

APPROVED  
42-2003

Rockville, Maryland  
December 9, 2003

The Board of Education of Montgomery County met in regular session at the Carver Educational Services Center, Rockville, Maryland, on Tuesday, December 9, 2003, at 10:15 a.m.

ROLL CALL Present:                   Mr. Sharon W. Cox, President  
  in the Chair  
  Mr. Kermit V. Burnett  
  Mr. Reginald M. Felton  
  Dr. Charles Haughey  
  Mr. Walter Lange  
  Mrs. Patricia B. O'Neill  
  Mr. Gabe Romero  
  Mr. Sagar Sanghvi, Student Board Member  
  Dr. Jerry Weast, Secretary/Treasurer

Absent:           None

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

RESOLUTION NO. 594-03 Re:   **CLOSED SESSION**

On recommendation of the Superintendent and on motion of Mr. Lange seconded by Ms. Cox, 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 closed session on December 9, 2003, in Room 120 from 8:30 to 10:00 a.m. and 12:30 to 1:30 p.m. to discuss the Human Resources Monthly Report and Human Resources Appointments, as permitted under Section 10-508(a)(1) of the *State Government Article*; and be it further

Resolved, That the Board of Education of Montgomery County dedicate part of the closed session on December 9, 2003, to acquit its executive functions and to adjudicate and review 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.

\*\*Mr. Burnett was not present, but would join the meeting in progress.

**Re: ELECTION OF OFFICERS**

Dr. Weast announced that as secretary-treasurer of the Board of Education he would preside until the election of the president. To be elected president or vice president, a member needed five votes, and all members were in nomination.

Ms. Cox was elected unanimously as president by members present. She assumed the chair and presided over the election of the vice president.

Mr. Felton was elected unanimously as vice president by members present.

**RESOLUTION NO. 595-03 Re: APPROVAL OF THE AGENDA**

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

Resolved, That the Board of Education approve its agenda for December 9, 2003.

**Re: BOARD/SUPERINTENDENT COMMENTS**

Dr. Weast presented data on the three years of continuous academic gains in Kindergarten through Grade 2. He said this data reflected the results of a combination of lower class size, more time, highly trained teachers with support, parental engagement, communication, reporting grades, and curriculum, and instructional leaders who understand how these work together. The second prong of attack is the high school, and the rigor is reflected in the number of students taking Advanced Placement (AP) courses and tests. There has been a steady increase over the past four years.

Dr. Haughey commented that some youngsters tend to be resistant to rigor. When staff encourages students to do the high level work required in the AP courses, their willingness to do this work seems to be contagious. Dr. Weast noted that it is a testimony to the work of both parents and students when students take responsibility for their achievement with the encouragement of teachers and counselors.

Mr. Romero was interested in the number of students taking AP tests and the number of tests taken.

Mr. Lange thanked the superintendent and the entire MCPS staff for the direction in which the school system is moving. The system is not only identifying and encouraging student attainment of high standards of rigor, but in changing the culture and attitude toward rigor.

Mr. Felton commented on the minority data and in the increase in AP courses, which

demonstrates a culture change at high schools. He hoped that principals and teachers would take the data and continue to encourage students since this would have an impact on overall performance.

Mrs. O'Neill noted that the school system is building capacity, especially in the early grades and with the Reading Initiative. There is a need to focus on providing enough high quality teachers for AP courses.

Ms. Cox commented that she loved the early childhood data, but there is a need to develop strategies for increasing the gains at the other end of the spectrum. If there was an interest from Board members, she wanted to schedule a discussion on increasing progress for students who are ethnic minorities, or who receive ESOL, FARMs, or special education services. Also, trend data could be examined for those disaggregated groups.

Mr. Sanghvi wanted information on the AP tests and the numbers of students taking the tests vs. the number of students enrolled in AP. What is the difference, and why are some students not taking the tests?

Mrs. O'Neill commented that she attended the Arts and Humanities Ball. She congratulated Carole Goodman, principal at James Hubert Blake High School, for receiving an award as an outstanding supporter of the arts of humanities in Montgomery County.

Mr. Felton reported that he met with the Maryland Leadership Academy, which represents 20 individuals who are involved in special education throughout Maryland. The focus was on the success of programs in the county with a national perspective.

Mr. Sanghvi mentioned that the Board had met with student leaders on December 2. During the last few weeks, he had attended executive board meetings of student government associations.

Re: **PUBLIC COMMENTS**

The following people testified before the Board of Education:

	<u>Person</u>	<u>Topic</u>
1.	Rebecca Newman	Vending Machines
2.	Judy Docca	Charter Schools
3.	Olivia Carter-Pokras	Vending
4.	Henrietta Brown	Family Life Issues
5.	Linda Goldsholl	Vending Machines
6.	Simele Bekele	Childhood Obesity
7.	Ruby Arias	Advisory Committee Resignation

- |     |                 |                  |
|-----|-----------------|------------------|
| 8.  | Ellen Valentino | Vending Machines |
| 9.  | Lalti Kaul      | Vending Machines |
| 10. | Cindy Kerr      | School Calendar  |
| 11. | Tracy Fox       | Vending Machines |
| 12. | Mark Drury      | Career Education |

Re: **TENTATIVE ACTION ON POLICY JFA, *STUDENT RIGHTS AND RESPONSIBILITIES***

On motion of Mr. Sanghvi and seconded by Mr. Lange, the following resolution was placed on the table:

WHEREAS, Policy JFA, *Student Rights and Responsibilities*, sets forth the scope of student rights and responsibilities; and

WHEREAS, Policy JFA, *Student Rights and Responsibilities*, affirms the local school's responsibility in developing, implementing, and enforcing disciplinary standards; and

WHEREAS, the Board of Education Policy Committee has considered and recommended revisions to Policy JFA, *Student Rights and Responsibilities*; now therefore be it

Resolved, That the Board of Education take tentative action on Policy JFA, *Student Rights and Responsibilities*; and be it further

Resolved, That Policy JFA, *Student Rights and Responsibilities*, be sent out for public comment.

## **Student Rights and Responsibilities**

### A. PURPOSE

To provide a learning community designed to foster intellectual development, citizenship, responsibility, and mutual respect among students as they engage in the education process. As members of this community, all students have certain rights, privileges and responsibilities. There are expectations for conduct that are intended to foster the desired environment and educational goals of Montgomery County Public Schools and its students.

### B. ISSUE

In a free and democratic society rights are balanced with responsibilities. All rights are

inherently interwoven with responsibilities.

### C. POSITION

1. Students have responsibility for their own learning, their personal conduct, and for the manner in which they exercise their rights. Students are expected to actively participate in the educational community, accept the consequences of their actions, and abide by the policies and regulations of Montgomery County Public Schools.
2. The rights of the student must always be considered in relation to the legal rights and responsibilities retained by others including other students, teachers, administrators, other school staff, and parents.
3. As a component of active participation in the school community, students may form and participate in clubs, teams, and student organizations in accordance with all state and local laws, policies, regulations, and procedures. Students elected to student government or occupying other leadership positions must retain academic eligibility during their term of office. Additionally, students elected to student government or occupying other leadership positions are expected to meet a higher standard of conduct and comply with all policies, regulations, and procedures on and off campus during their term of office.
4. The rights of freedom of expression in dress, writing, and other forms are balanced with the responsibility to maintain an environment conducive to learning.
5. The rights of freedom of religion should be respected and accommodated in accordance with law.
6. Students have the right to have disciplinary actions solely based on their individual conduct, which either occurs at school, at school-related activities, or would compromise the health or safety of others in the school or would adversely impact the security or operation of the school setting. The superintendent shall ensure that disciplinary actions are fair and appropriate. However, students also have the responsibility to accept the consequences of their actions and be active participants in maintaining an environment conducive to learning.
7. Students have the right to physical autonomy unless the use of physical restraint is reasonable under the circumstances.

8. Students' legally recognized expectations of privacy are to be respected.
9. The essential dignity of all students, teachers, and staff is recognized and the responsibility to secure, respect, and support an environment conducive to learning is shared by all members of the broad-based school community.
10. Students have due process rights which must be protected.
11. Local school staff, in collaboration with students and parents, shall develop, implement, and enforce disciplinary standards and procedures which may include zero-tolerance policies and procedures that limit or restrict participation in extracurricular, graduation, or other school-related activities or events.

D. DESIRED OUTCOMES

There will be an educational environment which promotes intellectual development, responsibility, respect for individual dignity, and respect for legally constituted authority.

E. IMPLEMENTATION GUIDELINES

1. The *Student's Guide to Rights and Responsibilities* shall be made available to all elementary school students and shall be distributed to all students entering secondary schools. Copies of the document should be made available to parents.
2. The superintendent will develop regulations with student, staff and parental input to guide staff in the implementation of this policy, including issues concerning eligibility for extracurricular activities.

F. REVIEW AND REPORTING

This policy will be reviewed in accordance with the Board of Education policy review process.

Re: **AN AMENDMENT TO THE TENTATIVE ACTION  
ON POLICY JFA, *STUDENT RIGHTS AND  
RESPONSIBILITIES***

On motion of Mr. Lange and seconded by Mr. Felton, the following amendment was accepted without objection:

As members of this community, all students have certain rights, ~~privileges and~~

responsibilities, **and privileges.**

Re: **AN AMENDMENT TO THE TENTATIVE ACTION  
ON POLICY JFA, *STUDENT RIGHTS AND  
RESPONSIBILITIES***

On motion of Mr. Felton, the following amendment was accepted without objection:

The following statement shall be added as #12: **Students retain all the rights and responsibilities articulated in all Montgomery County Public Schools policies and regulations, as well as those defined by law.**

Re: **AN AMENDMENT TO THE TENTATIVE ACTION  
ON POLICY JFA, *STUDENT RIGHTS AND  
RESPONSIBILITIES***

On motion of Mr. Lange and seconded by Mr. Romero, the following amendment was accepted without objection:

The following paragraph should be separated into two statements:

3. As a component of active participation in the school community, students may form and participate in clubs, teams, and student organizations in accordance with all state and local laws, policies, regulations, and procedures.
4. Students elected to student government or occupying other leadership positions must retain academic eligibility during their term of office. Additionally, students elected to student government or occupying other leadership positions are expected to meet a higher standard of conduct and comply with all policies, regulations, and procedures on and off campus during their term of office.

Re: **AN AMENDMENT TO THE TENTATIVE ACTION  
ON POLICY JFA, *STUDENT RIGHTS AND  
RESPONSIBILITIES***

On motion of Dr. Haughey, the following amendment was accepted without objection:

6. Students have the right to have disciplinary actions solely based on their individual conduct, which either occurs at school, at school-related activities, or would compromise the health or safety of others in the school or would adversely impact the security or operation of the school setting. The superintendent shall ensure that disciplinary actions are fair and appropriate.



However, students also have the responsibility to accept the consequences of their actions and be active participants in maintaining an environment conducive to learning.

Re: **AN AMENDMENT TO THE TENTATIVE ACTION ON POLICY JFA, STUDENT RIGHTS AND RESPONSIBILITIES**

On motion of Mr. Felton and seconded by Mrs. O'Neill, the following amendment was accepted without objection:

~~There will be~~ **Montgomery County Public Schools will provide** an educational environment which promotes intellectual development, responsibility, **citizenship**, respect for individual dignity, and respect for legally constituted authority.

RESOLUTION NO. 596-03 Re: **TENTATIVE ACTION ON POLICY JFA, STUDENT RIGHTS AND RESPONSIBILITIES**

On motion of Mr. Sanghvi and seconded by Mr. Lange, the following resolution was placed on the table:

WHEREAS, Policy JFA, *Student Rights and Responsibilities*, sets forth the scope of student rights and responsibilities; and

WHEREAS, Policy JFA, *Student Rights and Responsibilities*, affirms the local school's responsibility in developing, implementing, and enforcing disciplinary standards; and

WHEREAS, the Board of Education Policy Committee has considered and recommended revisions to Policy JFA, *Student Rights and Responsibilities*; now therefore be it

Resolved, That the Board of Education take tentative action on Policy JFA, *Student Rights and Responsibilities*; and be it further

Resolved, That Policy JFA, *Student Rights and Responsibilities*, be sent out for public comment.

## **Student Rights and Responsibilities**

### A. PURPOSE

To provide a learning community designed to foster intellectual development, citizenship, responsibility, and mutual respect among students as they engage in the education process. As members of this community, all students have certain rights, responsibilities, and privileges. There are expectations for conduct that are intended to foster the desired environment and educational goals of Montgomery County Public

Schools and its students.

B. ISSUE

In a free and democratic society rights are balanced with responsibilities. All rights are inherently interwoven with responsibilities.

C. POSITION

1. Students have responsibility for their own learning, their personal conduct, and for the manner in which they exercise their rights. Students are expected to actively participate in the educational community, accept the consequences of their actions, and abide by the policies and regulations of Montgomery County Public Schools.
2. The rights of the student must always be considered in relation to the legal rights and responsibilities retained by others including, other students, teachers, administrators, other school staff, and parents.
3. As a component of active participation in the school community, students may form and participate in clubs, teams, and student organizations in accordance with all state and local laws, policies, regulations, and procedures.
4. Students elected to student government or occupying other leadership positions must retain academic eligibility during their term of office. Additionally, students elected to student government or occupying other leadership positions are expected to meet a higher standard of conduct and comply with all policies, regulations, and procedures on and off campus during their term of office.
5. The rights of freedom of expression in dress, writing, and other forms are balanced with the responsibility to maintain an environment conducive to learning.
6. The rights of freedom of religion should be respected and accommodated in accordance with law.
7. Students have the right to have disciplinary actions solely based on their individual conduct, which occurs at school, at school-related activities, or would compromise the health or safety of others in the school or would adversely impact the security or operation of the school setting. The superintendent shall ensure that disciplinary actions are fair and appropriate. However, students also have the responsibility to accept the consequences of their actions and be

active participants in maintaining an environment conducive to learning.

8. Students have the right to physical autonomy unless the use of physical restraint is reasonable under the circumstances.
9. Students' legally recognized expectations of privacy are to be respected.
10. The essential dignity of all students, teachers, and staff is recognized and the responsibility to secure, respect, and support an environment conducive to learning is shared by all members of the broad-based school community.
11. Students have due process rights which must be protected.
12. Local school staff, in collaboration with students and parents, shall develop, implement, and enforce disciplinary standards and procedures which may include zero-tolerance policies and procedures that limit or restrict participation in extracurricular, graduation, or other school-related activities or events.
13. Students retain all the rights and responsibilities articulated in all Montgomery County Public Schools policies and regulations, as well as those defined by law.

#### D. DESIRED OUTCOMES

Montgomery County Public Schools will provide an educational environment which promotes intellectual development, responsibility, citizenship, respect for individual dignity, and respect for legally constituted authority.

#### E. IMPLEMENTATION GUIDELINES

1. The *Student's Guide to Rights and Responsibilities* shall be made available to all elementary school students and shall be distributed to all students entering secondary schools. Copies of the document should be made available to parents.
2. The superintendent will develop regulations with student, staff and parental input to guide staff in the implementation of this policy, including issues concerning eligibility for extracurricular activities.

#### F. REVIEW AND REPORTING

This policy will be reviewed in accordance with the Board of Education policy review

process.

Re: **UPDATE ON THE (50<sup>TH</sup> ANNIVERSARY)  
CELEBRATION OF *BROWN V. THE TOPEKA,  
KANSAS, BOARD OF EDUCATION***

Dr. Weast invited the following people to the table: Dr. Gregory Bell, director, Office of Diversity Initiatives; Mr. Marty Creel, program supervisor, pre-K–12, social studies, Office of Curriculum and Instructional Programs; Mrs. Donna Hollingshead, principal, Cabin John Middle School; and Ms. Lola Crawford, community partnership specialist, Family and Community Partnerships Unit.

Staff explained the steps that have taken place to plan the upcoming 50<sup>th</sup> anniversary celebration of the landmark Supreme Court ruling of *Brown v. Topeka, Kansas, Board of Education*.

For the past several months, a countywide planning team of stakeholders has been working collaboratively to plan a series of activities and events that are consistent with the MCPS strategic planning Goal #3, *Strengthen productive partnerships for education*, and the Board of Education's Priority #5, *Foster and sustain systems that support and improve employee effectiveness, in partnership with MCPS employee organizations*.

In September 2003, a countywide task force was formed, including representatives of the schoolsystem, business community, faith community, governmental offices, higher education partners, and other private and public organizations. Six honorary co-chairpersons were identified, based on their active role and commitment to the civil rights movement to pursue opportunities for access, equity, and high-quality education for all children. The co-chairpersons are Mr. Roscoe Nix, Ms. Dottie Fitzgerald, Mr. Solomon Graham, Ms. Nhora Murphy, Dr. Alan Cheung, and Professor Okianer Christian-Dark.

The observance of the 50<sup>th</sup> anniversary of *Brown v. Topeka, Kansas, Board of Education* will take place in two phases. The first phase will extend from November 2003 to May 17, 2004. First-phase events, "The Countdown to Brown," will incorporate activities that address the historical exploration and celebration of this critical milestone in the nation. Phase I will help people learn more about the *Brown* ruling and its implications for this community. The second phase, "Brown and Beyond," will begin on Tuesday, May 18, 2004. This phase will extend the vital principles of the *Brown v. Topeka, Kansas, Board of Education* decision by focusing on how the district and community can courageously address issues of race and culture that have a deep impact on schools. Both phases will incorporate activities at three levels—school, district, and county. A Web site has been created to keep MCPS and community stakeholders informed of planned activities. The Web site address is [www.mcps.k12.md.us/info/50th-bvsb](http://www.mcps.k12.md.us/info/50th-bvsb). Updates will be posted periodically.

In September 2003, all schools were notified of this initiative and asked to organize and

participate in activities and events throughout the year designed to celebrate the landmark Supreme Court ruling. To support the schools' efforts, a resource packet of sample activities has been developed by the Office of Curriculum and Instructional Programs. It will be delivered to the schools on December 10, 2003. A compilation of school activities will be publicized to the community through the Web site and other appropriate media. Districtwide activities will include a special Board meeting on May 17, 2004, a superintendent's roundtable in March 2004, a special conference hosted by the deputy superintendent and community superintendents in April 2004, and a teen summit in March 2004. A countywide event in May 2004 will celebrate the anniversary of the *Brown v. Topeka, Kansas, Board of Education* ruling and will mark the transition from the Countdown to Brown and Beyond.

**Re: DISCUSSION**

Mr. Felton appreciated the work that has been done. He was concerned about the outreach into the community. Dr. Bell replied that the county is very diverse, and every effort will be made to be inclusive.

Mr. Felton asked about the curriculum and motivating teachers to deal with this topic. Mr. Creel replied that Grades 9 and 10 already study the case, and the other grades will be taught through supplemental materials that have been provided to teachers. Dr. Weast agreed that this celebration cannot be done by chance, and the budget will shift funds to Brown and Beyond programs.

Mr. Romero reported that recently he met with the ESOL community, including individuals from South America. To his surprise, those present were not aware of recent history in South America. The sadness to him was that these people are in Montgomery County with no sense of place or history. Therefore, he was impressed by how much he had learned about *Brown*. He would like the presentation to show how all people's backgrounds come together.

Mrs. O'Neill commented that this is beyond what she had envisioned when she introduced the resolution. She noted that integration was hard fought in Montgomery County, and that should be conveyed to students. Ms. Crawford reported that staff is collaborating with historical organizations and societies. Peerless Rockville is developing a display for the program, four former African American schools will be open, and families are encouraged to share their experiences.

Mr. Lange thought the K-12 program was well done. He was concerned that it not be just a one-year event because of the importance of the basic principles. Despite how far society has come, it still has a long way to go.

Dr. Haughey commented that he had lived in Montgomery County for 10 years before he learned, through the Lincoln Park Historical Society, about the stress of converting from a

segregated to a desegregated school system. It was a long and painful process. He hoped that this commemoration would capture enough of the background to educate the present day citizens of the county.

Mr. Sanghvi was excited about the presentation since he studied *Brown* in school.

Ms. Cox was pleased with the curriculum development piece. She was interested in regular updates, and she was interested in specific outcomes at each level. In *Brown and Beyond*, there needs to be a level of awareness. She was not sure from the description of the subcommittees that there is a connection with the community. She asked Mr. Felton and Mrs. O'Neill to work with the committee for the May activity.

**RESOLUTION NO. 597-03 Re: CELEBRATION OF *BROWN V. THE TOPEKA, KANSAS, BOARD OF EDUCATION***

On motion of Mrs. O'Neill and seconded by Dr. Haughey, the following resolution was adopted unanimously:

Resolved, That the Board of Education accepts the planning of the work group, and it looks forward to the active engagement of the community in support of the activities.

**Re: LUNCH AND CLOSED SESSION**

The Board of Education recessed for lunch and closed session from 12:45 to 2:30 p.m.

**RESOLUTION NO. 598-03 Re: PROCUREMENT CONTRACTS OF \$25,000 OR MORE**

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

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

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

C-050	Diesel Fuel	
56	<u>Awardee</u>	
	BP Corporation	\$ 3,500,000



4037.4      Closed Circuit Television Equipment—Extension

	<u>Awardees</u>	
	Allegeny Electronics	\$ 12,721
	Northern Video Systems, Inc.*	180,420
	Presearch, Inc.	39,567
	Security Equipment Distributors, Inc.	<u>9,490</u>
	Total	\$ 242,198
4044.6	Telephone Equipment	
	<u>Awardees</u>	
	Allegheny Electronics	\$ 1,600
	Alltel Communications Products, Inc.	115,230
	Capitol Cable & Technology	63,064
	Chesapeake Communications	17,410
	Chesapeake Telephone Systems, Inc.	103,000
	Graybar Electric	109,694
	JT Tronics, Inc.	538,710
	Mouser Electronics, Inc.	<u>796</u>
	Total	\$ 949,504
4057.3	Scanner Forms and Scanning Machines—Extension	
	<u>Awardee</u>	
	National Computer Systems	\$ 66,803
4082.3	Chalkboards, Tackboards and Whiteboards	
	<u>Awardee</u>	
	Building Specialties, Inc.	\$ 41,120
4111.2	Batteries	
	<u>Awardees</u>	
	Batteries, Inc.*	\$ 4,590
	Smith Office & Computer Supply	12,642
	Vehicle Maintenance Program*	<u>11,040</u>
	Total	\$ 28,272
4115.2	Dry Ink Developer, Fuser Agent, and Staples	
	<u>Awardees</u>	
	Branch Office Supply Company, Inc.*	\$ 8,150

	Bye Mor, Inc.*	1,198
	Xerox Corporation	<u>32,620</u>
	Total	\$ 41,968
4148.1	Printer System, Z400 3D for Technology Education	
	<u>Awardee</u>	
	Diversified Educational Systems, Inc.	\$ 25,500
4154.1	Technology Education Instructional Equipment	
	<u>Awardees</u>	
	Frey Scientific/Division of School Specialty	\$ 17,265
	Ronald A. Williams, LTD	<u>46,744</u>
	Total	\$ 64,009
7055.6	Purchase of School Buses	
	<u>Awardees</u>	
	American Bus Sales & Service	\$ 1,354,594
	J. Price International Truck, Inc.	<u>4,172,014</u>
	Total	\$ 5,526,608
9018.2	Roofing Supplies	
	<u>Awardee</u>	
	The Roof Center, Inc.	\$ 430,343
9042.1	Lacrosse Protective Eyewear	
	<u>Awardee</u>	
	Bill Fritz Sports Corporation	\$ 28,569
9116.2	Detergents—Extension	
	<u>Awardee</u>	
	Daycon Products Company, Inc.	\$ 35,000
91.25.1	Commercial Kitchen Equipment Repair Parts—Extension	
	<u>Awardees</u>	
	Daubers Inc. of Washington DC*	

EMR Service Division	
Heritage Food Service Equipment	
United Refrigeration, Inc.	
Total	\$ 30,000

TOTAL PROCUREMENT CONTRACTS EXCEEDING \$25,000	\$11,009,894
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\*Denotes Minority-, Female-, or Disabled-owned Business

RESOLUTION NO. 599-03 Re: **N O R T H W O O D   H I G H   S C H O O L   –  
PRECONSTRUCTION/CONSTRUCTION MANAGEMENT  
SERVICES**

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

WHEREAS, The FY 2004 Capital Budget request includes planning funds to reopen Northwood High School; and

WHEREAS, The design phase of this project is proceeding with the construction scheduled to start in July 2004; and

WHEREAS, Staff has recommended that this project be completed using a construction management delivery system due to the project complexities and phasing of the construction work with the building occupied; and

WHEREAS, A Consultant Selection Committee, in accordance with procedures adopted by the Board of Education on July 14, 1998, identified Oak Contracting Corporation as the most qualified firm to provide the necessary management services; and

WHEREAS, The management services will be implemented in two phases; and

WHEREAS, The initial phase will consist of preconstruction services for cost estimating, value engineering, constructability planning, and construction phasing schedule; and

WHEREAS, Staff has negotiated a fee for the preconstruction services; and

WHEREAS, The second phase will consist of general construction management services, and a fee for this phase will be negotiated once the construction funding for the project has been approved by the County Council; now therefore be it

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

agreement with the Oak Contracting Corporation to provide phase one preconstruction services for cost estimating, value engineering, constructability planning services, and construction phasing schedule for the Northwood High School facility for a fee of \$120,000.

RESOLUTION NO. 600-03 Re: **AWARD OF CONTRACT – MECHANICAL MODIFICATIONS FOR WHEATON HIGH SCHOOL**

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

WHEREAS, The following proposals were received for mechanical modifications to support spaces adjacent to the cafeteria for Wheaton High School, with work to begin immediately and be completed by January 5, 2004:

<u>Bidder</u>	<u>Amount</u>
American Mechanical Services	\$78,700
John J. Kirlin, Inc.	79,900
C. V. Carlson Company, Inc.	93,152

and

WHEREAS, The work included in this project is largely self-performed by the bidder, and there is limited opportunity for Minority Business Enterprise (MBE) participation; and

WHEREAS, Staff recommends waiving the MBE participation goal for this project; and

WHEREAS, The low bidder, American Mechanical Services, has completed similar work successfully for the Montgomery County Public Schools; and

WHEREAS, The low bid is below the staff estimate of \$90,000; now therefore be it

Resolved, That a \$78,700 contract be awarded to American Mechanical Services for mechanical modifications for Wheaton High School, in accordance with drawings and specifications prepared by the Department of Facilities Management.

RESOLUTION NO. 601-03 Re: **ARCHITECTURAL APPOINTMENT – COLLEGE GARDENS ELEMENTARY SCHOOL MODERNIZATION**

On recommendation of the Superintendent and on motion of Mr. Felton seconded by Dr. Haughey, 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 modernization of College Gardens Elementary School, which includes a 76,000-square-foot building on an eight-acre site; and

WHEREAS, The preliminary construction cost estimate for this work is approximately \$11,500,000; and

WHEREAS, Funds for architectural planning were programmed as part of the FY 2004 Capital Budget; and

WHEREAS, An Architect Selection Committee, in accordance with procedures adopted by the Board of Education on July 14, 1998, selected Robert J. Glaser & Associates, P.A., to provide the necessary professional architectural and engineering services; and

WHEREAS, Staff has negotiated a fee for architectural services that includes one consultant who is a Maryland Department of Transportation-certified minority firm; now therefore be it

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with the architectural firm of Robert J. Glaser & Associates, P.A., to provide professional architectural and engineering services for the modernization of College Gardens Elementary School for a fee of \$760,350.

RESOLUTION NO. 602-03 Re: **QUINCE ORCHARD MS#2 – DECLARATION OF COVENANTS FOR INSPECTION AND MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES AND STORMDRAIN SYSTEM**

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

WHEREAS, The City of Gaithersburg requested declarations of covenants for inspection and maintenance of stormwater management structures and a stormdrain system in connection with the construction of Quince Orchard Middle School #2, located at 1200 Main Street; and

WHEREAS, The area of the proposed declarations of covenants consists of the 8.11-acre school parcel on which the Board will install and construct stormwater quality structures and a stormdrain system as part of the school construction; and

WHEREAS, All construction and future maintenance will be undertaken by the Board of Education, with the City of Gaithersburg being granted the right to inspect and maintain the stormwater management facilities and stormdrain system should the Board fail to do so; and

WHEREAS, The proposed declarations of covenants will not affect any land that could be used for school programming and recreational activities; now therefore be it

Resolved, That the president and secretary of the Board of Education be authorized to

execute Declarations of Covenants to the City of Gaithersburg granting inspection and maintenance rights to the stormwater management structures and stormdrain system at the Quince Orchard Middle School #2.

**RESOLUTION NO. 603-03 Re: ACCEPTANCE OF THOMAS S. WOOTTON HIGH SCHOOL**

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

WHEREAS, Thomas S. Wootton High School was inspected on October 28, 2003; now therefore be it

Resolved, That the official date of completion be established as that date upon which formal notice is received from the architect that the building has been completed in accordance with the plans and specifications, and all contract requirements have been met.

**RESOLUTION NO. 604-03 Re: ACCEPTANCE OF E. B. WOOD MIDDLE SCHOOL**

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

WHEREAS, Earle B. Wood Middle School was inspected on November 7, 2003; now therefore be it

Resolved, That the official date of completion be established as that date upon which formal notice is received from the architect that the building has been completed in accordance with the plans and specifications, and all contract requirements have been met.

**RESOLUTION NO. 605-03 Re: UTILIZATION OF FY 2004 PROVISION FOR FUTURE SUPPORTED PROJECT FUNDS**

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

WHEREAS, The grant qualifies for a transfer of appropriation from the Provision for Future Supported Projects, pursuant to the provisions of County Council Resolution No. 15-184, approved May 22, 2003; and

WHEREAS, The program does not require any present or future county funds; and

WHEREAS, Sufficient appropriation is available, within the FY 2004 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 2004 Provision for Future Supported Projects, as specified below:

<u>Project</u>	<u>Amount</u>
Challenge Grant Program	<u>\$ 1,200,000</u>
Total	<u>\$ 1,200,000</u>

and be it further

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

RESOLUTION NO. 606-03      Re:    **FY 2004 SUPPLEMENTAL APPROPRIATION FOR  
THE SMALLER LEARNING COMMUNITIES  
INITIATIVE**

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

Resolved, That the superintendent of schools be authorized to receive and expend, subject to County Council approval, an FY 2004 supplemental appropriation of \$1,000,000 in grant funds from the United States Department of Education, Smaller Learning Communities Initiative, for Gaithersburg and Seneca Valley high schools in the following categories:

<u>Category</u>	<u>Positions</u>	<u>Amount</u>
1    Administration		\$ 32,030
2    Mid-level Administration		145,622
3    Instructional Salaries	2.0	490,620
4    Textbooks and Instructional Supplies		128,172
5    Other Instructional Costs		48,257
12   Fixed Charges		<u>155,299</u>
Total	<u>2.0*</u>	<u>\$1,000,000</u>

Positions

\*2.0 Resource Teacher (BD)

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. 607-03                      Re:    **HUMAN RESOURCES MONTHLY REPORT**

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

Resolved, That the Board of Education accept the Human Resources Monthly Report dated December 9, 2003.

RESOLUTION NO. 608-03                      Re:    **DEATH OF GAIL L. SKILLING, PARAEUCATOR  
AND LUNCH HOUR AIDE, NORTH CHEVY CHASE  
ELEMENTARY SCHOOL**

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

WHEREAS, The death on September 14, 2003, of Gail L. Skilling, paraeducator and lunch hour aide at North Chevy Chase Elementary School, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, In the 19.9 years that Ms. Skilling worked for Montgomery County Public Schools, she was extremely reliable and had a good rapport with students; and

WHEREAS, Ms. Skilling's conscientious attention to her duties and responsibilities was evident to both staff and students, and her knowledge of the school community was extremely beneficial in the smooth adjustment of new staff; now therefore be it

Resolved, That the members of the Board of Education express their sorrow at the death of Gail L. Skilling and extend deepest sympathy to her 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 Ms. Skilling's family.

RESOLUTION NO. 609-03                      Re:    **DEATH OF CHRISTOPHER S. CROWDER,  
SPECIAL EDUCATION BUS ATTENDANT,**

**DEPARTMENT OF TRANSPORTATION**

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

WHEREAS, The death on November 6, 2003, of Christopher S. Crowder, bus attendant in the Department of Transportation at the Randolph Depot, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, In the time that Mr. Crowder had worked for Montgomery County Public Schools, he demonstrated confidence and dedication while he worked with the special needs students; and

WHEREAS, In the 11.5 years that Mr. Crowder had been with Montgomery County Public Schools, his dependability and good relationships with his fellow workers made him a valuable employee; now therefore be it

Resolved, That the members of the Board of Education express their sorrow at the death of Christopher S. Crowder 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. Crowder's family.

RESOLUTION NO. 610-03

Re: **DEATH OF VICKIE A. DEVALERIO, RESOURCE  
TEACHER, EASTERN MIDDLE SCHOOL**

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

WHEREAS, The death on November 15, 2003, of Vickie A. DeValerio, resource teacher at Eastern Middle School, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, Ms. DeValerio worked for Montgomery County Public Schools for 22.9 years and demonstrated a high level of initiative related to the English curriculum; and

WHEREAS, Ms. DeValerio was a highly effective teacher who used a variety of strategies to engage the students in the learning of English and empowered them to take charge of their learning by providing opportunities for students to evaluate and celebrate their progress; now therefore be it

Resolved, That the members of the Board of Education express their sorrow at the death of

Vickie A. DeValerio and extend deepest sympathy to her 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 Ms. DeValerio's family.

RESOLUTION NO. 611-03            Re:    **HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective December 10, 2003:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Stephen Bedford	Acting Community Superintendent	Community Superintendent

RESOLUTION NO. 612-03            Re:    **HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective December 10, 2003:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Walter Gibson	Acting Community Superintendent	Community Superintendent

RESOLUTION NO. 613-03            Re:    **HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective December 10, 2003:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Patricia Kelly	Principal, Greenwood ES	Director, Special Education Performance and Accountability

RESOLUTION NO. 614-03            Re:    **HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective December 10, 2003:

Appointment  
Frances Irvin

Current Position  
Acting Principal, Mark Twain  
School

As  
Principal, Mark Twain School

## RESOLUTION NO. 615-03

Re: **HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective December 10, 2003:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Shawn Utsey	Associate Professor, Howard University	Coordinator of Applied Research

\*\*Mr. Burnett joined the meeting at this point.

Re: **MONTHLY FINANCIAL REPORT**

Mr. Larry Bowers, chief operating officer, stated that this report reflected the projected financial condition through October 31, 2003, based on program requirements and estimates made by primary and secondary account managers. At that time, revenues had a projected surplus of \$824,675, while expenses had a projected surplus of \$6,200,000.

## RESOLUTION NO. 616-03

Re: **PRELIMINARY PLANS – SOUTH LAKE ELEMENTARY SCHOOL ADDITION**

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

WHEREAS, The architect for the South Lake Elementary School addition, Delmar Architects, P.A., has prepared a schematic design in accordance with the educational specifications; and

WHEREAS, The South Lake Elementary School Facility Advisory Committee has approved the proposed schematic design; now therefore be it

Resolved, That the Board of Education approve the preliminary plan report for the South Lake Elementary School addition developed by Delmar Architects, P.A.

## RESOLUTION NO. 617-03

Re: **PRELIMINARY PLANS – SENECA VALLEY HIGH SCHOOL MODIFICATION**

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

WHEREAS, The architect for the Seneca Valley High School core modification, Lance Bailey & Associates, Inc., has prepared a schematic design in accordance with the educational specifications; and

WHEREAS, The Seneca Valley High School Facility Advisory Committee has approved the proposed schematic design; now therefore be it

Resolved, That the Board of Education approve the preliminary plan report for the Seneca Valley High School core modification developed by Lance Bailey & Associates, Inc.

Re: **TENTATIVE APPROVAL OF POLICY BOA –  
LEGAL SERVICES**

On motion of Mr. Sanghvi and seconded by Dr. Haughey, the following resolution was placed on the table:

WHEREAS, Policy BOA, *Legal Services* sets out the framework for the retention and selection for outside counsel and the management of legal services; and

WHEREAS, The Board Policy Committee has considered and recommended revisions to Policy BOA to allow for the flexibility for multi-year agreements with outside legal firms, with periodic appraisals and renewals, as deemed appropriate upon review; now therefore be it

Resolved, That The Board of Education take tentative action to adopt the attached draft Policy BOA, *Legal Services*; and be it further

Resolved, That the tentative draft Policy BOA, *Legal Services*, be sent out for public comment.

### **Policy on Legal Services**

A. **PURPOSE**

This policy reaffirms the right of the Board of Education to retain attorneys for advice and representation in legal matters and directs the superintendent to present to the Board for its approval a plan for the management of legal services that will facilitate both cost control and accountability and that will promote a high quality of service.

B. **PROCESS AND CONTENT**

1. **Retention and Selection**

a) The Board of Education retains counsel as needed to assist it and the



superintendent in carrying out their duties. Counsel retained by the Board fulfill three primary functions:

- (1) Representation in litigation in which the Board is a party
- (2) Counsel regarding Board policy or action in which highly specialized legal expertise is required or counsel on general legal issues that arise in the ongoing operation of the school system
- (3) Counsel to the Board as it carries out its quasi-judicial responsibilities in appeals and hearings

- b) The factors to be considered in the selection or retention of an attorney include the quality of background and experience, legal skills, responsiveness and sensitivity to the client's needs, style and presence, freedom from conflict of interest, and management skills.
- c) With the advice of the superintendent, the Board will identify attorneys or firms that meet its criteria and will invite them to express their interest in providing services to the Board. Those interested will be screened and interviewed.
- d) The Board will contract with the attorney or firm selected subject to renewal.

## 2. Management of Legal Services

- a) The Board directs the superintendent to implement the Board-approved legal services management plan for the purpose of coordinating and controlling the school system's use of legal services.
- b) A legal services management plan should provide at least the following elements:
  - (1) Maintenance of written agreements with counsel
  - (2) Standardization of billing practices
  - (3) Management of costs and staff access to attorneys
  - (4) Periodic appraisal of the quality of legal services, for use by the

Board and the superintendent

- c) The superintendent will develop regulations for implementing this policy.

C. REVIEW AND REPORTING

1. The superintendent will provide monthly reports to the Board of Education on the costs of legal services. Periodically the Board will receive reports on legal services.
2. This policy will be reviewed in accordance with the Board of Education policy review process.

Re: **AN AMENDMENT TO THE TENTATIVE APPROVAL OF POLICY BOA – LEGAL SERVICES**

On motion of Dr. Haughey and by consensus of the Board, the following amendment was accepted:

The superintendent will provide monthly reports to the Board of Education on the costs of legal services. Periodically the Board will receive **evaluative** reports on legal services.

Re: **AN AMENDMENT TO THE TENTATIVE APPROVAL OF POLICY BOA – LEGAL SERVICES**

On motion of Mr. Felton and by consensus of the Board, the following amendment was accepted:

The factors to be considered in the selection or retention of an attorney include the quality of background and experience, legal skills, **commitment to diversity in the work place**, responsiveness and sensitivity to the client's needs, style and presence, freedom from conflict of interest, and management skills.

RESOLUTION NO. 618-03

Re: **TENTATIVE APPROVAL OF POLICY BOA – LEGAL SERVICES**

On motion of Mr. Sanghvi and seconded by Dr. Haughey, the following resolution was adopted unanimously:

WHEREAS, Policy BOA, *Legal Services* sets out the framework for the retention and

selection for outside counsel and the management of legal services; and

WHEREAS, The Board Policy Committee has considered and recommended revisions to Policy BOA to allow for the flexibility for multi-year agreements with outside legal firms, with periodic appraisals and renewals, as deemed appropriate upon review; now therefore be it

Resolved, That the Board of Education take tentative action to adopt the attached draft Policy BOA, *Legal Services*; and be it further

Resolved, That the tentative draft Policy BOA, *Legal Services*, be sent out for public comment.

## **Policy on Legal Services**

### A. PURPOSE

This policy reaffirms the right of the Board of Education to retain attorneys for advice and representation in legal matters and directs the superintendent to present to the Board for its approval a plan for the management of legal services that will facilitate both cost control and accountability and that will promote a high quality of service.

### B. PROCESS AND CONTENT

#### 1. Retention and Selection

- a) The Board of Education retains counsel as needed to assist it and the superintendent in carrying out their duties. Counsel retained by the Board fulfill three primary functions:
  - (1) Representation in litigation in which the Board is a party
  - (2) Counsel regarding Board policy or action in which highly specialized legal expertise is required or counsel on general legal issues that arise in the ongoing operation of the school system
  - (3) Counsel to the Board as it carries out its quasi-judicial responsibilities in appeals and hearings
- b) The factors to be considered in the selection or retention of an attorney include the quality of background and experience, legal skills, commitment to diversity in the work place, responsiveness and sensitivity to the client's needs, style and presence, freedom from

conflict of interest, and management skills.

- c) With the advice of the superintendent, the Board will identify attorneys or firms that meet its criteria and will invite them to express their interest in providing services to the Board. Those interested will be screened and interviewed.
- d) The Board will contract with the attorney or firm selected subject to renewal.

## 2. Management of Legal Services

- a) The Board directs the superintendent to implement the Board-approved legal services management plan for the purpose of coordinating and controlling the school system's use of legal services.
- b) A legal services management plan should provide at least the following elements:
  - (1) Maintenance of written agreements with counsel
  - (2) Standardization of billing practices
  - (3) Management of costs and staff access to attorneys
  - (4) Periodic appraisal of the quality of legal services, for use by the Board and the superintendent
- c) The superintendent will develop regulations for implementing this policy.

## C. REVIEW AND REPORTING

- 1. The superintendent will provide monthly reports to the Board of Education on the costs of legal services. Periodically the Board will receive evaluative reports on legal services.
- 2. This policy will be reviewed in accordance with the Board of Education policy review process.

Re: **UPDATE OF THE CLASSICAL PROGRAM  
REVIEW OF SPECIAL EDUCATION**

Mr. Burnett introduced the item and the following people came to the table: Dr. Carey M. Wright, associate superintendent, Office of Student and Community Services; Mr. Brian J. Bartels, director, Department of Special Education; Ms. Gwendolyn Mason, director, Division of School-based Special Education Services; and Mr. James G. Fernandez, principal, Julius West Middle School. In the audience were Ms. Sandy Embler, faculty research assistant, University of Maryland; Ms. Jackie Hongladarom, special educator, Julius West Middle School; Ms. Rickie Sabia, co-chair of the Department of Special Education Continuous Improvement Team; and special education leadership staff.

On a motion made by Mr. Kermit Burnett and seconded Ms. Sharon Cox, the following resolution was approved unanimously by all Board members on February 11, 2003:

WHEREAS, On October 25, 1999, the report on the Special Education Classical Program Review included nine recommendations for improvement of special education services; and

WHEREAS, MCPS has held several focus groups to redesign and realign parent outreach and problem solving within the Department of Special Education for the purpose of improving services and outreach to families with, or concerned about, children with special needs; now therefore be it

Resolved, That the Board of Education schedule on its agenda a review of the recommendations emanating from the Special Education Classical Program Review (10/25/99), including actions taken to date to address the recommendations; and be it further

Resolved, That an ad hoc or standing committee of the Board engage in dialogue with individuals and groups concerned about children with special needs to gather input on concerns and issues relating to special education, and the committee should present a report to the Board of Education, no later than December 2003, outlining its findings and recommendations for further action.

The purpose of the presentation was to provide the Board of Education with an update on the Special Education Classical Program Review in MCPS. The Update on the Special Education Classical Program Review provides information about the continuing progress made in addressing the nine recommendations for reform of special education in MCPS.

#### Work of Ad Hoc Committee

As a result of the above resolution, the Board of Education Ad Hoc Committee on Special Education was formed. Mr. Burnett, Ms. Cox, and Dr. Haughey were appointed as members. The Ad Hoc Committee met five times on the following dates and discussed the following topics:

March 24, 2003      Organizational Meeting

May 27, 2003	Overview on the Special Education Classical Program Review Report from the Continuous Improvement Team (CIT) on Indicators of Effective Special Education Services
June 23, 2003	Collaborative Action Process (CAP)
July 28, 2003	Department of Special Education (DSE) Update – Changes in Special Education Services Department of Special Education (DSE) Update – Progress on recommendations two through nine of the Special Education Classical Program Review
October 9, 2003	Outcomes of CIT meetings Previous updates to the Ad Hoc Committee (Indicators of Effective Special Education Services, CAP, Special Education Services Delivery Models and Improvements) Services for Students 19-21 Years of Age Review of the Draft Update to Board of Education

On October 27, 1997, the Board of Education directed that the administration conduct a Special Education Classical Program Review in MCPS. The intent of the review was to examine a range of issues related to the delivery of special education services and to establish benchmark indicators of program quality to be used to monitor and improve services to students, collaboration with parents and the community, and special education administrative functions. Dr. Margaret J. McLaughlin of the University of Maryland was the chief investigator of the program review committee. The Special Education Classical Program Review that was presented to the Board on October 25, 1999, outlined many positive aspects of the MCPS special education system and also made nine recommendations for improvement. The Department of Special Education reviewed the findings from the report and initiated actions to address the nine recommendations.

In the presentation, members of the Board heard progress updates on each of the nine recommendations identified in the Special Education Classical Program Review. A key recommendation was to develop an indicator system and benchmarks to track special education program performance. The CIT conducted a study and identified measurable indicators of special education program effectiveness. In today's presentation, Mr. Brian J. Bartels presented information related to this aspect of the study.

Additionally, the Board heard about collaborative efforts among offices within central office administration and within the schools in an effort to provide students with disabilities access to the general education curriculum. The undertaking of the CAP, an intervention process designed to reduce the number of students who are referred to special education, has served

as a successful problem-solving process to address the learning needs of students. Moreover, the Board learned of the continued efforts of the Department of Special Education to address the issue of disproportionality through improved pre-referral intervention, the development of MCPS procedures for confirming emotional disability and mental retardation, and increased staff training opportunities.

During its deliberations, the members of the ad hoc committee articulated the Board's obligation to special education students and their families to exercise continued oversight of the delivery of special education programs and services at the school level. In this regard, the committee took particular note of the recommendation to identify measurable indicators and key performance benchmarks to track special education program effectiveness.

The ad hoc committee is aware that the CIT, formed initially as a committee of parents and staff in May of 1999 to assist the Department of Special Education to respond to an audit conducted by the Maryland State Department of Education, has assumed the lead in developing the system of indicators and benchmarks. After receiving the update from the staff as to the Special Education Classical Program Review, the committee will recommend the following resolution to complete the work of the CIT so as to foster its work and provide the necessary oversight to ensure that it is infused into all school improvement plans.

**Re: DISCUSSION**

Ms. Cox asked if the Wilson Reading Program helped children with dyslexia. Mr. Fernandez replied that it did.

Mr. Felton commented on the work of the ad hoc committee. The program review is very complex. He was concerned that in an effort to reassure the community that the school system is meeting the community's interests, the presentation loses some of the tremendous efforts.

Mr. Lange thought it was important to have solid data. He thanked Mr. Burnett for his leadership on the ad hoc committee and its important work.

Mrs. O'Neill noted that the school system has made progress in developing an indicator system. The bottom line for special education parents is "my child." If their personal indicators are not hitting the mark, they see a failure for the system. Dr. Wright agreed that data in the aggregate gives a different picture. It depends on each individual child, and the IEP is drafted to help that child. The Wilson program is for accelerated learning in reading. Part of the goal is to divert students from special education with interventions such as CAP.

Mrs. O'Neill pointed out that the Maryland State Board of Education took tentative action on a differentiated diploma. Those actions label students as "second-class citizens." Dr. Weast said that tentative action is not the option that MCPS prefers the state to utilize. Mrs. O'Neill

thought MCPS has to provide data to the State Board on what this means for students.

Mr. Felton asked if there was a quantitative way to demonstrate progress. Dr. Wright explained that these indicators were a good place for principals to start, such as examining if the students are coming to school and are participating, and if not, why. That has to be wed with student performance. Ms. Cox noted that the indicators do not speak to IEP outcomes. What are the different kinds of monitoring and how is the data used? Mr. Bartels stated that the indicators are group level data. The IEP states goals based on the student's disability. Teachers have received staff development training on making the IEP goals observable and measurable and linking them back to the curriculum.

Mr. Burnett observed that parents think teachers are not prepared to make discrete changes in the IEP to include observable and measurable goals. Also, the training that was provided was not mandatory. How does the school system deliver mandatory training to address IEP needs to support special education students? Mr. Bartels thought the IEP must be linked to the Policy on Grading and Reporting and content standards.

Ms. Cox asked about the budget implications of mandatory training. There was also an indication of an added position in the Office of Shared Accountability. Dr. Wright explained that this was not in the budget since it is not planned for the upcoming year. Staff has worked with the Office of Global Access Technology to obtain data with existing resources and technology.

Mr. Romero commented that a parent wants to know about their special education child. Every IEP is individualized, but performance indicators are generic. Is there any way to link IEPs to common factors? Dr. Wright stated that parents get a quarterly progress report based on the IEP. Additionally, if a student is diploma bound, that student will take the same set of assessments as the general education students. Those indicators will reference where the student is performing compared with other students. Ms. Mason added that teachers should look at the curriculum and align formal assessments based on the IEPs and how students perform on standardized measures. That information to determine goals and objectives gives parents an indication of how students are achieving, especially in reading and math.

Mr. Romero confirmed that the objective is to align the IEPs with the curriculum. Dr. Wright agreed and stated that staff has worked on the grading and reporting policy to assure that special education students will have a true indication of their achievement level.

Dr. Haughey thought there was dynamic progress with the committees analyzing special education, delivery models, and assessments.

Ms. Cox thought it was important to drill down and get good data since that data will be useful in the school improvement plans.



Mr. Lange was interested in parental involvement and advocacy. Many parents are frustrated because they do not understand the system. There must be a way to make it more understandable with documentation in a user-friendly climate. How is the process becoming more transparent and understandable? What about the impact on ESOL students in special education? Dr. Wright agreed that parents are frustrated with the process. When there is a focus on compliance, it creates a mind set to assure that all aspects of the IEP are fulfilled. Another aspect is to ensure that parents are heard and students have their needs addressed and are making progress. There is a need to train IEP teams in a more participant-friendly process.

Ms. Cox spoke about the ownership of staff to increase the capacity of general education classrooms to support special education students. She wanted information on how the school system ties this into skillful teacher training and addresses this in the professional growth system for administrators, especially in middle and high schools. How will secondary school staff be trained to understand the IEP and support students? Mr. Fernandez replied that the team concept at middle schools includes having special education on each team, and staff is reminded of IEPs and Section 504 plans.

Mr. Romero asked about the capital needs, and whether or not the system knows how many special education students learning in the least restrictive environment (LRE) have ADA requirements. Does this affect the planning for facilities? Dr. Wright replied that staff knows which students require specialized equipment, and the departments of Special Education and Facilities work closely to provide appropriate buildings and modifications.

Mr. Burnett noted that CAP addresses the over representation of African-American students coded for special education. The process is used in 24 schools and has resulted in a 50-percent decrease of referrals to special education. How can the system accelerate the proliferation of this process to other schools? Dr. Wright replied that staff will examine the further implementation of CAP to prepare for the next budget cycle.

\*\*Mr. Felton left the meeting at this point.

RESOLUTION NO. 619-03

Re: **AN AMENDMENT TO THE RESOLUTION ON  
SPECIAL EDUCATION CONTINUOUS  
IMPROVEMENT ADVISORY COMMITTEE**

On motion of Mr. Romero and seconded by Dr. Haughey, the following amendment was adopted unanimously by members present:

Resolved, That the Board of Education amend membership as follows:

The committee shall be comprised of between 20 and 25 members, to include

at least ~~four~~ **six** parents of students currently receiving special needs services, four school-based staff, four central office administrators, four community representatives, and one technical liaison from higher education, with their terms of appointment being for the life of the committee.

RESOLUTION NO. 620-03

Re: **AN AMENDMENT TO THE RESOLUTION ON SPECIAL EDUCATION CONTINUOUS IMPROVEMENT ADVISORY COMMITTEE**

On motion of Ms. Cox and with no objection, the **Board of Education** shall be placed in the title.

RESOLUTION NO. 621-03

Re: **BOARD OF EDUCATION SPECIAL EDUCATION CONTINUOUS IMPROVEMENT ADVISORY COMMITTEE**

On motion of the Special Education Ad Hoc Subcommittee, the following resolution was adopted unanimously:

WHEREAS, Over 17,000 students are receiving special education and related services, addressing various disabilities, through a continuum of programs that are school-based, cluster-based, systemwide, and in private settings; and

WHEREAS, Over \$250 million is budgeted annually to serve the needs of this growing segment of the school system's population; and

WHEREAS, The Department of Special Education recently has been realigned to provide an organizational framework to increase its capacity to provide support and technical assistance to schools in order to improve the delivery of instructional services; and

WHEREAS, The Department established, in May of 1999, a Continuous Improvement Team (CIT) in response to a 1998 special education audit conducted by the Maryland State Department of Education; and

WHEREAS, The Board of Education recognizes its obligation to special education students and their families to exercise oversight of the delivery of special education programs and services and to establish appropriate policies and approve appropriate funding; now therefore be it

Resolved, That, pursuant to Policy BMA (*Board of Education Advisory Committees*), the Board of Education hereby reconstitutes the CIT as an advisory committee to the Board, to be renamed the "Board of Education's Special Education Continuous Improvement Advisory

Committee," effective no later than July 1, 2004, with the expected life of this *ad hoc* advisory committee not to extend beyond June 30, 2006, with the following features:

**\*\*Three-fold Charge:** To continue to identify measurable indicators, desired outcomes, and key performance benchmarks of special education program equity and effectiveness, predicated on systemwide and school-level data; to develop guidelines for the dissemination of these identified measures countywide, their fusion in all school improvement plans, and their use in monitoring the equity and effectiveness of the delivery of services at the local school level; and to identify and foster the use of best practices throughout the Department of Special Education.

**\*\*Reports:** A written report shall be submitted to the Board at least annually, and recommendations may be submitted as frequently as deemed necessary by a majority of the committee's membership, with a final report to be issued upon the expiration of the life of the committee.

**\*\*Membership:** The committee shall be comprised of between 20 and 25 members, to include at least six parents of students currently receiving special needs services, four school-based staff, four central office administrators, four community representatives, and one technical liaison from higher education, with their terms of appointment being for the life of the committee. Applications for membership shall be solicited by the Board Office, pursuant to Policy BMA, with appointments to be made by the Board in open session.

**\*\*Liaison to committee:** The Director of the Department of Special Education and a representative of the Office of the Board of Education shall serve as liaisons to the committee to provide administrative support.

**\*\*Meetings:** The committee shall meet no less than eight times during the course of a calendar year, a majority of its membership constituting a quorum to transact business, with a schedule of meeting dates to be established in advance. Any motion, report, or action of the committee shall be approved by no less than a majority of its membership.

**\*\*Action minutes of each meeting shall be approved by the committee. All meetings are open to the public pursuant to the Open Meetings Act.**

**\*\*Chairperson:** A majority of the members shall elect co-chairpersons, provided, however, that the Board may designate a chairperson *pro tem* to serve until the full committee conducts such an election. The chairperson(s) must possess the ability to run a fair meeting, have the students' interests foremost in mind, work collegially, and carry out the charge of the committee.

and be it further

Resolved, That until such time as the Board makes its appointments to the advisory committee, the current Continuous Improvement Team shall continue to operate as an advisory body to the Department of Special Education.

and be it further

Resolved, That the Board of Education's Ad Hoc Committee on Special Education shall continue to meet upon the call of the chair to consider the interim recommendations of the advisory committee and its final report and, as appropriate, to make recommendations to the Board of Education.

RESOLUTION NO. 622-03

Re: **SCHOOL CALENDAR FOR 2004-05**

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

WHEREAS, The establishment of school terms by the Board of Education is required by state law; and

WHEREAS, The Montgomery County parents, community, and staff should be informed of the Board-adopted school calendar each year and the subsequent contingency plan identifying days that will be used to make up lost instructional time due to emergency closings; now therefore be it

Resolved, That the proposed calendar and contingency plan for the Montgomery County Public Schools for the 2004–2005 school year be adopted.

SCHOOL CALENDAR FOR 2004–2005		
2004		
Monday, July 5, 2004	Holiday	Independence Day
August 23, 24, 25, 26, 27		Professional days for teachers
Monday, August 30		First day of school for students
Monday, September 6	Holiday	Labor Day
Thursday, September 16	Rosh Hashanah	No school for students and teachers (Yom Kippur is on Saturday, September 25)
Friday, October 1		Professional development day for teachers and all 10-month employees—no school for students
Friday, October 15		Professional development day for teachers—no

		school for students—to accommodate the Maryland State Teachers Association, statewide organizations' conferences, and local school activities or systemwide meetings
Tuesday, November 2	Holiday	General Election Day
November 25 and 26	Holidays	Thanksgiving
Friday, December 24	Holiday	Christmas
December 27, 28, 29, 30		Winter break—no school for students and teachers
Friday, December 31	Holiday	New Year's Eve
<b>2005</b>		
Monday, January 17	Holiday	Martin Luther King, Jr., Day
Monday, January 24		No school for students (teachers and some 10-month employees work)
Tuesday, January 25		Professional development day for teachers—no school for students
Monday, February 21	Holiday	Presidents Day
March 25 and 28	Holidays	Easter (Note: Passover begins at sunset on Saturday, April 23)
March 29, 30, 31, and April 1		Spring break—no school for students and teachers
Friday, April 29		Professional development day for teachers—no school for students
Monday, May 30	Holiday	Memorial Day
Thursday, June 16		Last day of school for students
38154		Professional day for teachers

**SCHOOL CONTINGENCY CALENDAR  
2004–2005**

If the school year should be disrupted by emergencies and schools are closed—

5 days—the school year will be extended by one day, to June 17, 2005;

6 days—the school year will be extended by two days, to June 17 and 20, 2005;

7 days—the school year will be extended by three days, to June 17, 20, and 21, 2005;

8 days—the school year will be extended by four days, to June 17, 20, 21, and 22, 2005; and

9 days—the school year will be extended by five days, to June 17, 20, 21, 22, and 23, 2005.

**RESOLUTION NO. 623-03            Re:    CLOSED SESSION RESOLUTION**

On recommendation of the Superintendent and on motion of Mrs. O'Neill seconded by Mr. Lange, 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 closed sessions on Tuesday, January 13, 2004, in Room 120 of the Carver Educational Services Center to meet from 9:00 to 10:00 a.m. and 12:30 to 2:00 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*; 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.

**RESOLUTION NO. 624-03            Re:    REPORT OF CLOSED SESSION**

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

On November 11, 2003, 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 November 11, 2003, from 9:05 to 10:05 a.m. and 12:35 to 1:20 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and

1. Reviewed the following appeal: 2003-48, with a subsequent vote to approve in open session.
2. Reviewed the Superintendent's recommendation for Human Resources Appointments with subsequent votes to approve in open session.

3. Considered the acquisition of real property for a public purpose and matters directly related thereto, as permitted under Section 10-508(a)(3) of the *State Government Article* and Section 4-107(d) of the *Education Article*.
4. 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: Elizabeth Arons, Larry Bowers, Kermit Burnett, Sharon Cox, Reggie Felton, Dale Fulton, Charles Haughey, Richard Hawes, Don Kress, Frieda Lacey, Walter Lange, George Margolies, Pat O'Neill, Brian Porter, Gabe Romero, Lori Rogovin, Glenda Rose, Sagar Sanghvi, Greg Thornton, and Jerry Weast.

On November 13, 2003, by unanimous vote of members present, the Board of Education voted to conduct a closed session 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 session on November 13, 2003, from 8:55 to 9:35 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and consulted with staff and counsel about pending or potential litigation under Section 10-508(a)(8).

In attendance at the closed session were: Larry Bowers, Sharon Cox, Reggie Felton, Charles Haughey, Richard Hawes, Walter Lange, George Margolies, Pat O'Neill, Gabe Romero, Glenda Rose, Roger Titus, and Jerry Weast.

RESOLUTION NO. 625-03            Re:    **CALENDAR FOR ELECTION OF STUDENT BOARD MEMBER**

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

WHEREAS, The Montgomery County Region of the Maryland Association of Student Councils (MCR) submits a yearly calendar of the major events surrounding the election of the student member of the Board of Education for its review and approval; now therefore be it

Resolved, That the Board of Education approve the calendar of major events for the election of the 27<sup>th</sup> student member of the Board of Education, as proposed by the Montgomery County Region of the Maryland Association of Student Councils.

#### CALENDAR OF MAJOR EVENTS

Advertising Period	December 1-23, 2003
Filing Period	January 5-23, 2004
Nominating Convention	March 11, 2004

Town Meeting I*	March 11, 2004
Town Meeting II*	March 24, 2004
General Campaign Period	March 12-April 28, 2004
General Election	April 28, 2004

\*In the event that no more than two eligible students file for the office, two half-day town meetings are held in place of the all-day nominating convention.

RESOLUTION NO. 626-03            Re:    **APPOINTMENT TO BOARD ADVISORY COMMITTEE FOR FAMILY LIFE AND HUMAN DEVELOPMENT**

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

WHEREAS, COMAR 13A.04.18 requires that local education agencies have a citizens advisory committee; and

WHEREAS, Montgomery County has had a Citizens Advisory Committee for Family Life and Human Development since 1970, consisting of representatives of various associations and organizations, community members at large, and student representatives; now therefore be it

Resolved, That the following individuals be appointed to serve a two-year term effective January 1, 2004, and ending December 30, 2005.

- Michael Caruso
- Trish Evans
- Charles McCullough
- Susan Milstein
- Blaine Parrish
- Rosa Urquhart
- Gabriella Uza

RESOLUTION NO. 627-03            Re:    **AUDIT COMMITTEE**

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

WHEREAS, On September 13, 1978, the Board of Education established an Audit Committee; and



WHEREAS, Eligibility for appointment to the Audit Committee is limited to members of the Board of Education whose remaining terms of office with the Board are equal to or greater than the terms for which they are appointed to this subcommittee; and

WHEREAS, The Audit Committee consists of three members serving staggered terms of three years each, and the term of office begins on the date of the all-day Board meeting in December of the year of appointment and ends three years later on November 30; and

WHEREAS, Mr. Kermit Burnett's term expired on November 30, 2003, and one vacancy now exists on the committee; and

WHEREAS, Mr. Gabriel Romero was appointed to serve until November 30, 2004; and

WHEREAS, Mr. Reginald Felton was appointed to serve until November 30, 2005; and

WHEREAS, Mr. Kermit Burnett's term as chairperson expired on November 30, 2003; now therefore be it

Resolved, That Mrs. Patricia O'Neill be appointed to serve until November 30, 2006; and be it further

Resolved, That Mrs. Patricia O'Neill serve as chairperson of the Audit Committee until November 30, 2004.

RESOLUTION NO. 628-03

Re: **LONG-RANGE AND STRATEGIC PLANNING COMMITTEE**

On motion of Mr. Sanghvi and seconded by Mrs. O'Neill, the following resolution was adopted unanimously by members present:

WHEREAS, On September 8, 1994, the Board of Education established a Subcommittee on Long-Range Planning; and

WHEREAS, On September 12, 1995, the Board of Education changed the name to Subcommittee on Long-Range and Strategic Planning; and

WHEREAS, Eligibility for appointment to the Subcommittee on Long-Range and Strategic Planning is limited to members of the Board of Education whose remaining terms of office with the Board are equal to or greater than the terms for which they are appointed to this subcommittee; and

WHEREAS, The Subcommittee on Long-Range and Strategic Planning consists of three members serving staggered terms of three years each, and the term of office begins on the date of the all-day Board meeting in December of the year of appointment and ends three years later on November 30; and

WHEREAS, Mr. Kermit Burnett's term expired on November 30, 2003, and one vacancy now exists on the subcommittee; and

WHEREAS, Mr. Walter Lange was appointed to serve until November 30, 2004, and;

WHEREAS, Mr. Gabriel Romero was appointed to serve until November 30, 2005; and

WHEREAS, Mr. Lange's term as chairperson expired on November 30, 2003; now therefore be it

Resolved, That Mr. Kermit Burnett be appointed to serve until November 30, 2006; and be it further

Resolved, That Mr. Walter Lange serve as chairperson of the Subcommittee on Long-Range and Strategic Planning until November 30, 2004.

RESOLUTION NO. 629-03            Re:    **RESEARCH AND EVALUATION COMMITTEE**

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

WHEREAS, On January 14, 1986, the Board of Education established a Subcommittee on Research and Evaluation; and

WHEREAS, Eligibility for appointment to the Subcommittee on Research and Evaluation is limited to members of the Board of Education whose remaining terms of office with the Board are equal to or greater than the terms for which they are appointed to this subcommittee; and

WHEREAS, The Subcommittee on Research and Evaluation consists of three members serving staggered terms of three years each, and the term of office begins on the date of the all-day Board meeting in December of the year of appointment and ends three years later on November 30; and

WHEREAS, Ms. Sharon Cox's term expired on November 30, 2003, and one vacancy now exists on the committee; and

WHEREAS, Mr. Reginald Felton was appointed to serve until November 30, 2004; and

WHEREAS, Dr. Charles Haughey was appointed to service until November 20, 2005; and

WHEREAS, Mr. Reginald Felton's term as chairperson expired on November 30, 2003; now therefore be it

Resolved, That Ms. Sharon Cox be appointed to serve until November 30, 2006; and be it further

Resolved, That Mr. Reginald Felton serve as chairperson of the Subcommittee on Research and Evaluation until November 30, 2004.

**RESOLUTION NO. 630-03            Re:    POLICY COMMITTEE**

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

WHEREAS, On November 13, 2001, the Board of Education formally established a Policy Committee when it adopted revisions to Policy BFA (*Policysetting*); and

WHEREAS, The Policy Committee consists of three members serving staggered terms of three years each, and the term of office begins on the day of the all-day Board meeting in December of the year of appointment and—except for the initial appointments—ends three years later on November 30; and

WHEREAS, Mrs. Patricia O'Neill's term expired on November 30, 2003, and one vacancy now exists on the committee; and

WHEREAS, Ms. Sharon Cox was appointed to serve until November 30, 2004; and

WHEREAS, Dr. Charles Haughey was appointed to serve until November 30, 2005; and

WHEREAS, Mr. Sagar Sanghvi was appointed to serve until June 30, 2004; and

WHEREAS, Ms. Sharon Cox's term as chairperson expired on November 30, 2003; now therefore be it

Resolved, That Mrs. Patricia O'Neill be appointed to serve until November 30, 2006; and be it further

Resolved, That Ms. Sharon Cox serve as chairperson of the Policy Committee until November 30, 2004.

**RESOLUTION NO. 631-03            Re:    MINUTES OF SEPTEMBER 9, 2003, MEETING**

On motion of Ms. Cox and seconded by Mrs. O'Neill, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education approve the minutes for its September 9, 2003, meeting.

**RESOLUTION NO. 632-03            Re:    MINUTES OF OCTOBER 14, 2003, MEETING**

On motion of Ms. Cox and seconded by Mrs. O'Neill, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education approve the minutes for its October 14, 2003, meeting.

RESOLUTION NO. 633-03            Re:    **MINUTES OF OCTOBER 20, 2003, MEETING**

On motion of Ms. Cox and seconded by Mrs. O'Neill, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education approve the minutes for its October 20, 2003, meeting.

RESOLUTION NO. 634-03            Re:    **MINUTES OF OCTOBER 27, 2003, MEETING**

On motion of Ms. Cox and seconded by Mrs. O'Neill, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education approve the minutes for its October 27, 2003, meeting.

RESOLUTION NO. 635-03            Re:    **APPEAL 2003-16**

On motion of Mrs. O'Neill and seconded by Dr. Haughey, the following resolution was adopted unanimously:

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2003-16, student discipline, reflective of the following vote: Mr. Burnett, Ms. Cox, Mr. Felton, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to affirm.

RESOLUTION NO. 636-03            Re:    **V I D E O T A P E   O N   C U R R I C U L U M  
I M P L E M E N T A T I O N**

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

Resolved, That the Board of Education direct the superintendent of schools to explore the development of a videotape on curriculum implementation that would be available to staff and students and shown on MCPS-TV.

Re:    **HIGH SCHOOL VENDING MACHINES**

On motion of Mrs. O'Neill and seconded by Dr. Haughey, the following resolution was placed on the table:

WHEREAS, County Councilmember George Leventhal recently convened a dialogue on childhood obesity; and

WHEREAS, The Board of Education has heard from members of the School Health Council on issues related to student health and nutrition issues; and

WHEREAS, The Board of Education recently passed a resolution related to a study of vending machines which created a work group to review numerous issues; now therefore be it

Resolved, That the Board of Education direct the superintendent of schools to have high school vending machines that currently sell foods and beverages deemed to be minimally nutritious extend the time they are off from midnight through the end of the school day; and be it further

Resolved, That vending machines be removed from the main entrance or lobby of all schools beginning with the school year 2004-05.

Re: **DISCUSSION**

Mrs. O'Neill noted that her resolution builds on the earlier resolution by Ms. Cox that was adopted by the Board. Further, Councilman Leventhal had a conference on childhood obesity. The county is concerned about health issues. The resolution will have a minimal impact on the schools' revenues from vending machines. Since there are already guidelines, Mrs. O'Neill requested that the superintendent remind principals of the hours of operation for vending machines.

Mr. Sanghvi understood the purpose of the resolution and said the impact on vending machine revenue will be minimal. However, he was concerned about vending machines in general. He pointed out that non-nutritious foods could be brought from home and become a distraction. His main concern was that high school students should have choices to make on their own. Moving in this direction is not the solution for obesity, and he disagreed with the general trend.

Mrs. O'Neill pointed out that it is the responsibility of the school system to provide a healthy environment for students. When at home, parents set guidelines for their children.

Mr. Lange confirmed that the definition of minimally nutritious foods was based on standards set by the Department of Agriculture. Mr. Bowers added that MCPS can set different standards using the general guidelines.

Mr. Lange asked if the end of the school day meant when the last bell rang for the day. Mrs. O'Neill agreed with that assumption.

RESOLUTION NO. 637-03 Re: **DIVISION OF THE QUESTION**

On motion of Mr. Romero and seconded by Mrs. O'Neill, the following resolution was adopted with Ms. Cox, Dr. Haughey, Mr. Lange, Mrs. O'Neill, and Mr. Romero voting in the affirmative; Mr. Burnett and Mr. Sanghvi voting in the negative:

Resolved, That the Board of Education divide the two resolves.

Re: **DISCUSSION**

Dr. Haughey was comfortable with the concept of this resolution. However, the process was troubling since there was a committee in place to make recommendations on vending machines, times of operations, and items sold.

Mrs. O'Neill thought the school system had an immediate obligation to the students to provide healthy environments conducive to learning. This is a small step to help resolve unhealthy choices available to students.

Mr. Burnett said his position was that the school system has a process in place and a committee to review vending machines. He wanted to wait until the committee made recommendations to the Board.

Ms. Cox thought there were good reasons to move forward with this resolution, which would supply the work group with useful data.

**RESOLUTION NO. 638-03**      Re: **HIGH SCHOOL VENDING MACHINES**

On motion of Mrs. O'Neill and seconded by Dr. Haughey, the following resolution was adopted with Ms. Cox, Dr. Haughey, Mr. Lange, Mrs. O'Neill, and Mr. Romero voting in the affirmative; Mr. Burnett and Mr. Sanghvi voting in the negative:

Resolved, That the Board of Education direct the superintendent of schools to have high school vending machines that currently sell foods and beverages deemed to be minimally nutritious extend the time they are off from midnight through the end of the school day.

Re: **HIGH SCHOOL VENDING MACHINES**

On motion of Mrs. O'Neill and seconded by Dr. Haughey, the following resolution failed with Ms. Cox, Dr. Haughey, Mr. Lange, and Mrs. O'Neill voting in the affirmative; Mr. Burnett, Mr. Romero, and Mr. Sanghvi voting in the negative:

Resolved, That vending machines be removed from the main entrance or lobby of all schools beginning with the school year 2004-05.

**RESOLUTION NO. 639-03**      Re: **HIGH SCHOOL VENDING MACHINES**

On motion of Mrs. O'Neill and seconded by Mr. Sanghvi, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education expand the charge to the vending machine work group to review the types of snacks available through vending machines.





**RESOLUTION NO. 640-03            Re:    HIGH SCHOOL VENDING MACHINES**

On motion of Mrs. O'Neill and seconded by Dr. Haughey, the following resolution, as amended, was adopted with Mr. Burnett, Ms. Cox, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting in the affirmative:

WHEREAS, County Councilmember George Leventhal recently convened a dialogue on childhood obesity; and

WHEREAS, The Board of Education has heard from members of the School Health Council on issues related to student health and nutrition issues; and

WHEREAS, The Board of Education recently passed a resolution related to a study of vending machines which created a work group to review numerous issues; now therefore be it

Resolved, That the Board of Education direct the superintendent of schools to have high school vending machines that currently sell foods and beverages deemed to be minimally nutritious extend the time they are off from midnight through the end of the school day; and be it further

Resolved, That the Board of Education expand the charge to the vending machine work group to review the types of snacks available through vending machines.

**Re:    NEW BUSINESS**

The following new business items were introduced:

1.     Dr. Haughey moved and Mr. Lange seconded the following:

WHEREAS, The Board of Education is pleased to have fostered the International Baccalaureate Program as part of its program of instruction for over fifteen years; and

WHEREAS, Students of the Montgomery County Public Schools have benefitted from the development and expansion of the International Baccalaureate Program since it was initiated at Richard Montgomery High School in 1987; and

WHEREAS, The International Baccalaureate approach has been extended into the middle school through implementation of the International Baccalaureate Middle Years Programme at Julius West Middle School; and

WHEREAS, Students now in the tenth grade at Richard Montgomery High School were the pilot group of students to implement this new program and, through their dedication and performance, have provided the evidence of success needed for our school system to be authorized to proceed through the International Baccalaureate certification and moderation process; and

WHEREAS, Under regulations of the International Baccalaureate Organization, the timing of the approval process precludes eligibility of this pioneering first class for full Middle Years Programme recognition despite the students' completion of the same rigorous five-year cycle that will qualify students in subsequent classes for the Middle Years Programme Certificate; and

WHEREAS, The Board of Education desires to give special recognition to the essential role these students played in participating in this Programme through its successful implementation; now therefore be it

Resolved, That the Board of Education commend each of the current Grade Ten Middle Years Programme students at Richard Montgomery High School for the pioneering spirit, academic attainment and perseverance that contributed so substantially to success of the first full Middle Years Programme in any Montgomery County public school; and be it further

Resolved, That, upon the completion of tenth grade, each such student be provided a certificate, in a format deemed appropriate by the superintendent or his designee, to which the signature of the Board president and the superintendent is affixed, attesting to this achievement.

2. Dr. Haughey moved and Mr. Lange seconded the following:

WHEREAS, The Board of Education recognizes that our county continues to experience substantial changes in the racial, ethnic and cultural composition of our population as a whole and of the population of students in our schools in particular; and

WHEREAS, The Montgomery County Public School System has benefitted in recent years from a continuing pattern of enrichment provided by the infusion of substantial numbers of new students drawn from a variety of cultures, whose backgrounds reflect a worldwide variety of nations, languages and traditions and

WHEREAS, Both our school system and our county government will benefit from a more extensive and precise understanding of the patterns of entry, movement and completion of all the students in our schools; and

WHEREAS, There is, at present, no means to undertake a comprehensive countywide study of the shifting demographic patterns of the racial, ethnic and cultural groups in our communities and the implications of those patterns for educational and community services; and

WHEREAS, The school system does not presently have the resources needed to conduct a comprehensive study of shifting demographic patterns and their implications for instruction and for community support services; and

WHEREAS, Such a study could appropriately inform the Board and the county about significant population shifts along with demographic and ethnographic change, while drawing on knowledge derived from such disciplines as demography, sociology, ethnography and cultural anthropology; now therefore be it

Resolved, That the Board of Education authorize its Subcommittee on Research and Evaluation to seek cooperative participation of the County Executive, the County Council, and the Planning Board, in a countywide study to examine patterns of demographic changes in Montgomery County over the last two decades and to develop projections of appropriate ranges of demographic patterns to be anticipated in the next decade.

3. Mr. Sanghvi moved and Dr. Haughey seconded the following:

WHEREAS, The Board, at its annual meeting held for this purpose, had the benefit recently of hearing from student government leaders of issues of concern to students; and

WHEREAS, The Board desires to hear, on a regular basis, the voice of those most directly impacted by its actions so that their input can be taken into account as policy decisions are made; and

WHEREAS, The Student Advisory Committee has been established as a committee of students, under the auspices of the Student Affairs Office, to discuss and analyze Board actions and policy issues; now therefore be it

Resolved, That the Board of Education hereby recognize the Student Advisory Committee as an advisory body to serve as a means to channel student input on policy issues to the Board of Education; and be it further

Resolved, That the Student Member of the Board serve as the liaison between the Student Advisory Committee and the Board of Education.

The following items were available:

1. Legal Fees Report
2. Construction Progress Report
3. Resource Conservation Plan for FY 2005

RESOLUTION NO. 641-03          Re:    **ADJOURNMENT**

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

Resolved, That the Board of Education adjourn its meeting of December 9, 2003, at 5:35 p.m.

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PRESIDENT

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SECRETARY

JDW:gr

# MONTGOMERY COUNTY BOARD OF EDUCATION SUMMARY SHEET

December 9, 2003

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