

APPROVED  
26-1996

Rockville, Maryland  
June 24, 1996

The Board of Education of Montgomery County met in regular session at the Carver Educational Services Center, Rockville, Maryland, on June 24, 1996, at 8:20 p.m.

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

Others Present: Dr. Paul L. Vance, Superintendent  
Mr. Larry A. Bowers, Acting Deputy  
Ms. Rachel Prager, Student Board Member-Elect

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

RESOLUTION NO. 433-96 Re: **BOARD AGENDA -- JUNE 24, 1996**

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

Resolved, That the Board of Education amended and adopted the agenda by moving 5.0 (Tentative Revision to Policy BLC) to follow Public Comments.

RESOLUTION NO. 434-96 Re: **RECOMMENDATION TO APPROVE THE AGREEMENT WITH THE MONTGOMERY COUNTY COUNCIL OF SUPPORTING SERVICES EMPLOYEES**

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

WHEREAS, Section 6-510 of the Education Article, Annotated Code of Maryland, permits 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 Council of Supporting Services Employees was properly designated as the employee organization to be exclusive representative for these negotiations; and

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WHEREAS, The parties have a negotiated agreement for the 1995-1998 school years and said agreement provided that negotiations be reopened on salaries and benefits for the 1996-97 school year and any other two single-issue language items that either party may elect; and

WHEREAS, Said negotiations and mediation in good faith have occurred and the parties have reached a tentative agreement; and

WHEREAS, The tentative agreement has been duly ratified by the membership of the Montgomery County Council of Supporting Services Employees; now therefore be it

Resolved, That the Board of Education approve the amended agreement for the period of July 1, 1996, through June 30, 1998; 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, 1996.

RESOLUTION NO. 435-96            Re:    **DEATH OF MRS. LUCILLE MAURER, FORMER  
MEMBER OF THE MONTGOMERY COUNTY BOARD  
OF EDUCATION**

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

WHEREAS, The recent death of Lucille Maurer has deeply saddened the staff and members of the Board of Education; and

WHEREAS, Mrs. Maurer served 8 years, from 1961 to 1968, on the Montgomery County Board of Education at a time of great change and rapid growth, serving with courage, great effectiveness and responsiveness to public concerns; and

WHEREAS, Mrs. Maurer was steadily devoted to the proposition that public education was one of society's, Maryland's and Montgomery County's highest priorities, and acted on that proposition in all of her many roles; and

WHEREAS, Mrs. Maurer continued her public service after leaving the Board of Education by serving 18 years in the General Assembly, as a member of the House of Delegates representing Montgomery County, becoming widely known as an expert on educational programs and funding formulas designed to be fair to all children in the State; and

WHEREAS, Mrs. Maurer next served with great distinction as the first female State Treasurer from 1987 to 1996 and concurrently as the first female to sit on the Maryland Board of Public Works; now therefore be it

June 24, 1996,

Resolved, That on behalf of the staff and students of the Montgomery County Public Schools, the members of the Board of Education express their sorrow at the death of Mrs. Lucille Maurer and extend deepest sympathy to her family; and be it further

Resolved, That this resolution be made part of the minutes of this meeting and a copy be forwarded to her devoted husband of 51 years, Ely Maurer.

**Re: PUBLIC COMMENTS**

The following people appeared before the Board of education:

1. Marguerite Eimer
2. Mauri Saalakahn
3. Mohammad Siddique
4. Faizul Kahn
5. Ross Weisiger
6. Bunny Galladora
7. Dorothy Hearn
8. Linda Case
9. Judy Koenick
10. Dr. Yasmin Majid
11. Jere Kiser
12. Samira Hussein
13. Michael Calsetta
14. Cecilia Pauley
15. Joe Pauley

RESOLUTION NO. 436-96

**Re: TENTATIVE ADOPTION OF REVISIONS TO POLICY BLC, PROCEDURES FOR INFORMAL REVIEW AND RESOLUTION/IMPARTIAL DUE PROCESS HEARINGS (SPECIAL EDUCATION ONLY)**

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

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

WHEREAS, Section 8-415 of the *Educational Article of the Annotated Code of Maryland*, that provides for reviews of educational placements of students with disabilities, has been repealed and reenacted with amendments to eliminate the initial local level tier of review, effective July 1, 1996; and

WHEREAS, The statute also provides for a system of mediation of disputes concerning the educational placement of students with disabilities before or during hearings; and

WHEREAS, The local level due process procedures described in Policy BLC will no longer be in effect with the new fiscal year, and the local mediation procedures are redundant; and

WHEREAS, Policy BLC provides an effective local option for review and resolution of special education complaints in the administrative review process; now therefore be it

Resolved, That draft Policy BLC, *procedures for Review and Resolution of Special Education Disputes*, be tentatively adopted as shown on below; and be it further

Resolved, That requests for due process hearings filed in time to be scheduled by June 30, 1996, be conducted under the existing Policy BLC procedures and all hearings scheduled thereafter be conducted under the new rules of procedure that are described in "Guidelines for Maryland Special Education Mediation/Due Process hearings" published by the Maryland State Department of Education's Division of Special Education.

## **Procedures for Informal Review and Resolution of Special Education Disputes**

### A. PURPOSE

To establish and recognize review and resolution options that permit cooperative problem solving of disputes regarding identification, evaluation, or educational placement of students with disabilities or the provision of a free appropriate public education

### B. ISSUE

Students with disabilities and their parent(s)/guardian(s) must be guaranteed procedural safeguards with respect to their right to free appropriate public education and should have available less formal options for resolution of disputes.

### C. POSITION

#### 1. Statement of Philosophy

It is the intent of the Board of Education to resolve all disputes related to special education in as efficient and cooperative a manner as possible.

MCPS has established an administrative review process that may be used and encourages the use of mediation processes authorized by state law.

The parent/guardian/eligible student (a student 18 years of age or older) may elect not to use an administrative review and may request mediation and/or a due process hearing in accordance with state law.

2. Applicable Laws, Rules, and Regulations

Where applicable, these procedures should be read in conjunction with state and federal laws, rules, and regulations that include the following:

- a) *The Annotated Code of Maryland, Education Article, Section 8-415*
- b) Maryland State Board of Education bylaws:
  - (1) Bylaw 13A.05.01 deals specifically with Programs for Students with Disabilities
  - (2) Bylaw 13A.05.01.14 deals specifically with Due Process Hearing Procedures
- c) The Individuals with Disabilities Education Act (IDEA) 20 U.S.C. §1400 *et seq.*, and Rules and Regulations Implementing IDEA

3. Conflicts

In cases of conflicts between these procedures and applicable state or federal laws, rules, or regulations, the state or federal laws, rules, or regulations shall govern.

4. Administrative Review and Resolution

The parent/guardian/eligible student may select, as an alternative to the mediation or due process hearing procedures, an administrative review.

The process for administrative review involves reviewing all available records on the student and obtaining information required for clarification so that a decision that attempts to resolve the dispute in a way that is satisfactory to both parties can be offered.

(1) When Available

An administrative review is available whenever a parent/guardian/eligible student is dissatisfied with a decision, or lack thereof, regarding identification, evaluation, or educational placement of a student or the provision of a free appropriate public education and has not filed a request for mediation and/or a due process hearing

(2) Procedure

To initiate the administrative review, MCPS Form 336-43A, *Request for Administrative Review and Resolution*, must be completed by the parent/guardian. The form is then filed with the Department of Special Education.

A committee of no less than two (2) MCPS professional staff members, at least one of whom is certificated in special education, who have had no direct involvement in the decision, will obtain relevant records and consider any information submitted by the parent/guardian/eligible student with the form or gained from other sources. The administrative review should be completed within twenty (20) calendar days of filing. However, at any time during the process, or at the completion of the process, a party may request mediation and/or a due process hearing. If mediation and/or a due process hearing is requested, the administrative review will terminate.

When a review is completed, a representative of the Department of Special Education will inform the parties in writing of the suggested resolution. If all parties concur, the resolution it shall be committed to writing and signed.

5. Mediation/ Due Process Hearing Procedures

The Board of Education encourages the use of state provided mediation as an alternative to resolution of disputes prior to or current with a due process hearing. Mediation attempts to bring about a resolution of the dispute by the parties through the intervention of a neutral third party. Mediation is made available through the State Office of Administrative Hearings and is conducted by an impartial administrative law judge.

The Board of Education also recognizes the availability of due process hearings through the State Office of Administrative Hearings.

A parent or MCPS may initiate mediation/due process hearings concerning free appropriate public education by making a written request to the MCPS Department of Special Education. If an oral request is received, MCPS will provide the individual with a request form and assist the individual in completing the form, as appropriate.

D. DESIRED OUTCOME

Montgomery County Public Schools desires to seek early resolution of disputes in as informal and cooperative manner as possible.

E. IMPLEMENTATION STRATEGIES

1. The superintendent will publicize the options for review and resolution of disputes regarding identification, evaluation, or educational placement of children or the provision of a free appropriate public education as well as the procedures for applying for mediation/due process hearings.
2. The superintendent will develop regulations and other procedures as necessary to implement this policy.
3. The superintendent will establish a data collection process to determine the effectiveness of the implementation of these procedures.

F. REVIEW AND REPORTING

1. The superintendent shall bring to the Board all matters related to this policy that involve issues of great importance.
2. The level of authority of the superintendent to settle claims related to special education without specific approval of the Board of Education shall be set by resolution adopted by the Board of Education. Settlement of fees and costs that exceed the level adopted by the Board of Education shall be evaluated by legal counsel and reported to the Board of Education.
3. This policy will be reviewed on an ongoing basis in accordance with the Board of Education policy review process.

June 24, 1996,

RESOLUTION NO. 437-96      Re:    **AWARD OF CONTRACT - PAINT BRANCH HIGH SCHOOL CAFETERIA ADDITION**

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

WHEREAS, The following bids were received on June 13, 1996, for the construction of the cafeteria addition at Paint Branch High School, with work to begin immediately and be completed by September 1, 1996:

<u>Bidder</u>	<u>Amount</u>
Smith & Haines, Inc.	\$115,000
Kimmel & Kimmel, Inc.	164,400

and

WHEREAS, The low bidder, Smith & Haines, Inc., made a significant error in their estimate and has requested that they be allowed to withdraw the bid; and

WHEREAS, State procurement statutes recommend that a contractor be allowed to withdraw a bid if they can show an error was made that would cause substantial financial loss; and

WHEREAS, Staff has reviewed the bids, and feels that the low bidder's claim is legitimate; and

WHEREAS, Kimmel & Kimmel, Inc., has completed similar projects successfully for Montgomery County Public Schools; and

WHEREAS, The low bid is below the staff estimate of \$175,000; now therefore be it

Resolved, That a contract for \$164,400 be awarded to Kimmel & Kimmel, Inc., for the construction of the cafeteria addition at Paint Branch High School, in accordance with plans and specifications prepared by the Department of Facilities Management.

RESOLUTION NO. 438-96      Re:    **AWARD OF CONTRACT - KITCHEN FIRE SUPPRESSION SYSTEMS AT VARIOUS SCHOOLS**

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



WHEREAS, The following bids were received on June 11, 1996, to provide kitchen fire suppression systems at Fields Road, Summit Hall, Washington Grove, Watkins Mill, Bells Mill, Bethesda, Beverly Farms, Carderock Springs, and Farmland elementary schools, with work to begin immediately and be completed by August 22, 1996:

<u>Bidder</u>	<u>Amount</u>
Harris Fire Protection	\$17,549.71
Guardian Fire Protection Service, Inc.	54,395.00

and

WHEREAS, The Harris Fire Protection bid did not contain pricing for all of the items identified in the specifications and is nonresponsive; and

WHEREAS, The remaining bid is below the staff estimate of \$58,700; and

WHEREAS, Guardian Fire Protection Service, Inc., has completed similar work successfully for Montgomery County Public Schools; now therefore be it

Resolved, That a contract for \$54,395 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. 439-96      Re:    **AWARD OF CONTRACT - WYNGATE ELEMENTARY SCHOOL**

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

WHEREAS, The following bids were received on June 13, 1996, for the modernization of Wyngate Elementary School, with work to begin immediately and be completed by August 1, 1997:

<u>Bidder</u>	<u>Amount</u>
The McAlister-Schwartz Company	\$ 4,971,809
R. J. Crowley, Inc.	4,979,000
Meridian Construction Co., Inc.	5,148,500
Keller Brothers, Inc.	5,163,430
Kimmel & Kimmel, Inc.	5,175,700
J. A. Scheibel, Inc.	5,186,100

and

WHEREAS, The McAlister-Schwartz Company, has completed similar projects successfully for Montgomery County Public Schools; and

WHEREAS, The low bid is slightly above the staff estimate of \$4,950,000; however, a portion of the construction contingency can be used to offset the deficit; now therefore be it

Resolved, That a contract for \$4,971,809 be awarded to The McAlister-Schwartz Company for the modernization of Wyngate Elementary School, in accordance with plans and specifications prepared by Bowie-Gridley, Architects.

RESOLUTION NO. 440-96            Re:    **AWARD OF CONTRACT - CARL SANDBURG CENTER  
REROOFING**

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

WHEREAS, The following sealed bids were received on June 14, 1996, for the reroofing of the Carl Sandburg Center, which will begin immediately and will be completed by September 1, 1996:

<u>Bidder</u>	<u>Amount</u>
J. E. Wood & Sons Co., Inc.	\$148,550
Orndorff & Spaid, Inc.	219,122

and

WHEREAS, The low bidder, J. E. Wood & Sons Co., Inc., has completed similar work successfully for Montgomery County Public Schools; and

WHEREAS, The low bid is below the staff estimate of \$165,000; and

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

Resolved, That a contract for \$148,550 be awarded to J. E. Wood & Sons Co., Inc., for the reroofing of the Carl Sandburg Center, in accordance with plans and specifications prepared by the Department of Facilities Management; and be it further

June 24, 1996,

Resolved, That the contract be forwarded to the State Interagency Committee for School Construction for approval to reimburse Montgomery County Public Schools for the state eligible portion of the reroofing of the Carl Sandburg Center.

RESOLUTION NO. 441-96            Re:    **REROOFING - WHEATON HIGH SCHOOL**

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

WHEREAS, The following sealed bids were received on April 10, 1995, for reroofing a portion of Wheaton High School, which will begin on June 21, 1995, and be completed by August 25, 1995:

<u>Bidder</u>	<u>Amount</u>
J. E. Wood & Sons Co., Inc.	\$ 552,300
Orndorff & Spaid, Inc.	637,973

and

WHEREAS, The low bidder, J. E. Wood & Sons Co., Inc., has completed similar projects successfully at various schools, including Rock Creek Valley, Washington Grove, and Weller Road elementary schools; and

WHEREAS, The low bid is below the staff estimate of \$565,000; and

WHEREAS, The State Interagency Committee for Public School Construction will fund 50 percent of the eligible work for reroofing a portion of Wheaton High School as part of the state systematic renovation program; now therefore be it

Resolved, That a \$552,300 contract be awarded to J. E. Wood & Sons Co., Inc., for reroofing a portion of Wheaton High School, in accordance with plans and specifications prepared by the Department of Facilities Management, and subject to final action by the County Council on the FY 1996 Capital Budget; and be it further

Resolved, That the contract be forwarded to the State Interagency Committee for School Construction for approval to reimburse Montgomery County Public Schools for the state eligible portion of the Wheaton High School reroofing project.

RESOLUTION NO. 442-96

Re: **AWARD OF CONTRACT - TELECOMMUNICATIONS NETWORK INSTALLATION AT KEMP MILL ELEMENTARY SCHOOL**

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

WHEREAS, The following sealed bids for CATV and LAN installation in conjunction with the modernization of Kemp Mill Elementary School were received on June 12, 1996, with work to begin immediately and be completed by August 1, 1996:

<u>Bidder</u>	<u>Computer Systems</u>	<u>Cable TV</u>	<u>Synoptics Equipment</u>	<u>Total</u>
Johnson Controls, Inc.	\$ 79,372	\$34,167	\$22,672	\$136,211
Netcom Technologies, Inc.	100,850	32,125	20,650	153,625

WHEREAS, The low bidder has completed similar projects successfully for Montgomery County Public Schools; and

WHEREAS, The low bid is below the staff estimate of \$145,000, and funds are available to award the contract; now therefore be it

Resolved, That a contract for \$136,211 be awarded to Johnson Controls, Inc., for the telecommunications network installation at Kemp Mill Elementary School, in accordance with plans and specifications prepared by Von Otto & Bilecky, P.C.

RESOLUTION NO. 443-96

Re: **AWARD OF CONTRACTS FOR MAINTENANCE PROJECTS AT VARIOUS FACILITIES**

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

WHEREAS, Sealed bids for various maintenance projects were received on June 6 and June 12, 1996, in accordance with MCPS procurement practices, with work to begin on June 25, 1996, and be completed by October 1, 1996; and

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

WHEREAS, The low bids are below 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>
<b><u>Carpet, Resilient Floor Covering and Accessories Replacement</u></b>	
Bethesda and Clarksburg transportation depots, Germantown Elementary School, and Connecticut Park Center	
<b>Low Bidder:</b> Carpet Experts, Inc.	\$ 30,182
Carver Educational Services Center	
<b>Low Bidder:</b> Interiors Unlimited, Inc.	54,497
Longview School; Glenallan and Stonegate elementary schools; Col. E. Brooke Lee, Dr. Martin Luther King, Jr., Montgomery Village, Tilden, and Parkland middle schools; Rocking Horse Road and McKenney Hills centers; and Randolph and Shady Grove transportation depots	
<b>Low Bidder:</b> MSA Industries	67,731
<b><u>Chillers and Boilers and Related Materials Replacement</u></b>	
Carver Educational Services Center	
<b>Low Bidder:</b> M & M Welding & Fabricators, Inc.	\$276,000
<b><u>Asbestos Abatement</u></b>	
Glenallan and Germantown elementary schools; Montgomery Village, Tilden, and Col. E. Brooke Lee middle schools; McKenney Hills and Connecticut Park centers; and Mark Twain and Longview schools	
<b>Low Bidder:</b> Asbestos Environmental Services of Maryland, Inc. (AES)	108,853

Stonegate Elementary School, Parkland Middle School, Rocking Horse Road Center, and Takoma Park Annex

**Low Bidder:** USA Remediation Services, Inc. 36,610

**TOTAL** \$573,873

RESOLUTION NO. 444-96 Re: **RELOCATION OF STATE-OWNED MODULAR CLASSROOM BUILDINGS**

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

WHEREAS, The following sealed bid was received on June 11, 1996, to relocate state-owned modular classroom buildings from Candlewood Elementary School (4) and Redland Middle School (4) to Seneca Valley High School, and from Sherwood High School (4) to Herbert Hoover Middle School, with work to begin immediately and be completed by August 9, 1996:

<u>Bidder</u>	<u>Amount</u>
J & L Services, Inc.	\$ 270,008

and

WHEREAS, Although only one bid was received, it is below the staff estimate of \$288,000; and

WHEREAS, J & L Services, Inc., has completed similar work successfully for Montgomery County Public Schools; and

WHEREAS, The State Interagency Committee for School Construction has approved the movement of the state-owned modular classrooms and agreed to fund 50 percent of the approved contract; now therefore be it

Resolved, That a contract for \$270,008 be awarded to J & L Services, Inc., to provide relocation of state-owned modular classroom buildings at various schools in accordance with plans and specifications prepared by the Department of Facilities Management; and be it further

Resolved, That a copy of this contract be forwarded to the State Interagency Committee for School Construction, and that reimbursement be requested.

June 24, 1996,

RESOLUTION NO. 445-96

Re: **AWARD OF CONTRACT - ELECTRICAL SERVICE TO MODULAR CLASSROOM BUILDINGS - PHASE I**

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

On June 12, 1996, bids were received for the first of two electrical service contracts for this summer's relocatable classroom moves. Bids for the second contract were received on June 13 and are included on a separate resolution. The electrical contract for relocatables is normally divided into two bid packages to separate the various type of classroom units that are being moved. Staff has found in the past that separating the electrical work has helped the staging of the moves.

WHEREAS, The following bid was received on June 12, 1996, to provide electrical service to 23 modular classroom buildings at various schools, with work to begin immediately and be completed by August 16, 1996:

<u>Bidder</u>	<u>Amount</u>
Paul J. Vignola Electric Co., Inc.	\$ 101,253

and

WHEREAS, Although only one bid was received, it is below the staff estimate of \$115,000; and

WHEREAS, Paul J. Vignola Electric Co., Inc., has completed work successfully for Montgomery County Public Schools; now therefore be it

Resolved, That a contract for \$101,253 be awarded to Paul J. Vignola Electric Co., Inc., to provide electrical service to 23 modular classroom buildings at various schools, in accordance with plans and specifications prepared by the Department of Facilities Management.

RESOLUTION NO. 446-96

Re: **AWARD OF CONTRACT - ELECTRICAL SERVICE TO MODULAR CLASSROOM BUILDINGS - PHASE II**

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

WHEREAS, The following bids were received on June 13, 1996, to provide electrical service to 23 modular classroom buildings at various schools, with work to begin immediately and be completed by August 16, 1996:

<u>Bidder</u>		<u>Amount</u>
Paul J. Vignola Electric Co., Inc.	\$	131,146
TMI Electric, Inc.		136,265

and

WHEREAS, The low bidder, Paul J. Vignola Electric Co., Inc., has completed work successfully for Montgomery County Public Schools; and

WHEREAS, The low bid is below the staff estimate of \$149,500; now therefore be it

Resolved, That a contract for \$131,146 be awarded to Paul J. Vignola Electric Co., Inc., to provide electrical service to 23 modular classroom buildings at various schools, in accordance with plans and specifications prepared by the Department of Facilities Management.

RESOLUTION NO. 447-96      Re:    **ENGINEERING SERVICES - ENERGY MANAGEMENT AUTOMATION SYSTEMS**

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

The goals of Montgomery County Public Schools' energy management program are to perform energy audits, lighting surveys, and design reviews; conduct inspections; and design and install cost-effective energy management automation systems in all schools. Standard engineering design criteria and specifications are used to achieve efficient building operation for multiple occupants while maximizing energy savings. The engineering services of Von Otto & Bilecky, Professional Corporation, are recommended to help us meet these goals.

WHEREAS, Engineering services are required to perform energy audits and lighting surveys, and to assist in the design of various energy conservation measures; and

WHEREAS, Engineering services to review and administer construction contracts are necessary for the installation of energy management automation systems and lighting conservation measures; and

WHEREAS, Von Otto & Bilecky, Professional Corporation, was the successful bidder through the Architect/Engineer Selection Procedures approved by the Board of Education, and the firm has provided engineering services satisfactorily for Montgomery County Public Schools; now therefore be it



Resolved, That the Board of Education approve a contractual agreement, for an amount not to exceed \$225,000 annually, with the firm of Von Otto & Bilecky, Professional Corporation, for the performance of energy audits and the design of recommended conservation measures, and for the design and administration of construction contracts for Energy Management Automation Systems in Montgomery County Public Schools.

RESOLUTION NO. 448-96            Re:    **SITE EXPANSION - BETHESDA ELEMENTARY SCHOOL**

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

WHEREAS, The Board of Education has acquired through voluntary purchase seven residences in the eastern portion of the block facing Bethesda Elementary School across Moorland Lane; and

WHEREAS, Funds are available for the purchase of an additional residence at 5004 Moorland Lane to expand the Bethesda Elementary School site; and

WHEREAS, The owner has agreed to a purchase price of \$200,000, a value consistent with the appraisals; now therefore be it

Resolved, That a Contract of Sale for the purchase of the residence at 5004 Moorland Lane, being part of Lot 5, Block 11, Edgemoor, and containing 15,750 square feet of land, be executed by the president and secretary for a sale price of \$200,000; and be it further

Resolved, That the superintendent be authorized to make settlement on or before June 14, 1999.

RESOLUTION NO. 449-96            Re:    **SITE EXPANSION - CRESTHAVEN ELEMENTARY SCHOOL**

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

WHEREAS, Funds are available in the Advance Land Acquisition Revolving Fund for the purchase of additional land for minor site additions when opportunities present themselves to upgrade substandard existing school sites; and

WHEREAS, The Cresthaven Elementary School is built on a 7.99-acre site, which is less than the Board's current standard of 12 acres for an elementary school; and

WHEREAS, The owners of an adjacent 2-acre parcel have offered to sell their land at a price of \$87,120 to expand the Cresthaven Elementary School site; and

WHEREAS, The addition of the 2-acre parcel will provide an opportunity for expansion of playfields on the school site; now therefore be it

Resolved, That a Contract of Sale for the purchase of the property on Harper Road in Silver Spring, being part of Parcel 272 on Tax Grid KP13, and containing approximately 2 acres, be executed by the president and secretary for a sale price of \$87,120.

RESOLUTION NO. 450-1996      Re:    **AWARD OF CONTRACT - ROOF REPAIRS AT BETHESDA-CHEVY CHASE HIGH SCHOOL**

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

WHEREAS, The following bids were received on June 6, 1996, for roof repairs at Bethesda-Chevy Chase High School, with work to begin on June 24, 1996, and be completed by September 1, 1996:

<u>Bidder</u>	<u>Amount</u>
J. E. Wood & Sons Co., Inc.	\$38,088
Orndorff & Spaid, Inc.	71,783

and

WHEREAS, The low bidder, J. E. Wood & Sons Co., Inc., has successfully completed similar projects for Montgomery County Public Schools; and

WHEREAS, The low bid is below the staff estimate of \$50,000; now therefore be it

Resolved, That a contract for \$38,088 be awarded to J. E. Wood & Sons Co., Inc., for roof repairs at Bethesda-Chevy Chase High School, in accordance with plans and specifications prepared by the Department of Facilities Management.

RESOLUTION NO. 451-96      Re:    **CHANGE ORDER FOR THE BETHESDA MAINTENANCE/TRANSPORTATION DEPOT PROJECT**

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

WHEREAS, On May 28, 1996, the Board of Education awarded a contract to Calco Installation and Service, Inc., to replace underground petroleum storage tanks at the Bethesda Maintenance/Transportation Depot; and

WHEREAS, There is a related need to install a more efficient and environmentally safe fuel dispensing system that can be accomplished at a lower cost when done in conjunction with the fuel tank replacement rather than at a later date; now therefore be it

Resolved, That the May 28, 1996, contract with Calco Installation and Service, Inc., be amended to include the replacement of the existing fuel dispensers with State II vapor recovery fuel dispensers for a cost of \$25,525.

RESOLUTION NO. 452-96      Re:    **UTILIZATION OF FY 1996 FUTURE SUPPORTED PROJECT FUNDS FOR A CONNECTOR CORPS SERVICE LEARNING PROJECT**

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

Resolved, That the superintendent of schools be authorized to receive and expend within the FY 1996 Provision for Future Supported Projects a grant award of \$8,696 through the Maryland State Department of Education funded by Americorps/Connector Corps and the Student Community Service Foundation, Inc., for a Service Learning Project, in the following categories:

	<u>Category</u>	<u>Amount</u>
2	Instructional Salaries	\$8,000
10	Fixed Charges	<u>  696</u>
	Total	<u>\$8,696</u>

and be it further

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

RESOLUTION NO. 452-96      Re:    **RECOMMENDATION TO PARTICIPATE IN AN FY 1997 GRANT PROPOSAL TO THE U.S. DEPARTMENT OF EDUCATION FOR PROJECT ANCHOR**

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

Resolved, That the superintendent of schools be authorized to participate in an FY 1997 grant proposal with the Academy for Educational Development, a private, non-profit foundation, to the U.S. Department of Education for \$139,933 for Project ANCHOR. If the grant funds are awarded, the Academy for Educational Development will contract with MCPS and Mark Twain School in the amount of \$52,294 for the development, implementation, and evaluation of a model program to improve educational services to secondary students with serious emotional disturbance; and be it further

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

RESOLUTION NO. 454-96      Re:    **PERSONNEL APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective July 1, 1996:

<u>Appointment</u>	<u>Present Position</u>	<u>As</u>
Sheila M. Dobbins	Principal, Earle B. Wood MS	Principal, John F. Kennedy HS

RESOLUTION NO. 455-96      Re:    **PERSONNEL APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective July 1, 1996:

<u>Appointment</u>	<u>Present Position</u>	<u>As</u>
E. Morena Carrasco	Assistant Principal, John F. Kennedy HS	Principal, Eastern MS

RESOLUTION NO. 456-96      Re:    **PERSONNEL APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective July 1, 1996:

<u>Appointment</u>	<u>Present Position</u>	<u>As</u>
Robert Grundy	Principal Trainee	Principal, Bradley Hills ES

Bannockburn ES

RESOLUTION NO. 457-96 Re: **PERSONNEL APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective July 1, 1996:

<u>Appointment</u>	<u>Present Position</u>	<u>As</u>
Mary J. Wilson	Principal Trainee, Bells Mill ES	Principal, Oak View ES

RESOLUTION NO. 458-96 Re: **PERSONNEL APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective July 1, 1996:

<u>Appointment</u>	<u>Present Position</u>	<u>As</u>
Judie Muntner	Principal, Damascus ES	Principal, Beall ES

RESOLUTION NO. 459-96 Re: **PERSONNEL APPOINTMENT**

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

Resolved, That the following personnel appointments be approved effective July 1, 1996:

<u>Appointment</u>	<u>Present Position</u>	<u>As</u>
Roxanne Carrado	Administrative Intern, Rosa Parks MS	Assistant Principal, Rosa Parks MS
Walter L. Cross	Administrative Intern, Col. Zadok Magruder HS	Assistant Principal, Col. Zadok Magruder HS
Lucille Ellis	Administrative Intern, Julius West MS	Assistant Principal, Julius West MS
Jean Haven	Administrative Intern, Bethesda-Chevy Chase HS	Assistant Principal, Bethesda-Chevy Chase HS

Penny Kress	Administrative Intern, Francis Scott Key MS	Assistant Principal, Francis Scott Key MS
Susan Loubert	Administrative Intern, Sherwood HS	Assistant Principal, Sherwood HS
Robin Lupia	Administrative Intern, Sligo MS	Assistant Principal, Sligo MS
Richard Meagher	Administrative Intern, Earle B. Wood MS	Assistant Principal, Earle B. Wood MS
Michael Ridge	Administrative Intern, Gaithersburg HS	Assistant Principal, Gaithersburg HS
Helen Ryan	Administrative Intern, Richard Montgomery HS	Assistant Principal, Richard Montgomery HS

RESOLUTION NO. 460-96      Re:    **PERSONNEL APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective July 1, 1996:

<u>Appointment</u>	<u>Present Position</u>	<u>As</u>
William L. Beckman	Principal, Lucy V. Barnsley ES	Assistant Principal, Waters Landing ES

RESOLUTION NO. 461-96      Re:    **PERSONNEL APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective June 25, 1996:

<u>Appointment</u>	<u>Present Position</u>	<u>As</u>
Jack A. Schoendorfer	Acting Director, Department of Instructional Support Programs	Director, Department of Instructional Support Programs

RESOLUTION NO. 462-96      Re:    **ACADEMIC LEAVE**

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

Resolved, That the following personnel be granted academic leave for the period indicated:

Wright, Sheena T.

Instructional Assistant, Quince Orchard High School

Years of service in Montgomery County: 11.4

Period of leave: August 29, 1996, through June 19, 1997

To pursue a Bachelor's in Elementary Education at the University of Maryland

Shoemaker, Marianne

Classroom Teacher, Burnt Mills Elementary School

Years of service in Montgomery County: 20.5

Period of leave: August 27, 1996, through June 20, 1997

To pursue certification in ESOL at the University of Maryland

Ruffieux - Harger, Rosemary

Classroom Teacher, Cabin John Middle School

Years of service in Montgomery County: 14

Period of leave: August 27, 1996, through June 20, 1997

To pursue a Master's in Curriculum and Instruction with concentration in Early Childhood Education at Hood College

Griffis, Jean

Instructional Assistant, Beverly Farms Elementary School

Years of service in Montgomery County: 24.5

Period of leave: August 29, 1996, through June 19, 1997

To pursue certification in Guidance and Counseling at the University of Maryland

**Re: USE AND TRAINING OF SUBSTITUTE TEACHERS**

Dr. Vance invited the following people to the table: Dr. Elfreda Massie, associate superintendent for the Office of Personnel Services; Mr. Stan Schaub, director of the Department of Staffing; Dr. H. Benjamin Marlin, director in the Office of School Administration; and Dr. David I. Steinberg, principal of Gaithersburg Middle School. The white paper addressed issues raised by the Board of Education and includes substitute requirements; substitute employment, orientation, training, and salaries; and substitute expectations.

Dr. Massie stated that the school system values the service of substitutes, and they are not considered of less stature than a classroom teacher. MCPS is the only school system in Maryland that requires a bachelor's degree to substitute teach and in addition preference is given to those who have (1) completed a teacher education program and student teaching, (2) two years of experience teaching; or (3) two years of experience as a substitute teacher.

Mr. Schaub described the employment process and orientation of substitute teachers. The substitute teachers hired by the school system are so well qualified that they often become contracted teachers. Retired teaching personnel are also encouraged to substitute teach. The prospective substitute teacher files the same application as teachers as well as being checked for a criminal background. All new substitute teachers have orientation training unique to Montgomery County. In this orientation, the basics are the substitute calling system, how to access jobs, classroom control, search and seizure, student discipline sexual harassment, safety and health, Success for Every Student goals, and professional conduct such as appropriate language and confidentiality issues. The school system also recommends that substitute teachers take in-service or college courses.

Dr. Marlin related that each school establishes its own procedures for substitute teachers. Some schools have elaborate folders and others are less formal procedures. The Office of School Administration expects that each teacher will have an emergency folder on file with instructions and lesson plans for one to two days. In the school packet for substitute teachers are such things as the general school rules, fire drills, bell schedules, discipline policy, and assembly procedures. There is a need for consistency and guidelines outlining school procedures to follow in familiarizing substitute teachers with the individual school.

Dr. Steinberg listed the items in Gaithersburg Middle School's information packet which included (1) general information, (2) reporting times, (3) attendance procedures, (4) forms (student referral form, attendance, etc.), (5) fire drill procedures, (6) feedback form, (7) map of the school, (8) and class schedules. The substitute teachers are greeted at the beginning of their day and team leaders check on the substitute during the day to assist where needed. It is important that the instructional program is carried on effectively every day. On his daily rounds, he stops by the classes with substitutes to make sure they feel welcome, monitor the instruction that is taking place, and check on the behavior of the students. The substitute teachers and the students quickly learn that there is administrative support to ensure that the day is more than tolerable, and it is a good instructional day. Substitutes are actively recruited and invited to come teach at Gaithersburg Middle School. It is the goal of administration to make the substitutes feel like colleagues, not visitors.



Dr. Massie indicated that after requesting input from the schools, a handbook or guidelines will be developed to meet the needs of substitute teachers.

Delegate Cheryl Kagan echoed that the staff at Gaithersburg Middle School is very supportive. In substituting in other schools, there is a great discrepancy. She encouraged bringing substitute teachers together to brain storm and pull together a handbook.

Mr. McCullough remarked that students deserve consistency and competency when the regular teacher is out of the classroom. He asked if the handbook that was developed in the past could be reactivated and updated. Mr. Schaub commented that there is a handbook, and it could be updated for distribution to substitute teachers.

Mr. McCullough asked about folders with lesson plans available at each school for substitute teachers and whether or not there was a minimum requirement of what should be included. Dr. Massie replied that most schools have a packet with emergency lesson plans. Staff has thought that there should be one systemwide handbook, and school administration would supplement with a folder with individualized school information or procedures that are unique to that school.

Mr. McCullough inquired about the availability of in-service courses for substitute teachers. Mr. Schaub remarked that substitute teachers can take in-service courses on a space available basis. Mr. McCullough asked if schools encourage regular substitute teachers. Mr. Schaub responded that this practice develops and it is encouraged because the students become familiar with that substitute teachers and they are part of the staff of the school.

Mrs. Gordon asked for copies of the substitute teacher orientation material. She also asked if the orientation was mandatory? Dr. Marlin replied that orientation is mandatory when the substitute is hired, but not every year. Mrs. Gordon inquired about specific areas that require special degrees such as special education, and what are the requirements in those classes? Mr. Schaub explained that a long-term substitute teacher must be certifiable by the Maryland State Department of Education in that discipline. On a day-to-day basis, the certifiability is not required.

Mrs. Gordon asserted that there should be some training for substitute teachers who are put in the position of teaching in a special area. In regard to the substitute folders, she commented that some teachers make the folder at the beginning of the year and never change them. She suggested that these folders be updated at least on a quarterly basis.

Mrs. King inquired about in-service training and how a substitute teacher is aware of the courses that are available. Dr. Massie answered that information is disseminated through the *Bulletin* and flyers. Mrs. King asked how substitute teachers are informed about new

or updated policies and procedures. Dr. Massie stated that local school administration provides that information.

Mr. Felton questioned if there was any thought in providing orientation/training each school year for substitute teachers, and what was the rationale? Dr. Massie thought it could be done, but there are over 2,000 substitute teachers on the list. Mr. Felton inquired about performance evaluations for substitute teachers. Dr. Marlin stated that if a substitute is in a long-term assignment, it is required that the substitute teacher have a performance evaluation. With regard to a day-by-day substitute, the school administrators observe them and make suggestions to improve their effectiveness, if needed. If the person still needs improvement, the school administrator informs the office of Personnel Services which takes appropriate steps up to and including removal from the substitute teacher list. Mr. Felton requested clarification on the school system needing more substitute teachers on Fridays and Mondays. Dr. Massie thought that teachers take personal illness days, long weekends, training days, and conferences.

Mr. Ewing concluded that this is an area where additional specification of policy is needed. The system has made increasing use of substitute teachers over the last six to seven years given the freezes that have occurred at mid-year. Training opportunities for teachers sometimes require substitute teachers in the classroom. Given the system's reliance on substitute teachers, it is important to be clear on what is expected of those substitute teachers. He suspected that there were more than a few of the schools that do not inform and support substitute teachers as well as Gaithersburg Middle School. Given the dependance on substitute teachers, the system must develop a systemwide handbook with standards and requirements available for substitute teachers. There also needs to be clear expectations about what classroom materials and lesson plans that teachers should make available for substitutes. Some review needs to be done on the training needs of substitute teachers beyond the orientation. The system needs to find a way to express appreciation and recognition of substitute teachers as professionals. He felt that a policy should be developed that speaks to the needs of substitute teachers.

Dr. Cheung agreed with his colleagues. The original purpose of having substitute teachers was to supplement the core staff. Since the school system is concerned about the development and enrichment of staff, substitute teachers should be provided with similar enrichment opportunities because they are an important in teaching MCPS students. The extra efforts in supporting substitute teachers is an investment in the instructional program within the individual school. There also needs to be uniformity of support for the substitute teachers.

Ms. Prager commented that there should be more of an emphasis on the regular teacher to leave lesson plans in order for the students to continue leaning without a disruption.

Ms. Gutiérrez voiced her delight with an excellent discussion of the topic. It is important to focus on substitute teachers and the issues. She was concerned about the variability from school to school, and this is an area that must be resolved. She was not certain that the Board should elevate this topic to a policy. However, there are things that can be done as discussed this evening. She recalled a teacher stating that absenteeism affects everyone, but it matters more when the teacher is not there. She suggested a review of what absenteeism of staff is doing to the school system.

Ms. Gutiérrez presented Dr. Massie with a plaque of recognition upon the occasion of her leaving MCPS for another position.

The Board of Education took a break from 10:35 to 10:50 p.m.

\* Mr. Abrams left the meeting at this time.

Re: **FINAL ACTION ON HUMAN RELATIONS POLICY ACE,  
GENDER EQUITY, AND POLICY ACF, SEXUAL  
HARASSMENT**

On recommendation of the superintendent and on motion of Mr. Felton seconded by Mrs. King, the following resolution and the superintendent's recommended amendments were placed on the table:

WHEREAS, In 1985, a policy on women's equity (ACE) was adopted; and

WHEREAS, In 1992, a policy on sexual harassment (ACF) was adopted; and

WHEREAS, On July 12, 1994, a review and analysis of all human relations policies was presented to the Board of Education; and

WHEREAS, The women's equity policy was updated and revised using input from, among others, the Board of Education Title IX/Gender Equity Advisory Committee and the Maryland State Department of Education Title IX coordinator; and

WHEREAS, The sexual harassment policy was updated and revised using input from, among others, the Superintendent's Commission on Sexual Harassment in Education; and

WHEREAS, On March 13, 1996, the Board of Education took tentative action to adopt amended policies ACE and ACF, and those policies were sent out for public comment; and

WHEREAS, There were seven written comments on the policies received from individuals and organizations; now therefore be it

Resolved, That the Board of Education take final action to adopt revised Policy ACE, *Gender Equity*, as shown in the attached draft; and be it further

Resolved, That the Board of Education take final action to adopt revised Policy ACF, *Sexual Harassment*, as shown in the attached draft.

RESOLUTION NO. 463-96            Re:    **AMENDMENT TO POLICY ACE, GENDER EQUITY**

On motion of Mrs. Gordon and seconded by Dr. Cheung, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education amend Policy ACE, Gender Equity, at E. Implementation Strategies, 2. to read:

Curricula, program, activities, instructional materials, **teaching strategies, classroom practices**, and training will continue to be examined, revised, and designed as necessary, to promote gender equity.

RESOLUTION NO. 464-96            Re:    **AMENDMENT TO POLICY ACE, GENDER EQUITY**

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

Resolved, That the Board of Education amend Policy ACE, Gender Equity, at F. Review and Reporting, 3. to read:

The superintendent will report to the Board annually on the progress made during the preceding school year on achieving women's equity goals **in support of the commitments and desired outcomes** in this policy and the steps planned for further progress.

RESOLUTION NO. 465-96            Re:    **AMENDMENT TO POLICY ACF, SEXUAL HARASSMENT**

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

Resolved, That the Board of Education amend Policy ACF, Sexual harassment, at C. Position, 2. a) to read:

Depending on the severity of the offense, **any MCPS employee who violates this policy shall be subject to** appropriate disciplinary action. ~~will be taken~~ **These may include** but **are** not limited to oral or written reprimand, reassignment, demotion, suspension, or termination.

\* Mrs. King left the meeting at this point.

Re: **COMMENT FOR THE RECORD BY MS. GUTIÉRREZ**

The next report on sexual harassment to the Board of Education should include complaint and resolution process evaluations and improvements; training statistics and schedules; ongoing evaluation of work environments in all MCPS schools, offices and work locations; and any other activities being planned or carried out by MCPS that are relevant to the successful implementation of this policy.

RESOLUTION NO. 466-96      Re: **FINAL ACTION ON HUMAN RELATIONS POLICY ACE, GENDER EQUITY, AND POLICY ACF, SEXUAL HARASSMENT**

On recommendation of the superintendent and on motion of Mr. Felton seconded by Mrs. King, the following policies were adopted as amended with Dr. Cheung, Mr. Ewing, Mr. Felton, Mrs. Gordon, and Mr. McCullough voting in the affirmative; Ms. Gutiérrez voting in the negative:

WHEREAS, In 1985, a policy on women's equity (ACE) was adopted; and

WHEREAS, In 1992, a policy on sexual harassment (ACF) was adopted; and

WHEREAS, On July 12, 1994, a review and analysis of all human relations policies was presented to the Board of Education; and

WHEREAS, The women's equity policy was updated and revised using input from, among others, the Board of Education Title IX/Gender Equity Advisory Committee and the Maryland State Department of Education Title IX coordinator; and

WHEREAS, The sexual harassment policy was updated and revised using input from, among others, the Superintendent's Commission on Sexual Harassment in Education; and

WHEREAS, On March 13, 1996, the Board of Education took tentative action to adopt amended policies ACE and ACF, and those policies were sent out for public comment; and

WHEREAS, There were seven written comments on the policies received from individuals and organizations; now therefore be it

Resolved, That the Board of Education take final action to adopt the revised and amended Policy ACE, *Gender Equity*, as shown below; and be it further

Resolved, That the Board of Education take final action to adopt the revised and amended Policy ACF, *Sexual Harassment*, as shown below.

## **Gender Equity**

### A. PURPOSE

To affirm the Board of Education's commitment to gender equity in all programs, activities, services, and practices for students and employees

To ensure that MCPS will comply with Title IX of the Education Amendments prohibiting discrimination on the basis of gender

### B. ISSUE

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of gender in education programs or activities receiving federal funds. The Board of Education has expressed its commitment to nondiscrimination on the basis of gender in its Nondiscrimination and Sexual Harassment policies. The Board of Education believes that gender equity goes beyond meeting the letter of the law and involves taking positive steps to eliminate barriers or behaviors that may deny an equal educational or employment opportunity for all individuals without regard for their gender.

In promoting gender equity for both male and female students, the Board of Education recognizes that historically females have been underrepresented in programs and areas such as interscholastic athletics, mathematics, science, and technology. The Board also recognizes that historically female employees have been underrepresented in areas such as secondary education administration and the skill trades in maintenance and construction. The Board further recognizes that, historically and currently, male employees are underrepresented in elementary education positions and clerical staff. The Board believes that specific programs should continue to be monitored to address identified inequities for students and employees of both genders.

C. POSITION

1. Definition

Gender equity is the provision of equal opportunities for all individuals without regard to their gender. It is attained through compliance with laws prohibiting sex discrimination and through the elimination of gender bias and gender stereotyping.

2. Commitments

The Board of Education is committed to ensuring that:

- a) MCPS employees are sensitive to the destructive nature of gender bias and gender stereotyping
- b) MCPS employees encourage female and male students, prekindergarten-Grade 12, to participate in school activities, to achieve in all areas, and to enroll in programs and prepare for careers without regard to gender barriers or stereotypes
- c) MCPS academic, nonacademic, and extracurricular programs and activities promote gender equitable practices
- d) MCPS identifies and actively recruits male and female staff and students for enrollment in courses where they are underrepresented and that are nontraditional for their gender
- e) MCPS employment practices promote gender equitable opportunities
- f) Female and male employees have equal opportunities to seek and to gain employment in MCPS managerial and other nontraditional jobs

D. DESIRED OUTCOMES

MCPS will be free of gender discrimination, gender bias, and gender stereotyping in all aspects of the school and work environment.

E. IMPLEMENTATION STRATEGIES

- 1. The Title IX compliance officer will work with appropriate offices to monitor and assure MCPS compliance with Title IX of the Education Amendments of 1972.

2. Curricula, programs, activities, instructional materials, teaching strategies, classroom practices, and training will continue to be examined, revised, and designed as necessary, to promote gender equity. In-service opportunities, such as the Gender Equity course, will continue to be offered.
3. Employment practices will continue to be examined to ensure gender equity.

F. REVIEW AND REPORTING

1. This policy will be reviewed on an ongoing basis in accordance with the Board of Education review process.
2. The Board of Education will receive an annual report from the Board of Education Title IX Gender Equity Advisory Committee.
3. The superintendent will report to the Board annually on the progress made during the preceding school year on achieving women's equity goals in support of the commitments and desired outcomes in this policy and the steps planned for further progress.

## **Sexual Harassment**

A. PURPOSE

To affirm the Board of Education's opposition to sexual harassment in the Montgomery County public school system

To establish explicitly the responsibilities of all MCPS employees and students by defining conduct which constitutes prohibited and inappropriate behaviors

To create a mandate to develop educational programs designed to help MCPS employees and students recognize, understand, prevent, and take corrective action to end sexual harassment

To establish the framework for effective procedures for addressing harassment complaints

B. ISSUE

Inappropriate sexual conduct will not be tolerated and may constitute sexual harassment. Sexual harassment is an unlawful form of discrimination on the basis of sex under Title VII of the Civil Rights Act of 1964, as amended in 1972 and 1991,



Title IX of the Education Amendment of 1972, and Article 49B of the *Annotated Code of Maryland*. Some forms of sexual harassment may also constitute criminal conduct resulting in criminal penalties as has occurred in some cases already decided.

By issuing a single, comprehensive policy statement, the Board of Education seeks to clarify and reaffirm its commitment to ensuring that all MCPS employees and students are provided with a work and learning environment that is free of sexual harassment.

### C. POSITION

MCPS does not condone or tolerate any form of sexual harassment of, or by, staff or students.

MCPS is committed to the creation and maintenance of a learning and work environment in which all persons who participate in school programs and activities can do so in an atmosphere free from all forms of sexual harassment. The superintendent is directed to make every effort to make certain that everyone affected by this policy shall be informed of its provisions and also that infractions of it may be in violation of Federal or Maryland civil and/or criminal laws. It is the intention of MCPS to take whatever action may be needed to prevent, correct, and, if necessary, discipline behavior which violates this policy.

It is the responsibility of every supervisor and principal to recognize acts of sexual harassment and take necessary action to ensure that such instances are addressed swiftly, fairly, and effectively. Consequently, all MCPS administrative and supervisory staff in schools, offices, and other facilities shall be cognizant of, and responsible for, effectively implementing the sexual harassment complaint resolution procedures established in this policy.

#### 1. Definition

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal, written, or physical conduct of a sexual nature that takes place under any of the following circumstances:

- a) When submission to such conduct is made, explicitly or implicitly, a term or condition of employment, instruction, or participation in other school activities

- b) When submission to or rejection of such conduct by an individual is used by the offender as the basis for making personnel or academic decisions affecting the individual subjected to sexual advances
- c) When such conduct has the effect of unreasonably interfering with the individual's work and/or academic performance or creating an intimidating, hostile, or offensive work or learning environment

2. Application to Employees

- a) This policy applies to all sexual harassment incidents involving MCPS employees. It addresses incidents committed by a person of either sex against a person of the opposite or same sex. It also establishes that it is against policy and recognizes that it is unlawful for MCPS employees to commit acts of sexual harassment. Depending on the severity of the offense, any MCPS employee who violates this policy shall be subject to appropriate disciplinary action. These may include but are not limited to oral or written reprimand, reassignment, demotion, suspension, or termination. In all cases, parties will be notified that the Employee Assistance Program is available for them.
- b) Dating or sexual relationships between employees and students or adult volunteers and students is prohibited.

3. Application to Students

Sexual harassment committed by students of either sex against students or staff of the opposite or same sex constitutes inappropriate behavior. All allegations will be investigated by the principal using the guidelines of Section E of this policy. Depending on the severity of the offense, appropriate disciplinary action, from a conference to suspension or expulsion, can be taken using the discipline policies adopted by the Board of Education. In all cases, students will be notified that school counselors are available for counseling.

4. Application to Others

Employees and students also have a right to be free from sexual harassment by others, including, but not limited to contractors, vendors, and volunteers. The supervisor or principal is responsible for investigating and taking or recommending appropriate action to address complaints of sexual harassment committed by others.

D. DESIRED OUTCOME

All MCPS employees and students are being educated to recognize inappropriate sexual behavior in all its forms which may constitute sexual harassment and are enabled to respond with actions to prevent, correct, and/or eliminate these offensive behaviors from the MCPS system.

E. IMPLEMENTATION PRINCIPLES AND GUIDELINES AND STRATEGIES

1. Principles and Guidelines

- a) Any MCPS employee or student who believes that he/she has been subjected to sexual harassment has the right to file a complaint and to receive prompt and appropriate handling of her/his complaint. In all phases of the complaint resolution process, every reasonable effort shall be made to maintain the confidentiality and protect the privacy of all parties, consistent with MCPS' responsibility to investigate and address such complaints.
- b) Any MCPS employee or student who believes that he/she has been subjected to sexual harassment should report such conduct promptly, orally or in writing, to the immediate supervisor/principal, a designated representative, or in a case involving an employee, directly to the Equal Employment Opportunity (EEO) Officer or Title IX compliance officer in the Department of Human Relations. The supervisor/principal will report to the EEO officer or Title IX compliance officer, any complaint received regarding sexual harassment involving employees. If the complaint involves MCPS employees, the investigation will be conducted by the supervisor/principal or the Office of Personnel Services through the Office of the Deputy Superintendent for Planning, Technology and Supportive Services in coordination with the EEO Officer or Title IX compliance officer. If the complaint involves only students, the investigation will be carried out in accordance with the provisions in Regulation JFA-RA: *Implementation of Student Rights and Responsibilities* for allegations of misconduct.
- c) The full circumstances of the situation will be considered in the investigation of possible harassment incidents. In determining whether the alleged conduct constitutes sexual harassment, consideration shall be given to the record of the incident as a whole and to the totality of the circumstances, including the context in which

the alleged incidents occurred. Employees and students should be aware that they are responsible for their conduct even if the conduct was not specifically intended to harass.

- d) Retaliation against an individual who either orally reports or files a written complaint regarding sexual harassment or who participates in or cooperates with an investigation is prohibited. The right to confidentiality, both of the complainant and the accused, shall be preserved consistent with applicable laws and MCPS' responsibility to investigate and address such complaints.
- e) MCPS employees and students should seek guidance, support, and/or advocacy in addressing matters related to sexual harassment or inappropriate behavior of a sexual nature. Employees of the Department of Human Relations, Employee Assistance, and the Office of Student Affairs are to be available for these services.

## 2. Strategies

The superintendent will direct the EEO officer to coordinate the implementation of this policy. Implementation activities will include, but not be limited to:

- a) Education of all staff and students about this policy and associated federal and state laws prohibiting sexual harassment by widely disseminating information in documents such as announcements, bulletins, brochures, applications, contracts, and other communications
- b) Publication and dissemination of information to all MCPS employees and students that will inform them of this policy, what sexual harassment is, what the individual can do, and where to go for help
- c) Development of mandatory training seminars and in-service programs for all principals, supervisors, and administrators to ensure the appropriate implementation of this policy. These training programs shall be designed to:
  - (1) Inform them of their duties, responsibilities, and potential liabilities as workplace managers when dealing with incidents involving sexual harassment

- (2) Assist them in developing training programs for MCPS employees dealing with sexual harassment to inform them of the policy, what sexual harassment is, what the individual can do, and where to go for help. The aim of such training is to ensure increased awareness of inappropriate behaviors prohibited by this policy and other state and federal laws on sexual harassment.
  - (3) Provide clear guidelines and assistance for handling appropriately all incidents of sexual harassment in MCPS.
- d) Appropriate opportunities to educate students about matters related to sexual harassment in order to develop behaviors and attitudes that mitigate against inappropriate sexual overtures and pressures in school, work, and social settings. Programs and curricula such as the Comprehensive Guidance and Counseling Program, which already include related competencies or objectives, should include student materials regarding sexual harassment. K-12 curricular modifications that integrate activities and skill building to help students understand and overcome sexual harassment problems should be introduced as soon as possible.

#### F. REVIEW AND REPORTING

1. The superintendent will report quarterly to the Board of Education on reported sexual harassment incidents. Reports shall include quantitative as well as qualitative monthly incident aggregate data for both MCPS staff and students; complaint and resolution process evaluations and improvements; training statistics and schedules; ongoing evaluation of work environments in all MCPS schools, offices, and work locations; and any other activities being planned or carried out by MCPS that are relevant to the successful implementation of this policy.
2. This policy will be reviewed on an on-going basis in accordance with the Board of Education policy review process.

Re: **BOARD/SUPERINTENDENT COMMENTS**

Mr. Ewing understood that keeping with expressed interest on the part of the Education Committee of the NAACP, there have been some discussions with the superintendent and his staff over getting better socioeconomic data on students with a clearer understanding

between that and student performance. He hoped that the superintendent would investigate this possibility and include the costs and yield of such data.

Mr. Ewing stated that there have been discussions regarding the East Layhill site. He asked the superintendent to provide a status report on the East Layhill site including what actions are contemplated by the school system or other agencies.

Mr. Ewing mentioned that there is a Head Start teacher who represents MCPS on the National Board for Professional Teaching Standards. She has interesting insights on where the standards are moving. Mr. Ewing thought the Board should be briefed and asked the superintendent to propose to the Board an appropriate approach to obtain information about the recommendations and actions of the National Board for Professional Teaching Standards utilizing in particular, but not exclusively, the experience and knowledge of the teacher who represented the Board in that arena over the last several years.

Ms. Gutiérrez suggested that the Board ask for country of origin of the parents as well as socioeconomic data. She thanked Mr. McCullough for his participation and support during his year as student Board member. She wished him the best of luck in all his future endeavors.

Mr. McCullough thanked the Board, Board staff, superintendent, and staff. This year has been a wonderful experience.

RESOLUTION NO. 467-96            Re:    **CLOSED SESSION RESOLUTION**

On recommendation of the superintendent and on motion of Mr. McCullough seconded by Mr. Felton, 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 conduct a portion of its meeting on Tuesday, July 9, 1996, at 9:00 a.m. and 12 noon to discuss matters protected from public disclosure by law, specifically pertaining to the acquisition of real property for a public purpose and related matters; and be it further

Resolved, That this meeting 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 meeting shall continue in closed session until the completion of business.

**Re: REPORT OF CLOSED SESSION**

On May 28, 1996, by the unanimous vote of members present, the Board of Education voted to conduct a closed session on June 24, 1996, 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 June 11, 1996, from 10:00 to 10:50 a.m. and 1:05 to 3:05 p.m. The meeting took place in Room 120, Carver Educational Services Center, Rockville, Maryland.

The Board met to discuss personnel issues, legal matters with its attorneys, and matters protected from public disclosure by law. The Board reviewed and adjudicated BOE Appeals 1996-6, 1996-14, 1996-15, and 1996-16.

In attendance at part or all of the closed sessions were: Steve Abrams, Larry Bowers, Judith Bresler, Ray Bryant, Alan Cheung, Dawn Ellis, Blair Ewing, Reggie Felton, David Fischer, Phinnize Fisher, Kathy Gemberling, Bea Gordon, Zvi Greismann, Ana Sol Gutiérrez, Nancy King, Frieda Lacey, George Margolies, Brian Porter, Rachel Prager, Charles McCullough, Glenda Rose, Ruby Rubins, Mary Helen Smith, Janice Turpin, Paul Vance, Joe Villani, and Bill Wilder.

**RESOLUTION NO. 468-96**      **Re: MINUTES -- MAY 28, 1996**

On recommendation of the superintendent and on motion of Dr. Cheung seconded by Mrs. Gordon, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education adopted its minutes for the May 28, 1996, meeting.

**Re: INTERAGENCY COORDINATING BOARD**

On motion of Mr. Ewing and seconded Mr. McCullough, the following resolution failed with Mr. Ewing, Mr. Felton, Ms. Gutiérrez, and Mr. McCullough voting in the affirmative; Dr. Cheung and Mrs. Gordon voting in the negative:

Resolved, That the Board of Education schedule time to discuss the proposals for scheduling of schools and other operations of the Interagency Coordinating Board (ICB) as well as the views of principals and other staff.

**RESOLUTION NO. 469-96**      **Re: BLOCK SCHEDULING**

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

Resolved, That the Board of Education request the superintendent to development for Board consideration the impact and costs or savings associated with block scheduling for all high schools.

Re: **ADVERTISING PROGRAM**

On motion of Mr. McCullough and seconded by Mrs. Gordon, the following resolution failed with Mr. Felton, Mrs. Gordon, and Mr. McCullough voting in the affirmative; Dr. Cheung, Mr. Ewing, and Ms. Gutiérrez voting in the negative:

Resolved, That the Board of Education schedule time to discuss the possible implementation of an advertising program in schools for raising revenues based on the Colorado School District model.

Re: **NEW BUSINESS**

Mr. Felton moved and Mr. Ewing seconded the following:

Resolved, That the Board of Education request that the superintendent develop a plan for implementing the concerns and needs of substitute teachers regarding communications, recognition, performance evaluation, and any new policies.

Mr. Felton moved and Mrs. Gordon seconded the following:

Resolved, That the Board of Education request the superintendent to develop recommendations on how the costs of proposed policies can be addressed as part of the Board's tentative actions and that the Board schedule time for a discussion.

Mr. Ewing moved and Ms. Gutiérrez seconded the following:

Resolved, That the Board of Education ask the superintendent to propose to the Board an appropriate approach to obtain information about the recommendations and actions of the National Board for Professional Teaching Standards utilizing in particular, but not exclusively, the experience and knowledge of the teacher who represented the Board in that arena over the last several years.

Ms. Gutiérrez moved and Mr. Ewing seconded the following:

Resolved, That the Board of Education request that the superintendent bring to the Board a proposed approach and implementation timeline for gathering socio-economic indicators including country of origin of parents for student records as well as the costs and benefits in terms of the kinds of analysis that would be done with those data.



June 24, 1996,

RESOLUTION NO. 470-96      Re:    **ADJOURNMENT**

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

Resolved, That the Board of Education adjourn its meeting of June 24, 1996, at 11:50 p.m.

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PRESIDENT

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SECRETARY

PLV:gr

**MONTGOMERY COUNTY BOARD OF EDUCATION**  
**SUMMARY SHEET**  
**JUNE 24, 1996**

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