

APPROVED
7-2006

Rockville, Maryland
February 27, 2006

The Board of Education of Montgomery County met in regular session at the Carver Educational Services Center, Rockville, Maryland, on Monday, February 27, 2006, at 6:35 p.m.

Present: Dr. Charles Haughey, President
 in the Chair
 Mr. Steve Abrams
 Ms. Sharon W. Cox
 Ms. Valerie Ervin
 Mrs. Nancy Navarro
 Mrs. Patricia O'Neill
 Mr. Gabriel Romero
 Mr. Sebastian Johnson, Student Board Member
 Dr. Jerry Weast, Secretary/Treasurer

Absent: None

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

RESOLUTION NO. 82-06 Re: **CLOSED SESSION**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mrs. O'Neill, 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 February 27, 2006, in Room 120 from 6:00 to 6:30 p.m.; and be it further

Resolved, That the Board of Education of Montgomery County receive legal advice as permitted under Section 10-508(a)(7) of the *State Government Article*; and be it further

Resolved, That the Board of Education of Montgomery County dedicate part of the closed sessions on February 27, 2006, 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 the meeting continue in closed session until the completion of business.

RESOLUTION NO. 83-06

Re: **APPROVAL OF THE AGENDA**

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

Resolved, That the Board of Education approve its agenda for February 27, 2006.

RESOLUTION NO. 84-06

Re: **WOMEN'S HISTORY MONTH**

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

WHEREAS, In 1987, the United States Congress passed a resolution proclaiming the month of March as "National Women's History Month"; and

WHEREAS, The Maryland Women's History Project has selected the theme, *Women: Builders of Communities and Dreams*, to commemorate Women's History Month in 2006; and

WHEREAS, Maryland women have a rich heritage of accomplishments and contributions that has been an inspiration to their families, communities, and country; and

WHEREAS, Women have helped to shape our nation's history and inspired change; and

WHEREAS, The Board of Education takes pride in its efforts to create an awareness of the often unrecognized contributions of women; and

WHEREAS, The Board of Education and the superintendent of schools are committed to providing learning and working environments that encourage the pursuit of academic and career opportunities for women; now therefore be it

Resolved, That on behalf of the superintendent of schools, as well as the staff, students, and parents of the Montgomery County Public Schools, the members of the Board of Education hereby declare the month of March 2006 to be "Women's History Month"; and be it further

Resolved, That the Board of Education and the superintendent of schools recognize and honor our female students, staff, business community members, and community leaders who, by their hard work, vision, and achievements are creating a better tomorrow.

Re: **SISTERS IN SUCCESS/BROTHERHOOD OF SUPERSTARS (WATKINS MILL HIGH SCHOOL)**

Ms. Ervin introduced members of the Sisters for Success and the B.O.S.S. program at

Watkins Mill High School, which was started in 1990 by then counselor Ms. Audrey Hill. It was started when Ms. Hill realized and became concerned that there were no African American male teachers on the staff of Watkins Mill High School. The B.O.S.S. members are involved in different kinds of volunteer work, from fund raising to tutoring and mentoring, but most importantly they serve as role models for their peers and others. The program inducted 20 new members this year and had eight members return from last year. The organization inducted its first Hispanic member this year.

RESOLUTION NO. 85-06 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education support with amendments **HB 531 – Education – Contractors with Criminal Convictions – Prohibitions on Contracts**, which would require contractors performing work for Maryland public school systems to conduct background checks on employees and prohibit employees who have been convicted of specific crimes from working at schools when students are in the building during regular school hours in the school year.

RESOLUTION NO. 86-06 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education support **HB 569 □ Education – County Boards of Education -- Competitive Bidding**, which would increase the threshold dollar amount of a contract for which a county board of education must use competitive bidding.

RESOLUTION NO. 87-06 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education oppose **HB 590 – Primary and Secondary Education – Special Education Programs and Related Services for Children with Disabilities – Assessment and Operations**, which would require the Maryland State Department of Education to establish a process to evaluate and assess the effectiveness and management of special education programs and related services for students with disabilities in Maryland.

RESOLUTION NO. 88-06 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education support **HB 672 – Criminal Law – Criminal Gang Offenses – Abatement of Criminal Gang Activity as a Nuisance**, which would address the issue of organized gang activity occurring within the community, prescribe criminal sanctions for gang activity, and provide enhanced sanctions for specified criminal violations of the law.

RESOLUTION NO. 89-06 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education support **HB 705/SB 432 – Primary and Secondary Education – School Facilities – Aging Schools Program – Grant Calculation**, which would provide for an indexing of the Aging Schools Program funding based upon the percentage change in the consumer price index as published by the Bureau of Labor Statistics of the United States Department of Labor.

RESOLUTION NO. 90-06 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education oppose **HB 745 – Education – Student Discipline – Conferring in Face-to-Face Meeting**, which would prohibit a principal from allowing a student subject to specified disciplinary sanctions to return to school unless a face-to-face meeting is held.

RESOLUTION NO. 91-06 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education support with amendments **HB 887 – Education – Public School Construction – Plans and Specifications**, which would authorize a board of education to use, sell, or otherwise convey, subject to a fee limitation, original school construction or capital improvement plans and specifications to another board of education or government entity.

RESOLUTION NO. 92-06 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education oppose **HB 995 – Education – Protection for Victims – Duties of Local Superintendent**, which would authorize a local superintendent of education to transfer specified students under specified circumstances.

RESOLUTION NO. 93-06 Re: **ITEM OF LEGISLATION**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Ms. Ervin, the following resolution was adopted with Ms. Cox, Ms. Ervin, Dr. Haughey, Mr. Johnson, Mrs. Navarro, Mrs. O'Neill, and Mr. Romero voting in the affirmative; Mr. Abrams voting in the negative:

Resolved, That the Board of Education support **SB 109 – State Government – Forms Management – Extension of Implementation Date for School Data**, which is a departmental bill put forth by MSDE that would extend the date by which MSDE and local school systems must comply with state standards for data collection forms.

RESOLUTION NO. 94-06 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education oppose **SB 425 – Education – Public Schools – Annual Report of Average Faculty Salaries**, which would require county boards of education in Maryland to report annually to MSDE the average faculty salary for each public school and would require MSDE to adopt regulations.

RESOLUTION NO. 95-06 Re: **ITEM OF LEGISLATION**

On recommendation of the Superintendent and on motion of Ms. Ervin seconded by Mr. Romero, the following resolution was adopted with Ms. Ervin, Dr. Haughey, Mr. Johnson, Mrs. Navarro, Mrs. O'Neill, and Mr. Romero voting in the affirmative; Mr. Abrams abstaining; Ms. Cox opposing.

Resolved, That the Board of Education oppose **SB 465 – Commission to Study Pay-for-Performance Models of Teacher Compensation**, which would establish a commission to study pay-for-performance models of teacher compensation.

RESOLUTION NO. 96-06 Re: **ITEM OF LEGISLATION**

On recommendation of the Superintendent and on motion of Mrs. O'Neill seconded by

Mr. Romero, the following resolution was adopted unanimously:

Resolved, That the Board of Education strongly support **SB 647/HB 1140 – Criminal Law – Crime of Violence in or Near School – Penalties**, which would increase the penalties for offenders who are convicted of committing a crime of violence on or around school property.

RESOLUTION NO. 97-06 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education oppose **SB 756 – Education – Alcohol and Drug Testing for Pupils in Public or Private Schools**, which would authorize school officials to implement a policy that would require students in high school to submit to a drug or alcohol test based upon the standards of reasonable suspicion.

RESOLUTION NO. 98-06 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education oppose **HB 866 – Education – Full-Day Kindergarten and Pre-kindergarten Programs – Alternative Providers**, which would require local school systems to formally report the status of the state-mandated requirement to provide full-day kindergarten for all students and pre-kindergarten for at-risk children.

RESOLUTION NO. 99-06 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education take no position on **HB 942/SB 21 – Restrictions on Sex Offenders – Residential Proximity to and Entering School and Park Property**, which would prohibit a person who is required to register as a sex offender for a life term from residing in housing that is located within one mile of a public or nonpublic elementary or secondary school, or specified parks, or from entering public or nonpublic elementary or secondary school property.

RESOLUTION NO. 100-06 Re: **ITEM OF LEGISLATION**

On recommendation of the Superintendent and on motion of Mrs. O'Neill seconded by

Mrs. Navarro, the following resolution was adopted unanimously:

Resolved, That the Board of Education support **HB 1466 – Education – Task Force on Universal Preschool Education**, which would create a task force to examine issues related to expanding access to quality pre-kindergarten programs.

RESOLUTION NO. 101-06 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education oppose **SB 611 – Student Health and Fitness Act of 2006**, which would require that public school students in Kindergarten through Grade 5 be provided a specified minimum level of a program of physical education each week; require an increasing minimum level of a program of physical education over a period of four school years; require that the program of physical education be consistent with a student's Individualized Education Plan, if applicable; and require that students be regularly assessed for the attainment of specified objectives.

RESOLUTION NO. 102-06 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education support **SB 650/HB 1130 – Education – Funding Formula for Adult Education and Literacy Grants**, which would mandate state funding of adult education programs, including ESOL, Adult Basic Education, GED programs, and literacy projects.

Re: **PUBLIC COMMENTS**

The following people testified before the Board of Education:

	<u>Person</u>	<u>Topic</u>
1.	Gail Kaltman	Testing Coordinators Responsibilities
2.	Donna Pfeiffer	HB 531 – Rocky Hill M.S. Resolution
3.	Henrietta Brown	Students Extracurricular Activity Clubs
4.	Darnell Daisey	Hampshire Greens
5.	Michelle Turner	Diversity
6.	Cindy Boeke	College Gardens Renovation/Chinese Immersion
7.	Marney Jacobs	FAA-RA
8.	John Travers	Diversity

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|-----|----------------|---------------------------------------|
| 9. | Lois Hough | Testing Coordinators Responsibilities |
| 10. | Daniel Martins | Diversity |
| 11. | Ngozi Opara | Diversity |

Mrs. Navarro asked for the rationale regarding the boundaries for Hampshire Greens.

Re: **BOARD/SUPERINTENDENT COMMENTS**

Dr. Weast commented on the upcoming forums on Middle School Reform – March 23, March 29, and April 3, 2006. Furthermore, MCPS had received several grants dedicated to educating children.

Ms. Cox remarked that she attended the American Association of School Administrators reporting on Baldrige in Education. It was a great experience, and she thanked staff for all its hard work. MCPS received a lot of compliments on its continuous improvement efforts.

Mr. Johnson stated that he has been visiting schools, and there will be another episode of his television program. The nominating convention for student Board member will take place later in the week.

Dr. Haughey represented the Board at Project Change at Belmont Elementary School, where students are working on an anti-bullying program. This program includes video public services announcements that were worked on by the elementary school students, polished by the middle school students, and produced by high school students. Also, the Muslim Community Center hosted a forum on educational change.

RESOLUTION NO. 103-06 Re: **FY 2006 SPECIAL APPROPRIATION
REQUEST—RELOCATABLE CLASSROOMS**

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

WHEREAS, The Board of Education's Requested FY 2007–2012 Capital Improvements Program (CIP) request includes \$3 million in the FY 2007 Capital Budget for relocatable classrooms to accommodate student population changes for the 2006–2007 school year; and

WHEREAS, These funds are programmed to be expended during summer 2006 but will not be available until the County Council takes final action on the Board of Education's CIP request in May 2006; and

WHEREAS, The contracts for the relocation and installation work for the FY 2007 relocatable classroom moves must be executed prior to April 1, 2006, in order to have the units ready for the start of school; and

WHEREAS, The appropriation authority to expend the funds programmed for FY 2007 must be approved by the County Council before the Board of Education can enter into contracts; now therefore be it

Resolved, That an amendment to the Board of Education's Requested FY 2007 Capital Budget and FY 2007–2012 Capital Improvements Program be requested for an FY 2006 Special Appropriation in the amount of \$3 million to contract for the relocatable classroom moves that are proposed for summer 2006 to address school enrollment changes for the 2006-2007 school year; and be it further

Resolved, That this request be forwarded to the county executive and the County Council for action.

RESOLUTION NO. 104-06 Re: **ACCEPTANCE OF JOHN T. BAKER MIDDLE SCHOOL ADDITION**

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

WHEREAS, The John T. Baker Middle School addition project was inspected on February 1, 2006; now therefore be it

Resolved, That the Board of Education accept the John T. Baker Middle School addition project and that the official date of completion is that date when formal notice is received from the architect that this project has been completed in accordance with the plans and specifications, and all contract requirements have been met.

RESOLUTION NO. 105-06 Re: **ROSCOE R. NIX ELEMENTARY SCHOOL—GRANT OF RIGHT-OF-WAY**

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

WHEREAS, The Washington Suburban Sanitary Commission has requested a grant of right-of-way at Roscoe R. Nix Elementary School, located at 1100 Corliss Street in Silver Spring; and

WHEREAS, The proposed grant of right-of-way, consisting of 4,918 square feet, is needed for the installation of a water main and appurtenances to replace a line that is to be abandoned as a part of the construction of the school; and

WHEREAS, All construction and liability for damages or injury will be undertaken by Montgomery County Public Schools as a part of the school construction; and

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

Resolved, That the president and secretary of the Board of Education be authorized to execute a grant of right-of-way of 4,918 square feet to the Washington Suburban Sanitary Commission at Roscoe R. Nix Elementary School.

RESOLUTION NO. 106-06 Re: **CLARKSBURG HIGH SCHOOL—RIGHT-OF-WAY
EASEMENT**

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

WHEREAS, Verizon, Maryland, Inc., has requested a right-of-way for relocation of wires associated with the construction of Clarksburg High School located at 22500 Wims Road in Clarksburg; and

WHEREAS, The proposed grant of right-of-way includes access to install, maintain, and replace overhead wires on existing Allegheny Power poles that are situated in an area described in a Right-of-Way Agreement granted by the Board of Education to Allegheny Power on September 4, 1992, and recorded in the Land Records of Montgomery County at 10627, folio 516; and

WHEREAS, As a condition of the right-of-way grant, Verizon, Maryland, Inc., is to obtain a written authorization from Allegheny Power and shall provide a copy of the authorization to Montgomery County Public Schools; and

WHEREAS, This grant of right-of-way will benefit the school and surrounding community by providing the telephone facilities to support the school and will not affect any land that could be used for school programming and recreational activities; and

WHEREAS, All construction and restoration is to be carried out as a part of the capital project at the school; now therefore be it

Resolved, That the president and secretary of the Board of Education be authorized to execute a Right-of-Way Easement with Verizon, Maryland, Inc., for right-of-way access to install, maintain, and replace overhead wires on existing Allegheny Power poles that are situated in an area described in a Right-of-Way Agreement granted by the Board of Education to Allegheny Power on the Clarksburg High School site.

RESOLUTION NO. 107-06 Re: **COMMERCIAL LEASE FOR ADMINISTRATIVE
OFFICE SPACE**

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

WHEREAS, The Developmental Evaluation Services for Children (DESC), Preschool Education Program (PEP), reading resource teachers, and itinerant teachers have been housed at the North Lake Center for the past two years; and

WHEREAS, The North Lake Center will not be available for administrative use starting with the 2006–2007 school year; and

WHEREAS, The lease expires on July 1, 2006, for the commercial space on Muddy Branch Road that currently houses the Division of Construction; and

WHEREAS, The Montgomery County Public Schools-owned space is not available to house the DESC/PEP staff, the reading resource/itinerant teachers, and Division of Construction staff; and

WHEREAS, The Department of Facilities Management solicited proposals for commercial office space for DESC/PEP staff, the reading resource/itinerant teachers, and Division of Construction staff; and

WHEREAS, As a result of the space solicitation, staff has negotiated a below-market lease agreement to consolidate the Department of Facilities Management, which is currently located at Metro Park North, along with the Division of Construction, in commercial office space at 2096 Gaither Road, Rockville, Maryland; and

WHEREAS, The consolidation will create sufficient space at Metro Park North to house the DESC/PEP and the reading resource/itinerant teachers; and

WHEREAS, This space arrangement organizes the Department of Facilities Management functions at a single location and provides the DESC/PEP and reading resource/itinerant teachers with a central location for their service area; and

WHEREAS, Funds have been budgeted in the FY 2007 Operating Budget to continue the commercial office leases for Metro Park North and to provide space for the Division of Construction; and

WHEREAS, Revenue generated from the Real Estate Management fund is available to offset the additional leasing cost for the DESC/PEP and reading resource/itinerant teachers; now therefore be it

Resolved, That the Board of Education approve a lease agreement with TA Western, LLC, for 25,875 square feet of space at 2096 Gaither Road, Rockville, Maryland, for \$21.50 per square foot, which includes all tenant improvements, with 3-percent annual increases for

administrative space that is not available at Montgomery County Public Schools-owned facilities.

RESOLUTION NO. 108-06 Re: **FY 2006 SPECIAL APPROPRIATION
REQUEST—RELOCATABLE CLASSROOMS FOR
THE ACCELERATION OF THE FULL-DAY
KINDERGARTEN INITIATIVE**

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

WHEREAS, The Board of Education's Requested FY 2007–2012 Capital Improvements Program (CIP) request includes \$3 million in the FY 2007 budget for relocatable classrooms to accommodate student population changes and program needs for the 2006–2007 school year; and

WHEREAS, The Board of Education, on February 14, 2006, adopted the FY 2007 Operating Budget, which included additional operating funds to accelerate the expansion of full-day kindergarten to the final 13 schools that were slated to receive full-day kindergarten in the 2007–2008 school year; and

WHEREAS, Additional relocatable classrooms to accommodate the acceleration of the full-day kindergarten program for the final 13 schools will now be needed for the 2006–2007 school year; and

WHEREAS, The contracts for the relocation and installation work for the FY 2007 relocatable classroom moves must be executed prior to April 1, 2006, in order to have the units ready for the start of school; now therefore be it

Resolved, That an FY 2006 Special Appropriation in the amount of \$975,000 be requested for additional relocatable classrooms to be placed in the summer of 2006 to accelerate the full-day kindergarten program and complete the roll-out of this initiative by the 2006–2007 school year; and be it further

Resolved, That this request be forwarded to the county executive and the County Council for action.

RESOLUTION NO. 109-06 Re: **UTILIZATION OF THE FY 2006 PROVISION FOR
FUTURE SUPPORT PROJECT**

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

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. 15-631, approved May 27, 2005; and

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

WHEREAS, Sufficient appropriation is available, within the FY 2006 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 2006 Provision for Future Supported Projects, as specified below:

<u>Project</u>	<u>Positions</u>	<u>Amount</u>
American Indian Education Program		\$ 1,737
Head Start Extended-Year Program		124,000
Howard Hughes Medical Institute— Science Education Project	1.5	651,000
Middle School SCALE-uP Project	<u>2.0</u>	<u>418,652</u>
Total	<u>3.5</u>	<u>\$ 1,195,389</u>

Positions

2.0 Fiscal assistant
1.0 Project specialist
0.5 Secretary

and be it further

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

Re: **TENTATIVE ACTION ON POLICY BNB – BOARD
STAFF MANAGEMENT AND OPERATIONS**

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

WHEREAS, Policy BNB, *Board Staff Management and Operations*, sets out the framework for the management and operations, including but not limited to, hiring, evaluation, and professional development of Board staff; and

WHEREAS, The draft revision of Policy BNB, *Board Staff Management and Operations*, addresses Board staff providing assistance to Board members as well as citizens; and

WHEREAS, The Board of Education Policy Committee has considered and recommended revisions to Policy BNB, *Board Staff Management and Operations*; and

WHEREAS, Upon adoption of revisions to Policy BNB, *Board Staff Management and Operations*, it is recommended that Policy BNA, *Ombudsman to the Board of Education*, be rescinded; and

WHEREAS, The Board of Education has received the Policy Committee's recommendation; now therefore be it

Resolved, That the Board of Education take tentative action on Policy BNB, *Board Staff Management and Operations*; and be it further

Resolved, That Policy BNB, *Board Staff Management and Operations*, be sent out for public comment.

Board Staff Management and Operations

A. PURPOSE

To establish guidelines for outlining the duties of the staff to the Board of Education and delineating the management and operations, including, but not limited to, hiring, evaluation, and professional development of Board staff

B. ISSUE

The Board needs both the advice of the superintendent and the support of his/her and Board staff to fulfill its general responsibilities; the powers and mandatory duties of the Board of Education are defined in the *Education Article of the Annotated Code of Maryland* and the *Code of Maryland Regulations*, 13A., State Board of Education.

Further, while formal appeal procedures exist that protect the due process rights of all stakeholders, there are times when it is appropriate to initiate and address less formal inquiries. Therefore, services must be available to ensure that problems between citizens and the school system are handled as expeditiously and efficiently as possible.

C. POSITION

1. The Board office will provide assistance and support to the Board of Education in the fulfillment of its responsibilities by facilitating coordination

with the superintendent, providing administrative and logistical support, and supporting the Board's fulfillment of its statutory duties.

2. The Board office shall have the responsibility to advise the Board and the superintendent immediately when staff detects the existence of an issue which warrants the prompt attention of the Board of Education and the superintendent.
3. The Board office, in coordination with the superintendent and his/her staff, will provide assistance and support on the following issues:
 - a) Intergovernmental relations
 - b) Support for Board committees
 - c) Research, analysis, and information
 - d) Communications, including committee and individual Board memos, external correspondence, outreach and engagement (constituents and stakeholders), notifications, translations/language access, and system publications, Web information, etc.
 - e) Stakeholder inquiries
 - f) Logistical and administrative functions, such as agendas, scheduling, ethics panel, financial disclosure, Board member orientation, travel expenses, appeals, use of technology, Board minutes and records, and managing and tracking staff workload
 - g) Ombudsman function (Problem solving)
 - (1) The principal ombudsman functions are:
 - (a) Assisting any stakeholders in bringing their problems, complaints, information, or suggestions to the attention of the school system official at the most appropriate administrative level.
 - (b) Periodically reviewing, with the Board and the superintendent, all cases for inferences and suggestions with respect to opportunities for policy and administration improvements.

- (2) In order for ombudsman functions to be performed, it is essential that information furnished in confidence remain confidential.
- (3) The ombudsman shall receive the cooperation of all employees of the system in the performance of these duties.
- (4) Board staff shall not undertake any duties or assignments which contravene the authority of the superintendent, as specified in *The Annotated Code of Maryland Education*, or any other laws, bylaws, rules or policies of the State Board of Education; he/she shall not interfere with contractual grievance procedures but shall provide services in accordance with rights of staff members as specified in the Negotiated Agreements; and he/she shall not, while acting in the capacity of Board staff, violate any of the constitutional rights of complainants or of the persons against whom complaints have been brought.

4. Reporting and Assignments

- a) Board staff shall report regularly on the work of the Board office, including issues such as committee updates, ombudsman work, and public interest matters. In addition, the Board office will present an annual report that will provide a comprehensive summary and analysis of the work of the Board office. The summary report will carefully preserve appropriate confidentiality.
- b) The Board of Education will develop an organization structure and staffing plan for the Board office that details the duties and responsibilities of each staff member. This staffing plan will include guidance on issues such as administrative and logistical support.

D. DESIRED OUTCOME

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

E. IMPLEMENTATION STRATEGIES

1. The Board will establish a Board office structure and staffing plan with a clear delineation of lines of authority and accountability for each position's responsibilities.

2. Job descriptions for staff to the Board of Education shall be established by the Board, with the assistance of the superintendent.
3. The Board will establish and maintain, with the assistance of the superintendent, a Professional Growth System for executive and support staff in the Board office.
4. The Board will establish a schedule for reporting/tracking items identified in the regularly scheduled and annual reports from the Board office.
5. In lieu of regulations, the Board will establish guidelines for implementing this policy by resolution adopted by the Board of Education.
6. The Board will establish a process for hiring Board staff in accordance with the Annotated Code of Maryland.

F. REVIEW AND REPORTING

This policy will be reviewed in accordance with Policy BFA: *Polycysetting*.

RESOLUTION NO. 110-06 Re: **AN AMENDMENT TO POLICY BNB – BOARD STAFF MANAGEMENT AND OPERATIONS**

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

Resolved, That the Board of Education add a new 2. under C. to read:

The Board office will provide assistance and support to the Board in fulfillment of its quasi-judicial responsibilities under the *Education Article of the Annotated Code of Maryland* in consultation with counsel to the Board.

**Ms. Ervin and Mrs. Navarro temporarily left the meeting.

RESOLUTION NO. 111-06 Re: **AN AMENDMENT TO POLICY BNB – BOARD STAFF MANAGEMENT AND OPERATIONS**

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

Resolved, That the Board of Education add a new 3. under C. to read:

The Board office will provide assistance and support to the Board in the selection of a superintendent.

RESOLUTION NO. 112-06 Re: **AN AMENDMENT TO POLICY BNB – BOARD STAFF MANAGEMENT AND OPERATIONS**

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

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

The Board office will provide assistance and support to the Board of Education in the fulfillment of its responsibilities by ~~facilitating coordination with the superintendent~~, providing administrative and logistical support, and supporting the Board's fulfillment of its statutory duties, **and facilitating coordination with the superintendent.**

** Mr. Johnson left the meeting.

RESOLUTION NO. 113-06 Re: **TENTATIVE ACTION ON POLICY BNB – BOARD STAFF MANAGEMENT AND OPERATIONS**

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

WHEREAS, Policy BNB, *Board Staff Management and Operations*, sets out the framework for the management and operations, including but not limited to, hiring, evaluation, and professional development of Board staff; and

WHEREAS, The draft revision of Policy BNB, *Board Staff Management and Operations*, addresses Board staff providing assistance to Board members as well as citizens; and

WHEREAS, The Board of Education Policy Committee has considered and recommended revisions to Policy BNB, *Board Staff Management and Operations*; and

WHEREAS, Upon adoption of revisions to Policy BNB, *Board Staff Management and Operations*, it is recommended that Policy BNA, *Ombudsman to the Board of Education*, be rescinded; and

WHEREAS, The Board of Education has received the Policy Committee's recommendation; now therefore be it

Resolved, That the Board of Education take tentative action on Policy BNB, *Board Staff Management and Operations*; and be it further

Resolved, That Policy BNB, *Board Staff Management and Operations*, be sent out for public comment.

Board Staff Management and Operations

A. PURPOSE

To establish guidelines for outlining the duties of the staff to the Board of Education and delineating the management and operations, including, but not limited to, hiring, evaluation, and professional development of Board staff

B. ISSUE

The Board needs both the advice of the superintendent and the support of his/her and Board staff to fulfill its general responsibilities; the powers and mandatory duties of the Board of Education are defined in the *Education Article of the Annotated Code of Maryland* and the *Code of Maryland Regulations*, 13A., State Board of Education.

Further, while formal appeal procedures exist that protect the due process rights of all stakeholders, there are times when it is appropriate to initiate and address less formal inquiries. Therefore, services must be available to ensure that problems between citizens and the school system are handled as expeditiously and efficiently as possible.

C. POSITION

1. The Board office will provide assistance and support to the Board of Education in the fulfillment of its responsibilities by providing administrative and logistical support, and supporting the Board's fulfillment of its statutory duties, and facilitating coordination with the superintendent.
2. The Board office will provide assistance and support to the Board in fulfillment of its quasi-judicial responsibilities under the *Education Article of the Annotated Code of Maryland* in consultation with counsel to the Board.
3. The Board office will provide assistance and support to the Board in the selection of a superintendent.
4. The Board office shall have the responsibility to advise the Board and the superintendent immediately when staff detects the existence of an issue which warrants the prompt attention of the Board of Education and the superintendent.

5. The Board office, in coordination with the superintendent and his/her staff, will provide assistance and support on the following issues:
 - a) Intergovernmental relations
 - b) Support for Board committees
 - c) Research, analysis, and information
 - d) Communications, including committee and individual Board memos, external correspondence, outreach and engagement (constituents and stakeholders), notifications, translations/language access, and system publications, Web information, etc.
 - e) Stakeholder inquiries
 - f) Logistical and administrative functions, such as agendas, scheduling, ethics panel, financial disclosure, Board member orientation, travel expenses, appeals, use of technology, Board minutes and records, and managing and tracking staff workload
 - g) Ombudsman function (Problem solving)
 - (1) The principal ombudsman functions are:
 - (a) Assisting any stakeholders in bringing their problems, complaints, information, or suggestions to the attention of the school system official at the most appropriate administrative level.
 - (b) Periodically reviewing, with the Board and the superintendent, all cases for inferences and suggestions with respect to opportunities for policy and administration improvements.
 - (2) In order for ombudsman functions to be performed, it is essential that information furnished in confidence remain confidential.
 - (3) The ombudsman shall receive the cooperation of all employees of the system in the performance of these duties.
 - (4) Board staff shall not undertake any duties or assignments which contravene the authority of the superintendent, as specified in *The Annotated Code of Maryland Education*, or

any other laws, bylaws, rules or policies of the State Board of Education; he/she shall not interfere with contractual grievance procedures but shall provide services in accordance with rights of staff members as specified in the Negotiated Agreements; and he/she shall not, while acting in the capacity of Board staff, violate any of the constitutional rights of complainants or of the persons against whom complaints have been brought.

6. Reporting and Assignments

- a) Board staff shall report regularly on the work of the Board office, including issues such as committee updates, ombudsman work, and public interest matters. In addition, the Board office will present an annual report that will provide a comprehensive summary and analysis of the work of the Board office. The summary report will carefully preserve appropriate confidentiality.
- b) The Board of Education will develop an organization structure and staffing plan for the Board office that details the duties and responsibilities of each staff member. This staffing plan will include guidance on issues such as administrative and logistical support.

D. DESIRED OUTCOME

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

E. IMPLEMENTATION STRATEGIES

1. The Board will establish a Board office structure and staffing plan with a clear delineation of lines of authority and accountability for each position's responsibilities.
2. Job descriptions for staff to the Board of Education shall be established by the Board, with the assistance of the superintendent.
3. The Board will establish and maintain, with the assistance of the superintendent, a Professional Growth System for executive and support staff in the Board office.
4. The Board will establish a schedule for reporting/tracking items identified in the regularly scheduled and annual reports from the Board office.

5. In lieu of regulations, the Board will establish guidelines for implementing this policy by resolution adopted by the Board of Education.
6. The Board will establish a process for hiring Board staff in accordance with the Annotated Code of Maryland.

F. REVIEW AND REPORTING

This policy will be reviewed in accordance with Policy BFA: *Policysetting*.

** Ms. Ervin and Mrs. Navarro rejoined the meeting.

Re: **ADMINISTRATIVE REGULATION FAA-RA – LONG-RANGE EDUCATIONAL FACILITIES PLANNING**

Dr. Weast invited the following people to the table: Mr. Bruce Crispell, director, Division of Long-range Planning; Ms. Stephanie Williams, coordinator, Policies and Records Unit; and Mr. Joseph Lavorgna, former director, Department of Planning and Capital Programming.

On May 23, 2005, the Board of Education adopted revisions to its *Long-range Educational Facilities Planning Policy* (FAA) and acted to have an interim regulation developed supporting the continuation of the facilities planning process identified in Policy FAA by recodifying the procedures of the superseded policy to serve as an interim regulation. In addition, the Board acted to establish a broad-based representative stakeholder work group to review the supporting regulation for Policy FAA.

On June 1, 2005, an interim regulation FAA-RA was published as part of the FY 2006 Educational Facilities Master Plan, and the Long-range Educational Facilities Planning Regulation Work Group was convened in October 2005 to review the interim regulation. The review of this regulation is somewhat unusual in the depth and breadth of the community's involvement in the review process.

The work group met regularly until mid-January 2006, when it issued its report to Dr. Weast. As part of the work group process, two public information meetings were held—one to discuss the work group process and the second to discuss the revisions proposed by it. The work group reviewed the interim regulation in its entirety and compared the interim regulation to the old and revised FAA policies to identify gaps and overlaps in procedures not covered by the interim regulation. The report of the work group was forwarded to Board members on January 30, 2006. The work group proposals were discussed at the February 8, 2006, Policy Committee meeting.

After reviewing the revisions proposed by the work group, a large majority of the revisions were incorporated into the draft regulation attached for the Board's discussion. There are, however, a few changes to the work group proposals and to other sections that are

necessary to effectively implement Policy FAA. Two issues are important to address at this time: the Preferred Range of Enrollment and the policy requirement for annual review of school site size, school capacity ranges, and school capacity calculations.

In its review and proposed revisions, the work group clearly indicated its preference for capping the upper limit of the preferred range of enrollment for schools at levels closer to the upper limits identified in the old Policy FAA.

Issue: Preferred Range of Enrollment

Work group proposed revision—Would set the preferred range on enrollment for new and modernized schools and for additions to schools at each level as follows:

Elementary schools: 300-620 (not including special education programs)

Middle schools: 600-1125 (not including special education programs)

High schools: 1000-1800 (not including special education programs)

Superintendent's Draft

Elementary schools: 300-750 (all students)

Middle schools: 600-1200 (all students)

High schools: 1000-2000 (all students)

Rationale: Given constraints of land availability and cost per student for operating smaller facilities, the upper limits proposed by the work group would be contradictory to current MCPS practice. Of its 193 schools and centers, MCPS has 18 of 125 elementary schools that have an enrollment of more than 620 students, three of 38 middle schools that have an enrollment of more than 1125 students, and 15 of 25 high schools that have an enrollment of more than 1800 students. Eight high schools are operating with more than 2000 students.

Lowering the upper limits for school capacities may create an expectation for building smaller schools and may limit flexibility for building schools or additions for larger capacities when conditions warrant building them. Both the Montgomery County Council of Parent Teacher Associations (MCCPTA) and Montgomery County Civic Federation (MCCF) supported the reduction of the upper limits for the preferred range of enrollment in their position papers. On this point, MCCPTA asked in its position paper that MCPS complete research on school size as it relates to success for students to have data on optimum school size for consideration in future FAA/FAA-RA revisions. A number of studies on optimum school size have been conducted over the last decade with no clear conclusions. Many other variables contribute to the effectiveness of schools besides the size of the school. Dr. Weast does not believe it would be an effective use of MCPS resources to conduct a study at this time.

Issue: The position papers from both MCCPTA and MCCF propose that sections with specific references for site sizes and the preferred ranges of enrollment be returned to Policy FAA.

Work group proposed revisions—In their position papers, both MCCPTA and MCCF indicated that sections of Regulation FAA-RA on Preferred School Site Size and Preferred Range of Enrollment, should be included in both Policy FAA and Regulation FAA-RA.

Superintendent's Draft

The work group did not propose revisions for the Preferred School Site Size section of the regulation, nor was it changed in the superintendent's draft version of FAA-RA. Changes to the Preferred Range of Enrollment in the superintendent's draft regulation are discussed in Issue 1 above.

Rationale: While specific figures are not detailed in Policy FAA, the policy calls for the annual review and approval by the Board of Education of both school site size and ranges of enrollment figures when it adopts its requested CIP. Incorporating the specific figures in Policy FAA would eliminate the flexibility to change these guidelines without a complete policy review process. The current policy requirement to have the guidelines reviewed as part of the CIP approval process provides flexibility and incorporates a clearly defined public involvement process in the decision to keep or revise the guidelines.

At the Policy Committee review of the proposed revisions to regulation FAA-RA, the question was raised about the need to have the preferred site size and preferred range of enrollment included in the regulation at all. An argument can be made to eliminate the reference to both guidelines in the regulation because of their adoption as part of the process for approving or amending the biennial CIP. The superintendent's draft retains the references to both guidelines for the sake of clarity to those who may inquire about them.

Re: **DISCUSSION**

Ms. Cox asked that staff should indicate that the enrollment and site size language be predicated by a statement that "unless otherwise specified by Board action."

Dr. Haughey was concerned about "quad clusters." He thought it was a mistake to always find four combined clusters. Dr. Weast thought the shift will take place at the appropriate time.

Mrs. Navarro noted the site selection, and she wanted to know if there was participation from civic associations. Mr. Lavorgna explained that the workgroup discussed homeowners and civic associations. The problem was that site committees look at private property, and identifying which would be the appropriate associations.

Mrs. Navarro wanted to know about portable classroom utilization, and how the programs were identified by name. Mr. Lavorgna replied that the work group was concerned about usage and listed those programs that currently use portables.

Mrs. O'Neill spoke about the preferred range of enrollment, since the PTA community desired the smaller range of enrollment. Those enrollment numbers are in the Capital Improvement Program and are voted on by the Board.

Ms. Ervin was concerned about population in the schools and said that having a diverse student body is an identified goal. She pointed out that the Northeast Consortium and the composition of students is not in accord with the Quality Integrated Education policy. Furthermore, the section on geography goes directly to the concerns of the Hampshire Greens residents of having children bused out of their neighborhood. She thought the Board should be courageous enough to deal with assignment islands using the policy and regulation.

Mr. Abrams pointed out that race cannot be used in assigning students since the Eisenberg Case. He thought the reliance on socioeconomics is the standard. He suggested that the list be rearranged in order of priority. Mr. Lavorgna stated that school boundaries are decided on four factors with equal weight: utilization, population, geography, and stability.

Re: **AMENDMENTS TO THE CAPITAL IMPROVEMENT PROGRAM**

Dr. Weast invited the following people to the table: Mr. Bruce Crispell, director, and Ms. Deborah Szyfer, senior planner, Division of Long-range Planning.

Dr. Weast provided an update on the implementation of the Poolesville High School magnet program and my recommendations for addressing school capacity issues at four elementary schools in the lower Silver Spring area. In the case of Poolesville High School, it is necessary to conduct an assessment of facility requirements for the phase-in of the magnet. This assessment will be conducted in the coming months and may result in amendments to the FY 2007–2012 Capital Improvements Program (CIP) in the Fall of 2006. In the case of the four elementary schools, Dr. Weast's recommendation addresses capacity shortfalls at two elementary schools, Sligo Creek and Takoma Park, and responds to the desire of the East Silver Spring Elementary School community to reorganize the school to Pre-K through Grade 5, from the current Pre-K through Grade 2, so that it is a community school for all elementary students.

The Superintendent's Recommended FY 2007–2012 CIP indicated that consideration was being given to locating a magnet at Poolesville High School to serve upcounty students and providing a continuation of the magnet at Roberto Clemente Middle School. On February 14, 2006, the Board of Education adopted the FY 2007 Operating Budget, including funding for the Poolesville High School magnet.

In adopting the FY 2007–2012 CIP, the Board of Education authorized MCPS staff to conduct a roundtable discussion process to explore facility issues at East Silver Spring, Piney Branch, Sligo Creek, and Takoma Park elementary schools in the winter of 2005–2006. This process was completed in mid-February, and the committee report was forwarded to the Board of Education on February 17, 2006.

The following is an update on the Poolesville High School magnet and the schedule for review of Dr. Weast's facility recommendations for East Silver Spring, Piney Branch, Sligo Creek, and Takoma Park elementary schools.

Poolesville High School Magnet

In August 2006, the new magnet at Poolesville High School will open for Grade 9 students. Staff is projecting that 75 ninth-grade students will be admitted to the program. While there is some capacity available at Poolesville High School, four relocatable classrooms will be placed at the school for the 2006–2007 school year to ensure adequate space is available to accommodate enrollment levels and programs.

In the coming months, staff in the Department of Facilities Management, the Office of Curriculum and Instructional Programs, and Poolesville High School will identify facility needs associated with the magnet and space utilization. It is already evident that science labs, in particular, will need to be upgraded to support the full phase-in of the program. Based on the outcomes of this study, amendments to the FY 2007–2012 CIP may be needed in Fall 2006.

East Silver Spring, Piney Branch, Sligo Creek, and Takoma Park Elementary Schools

The roundtable discussion process used to explore facility issues at East Silver Spring, Piney Branch, Sligo Creek, and Takoma Park elementary schools was successful. A great deal of consensus was developed around one approach, known as Approach 3. Dr. Weast's recommendation supports this approach. The following schedule leads up to Board of Education action:

- February 27, 2006 – Board of Education work session
- March 8, 2006 – Board of Education public hearing (tentative date)
- March 27, 2006 – Board of Education action

Re: **DISCUSSION**

Dr. Haughey stated that a Board member could offer an alternative which would be voted on by the Board to place it before the community with a subsequent hearing.

Mr. Romero wanted to know if East Silver Spring was limited to an addition. Ms. Szyfer stated that the discussion would include the addition and an examination of the timing of the reorganization.

Ms. Ervin asked about the size of the playground space at Sligo Creek. Ms. Szyfer stated that when the portables are moved and additions are built, the playground will be regained for Sligo Creek.

** Mr. Johnson rejoined the meeting.

RESOLUTION NO. 114-06 Re: **CLOSED SESSION RESOLUTION**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mr. Abrams, 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 closed sessions on Tuesday, March 14, 2006, in Room 120 of the Carver Educational Services Center to meet from 9:00 to 10:00 a.m. and 12:00 to 2:00 p.m. to discuss personnel matters, as permitted under Section 10-508(a)(1) of the *State Government Article*; consult with counsel to obtain legal advice, as permitted by Section 10-508(a)(7) of the *State Government Article*; review and adjudicate appeals in its quasi-judicial capacity; and 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. 115-06 Re: **REPORT OF CLOSED SESSION**

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

On February 14, 2006, by unanimous vote of members present, the Board of Education voted to conduct a closed session as permitted under the *Education Article* § 4-107 and *State Government Article* § 10-501, *et seq.*, of the *Annotated Code of Maryland*.

The Montgomery County Board of Education met in closed session on February 14, 2006, from 9:10 to 10:15 a.m. and 1:10 to 2:00 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and

1. Reviewed and considered the following appeals with a subsequent vote in open session in its quasi-judicial capacity outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*): 2005-19, 2005-49, 2005-52, and 2005-54.
2. Reviewed and considered 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*): T-2005-54, 2005-28, 2005-55, 2006-1, 2006-2, 2006-3, and 2006-6.
3. Discussed the Human Resources Monthly Report and Appointments with a subsequent vote in open session, as permitted under Section 10-508(a)(1) of the *State Government Article*.
4. 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*.
5. Discussed 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*.
6. Received legal advice as permitted under Section 10-508(a)(7) of the *State Government Article*.
7. 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: Steve Abrams, Aggie Alvez, Larry Bowers, Patrick Clancy, Sharon Cox, Brian Edwards, Valerie Ervin, Charles Haughey, Richard Hawes, Roland Ikheloa, Sebastian Johnson, LaVerne Kimball, Don Kopp, Don Kress, Frieda Lacey, Jody Leleck, George Margolies, Susan Marks, Kevin Maxwell, Nancy Navarro, Pat O'Neill, Brian Porter, John Q. Porter, Lori Rogovin, Gabe Romero, Glenda Rose, Frank Stetson, and Matt Tronzano.

RESOLUTION NO. 116-06 Re: **APPEALS**

WHEREAS, The Board of Education has met in closed session and deliberated on appeals brought before its members acting in its quasi-judicial capacity under Section 10-503(a) of the *State Government Article*; now therefore be it

Resolved, That the Board of Education hereby decide the following appeals, reflective of the Board members' votes in closed session, the disposition of each which shall be recorded separately in the minutes of this meeting:

1. Decision and Order in Appeal 2005-28, teacher dismissal, reflective of the following vote: Mr. Abrams, Ms. Ervin, Dr. Haughey, Mr. Johnson, Mrs. Navarro, and Mr. Romero voting to accept resignation; Ms. Cox and Mrs. O'Neill voting to affirm.

2. Decision and Order in Appeal 2005-55, student expulsion, reflective of the following vote: Mr. Abrams, Ms. Cox, Ms. Ervin, Dr. Haughey, Mr. Johnson, Mrs. Navarro, Mrs. O'Neill, and Mr. Romero voting to affirm.
3. Decision and Order in Appeal 2006-1, complaint from the public, reflective of the following vote: Mr. Abrams, Ms. Cox, Ms. Ervin, Dr. Haughey, Mr. Johnson, Mrs. Navarro, and Mr. Romero voting to affirm; Mrs. O'Neill did not participate in the adjudication of this case.
4. Decision and Order in Appeal 2005-2, complaint from the public, reflective of the following vote: Mr. Abrams, Ms. Cox, Ms. Ervin, Dr. Haughey, Mr. Johnson, Mrs. Navarro, Mrs. O'Neill, and Mr. Romero voting to affirm.
5. Decision and Order in Appeal 2006-3, student expulsion, reflective of the following vote: Mr. Abrams, Ms. Cox, Ms. Ervin, Dr. Haughey, Mr. Johnson, Mrs. Navarro, Mrs. O'Neill, and Mr. Romero voting to affirm.
6. Decision and Order in Appeal 2006-7, teacher dismissal, reflective of the following vote: Mr. Abrams, Ms. Cox, Ms. Ervin, Dr. Haughey, Mr. Johnson, Mrs. Navarro, Mrs. O'Neill, and Mr. Romero voting to affirm.

Re: **COMMITTEE QUORUM**

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

WHEREAS, From year to year, the Student Member of the Board has been appointed by resolution of the Board of Education to serve as a member of standing committees of the Board; and

WHEREAS, The committees meet on occasion during the school day, or in the evening when school assignments must be completed, making the Student Member's attendance problematic; and

WHEREAS, As a result, it is sometimes difficult to attain a quorum of the committee to conduct business; now therefore be it

Resolved, That, for purposes of conducting the business of *ad hoc* and standing committees of the Board, a quorum shall consist of the majority of its members, not counting the Student Member.

Re: **DISCUSSION**

Mr. Johnson was concerned that this resolution makes a distinction between student Board members and adult Board members. The student's hardship to make a meeting should not be treated differently than that of an adult.

Mrs. O'Neill stated that she valued the students' participation in all meetings. In the historic perspective, students were not part of committees. One student asked to be part of the policy committee, and now students are members of committees. The committees meet at the convenience of its members, but there are a number of staff members who must attend the meetings. If there is not a quorum, it is difficult for committees to do their work.

Mrs. Navarro stated that she endorsed student participation, and she did not support this resolution.

Ms. Ervin remarked that she would be very disappointed, as would students, if the Board takes away the student's ability to serve on a committee. Working adult Board members cannot make meetings at times. It is sending the wrong signal to students that the Board is not taking them seriously.

Mr. Romero commented that typically there are three adult Board members per committee. When the student joins a committee, he/she is the fourth member. In that light, he proposed that two members make a quorum on a committee.

Mrs. O'Neill stated that the Board has welcomed student input at the Board and committee meetings. However, there is work to be done, and it is hard to get a quorum of committees even though the meetings are scheduled at the convenience of the members.

Re: AN AMENDMENT TO THE COMMITTEE QUORUM

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

~~WHEREAS, From year to year, the Student Member of the Board has been appointed by resolution of the Board of Education to serve as a member of standing committees of the Board; and~~

~~WHEREAS, The committees meet on occasion during the school day, or in the evening when school assignments must be completed, making the Student Member's attendance problematic; and~~

~~WHEREAS, As a result, it is sometimes difficult to attain a quorum of the committee to conduct business; now therefore be it~~

Resolved, That, for purposes of conducting the business of *ad hoc* and standing committees of the Board, a quorum shall consist of ~~the majority of its Members, not counting the Student Member~~. two of its members.

Re: **DISCUSSION**

Mr. Romero thought the amendment speaks to the issue and respects for all Board members. If two members are present, there is a quorum.

Mr. Abrams stated that he opposed the amendment because he believed in the committee of the whole. When the Board moved to committees, he resisted participating in committees for many years. He thought the Board could make its own rules and define a quorum.

Ms. Cox thought Mr. Romero's amendment addresses the question. The change is to eliminate any reference to the student member. For conducting business, two members will comprise a quorum. The key intent was not to limit the student member but to assure that the committee can conduct business.

Mr. Johnson was concerned that he was told that if a student joined a committee, there was a need for three adult members. He did not understand why there could not be a three-member committee including the student.

RESOLUTION NO. 117-06 Re: **AN AMENDMENT TO THE COMMITTEE QUORUM**

On motion of Mr. Romero and seconded by Ms. Cox, the following amendment was adopted with Ms. Cox, Ms. Ervin, Dr. Haughey, Mr. Johnson, Mrs. O'Neill, and Mr. Romero voting in the affirmative; Mr. Abrams and Mrs. Navarro voting in the negative:

~~WHEREAS, From year to year, the Student Member of the Board has been appointed by resolution of the Board of Education to serve as a member of standing committees of the Board; and~~

~~WHEREAS, The committees meet on occasion during the school day, or in the evening when school assignments must be completed, making the Student Member's attendance problematic; and~~

~~WHEREAS, As a result, it is sometimes difficult to attain a quorum of the committee to conduct business; now therefore be it~~

Resolved, That, for purposes of conducting the business of *ad hoc* and standing committees of the Board, a quorum shall consist of ~~the majority of its Members, not counting the Student Member~~. two of its members.

RESOLUTION NO. 118-06

Re: **COMMITTEE QUORUM**

On motion of the Policy Committee, the following resolution was adopted unanimously:

Resolved, That, for purposes of conducting the business of *ad hoc* and standing committees of the Board, a quorum shall consist of two of its members.

Re: **EXTRACURRICULAR PROGRAMS**

On motion of Valerie Ervin and seconded by Mrs. Navarro, the following resolution was placed on the table:

Resolved, That the Superintendent of Schools convene a workgroup comprising parents, students, principals and appropriate key stakeholders to recommend ways in which local schools may design and implement extracurricular programs that are tailored to address the individual needs of all students including those that do not currently meet academic eligibility requirements; and be it further

Resolved, That the recommendations include identification of appropriate supports for ensuring the viability of these programs; and be it further

Resolved, That the workgroup's recommendations be presented before the Board of Education, no later than December 2006.

Re: **A SUBSTITUTE MOTION ON EXTRACURRICULAR ACTIVITIES**

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

Resolved, That the superintendent of schools direct the Office of School Performance (OSP) to work with principals to ensure that each secondary school community—including staff, students, and interested community members—designs and implements extracurricular programs and activities that meet the interests of their student populations; and be it further

Resolved, That each secondary school communicate to students and families information about the available programs and activities and encourage and support student participation; and be it further

Resolved, That OSP develop a process for secondary schools to share information about successful programs and activities; and be it further

Resolved, That information on each secondary school's extracurricular program, including student participation levels by grade level and, as applicable, eligibility data by grade level, be included in the annual report to the Board required by Policy IQD.

Re: **DISCUSSION**

Ms. Cox explained that her substitute motion addresses issues the school community encounters to provide what is necessary to engage students. It is already the responsibility of the principals to create support programs. The accountability part would be tied into the reporting requirement of the policy. As the Board gets data on school programs, the Board could take action on the data provided.

Ms. Ervin stated that the spirit of her motion stemmed from a meeting she had with principals who were interested in a work group to engage community involvement. She was trying to give principals a vehicle for sharing best practices.

Mr. Johnson said he was opposed to the substitute motion because he thought the work group would share best practices.

Ms. Cox replied that in her substitute motion the Office of School Performance would develop a process for secondary schools to share information about successful programs and activities. This would be an ongoing process.

Mrs. O'Neill was concerned about putting together a work group because there is a long list of activities in each school. Principals meet each month as a group. The conversation needs to take place in the school building.

Mrs. Navarro thought these motions were two totally separate approaches. There is the sense that one size does not fit all. There is a desire to talk about these issues, and the motion offers the opportunity for dialogue before specific options are identified.

Mr. Romero noted that the benefit of the substitute motion is that it encourages the principal to work with the school community. Any change could be implemented quicker than it would if a work group reported it to the Board. However, the first motion does utilize key stakeholders.

Ms. Ervin stated that she would continue to work with schools and the communities so they can learn from each other.

Mr. Abrams stated that he preferred the substitute motion, which allows the process to move faster since staff would be involved and be collecting data rather than talking about it.

Re: **A SUBSTITUTE MOTION ON EXTRACURRICULAR ACTIVITIES**

On motion of Ms. Cox and seconded by Mrs. O'Neill, the following substitute resolution failed with Mr. Abrams, Ms. Cox, Mrs. O'Neill, and Mr. Romero voting in the affirmative; Ms. Ervin, Dr. Haughey, Mr. Johnson, and Mrs. Navarro voting in the negative:

Resolved, That the superintendent of schools direct the Office of School Performance (OSP) to work with principals to ensure that each secondary school community, including staff, students, and interested community members, designs and implements extra-curricular programs and activities that meet the interests of their student populations; and be it further

Resolved, That each secondary school communicate to students and families information about the available programs and activities and encourage and support student participation; and be it further

Resolved, That OSP develop a process for secondary schools to share information about successful programs and activities; and be it further

Resolved, That information on each secondary school's extracurricular program, including student participation levels by grade level and, as applicable, eligibility data by grade level, be included in the annual report to the Board required by Policy IQD.

Re: **DISCUSSION**

Ms. Cox noted that the motion mentions the appropriate key stakeholders. Who are they? How are the needs of all students identified? Would there be additional resources for Board approval? What would be the Board action?

Ms. Ervin stated that it would come to the Board for a report and action.

Re: **EXTRACURRICULAR PROGRAMS**

On motion of Valerie Ervin and seconded by Mrs. Navarro, the following resolution failed with Ms. Ervin, Dr. Haughey, Mr. Johnson, and Mrs. Navarro voting in the affirmative; Ms. Cox, Mrs. O'Neill, and Mrs. Romero voting in the negative: Mr. Abrams abstaining.

Resolved, That the Superintendent of Schools convene a workgroup comprising parents, students, principals and appropriate key stakeholders to recommend ways in which local schools may design and implement extracurricular programs that are tailored to address the individual needs of all students including those that do not currently meet academic eligibility requirements; and be it further

Resolved, That the recommendations include identification of appropriate supports for ensuring the viability of these programs; and be it further

Resolved, That the workgroup's recommendations be presented before the Board of Education, no later than December 2006.

RESOLUTION NO. 119-06 Re: **FY 2007-2012 CAPITAL IMPROVEMENTS PROGRAM**

On motion of Ms. Cox and seconded by Mr. Abrams, the following resolution was adopted with Mr. Abrams, Ms. Cox, Dr. Haughey, Mrs. O'Neill, and Mr. Romero voting in the affirmative; Ms. Ervin, Mr. Johnson, and Mrs. Navarro voting in the affirmative:

WHEREAS, At the February 8, 2006 County Council public hearing on the Montgomery County Public Schools (MCPS) FY 2007-2012 Capital Improvements Program (CIP) request, Councilmember Michael Subin indicated that the county executive's statement that he had recommended full funding for the MCPS CIP was incorrect; and

WHEREAS, Facilities staff has reviewed Mr. Subin's comments and contrasted the county executive's recommended expenditures with the Board of Education's request; and

WHEREAS, The difference in the county executive's recommended expenditures for the first two years of the CIP and the Board of Education request would cause deferrals that would move certain projects out of the six-year plan; and

WHEREAS, It appears that the expenditure shifts recommended by the county executive would reduce the six-year total of the MCPS CIP to \$1.092 million which is less than the \$1.174 million requested by the Board of Education; and

WHEREAS, If the county executive's recommendations for the FY 2007-2012 CIP are adopted by the County Council, the Board of Education will be forced to shift approximately \$121 million from FY 2007 and FY 2008 to the out-years of the CIP, causing multiple project deferrals; and

WHEREAS, The Board adopted the following Capital Budget priorities as part of the FY 2005-2010 CIP with number one being the highest priority:

1. Safety and Health
2. Critical Capital Maintenance
3. Capacity
4. Modernization
5. Elementary School Gymnasias

and;

WHEREAS, Staff has recommended that these priorities be reaffirmed for the FY 2007-2012 CIP; now therefore be it

Resolved, That the Board of Education endorse Councilman Michael Subin's February 8, 2006, position that the county executive's recommendations for the FY 2007-2012 Capital Improvements Program (CIP) do not fully fund the Board of Education's request; and be it further

Resolved, That the Board of Education reaffirm the Capital Budget priorities for the FY 2007-2012 CIP and agree that any project deferrals required by less than full funding of the first two years (FY07 and FY08) of the Board's requested CIP be identified in accordance with the following order, with item number five (5) being the lowest priority and the first category to be deferred.

1. Safety and Health
2. Critical Capital Maintenance
3. Capacity
4. Modernization
5. Elementary School Gymnasias

Re: **NEW BUSINESS**

Mr. Abrams moved and Ms. Cox seconded the following:

Resolved, That the Board of Education instruct the staff of Montgomery County Public Schools to keep digitized records of all Board meetings and hearings for a six-year period which is retroactive.

Ms. Ervin moved and Mrs. Navarro seconded the following:

Resolved, That the Board of Education direct the Superintendent to conduct a boundary review process in March/April 2006 to explore the assignment of the Hampshire Greens community to William H. Farquhar Middle School and James Hubert Blake High School, and hence possibly eliminate that community's triple island assignment; and be it further

Resolved, That the Superintendent would forward his recommendation to the Board of Education in April/May 2006, with any approved boundary changes to take affect at the beginning of the 2006-07 school year.

RESOLUTION NO. 120-06

Re: **ADJOURNMENT**

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

Resolved, That the Board of Education adjourn its meeting of February 27, 2006, at 11:00 p.m.

PRESIDENT

SECRETARY

JDW:gr

**MONTGOMERY COUNTY BOARD OF EDUCATION
SUMMARY SHEET**

February 27, 2006

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