

appeals, which is a quasi-judicial function outside the purview of the Open Meetings Act under Section 10-503(a) of the *State Government Article*; and be it further Resolved, That this portion of the meeting continue in closed session until the completion of business.

RESOLUTION NO. 72-02 Re: **APPROVAL OF THE AGENDA**

On recommendation of the Superintendent and on motion of Mrs. O'Neill seconded by Mr. Jeter, the following resolution was adopted unanimously:

Resolved, That the Board of Education approve its agenda for March 12, 2002.

RESOLUTION NO. 73-02 Re: **MONTH OF THE YOUNG CHILD**

On recommendation of the Superintendent and on motion of Mrs. O'Neill seconded by Mr. Jeter, the following resolution was adopted unanimously:

WHEREAS, children's experiences with language and literacy during the first five years of life form the basis for later success as readers and learners

WHEREAS, early experiences in the home, child-care setting, school and the community have a lifelong impact on a child's reading and writing proficiency; and

WHEREAS, the research literature and the Montgomery County Public Schools kindergarten data show that young children can and do learn a lot more than most people believed; and

WHEREAS, Montgomery County recognizes that every county resident has a stake in the healthy growth, development, and education of all young children; and

WHEREAS, Montgomery County is implementing a collaborative, community-wide early childhood initiative to ensure that family-focused programs and services for young children are neighborhood-based, effective, and responsive to cultural diversity, make a measurable, positive difference in children's well-being; and help young children prepare for school; now therefore let it be

Resolved, That the month of April 2002 be proclaimed Month of the Young Child in Montgomery County.

RESOLUTION NO. 74-02 Re: **ARAB AMERICAN HERITAGE MONTH**

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

WHEREAS, The members of the Board of Education take great pride in the ethnic diversity of our school system and actively seek and value the contributions of people of all races and

ethnicity; and

WHEREAS, There are approximately three million Arab Americans residing in the United States whose influence has been increasingly evident since the end of the nineteenth century; and

WHEREAS, Montgomery County Executive Douglas M. Duncan and Montgomery County Council President Steven Silverman jointly recognize April as Arab American Heritage Month; and

WHEREAS, Montgomery County is home to an active Arab American community whose valued presence has contributed to the rich cultural mosaic of our community; now therefore be it

Resolved, That on behalf of the superintendent, staff, students, and parents of Montgomery County Public Schools, the members of the Board of Education hereby declare the month of April 2002 to be observed as Arab American Heritage Month.

RESOLUTION NO. 75-02 Re: **SECRETARIES WEEK**

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

WHEREAS, Secretaries Week will be celebrated nationally the week of April 21B27, 2002; and

WHEREAS, The Board of Education wishes to recognize publicly the competence and dedication of its staff of secretarial and clerical employees and express its appreciation for their efforts in the effective, courteous, and economical operation of the Montgomery County Public Schools; and

WHEREAS, The Board of Education thanks its secretarial staff for their contributions to excellence in education; now therefore be it

Resolved, That Secretaries Week be observed by the school system during the week of April 21BApril 27, 2002; and be it further

Resolved, That Wednesday, April 24, 2002, be designated as Secretaries Day for the Montgomery County Public Schools.

RESOLUTION NO. 76-02 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education oppose *SB 679 B Commercialism in Schools Act of 2002 B Policy* which would require local boards of education to adopt specified policies related to marketing and advertising in public schools, and each board would need to develop a policy prohibiting the posting of commercial advertisements on school buses; develop a policy prohibiting the entering into of a contract for electronic products or services that requires the dissemination of advertising to students; develop a policy regarding the release of student information for marketing purposes; and develop a policy restricting the level of advertising in the curriculum.

RESOLUTION NO. 77-02 Re: **ITEM OF LEGISLATION**

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by Mrs. O'Neill, the following resolution was adopted unanimously:

Resolved, That the Board of Education support *SB 734 B Higher Education Student Financial Assistance Maryland Teacher Scholarship* which would expand the eligibility and renewability requirements for the Maryland Teacher Scholarship to certain part-time students who are pursuing an undergraduate degree in teaching.

RESOLUTION NO. 78-02 Re: **ITEM OF LEGISLATION**

On recommendation of the Superintendent and on motion of Mrs. King seconded by Ms. Cox, the following resolution was adopted unanimously:

Resolved, That the Board of Education oppose *SJ 13 B Public Schools B Character Education Program* which would require each county board of education to develop a character education program to be taught in its schools that includes discussion of certain character traits.

RESOLUTION NO. 79-02 Re: **ITEM OF LEGISLATION**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mr. Jeter, the following resolution was adopted with Mr. Burnett, Ms. Cox, Mr. Felton, Mrs. King, Mr. Jeter, Mr. Lange, and Mrs. O'Neill, voting in the affirmative; Mr. Abrams voting in the negative.

Resolved, That the Board of Education oppose *HJ 9/SJ 2 B American Patriotism in Maryland Schools* which would urge local boards to develop curriculum to recognize Veterans Day and Memorial Day.

RESOLUTION NO. 80-02 Re: ITEM OF LEGISLATION

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

Resolved, That the Board of Education oppose *HB 629 B Education B Elementary Schools B Moratorium on Suspensions of Students* which would require that an elementary school principal not suspend any student under the principal's direction for a period of two years, and local boards of education would have to develop and implement alternative in-school disciplinary measures that include communications with parents and other community agencies.

RESOLUTION NO. 81-02 Re: ITEM OF LEGISLATION

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by Ms. Cox, the following resolution was adopted unanimously:

Resolved, That the Board of Education support SB 69/HB 1006 - Medicaid Reimbursement - Community-Based Services for Children with Disabilities which would maximize existing State resources by accessing federal Medicaid dollars for targeted case management services.

RESOLUTION NO. 82-02 Re: ITEM OF LEGISLATION

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

Resolved, That the Board of Education strongly support *SB 751/HB 1294 B Education B Financing B Aid to Education* which would provide an increase of \$27 million in State aid for general student transportation and extend the sunsets of many of the education funding programs to the end of FY 2004.

RESOLUTION NO. 83-02 Re: ITEM OF LEGISLATION

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

Resolved, That the Board of Education strongly support *HB 910/SB 737 B Education B Adult Education and Literacy Services* which would require the Governor to include \$2,400,800 in the fiscal 2004 State budget (an increase of \$1,147,198 over current funding levels) for competitive grants for adult education services.

RESOLUTION NO. 84-02 Re: ITEM OF LEGISLATION

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 support *HB 937 Education B Public School Construction B State Share for Schools with Low-Income Students* which would require the State to provide, in counties for which the State share of eligible costs for school construction projects is less than 75%, 75% of the eligible costs for any school in which 50% or more of the students in the school are eligible for FARMs.

RESOLUTION NO. 85-02 Re: **ITEM OF LEGISLATION**

On recommendation of the Superintendent and on motion of Mrs. O'Neill seconded by Mr. Abrams, the following resolution was adopted unanimously:

Resolved, That the Board of Education support with amendments *HB 1221 B Education B Disabled Children B Nonpublic Educational Programs and Related Services* which would make a child with a disability eligible for a nonpublic educational placement if the child cannot attend a public school in the local school system due to the child's home circumstances, and the State and local school system would be required to pay the cost for wrap-around services for a child placed in nonpublic educational programs if the child's parent or guardian is unable to provide those services.

RESOLUTION NO. 86-02 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education oppose *SB856 Adequate and Equitable Funding for Public Schools Act* unless amended to include the consideration of Board's resolution; support *HB 1329 Adequate and Equitable Funding for Public Schools Act* with amendment to include Board's resolution; and amend both bills to oppose unfunded mandate for all-day kindergarten and targeted four-year olds, and these bills would codify the final recommendations of the Commission on Education Finance, Equity, and Excellence (Thornton Commission).

RESOLUTION NO. 87-02 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education oppose *SB 680 B Vending Machines in Schools B Policy* which would prohibit the sale of foods of minimal nutritional value in vending machines

to the end of the last lunch period of the school day, and local boards would be required to adopt a policy regarding vending machines and to submit a three-year report on the revenues generated from vending machines and how the revenues were used.

RESOLUTION NO. 88-02 Re: ITEM OF LEGISLATION

On recommendation of the Superintendent and on motion of Mrs. King seconded by Ms. Cox, the following resolution was adopted unanimously:

Resolved, That the Board of Education oppose *HB 675 B Public Schools Indoor Air Quality Inspections* which would require school systems to conduct annual inspections for indoor air quality at all schools and report this information to the State Board of Education.

RESOLUTION NO. 89-02 Re: ITEM OF LEGISLATION

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

Resolved, That the Board of Education strongly support *HB 1409 B Maryland Meals for Achievement In-Classroom Breakfast Program* which would repeal the termination date of this program which provides a classroom breakfast to all students in a participating school.

Re: BOARD/SUPERINTENDENT COMMENTS

Mrs. O'Neill commented that she received a letter from the Governor of Maryland thanking her for participating in the Board of Public Works and advocating for the Montgomery County projects.

Mrs. King reported that she had toured the Phoenix II program, and she encouraged her colleagues to visit the new school. The programs are completely separate, but there is enormous space to accommodate high school programs, such as a computer lab, media center, and science lab.

Mr. Abrams remarked on the issue of conflict between free speech and censorship in students newspapers. He thought it would be appropriate to schedule a Board discussion on that topic. Regarding the fire marshal's issues at Richard Montgomery High School, Mr. Abrams asked the superintendent to identify items for possible inclusion in the operating budget when it is finalized in June.

Mr. Lange had attended a forum on curriculum and the high stakes standards. However, he still hears concerns about basic skills, and efforts must continue to improve programs. Also, a diversity conference in Silver Spring, which attracted more than 200 people, addressed a

wide variety of issues, such as closing the gap, ESOL support, summer school, and extended day instruction.

Mr. Jeter reported that the two final candidates for the student seat on the Board of Education are Mihyar Alnifaigy, a junior at Springbrook High School, and Alex Sellinger, a junior at Walt Whitman High School. The SMOB election will be held on Wednesday, April 24, 2002 at every MCPS middle and high school.

Ms. Cox was impressed by how the Student Government Association operated the conference and nominations. Also, she attended the NSBA's Healthy Schools Conference funded by the Center for Disease Control, and she brought back information.

Dr. Weast commented that staff will bring to the Board issues on diversity and early childhood development. MCPS is a participant with six schools in a study conducted by Harvard University researchers with 100 Head Start and EEEP children.

Re: PUBLIC COMMENTS

The following people testified before the Board of Education:

	<u>Person</u>	<u>Topic</u>
1.	Reuben Gist	Silver Spring International Middle School
2.	Mark Drury	Careers in Construction
3.	Kelly Giblin	Naming of Albert Einstein Middle School #2
4.	Evelyn Lobos	Study Circles
5.	Nick Farson	Charter Schools
6.	Bob Hydorn	Transportation
7.	Samira Hussein	Thank You
8.	Joan Phillips	Silver Spring International Middle School

Re: DISCUSSION

Ms. Cox asked if staff would summarize the recommendations from the study circles, and indicate how those recommendations will be infused into the system.

Mrs. King asked the superintendent to resolve the transportation problems for the Montgomery Village Middle School students.

Mrs. O'Neill requested that the superintendent release proof that the fine for testing infractions at Silver Spring International Middle School had been paid to the state.

Mr. Abrams stated that two of the Silver Spring International Middle School teachers did not

receive settlements, but went through the appeal process. Subsequently, both have appealed to the State Board of Education. Until it was adjudicated by the Board, the Board was constrained from commenting on those appeals. Therefore, Mr. Abrams would welcome a meaningful discussion of the issue.

Re: **JAMIE ESCALANTE PUBLIC CHARTER SCHOOL
APPLICATION RESOLUTION**

On recommendation of the Superintendent and on motion of Mrs. King seconded by Mr. Jeter, the following resolution was placed on the table:

WHEREAS, The Jaime Escalante Public Charter School application was submitted in March 2001, and staff, employee association representatives, and business and community leadership reviewed the application in detail; and

WHEREAS, An independent Blue Ribbon Panel of external experts and community representatives was convened and met with the Escalante representatives and staff on May 22, 2001, to review the application in terms of academic design, governance, facilities, finance, and operations; and

WHEREAS, On October 23, 2001, the Board received the superintendent's recommendation, met with the applicants and representatives of the Blue Ribbon Panel, and passed a resolution asking the deputy superintendent to meet with the applicants to develop a compromise that would consider collocation of the school in the Wheaton Cluster and to ensure that MCPS is held harmless for expenses exceeding the normal per pupil expenditure; and

WHEREAS, On November 7 and December 6, 2001, the deputy superintendent, chief operating officer, and staff met with the Escalante Team to reach an understanding on the issues contained in the October 23, 2001, resolution; and on December 6, 2001, the Escalante Team addressed the conditions of the October 23 resolution and stated a willingness to collocate at either Parkland or Col. Joseph A. Belt middle schools in 2005, pending the status of the reopening of the Belt facility, serve Wheaton Cluster students only, and accept all financial responsibilities over the normal per pupil expenditure; and

WHEREAS, There remains significant concern about the plan as a result of the uncertainty of funding for the Capital Improvements Plan and the need to commit significant additional operating funds to the school at a time when the county's ability to fund the operating budget is reduced due to the economic outlook; and

WHEREAS, There are additional concerns about this plan because these additional operating budget resources would have to compete with the Board of Education budget

initiatives, as well as the other financial demands on the Montgomery County Public Schools as a result of enrollment growth, inflation, and other budgetary increases; and

WHEREAS, If the Jaime Escalante Public Charter School could not raise its share of the funding each year, the Board of Education would be responsible for either cutting the operating funds of the program, cutting other programs= operating funds, or closing the school; and

WHEREAS, The Jaime Escalante Public Charter School representatives have not addressed the concerns about the lack of an operational plan for the administration of the school and the lack of a sufficient academic plan, including the integration of the instructional requirements for special education, students with limited English proficiency, and students who are gifted and talented; and

WHEREAS, There is no evidence of commitment from the Wheaton Cluster; now therefore be it

Resolved, That the Board of Education deny the Jaime Escalante Public Charter School application.

Re: **DISCUSSION**

Ms. Cox noted that the policy bases the funding available on a per-pupil basis. However, it is not logistically possible for the school system to provide a lump sum without putting the personnel in the budget and then acquiring a greater amount of funding than would normally be available if it were divided by the number of students. Mr. Bowers replied that it was the difference between the cost of opening a new school and the cost of adding additional students to the operating budget since there are start-up, one-time costs not related to the number of students. The school system would have to go to the County Council to pay for the start-up costs.

Mr. Abrams thought the school system has always assumed that those start-up costs would be absorbed by MCPS. However, the circumstances do not allow for that because of the economic situation in the county. Mr. Bowers agreed and added that there is still the cost of a facility.

Ms. Cox asked if the policy was written with the assumption that start-up costs would be provided by the school system. Would the per-pupil expenditure be enough to fund a charter school? Could the charter school raise enough money to start the school? She felt that the policy was not clear and left the applicant in a dilemma on how to proceed. Mr. Bowers stated that the policy recognized the need for start-up costs with instructional materials, administrative staff, and transportation.

Mr. Felton stated that in the initial discussion of the policy there was a recognition of additional costs. The Board will not be able to fix it unless there is a line item in the future budgets and the Board ascertains the actual cost of educating a student.

Mr. Abrams thought there is support for charter schools from the federal legislation, and that support goes through the state. If the state adopts a charter school provision and is the funnel for federal funds, the state would write the regulations.

Mr. Felton pointed out that if there were state charter school guidelines, there would be funding.

Mr. Abrams had discussed the charter school application with staff, and he could agree to the denial if it was based solely on the school system's inability to fund the application. He could not support any other qualitative statement with regard to the application.

Mr. Lange shared the concerns of Ms. Cox and Mr. Abrams regarding the existing policy and its implications. The applicants made a tremendous effort, and it was an innovative program. However, the threshold of delivery and characteristics of the program is very high within the constraints of the existing policy.

Re: **AN AMENDMENT TO THE JAMIE ESCALANTE
PUBLIC CHARTER SCHOOL APPLICATION
RESOLUTION**

On motion of Mr. Abrams and seconded by Ms. Cox, the following amendment was placed on the table:

WHEREAS, The Jaime Escalante Public Charter School application was submitted in March 2001, and staff, employee association representatives, and business and community leadership reviewed the application in detail; and

WHEREAS, There remains significant concern as a result of the uncertainty of funding for the Capital Improvements Plan and the need to commit significant additional operating funds to the school at a time when the county's ability to fund the operating budget is reduced due to the economic outlook; and

WHEREAS, There are additional concerns because these additional operating budget resources would have to compete with the Board of Education budget initiatives, as well as the other financial demands on the Montgomery County Public Schools as a result of enrollment growth, inflation, and other budgetary increases; and

WHEREAS, The current Montgomery County Public School policy with regard to charter

schools is fraught with impossibility and should be repealed; now therefore be it

Resolved, That the Board of Education deny the Jaime Escalante Public Charter School application.

Re: **DISCUSSION**

Mr. Felton asked Mr. Abrams if he would accept a friendly amendment to delete the last *Whereas*. Mr. Abrams would not accept the amendment.

Mrs. King respectfully disagreed with Mr. Abrams, and she thought that were other reasons for denying the application along with the funding issues. She would support the original resolution. Mr. Jeter agreed with Mrs. King for the same reasons.

Re: **AN AMENDMENT TO THE JAMIE ESCALANTE
PUBLIC CHARTER SCHOOL APPLICATION
RESOLUTION**

On motion of Mrs. O'Neill and seconded by Ms. Cox, the following amendment was placed on the table:

WHEREAS, The current **fiscal climate in Montgomery County makes acceptance of this charter school application difficult and that the Board of Education, at a later time, schedule a discussion of the current charter school policy;** ~~Montgomery County Public School policy with regard to charter schools is fraught impossibility and should be repealed;~~

Re: **DISCUSSION**

Mrs. O'Neill thought it was appropriate to schedule separately a discussion at a later date on whether the charter policy should be withdrawn.

Mr. Burnett preferred that the policy review come through a separate process rather than the proposed amendment. He supported the original resolution.

Mr. Abrams opposed Mrs. O'Neill's amendment. While he appreciated the willingness to review the policy at a later date, he was struck throughout the entire process with the impossibility for any applicant to get a meaningful hearing. The burden of the denial in the original resolution was placed on the applicant based on the policy, and the policy is not clear. He did not think that this Board was ready to consider charter schools.

Ms. Cox thought Mrs. O'Neill's amendment emphasizes the concerns that Mr. Abrams brought to the table with less confrontational language. It would start a process for future action. Most Board members thought there was sufficient evidence to pursue the application. The change has been the current fiscal climate in the county.

Mr. Burnett clarified that the Board is not split on charter schools. His decision was based on the present application before the Board. Also, he did not agree that the policy did not allow any application to be approved or accepted by the Board.

Re: **AMENDMENT TO THE JAMIE ESCALANTE PUBLIC
CHARTER SCHOOL APPLICATION RESOLUTION**

On motion of Mrs. O'Neill and seconded by Ms. Cox, the following amendment failed with Ms. Cox, Mr. Lange, and Mrs. O'Neill voting in the affirmative; Mr. Burnett, Mr. Felton, Mr. Jeter, and Mrs. King voting in the negative; Mr. Abrams abstaining:

WHEREAS, The current **fiscal climate in Montgomery County makes acceptance of this charter school application difficult and that the Board of Education, at a later time, schedule a discussion the current charter school policy;** ~~Montgomery County Public School policy with regard to charter schools is fraught impossibility and should be repealed;~~

Re: **DISCUSSION**

Mr. Felton offered an amendment to delete the fourth *Whereas* from the amendment, and Mr. Abrams accepted it as a friendly amendment.

RESOLUTION NO. 90-02

Re: **AN AMENDMENT TO THE JAMIE ESCALANTE PUBLIC CHARTER SCHOOL APPLICATION RESOLUTION**

On motion of Mr. Abrams and seconded by Ms. Cox, the following amendment was adopted with Mr. Abrams, Ms. Cox, Mr. Felton, Mr. Lange, and Mrs. O'Neill voting in the affirmative; Mr. Burnett, Mr. Jeter, and Mrs. King voting in the negative:

WHEREAS, The Jaime Escalante Public School Charter School application was submitted in March 2001, and staff, employee association representatives, and business and community leadership reviewed the application in detail; and

WHEREAS, There remains significant concern as a result of the uncertainty of funding for the Capital Improvements Plan and the need to commit significant additional operating funds to the school at a time when the county-s ability to fund the operating budget is reduced due to the economic outlook; and

WHEREAS, There are additional concerns because these additional operating budget resources would have to compete with the Board of Education budget initiatives, as well as the other financial demands on the Montgomery County Public Schools as a result of enrollment growth, inflation, and other budgetary increases; now therefore be it

Resolved, That the Board of Education deny the Jaime Escalante Public Charter School application.

RESOLUTION NO. 91-02

Re: **JAMIE ESCALANTE PUBLIC CHARTER SCHOOL APPLICATION RESOLUTION**

On motion of Mr. Abrams and seconded by Ms. Cox, the following resolution was adopted with Mr. Abrams, Ms. Cox, Mr. Felton, Mr. Lange, and Mrs. O'Neill, voting in the affirmative; Mr. Burnett, Mr. Jeter, and Mrs. King voting in the negative:

WHEREAS, The Jaime Escalante Public School Charter School application was submitted in March 2001, and staff, employee association representatives, and business and community leadership reviewed the application in detail; and

WHEREAS, There remains significant concern as a result of the uncertainty of funding for the Capital Improvements Plan and the need to commit significant additional operating funds to the school at a time when the county's ability to fund the operating budget is reduced due to the economic outlook; and

WHEREAS, There are additional concerns because these additional operating budget resources would have to compete with the Board of Education budget initiatives, as well as the other financial demands on the Montgomery County Public Schools as a result of enrollment growth, inflation, and other budgetary increases; now therefore be it

Resolved, That the Board of Education deny the Jaime Escalante Public Charter School application.

**Mrs. O'Neill left the meeting at this point.

Re: **FINAL ACTION ON POLICY JEE, *STUDENT TRANSFERS***

On recommendation of the Policy Subcommittee and on motion of Ms. Cox seconded by Mr. Abrams, the following resolution was placed on the table:

WHEREAS, Policy JEE, *Student Transfers*, established the process for the transfer of students from their assigned schools; and

WHEREAS, This process has been revised to reflect the philosophy of the Board of Education; and

WHEREAS, This process promotes the concept of quality schools; and

WHEREAS, On November 13, 2001, the Board of Education took tentative action to adopt a draft Policy JEE, *Student Transfers*, and request that it be sent out for public comment; and

WHEREAS, Twenty-two comments have been received and evaluated; now therefore be it

Resolved, That the Board of Education take final action to adopt Policy JEE, *Student Transfers*.

Student Transfers

A. PURPOSE

To explain the limited circumstances under which students may be granted a transfer to attend a school other than their home school or the school assigned in accordance with their Individualized Education Program (IEP)

B. ISSUE

Students are expected to attend the school within the established area in which they reside (home school) or assigned in accordance with their IEP. Transfers from the home school or the school assigned through the IEP process may be permitted in cases of documented unique hardship.

C. POSITION

1. Transfers should be honored whenever there is a documented unique hardship circumstance. Problems that are common to large numbers of families do not constitute a unique hardship.

2. Exemptions

The following circumstances are exempted from the student transfer process:

a) An older sibling attends the requested school in the regular program. If the older sibling attends a magnet or special program, an exemption may be granted on a case-by-case basis, with consideration given to space needs or limitations at the requested school.

b) Continuation at the articulation point from middle school to high school

c) Students have met the criteria for and been admitted to countywide programs

3. An athlete who transfers to another school without a change in residence of his/her parents or legal guardian shall attend the new school for one calendar year in order to be able to participate in athletics. A waiver from this restriction may be requested.

4. Parents either accepting a hardship transfer or receiving an approved

exemption under 2 a) or b) assume responsibility for transportation, and recognize that student parking is regulated on a school-by-school basis.

D. DESIRED OUTCOMES

To maintain the stability of school attendance boundaries by promoting home school attendance and respecting the space needs or limitations of the individual schools.

E. IMPLEMENTATION STRATEGIES

This policy is implemented through administrative regulation.

F. REVIEW AND REPORTING

This policy will be reviewed on an ongoing basis in accordance with the Board of Education policy review process.

Re: **DISCUSSION**

Mr. Felton asked how the policy addresses options within the consortium and home school. Ms. Bresler replied that movement within the consortium is not considered a transfer. Ms. Hartzman explained that the home school is the school assignment within the consortium. Ms. Cox asked staff to clarify in the regulations the terms *Ahome@school* and *Aassigned@school*.

Mr. Abrams asked about the term *Aunique hardship@*. As he understood it, the term had been used for years in publications sent to the community. He was concerned that the term *Aunique@* meant the only circumstance that could occur in relation to a transfer. As a result, parents may not exercise their right to apply for a transfer. Mr. Abrams wanted a more descriptive word that would maintain consistency with past transfers and still be a clarifying adjective. He thought *Acompelling@hardship* might accomplish the same thing as a modifier but has a broader meaning to the general public. Ms. Bresler explained that over time the practices have changed with questions from parents on what constitutes a hardship. The definition of unique hardship was placed in the policy *B Aproblems that are common to large numbers of families do not constitute a unique hardship.@*

Ms. Cox wanted to make the policy clear. In some of the comments from the public, there was a misunderstanding of *Aunique@* when describing their situation. In the policy, *Aunique@* is defined by saying what it is not; this is not a positive definition. The State Superintendent wrote that *Aunique@* could apply to any and all students.

Mr. Felton remarked that any word that is used will need an explanation. He preferred to leave *Aunique@* in the policy because it is a term that has been used. Changing the word

could be viewed by some that the policy has changed to allow more transfers.

Mr. Abrams was concerned that the Board would have sufficient flexibility in adjudicating transfer appeals. A word in a policy could stifle the right of a citizen. Moreover, a common interpretation of the word *unique* is *one of a kind*. The policy should avoid ambiguity.

Mr. Burnett asked if, from a legal perspective, the word *unique* is in alignment with guidance received from the state. Ms. Bresler stated that was no barrier to using the word *unique*.

Mr. Abrams stated that the word has been used by the state, but those have been in appeals from Montgomery County. Therefore, the State Board has interpreted an MCPS word.

Re: **AN AMENDMENT TO THE FINAL ACTION ON
POLICY JEE, *STUDENT TRANSFERS***

On motion of Mr. Abrams and seconded by Mr. Lange the following amendment failed with Mr. Abrams, Ms. Cox, and Mr. Lange voting in the affirmative; Mr. Burnett, Mr. Felton, Mr. Jeter and Mrs. King voting in the negative:

Resolved, That the Board of Education delete the word *unique* and replace it with the word *compelling*.

Re: **AN AMENDMENT TO THE FINAL ACTION ON
POLICY JEE, *STUDENT TRANSFERS***

On motion of Ms. Cox and seconded by Mr. Abrams the following amendment failed with Ms. Cox voting in the affirmative; Mr. Abrams, Mr. Burnett, Mr. Felton, Mr. Jeter, Mrs. King, and Mr. Lange voting in the negative:

Resolved, That the Board of Education delete the word *unique* and replace it with the word *personal*.

RESOLUTION NO. 92-02

Re: **FINAL ACTION ON POLICY JEE, *STUDENT
TRANSFERS***

On recommendation of the Policy Subcommittee and on motion of Ms. Cox seconded by Mr. Abrams, the following resolution was adopted with Mr. Abrams, Mr. Burnett, Mr. Felton, Mrs. King, Mr. Jeter, and Mr. Lange voting in the affirmative; Ms. Cox voting in the negative:

WHEREAS, Policy JEE, *Student Transfers*, established the process for the transfer of students from their assigned schools; and

WHEREAS, This process has been revised to reflect the philosophy of the Board of Education; and

WHEREAS, This process promotes the concept of quality schools; and

WHEREAS, On November 13, 2001, the Board of Education took tentative action to adopt a draft Policy JEE, Student Transfers, and requested that it be sent out for public comment; and

WHEREAS, Twenty-two comments have been received and evaluated; now therefore be it

Resolved, That the Board of Education take final action to adopt Policy JEE, Student Transfers.

Student Transfers

A. PURPOSE

To explain the limited circumstances under which students may be granted a transfer to attend a school other than their home school or the school assigned in accordance with their Individualized Education Program (IEP)

B. ISSUE

Students are expected to attend the school within the established area in which they reside (home school) or assigned in accordance with their IEP. Transfers from the home school or the school assigned through the IEP process may be permitted in cases of documented unique hardship.

C. POSITION

1. Transfers should be honored whenever there is a documented unique hardship circumstance. Problems that are common to large numbers of families do not constitute a unique hardship.
2. Exemptions

The following circumstances are exempted from the student transfer process:

- a) An older sibling attends the requested school in the regular program. If

the older sibling attends a magnet or special program, an exemption may be granted on a case-by-case basis, with consideration given to space needs or limitations at the requested school.

- b) Continuation at the articulation point from middle school to high school
 - c) Students have met the criteria for and been admitted to countywide programs
3. An athlete who transfers to another school without a change in residence of his/her parents or legal guardian shall attend the new school for one calendar year in order to be able to participate in athletics. A waiver from this restriction may be requested.
4. Parents either accepting a hardship transfer or receiving an approved exemption under 2 a) or b) assume responsibility for transportation, and recognize that student parking is regulated on a school-by-school basis.

D. DESIRED OUTCOMES

To maintain the stability of school attendance boundaries by promoting home school attendance and respecting the space needs or limitations of the individual schools.

E. IMPLEMENTATION STRATEGIES

This policy is implemented through administrative regulation.

F. REVIEW AND REPORTING

This policy will be reviewed on an ongoing basis in accordance with the Board of Education policy review process.

Re: LUNCH AND CLOSED SESSION

The Board of Education recess for lunch and closed session from 12:55 to 2:00 p.m.

RESOLUTION NO. 93-02

Re: PROCUREMENT CONTRACTS EXCEEDING \$25,000

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

WHEREAS, Funds have been budgeted for the purchase of equipment, supplies, and

contractual services; and

WHEREAS, Funds have been budgeted and/or identified for Statewide Contract No. DBM-2020-DESKTOP for the purchase of \$2,000,000 and for the lease/purchase of \$8,000,000 of desktop computers for the Office of Global Access Technology; and

WHEREAS, Funds have been budgeted and/or identified for Statewide Contract No. 001B2900038, Turf Maintenance Equipment, for the Division of Maintenance; and

WHEREAS, Funds have been budgeted and/or identified for Bid No. 7103.1, Sealer Folder Equipment for the Office of Global Access Technology; and

WHEREAS, Funds have been budgeted and/or identified for Bid No. 7108.1, Vehicles for the Division of Maintenance; and

WHEREAS, The acquisition of such equipment and vehicles through lease/purchase arrangements has been reviewed by legal counsel; and

WHEREAS, Funds have been budgeted and/or identified for Educational Purchase Agreement AR-49485 for the purchase of Sun Microsystem Equipment; and

WHEREAS, It is recommended that Bid No. 7107.1, Forklift for the Division of Food and Nutrition Services, be rejected due to a change in specifications; now therefore be it

Resolved, That Statewide Contract No. DBM-2020-DESKTOP for the Office of Global Access Technology, in the amount of \$8,000,000 be lease/purchased under the Master Lease/Purchase Agreement with First Union National Bank; and be it further

Resolved, That Statewide Contract No. 001B2900038, Turf Maintenance Equipment for the Division of Maintenance, in the amount of \$106,437, be lease/purchased under the Master Lease/Purchase Agreement with First Union National Bank; and be it further

Resolved, That Bid No. 7103.1, Sealer Folder Equipment for the Office of Global Access Technology, in the amount of \$40,614, be lease/purchased under the Master Lease/Purchase Agreement with First Union National Bank; and be it further

Resolved, That Bid No. 7108.1, Vehicles for the Division of Maintenance, in the amount of \$231,582, be lease/purchased under the Master Lease/Purchase Agreement with First Union National Bank; and be it further

Resolved, That Educational Purchase Agreement AR-49485 for the purchase of Sun Microsystem Equipment in the amount of \$350,000 be awarded to Sun Microsystems; and

be it further

Resolved, That Bid No. 7107.1, Forklift for the Division of Food and Nutrition Services, be rejected due to a change in specifications; and be it further

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

DBM-2020 DESKTOP	Desktop Computers for the Office of Global Access Technology		
	<u>Awardee</u>		
	Apple Computer		
	Compaq Computers, Inc.		
	Daly Computers		
	Data Networks of America, Inc.		
	Enable Systems, Inc.		\$10,000,000
001B29 00038	Turf Maintenance Equipment for the Division of Maintenance		
	<u>Awardee</u>		
	Turf Equipment & Supply Company, Inc.		\$ 106,437
1063.2	Speech and Language Services for Students with Disabilities		
	<u>Awardees</u>		
	Care Resources		\$ 60,000
	Sylvan Learning System		<u>237,500</u>
	Total		\$ 297,500
1120.2	Payroll Checks		
	<u>Awardee</u>		
	Bottomline Technologies		\$ 37,000
4011.2	Maintenance Lumber		
	<u>Awardees</u>		
	Amsco A Maintenance Supply Company*	\$ 5,545	
	Capitol Building Supply		36,985
	Leland L. Fisher, Inc.		76,571
	Grainger, Inc.		332
	Pikesville Lumber Company		110,071
	The Roof Center		<u>9,093</u>
	Total		\$ 238,597
4061.2	Modular Computer Furniture		
	<u>Awardees</u>		
	Douron, Inc.*		\$ 331,402
	Landon Systems Corporation		166,259

Library Store, Ltd.	542
Spectrum Industries, Inc.	<u>3,097</u>
Total	\$ 501,300

4087.3 Office and School Supplies

Awardees

AFP School Supply*	\$ 64,526
Boise Cascade Office Products	57,392
Branch Office Supply Company, Inc.*	2,415
Bye Mor, Inc.*	32,181
Corporate Express	4,758
Elgin School Supply Company, Inc.	66,623
Fiber Products Industries, Inc.	7,893
Ideal Office Products*	714
Integrity School Supplies*	23,058
Interstate Office Supply Company*	98,118
BC Lucas Binders	9,695
Nada Scientific Limited	1,228
National Art and School Supplies	66,762
Frank Parsons Paper Company, Inc.	1,362
Prestige Office Products	103
Pyramid School Products	277,344
Quill Corporation	923
Reliable Reproduction Supply Company	237
Rudolph's Office and Computer Supply Company*	4,328
School Specialty	8,814
Standard Office Supply*	986
Standard Stationery Supply Company	126,255
Video Service of America	5,987
Willard Packaging Company, Inc.	567
Frank W. Winne and Son, Inc.	288
Henry S. Wolkins*	<u>30,708</u>
Total	\$ 893,265

4089.2 Envelopes

Awardees

Frank Parsons Paper Company, Inc.	\$ 13,817
Pyramid School Products	16,634
Unisource	28,101
Westvaco Envelope Division	68,263

Xpedx
Total

1,877
\$ 128,692

4133.1	Hospital Beds	
	<u>Awardee</u>	
	Hill-Rom	\$ 103,300
7094.1	Aftermarket Automotive Supplies B Extension	
	<u>Awardees</u>	
	American Bus Sales & Services, Inc.	
	Arlington Armature, Inc.	
	Arrow Auto Parts	
	Atlantic Transportation Equipment, Ltd.	
	Best Battery Company, Inc.	
	Bus Parts Warehouse	
	Delcoline, Inc	
	District International Trucks, Inc.	
	General Fleet Service Company*	
	Jasper Engines & Transmissions	
	Johnson & Towers, Inc.	
	K & M Supply, Inc.	
	Keller Truck Equipment, Inc.	
	Northern Virginia Supply, Inc.	
	Ourisman's Rockmont Chevrolet	
	Parts Central, Inc.	
	R & S Auto and Truck Spring Work	
	Rockville Radiator Shop, Inc.	
	Rosedale Auto Electric & Parts	
	School Bus Parts Company	
	Vehicle Maintenance Program *	
	Wareheim Air Brakes, Inc.	
	Total	\$ 1,893,100
7103.1	Pressure Folder/Sealer for Office of Global Access Technology	
	<u>Awardee</u>	
	Relyco Sales, Inc.	\$ 40,614
7106.1	Studio Television Communication Equipment Supplement	
	<u>Awardees</u>	
	CTL Communications Televideo, Ltd.*	\$ 2,937
	Custom Fit, Inc., CFI*	199

	Lee Hartman and Sons, Inc.	31,879
	Professional Products, Inc.	15,881
	Washington Professional Systems, Inc.	<u>109,707</u>
	Total	\$ 160,603
7107.1	Vehicles for the Division of Maintenance	
	<u>Awardees</u>	
	Criswell Chevrolet, Inc.	\$ 12,139
	Curtis Dworken Chevrolet/dba Curtis Chevrolet	117,455
	Sport Chevrolet Company	<u>101,988</u>
	Total	\$ 231,582
9012.1	Vehicle Glass Replacement	
	<u>Awardee</u>	
	Banner Glass, Inc.	\$ 57,500
9079.1	Special Needs Play Equipment at Judith Resnik Elementary School	
	<u>Awardee</u>	
	All Recreation of Md., Inc.	\$ 38,000
9181.1	Masonry Thru-Wall Flashing and Waterproofing B Extension	
	<u>Awardee</u>	
	Custom Masonry	\$ 350,000
9182.1	Concrete Removal and Replacement at Various Locations B Extension**	
	<u>Awardee</u>	
	Daco Construction Corporation	\$ 356,387
9183.1	Waste Compactor Replacements at Various Facilities B Extension	
	<u>Awardee</u>	
	Big Stuff	\$ 50,000
9323.1	Replacement of Suspended Ceiling Tiles at Clopper Mill Elementary School	
	<u>Awardee</u>	
	3G Contractors, Inc.	

\$ 29,850

TOTAL PROCUREMENT CONTRACTS EXCEEDING \$25,000 \$15,513,727

* Denotes Minority-, Female-, or Disabled-owned Business

** Planned Life-cycle Asset Replacement Bid (PLAR)

RESOLUTION NO. 94-02 Re: **AWARD OF CONTRACT B NATURAL GAS SUPPLY**

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

WHEREAS, The Board of Education participated in a successful joint procurement of electricity through a Montgomery County interagency collaborative effort; and

WHEREAS, The agencies that participated in the joint electricity procurement agreed to jointly procure natural gas; and

WHEREAS, The following sealed bid was received:

<u>Bidder</u>	<u>Unit Price</u>
Washington Gas Energy Services	\$4.24 per decatherm

and

WHEREAS, The bid price is below the projected market rate for the period of the contract term; now therefore be it

Resolved, That a contract for the supply requirements of the Montgomery County Public Schools= natural gas accounts be awarded to Washington Gas Energy Services, in accordance with the terms and conditions of Montgomery College=s RFB #602-010, Natural Gas Procurement.

RESOLUTION NO. 95-02 Re: **AWARD OF CONTRACT B SPARK MATSUNAGA ELEMENTARY SCHOOL/LONGVIEW SPECIAL EDUCATION CENTER PLAYGROUND EQUIPMENT**

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

WHEREAS, The following sealed bids were received on February 26, 2002, for playground equipment for Spark M. Matsunaga Elementary School/Longview Special Education Center:

<u>Bidder</u>	<u>Amount</u>
Triple J Construction	\$145,685
West Recreation, Inc.	164,291
Trans Metro Construction, Inc.	175,050

and

WHEREAS, A grant in the amount of \$100,000 has been awarded to Longview Special Education Center through the Maryland Boundless Playgrounds Initiative, with the balance of the contract to be funded by the Montgomery County Public Schools; and

WHEREAS, Triple J Construction has limited opportunity for Minority Business Enterprise participation on this project because all the work is self-performed by the contractor's employees; now therefore be it

Resolved, That a contract in the amount of \$145,685 be awarded to Triple J Construction for playground equipment for Spark M. Matsunaga Elementary School/Longview Special Education Center, in accordance with drawings and specifications prepared by the Department of Facilities Management.

RESOLUTION NO. 96-02 Re: **ARCHITECTURAL APPOINTMENTS B BELT MIDDLE SCHOOL REOPENING AND MONTGOMERY HILLS MS MODIFICATION**

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

WHEREAS, It is necessary to appoint an architectural firm to provide professional and technical services during the design and construction phases for the reopening of Belt Middle School and the modification of Montgomery Hills Middle School; and

WHEREAS, Funds for architectural planning were programmed as part of the FY 2002 Capital Budget; and

WHEREAS, An Architect Selection Committee, in accordance with procedures adopted by the Board of Education on July 14, 1998, identified Moseley Architects as the most qualified firm to provide the necessary professional architectural and engineering services; and

WHEREAS, Staff has negotiated a fee for the architectural services; now therefore be it

Resolved, That the Montgomery County Board of Education enter into a contractual

agreement with the architectural firm of Moseley Architects to provide professional architectural and engineering services for the reopening of Belt Middle School and modification of the Montgomery Hills Middle School project for a fee of \$1,500,000

RESOLUTION NO. 97-02

Re: **SPRINGBROOK HIGH SCHOOL B SURPLUS
LAND PARCEL**

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

WHEREAS, The Board of Education approved a Settlement Agreement with Stephen D. and Lisa O'Neill on September 13, 2001, providing for dismissal of Civil Suit #185819 regarding permanent access to their residence through school property; and

WHEREAS, The Settlement Agreement provided that the Board of Education and the O'Neills would execute a Deed of Permanent, Temporary, and Construction Easements granting a permanent ingress-egress easement in 11,067 square feet of land to the O'Neills; and

WHEREAS, The Settlement Agreement also provided that the Board of Education would declare as surplus the underlying fee-simple title to the area of land covered by the permanent ingress-egress easement; and

WHEREAS, The 11,067 square feet of land subject to the easement plus another 2,986-square-foot portion of land severed from the remainder of the school site are not needed by the Board for school programming; and

WHEREAS, The Board of Education, with approval of the state superintendent of schools, is required by law to transfer surplus school sites or portions of sites no longer needed for school purposes to the Montgomery County Government; now therefore be it

Resolved, That the Board of Education declare 14,053 square feet of land in the abandoned right-of-way of Valleybrook Drive, as shown on the attached sketch, are no longer needed for school purposes and are hereby declared surplus and, with the approval of the state superintendent of schools, shall be conveyed to the Montgomery County Government.

RESOLUTION NO. 98-02

Re: **BURTONSVILLE ELEMENTARY SCHOOL B
TEMPORARY LICENSE AGREEMENT**

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

WHEREAS, The Burtonsville Volunteer Fire Department, Inc. (BVFD), has requested a Temporary License Agreement to access property it owns adjacent to Burtonsville Elementary School from the new roadway to the school that was completed in 2000; and WHEREAS, BVFD is currently using its property for practice drills and storage and has leased certain portions of the property to cellular communications providers; and

WHEREAS, BVFD has agreed to pay a pro rata share of the future maintenance, repair, and re-paving costs of the school driveway during its use and has agreed to refrain from use of the driveway during the periods of school opening and dismissal; and

WHEREAS, BVFD has agreed to indemnify and save harmless the Montgomery County Public Schools, its officers, directors, employees, and agents from and against any and all liability for such use; now therefore be it

Resolved, That the president and secretary of the Board of Education be authorized to execute a Temporary License Agreement with the Burtonsville Volunteer Fire Department, Inc., allowing ingress and egress to its property under certain conditions.

RESOLUTION NO. 99-02

Re: **BURTONSVILLE ELEMENTARY SCHOOL B
RELEASE AND ABANDONMENT OF
PROPERTY USE AGREEMENT**

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

WHEREAS, In 2000 the county completed construction on a new road on public land for general school and bus access to Burtonsville Elementary School; and

WHEREAS, Prior to the completion of the new access road, the Board of Education had a Property Use Agreement, dated May 22, 1990, with the Burtonsville Volunteer Fire Department (BVFD) that allowed the Montgomery County Public Schools to use a temporary access driveway across two parcels of land owned by the BVFD for bus egress from the school; and

WHEREAS, In accordance with the Property Use Agreement, use of the BVFD access driveway terminated automatically when it was no longer needed; and

WHEREAS, On February 7, 2002, BVFD conveyed one land parcel covered by the agreement to Mr. Robert S. Chase and Mrs. Freda N. Chase; and

WHEREAS, BVFD and Mr. and Mrs. Chase desire to formally release the property and render the Property Use Agreement null and void; now therefore be it

Resolved, That the president and secretary of the Board of Education be authorized to execute a Release and Abandonment of Property Use Agreement with the Burtonsville Volunteer Fire Department, Inc., and Mr. Robert S. Chase and Mrs. Freda N. Chase to release the property and render the Property Use Agreement, dated May 22, 1990, null and void.

RESOLUTION NO. 100-02 Re: **GRANT OF STORM DRAINAGE EASEMENT
AND RIGHT-OF-WAY AT CLEARSPRING
ELEMENTARY SCHOOL**

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

WHEREAS, Montgomery County has requested a grant of storm drainage easement and right-of-way at Clearspring Elementary School, located at 9930 Moyer Road in Damascus; and

WHEREAS, The storm drainage easement and right-of-way will require a conveyance of 1,593 square feet in storm drainage easement; and

WHEREAS, All construction, future maintenance, and liability for damages or injury will be undertaken by Montgomery County at no cost to the Board of Education; and

WHEREAS, The proposed easement will not affect any land that could be used for school programming or recreational activities; and

WHEREAS, The proposed grant of storm drainage easement and right-of-way will benefit both the school site and the community by improving storm drainage; now therefore be it

Resolved, That the president and secretary of the Board of Education be authorized to execute a grant of storm drainage easement and right-of-way of 1,593 square feet at Clearspring Elementary School.

RESOLUTION NO. 101-02 Re: **CHANGE ORDERS EXCEEDING \$100,000**

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

WHEREAS, The Department of Facilities Management on February 26, 2002, received sealed bids for the energy management systems for Lakewood and William Tyler Page elementary schools to be awarded as change orders to the general contractors; and

WHEREAS, Staff and the engineering consultant have reviewed these bids and found them to be reasonable; now therefore be it

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

Activity 1

Project: Lakewood Elementary School
Description: Installation of an energy management system
Contractor: Hess Construction Company
Amount: \$172,210

Activity 2

Project: William Tyler Page Elementary School
Description: Installation of an energy management system
Contractor: HRGM Corporation
Amount: \$167,430

RESOLUTION NO. 102-02 Re: **APPROVAL OF 403(b) TAX-DEFERRED ANNUITY PROVIDERS**

On recommendation of the Superintendent and on motion of Mr. Lange seconded by Mrs. King the following resolution was adopted with Mr. Burnett, Ms. Cox, Mr. Felton, Mrs. King, Mr. Jeter, and Mr. Lange voting in the affirmative; Mr. Abrams recused himself from voting:#

WHEREAS, The Board of Education of Montgomery County, Maryland, by Resolution 334-65 and 365-65, has offered a tax-deferred annuity program for its employees since 1965 in accordance with Section 403(b) of the Internal Revenue Code as amended; and

WHEREAS, A review of the performance and service of TDA providers is made every two years to determine whether they should continue or new providers should be added; and

WHEREAS, Having been duly advertised under RFP 1143.1, companies were asked to submit proposals for consideration; and

WHEREAS, An expert consultant, William M. Mercer, Inc., was retained to assist in the evaluation of proposals; and

WHEREAS, Staff completed the evaluation by combining Mercer's recommendations with analyses of provider performance and employee participation; and

WHEREAS, Evaluation results and recommendations were presented to and approved by members of the Joint Employee Benefits Committee; now therefore be it

Resolved, That the Board of Education authorize the following two additional providers for inclusion in the tax-deferred annuity program:

Legg Mason Wood Walker, Inc., Baltimore, Maryland
TIAA-CREF, New York, New York
and be it further

Resolved, That the following 12 companies previously approved by the Board of Education be continued as tax-deferred annuity providers:

American Express Financial Corporation, Minneapolis, Minnesota
CitiStreet Associates LLC, East Brunswick, New Jersey
Fidelity Investments Tax-Exempt Services Company, Marlborough, Massachusetts
Hartford Life Insurance Company, Hartford, Connecticut
ING Aetna Financial Services, Hartford, Connecticut
Lincoln Investment Planning, Inc., Wyncote, Pennsylvania
Lincoln National Life Insurance Company, Fort Wayne, Indiana
Metropolitan Life Insurance Company, New York, New York
Prudential Retirement Services, Newark, New Jersey
QUADS Financial Group, Frederick, Maryland
T. Rowe Price Associates, Inc., Owings Mills, Maryland
The Variable Annuity Life Insurance Company, Houston, Texas

and be it further

Resolved, That one provider, Nationwide Life Insurance Company, Columbus, Ohio, be removed from the list of approved providers; and be it further

Resolved, That all tax-deferred annuity providers will meet MCPS marketing guidelines for solicitation, conduct, and disclosure of costs, and that any carrier violating these guidelines will lose the right to conduct business with MCPS.

RESOLUTION NO. 103-02

Re: **APPOINTMENT OF MCPS EMPLOYEES-
RETIREMENT AND PENSION SYSTEM
INVESTMENT TRUSTEE**

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

WHEREAS, The Board of Education, by Resolution No. 344-95, authorized the establishment of a trust to be used for the purpose of funding the Montgomery County Public Schools Employees= Retirement and Pension System benefits; and

WHEREAS, The trustees are a committee composed of the chief operating officer; the director of management, budget and planning; the director of insurance and retirement; the controller; and up to, but no more than, three additional members to be appointed by the Board of Education; and

WHEREAS, The appointed position held by Mr. Stephen D. Poor is now open; and
 WHEREAS, Trustee nominations were solicited from representatives of Montgomery County Public Schools employees and retirees to identify one individual to serve as an appointed trustee; and

WHEREAS, Staff has evaluated said nominations and conducted interviews of three individuals selected as finalists; now therefore be it

Resolved, That Mr. Lamont E. Tarbox be appointed as trustee for a term ending June 30, 2005.

RESOLUTION NO. 104-02 Re: **FY 2002 SUPPLEMENTAL APPROPRIATION
 FOR AFTER SCHOOL ACTIVITIES
 PROGRAM**

On recommendation of the Superintendent and on motion of Mrs. King seconded by Ms. Cox, the following resolution was adopted unanimously by members present:#

Resolved, That authorization is requested to receive and expend, subject to County Council approval, an FY 2002 supplemental appropriation of \$1,096,475 from the Montgomery County Department of Health and Human Services for the After School Activities Program in the following budget categories:

<u>Category</u>	<u>Positions</u>	<u>Amount</u>
1 Administration		\$ 40,446
2 Mid-level Administration	2.0*	
18,900		
5 Other Instructional Costs		920,631
12 Fixed Charges	_____	<u>16,498</u>
Total	2.0	<u>\$1,096,475</u>

*1.0 FTE Project Manager, 1.0 FTE Parent Coordinator

and be it further

Resolved, That a copy of this resolution be sent to the county executive and County Council; and be it further

Resolved, That the county executive be requested to recommend approval of this supplemental appropriation to the County Council.

RESOLUTION NO. 105-02 Re: **UTILIZATION OF FY 2002 FUTURE SUPPORTED PROJECT FUNDS**

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

WHEREAS, The grants qualify for a transfer of appropriation from the Provision for Future Supported Projects pursuant to the provisions of County Council Resolution No. 14-890, approved May 25, 2001; and

WHEREAS, The programs do not require any present or future county funds; and

WHEREAS, Sufficient appropriation is available, within the FY 2002 Provision for Future Supported Projects, to permit the transfer within state categories; now therefore be it

Resolved, That the superintendent of schools be authorized to receive and expend, within the FY 2002 Provision for Future Supported Projects, as specified below:

<u>Project</u>	Amount
Challenge Grant	\$ 1,200,000
Fine Arts Initiative Project	<u>221,270</u>
Total	<u>\$ 1,421,270</u>

and be it further

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

RESOLUTION NO. 106-02 Re: **RECOMMENDED FY 2002 SUPPLEMENTAL APPROPRIATION FOR THE PROVISION FOR FUTURE SUPPORTED PROJECTS**

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

WHEREAS, The FY 2002 Operating Budget adopted by the Board of Education on June 12, 2001, included \$10,289,041 for the Provision for Future Supported Projects; and

WHEREAS, The Board of Education requested a supplemental appropriation of \$1,500,000 for the Provision for Future Supported Projects on February 12, 2002; and

WHEREAS, The Board of Education will receive additional projects that are eligible for funding through the Provision for Future Supported Projects during FY 2002; therefore be it

Resolved, That the superintendent of schools be authorized to receive and expend, subject to County Council approval, an FY 2002 supplemental appropriation of \$2,000,000 for the Provision for Future Supported Projects in the following categories:

	<u>Category</u>	<u>Amount</u>
02	Mid-level Administration	\$ 100,000
03	Instructional Salaries	900,000
04	Textbooks and Instructional Supplies	200,000
05	Other Instructional Costs	150,000
06	Special Education	500,000
12	Fixed Charges	<u>150,000</u>
	Total	<u>\$2,000,000</u>

and be it further

Resolved, That a copy of this resolution be sent to the county executive and County Council; and be it further

Resolved, That the county executive be requested to recommend approval of this resolution to the County Council.

RESOLUTION NO. 107-02 Re: **HUMAN RESOURCES MONTHLY REPORT**

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

Resolved, That the Board of Education approve the Human Resources Monthly Report dated March 12, 2002.

RESOLUTION NO. 108-02 Re: **DEATH OF JAMES R. MATTHEWS, BUILDING SERVICE WORKER, CARVER EDUCATIONAL SERVICES CENTER**

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

WHEREAS, The death on February 27, 2002, of James R. Matthews, building service worker at the Carver Education Services Center, has deeply saddened the staff, students, and members of the Board of education; and

WHEREAS, Mr. Matthews conscientiously and skillfully performed his duties and willingly assumed extra duties in the absence of other team members; and

WHEREAS, For more than twenty-seven years with Montgomery County Public Schools, Mr. Matthews demonstrated dedication to his job and an ability to work well with others, making him an asset to the school system and community; now therefore be it

Resolved, That the members of the Board of Education express their sorrow at the death of James R. Matthews and extend deepest sympathy to his family; and be it further

Resolved, That this resolution be made a part of the minutes of this meeting and a copy be forwarded to Mr. Matthews family.

RESOLUTION NO. 109-02 Re: **APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective March 13, 2002:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Susan Marks	Acting Community Superintendent, Office of School Performance (OSP)	Community Superintendent, OSP

RESOLUTION NO. 110-02 Re: **APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective July 1, 2002:

<u>Appointment</u> Janice Faden	<u>Current Position</u> Principal, Fallsmead ES	<u>As</u> Director, Elementary School Instruction, OIPD
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RESOLUTION NO. 111-02 Re: **APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective March 13, 2002:

<u>Appointment</u> Inger Swimpson	<u>Current Position</u> Instructional Specialist, Office of Staff Development	<u>As</u> Supervisor, Staff Development Projects
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RESOLUTION NO. 112-02 Re: **APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective March 13, 2002:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Theresa Alban	Evaluation Specialist, Office of Shared Accountability	Coordinator, Student Assessment, Testing Unit

RESOLUTION NO. 113-02 Re: **APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective March 13, 2002:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Linda Natale	Instructional Specialist, Office of Instruction and Program Development	Coordinator, Curriculum Training and Development, Office of Staff Development

RESOLUTION NO. 114-02 Re: **APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective March 13, 2002:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Sharon Hemphill	Instructional Specialist, Office of Staff Development	Coordinator, Staff Development Teacher Project, Office of Staff Development

Re: **MONTHLY FINANCIAL REPORT**

This report reflected the projected financial condition through January 31, 2002, based on program requirements and estimates made by primary and secondary account managers. At this time, revenues are on budget while expenses have a projected surplus of

\$6,200,000.

Re: **EIGHTH GRADE MSPAP AND RELATED ISSUE**

On motion of Mr. Felton and seconded by Mr. Abrams the following resolution was placed on the table:

WHEREAS, The Montgomery County Board of Education, on February 12, 2002, reaffirmed its commitment to academic achievement for all students through annual multiple assessments that provide data on the performance and progress of individual students; and

WHEREAS, The Board of Education has called upon the State Board of Education and the State Superintendent of Schools to develop a state accountability and testing program that meets the mandates of new federal legislation while establishing trust among parents and educators as to its reliability and validity; and

WHEREAS, The Board of Education has requested the State Superintendent to delay any further use of the current Maryland School Performance Assessment Program (MSPAP) until and unless the program is reconstituted to reflect the best interests of parents, students, teachers, and principals, as well as national educational policy; and

WHEREAS, The State Superintendent announced on March 4, 2002, that the administration of the spring 2002 MSPAP for Grade 8 will be voluntary among local school systems; and the Board of Education has received a recommendation from Dr. Jerry D. Weast, superintendent of schools, to accept the state's option and suspend the Grade 8 MSPAP for this year; now therefore be it

Resolved, That the Montgomery County Board of Education accept the State Superintendent's option and the superintendent of schools' recommendation to suspend the administration of the MSPAP for Grade 8 this spring for the Montgomery County Public Schools pending further notification from the State Superintendent that the test can be suspended.

Re: **AN AMENDMENT TO THE EIGHTH GRADE MSPAP AND RELATED ISSUE**

On motion of Mr. Abrams and seconded by Mr. Lange, the following amendment to add a second *resolve* was placed on the table:

Resolved, That the Montgomery County Board of Education requests that the State Superintendent pursue a federal waiver of MSPAP for Grades 3 and 5 for academic year 2002-2003.

Re: **DISCUSSION**

Mr. Abrams explained that it is clear that the State Superintendent believes she has the discretion to waive the eighth grade requirement. Consistent with that authority, she has equal authority to waive the third and fifth grade tests. The school system knows that in December the U.S. Department of Education informed the state that MSPAP was not acceptable because it was not an individually based test. There was a subsequent communication in December that accepted a proposal by the state for a three-year waiver. Also, the State Superintendent, with the knowledge of that waiver, felt certain that she had the authority for giving jurisdictions in Maryland the option of deciding whether or not to give the eighth MSPAP. Mr. Felton accepted the new *resolve* as a friendly amendment.

Ms. Cox thought the State Superintendent had a waiver from the federal government to use the MSPAP in place of a test that would yield individual scores. What the Board wants is for the waiver to be rescinded and the state to be required to use tests that would require individual students scores. In MCPS, the CTBS could be substituted. Mr. Abrams replied that in the wording of his *resolve* it was implicit that MCPS wants to move in the direction of individual testing.

Re: **AN AMENDMENT TO THE EIGHTH GRADE MSPAP AND RELATED ISSUE**

On motion of Ms. Cox and seconded by Mrs. King, the following amendment to the second *resolve* was placed on the table:

Resolved, That the Montgomery County Board of Education request that the State Superintendent pursue a federal waiver of MSPAP for Grades 3 and 5 for academic year 2002-2003 **in favor of assessments that provide individual results.**

Mr. Abrams accepted this as a friendly amendment.

RESOLUTION NO.115-02

Re: **EIGHTH GRADE MSPAP AND RELATED ISSUE**

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

WHEREAS, The Montgomery County Board of Education, on February 12, 2002, reaffirmed its commitment to academic achievement for all students through annual multiple assessments that provide data on the performance and progress of individual students; and

WHEREAS, The Board of Education has called upon the State Board of Education and the

State Superintendent of Schools to develop a state accountability and testing program that meets the mandates of new federal legislation while establishing trust among parents and educators as to its reliability and validity; and

WHEREAS, The Board of Education has requested the State Superintendent to delay any further use of the current Maryland School Performance Assessment Program (MSPAP) until and unless the program is reconstituted to reflect the best interests of parents, students, teachers, and principals, as well as national educational policy; and

WHEREAS, The State Superintendent announced on March 4, 2002, that the administration of the spring 2002 MSPAP for Grade 8 will be voluntary among local school systems; and the Board of Education has received a recommendation from Dr. Jerry D. Weast, superintendent of schools, to accept the state's option and suspend the Grade 8 MSPAP for this year; now therefore be it

Resolved, That the Montgomery County Board of Education accept the State Superintendent's option and the superintendent of schools' recommendation to suspend the administration of the MSPAP for Grade 8 this spring for the Montgomery County Public Schools pending further notification from the State Superintendent that the test can be suspended; and be it further

Resolved, That the Montgomery County Board of Education request that the State Superintendent pursue a federal waiver of MSPAP for Grades 3 and 5 for academic year 2002-2003 in favor of assessments that provide individual results.

Re: **RESTRUCTURING OF THE SUMMER SCHOOL PROGRAM**

Dr. Weast invited the following people to the table: Mrs. Judie Muntner, associate superintendent for the Office of Instruction and Program Development; Dr. Raymond Bryant, associate superintendent of the Office of Student and Community Services; Ms. Chrisandra Richardson, coordinator of Academic Support, State and Federal Programs; Ms. Dianna Wollin, principal of Oakland Terrace Elementary School and ELO interim co-coordinator; Mrs. Nancy Schultze, director of middle school Instruction; and Ms. Maria Malagon, director of the Division of ESOL/Bilingual Programs.

The purpose of this discussion was to provide the Board of Education with a plan for the redesign of the summer school program that will provide more enrichment and acceleration of academic instruction for elementary, middle, and high school students in MCPS. Extended instructional time for students who are not meeting grade-level expectations or course objectives is a critical element of successful school reform. Unique summer school learning opportunities will be offered for targeted students during July and August. The

Board's reaction and input to the plan was requested.

Many English language learners need additional academic support, and that linguistically diverse student population is the fastest growing group in MCPS. Therefore, English for Speakers of Other Languages (ESOL) resources and personnel will be an integral component of extended learning opportunities. The plan to make learning a year-round process will use data to make instructional decisions, target individual student needs, use the curriculum frameworks, and provide professional development on the effective instructional practices and principles for second language learning.

To provide more time for students most impacted by poverty and language differences, a new Extended Learning Opportunities (ELO) program will be offered to students entering kindergarten and Grades 1, 2, and 3 in 18 federally funded Title I elementary schools. ELO is a four-week summer program focused on teaching the essential elements of reading, writing, and mathematics to students who need intense academic support. By providing transportation, nutrition support, and afternoon services, the objective is to achieve a goal of 100-percent enrollment.

Each middle school will offer courses to support proficiency on the Maryland Functional Tests, and Essentials of Algebra will be offered to increase successful completion of Algebra by middle school students. The goals of the middle school summer program are to ensure that all students pass the Maryland Functional Tests as first-time test takers and increase the number of students participating in more advanced mathematics classes.

The redesigned high school program will serve students who demonstrate a need for additional academic support. The program will offer acceleration and academic rigor in all courses, including college-level courses, to maximize learning outcomes.

The goal of the improved summer school program is to create a viable and attractive link between the spring and fall terms for students and staff. All involved offices and schools are now registering students, recruiting teachers, and developing programs.

Re: **DISCUSSION**

Mrs. King asked how summer school will differ from the normal school year. Ms. Schultze replied that there is different curriculum, which is highly interactive, and the students are in charge of their education and tackling real-world problems. The curriculum is more exciting and relevant for students.

Mr. Felton asked which students will participate in the 18 targeted schools. What barriers do high poverty families have that would prevent students from attending? How will effective teachers be selected for summer school programs? Mrs. Muntner replied that teachers

from the school will teach summer school in order to build bridges into the next grade. Dr. Weast reported that MCPS has circumvented several barriers. The school system will provide transportation. There will be early communication with the parents so they can plan for the summer, and the communication will be in multiple languages. The school system will have a plan for cleaning the schools to allow for summer programs. Funding will be through Title I and other sources. Because there are not individualized tests, summer school could not be mandatory. Summer school will offer new strategies with acceleration rather than remediation. This will be a lab school year, and data will drive summer school in the coming years.

Mr. Lange explored the issue of funding and Title I. He noted that not all 36 middle schools are Title I schools. Dr. Weast stated that it was the 18 elementary schools with Title I funding. Ms. Schultze replied that the middle schools are funded through the Maryland State Department of Education Academic Intervention Grant. She also explained that there are individual scores for eighth graders from the CTBS, reading inventories, functional tests, end-of-course exams, and summative assessments, among others.

Mr. Lange asked about developing math measures. Ms. Richardson replied that it is the pre- and post-test for the summer program.

Mr. Lange asked about the career camps mentioned by a speaker and about transportation not being provided. Dr. Weast wanted that program developed in more locations.

Mr. Lange asked if transportation would be provided for high school summer school. Dr. Williams replied that staff was negotiating with the county for passes on the buses.

Ms. Cox suggested that the superintendent follow the cohort of students taking summer school courses to ascertain their success and compare them with students who did not receive the added support.

RESOLUTION NO.116-02

Re: **FY 2003 FEES FOR THE SUMMER SCHOOL,
ADULT EDUCATION, GENERAL EDUCATIONAL
DEVELOPMENT, AND EVENING HIGH SCHOOL
PROGRAMS**

On recommendation of the Superintendent and on motion of Mrs. King seconded by Ms. Cox, the following resolution was adopted unanimously by members present:#

WHEREAS, In FY 1992, the Board of Education established an enterprise fund for summer school, adult education, and GED programs, and approved fees for non-enterprise fund programs; and

WHEREAS, In FY 1997, the Board of Education approved a tuition fee for the Evening High School program; and

WHEREAS, Summer school and adult education program costs will exceed revenues in the coming fiscal year and the Evening High School program costs continue to rise; now therefore be it

Resolved, That the summer school enterprise fund fees be increased by \$40 (from \$195 to \$235 for elementary and middle school courses and from \$160 and \$170 for high school core and non-core classes to \$200 and \$210, respectively); and be it further

Resolved, That the summer school enterprise fund reduced fees be increased by \$10 (from \$35 and \$70 to \$45 and \$80, depending on income level); and be it further

Resolved, That the non-enterprise summer school fee structure be maintained at the FY 2002 level; and be it further

Resolved, That the adult education tuition fee be increased by \$10 from \$92 to \$102 for a 10-week, 2-hour class, maintaining the \$14 registration fee; and be it further

Resolved, That the GED fee be maintained at the FY 2002 level of \$55 for a 30-hour session; and be it further

Resolved, That the Evening High School tuition fees be increased by \$15 (from \$25 to \$40 for the full fee, from \$5 and \$15 to \$20 and \$30 for the reduced fees, and from \$90, \$65, \$50 and \$45 to \$105, \$80, \$65, and \$60 for those 21 years of age and over for the first through fourth courses, respectively).

Re: **REPORT OF THE ADVISORY COMMITTEE ON
FAMILY LIFE AND HUMAN DEVELOPMENT**

Dr. Weast invited Mr. Lawrence Jacobs, chairperson of the Citizens Advisory Committee on Family Life and Human Development to the table. He presented the following recommendations from the committee:

Recommendation 1: Committee Membership and Attendance

The committee recommends that, prior to appointment by the Board, prospective members pledge to attend committee meetings regularly, and that a prospective member not be appointed without such a pledge.

Recommendation 2: Biased Perspectives of Instructional Materials

The committee recommends that staff communicate the committee's concerns to vendors

and producers of instructional materials and clearly state that materials with such biased portrayals or commercialism will not be approved for use in the school system.

Recommendation 3: Condom Use Demonstration

The committee recommends that the condom demonstration be approved by the Board of Education for use in Grade 10 Comprehensive Health Education.

Recommendation 4: Special Student Populations

The committee recommends that the procedures for implementing the MCPS Family Life and Human Development Program be revised to delete the sentence that reads "Direct questions from students regarding sexual variation may be briefly and objectively answered with no solicitation of discussion." (MCPS Regulation IGP-RA, *Implementation of Programs on Family Life and Human Development*, p. 4, Item II.B.3.d., in effect on April 4, 1993).

Recommendation 5: Elementary School Health Education

The committee strongly recommends that health education in each elementary grade (KB5) be included on the student report card.

Re: DISCUSSION

Mrs. King asked how anything could get done if there were 29 people on the committee. Mr. Jacobs responded that if there were 29 people on the committee, there might be 18 very active members. Mr. Margolies stated that any advisory committee member who misses more than 25 percent of the meetings in a year should be deemed resigned 30 days after notification to the Board by the advisory committee. However, there have been no notifications to the Board of any absenteeism. Appointments to advisory committees are made by the Board in June and December. Mr. Jacobs agreed to be more aggressive in notifying the Board of vacancies.

Mr. Abrams noted that the staff response to Recommendation 3 was to send it back to the committee. Mr. Masood replied that the primary concern was that the membership of the committee and the attendance were small. There is a feeling that there should be a broad-based representation on the committee.

Mr. Abrams asked if the same difficulties were encountered with committee membership or attendance, what would be the staff recommendation? Mr. Masood replied that the recommendation would be reconsidered.

Mr. Felton asked if staff thought there was a need for more than a quorum for these two recommendations, why would staff feel comfortable accepting any recommendation? Mr. Masood stated that there was an additional concern regarding the capacity for staff to ensure the appropriate training to presenters. Mr. Felton pointed out that the staff response

did not detail the staff training issue. Dr. Williams remarked that if the recommendations are accepted, the training aspect and the capacity for Recommendations 3 and 4 did not exist, especially financially.

Ms. Cox said 82.9 percent of high schools teach about condom efficacy, and 55 percent teach how to use a condom correctly. Does MCPS teach condom efficacy in health classes? Mr. Masood replied yes.

Ms. Cox asked what the timeframe for the recommendations coming to the Board would be if the recommendations are returned to the committee and there are no more committee members. Mr. Masood thought it would be sometime in the middle of the first semester of next year.

Ms. Cox wanted to differentiate between the two recommendations and the barriers of training and funding. Dr. Williams replied that time and economics were crucial.

Mr. Abrams assumed that if this were to be added to the curriculum, part of the cost would be to make sure that, prior to implementation, notice would go to parents for their consent. Mr. Jacobs stated that the committee discussed this aspect. Mr. Jacobs added that this recommendation received overwhelming acceptance.

Mr. Abrams remarked on Recommendation 4 and the discrimination policy. The policy is very clear in relation to tolerance, but not advocacy. How do you transcend or reconcile those issues with the recommendation? Mr. Jacobs thought the committee observed that there was a restriction on having those discussions. Mr. Masood stated that there was an expectation that when students raise questions on any subject, the teacher will respond. Mr. Abrams noted that Mr. Jacobs was saying that staff cannot respond, and Mr. Masood stated that staff can respond. Mr. Abrams asked about this inconsistency. Mr. Jacobs replied that there was disparate treatment of this issue. Students who are gay or lesbian cannot bring subjects relevant to them and their health for classroom discussion. Mr. Abrams was not sure that he agreed with that statement, and he asked staff if this limitation was applied to a subset of students or if it applied to questions from students of any orientation. Mr. Masood replied that it is tolerance and not advocacy, and teachers respond to questions from students.

Mr. Abrams heard the concern from the committee, but staff responds that the barrier does not exist. Mr. Jacobs stated that teachers had raised the issue, and they believe there was a gag order in place.

Mr. Abrams wanted a stronger demonstration of restrictions placed on staff in responding to student's inquiries. At this point, there is no need to change the policy.

Mr. Felton thought the discussion had been helpful, but his concern on the two recommendations was that there was not a complete staff response. He suggested that staff develop a response for the Board's reaction.

Ms. Cox asked that the staff's response address the assertion that there was not a need for training or further instruction that would increase capacity for staff. She was concerned that without training for staff, the school system could create a situation in which the effect would be dramatically opposite to what the committee intends.

Mr. Masood stated that Recommendation 5 would be included in the study of grading and reporting and report cards.

Ms. Cox suggested a collaboration between the Advisory Committee on Family Life and Human Development and the School Health Council. Also, on Recommendation 3, Ms. Cox asked staff to include an evaluation of the model that was developed by Ms. Soule and an assessment of the potential costs for implementation.

Mr. Felton suggested that staff call Board members if there were any questions.

RESOLUTION NO. 117-02 Re: **REPORT OF THE ADVISORY COMMITTEE ON
FAMILY LIFE AND HUMAN DEVELOPMENT**

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

Resolved, That the Board of Education table action on the recommendations until there is more information.

RESOLUTION NO.118-02 Re: **NAMING OF ALBERT EINSTEIN MIDDLE SCHOOL
#2**

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

WHEREAS, The Board of Education, pursuant to Policy FFA, submitted the names of A. Mario Loiderman Middle School, Newport Mill Middle School, and J. D. Speller Middle School to the principal of Albert Einstein Middle School #2 for consideration by the Naming Advisory Committee; and

WHEREAS, The Naming Advisory Committee has submitted to the Board of Education a report, dated February 25, 2002, ranking the following names in order of preference:

Newport Mill Middle School

and

WHEREAS, The Naming Advisory Committee voted unanimously on the recommendation to name the facility Newport Mill Middle School and felt that the remaining names should be ranked evenly; and

WHEREAS, Pursuant to Policy FFA, the final responsibility for officially naming a school building rests with the Board of Education; now therefore be it

Resolved, That the Board name the school building heretofore known as Albert Einstein Middle School #2 as Newport Mill Middle School.

Re: FOR THE RECORD

Mr. Abrams recognized the community's desire to name the school Newport Mill Middle School and felt it would be adopted. However, he acknowledged J.D. Speller's outstanding contributions to the school system.

Mrs. King stated that Mrs. O'Neill would have voted for the name Newport Mill Middle School had she been present.

RESOLUTION NO. 119-02

**Re: RECOGNITION OF TEACHERS WHO HAVE
EARNED CERTIFICATION FROM THE NATIONAL
BOARD FOR PROFESSIONAL TEACHING
STANDARDS**

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 National Board for Professional Teaching Standards has established a national awards program to recognize outstanding teacher competency; and

WHEREAS, The Maryland State Department of Education and the Montgomery County Public Schools have participated in programs of financial aid and incentives to encourage teachers to engage in the rigorous process of becoming a National Board certified teacher; and

WHEREAS, The Montgomery County Public Schools has identified the skills, competencies, and rigor of the National Board's Core Goals as the foundation for the new Teacher Evaluation System; now therefore be it

Resolved, That the Board of Education hereby recognize the teachers listed below for having completed the National Board certification process and achieved the certificate in November 2001:

Ms. Nancy Blumenschein, Grade 2 teacher, Rachel Carson Elementary School
Ms. Elinor Boyce, special education teacher, Georgian Forest Elementary School
Ms. Anne Cain, Grade 4 teacher, Cold Spring Elementary School
Ms. Sharon Dreyfus, ESOL teacher, Rosemont Elementary School
Ms. Christine Frank, Grade 5 teacher, Cold Spring Elementary School
Mr. John Graham, Grade 4 teacher, Luxmanor Elementary School
Ms. Linda Gross, English teacher, John T. Baker Middle School
Ms. Elizabeth Harp, special education teacher, Sherwood High School
Ms. Diane Kuykendall, Grade 2 teacher, Cold Spring Elementary School

Ms. Jacqueline McCloskey, Grade 1 teacher, Spark M. Matsunaga Elementary School
Ms. Margaret McLain, Grade 2 teacher, Meadow Hall Elementary School
Mr. Jeffrey Newby, science teacher, Montgomery Blair High School
Ms. Katherine O-Boyle, Grade 1 teacher, Rachel Carson Elementary School
Ms. Kathleen Pappano, reading teacher, Cold Spring Elementary School
Ms. Nancy Shay, English teacher, Richard Montgomery High School
Ms. Karen Stiefel, Grade 3 teacher, Cold Spring Elementary School
Mr. David Swaney, science teacher, Montgomery Blair High School
Ms. Anne Taylor, science teacher, James Hubert Blake High School
Ms. Terry Testa, Grade 3 teacher, Cold Spring Elementary School
Ms. Ann Titherington, Grade 3 teacher, Brooke Grove Elementary School
Ms. Carole Tomayko, English teacher, Montgomery Blair High School
Ms. Heidi Walker, general science teacher, Kingsview Middle School
Ms. Terrie Ward, Grade 2 teacher, Cedar Grove Elementary School
Mr. Robert Western, social studies teacher, North Bethesda Middle School

and be it further

Resolved, That the Board of Education and the superintendent urge all Montgomery County residents to join in recognition of these teachers and share the appreciation of these teachers and the skills and capacity that they bring to the Montgomery County Public Schools in building work force excellence.

RESOLUTION NO.120-02

Re: **CLOSED SESSION RESOLUTION**

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 Board of Education of Montgomery County is authorized by the *Education Article* and *State Government Article of the Annotated Code of Maryland* to conduct certain meetings or portions of its meetings in closed sessions; now therefore be it

Resolved, That the Board of Education of Montgomery County conduct a portion of its meeting on Monday, April 22, 2002, in Room 120 of the Carver Educational Services Center to meet in closed session from 7:30 to 8:00 p.m. to discuss personnel matters, as permitted under Section 10-508(a)(1) of the *State Government Article*, consult with counsel to obtain legal advice, as permitted by Section 10-508(a)(7) of the *State Government Article*; and review and adjudicate appeals in its quasi-judicial capacity and to discuss matters of an executive function outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*); and be it further

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

Re: **REPORT OF CLOSED SESSION**

On February 12, 2002, by unanimous vote of members present, the Board of Education voted to conduct closed sessions as permitted under the *Education Article* ' 4-107 and *State Government Article* ' 10-501, *et seq.*, of the *Annotated Code of Maryland*.

The Montgomery County Board of Education met in closed sessions on February 12, 2002, from 9:15 to 11:45 a.m. in Room 127 and from 12:00 to 1:10 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and

9. Reviewed and/or adjudicated the following appeals: 2001-27, 2001-35, 2001-48, 2001-66, 2001-67, 2001-68, 2001-70, 2001-72, 2002-1, 2002-3, 2002-5, 2002-6, and T-2002-1.
10. Reviewed the Superintendent's recommendation for the Human Resources Monthly Report and human resources appointments, subsequent to which the vote to approve was taken in open session.
11. Discuss matters that relate to collective bargaining negotiations, as permitted under Section 10-508(a)(9) of the *State Government Article* and Section 4-107(d) of the *Education Article*.
12. Consulted with counsel to receive legal advice as permitted under Section 10-508(a)(7) of the *State Government Article*.
13. Discussed matters of an executive function outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*).

In attendance at the closed session were: Steve Abrams, Elizabeth Arons, Larry Bowers, Sharon Cox, Reggie Felton, Dick Hawes, Roland Ikheloa, Dustin Jeter, Nancy King, Frieda Lacey, Walter Lange, George Margolies, Susan Marks, Darlene Merry, Michael Perich, Pat O'Neill, Brian Porter, Glenda Rose, Roger Titus, Jerry Weast, and James Williams.

RESOLUTION NO. 121-02 Re: **MINUTES OF NOVEMBER 13, 2001**

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

Resolved, That the Board of Education approve its minutes for November 13, 2001.

RESOLUTION NO. 122-02 Re: **MINUTES OF FEBRUARY 20, 2002**

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

Resolved, That the Board of Education approve its minutes for February 20, 2002.

RESOLUTION NO. 123-02 Re: APPEAL NO. 2001-72

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

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2001-72, complaint from the public, reflective of the following vote: Mr. Abrams, Ms. Cox, Mr. Felton, Mrs. King, Mr. Jeter, Mr. Lange, and Mrs. O'Neill voting to dismiss; Mr. Burnett was absent when this case was adjudicated.

RESOLUTION NO. 124-02 Re: APPEAL NO. 2002-1

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

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2002-1, student discipline, reflective of the following vote: Mr. Abrams, Ms. Cox, Mr. Felton, Mrs. King, Mr. Jeter, and Mrs. O'Neill voting in to affirm; Mr. Lange recused himself; Mr. Burnett was absent when this case was adjudicated.

RESOLUTION NO. 125-02 Re: APPEAL NO. 2002-3

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

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2002-3, complaint from the public, reflective of the following vote: Mr. Abrams, Ms. Cox, Mr. Felton, Mrs. King, Mr. Jeter, Mr. Lange, and Mrs. O'Neill voting to dismiss; Mr. Burnett was absent when this case was adjudicated.

RESOLUTION NO. 123-02 Re: APPEAL NO. T-2002-2

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

Resolved, That the Board of Education adopt its Order in Appeal T-2002-2, student transfer, reflective of the following vote: Mr. Abrams, Mr. Burnett, Ms. Cox, Mr. Felton, Mrs. King, Mr. Jeter, Mr. Lange, and Mrs. O'Neill voting to affirm.

**RESOLUTION NO. 127-02 Re: UPCOUNTY MAGNET MIDDLE SCHOOL
PROGRAM**

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

WHEREAS, The Board of Education is committed to providing all children with appropriate academic challenges; and,

WHEREAS, MCPS is moving to increase program opportunities throughout the system but has had to delay funding certain educational initiatives; and

WHEREAS, The Superintendent of Schools has committed to FY03 planning for the potential establishment of an upcounty magnet middle school program; and,

WHEREAS, Currently delayed initiatives must be funded before the Board of Education requests funding for a new program; now therefore be it

Resolved, That the Board of Education direct the Superintendent of Schools to report to the Board of Education in November of 2002 regarding the placement, scope, focus and costs attached to a potential upcounty magnet middle school program; and be it further

Resolved, That the report include an analysis of the current fiscal climate and the possibility of including the planned program in the FY04 budget.

RESOLUTION NO. 128-02

Re: **PEDESTRIAN SAFETY**

On motion of Mr. Abrams and seconded by Mrs. King, the following resolution was tabled until Mrs. O'Neill was available for the discussion:

WHEREAS, Our community has witnessed, in recent months, several incidents of death and injury as a result of pedestrians crossing well-trafficked streets in our county; and

WHEREAS, In the past few weeks, some of these incidents have involved students traversing streets on the way to and from school; and

WHEREAS, Inclement weather and jaywalking increase the risk to pedestrians; and

WHEREAS, High school students do not receive bus transportation if they live within 2.0 miles of their school and middle school students do not receive bus transportation if they live within 1.5 miles of their school; and

WHEREAS, The Blue Ribbon Panel on Pedestrian and Traffic Safety, chaired by Delegate Bill Bronrott, recently issued its report and, among its

recommendations, was one calling for increased educational efforts in our schools on the topic of pedestrian safety; and

WHEREAS, The State Highway Administration has funds available to assist in developing educational programs on pedestrian safety; now therefore be it

Resolved, That each of our high schools and middle schools develop a plan to discuss pedestrian safety and all of its ramifications annually (either at an assembly or through classroom discussion).

Re: **NEW BUSINESS**

Mr. Jeter moved and Mr. Lange seconded the following:

WHEREAS, Board of Education Policy JFA established the rights and responsibilities of the students of Montgomery County Public School; and

WHEREAS, Policy JFA was adopted in 1997; and

WHEREAS, Policy JFA requires a review of this policy once every three years; and

WHEREAS The rights and responsibilities of our students are constantly changing; now therefore be it

Resolved, That the Policy Committee of the Board of Education, in concert with staff, review Board of Education Policy JFA as outlined in the policy; and be it further

Resolved, That the Policy Committee submit its recommendation to the Board of Education no later than the Fall of 2002.

Re: **ITEMS OF INFORMATION**

The following items were available:

1. Items in Process
2. Legal Fees Report
3. Construction Progress Report

RESOLUTION NO. 129-02

Re: **ADJOURNMENT AND CLOSED SESSION**

On recommendation of the Superintendent and on motion of Mrs. King seconded by

Mr. Abrams, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education adjourn its meeting of March 12, 2002, at 4:40 p.m. and reconvene in closed session.

PRESIDENT

SECRETARY

JDW:gr

MONTGOMERY COUNTY BOARD OF EDUCATION SUMMARY SHEET

March 12, 2002

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