSA
2. Alice Seaver

RESOLUTION NO. 442-95 Re: PROCUREMENT CONTRACTS MORE THAN
\$25,000

On recommendation of the superintendent and on motion of Mr. Felton seconded by Mr. Abrams, the following resolution was adopted unanimously by members present:

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 following contracts are awarded to the low bidders meeting specifications as shown for the bids as follows:

39-95	Services for Infants and Toddlers with Developmental Delays <u>Awardees</u> Easter Seal Society Ivymount School Total	\$310,000
51-95	School Bus Wash and Waste Water Recycling Equipment <u>Awardees</u> Auto Hydraulics InterClean Equipment, Inc. Total	\$ 47,259 <u>75,536</u> * \$122,795
142-95	Cafeteria Disposable Supplies <u>Awardees</u> Acme Paper and Supply Company, Inc. C & K Manufacturing and Sales Company Calico Industries, Inc. S. Freedman and Sons, Inc. Kahn Paper Company, Inc. Marstan Industries, Inc. Saf-T-Gard International, Inc. Total	\$153,829 16,957 17,687 36,392 238,407 41,197 <u>332</u> \$504,801
	MORE THAN \$25,000	\$937,596

*indicates MFD vendors

RESOLUTION NO. 443-95 Re: AWARD OF CONTRACTS FOR VARIOUS
MAINTENANCE PROJECTS

On recommendation of the superintendent and on motion of Mrs. King seconded by Mr. Abrams, the following resolution was adopted unanimously by members present:

WHEREAS, Sealed bids for various maintenance projects to be funded from FY 1996 Planned Life-cycle Asset Replacement (PLAR) and Heating/Ventilation Air Conditioning (HVAC) Capital Funds, were received on May 9, 15, 26, June 9, 12, and 13, 1995, in accordance with MCPS procurement practices, with work to begin July 1, 1995 and be completed by December 1, 1995; and

WHEREAS, Details of the bid activity are available in the Department of Facilities Management; and

WHEREAS, The low bids are within staff estimates, and the low bidders meeting specifications have completed similar work successfully for Montgomery County Public Schools; now therefore be it

Resolved, That contracts be awarded to the low bidders meeting specifications for the projects and amounts listed below:

<u>Project</u>	<u>Amount</u>
<u>Carpeting and Resilient Flooring</u>	
Beverly Farms, Farmland, Germantown, Kensington Parkwood, Poolesville, Rock Creek Forest, and Weller Road elementary schools, Cabin John and Martin Luther King, Jr. middle schools, Walter Johnson High School, and Tilden Center	
Low Bidder: Interiors Unlimited, Inc.	\$124,968.10
<u>Bathroom Partitions and Accessories</u>	
Bethesda-Chevy Chase High School	
Low Bidder: Rockville Partitions, Inc.	36,700.00
<u>Boiler Replacements</u>	
Rolling Terrace Elementary School	
Low Bidder: Interstate Service Co., Inc.	58,812.00
<u>Boiler and Chiller Replacements</u>	
Potomac Elementary School	
Low Bidder: G. W. Mechanical Contractors, Inc.	179,000.00
<u>Cooling Tower Replacement</u>	
Carver Educational Services Center	
Low Bidder: Edward Kocharian & Co., Inc.	42,200.00
<u>Ventilated Locker Units</u>	
Cabin John and Tilden middle schools	
Low Bidders: Modern Door & Equipment Sales, Inc.	79,048.00
(Hallway lockers at Cabin John Middle School)	
Steel Products, Inc.	78,036.00
(Gymnasium lockers at Cabin John and Tilden middle schools)	
<u>Powered Telescopic Seating Systems Replacement</u>	
Tilden Middle School	
Low Bidder: Modern Door & Equipment Sales, Inc.	94,686.00

Asbestos Abatement

Beverly Farms, Fallsmead, Farmland, Garrett Park, Germantown, Poolesville, Potomac, Rock Creek Forest, and Weller Road elementary schools, Cabin John and Eastern middle schools, Tilden Center, Winston Churchill and Walter Johnson high schools, and Carver Educational Services Center

Low Bidder: National Service Cleaning Corp. 154,054.00

Total \$847,504.10

RESOLUTION NO. 444-95 Re: ENERGY MANAGEMENT SYSTEM
INSTALLATIONS AT KEMP MILL AND
FLOWER VALLEY ELEMENTARY SCHOOLS

On recommendation of the superintendent and on motion of Mrs. King seconded by Mr. Abrams, the following resolution was adopted unanimously by members present:

WHEREAS, Sealed bids were received on June 1, 1995, for energy management system installations at Kemp Mill and Flower Valley elementary schools; and

WHEREAS, The low bids are below staff estimates of \$92,500 and \$103,600, respectively, and the recommended contractor has completed similar work successfully for Montgomery County Public Schools; now therefore be it

Resolved, That the Board of Education approve the following contracts for energy management system installations and assign them to the general contractors for implementation and supervision:

Project

Flower Valley Elementary School	Contractor:	Andover Controls, Corporation
	Subcontractor:	Engineered Services, Inc.
	Contract Amount:	\$87,790.00
Kemp Mill Elementary School	Contractor:	Andover Controls, Corporation
	Subcontractor:	Engineered Services, Inc.
	Contract Amount:	\$92,940.00

RESOLUTION NO. 445-95 Re: CHANGE ORDERS OVER \$25,000

On recommendation of the superintendent and on motion of Mrs. King seconded by Mr. Abrams, the following resolution was adopted unanimously by members present:

WHEREAS, The Department of Facilities Management has received change order proposals from various contractors that exceed \$25,000; and

WHEREAS, Staff and the project architects have reviewed these change orders and found them to be cost effective; now therefore be it

Resolved, That the Board of Education approve the following change orders for the amounts indicated:

Activity 1

Project: Rocky Hill Middle School

Description: The Montgomery County Department of Transportation and the Maryland State Highway Administration required a deceleration and left turn lane along Route 355 as well as improvements to Wims Road for safe access to Rocky Hill Middle School. Funds for this work were recently approved by the County Council as part of the FY 1996 Capital Budget appropriation. The cost for the road improvements is based on predetermined unit prices for paving, curb and gutter, and grading that were included in the earthwork contract.

Contractor: Accubid Excavation, Inc.

Amount: \$259,413

Activity 2

Project: Rocky Hill Middle School (Related Contract)

Description: The road improvements along Route 355 for Rocky Hill Middle School access will cause the relocation of existing utility poles. This work will be completed by Bell Atlantic. Funds for the utility pole relocations were included in the FY 1996 Capital Budget appropriation as part of the road improvements.

Contractor: Bell Atlantic - Maryland, Inc.

Amount: \$85,200

Activity 3

Project: Rocky Hill Middle School

Description: Recently, bids were solicited for fascia panels for the canopy at Rocky Hill Middle School. The current drywall/plaster subcontractor submitted a value engineering suggestion to reduce the cost of the canopy panels. This suggestion involved changing the fascia from pre-cast concrete to exterior plaster which reduced the cost approximately 25 percent without affecting the structure. This work is being completed as a change order and obviates the need to purchase pre-cast concrete panels at a higher cost.

Contractor: Can-Am Contractors, Inc.

Amount: \$32,690

Activity 4

Project: West Farm Vehicle Maintenance Facility (Related Contract)

Description: As part of the West Farm Vehicle Maintenance Facility site development, an underground communications utility cable must be relocated. Funds for this work were included in the site construction budget. The cable relocation will be completed through a service contract with American Telephone and Telegraph, Inc.

Contractor: American Telephone and Telegraph, Inc.

Amount: \$66,699.20

RESOLUTION NO. 446-95 Re: REDUCTION OF RETAINAGE - WATKINS MILL HIGH SCHOOL

On recommendation of the superintendent and on motion of Mrs. King seconded by Mr. Abrams, the following resolution was adopted unanimously by members present:

WHEREAS, William F. Klingensmith, Inc., general contractor for the Watkins Mill High School addition project, has completed 90 percent of all specified requirements, and has requested that the 10 percent retainage, which is based on the completed work to date, be reduced to 5 percent; and

RESOLUTION NO. 448-95 Re: KITCHEN FIRE SUPPRESSION SYSTEMS AT VARIOUS SCHOOLS

On recommendation of the superintendent and on motion of Mrs. King seconded by Mr. Abrams, the following resolution was adopted unanimously by members present:

WHEREAS, The following bid was received on June 5, 1995, to provide kitchen fire suppression systems at various schools, with work to begin immediately and to be completed by August 25, 1995:

<u>Bidder</u>	<u>Amount</u>
Guardian Fire Protection Service, Inc.	\$54,635

and

WHEREAS, Although only one bid was received, the bid is below the staff estimate of \$64,000, and Guardian Fire Protection Service, Inc., has completed similar work successfully for Montgomery County Public Schools; now therefore be it

Resolved, That a \$54,635 contract be awarded to Guardian Fire Protection Service, Inc., to provide kitchen fire suppression systems at various schools, in accordance with plans and specifications prepared by the Department of Facilities Management.

RESOLUTION NO. 449-95 Re: REROOFING - FOX CHAPEL ELEMENTARY SCHOOL

On recommendation of the superintendent and on motion of Mrs. King seconded by Mr. Abrams, the following resolution was adopted unanimously by members present:

WHEREAS, The following sealed bids were received on June 6, 1995, for the reroofing of Fox Chapel Elementary School, with work to begin immediately and to be completed by August 25, 1995:

<u>Bidder</u>	<u>Amount</u>
J. E. Wood & Sons Co., Inc.	\$234,400
MJB, Inc.	249,675
Orndorff & Spaid, Inc.	253,238

and

WHEREAS, The low bidder, J. E. Wood & Sons Co., Inc., has completed similar projects successfully for Montgomery County Public Schools, and the low bid is below the staff estimate of \$250,000; and

WHEREAS, The State Interagency Committee for Public School Construction will fund 50 percent of the eligible work for the reroofing of Fox Chapel Elementary School as part of the state systemic renovation program; now therefore be it

Resolved, That a \$234,400 contract be awarded to J. E. Wood & Sons Co., Inc., for the reroofing of Fox Chapel Elementary School, in accordance with plans and specifications prepared by the Department of Facilities Management.

RESOLUTION NO. 450-95 Re: REROOFING - POOLESVILLE ELEMENTARY SCHOOL

On recommendation of the superintendent and on motion of Mrs. King seconded by Mr. Abrams, the following resolution was adopted unanimously by members present:

WHEREAS, The following sealed bids were received on June 6, 1995, for the reroofing of Poolesville Elementary School, with work to begin immediately and to be completed by August 25, 1995:

<u>Bidder</u>	<u>Amount</u>
MJB, Inc.	\$291,978
Orndorff & Spaid, Inc.	298,251

and

WHEREAS, The low bidder, MJB, Inc., has completed a similar project successfully for Montgomery County Public Schools, and the low bid is below the staff estimate of \$300,000; now therefore be it

Resolved, That a \$291,978 contract be awarded to MJB, Inc., for the reroofing of Poolesville Elementary School, in accordance with plans and specifications prepared by the Department of Facilities Management.

RESOLUTION NO. 451-95 Re: STEPS, RAMPS, DECKS, SKIRTING, AND
CANOPIES FOR MODULAR CLASSROOM
BUILDINGS

On recommendation of the superintendent and on motion of Mrs. King seconded by Mr. Abrams, the following resolution was adopted unanimously by members present:

WHEREAS, The following bid was received on June 14, 1995, to provide steps, ramps, decks, skirting, and canopies for modular classroom buildings at various schools, with work to begin immediately and to be completed by August 25, 1995:

<u>Bidder</u>	<u>Amount</u>
Cynthia M. Hastings, Inc., T/A H & H Enterprises	\$344,000

and

WHEREAS, H & H Enterprises has completed similar work successfully for modular classroom buildings for Montgomery County Public Schools; and

WHEREAS, Although only one bid was received, it is below the staff estimate of \$350,000; now therefore be it

Resolved, That a \$344,000 contract be awarded to Cynthia M. Hastings, Inc., T/A H & H Enterprises to provide steps, ramps, decks, skirting, and canopies for modular classroom buildings at various schools, in accordance with plans and specifications prepared by the Department of Facilities Management.

RESOLUTION NO. 452-95 Re: ELECTRICAL SERVICE TO MODULAR
CLASSROOM BUILDINGS

On recommendation of the superintendent and on motion of Mrs. King seconded by Mr. Abrams, the following resolution was adopted unanimously by members present:

WHEREAS, The following bids were received on June 15, 1995, to provide electrical service to modular classroom buildings at various schools, with work to begin immediately and to be completed by August 18, 1995:

<u>Bidder</u>	<u>Project 1</u>	<u>Project 2</u>	<u>Total</u>
CT Electrical Corp. Paul J. Vignola Electric Co.	\$158,467 184,000	\$172,144 181,000	\$330,611 365,000
Tex/AM Construction Co., Inc.	203,985	254,985	458,970

and

WHEREAS, The low bidder, CT Electrical Corp., has completed work successfully for Montgomery County Public Schools; and

WHEREAS, The low bid is below the staff estimate of \$400,000; now therefore be it

Resolved, That a \$330,611 contract be awarded to CT Electrical Corp. to provide electrical service to modular classroom buildings

at various schools, in accordance with plans and specifications prepared by the Department of Facilities Management.

RESOLUTION NO. 453-95 Re: REDUCTION OF RETAINAGE - JACKSON
ROAD ELEMENTARY SCHOOL

On recommendation of the superintendent and on motion of Mrs. King seconded by Mr. Abrams, the following resolution was adopted unanimously by members present:

WHEREAS, Henley Construction Co., Inc., general contractor for Jackson Road Elementary School, has completed 88 percent of all specified requirements, and has requested that the 10 percent retainage, which is based on the completed work to date, be reduced to 5 percent; and

WHEREAS, The project bonding company, Hartford Fire Insurance Company, has consented to this reduction; and

WHEREAS, The project architect, Samaha Associates, P.C., recommends approval of the reduction; now therefore be it

Resolved, That the 10 percent retainage withheld from periodic payments to Henley Construction Co., Inc., general contractor for Jackson Road Elementary School, be reduced to 5 percent, with the remaining 5 percent to become due and payable after completion of all remaining contract requirements and formal acceptance of the completed project.

RESOLUTION NO. 454-95 Re: ANNUAL ACCOUNTABILITY REPORT

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

Resolved, That the Board of Education do the following set of things:

- ! adopt the superintendent's approach to the development of an annual accountability report, assuming that they would have a report in the future that would be more than a summary and index
- ! adopt the outline in attachment #1 as a working outline with the expectation that the working outline would be further developed and refined as they proceeded based on both the staff's views and the Board's views of what ought to be included
- ! request comment at an appropriate point, but soon, on what they were doing from the executive, Council, and Delegation to Annapolis

! request public comment at an appropriate time;
and be it further

Resolved, That the scheduling of these actions to be determined by the superintendent and the Board officers based on progress that the staff makes with the first version of this to be published in FY 1996; and be it further

Resolved, That the proposed schedule be brought to the Board.

Attachment 1

That the Board of Education request the superintendent to develop a prototype, in outline form, of an annual "Accountability Report for the Montgomery County Public Schools," to be issued beginning in FY 1996 for the year just finished, FY 1995, and to include, but not be limited to the following elements:

I. LONG-RANGE AND STRATEGIC GOALS, OBJECTIVES, PLANS

! System's long-range and strategic goals, objectives and plans set forth so that the public can see where the system wants to go. The remainder of the report would be designed to show where the system stands in relationship to these longer-term goals on an annual basis.

II. SYSTEM OPERATIONS PERFORMANCE

! Audited financial statements

! Audit results of significance and management actions on them

! Status of school construction and modernization

! Status of operating budget, grants made to MCPS, and revolving funds, by major area, e.g., transportation, pay and benefits, etc. This section would show the history of these budgets, including funds requested and funds appropriated by year over the past 10 years, by source (Federal, State, local and grants).

! Operating and capital budget efficiencies, by specific project on an annual basis

! Employment statistics by gender, race, and ethnic group

! Status of negotiated contracts with employee unions

III. PROGRAM PERFORMANCE

- ! Funding by school and by program, in operating and capital budgets
- ! Special programs (e.g., magnets, the IB, the Leadership Training Institute, BEKS, etc.), their funding, status, plans and results
- ! Technology implementation, funding, status, plans and results
- ! Program assessments, evaluations, and program data showing changes attributable to program interventions, along with long-range plans for program evaluation
- ! Staff development: training, education and other methods of developing and improving staff performance, and results

IV. STUDENT PERFORMANCE AND RESULTS

- ! Standards for student performance, changes in these standards in the past year, and projected for future years, and student performance against them, by grade, subject, and by student gender, race and ethnic group
- ! Standards for student behavior, and student performance against them, including suspensions, expulsions and lesser disciplinary actions
- ! Student transition to the work force
- ! Student admissions to college and college feedback on readiness of students for college work
- ! Specific measures of student performance, e.g., completion of Algebra 1, etc.
- ! Length of time students have been in school system and performance
- ! Students whose native language is not English and performance data
- ! Students who have disabilities and performance
- ! Students identified as gifted and talented, and performance

- ! MSPP scores, SAT and PSAT scores, other measurements of student performance, with data shown over time
- ! Supports to students beyond the classroom and their effectiveness, including but not limited to counseling, mentoring, internships, extracurricular activities, sports, etc.

Attachment 2

Items for Inclusion in a Montgomery County Public Schools (MCPS) Annual Accountability Report

1. Long-range and Strategic Goals, Objectives, and Plans

The goals and vision for Success for Every Student, the Goals of Education and the Board of Education (BOE) Action Areas are the published goals of MCPS.

II. System Operations Performance - Current Indicators

- A. Two audit documents are produced annually: Comprehensive Annual Financial Report and Report on Audit of Financial Statements of Federal Programs. These documents contain summaries of findings and a letter from the superintendent outlining actions taken and planned.
- B. The BOE receives monthly construction status reports that could be summarized annually.
- C. Status of history of operating budget, grants and revolving funds could be captured in a table showing 10-year history of requests and appropriations.
- D. Operating and capital budget efficiencies are detailed in The Citizens Budget.
- E. Employment statistics are compiled and shared annually with the BOE. The Staff Statistical Profile, presently an in-house document, is being updated for possible publication.
- F. Major changes are significant points of negotiated contracts are highlighted in reports to BOE and in press releases.

III. Program Performance

- A. The Selected Program Budgets and Budget Staffing Guidelines document provide a sample of funding by school and program.

- B. Information on special programs is available in various documents and reports, such as Locations of Programs and Services for Students with Special Needs in MCPS. Special and alternative education should be included in this section or separate sections could be developed for special education, alternative education and other specialized programs such as Tech Prep Programs.
- C. Global Access updates are presented regularly to the BOE including reports on technology implementation, funding, status, plans and results.
- D. Program assessments and evaluations are available in many different documents and forms, such as the evaluation of the Council on Instruction papers and formal evaluation such as elementary science grant. These documents can be indexed to serve as a reference.
- E. Information on staff development resides in School Improvement Training Unit, Systemwide Training Unit and school improvement management plans as well as in other Office for Instruction and Program Development and Office for Special and Alternative Education programs. Training plans, calendars and training program evaluations could be collected for this item.

IV. Student Performance and Results

- A. Standards for student performance are contained in both the Success for Every Student (SES) Annual Report and the Maryland School Performance (MSPP) Report Card and are reported annually.
- B. Student suspension data are reported in the Success for Every Student Annual Report and student attendance and drop out rates are reported in the MSPP Report Card.
- C. Student transition to the work force is reported in the Senior Exit Survey and the MSPP Report Card in a limited way. It is self-reported data that has not been verified.
- D. Student admissions to college is contained (self-reported) in the Senior Exit Survey. College feedback on readiness of students is reported in the Maryland Student Outcome and Achievement Report (SOAR) and is limited to Maryland public colleges and participating Maryland private colleges.
- E. Specific measures of student performance are contained in the Success for Every Student Annual Report.

- F. Reports on student performance are published for those who have been in MCPS two or more years in the Success for Every Student Annual Report and the local outcomes in the Maryland School Performance Program Report.
- G. Many students whose native language is not English are in general education because they are bilingual and MCPS has not created a way to capture data on these students. Current and previous ESOL students can be identified and their performance is reported for specific analyses such as passing rates for the Maryland Citizenship Test.
- H. Performance of students with Intensity 4 and 5 services is disaggregated for Success for Every Student and MSPP reports, but it is not reported separately.
- I. Participation of students in gifted and talented and honors courses is reported in the Success for Every Student Annual Report but performance data are not reported separately.
- J. MSPP, Scholastic Assessment Test (SAT), Practice Scholastic Assessment Test (PSAT), Advanced Placement (AP), and MCPS Criterion Referenced Test (CRT) measures are all reported annually in the Success for Every Student Report and the MSPP Report Card.
- K. Supports to students beyond the classroom have not been collected and reported in a single report. This section will require review to determine if some or all of these data are in formats that can be captured and reported.

RESOLUTION NO. 455-95 Re: TENTATIVE ADOPTION OF BOARD OF
EDUCATION POLICIES BNA AND BNB

On motion of Mr. Abrams seconded by Mr. Ewing, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education give tentative approval to the following policies:

BNA

POLICY

BOARD OF EDUCATION OF MONTGOMERY COUNTY

Related Entries: BNB, BP

Ombudsman/~~Staff Assistant~~ to the Board of Education

A. PURPOSE

To establish guidelines for the staff member acting as ~~position of~~ ombudsman/~~staff assistant~~ to the Board of Education

B. ISSUE

In a school system that has tens of thousands of students and thousands of employees, it is nearly impossible to expect things to go right all the time. There are formal appeal procedures that protect the due process rights of parents, students, and citizens and grievance procedures to protect the rights of employees. However, there are times when it is appropriate to initiate less formal inquiries into people's concerns and problems. In a large agency like the Montgomery County Public Schools, an ombudsman can help ensure that problems between citizens and the school system get handled as expeditiously and efficiently as possible.

C. POSITION

1. The ~~function position~~ of ombudsman shall be retained by ~~retitled ombudsman/staff assistant~~ to the Board of Education
2. The principal functions of the staff member acting as ombudsman ~~this position~~ shall be:
 - a) To serve as ombudsman in matters relating to the schools and school system for those persons in the community, including school employees, students, and other citizens who have problems, complaints, information, or suggestions to bring to the attention of school authorities for which no channels of communication appropriate to their needs are available
 - b) To provide other ~~serve as~~ staff assistance to the Board, including ~~with~~ the following responsibilities:
 - (1) To prepare at the specific direction of the Board in each instance factual and evaluative reports and recommendations relating to educational programs, policies, procedures, organization, or administration
 - (2) To prepare at the request of the Board, compilations, surveys, or summaries of information and technical literature or other sources relating to educational matters

- (3) To attend meetings of public committees and of other school-community organizations at the direction of the Board in the capacity of an observer
 - (4) ~~To serve as parliamentarian for the Board of Education~~
 - ~~(5) To undertake such other assignments as the Board may request~~
3. In carrying out these duties, the ombudsman/~~staff assistant~~ shall:
- a) Have access to all pertinent files, records, data, reference and research materials, and other such informational resources from the public schools, subject to the provision that material in the personnel file shall be made available only with the consent of the employee whom it concerns; confidential material in a pupil personnel file shall be made available only with the consent of the parent or guardian concerned
 - b) Be provided with the support needed to fulfill the assignments, including secretarial assistance, duplicating services, and office supplies and facilities
 - c) Receive the cooperation of all employees of the public schools in the performance of these duties
4. ~~It is essential to the functioning of the position of ombudsman/staff assistant to the Board of Education that information be furnished to the ombudsman/staff assistant on a confidential basis and that such confidences be preserved. To this end, procedures to assure confidentiality of information received by the ombudsman/staff assistant shall be established by the Board.~~
5. The ombudsman/~~staff assistant~~ shall not undertake any duties or assignments which contravene the authority of the superintendent as specified in *The Annotated Code of Maryland, Education*, or any other laws, bylaws, rules or policies of the State Board of Education; he/she shall not interfere with contractual grievance procedures but shall provide services in accordance with rights of staff members as specified in the Negotiated Agreements; and he/she shall not, while acting in the capacity of ombudsman, violate any of the constitutional rights of complainants or of the persons against whom complaints have been brought.

D. DESIRED OUTCOME

Board level services to citizens, staff, students and parents that are timely and responsive to their issues and concerns.

E. IMPLEMENTATION STRATEGIES

6. Procedures for the selection of a person to act as ombudsman ~~fill this position~~ shall be established by the Board and the superintendent.

F. REVIEW AND REPORTING

7. The overall effectiveness of this function ~~position~~ shall be reviewed and evaluated by the Board and superintendent annually.

Policy History: Adopted by Resolution No. 649-70, December 21, 1970; reformatted in accordance with Resolution No. 333-86, June 12, 1986 and Resolution No. 458-86, August 12, 1986, and accepted by Resolution No. 550-88, October 24, 1988; amended by Resolution No. 732-90, November 26, 1990.

POLICY

BOARD OF EDUCATION OF MONTGOMERY COUNTY

Related Entries: BNA, BP

**Guidelines for the Work of the ~~Ombudsman~~/Staff Assistant
to the Board of Education**

A. PURPOSE

To establish guidelines for the duties of the ~~ombudsman/staff assistant~~ to the Board of Education

B. ISSUE

The powers and mandatory duties of the Board of Education are defined in the Education Article of the *Annotated Code of Maryland* and the *Code of Maryland Regulations*, 13.1, State Board of Education. The Board needs both the advice of the superintendent and the support of staff to fulfill its general responsibilities as outlined in Policy BP, which include selecting and appointing the superintendent of schools; formulating and interpreting policies; making a continuous appraisal of the educational and administrative process; communicating with citizens, staff and students; and acting in a quasi-judicial role to hear appeals of superintendent decisions.

C. POSITION

1. The Board of Education shall be assisted in fulfilling its responsibilities by both professional and support staff.
2. ~~Ombudsman/Staff Assistant~~ Responsibilities
 - a) Ombudsman
 - (1) The staff member acting as ombudsman serves any employee, student, and other citizen who has problems, complaints, information, or suggestions which he/she elects to bring to the attention of the ombudsman. The ~~ombudsman/staff assistant~~ will direct persons with problems, complaints, information, or suggestions to the appropriate channels of communication. Where, in the judgment of the ~~ombudsman/staff assistant~~, appropriate

channels of communication are not available the problem, the ombudsman/~~staff assistant~~ shall attempt to have the problem resolved at the most appropriate administrative level. Those cases which cannot be resolved at lower levels will be brought to the attention of the deputy superintendent and/or the superintendent. If a case or cases cannot be resolved satisfactorily at the deputy superintendent or superintendent levels and if in the judgment of the ombudsman/~~staff assistant~~ the circumstances warrant further review, the ombudsman/~~staff assistant~~ may recommend to the president of the Board and to the superintendent that the case be brought to the attention of the Board of Education. In a case or cases involving Montgomery County Public Schools employees, the ombudsman/~~staff assistant~~ shall review periodically with the Board and the superintendent the abstract inferences and suggestions with respect to policy and administration which may be derived from such cases. The ombudsman/~~staff assistant~~ shall make similar reports to the Board and superintendent with regard to cases coming from students and the community at large.

- (2) In order for the ombudsman/~~staff assistant~~ to be able to carry out the responsibility of that function position, it is essential that information furnished in confidence remain confidential. The ombudsman/~~staff assistant~~, therefore, shall not offer testimony concerning such confidences in any adversarial proceedings, except where the release of such information is required by virtue of a subpoena or court order in a judicial proceeding. Except in a judicial proceeding, as described in a preceding sentence, the ombudsman/~~staff assistant~~ shall not divulge any information furnished to him/her in confidence, nor shall any person utilizing the services of the office or furnishing information to it authorize, or seek, the release of any confidential information so furnished.

b) Staff Assistance

- (1) ~~The ombudsman/s~~ Staff to the Board of Education ~~assistant~~ will perform ~~staff assistant duties~~ through assignments developed jointly by the ~~ombudsman/staff~~ director ~~assistant~~ and the Board of Education. Assignments may be suggested by the ~~staff assistant~~, any member of the Board, and the

superintendent. The assignments and their relative priority will be determined by the Board bimonthly. No assignment will be made without a concurrence of at least a majority of the Board. The superintendent shall have the opportunity to comment upon the work program prior to its adoption. The assignments may include the preparation of factual and evaluative reports and recommendations relating to programs, policies, procedures, organization, or administration; preparation of compilations, surveys, or summaries of information and technical literature relating to educational matters; attendance at meetings of community and school organizations; and such other assignments as the Board may request.

- (2) The ombudsman/~~staff assistant~~ shall have the responsibility to advise the Board and the superintendent immediately regarding the existence of a problem which, in the judgment of the ombudsman/~~staff assistant~~, warrants the prompt attention of the Board of Education and the superintendent.
- (3) The ~~ombudsman~~/staff director ~~assistant~~ shall present a quarterly report to the Board, or he/she may request more immediate consideration. In addition, he/she will present a public report annually. This public report will refer to both the ~~responsibility as~~ ombudsman and ~~responsibility as~~ staff assistance functions. The public report will carefully preserve appropriate confidentiality of personnel for whom ~~staff have~~ the ~~ombudsman has~~ provided services.
- (4) In addition to the assignments described above, any member of the Board of Education may propose an ad hoc assignment for the staff ~~assistant~~. An ad hoc assignment is defined as one which would be expected to consume a total of less than one-half day of staff ~~assistant~~ work time and which may need accomplishment before the next quarterly meeting. Ad hoc assignments shall not include assignments which are expected to lead to the preparation of a new policy for Board consideration or an assignment which might be considered an investigation. Examples of an ad hoc assignment might be the attendance at a public meeting or the preparation of a brief, special analysis. Requests from individual Board members for such assignments shall be channeled through the president of the Board who will, in consultation with the staff ~~director~~ ~~assistant~~, determine their reasonableness in light of the

existing work-load of the ~~ombudsman/staff assistant~~. The president of the Board will have the option of delegating this authority to the vice-president regarding the channeling of ad hoc assignments. To facilitate the efforts of ~~the ombudsman/staff assistant~~ and to avoid work duplication, the president of the Board usually will advise and seek comments of the superintendent regarding the ad hoc assignments. The president of the Board shall inform the Board member who made the request of any determination that an ad hoc assignment cannot be carried out. Any decision of the president may be appealed to the entire Board of Education.

c) ~~Staff Director Both Ombudsman/Staff Assistant~~

- (1) The ~~ombudsman/staff director assistant~~ shall have the responsibility to advise the Board and the superintendent immediately when ~~he/she~~ staff detects the existence of a problem which, in the staff director's ~~his/her~~ judgment, warrants the prompt attention of the Board of Education and the superintendent.
- (2) The ~~ombudsman/staff director assistant~~ shall present a report of staff ~~his/her~~ work quarterly to the Board, or he/she may request more immediate consideration. In addition, he/she will present a public report of staff ~~his/her~~ work once a year. This public report will refer to both ~~his/her~~ ombudsman responsibilities and ~~his/her~~ staff assistance responsibilities. The public report will carefully preserve appropriate confidentiality of personnel for whom the ~~staff~~ have ~~ombudsman has~~ provided services.

23. Staff to the Board of Education ~~Assistant~~

The staff to the Board of Education ~~assistant~~ works under the supervision of the ~~ombudsman/staff director, assistant~~ in the review and analysis of school policies, programs, projects, procedures, and budgets at the direction of the Montgomery County Board of Education, and within the guidelines of the staff ~~assistant~~ functions as established by the Board of Education. The staff have ~~assistant, like the ombudsman/staff assistant, has~~ a responsibility to serve all of the members of the Board of Education equally. The staff ~~director assistant~~ will maintain a log of assignments and will provide copies of the log to all Board members and the superintendent as part of the quarterly report to the Board ~~monthly~~.

D. DESIRED OUTCOME

Support to the Board of Education that meets the needs of the Board as a whole, as well as the needs of its individual members when possible. In addition, the staff to the Board of Education should be responsive to the citizens, staff, students and parents served by the Board and maintain confidentiality in every matter they handle.

E. IMPLEMENTATION STRATEGIES

Job descriptions for staff to the Board of Education shall be established by the Board, with the assistance of the superintendent.

F. REVIEW AND REPORTING

The work performed by the staff to the Board of Education shall be reviewed annually by the staff director, the Board of Education and the superintendent. Job descriptions for staff to the Board of Education shall be reviewed by the Board at least once every four years, with input from the staff director and the superintendent.

Policy History: Adopted by Resolution No. 438-71, July 13, 1971; amended by Resolution No. 584-72, September 12, 1972, reformatted in accordance with Resolution No. 333-86, June 12, 1986 and Resolution No. 458-86, August 12, 1986, and accepted by Resolution No. 550-88, October 24, 1988; amended by Resolution No. 732-90, November 16, 1990.

Re: BOARD/SUPERINTENDENT COMMENTS

1. Mrs. Gordon noted that this evening's meeting was the last official Board meeting for Mr. Fess and Ms. Mary Lou Wood and expressed the Board's appreciation for their many years of service to the Board. Dr. Vance also acknowledged the last formal appearance of Ms. Wood and Mr. Fess. Ms. Wood had been the school system's resident historian. He had had a professional and personal relationship with Mr. Fess for 18 years. He would personally miss them both.

2. Mr. Ewing reported that once again Montgomery Blair High School had distinguished itself by winning the It's Academic regional superbowl against Richmond and Baltimore. He offered his congratulations to the team, and he was sure the Board shared the pleasure and pride that he felt in their accomplishment.

RESOLUTION NO. 456-95 Re: CLOSED SESSION RESOLUTION - JUNE 28
AND JULY 11, 1995

On recommendation of the superintendent and on motion of Mr. Abrams seconded by Mrs. King, the following resolution was adopted unanimously by members present:

WHEREAS, The Board of Education of Montgomery County is authorized by the Education Article of the Annotated Code of Maryland and Title 10 of the State Government Article to conduct certain meetings or portions of its meetings in closed session; now therefore be it

Resolved, That the Board of Education of Montgomery County hereby conduct a closed session meeting on Wednesday, June 28, 1995, at 7:30 p.m. to discuss personnel matters; and be it further

Resolved, That the Board of Education of Montgomery County hereby conduct a portion of its meeting on Tuesday, July 11, 1995, at 9 a.m. and at noon to discuss personnel matters and contract negotiations, matters protected from public disclosure by law, and other issues including consultation with counsel to obtain legal advice; and be it further

Resolved, That these meetings be conducted in Room 120 of the Carver Educational Services Center, Rockville, Maryland, as permitted under Section 4-106, Education Article of the Annotated Code of Maryland and State Government Article 10-501; and be it further

Resolved, That such meetings shall continue in closed session until the completion of business.

Re: REPORT OF CLOSED SESSIONS - JUNE 5,
13, AND 14, 1995

On May 22, 1995, by the unanimous vote of members present, the Board of Education voted to conduct a closed session on Monday, June 5, 1995, as permitted under Section 4-106, Education Article of the Annotated Code of Maryland and State Government Article 10-501.

The Montgomery County Board of Education met in closed session on Monday, June 5, 1995, from 7:45 p.m. to 9:30 p.m. The meeting took place in Room 120, Carver Educational Services Center, Rockville, Maryland.

The Board met to discuss the implications of Council budget action on the negotiated agreements and to take a vote on the negotiated agreements. This vote was confirmed in open session on June 13.

The Board reviewed possible options for budget reductions and requested additional information on other options.

In attendance at the closed session were Steve Abrams, Larry Bowers, Carole Burger, Alan Cheung, Blair Ewing, Reggie Felton, Tom Fess, John Finan, David Fischer, Phinnize Fisher, Kathy Gemberling, Bea Gordon, Ana Sol Gutierrez, Nancy King, Elfreda Massie, Tom Reinert, Jim Terrill, Paul Vance, Mary Lou Wood, and Melissa Woods.

On May 22, 1995, by the unanimous vote of members present, the Board of Education voted to conduct a closed session on Tuesday, June 13, 1995, as permitted under Section 4-106, Education Article of the Annotated Code of Maryland and State Government Article 10-501.

The Montgomery County Board of Education met in closed session on Tuesday, June 13, 1995, from 10 a.m. to 10:35 a.m. and from 12:30 p.m. to 1 p.m. The meetings took place in Room 120, Carver Educational Services Center, Rockville, Maryland.

The Board met to discuss the monthly personnel report and academic leave. Votes taken in closed session were confirmed in open session. The Board discussed the personnel implications of the transitional reorganization plan.

At noon the Board voted on appointments to Board committees, the audit committee, and MABE legal services. These votes were confirmed in open session. The Board reviewed Appeals 1995-2, 1995-13, 1995-14, 1995-16, and T-1995-1.

In attendance at the closed session were Steve Abrams, Larry Bowers, Alan Cheung, Wendy Converse, Blair Ewing, Reggie Felton, Tom Fess, David Fischer, Kathy Gemberling, Bea Gordon, Ana Sol Gutierrez, Nancy King, Elfreda Massie, Charles McCullough, Brian Porter, Paul Vance, Mary Lou Wood, and Melissa Woods.

On June 13, 1995, by the unanimous vote of members present, the Board of Education voted to conduct a closed session on Wednesday, June 14, 1995, as permitted under Section 4-106, Education Article of the Annotated Code of Maryland and State Government Article 10-501.

The Montgomery County Board of Education met in closed session on Wednesday, June 14, 1995, from 7:30 p.m. to 10:55 p.m. The meeting took place in Room 120, Carver Educational Services Center, Rockville, Maryland.

The Board met to hear oral arguments in Appeal No. BOE 1994-8. Mr. Fess informed the Board about a Freedom of Information Act request on Board and staff expenditures. Board members met with their attorney to review the student transfer process for the coming

school year. The Board concluded the meeting with a discussion with Dr. Vance on the process for his performance evaluation.

In attendance at the closed session were Steve Abrams, Judy Bresler, Alan Cheung, Blair Ewing, Reggie Felton, Tom Fess, Bea Gordon, Ana Sol Gutierrez, Marlene Hartzman, Nancy King, Charles McCullough, Roger Titus, Paul Vance, Mary Lou Wood, and Melissa Woods.

RESOLUTION NO. 457-95 Re: SPECIAL EDUCATION HEARING OFFICERS

On motion of Mr. Abrams seconded by Ms. Gutierrez, the following resolution was adopted unanimously by members present:

WHEREAS, The Board of Education has adopted Policy BLC to provide due process hearings in special education matters, consistent with federal and state requirements; and

WHEREAS, Policy BLC was first adopted in 1980 and the last substantive change to that policy was made in 1986; and

WHEREAS, A number of changes in laws and regulations have occurred as well as changes in departmental and job titles, as a result of which a general review of Policy BLC is now appropriate; and

WHEREAS, Maryland law requires Montgomery County Public Schools to maintain a list of at least ten impartial hearing officers; and

WHEREAS, Montgomery County Public Schools has used, as permitted, hearing officers from the State-approved list as well as hearing officers from its own list, developed in conformance with state and federal law; and

WHEREAS, The Board of Education desires to make, in a single document, a comprehensive appointment of all impartial hearing officers; and

WHEREAS, The Board of Education desires to make, in a single document, a comprehensive appointment of all impartial hearing officers; and

WHEREAS, The Board of Education wishes to undertake a study of the necessary and desirable qualifications for appointment as an impartial hearing officer and to establish a system for fairly evaluating existing and future hearing officers; now therefore be it

Resolved, That the superintendent, in consultation with counsel to the Board, be directed to review Policy BLC and submit to the Board of Education by no later than August 29, 1995, a proposed new Policy BLC and any appropriate administrative regulations; and be it further

Resolved, That the following individuals be appointed as special education impartial hearing officers for Montgomery County Public Schools, such term of appointment to expire on December 31, 1995, except that a hearing officer shall complete work on any matter which was assigned to such hearing officer prior to December 31, 1995:

Dr. Robert Forder	Dr. Patricia Heeney
Ms. Lois Hochhauser	Dr. Rita Ives
Dr. Corrine K. Jensema	Judge Joseph P. Kennedy
Dr. Leon Litow	Dr. Burton Lohnes
Mr. Daniel D. Mauchline	Mr. William Miller
Dr. Rolf E. Muuss	Dr. Lawrence Riccio
Mr. Max Robinovitz	Dr. Lois Shofer
Dr. Jay R. Shotel	

; and be it further

Resolved, That any and all prior resolutions appointing special education impartial hearing officers be hereby superseded by this resolution; and be it further

Resolved, That the superintendent be directed to undertake a study of the necessary and desirable qualifications for appointment as a special education impartial hearing officer, including but not limited to whether impartial hearing officers should be licensed to practice law in Maryland, as well as whether other qualifications beyond those enumerated by law are appropriate; and be it further

Resolved, That the superintendent be directed to develop a system for evaluating impartial hearing officers, such evaluation system to include input from interested parties, including but not limited to parents (including their counsel or advocates) and Montgomery County Public School staff; and be it further

Resolved, That the superintendent complete the study as directed in this Resolution and complete the development of the evaluation system as directed, and present a report on both to the Board no later than October 1, 1995.

RESOLUTION NO. 458-95 Re: GOALS 2000

On motion of Mr. Ewing seconded by Ms. Gutierrez, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education schedule time to discuss the information item, Goals 2000 Assessed Against MCPS Curriculum, and the progress MCPS had made in meeting these goals.

RESOLUTION NO. 459-95 Re: BOE APPEAL NO. 1995-8

On motion of Ms. Gutierrez seconded by Dr. Cheung, the following resolution was adopted with Mr. Abrams, Dr. Cheung, Ms. Gutierrez, and Mrs. King voting in the affirmative; Mr. Ewing, Mr. Felton, and Ms. Gordon voting in the negative#:

Resolved, That the Board of Education adopt its Decision and Order in BOE Appeal No. 1995-8, a personnel matter.

#student vote does not count. Four votes needed for adoption.

Re: NEW BUSINESS

Board members introduced the following items of new business:

1. Mr. Ewing moved and Dr. Cheung seconded the following:

Resolved, That the Board of Education reassess the roles and responsibilities of media specialists and media assistants especially in the light of the role assigned to them in Global Access and also given that they are instructional personnel who support classroom teachers; and be it further

Resolved, That this reassessment be completed prior to the preparation of the FY 1997 Operating Budget so that if there were budget implications from the reassessment they could be taken into account in a timely fashion.

Ms. Gutierrez assumed the chair.

2. Mrs. Gordon moved and Mr. Abrams seconded the following:

Resolved, That the Board of Education schedule a complete review of the operating budget and that the Board develop a model based on the Lincoln, Oregon School District which will include a category and program review with community, Board, and employee participation and will be advisory to the superintendent prior to his budget presentation; and be it further

Resolved, That recommendations for reductions by category be included as part of any recommendations to the superintendent and that this review will begin this summer for the FY 1997 Operating Budget and this community involvement would replace the current practice of fall forums.

Mrs. Gordon assumed the chair.

Re: ITEM OF INFORMATION

Board members received the Master Calendar of Board Meetings, FY 1996.

RESOLUTION NO. 460-95 Re: ADJOURNMENT

On recommendation of the superintendent and on motion of Mr. Felton seconded by Ms. Gutierrez, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education adjourn its meeting at 10:50 p.m.

PRESIDENT

SECRETARY

PLV:mlw