

sessions on February 10, 2004, 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.

RESOLUTION NO. 51-04 Re: **APPROVAL OF THE AGENDA**

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

Resolved, That the Board of Education approve its agenda for February 10, 2004.

RESOLUTION NO. 52-04 Re: **ITEMS OF LEGISLATION**

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

Resolved, That the Board of Education strongly support **HB 1 – Public School Construction Assistance Act of 2004** that would impose recordation and transfers on the transfer or sale of real property and dedicate the funds for school constructions for FY 2005 through 2008.

RESOLUTION NO. 53-04 Re: **ITEMS OF LEGISLATION**

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

Resolved, That the Board of Education oppose **HB 9 – State Aid for School Construction –Relocatable Classrooms and Walkways** that would classify a relocatable classroom with a connecting walkway to a main school building as a permanent classroom and define the cost of purchasing a relocatable classroom and constructing a walkway connecting a relocatable classroom to a main school building as an approved public school construction or capital improvements cost.

RESOLUTION NO. 54-04 Re: **ITEMS OF LEGISLATION**

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

Resolved, That the Board of Education support **HB 199 – Public School Construction – Modular Construction** that would require funding of modular construction by the state as an approved school construction or capital cost and require the Board of Public Works to define modular construction and establish minimum specifications.

RESOLUTION NO. 55-04 Re: **ITEMS OF LEGISLATION**

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

Resolved, That the Board of Education had no position on **HB 25 – Parental Leave – School Activities** that would require an employer to provide up to 16 hours per year of leave to an employee to attend school conferences or school-related activities.

RESOLUTION NO. 56-04 Re: **ITEMS OF LEGISLATION**

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

Resolved, That the Board of Education support **HB 52 – Education – Early Childhood Educational and Developmental Program** which authorizes early childhood educational and developmental programs in Maryland to enter into agreements to promote the programs in consultation with the Child Care Resource and Referral Network.

RESOLUTION NO. 57-04 Re: **ITEMS OF LEGISLATION**

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

Resolved, That the Board of Education had no position on **HB 105 – Education – High School Graduation – Eligibility Based on Passage of Standardized Tests Prohibited** which would provide that the State Board of Education or a local board may not make a student's eligibility to receive a diploma conditional on a student's passage of the Maryland High School Assessment or other similar tests.

RESOLUTION NO. 58-04 Re: **ITEMS OF LEGISLATION**

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

Resolved, That the Board of Education had no position on **HB 106 – Education – High School Graduation – Students with Disabilities** which prohibits the State Board of Education from establishing a class or type of diploma or certificate for graduation from a public high school for students with disabilities that is tied to the student's passage of the Maryland High School Assessments or any other similar tests.

RESOLUTION NO. 59-04 Re: **ITEMS OF LEGISLATION**

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

Resolved, That the Board of Education support **SB 1 – Education – Teachers – State and Local Aid Program for Certification** which repeals the sunset provision applicable to the State and Local Aid Program for Certification by the National Board for Professional Teaching Standards.

RESOLUTION NO. 60-04 Re: **ITEMS OF LEGISLATION**

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

Resolved, That the Board of Education support **HB 137 – Education – Reportable Offenses in Public Schools – Arrest of Student** which would expand the list of offenses for which a law enforcement agency making an arrest of a child enrolled in a public school system is required to notify the local superintendent to include certain offenses involving burglary of school property and willful damage to school property.

RESOLUTION NO. 61-04 Re: **ITEMS OF LEGISLATION**

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

Resolved, That the Board of Education support **SB 77 – Education – Prevention of Harassment and Intimidation in Public Schools** which prohibits a public school student from harassing or intimidating another student on school property, at a school event, or on a school bus.

RESOLUTION NO. 62-04 Re: **ITEMS OF LEGISLATION**

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

unanimously:

Resolved, That the Board of Education support **SB 113 – Workers' Compensation – Accidental Injury – Unusual Activity** which would amend the definition of accidental personal injury to require that the injury arises out of unusual activity.

RESOLUTION NO. 63-04

Re: **ITEMS OF LEGISLATION**

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

Resolved, That the Board of Education very strongly support **HB 345/SB 245 – Bridge to Excellence in Public Schools Act – Trigger Provision – Repeal** which would repeal the "trigger provision" in the Bridge to Excellence in Public Schools Act of 2002 and eliminate the need for the General Assembly to pass a joint resolution in order to continue with full implementation of the funding formulas established in the Bridge to Excellence legislation.

**Mr. Romero temporarily left the meeting at this point.

Re: **BOARD/SUPERINTENDENT COMMENTS**

Dr. Weast commented that MCPS has been named a gold medal school system for the ninth consecutive year by *Expansion Management* magazine. The honor is a measure of the attractiveness of the school system to the business community. MCPS is the second largest school system nationally to win gold medal status (second in size to Fairfax County) and one of five winners in Maryland. School systems are measured on the basis of: (1) graduate accomplishments, (2) resources, teacher ratios, and teacher salaries; and (3) socioeconomic factors.

Dr. Weast announced that two Montgomery Blair High School seniors have been named finalists in the 63rd annual Intel Science Talent Search. The students and their projects are: Melis Nuray Anahtar, *Microfluidic Device for Rapid Isolation of Pure Leukocyte Populations*, and Gordon L. Su, *The Effects of Economic Globalization on Income Inequality in Post-Mao China*. They are among 40 national finalists in the talent search. Participants were high school seniors who entered papers on their independent research projects in science, engineering, mathematics, and computer science. The finalists will compete for college scholarships totaling more than \$500,000, with a top prize of a \$100,000 scholarship. The top winners will be announced on March 16.

Mr. Burnett commented that February is Black History Month when the contributions of African-Americans are highlighted. He hoped that MCPS would use this opportunity as a teaching

tool and not let it be supplanted by *Brown v. Board of Education* remembrances.

Mrs. O'Neill reported on the rally in Annapolis for the full funding through the Bridge to Excellence. There was a lot of enthusiasm, and she thanked those who attended. She stated that the National School Boards Association (NSBA) Web site has a link for *Brown* celebrations. Montgomery County Public Schools will commemorate the decision on May 11 and May 17, 2004. Also, NSBA members are very concerned about the *No Child Left Behind* legislation since it is a giant unfunded mandate with huge obstacles.

Mr. Lange commended Christopher Croaker, a student at Richard Montgomery High School, who was recognized on Martin Luther King, Jr. Day and presented with a Youth Award for his leadership in diversity awareness, mediation, and emphasis on carrying on the dream.

Dr. Haughey thought the rally in Annapolis was very impressive. Also, he attended the Federal Relations Network meeting, and he heard in-depth analyses of many of the critical federal issues impinging on local capacity, such as *No Child Left Behind* and IDEA.

Mr. Sanghvi announced that the local and state student government associations did their platforms, including searches by teachers. The informational meetings have begun for the future student Board member.

Mr. Felton expressed his appreciation to the superintendent and staff for dealing with school closings due to inclement weather.

Ms. Cox stated that she attended the Montgomery County Honors Band and Orchestra gala, and it was a fabulous event.

Re: **PUBLIC COMMENTS**

The following people testified before the Board of Education:

	<u>Person</u>	<u>Topic</u>
1.	Dulce Calaba	Chinese Immersion
2.	Jack Machado	Chinese Immersion
3.	Neil Clarke	Chinese Immersion
4.	Jane deWinter	School Sites
5.	Meredith Albury	Chinese Immersion
6.	Frank Samuelson	Chinese Immersion
7.	Janis Sartucci	School Sites
8.	Diana Conway	Potomac Elementary School
9.	Julie Dobson	Potomac Elementary School
10.	Holly Hand	Potomac Elementary School

- 11. Brian Ramsperger Chinese Immersion
- 12. Mark Drury Career Education
- 13. Chris Neff Chinese Immersion
- 14. Joyce Whang Chinese Immersion

Re: **TENTATIVE ACTION ON POLICY JED –
RESIDENCY, TUITION, AND ENROLLMENT**

On motion of the Policy Committee, the following resolution was placed on the table:

WHEREAS, Policy JED, *Residency, Tuition, and Enrollment*, sets forth the criteria for determining residency before a student is enrolled in Montgomery County Public Schools; and

WHEREAS, Policy JED, *Residency, Tuition, and Enrollment*, articulates the Board of Education’s commitment to an effective, efficient, and equitable enrollment process for all eligible Montgomery County school-aged children; and

WHEREAS, The Board Policy Committee has considered and recommended revisions to Policy JED, *Residency, Tuition, and Enrollment*, now therefore be it

Resolved, That the Board of Education take tentative action on Policy JED, *Residency, Tuition, and Enrollment*, and be it further

Resolved, That Policy JED, *Residency, Tuition, and Enrollment*, be sent out for public comment.

Residency, Tuition, and Enrollment

A. PURPOSE

The Board of Education is committed to an effective, efficient, and equitable enrollment process for all eligible Montgomery County school-aged children.

B. ISSUE

All qualified school-aged individuals, whether U.S. citizens or noncitizens, who have an established bona fide residence in Montgomery County are to be admitted free to the Montgomery County Public Schools. There are circumstances that exist where students who are not residents of Montgomery County want or need to attend schools here; therefore, issues of residency and the processes for paying tuition must be

clearly articulated.

C. POSITION

The Board of Education of Montgomery County supports the right of its residents to a free public education.

1. Bona fide residence is one's actual residence, maintained in good faith, and does not include a temporary residence or superficial residence established for convenience or for the purpose of free school attendance in the Montgomery County Public Schools. However, an intent to reside indefinitely or permanently at the present place of residence is not necessarily required. Determination of a person's bona fide residence is a factual one and must be made on an individual basis.
2. All qualified school-aged individuals, whether U.S. citizens or noncitizens, who have an established bona fide residence in Montgomery County will be considered resident students and will be admitted free to the Montgomery County Public Schools.
3. All qualified school-aged individuals, whether U.S. citizens or noncitizens, who do not have an established bona fide residence in Montgomery County, will be considered nonresident students and will be subject to paying tuition unless an exception is made under the terms of this policy.
 - a) A qualified student placed in a group home or foster home located in Montgomery County by an out-of-state agency other than those specified in Section 4-1222 of the Education Article, *Annotated Code of Maryland*, shall be presumed to be a nonresident student.
 - b) In the absence of evidence to the contrary, a qualified student who is a resident of another educational jurisdiction, but who elects to seek enrollment in a Montgomery County public school shall be presumed to be a nonresident student.
 - c) In the absence of evidence to the contrary, the bona fide residence of a qualified student who is under 18 years of age and not emancipated shall be presumed to be the bona fide residence of both or one of the child's parents. Throughout this policy and any implementing regulations, if the parents live apart, use of the word "parent" shall mean (1) the parent to whom legal custody is awarded or (2) if legal custody is not awarded, the parent with whom the child regularly lives; and the

child's bona fide residence shall be determined accordingly.

- d) In the absence of evidence to the contrary, a qualified student residing with a court-appointed guardian who has an established bona fide residence in Montgomery County shall be presumed to be a resident student provided that the guardianship was obtained for necessary reasons concerning the child and not for the primary purpose of attending school or for the convenience of the persons involved.
 - e) Qualified identified Montgomery County students who are homeless shall be enrolled in accordance with Regulation JEA-RD.
 - f) A qualified student placed in a group home or foster home in Montgomery County by social service agencies of the State of Maryland, or any other agency specified in Section 4-1222 of the Education Article of the *Annotated Code of Maryland* shall be presumed to be a resident student for whom the Montgomery County Public Schools is eligible for reimbursement of actual educational expenses by another Local Educational Agency or the State of Maryland.
 - g) A qualified student who is a resident of Maryland residing in a valid kinship care arrangement pursuant to Section 4-122 of the Education Article of the *Annotated Code of Maryland* will be presumed to be a resident student for whom the Montgomery County Public Schools is eligible for reimbursement of actual educational expenses by another local education agency or the State of Maryland.
4. The Residency Compliance Unit will make individual determinations of residency. Individual determinations of residency by the Residency Compliance Unit will be re-evaluated at least annually. The Residency Compliance Unit will make determinations in the following cases:
- a) There is evidence rebutting the presumption of residency or nonresidency set forth in Section 3.
 - b) When there is a qualified student who is 18 years of age or older and essentially self-supporting or an emancipated minor who may or may not have established a bona fide residence in Montgomery County without regard to the residency of the parents.
 - c) When there is a qualified student under 18 years of age who is living in Montgomery County with friends or relatives who are not parents or

court-appointed guardians.

In addition, MCPS reserves the right to initiate specific grade level or schoolwide residency verification activities. The burden of producing evidence establishing bona fide residence is on the student or individual acting on behalf of the student.

5. Admission of Nonresident Students

- a) Regardless of their willingness to pay tuition, nonresident students may be denied admission to the Montgomery County Public Schools.
- b) Except to the extent to which the implementing regulation provides for either a grace period or permits a deposit to be made during the pendency of an appeal of a determination of nonresidency, before a nonresident student is enrolled in the Montgomery County Public Schools, tuition will be charged and paid unless a waiver is granted as provided below:
 - (1) The nonresident student is residing in Montgomery County with a host family for a maximum of one year and has met the criteria established and detailed in MCPS Regulation JEA-RC, *Enrollment and Placement of International and Foreign Students*, including the approval by the supervisor of the International Student Admissions Office.
 - (2) There is a crisis, unusual and extraordinary circumstances fully documented by the parent, guardian, or emancipated student, justifying waiver of tuition.
- c) Tuition rates will be established annually by the Board of Education upon the recommendation of the superintendent of schools.
- d) A nonresident student who is granted permission to enroll in MCPS does not have the right to select the school of enrollment

6. Responsibilities

- a) Parents, guardians, or students who have reached the age of majority are responsible for signing an affidavit as to their bona fide residence or nonresidence in Montgomery County as a prerequisite to a student's initial enrollment in the Montgomery County Public Schools. Additionally, there is an acknowledgment that tuition will be paid for any period(s) of nonresidency, even if the period(s) of nonresidency should occur or be

identified after the date of initial enrollment.

- b) The school principal or designee is responsible for making the initial determination of the residency status of students who seek enrollment in a Montgomery County public school and, based on that determination, for taking the appropriate administrative steps specified in MCPS regulations.
- c) The Residency Compliance Unit is responsible for determining the residency and tuition status of all students referred to it by the individual schools or the International Student Admission Office.

7. Apprsld

Decisions made under this policy and any implementing regulations may be appealed under the provisions of Regulation KLA-RA: *Responding to Citizen Inquiries and Complaints from the Public*. The superintendent or a designee may assign a hearing officer to hear residency and tuition appeal cases on the superintendent's behalf and make recommendations to the superintendent or designee.

D. DESIRED OUTCOME

An effective, efficient, and equitable enrollment process which ensures the right of eligible students to a free public education and minimizes barriers for enrollment.

E. REVIEW AND REPORTING

- 1. The superintendent will provide a report to the Board of Education at least annually regarding the enrollment of nonresident students and tuition payments.
- 2. This policy will be reviewed in accordance with the Board of Education Policy BFA, *Policysetting* review process.

RESOLUTION NO. 64-04

Re: **AN AMENDMENT TO TENTATIVE ACTION ON
POLICY JED – RESIDENCY, TUITION, AND
ENROLLMENT**

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 amend the policy at C.1. to read:

Bona fide residence is one's actual residence, maintained in good faith, and does not include a ~~temporary residence or superficial~~ residence established for convenience or for the purpose of free school attendance in the Montgomery County Public Schools.

RESOLUTION NO. 65-04 Re: **AN AMENDMENT TO TENTATIVE ACTION ON
POLICY JED – RESIDENCY, TUITION, AND
ENROLLMENT**

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

Resolved, That the Board of Education amend the policy at C.1. to read:

Bona fide residence is one's ~~actual~~ **principal** residence, maintained in good faith, and does not include a residence established for convenience or for the purpose of free school attendance in the Montgomery County Public Schools.

RESOLUTION NO. 66-04 Re: **AN AMENDMENT TO TENTATIVE ACTION ON
POLICY JED – RESIDENCY, TUITION, AND
ENROLLMENT**

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

Resolved, That the Board of Education amend the policy at C.3.d) to read:

In the absence of evidence to the contrary, a qualified student residing with a court-appointed guardian who has an established bona fide residence in Montgomery County shall be presumed to be a resident student provided that the guardianship was obtained for ~~necessary~~ reasons concerning the child and not for the primary purpose of attending school or for the convenience of the persons involved.

RESOLUTION NO. 67-04 Re: **AN AMENDMENT TO TENTATIVE ACTION ON
POLICY JED – RESIDENCY, TUITION, AND
ENROLLMENT**

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

Resolved, That the Board of Education amend the policy at C.3.d) to read:

In addition to **individual verification**, MCPS reserves the right to initiate specific grade level or schoolwide residency verification activities. The burden of producing evidence establishing bona fide residence is on the student or individual acting on behalf of the student.

Re: **AN AMENDMENT TO TENTATIVE ACTION ON POLICY JED – RESIDENCY, TUITION, AND ENROLLMENT**

By consensus, the Board agreed to amend the policy at C.5.d) to read:

A nonresident student **applicant may request a specific school** who is ~~granted permission to enroll in~~ **however** MCPS ~~does not have the right to select~~ **reserves the right to determine** the school of enrollment.

RESOLUTION NO. 68-04

Re: **TENTATIVE ACTION ON POLICY JED – RESIDENCY, TUITION, AND ENROLLMENT**

On motion of the Policy Committee, the following amended policy was adopted unanimously by members present:

WHEREAS, Policy JED, *Residency, Tuition, and Enrollment*, sets forth the criteria for determining residency before a student is enrolled in Montgomery County Public Schools; and

WHEREAS, Policy JED, *Residency, Tuition, and Enrollment*, articulates the Board of Education's commitment to an effective, efficient, and equitable enrollment process for all eligible Montgomery County school-aged children; and

WHEREAS, The Board Policy Committee has considered and recommended revisions to Policy JED, *Residency, Tuition, and Enrollment*, now therefore be it

Resolved, That the Board of Education take tentative action on Policy JED, *Residency, Tuition, and Enrollment*, and be it further

Resolved, That Policy JED, *Residency, Tuition, and Enrollment*, be sent out for public comment.

Residency, Tuition, and Enrollment

A. PURPOSE

The Board of Education is committed to an effective, efficient, and equitable enrollment

process for all eligible Montgomery County school-aged children.

B. ISSUE

All qualified school-aged individuals, whether U.S. citizens or noncitizens, who have an established bona fide residence in Montgomery County are to be admitted free to the Montgomery County Public Schools. There are circumstances that exist where students who are not residents of Montgomery County want or need to attend schools here; therefore, issues of residency and the processes for paying tuition must be clearly articulated.

C. POSITION

The Board of Education of Montgomery County supports the right of its residents to a free public education.

1. Bona fide residence is one's principal residence, maintained in good faith, and does not include a residence established for convenience or for the purpose of free school attendance in the Montgomery County Public Schools. However, an intent to reside indefinitely or permanently at the present place of residence is not necessarily required. Determination of a person's bona fide residence is a factual one and must be made on an individual basis.
2. All qualified school-aged individuals, whether U.S. citizens or noncitizens, who have an established bona fide residence in Montgomery County will be considered resident students and will be admitted free to the Montgomery County Public Schools.
3. All qualified school-aged individuals, whether U.S. citizens or noncitizens, who do not have an established bona fide residence in Montgomery County, will be considered nonresident students and will be subject to paying tuition unless an exception is made under the terms of this policy.
 - a) A qualified student placed in a group home or foster home located in Montgomery County by an out-of-state agency other than those specified in Section 4-1222 of the Education Article, *Annotated Code of Maryland*, shall be presumed to be a nonresident student.
 - b) In the absence of evidence to the contrary, a qualified student who is a resident of another educational jurisdiction, but who elects to seek enrollment in a Montgomery County public school shall be presumed to be a nonresident student.

- c) In the absence of evidence to the contrary, the bona fide residence of a qualified student who is under 18 years of age and not emancipated shall be presumed to be the bona fide residence of both or one of the child's parents. Throughout this policy and any implementing regulations, if the parents live apart, use of the word "parent" shall mean (1) the parent to whom legal custody is awarded or (2) if legal custody is not awarded, the parent with whom the child regularly lives; and the child's bona fide residence shall be determined accordingly.
 - d) In the absence of evidence to the contrary, a qualified student residing with a court-appointed guardian who has an established bona fide residence in Montgomery County shall be presumed to be a resident student provided that the guardianship was obtained for reasons concerning the child and not for the primary purpose of attending school or for the convenience of the persons involved.
 - e) Qualified identified Montgomery County students who are homeless shall be enrolled in accordance with Regulation JEA-RD.
 - f) A qualified student placed in a group home or foster home in Montgomery County by social service agencies of the State of Maryland, or any other agency specified in Section 4-1222 of the Education Article of the *Annotated Code of Maryland* shall be presumed to be a resident student for whom the Montgomery County Public Schools is eligible for reimbursement of actual educational expenses by another Local Educational Agency or the State of Maryland.
 - g) A qualified student who is a resident of Maryland residing in a valid kinship care arrangement pursuant to Section 4-122 of the Education Article of the *Annotated Code of Maryland* will be presumed to be a resident student for whom the Montgomery County Public Schools is eligible for reimbursement of actual educational expenses by another local education agency or the State of Maryland.
4. The Residency Compliance Unit will make individual determinations of residency. Individual determinations of residency by the Residency Compliance Unit will be re-evaluated at least annually. The Residency Compliance Unit will make determinations in the following cases:
- a) There is evidence rebutting the presumption of residency or nonresidency set forth in Section 3.

- b) When there is a qualified student who is 18 years of age or older and essentially self-supporting or an emancipated minor who may or may not have established a bona fide residence in Montgomery County without regard to the residency of the parents.
- c) When there is a qualified student under 18 years of age who is living in Montgomery County with friends or relatives who are not parents or court-appointed guardians.

In addition to individual verification, MCPS reserves the right to initiate specific grade level or schoolwide residency verification activities. The burden of producing evidence establishing bona fide residence is on the student or individual acting on behalf of the student.

5. Admission of Nonresident Students

- a) Regardless of their willingness to pay tuition, nonresident students may be denied admission to the Montgomery County Public Schools.
- b) Except to the extent to which the implementing regulation provides for either a grace period or permits a deposit to be made during the pendency of an appeal of a determination of nonresidency, before a nonresident student is enrolled in the Montgomery County Public Schools, tuition will be charged and paid unless a waiver is granted as provided below:
 - (1) The nonresident student is residing in Montgomery County with a host family for a maximum of one year and has met the criteria established and detailed in MCPS Regulation JEA-RC, *Enrollment and Placement of International and Foreign Students*, including the approval by the supervisor of the International Student Admissions Office.
 - (2) There is a crisis, unusual and extraordinary circumstances fully documented by the parent, guardian, or emancipated student, justifying waiver of tuition.
- c) Tuition rates will be established annually by the Board of Education upon the recommendation of the superintendent of schools.
- d) A nonresident student applicant may request a specific school; however, MCPS reserves the right to determine the school of enrollment.

6. Responsibilities

- a) Parents, guardians, or students who have reached the age of majority are responsible for signing an affidavit as to their bona fide residence or nonresidence in Montgomery County as a prerequisite to a student's initial enrollment in the Montgomery County Public Schools. Additionally, there is an acknowledgment that tuition will be paid for any period(s) of nonresidency, even if the period(s) of nonresidency should occur or be identified after the date of initial enrollment.
- b) The school principal or designee is responsible for making the initial determination of the residency status of students who seek enrollment in a Montgomery County public school and, based on that determination, for taking the appropriate administrative steps specified in MCPS regulations.
- c) The Residency Compliance Unit is responsible for determining the residency and tuition status of all students referred to it by the individual schools or the International Student Admission Office.

7. Appeals

Decisions made under this policy and any implementing regulations may be appealed under the provisions of Regulation KLA-RA: *Responding to Citizen Inquiries and Complaints from the Public*. The superintendent or a designee may assign a hearing officer to hear residency and tuition appeal cases on the superintendent's behalf and make recommendations to the superintendent or designee.

D. DESIRED OUTCOME

An effective, efficient, and equitable enrollment process which ensures the right of eligible students to a free public education and minimizes barriers for enrollment.

E. REVIEW AND REPORTING

1. The superintendent will provide a report to the Board of Education at least annually regarding the enrollment status of nonresident students and tuition payments.
2. This policy will be reviewed in accordance with the Board of Education Policy BFA, *Policysetting*.

Re: **LUNCH AND CLOSED SESSION**

The Board of Education recessed from 12:35 to 1:50 for lunch and closed session.

RESOLUTION NO. 69-04

Re: **PROCUREMENT CONTRACTS OF \$25,000 OR MORE**

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:#

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:#

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

WHEREAS, Funds have been budgeted and/or identified for the purchase of replacement classroom furniture through Bid Numbers 4058.3, 4081.4, 4114.2, 4120.2, and 4124.1; and

WHEREAS, Funds have been budgeted and/or identified for the purchase of a copier for the Office of Staff Development through Bid Number 4106.1, Copiers; and

WHEREAS, Funds have been budgeted and/or identified for the emergency purchase of a tanker trailer; and

WHEREAS, Montgomery County Public Schools has advanced the payment for some of this essential equipment and furniture in anticipation of being reimbursed through the financing; and

WHEREAS, The acquisition of such equipment and furniture through lease/purchase arrangements has been reviewed by legal counsel; now therefore be it

Resolved, That Bid Numbers 4058.3, 4081.4, 4114.2, 4120.2, and 4124.1, replacement classroom furniture, in the amount of \$810,689, be lease/purchased for a four-year term under the Master Lease/Purchase Agreement with Banc of America Leasing & Capital, LLC; and be it further

Resolved, That the purchase of a copier for the Office of Staff Development through Bid Number 4106.1, Copiers, in the amount of \$11,065, be lease/purchased for a five-year term under the Master Lease/Purchase Agreement with Banc of America Leasing & Capital, LLC; and be it further

Resolved, That the emergency purchase of a tanker trailer, for the Department of Materials Management, in the amount of \$54,344, be lease/purchased for a six-year term under the Master Lease/Purchase Agreement with Banc of America Leasing & Capital, LLC; and be it further

Resolved, That a portion of the proceeds from the financing be used to reimburse Montgomery County Public Schools' accounts to the extent that designated equipment and furniture have already been acquired; and be it further

Resolved, That the Board president and superintendent be authorized to execute the necessary documents; and be it further

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

228-97	Office Supplies System Contract—Extension	
	<u>Awardee</u>	
	Boise Office Solutions	\$1,113,460
4064.6	Art Supplies	
	<u>Awardees</u>	
	AFP Industries, Inc.*	\$ 2,901
	Commercial Art Supply	14,541
	Elgin School Supply Company, Inc.	5,466
	Integrity School Supplies*	1,447
	Interstate Office Supply Co.*	2,955
	Jackmans, Inc.	4,999
	National Art & School Supplies	534
	Pyramid School Products	71,932
	S&S Worldwide	4,026
	Sax Arts & Crafts	67,692
	Standard Stationery Supply Company	21,988
	Windtree Enterprises, Inc.	6,782
	Henry S. Wolkins Co., Inc.*	<u>46,083</u>
	Total	\$ 251,346
4064.6	Art Tools	
	<u>Awardees</u>	
	Commercial Art Supply	\$ 14,277

Elgin School Supply Company, Inc.	3,107
Grainger, Inc.	1,414
Integrity School Supplies*	8,653
National Art & School Supplies	125,856
Pyramid School Products	22,929
Sax Arts & Crafts	18,907
Service Reproduction Company	2,914
Standard Stationery Supply Company	151,530
Windtree Enterprises, Inc.	3,851
Henry S. Wolkins Co., Inc.*	<u>8,221</u>
Total	\$ 361,659

4065.6 Ceramic Supplies

Awardees

Campbells Ceramics Supply	\$ 50,289
Ceramic Supply of NY & NJ	2,477
Cutlass Enterprises, Inc., /dba Bennett Pottery Supply	1,867
Pyramid School Products	1,284
Sax Arts & Crafts	1,528
Windtree Enterprises, Inc.	<u>2,395</u>
Total	\$ 59,840

4087.5 Office and School Supplies

Awardees

AFP Industries, Inc.	\$ 6,876
AJ Stationers*	28,996
Allied Office Products	7,584
BC Lucas Binders	3,443
Boise Office Solutions	11,734
Branch Office Supply Co., Inc.*	785
Budget Stationery*	3,540
Business Stationers	8,108
Bye Mor, Inc.*	13,960
Elgin School Supply Co., Inc	23,123
Interstate Office Supply Company*	29,539
M&S Nationwide Distributors, Inc.*	5,707
National Art & School Supplies	118,875
Pyramid School Products	314,061
Rudolph's Office & Computer Supply, Inc.*	44,516
Smith Office & Computer Supply	25,368

	Standard Stationery Supply Company	159,706
	Unisource	43,897
	Windtree Enterprises, Inc.	14,625
	Henry S. Wolkins Co., Inc.*	<u>31,205</u>
	Total	\$ 895,648
4090.4	Envelopes	
	<u>Awardees</u>	
	MeadWestvaco	21,958
	Pyramid School Products	22,062
	Quill Corporation	5,741
	Unisource	<u>57,380</u>
	Total	\$ 107,141
4114.2	Classroom Furniture	
	<u>Awardees</u>	
	Douron, Inc.*	\$ 722,348
	Glover Equipment, Inc.	25,141
	Jakanna Woodworks, Inc.*	5,040
	State Use Industries	<u>15,560</u>
	Total	\$ 768,089
4115.2	Microscopes—Extension	
	<u>Awardees</u>	
	Fisher Science Education	\$ 13,875
	General Precision Specialties	19,488
	NADA Scientific Limited	1,174
	Parco Scientific Company	<u>15,058</u>
	Total	\$ 49,595
4135.1	Art Supplies System Contract—Extension	
	<u>Awardee</u>	
	Sax Arts & Crafts	\$ 125,000
7076.3	Automotive Shop Equipment Parts and Repair Service	
	<u>Awardees</u>	
	Auto-Hydraulics, Inc.	\$ 26,500

	Automotive Resources, Inc.	5,000
	The Myco Companies	13,000
	SEFAC, Inc.	<u>3,000</u>
	Total	\$ 47,500
7077.2	Telecommunications & Network Wiring & Broadband Networking—Extension	
	<u>Awardees</u> (note)	
	Automated Cable Services, Inc.*	
	Corporate Network Services, Inc.*	
	Crawford Technical Services, Inc.*	
	F-Squared Communications *	
	Fiber Plus, Inc.	
	Netcom Technologies, Inc.	
	Net-Tech, Inc.	
	Quality Telecommunications Services, Inc.*	
	Texel Corporation	
	Tsystems LLC *	
	Verizon Network Integration Corporation	
	Total	\$2,000,000
7079.2	Paperback and Pre-bound Paperback Books—Extension	
	<u>Awardee</u>	
	Perfection Learning	\$ 350,000
7087.2	Broadcast Video Tapes	
	<u>Awardees</u>	
	Burlington Audio Tapes, Inc.*	\$ 23,950
	Century Magnetics, Inc.*	<u>6,041</u>
	Total	\$ 29,991
7120.2	Elementary Mathematics Supplies	
	<u>Awardees</u>	
	Delta Education, Inc.	\$ 3,323
	EAI Education/Division of Eric Armin, Inc.	507
	ETA/Cuisenaire *	20,684
	Nasco	21,876

	Summit Learning, Inc.	<u>1,342</u>
	Total	\$ 47,732
7121.1	Asbestos Abatement Equipment and Supplies—Extension	
	<u>Awardees</u>	
	American Environmental Enterprises	\$ 12,246
	Aramco, Inc.	57,698
	Bullseye Environmental Corporation	7,519
	BWI Distribution, Inc.	18,583
	Grainger, Inc.	1,234
	Metropolitan Safety, Inc.	<u>2,305</u>
	Total	\$ 99,585
9099.2	Security System Installation**	
	<u>Awardee</u>	
	EAI Security System, Inc.	\$ 500,000
9190.2	Restroom Partition Replacement**	
	<u>Awardee</u>	
	Partition Plus, Inc.*	\$ 47,970
TOTAL PROCUREMENT CONTRACTS EXCEEDING \$25,000		\$6,854,556

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

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

NOTE: Contract amounts will be based on individual requirements.

RESOLUTION NO. 70-04 Re: **ARCHITECTURAL APPOINTMENTS –
RELOCATABLES**

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:#

WHEREAS, Funds are appropriated annually in the Capital Improvements Program for the relocation of relocatable classroom buildings; and

WHEREAS, Architectural and engineering services are required for the development of site plans and associated permitting activities; and

WHEREAS, The number of relocatable classroom building moves projected for this summer require that several architectural firms be employed to complete the planning activities in time to finish the relocation work before school starts; and

WHEREAS, An Architect Selection Committee, in accordance with procedures adopted by the Board of Education on July 14, 1998, selected Zavos Architecture + Design; The K Group; and JK Architects & Associates to provide the necessary professional architectural and engineering services; and

WHEREAS, Project-specific fees for the necessary architectural and engineering services will be negotiated based upon the size and complexity of the individual projects; now therefore be it

Resolved, That the Montgomery County Board of Education enter into contractual agreements with the architectural firms of Zavos Architecture + Design; The K Group; and JK Architects & Associates to provide professional architectural and engineering services as requirements arise for relocatable classroom building moves, with the aggregate contract amount not to exceed \$90,000 for each firm.

RESOLUTION NO. 71-04

Re: **ARCHITECTURAL APPOINTMENT – ADA**

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:

WHEREAS, Funds are appropriated annually in the Capital Improvements Program to provide improved accessibility for the disabled at various schools, both on a systematic basis and as individual needs become known; and

WHEREAS, Accessibility modifications include improvements to internal and external entrances, parking lots, restrooms, wheelchair lifts, elevators, signage, and alarm/communications systems; and

WHEREAS, It is necessary to appoint architectural firms to provide architectural and engineering services on an as-needed basis to respond to program accessibility modification requirements at various schools; and

WHEREAS, An Architect Selection Committee, in accordance with procedures adopted by the Board of Education on July 14, 1998, selected Murray and Associates Architects and McDonald • Williams • Banks • Architects, Maryland Department of Transportation-certified minority business firms, to provide the necessary professional architectural and engineering services; and

WHEREAS, Project-specific fees for the necessary architectural and engineering services will be negotiated based upon the size and complexity of the individual projects; now therefore be it

Resolved, That the Montgomery County Board of Education enter into contractual agreements with the architectural firms of Murray & Associates Architects and McDonald • Williams • Banks • Architects to provide professional architectural and engineering services as requirements arise for facility-accessibility modifications, with the aggregate contract amount not to exceed \$200,000 for each firm.

RESOLUTION NO. 72-04 Re: **REDUCTION OF RETENTION – MONTGOMERY VILLAGE MIDDLE SCHOOL**

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:#

WHEREAS, San Jose Construction Group, Inc., general contractor for the Montgomery Village Middle School modernization project, has completed 98 percent of all specified requirements as of January 31, 2004, and requested that the 10-percent retainage be reduced to 5 percent; and

WHEREAS, The project bonding company, United States Fidelity and Guaranty Company, has consented to this reduction; and

WHEREAS, The project architect, The Lukmire Grant, Architects, recommends approval of the reduction; now therefore be it

Resolved, That the 10-percent retainage withheld from periodic payments to San Jose Construction Group, Inc., general contractor for the Montgomery Village Middle School modernization project, be reduced to 5 percent, with the remaining 5 percent to become due and payable after completion of all remaining contract requirements and formal acceptance of the completed project.

RESOLUTION NO. 73-04 Re: **ACCEPTANCE OF ASHBURTON ELEMENTARY SCHOOL GYMNASIUM**

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:

WHEREAS, The Ashburton Elementary School gymnasium was inspected on January 6, 2004; 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 gymnasium has been completed, in accordance with the plans and specifications, and all contract requirements have been met.

RESOLUTION NO. 74-04 Re: **ACCEPTANCE OF DR. SALLY K. RIDE
ELEMENTARY SCHOOL GYMNASIUM**

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:

WHEREAS, The Dr. Sally K. Ride Elementary School gymnasium was inspected on January 5, 2004; 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 gymnasium has been completed, in accordance with the plans and specifications, and all contract requirements have been met.

RESOLUTION NO. 75-04 Re: **ACCEPTANCE OF LAKEWOOD ELEMENTARY
SCHOOL**

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:

WHEREAS, Lakewood Elementary School was inspected on January 8, 2004; 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. 76-04 Re: **ACCEPTANCE OF WINSTON CHURCHILL HIGH
SCHOOL**

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:

WHEREAS, Winston Churchill High School was inspected on January 9, 2004; 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. 77-04

Re: **ACCEPTANCE OF WHEATON HIGH SCHOOL**

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:

WHEREAS, Wheaton High School was inspected on January 7, 2004; 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. 78-04

Re: **REQUEST FOR PROPOSAL 1156.1 – MONTGOMERY COUNTY AGENCY MEDICAL**

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:#

WHEREAS, The Board of Education, by Resolution 563-58, established an Employee Benefit Plan (EBP) in 1958 to provide life and health insurance to eligible employees; and

WHEREAS, The Board of Education expanded the EBP by Resolutions 448-72, 457-72, and 43-76 to include dental and vision coverage, a prescription drug plan, and dependent life insurance; and

WHEREAS, The Board of Education has periodically re-bid elements of the EBP for the benefit of employees and to reduce administrative costs; and

WHEREAS, MCPS has joined the Montgomery County Government and the Maryland-National Capital Park and Planning Commission to solicit proposals to administer their various medical benefit plans, effective January 1, 2004; and

WHEREAS, Having been duly advertised under RFP 1156.1, companies were invited to submit proposals for consideration; and

WHEREAS, MCPS awarded contracts to vendors, effective January 1, 2004; and

WHEREAS, MCPS deferred making a decision to award business to United Healthcare, Inc., to provide benefits to retirees until reviewing the matter with the MCPS Retirees Association; and

WHEREAS, MCPS and the MCPS Retirees Association have met, and the MCPS Retirees Association recommends that United Healthcare, Inc., be offered as an additional option for

MCPS retirees with respect to both its POS and Medicare Supplement plans; and

WHEREAS, MCPS and retirees will benefit from improved service and options and more efficient cost-containment efforts; now therefore be it

Resolved, That a contract be awarded to United Healthcare, Inc., to administer POS and Medicare Supplement plans for MCPS retirees, effective July 1, 2004; and be it further

Resolved, That the Board of Education president and the superintendent of schools be authorized to execute the documents necessary for these transactions.

RESOLUTION NO. 79-04 Re: **UTILIZATION OF FY 2004 PROVISION FOR FUTURE SUPPORTED PROJECT FUNDS**

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:#

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

WHEREAS, The programs do 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 transfers 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>Projects</u>	<u>Amount</u>
Head Start Extended-Year Program	\$ 141,352
Student Service Learning, Learn and Serve America Subgrant	9,680
PASSport to Success	<u>12,350</u>
Total	<u>\$ 163,382</u>

and be it further

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

RESOLUTION NO. 80-04 Re: **FY 2004 SECOND QUARTER CATEGORY AND**

OBJECT TRANSFERS REQUEST

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 superintendent of schools be authorized to effect FY 2004 categorical transfers of \$344,869 in the following categories:

Emotional Disabilities Cluster Model Project

<u>Category</u>	<u>From</u>	<u>To</u>
6 Special Education	\$ 54,166	
7 Student Personnel Services		\$ 54,166
Total	<u>\$ 54,166</u>	<u>\$ 54,166</u>

High-Quality Teaching Grant

<u>Category</u>	<u>From</u>	<u>To</u>
4 Textbooks and Instructional Supplies	\$ 2,000	
5 Other Instructional Costs		\$ 2,000
Total	<u>\$ 2,000</u>	<u>\$ 2,000</u>

Safe Schools Healthy Schools Project

<u>Category</u>	<u>From</u>	<u>To</u>
1 Administration	\$ 96,880	
3 Instructional Salaries		\$ 81,515
4 Textbooks and Instructional Supplies	69,000	
5 Other Instructional Costs		42,833
12 Fixed Charges		41,532
Total	<u>\$165,880</u>	<u>\$ 165,880</u>

Teacher Mentoring Project

<u>Category</u>	<u>From</u>	<u>To</u>
1 Administration	\$ 10,734	
3 Instructional Salaries	10,479	
12 Fixed Charges		\$ 21,213

Total	<u>\$ 21,213</u>	<u>\$ 21,213</u>
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Title II—Enhancing Education through Technology

<u>Category</u>	<u>From</u>	<u>To</u>
3 Instructional Salaries		\$ 3,292
12 Fixed Charges	<u>\$ 3,292</u>	
Total	<u>\$ 3,292</u>	<u>\$ 3,292</u>

Title III—Emergency Immigrant Education

<u>Category</u>	<u>From</u>	<u>To</u>
3 Instructional Salaries	\$ 52,522	
4 Mid-level Administration		\$ 52,404
5 Other Instructional Costs		<u>118</u>
Total	<u>\$ 52,522</u>	<u>\$ 52,522</u>

Title V—Innovative Education Program Strategies

<u>Category</u>	<u>From</u>	<u>To</u>
1 Administration	\$ 5,506	
2 Mid-level Administration	30,190	
3 Instructional Salaries		\$ 290
4 Textbooks and Instructional Supplies		5,032
5 Other Instructional Costs	10,100	
12 Fixed Charges		<u>40,474</u>
Total	<u>\$ 45,796</u>	<u>\$ 45,796</u>

and be it further

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

RESOLUTION NO. 81-04

Re: **AMENDMENT TO AGREEMENT WITH SEIU
LOCAL 500 (MCCSSE) FOR SCHOOL YEARS
2003-2005**

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:

WHEREAS, The originally approved school calendar for 2002–2003 designated April 21, 2003, as a school holiday in Montgomery County; and

WHEREAS, Schools were closed because of weather and other emergencies for a total of ten days during 2002–2003 and it became necessary to make up some of the missed instructional days; and

WHEREAS, The Board of Education of Montgomery County changed April 21, 2003, from a school holiday in Montgomery County to a regular school day and work day for employees; and

WHEREAS, The SEIU Local 500 filed a class action grievance claiming that the Board of Education violated the negotiated Agreement by refusing to pay the holiday pay rate for bargaining unitemployees who were asked to work on April 21, 2003, and by refusing to grant holiday leave for that day for those who were unable to work; and

WHEREAS, The Board of Education has reached a settlement agreement with the SEIU Local 500 to resolve this dispute and to clarify the intent of the parties' collective bargaining Agreement; and

WHEREAS, The SEIU Local 500 and the Board of Education have agreed that the Board of Education's right to designate official holidays is not constrained by Maryland State law designation of school holidays as reflected in the *Annotated Code of Maryland*, Education, Article § 7-103, and that the state designation of holidays is not relevant to the determination of whether holiday pay is due under the Agreement; now therefore be it

Resolved, That the Board of Education hereby ratifies the amendment of the 2003–2005 negotiated Agreement by the addition of the following paragraphs to Article 9, Section C, of the Agreement between SEIU Local 500 (MCCSSE) and Board of Education of Montgomery County for the school years 2003–2005:

“Official Board of Education holiday” refers to those holidays designated by the Board of Education of Montgomery County. The designation of a day as a holiday under State statute shall not be relevant for determining pay under this Article.

SEIU Local 500 recognizes that the Board of Education has the authority to establish the school calendar (including official holidays) and to amend that calendar at any time, including the authority to change the designation of holidays.

If, after having established the calendar for the school year (including the designation of official holidays), (1) the Board changes the school calendar and the Board removes the designation of holiday from a day designated as an official holiday; and (2) bargaining unit employees are required to work on the previously designated holiday due to the change in the calendar, the bargaining unit employees required to work on that day shall be entitled to the pay for Holiday Work described in this Article 9.c, and bargaining unit employees on authorized paid leave for that day shall be considered to be on Holiday leave, as defined in Article 12.G;

and be it further

Resolved, That the secretary and the president of the Board of Education be authorized to sign the amendment to the Agreement, all according to said Agreement and to the law.

RESOLUTION NO. 82-04

Re: **HUMAN RESOURCES MONTHLY REPORT**

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

Resolved, That the Board of Education accept the Human Resources Monthly Report dated February 10, 2004.

RESOLUTION NO. 83-04

Re: **DEATH OF GLORIA EDWARDS, CAFETERIA WORKER I, KINGSVIEW 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, The death on December 26, 2003, of Gloria Edwards, cafeteria worker I at Kingsview Middle School, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, In the short time that Mrs. Edwards had worked for Montgomery County Public Schools, she was a cooperative and conscientious employee who took the initiative to help others when there was a need; and

WHEREAS, Mrs. Edwards' dependability and excellent interpersonal relationships with the school staff and students made her a valuable employee; now therefore be it

Resolved, That the members of the Board of Education express their sorrow at the death of Gloria Edwards 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 Mrs. Edwards' family.

RESOLUTION NO. 84-04

Re: **DEATH OF WOODSON L. DAVIS, SPECIAL
EDUCATION PARAEDUCATOR, SPRINGBROOK
HIGH 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 December 30, 2003, of Woodson L. Davis, special education paraeducator at Springbrook High School, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, In the short time that Mr. Davis had worked for Montgomery County Public Schools, he had established a good rapport and demonstrated patience with his special needs student; and

WHEREAS, Mr. Davis was instrumental in maintaining communication between the faculty and school staff regarding academic, social, and behavioral concerns of his student; now therefore be it

Resolved, That the members of the Board of Education express their sorrow at the death of Woodson L. Davis 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. Davis' family.

RESOLUTION NO. 85-04 Re: **DEATH OF MARY A. MEMMO, SPECIAL EDUCATION BUS ATTENDANT, DEPARTMENT OF TRANSPORTATION**

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

WHEREAS, The death on January 3, 2004, of Mary A. Memmo, special education bus attendant in the Department of Transportation at the Bethesda Depot, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, In the 17.3 years that Ms. Memmo had worked for Montgomery County Public Schools, she was a conscientious employee and took great pride in working with the special needs students; and

WHEREAS, Ms. Memmo's dependability and good relationships with her fellow workers made her a valuable employee; now therefore be it

Resolved, That the members of the Board of Education express their sorrow at the death of Mary A. Memmo 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. Memmo's family.

RESOLUTION NO. 86-04 Re: **APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective February 11, 2004:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Alan Goodwin	Acting Principal, Thomas W. Pyle MS	Principal, Thomas W. Pyle MS

**Mr. Romero rejoined the meeting at this time.

Re: **MONTHLY FINANCIAL REPORT**

Mr. Bowers reported on the projected financial condition through December 31, 2003, based on program requirements and estimates made by primary and secondary account managers. At that time, revenues had a projected deficit of \$475,325, while expenses had a projected surplus of \$7,500,000. Staff will continue to monitor closely both revenues and expenditures.

**Re: UPDATE ON THE A&S PROFESSIONAL
GROWTH SYSTEM (PGS)**

Dr. Weast invited the following people to the table: Ms. Susan Marks, acting coordinating community superintendent; Mr. Daniel Shea, vice president, MCAASP; Mr. Michael Thomas, co-president, Elementary School Administrators Association; and Dr. Robert Bastress, director, A&S PGS.

The PGS is an essential component of the Board of Education's *Our Call to Action: Pursuit of Excellence*. The goal of the A&S PGS is to develop and support high-quality leadership in all schools and offices. Staff reported to the Board on August 25, 2003, regarding the design and phase-in of the PGS. The vision and philosophy have been developed, as well as the standards for principals. These standards and criteria form the foundation for the continuing work of the PGS. In addition, the steering committee and design team have been developing the elements of a new evaluation process for principals.

The process for evaluating principals has been created, and the purpose of the evaluation process is to provide feedback to principals on their progress toward meeting the standards. These performance appraisals are essential in helping principals acquire the skills needed to lead schools that promote high levels of student achievement. The evaluation process identifies the frequency of evaluations, the data sources to be considered, and the supports necessary for the development of principals. The process identifies a special evaluation procedure and an evaluation support cycle for underperforming principals. A consulting principal position has been established as a primary source of assistance for these principals. In essence, the evaluation process provides the guidelines and procedures for a clear and fair method of performance appraisal for all principals.

The evaluation document establishes a review panel, which will be similar to the Peer Assistance and Review (PAR) panel in the teacher evaluation process. The review panel will be composed of the coordinating community superintendent, two community superintendents who are not assigned to the individual principal, and three principals recommended by MCAASP. The review panel will receive quarterly updates from the community superintendent and the consulting principal regarding the performance of each principal in the Special Evaluation and Evaluation Support cycles. The review panel will provide suggestions to support the principal in meeting the standards. At the end of the evaluation cycle, the review panel will consider the documentation from the supervising community superintendent and the consulting principal in order to make an employment recommendation to the superintendent.

It is essential that teachers, parents, and students are made aware of the evaluation process for principals and have the opportunity to provide input into its development. Therefore, Dr. Bastress obtained feedback on the evaluation process from these other stakeholders through meetings with the Montgomery County Council of Parent-Teacher Associations (MCCPTA) executive board; the Montgomery County Education Association representative assembly; and the Montgomery County Region, Maryland Association of Student Councils representative assembly.

The steering committee agreed to use the new process to evaluate novice principals and principals new to MCPS during the current year. In addition, 21 experienced principals have volunteered to participate in this phase-in of the new evaluation process.

Training in the six standards for the Executive Leadership Team and principals selection by MCAASP has begun. Staff from Research for Better Teaching, Inc., has been engaged to provide an in-depth analysis of observing and analyzing leadership skills. One purpose of this training is to develop the knowledge and skills in the six standards for those who will evaluate principals and for those principals who will make up the review panel. A second purpose of the training is to develop consistency and inter-rater reliability among the evaluators. Research for Better Teaching was selected to provide the training because of their extensive knowledge of the school system's approach to professional growth and their research in using standards-based methodology.

The steering committee recommended a budget that has been incorporated into the superintendent's budget request. This budget is the next step in providing the resources needed to support principals. The budget includes funds for three consulting principals who will provide direct support to new principals, principals new to MCPS, and underperforming principals. Funds also are requested for seminars in key leadership areas, cluster principal mentors, substitute support for review panel members, and job rotation opportunities. Monies also are requested for an independent evaluation of the PGS project, as is currently done with the teachers' PGS.

The steering committee and design team continue to make progress toward completion of the other components of attracting, recruiting, developing, mentoring, and recognizing A&S personnel. A timeline has been developed to guide the work. The steering committee currently is revising the professional development component for all school-based and central office administrators. The professional development component focuses on in-depth training on the six standards and other opportunities for extended learning for the school system's talented administrative work force. The steering committee also is finalizing the document that establishes the process for providing mentoring to A&S staff. In addition, the committee has developed the job description for the position of consulting principal, and a timeline has been established for filling three positions with outstanding MCPS principals. Finally, the design team is developing the attracting and recruiting components, as well as the recognition

component.

Re: **DISCUSSION**

Mr. Felton thanked the staff for a tremendous job. He thought it was a challenge across the nation to hire and retain people with the right skills for a changing job. What were the discussions among principals? What is their buy in? What are their concerns? Mr. Shea replied that the critical steps have been a series of meetings to discuss the various elements of the PGS. Administrators are clear about the expectations and the supports available. Mr. Thomas thought the critical conversations would continue as the process unfolds. Also, there will be a mentor to help those new to the system or those who are having difficulty. Mr. Bastress stated that one concern is the consistency with community superintendents and a focus on training. Also, principals are concerned about how they will find the time for professional development.

Mr. Felton asked about evaluations and the ability of staff to write truthful assessments. Ms. Marks replied that there are standards, and the experiences with the community superintendents will set clear expectations. Mr. Bowers added that there are supports for principals who need or feel they need assistance.

Mr. Lange thought the complexity of the principals' position has been reflected in the evaluation instrument that was developed. Are the principals confident that once the skill needs have been identified, the supports will be there? Dr. Shea thought the supports were contingent on the operating budget. Building the confidence of administrators will foster a better overall delivery of instructional and school management.

Mr. Romero asked about the differences of principals at the three levels – elementary, middle, and high schools. Why are there only three consulting principals, and what expertise is required? Mr. Bastress replied that it is hard to predict the initial case load for the consulting principals. There will be 30 new principals, plus any underperforming principals.

Mr. Romero was interested in how principals can tap into the expertise of another principal. Is that part of the process? Will the three consulting principals have the expertise or will they be able to draw on the experiences of other principals? Mr. Bastress responded that the training plan will be developed during the summer. Staff was evaluating a mentoring process to use the current strengths of the principals. Mr. Shea thought the steering committee will have feedback built into the process. The administrators want to understand the process and have clear knowledge of what is expected of them.

Dr. Haughey asked what the impact of the process will be on community superintendents. Ms. Marks stated that community superintendents already evaluate principals. The PGS will be more focused and support is available for principals who may need assistance. The

evaluations will be more helpful to the principals for skill development and ongoing continuous improvement.

Ms. Cox wanted to know what would be necessary in the Office of School Performance to ensure consistency in the way community superintendents interpret the indicators. Ms. Marks replied that one of the major focuses was on the training of evaluators. There will be a need to share information about supervisory visits. Community superintendents want to assure all principals that they are getting equitable evaluations.

Dr. Haughey asked about the interaction of the principal and community superintendent. Mr. Thomas thought the ongoing communication would improve and enhance the interaction. Mr. Shea stated that he was impressed by the quality of notes of the community superintendent, and the quality of the feedback was excellent.

Dr. Haughey asked how the other administrators who are not principals would be evaluated. Mr. Bastress said there will be writing teams and representatives from central office who will review the standards and criteria. Assistant principals and student behavioral specialists will be added to the evaluation process.

Mrs. O'Neill was pleased with the PGS, and the process will help principals be more effective with professional growth and feedback from the community superintendents.

Mr. Burnett thought the teacher evaluation process was successful, and he was impressed with the work on the PGS. There was still a long way to go, but everyone was on the right track.

Mr. Felton noted that the system can describe the perfect principal, but schools have different requirements as they evolve. Over time, a different skill mix may be needed for a particular school. Was there any discussion on flexibility in assigning the right principals to the right schools at the right time? Ms. Marks replied that the evaluation process does not look at the selection process, but a leader's skills should be matched with the position.

Ms. Cox thought there would be a natural connection between the exemplars and the characteristics for a future principals. Mr. Shea stated that there is an emphasis on best practices and that will allow the system to tailor professional growth.

Re: **BUDGET REVIEW PROCESS –
RECOMMENDATIONS OF RESEARCH AND
EVALUATION COMMITTEE**

On motion of the Research and Evaluation Committee, the following motion was placed on the table:

WHEREAS, In order to foster greater public involvement on long-range strategic issues, the Board of Education seeks to transition to a budget process that emphasizes the use of public forums during the budget and strategic plan development process; and

WHEREAS, The Board seeks an alignment between the state-mandated involvement of the community in the strategic master plan, *Our Call to Action: Pursuit of Excellence*, and the operating budget process; and

WHEREAS, The Board's Research and Evaluation Committee has reviewed the current operating budget process and also solicited input from the Blue Ribbon Budget Committee and other stakeholders on recommendations for improvements to the budget review process; now be it

Resolved, That the Board adopt the recommendations of the Research and Evaluation Committee regarding changes to the operating budget process; and be it

Resolved, That the Superintendent provide the Board with an implementation plan and periodic updates on the progress of the new budget process. The implementation plan will take into account the need to educate the community about the new input process for planning and budget.

RESOLUTION NO. 87-04

Re: **AN AMENDMENT TO THE BUDGET REVIEW PROCESS – RECOMMENDATIONS OF RESEARCH AND EVALUATION COMMITTEE**

On motion of Ms. Cox and seconded by Mr. Sanghvi, the following amendment was approved unanimously:

Resolved, That the Superintendent provide the Board with an implementation plan and periodic updates on the progress of the new budget process. The implementation plan will take into account the need to educate **and receive input from** the community about the new input process for planning and budget.

RESOLUTION NO. 88-04

Re: **THE BUDGET REVIEW PROCESS – RECOMMENDATIONS OF RESEARCH AND EVALUATION COMMITTEE**

On motion of the Research and Evaluation Committee, the following amended resolution was adopted unanimously:

WHEREAS, In order to foster greater public involvement on long-range strategic issues, the

Board of Education seeks to transition to a budget process that emphasizes the use of public forums during the budget and strategic plan development process; and

WHEREAS, The Board seeks an alignment between the state-mandated involvement of the community in the strategic master plan, *Our Call to Action: Pursuit of Excellence*, and the operating budget process; and

WHEREAS, The Board's Research and Evaluation Committee has reviewed the current operating budget process and also solicited input from the Blue Ribbon Budget Committee and other stakeholders on recommendations for improvements to the budget review process; now be it

Resolved, That the Board adopt the recommendations of the Research and Evaluation Committee regarding changes to the operating budget process; and be it

Resolved, That the Superintendent provide the Board with an implementation plan and periodic updates on the progress of the new budget process. The implementation plan will take into account the need to educate and receive input from the community about the new input process for planning and budget.

Re: ADOPTION OF THE FY 2005 OPERATING BUDGET

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

WHEREAS, The superintendent of schools presented an FY 2005 Recommended Operating Budget of \$1,587,373,378, to the Board of Education on December 10, 2003; and

WHEREAS, The revised special education and ESOL enrollment projections result in the need to reduce positions, salaries, textbooks and instructional supplies, and benefits totaling \$2,380,789; and

WHEREAS, The Maryland State Department of Education (MSDE) requires each local school system to submit an annual special education staffing plan; and

WHEREAS, The Special Education Staffing Committee, composed of parents, teachers, principals, special education staff, and special education advocates, held three meetings in August and September of 2003 and recommendations were submitted to the Department of Special Education; and

WHEREAS, The FY 2005 Recommended Operating Budget includes all of the staffing plan

elements required by the Maryland State Department of Education; and

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

WHEREAS, The Board of Education and the Montgomery County Education Association are currently in the process of negotiating a replacement Agreement for the current Agreement which expires June 30, 2004; and

WHEREAS, Negotiations between the Board of Education and the Montgomery County Association of Administrative and Supervisory Personnel on wages and benefits have not yet been concluded; and

WHEREAS, Negotiations between the Board of Education and the Service Employees International Union Local 500 on wages and benefits have not yet been concluded; and

WHEREAS, Any costs associated with the ongoing negotiations with the three employee unions will be added to the budget as a supplemental request; and

WHEREAS, The total of the amendments proposed is \$2,380,789; and

WHEREAS, It is necessary for the Board of Education to amend the budget and request funding consistent with the proposed amendments related to enrollment projections; now therefore be it

Resolved, That the Board of Education approve the FY 2005 Special Education Staffing Plan as outlined in the FY 2005 Recommended Operating Budget; and be it further

Resolved, That upon final approval of the operating budget in June 2004, the Special Education Staffing Plan will be submitted to MSDE; and be it further

Resolved, That the Board of Education adopt the Superintendent's FY 2005 Recommended Operating Budget totaling \$1,584,992,589, as follows:

<u>Category</u>	Superintendent's Recommended Operating Budget	Amendments	Amended Recommended Budget
1 Administration	\$ 31,338,809		\$ 31,338,809
2 Mid-level Administration	98,412,791		98,412,791
3 Instructional Salaries	678,432,860	\$ (1,176,606)	677,256,254
4 Textbooks and Instructional Supplies	28,870,818	(35,171)	28,835,647

5 Other Instructional Costs	14,436,487		14,436,487
6 Special Education	196,815,153	(700,521)	196,114,632
7 Student Personnel Services	8,985,274		8,985,274
8 Health Services	45,378		45,378
9 Student Transportation	65,944,268		65,944,268
10 Operation of Plant and Equipment	83,428,470		83,428,470
11 Maintenance of Plant	25,737,493		25,737,493
12 Fixed Charges	303,173,666	(468,491)	302,705,175
14 Community Services	272,000		272,000
37 Instructional Television Revenue	1,128,698		1,128,698
41 Adult Ed/Summer School Fund	6,425,655		6,425,655
51 Real Estate Management Fund	1,711,757		1,711,757
61 Food Services Fund	39,780,693		39,780,693
71 Field Trip Fund	1,341,000		1,341,000
81 Entrepreneurial Activities Fund	1,092,108		1,092,108
All Funds	<u>\$ 1,587,373,378</u>	\$ (2,380,789)	\$1,584,992,589

RESOLUTION NO. 89-04

Re: **AN AMENDMENT TO THE FY 2005 OPERATING BUDGET**

On motion of Ms. Cox and seconded by Mr. Lange, the following resolution was adopted unanimously:#

Resolved, That the Board of Education delete the superintendent's recommended amendment to reduce Special Education and ESOL funding by \$2,380,789.

Re: **AN AMENDMENT TO THE FY 2005 OPERATING BUDGET**

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

Resolved, That the Board of Education add \$15,000 to the "Elementary Schools" budget (Chapter 1-3 to 1-9) to expand the Chinese Immersion Program at Potomac Elementary School to an additional kindergarten and first grade class; and be it further

Resolved, That Resolution 181-03, adopted on April 10, 2003, which provided that available slots in the Chinese Immersion Program in kindergarten and Grade 1 at Potomac Elementary School be opened to a lottery-based transfer process to students outside the Potomac Elementary School service area, reserving at least two slots at each grade to such students, shall be revised as follows:

1. Beginning in Fiscal Year 2005 (School Year 2004-2005), the Chinese Immersion program shall be expanded by an additional class in kindergarten and Grade 1.
2. Students currently on the waiting list, and siblings of current students in the Program, shall have first priority for placement in the Program.
3. All remaining slots for the additional classes shall be filled by lottery as a transfer into Potomac Elementary School, with transportation being the responsibility of the family, as with all voluntary transfers.
4. The superintendent shall identify no later than November, 2005—in time for consideration during the Board's capital budget deliberations—an alternative placement for the Chinese Immersion program that is more centrally located than Potomac Elementary School and which can accommodate the expressed interest for expansion, recognizing that those currently enrolled would have preference for slots at any new location.

RESOLUTION NO. 90-04

Re: **DIVISION OF THE QUESTION**

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

Resolved, That the Board of Education divide the question.

Re: **AN AMENDMENT TO THE FY 2005 OPERATING BUDGET**

On motion of Mr. Felton and seconded by Mr. Burnett, the following portion of the resolution was placed on the table, as divided:

Resolved, That the Board of Education add \$15,000 to the "Elementary Schools" budget (Chapter 1-3 to 1-9) to expand the Chinese Immersion Program at Potomac Elementary School to an additional kindergarten and first grade class; and be it further

Resolved, That Resolution 181-03, adopted on April 10, 2003, which provided that available slots in the Chinese Immersion Program in kindergarten and Grade 1 at Potomac Elementary School be opened to a lottery-based transfer process to students outside the Potomac Elementary School service area, reserving at least two slots at each grade to such students, shall be revised as follows:

1. Beginning in Fiscal Year 2005 (School Year 2004-2005), the Chinese Immersion program shall be expanded by an additional class in kindergarten and Grade 1.

2. Students currently on the waiting list, and siblings of current students in the Program, shall have first priority for placement in the Program.
3. All remaining slots for the additional classes shall be filled by lottery as a transfer into Potomac Elementary School, with transportation being the responsibility of the family, as with all voluntary transfers.

Re: DISCUSSION

For the record, Mr. Sanghvi agreed with Mr. Felton's motion.

Mr. Burnett thought it was not fair to have French and Spanish immersion programs that were countywide, but not a Chinese Immersion Program that was open to the county.

Dr. Haughey thought the Board was planning on the spur of the moment, and he thought it would make more sense to have a long-term study to ascertain the best model for foreign language instruction.

Mr. Romero believed there was a need to address the current issue, and to address it long-term.

Mrs. O'Neill stated that there was a real concern about the space issues at Potomac Elementary School, and the school is scheduled for all-day kindergarten which is a Board priority. Also, the Capital Improvement Program stated that the school will have a boundary change when the addition is built.

Mr. Lange pointed out that two seats for non-Potomac Elementary School students were added last year, and the Board is still struggling with this issue. He thought it was an equity issue that must be resolved.

Ms. Cox was against the motion because it is not well planned and not in the best interest of those involved. The school community should be involved in any decision making and how it would adapt to such a proposal.

Mr. Felton replied that his resolution was offered as an interim solution.

Re: AN AMENDMENT TO THE FY 2005 OPERATING BUDGET

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

Resolved, That the Board of Education add \$15,000 to the "Elementary Schools" budget (Chapter 1-3 to 1-9) to expand the Chinese Immersion Program at Potomac Elementary School to an additional kindergarten and first grade class; and be it further

Resolved, That Resolution 181-03, adopted on April 10, 2003, which provided that available slots in the Chinese Immersion Program in kindergarten and Grade 1 at Potomac Elementary School be opened to a lottery-based transfer process to students outside the Potomac Elementary School service area, reserving at least two slots at each grade to such students, shall be revised as follows:

1. Beginning in Fiscal Year 2005 (School Year 2004-2005), the Chinese Immersion program shall be expanded by an additional class in kindergarten and Grade 1.
2. Students currently on the waiting list, and siblings of current students in the Program, shall have first priority for placement in the Program.
3. All remaining slots for the additional classes shall be filled by lottery as a transfer into Potomac Elementary School, with transportation being the responsibility of the family, as with all voluntary transfers.

Re: **AN AMENDMENT TO THE FY 2005 OPERATING BUDGET**

On motion of Mr. Felton and seconded Mr. Romero, the following amended resolution was placed on the table:

Resolved, That the Board of Education add \$15,000 to the "Elementary Schools" budget (Chapter 1-3 to 1-9) to expand the Chinese Immersion Program at Potomac Elementary School; and be it further

Resolved, That the Board of Education revise admission into the Chinese Immersion Program as follows:

1. For school years 2004-2005 and 2005-2006, all twenty-five seats in the entering kindergarten class for the Chinese Immersion program shall be filled by lottery, open both to students from within the attendance zone of Potomac Elementary School and to students countywide by way of transfer.
2. Siblings of current students in the Program and those on the waiting list shall have first priority for placement in the Program.
3. For slots filled through the lottery by transfer into Potomac Elementary School, transportation is the responsibility of the family, as with all voluntary transfers.

Re: **DISCUSSION**

Ms. Cox wanted to know about the potential impact of all the cars transporting out-of-area students. Mr. Bowers thought there would be an increase but it would not be significant.

Dr. Haughey wanted to support the motion but he was concerned about the implications for existing space in the school. To what extent would this motion contribute to overcrowding at Potomac Elementary School? Mr. Bowers responded that there will be more students in the building because some of the Potomac Elementary School students will not be in Chinese Immersion but in regular kindergarten if not selected in the lottery. Mr. Kelsch thought he would have to add another kindergarten class and create space by moving a fifth grade class to a portable. The new kindergarten space would have to be renovated, such as adding a bathroom and cubbies, to accommodate younger children.

Mrs. O'Neill asked Mr. Felton if he would consider the interim solution for one year only since she could not support two years. Mr. Felton thought two years would allow enough time for staff to identify an alternative placement for the program. Dr. Haughey thought the two-year stipulation should be tied to a comprehensive study of foreign language delivery.

Ms. Cox asked if the lottery applied to one kindergarten class in each of the two years. Mr. Felton stated that he would like to see it be for kindergartners, and any vacancies that would fall out in first grade. Mrs. O'Neill, however, did not want to create the expectation that there were seats in the first grade, and stated that the focus should be on kindergarten for the next two years.

RESOLUTION NO. 91-04

Re: **AN AMENDMENT TO THE FY 2005 OPERATING BUDGET**

On motion of Mr. Felton and seconded Mr. Romero, the following amended resolution was adopted unanimously:#

Resolved, That the Board of Education add \$15,000 to the "Elementary Schools" budget (Chapter 1-3 to 1-9) to expand the Chinese Immersion Program at Potomac Elementary School; and be it further

Resolved, That the Board of Education revise admission into the Chinese Immersion Program as follows:

1. For school years 2004-2005 and 2005-2006, all twenty-five seats in the entering kindergarten class for the Chinese Immersion program shall be filled by lottery, open both to students from within the attendance zone of Potomac Elementary School and to students countywide by way of transfer.
2. Siblings of current students in the Program and those on the waiting list shall have first priority for placement in the Program.

3. For slots filled through the lottery by transfer into Potomac Elementary School, transportation is the responsibility of the family, as with all voluntary transfers.

Re: **AN AMENDMENT TO THE FY 2005 OPERATING BUDGET**

On motion of Mr. Felton and seconded by Mr. Burnett, the following portion of the resolution was placed on the table, as divided:

Resolved, That the Board of Education direct the superintendent to identify no later than November, 2005 – in time for consideration during the Board’s capital budget deliberations – an alternative placement for the Chinese Immersion program that is more centrally located than Potomac Elementary School and which can accommodate the expressed interest for expansion, recognizing that those currently enrolled would have preference for slots at any new location.

RESOLUTION NO. 92-04

Re: **AN AMENDMENT TO THE FY 2005 OPERATING BUDGET**

On motion of Ms. Cox and seconded by Dr. Haughey, the following amendment was adopted unanimously:

Resolved, That the Board of Education strike “Chinese Immersion” and substitute “Chinese language” prior to “program” in this resolution.

RESOLUTION NO. 93-04

Re: **AN AMENDMENT TO THE FY 2005 OPERATING BUDGET**

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

Resolved, That the Board of Education direct the superintendent to identify no later than November, 2005 – in time for consideration during the Board’s capital budget deliberations – an alternative placement for the Chinese language program that is more centrally located than Potomac Elementary School and which can accommodate the expressed interest for expansion, recognizing that those currently enrolled would have preference for slots at any new location.

Re: **AN AMENDMENT TO THE FY 2005 OPERATING BUDGET**

On motion of Mr. Lange and seconded by Dr. Haughey, the following resolution failed with Dr.

Haughey and Mr. Lange voting in the affirmative; Mr. Burnett, Ms. Cox, Mr. Felton, Mrs. O'Neill, Mr. Romero, and (Mr. Sanghvi) voting in the negative:#

Resolved, That the Board of Education add two assistant principals (\$184,320).

RESOLUTION NO. 94-04 Re: **ADOPTION OF THE FY 2005 OPERATING BUDGET**

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

WHEREAS, The superintendent of schools presented an FY 2005 Recommended Operating Budget of \$1,587,373,378, to the Board of Education on December 10, 2003; and

WHEREAS, The Maryland State Department of Education (MSDE) requires each local school system to submit an annual special education staffing plan; and

WHEREAS, The Special Education Staffing Committee, composed of parents, teachers, principals, special education staff, and special education advocates, held three meetings in August and September of 2003 and recommendations were submitted to the Department of Special Education; and

WHEREAS, The FY 2005 Recommended Operating Budget includes all of the staffing plan elements required by the Maryland State Department of Education; and

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

WHEREAS, The Board of Education and the Montgomery County Education Association are currently in the process of negotiating a replacement Agreement for the current Agreement which expires June 30, 2004; and

WHEREAS, Negotiations between the Board of Education and the Montgomery County Association of Administrative and Supervisory Personnel on wages and benefits have not yet been concluded; and

WHEREAS, Negotiations between the Board of Education and the Service Employees International Union Local 500 on wages and benefits have not yet been concluded; and

WHEREAS, Any costs associated with the ongoing negotiations with the three employee unions will be added to the budget as a supplemental request; and

WHEREAS, It is necessary for the Board of Education to amend the budget and request funding consistent with the proposed amendments related to enrollment projections; now therefore be it

Resolved, That the Board of Education approve the FY 2005 Special Education Staffing Plan as outlined in the FY 2005 Recommended Operating Budget; and be it further

Resolved, That upon final approval of the operating budget in June 2004, the Special Education Staffing Plan will be submitted to MSDE; and be it further

Resolved, That the Board of Education add \$15,000 to the "Elementary Schools" budget (Chapter 1-3 to 1-9) to expand the Chinese Immersion Program at Potomac Elementary School; and be it further

Resolved, That the Board of Education revise admission into the Chinese Immersion Program as follows:

1. For school years 2004-2005 and 2005-2006, all twenty-five seats in the entering kindergarten class for the Chinese Immersion program shall be filled by lottery, open both to students from within the attendance zone of Potomac Elementary School and to students countywide by way of transfer.
2. Siblings of current students in the Program and those on the waiting list shall have first priority for placement in the Program.
3. For slots filled through the lottery by transfer into Potomac Elementary School, transportation is the responsibility of the family, as with all voluntary transfers.

and be it further

Resolved, That the Board of Education direct the superintendent to identify no later than November, 2005 – in time for consideration during the Board's capital budget deliberations – an alternative placement for the Chinese language program that is more centrally located than Potomac Elementary School and which can accommodate the expressed interest for expansion, recognizing that those currently enrolled would have preference for slots at any new location.

Resolved, That the Board of Education adopt the Superintendent's FY 2005 Recommended Operating Budget totaling \$1,587,373,378, as follows:

___ Category	Superintendent's Recommended Operating Budget	Amendments	Amended Recommended Budget
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1 Administration	\$ 31,338,809		\$ 31,338,809
2 Mid-level Administration	98,412,791		98,412,791
3 Instructional Salaries	678,432,860	\$ 15,000	678,447,860
4 Textbooks and Instructional Supplies	28,870,818		28,870,818
5 Other Instructional Costs	14,436,487		14,436,487
6 Special Education	196,815,153		196,815,153
7 Student Personnel Services	8,985,274		8,985,274
8 Health Services	45,378		45,378
9 Student Transportation	65,944,268		65,944,268
10 Operation of Plant and Equipment	83,428,470		83,428,470
11 Maintenance of Plant	25,737,493		25,737,493
12 Fixed Charges	303,173,666		303,173,666
14 Community Services	272,000		272,000
37 Instructional Television Revenue	1,128,698		1,128,698
41 Adult Ed/Summer School Fund	6,425,655		6,425,655
51 Real Estate Management Fund	1,711,757		1,711,757
61 Food Services Fund	39,780,693		39,780,693
71 Field Trip Fund	1,341,000		1,341,000
81 Entrepreneurial Activities Fund	1,092,108		1,092,108
All Funds	<u>\$ 1,587,373,378</u>	\$ 15,000	<u>\$ 1,587,388,378</u>

RESOLUTION NO. 95-04

Re: **CLOSED SESSION RESOLUTION**

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

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 Monday, February 23, 2004, in Room 120 of the Carver Educational Services Center to meet from 7:00 to 7:30 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 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. 96-04

Re: **REPORT OF CLOSED SESSION**

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

On January 13, 2004, 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 January 13, 2004, from 9:00 to 10:15 a.m., 1:35 to 2:30 p.m., and 5:05 to 8:00 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and

1. Review and adjudicated the following appeals in its quasi-judicial capacity outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*) with a subsequent vote to approve in open session: 2003-23, 2003-24, 2003-33, 2003-36, 2003-49, 2003-51, 2003-52, 2003-54, 2003-56, 2003-57, 2003-59, 2003-60, 2003-61, and 2003-62.
2. Reviewed the Superintendent's recommendation for a Human Resources Appointment and Human Resources Monthly Report with a subsequent vote 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. Conducted a portion of its closed sessions to discuss collective bargaining negotiations, as permitted under Section 10-508(a)(9) of the *State Government Article* and Section 4-107(d)(2)(ii) of the *Education Article*.
5. Received legal advice as permitted under Section 10-508(a)(7) of the *State Government Article*.
6. 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 sessions were: Larry Bowers, Judith Bresler, Patrick Clancy, Sharon Cox, Reggie Felton, Charles Haughey, Richard Hawes, Roland Ikheloa, Don Kopp, Frieda Lacey, Walter Lange, George Margolies, Pat O'Neill, Brian Porter, Gabe Romero, Lori Rogovin, Glenda Rose, Sagar Sanghvi, Greg Thornton, Matt Tronzano, Jerry Weast, and Carey Wright.

On January 20, 2004, 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 a closed session on January 20, 2004, from 7:05 to 7:50 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and received legal advice as permitted under Section 10-508(a)(7) of the *State Government Article*.

In attendance at the closed session were: Larry Bowers, Patrick Clancy, Sharon Cox, Reggie Felton, Charles Haughey, Roland Ikheloa, Don Kopp, Walter Lange, Pat O'Neill, Glenda Rose, Sagar Sanghvi, and Jerry Weast.

RESOLUTION NO. 97-04 Re: **MINUTES OF NOVEMBER 5, 2003**

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

Resolved, That the Board of Education approve the minutes of the November 5, 2003, meeting.

RESOLUTION NO. 98-04 Re: **MINUTES OF NOVEMBER 11, 2003**

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

Resolved, That the Board of Education approve the minutes of the November 11, 2003, meeting.

RESOLUTION NO. 99-04 Re: **MINUTES OF NOVEMBER 12 AND 13, 2003**

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

Resolved, That the Board of Education approve the minutes of the November 12 and 13, 2003, meetings.

RESOLUTION NO. 100-04 Re: **MINUTES OF NOVEMBER 20, 2003**

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

Resolved, That the Board of Education approve the minutes of the November 20, 2003, meeting.

RESOLUTION NO. 101-04 Re: **MINUTES OF DECEMBER 2, 2003**

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

Resolved, That the Board of Education approve the minutes of the December 2, 2003, meeting.

RESOLUTION NO. 102-04 Re: MINUTES OF DECEMBER 10, 2003

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

Resolved, That the Board of Education approve the minutes of the December 10, 2003, meeting.

RESOLUTION NO. 103-04 Re: MINUTES OF JANUARY 14, 15, AND 21, 2004

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

Resolved, That the Board of Education approve the minutes of the January 14, 15, and 21, 2004, meetings.

RESOLUTION NO. 104-04 Re: APPEAL 2003-57

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

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2003-57, application of zero tolerance policy, reflective of the following vote: Dr. Haughey, Mr. Lange, Mr. Romero, and Mr. Sanghvi voting to affirm in part and to reverse in part; Ms. Cox, Mr. Felton, and Mrs. O'Neill voting to affirm; Mr. Burnett was absent when this case was adjudicated.

RESOLUTION NO. 105-04 Re: APPEAL 2003-59

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

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2003-59, student expulsion, reflective of the following vote: Dr. Haughey, Mr. Lange, and Mr. Sanghvi voting to affirm in part and to reverse in part; Ms. Cox, Mr. Felton, and Mr. Romero voting to affirm; Mr. Burnett and Mrs. O'Neill were absent when this appeal was adjudicated.

RESOLUTION NO. 106-04 Re: APPEAL 2003-60

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

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2003-60, student discipline, reflective of the following vote: Ms. Cox, Mr. Felton, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to affirm; Mr. Burnett was absent when this appeal was adjudicated.

RESOLUTION NO. 107-04 Re: APPEAL 2003-61

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

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2003-61, student discipline, reflective of the following vote: Ms. Cox, Mr. Felton, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to affirm; Mr. Burnett was absent when this appeal was adjudicated.

RESOLUTION NO. 108-04 Re: APPEAL 2003-62

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

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2003-62, student discipline, reflective of the following vote: Ms. Cox, Mr. Felton, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to affirm; Mr. Burnett was absent when this appeal was adjudicated.

RESOLUTION NO. 109-04 Re: APPEAL T-2004-1

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

Resolved, That the Board of Education adopt its Opinion in Appeal T-2004-1, student transfer, 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. 110-04 Re: APPEAL T-2004-2

On motion of Mr. Felton and seconded by Mr. Sanghvi, the following resolution was adopted

unanimously:

Resolved, That the Board of Education adopt its Opinion in Appeal T-2004-2, student transfer, reflective of the following vote: Ms. Cox, Mr. Felton, Dr. Haughey, and Mr. Lange voting to affirm; Mr. Burnett, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to reverse.

Re: **NEW BUSINESS**

Dr. Haughey moved and Mr. Felton seconded the following:

Resolved, That the Board of Education direct the Board's Research and Evaluation Subcommittee to develop a plan to conduct a comprehensive study of the efficacy of the present foreign language programs and the potential for alternative approaches to accomplish maximum benefit for students.

Re: **ITEMS OF INFORMATION**

The following items were available:

1. Legal Fees Report
2. Construction Progress Report
3. Minority-, Female-, or Disabled-owned Business Procurement Report for the Second Quarter of FY 2004

RESOLUTION NO. 111-04

Re: **ADJOURNMENT**

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

Resolved, That the Board of Education adjourn its meeting of February 10, 2004, at 5:30 p.m.

PRESIDENT

SECRETARY

JDW:gr

MONTGOMERY COUNTY BOARD OF EDUCATION SUMMARY SHEET

February 10, 2004

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