

MONTGOMERY COUNTY BOARD OF EDUCATION POLICY COMMITTEE

June 11, 2012

The meeting was called to order at 1:02 p.m. with the following Board members and Board staff present: Pat O'Neill, (chair), Chris Barclay, Shirley Brandman, John Mannes, Suzann King (staff assistant), and Glenda Rose (recorder).

Other staff present: Stephanie Williams, Harriet Potosky, Lori-Christina Webb, Diane Mohr, Sally Davis, Alison Steinfels, Laura Newton, Ray Frappolli, Karen Crawford, and Brian Edwards.

Guests: Jeffrey Wolfe, Justin Kim, and Ben Feshbach.

The minutes from the April 18, 2012, committee meeting were approved.

Policy BLC, Procedures for Review and Resolution of Special Education Disputes

At the April 18, 2012 meeting, the committee asked staff to provide the following information regarding special education disputes: (1) the number of settlements, the amounts of the settlements, and whether the amounts were directed by the court or if MCPS had any discretion in the settlement amounts; and (2) how other jurisdictions address this matter.

Staff reviewed with the committee proposed modifications to the policy, which sought to delete a specific monetary settlement authority threshold for the superintendent and implement a process by which settlement of claims related to special education legal fees and cost would be evaluated by legal counsel and reported to the Board. Discussion focused on what dollar amount would require advance Board approval, given the proposed language is open-ended. The committee asked staff to review other policies outside of Maryland regarding what dollar level should trigger Board approval for settlement of legal fees, as well as settlement of claims before they are filed in court. The item will be placed on a future committee agenda.

Policy CNA, Informational Material and Announcements

Noting that Policy CNA sent out for public comment, staff reported on the number and the content of the comments received. Nineteen comments were received which fell into four categories: (1) supportive of the changes to eliminate flyers at the secondary level; (2) agreed with age-group content; (3) advocated against all flyers; and (4) no change in policy. Based on the comments, staff is recommending no additional changes to the language of the policy. The committee noted that there were public comments at several recent Board meetings, and they requested that those comments be included in the summary.

Discussion focused on the comments received, how schools share information when they have a partnership with an outside entity, several available avenues for communication with the school community, the burden to staff created by the flyer distribution policy, the importance of evaluating the impact of the policy changes, the need to revise the regulation, and the suggestion that MCPS require a certain font size for the disclaimer on the flyers should it can be easily read.

The committee voted to recommend that the Board take final action on the policy during its June 25, 2012, meeting. Furthermore, the committee voted to recommend that an evaluation of the policy be conducted after a year of implementation to determine if there is a need for further revisions of the policy. The Board packet should include the resolution, policy, and summary of public comments. The committee would also like to see the policy's regulations.

Policy IGN, Combating Alcohol and Other Drug Abuse

Staff noted that this policy was being recommended for updates to reflect current formatting, language and practice. The policy was reviewed by staff, stakeholders, and legal counsel. Discussion focused on the proposed changes to the policy, the policy's emphasis on prevention, changes that may need to be made to the policy to address the various locations at which alcohol/drug infractions can occur by students and employees, whether provisions for staff and students should be separated, the need for community partnerships to help address substance abuse matters, what information is covered in the curriculum, and whether certain information should be in the regulation instead of the policy. Staff will bring the policy back to the Policy Committee after they have researched/addressed the location issue, community partnerships, curriculum development, language edits, and the views of the Interagency Coordinating Board regarding alcohol at events on MCPS property. Board members also noted the significant community efforts that have recently galvanized around this issue and suggested comprehensive outreach to the community when the policy is ready for tentative comment.

Update on Policy BBB, Ethics

Based on comments received from the legal counsel for the State Ethics Commission (Commission), it was determined that Board members and candidates must complete the financial disclosure form contained in state law; however, employees could complete a shorter disclosure form requiring the disclosure "of gifts and of conflicts of interest that raise conflicts of interest or potential conflicts of interest in connection with a specific proposed action by the employee or official sufficiently in advance of the action to provide adequate notice to the public." After reviewing those comments, the Ethics Panel decided to recommend that the Board of Education adopt Policy BBB, with the inclusion of language from the Commission's legal counsel that would allow specified employees to file a shorter financial disclosure form as noted in the counsel comments, as well as requiring the following additional information:

- Language should be retained from the current policy that requires any school employee who has the responsibility for preparing, approving, or auditing, or has the authority to commit the school system to rent, purchase, or lease, any of the

following items with an aggregate value of \$100,000 in any fiscal year: personal service contracts; specifications for materials; supplies or equipment; or requests for bids or proposals.

- Employees also should be required to disclose outside employment during the reporting period with entities which are or were doing business with Montgomery County Public Schools (MCPS).
- Employees also should be required to disclose financial interests in business entities with which MCPS has been known to do or is likely to do business.
- Employees also should be required to disclose whether a spouse or a dependent child is employed by MCPS and whether that person falls within the same supervisory chain.
- A section should be included in the shorter financial disclosure form that asks employees to include any information or interests they find appropriate to disclose.

The committee agreed with this approach and inquired about certain aspects of implementing the changes required by the policy. It was noted that a work group will work on the issues related to implementation. Staff will revise the policy to incorporate the changes referenced above and will bring the policy back to the committee at its next meeting.

The meeting ended at 2:36 p.m.