

APPROVED
29-1996

Rockville, Maryland
July 22, 1996

The Board of Education of Montgomery County met in regular session at the Carver Educational Services Center, Rockville, Maryland, on July 22, 1996, at 8:40 p.m.

ROLL CALL Present: Ms. Ana Sol Gutiérrez, President
 in the Chair
 Dr. Alan Cheung
 Mr. Blair G. Ewing
 Mrs. Beatrice B. Gordon
 Mrs. Nancy King
 Ms. Rachel Prager
 Dr. Paul L. Vance, Secretary/Treasurer

Absent: Mr. Stephen Abrams
 Mr. Reginald Felton

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

Re: **ANNOUNCEMENT**

Ms. Gutiérrez announced that Mr. Abrams was unable to attend this meeting, and Mr. Felton was out of town.

RESOLUTION NO. 511-96 Re: **AGENDA FOR JULY 22, 1996**

On recommendation of the superintendent and on motion of Mrs. Gordon seconded by Dr. Cheung, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education amend and adopt its agenda for July 22, 1996, by adding Item 2.2.8 (FY 1997-2002 Capital Improvements Program Supplemental Appropriation Request -- Relocatable Classrooms).

Re: **PUBLIC COMMENTS**

The following people appeared before the Board of Education:

1. Ms. Judy Koenick
2. Ms. B. J. Mills, Sherwood Cluster Co-coordinator
3. Ms. Gail West, Sherwood Cluster Co-coordinator
4. Ms. Cathy Roth
5. Ms. Linda Case
6. Dr. Nelson Lui

3-97 Custodial Supplies

Awardees

Antietam Paper Company, Inc.	\$ 1,449	
Apex Supply Company, Inc.	8,415	
Baer Supply/Division of Acme Paper	144,984	
Calico Industries, Inc.	1,650	
Consolidated Maintenance Supply, Inc.	18,929	*
Daycon Products Company, Inc.	76,532	
Fischer Lang and Company, Inc.	1,338	
General Wiping Cloth Company, Inc.	17,963	
Genesis II	9,157	*
Holt Paper and Chemical Company	9,596	
Industries for the Blind	1,382	*
Kahn Paper Company, Inc.	171,465	
Logan's Marketing	35,408	*
Lynn Ladder and Scaffold Company/WACO	600	
National Supply Company	6,177	*
Olympic Supply, Inc.	402	*
Porter's Supply Company, Inc.	22,677	
Potomac Rubber Company	159	*
Pyramid School Products	35,169	
Unisource	120,645	
Viking Chemicals, Inc.	13,228	*
Frank W. Winne and Son, Inc.	1,813	
Young's	<u>1,269</u>	
Total	\$ 700,407	

58-97 Fruit Juices/Drinks for Vending Machines

Awardee

Vending Services, Inc.	\$ 193,726
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MORE THAN \$25,000 \$3,759,668

* Denote MFD vendor.

July 22, 1996

RESOLUTION NO. 513-96 Re: **CONSTRUCTION MANAGEMENT SERVICES --
MONTGOMERY BLAIR HIGH SCHOOL**

On recommendation of the superintendent and on motion of Dr. Cheung seconded by Mrs. King, the following resolution was adopted unanimously by members present:#

WHEREAS, It is necessary to appoint a construction management firm to provide management and general construction services during the construction phases of the new Montgomery Blair High School; and

WHEREAS, Funds for construction planning were appropriated as part of the FY 1997 Capital Budget; and

WHEREAS, The Consultant Selection Committee, in accordance with procedures adopted by the Board of Education on May 13, 1986, identified McDevitt Street Bovis, Inc., as the most qualified firm to provide the necessary services; and

WHEREAS, Staff has negotiated a fee for necessary construction management services; now therefore be it

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with the firm of McDevitt Street Bovis, Inc., to provide professional construction management services for the new Montgomery Blair High School for a fee of \$2,209,120 which is 6.1 percent of the construction budget.

RESOLUTION NO. 514-96 Re: **ARCHITECTURAL SERVICES -- TAKOMA PARK
UNIFICATION**

On recommendation of the superintendent and on motion of Dr. Cheung seconded by Mrs. King, the following resolution was adopted unanimously by members present:#

WHEREAS, Planning funds were approved in the FY 1997 Capital Budget to develop feasibility and cost models for the plans to house the students from the Takoma Park unification; and

WHEREAS, Staff has recommended that the firm of SHW Group, Inc., be retained to perform this task because of their familiarity with facilities issues affecting the Montgomery Blair cluster and the short timeframe available to develop cost models; now therefore be it

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with the SHW Group, Inc., for architectural services associated with the unification of Takoma Park for a fee not to exceed \$50,000.

RESOLUTION NO. 516-96

Re: **ARCHITECTURAL APPOINTMENT -- HARMONY HILLS
ELEMENTARY SCHOOL FEASIBILITY STUDY**

On recommendation of the superintendent and on motion of Dr. Cheung seconded by Mrs. King, the following resolution was adopted unanimously by members present:#

WHEREAS, It is necessary to appoint an architectural firm to provide professional and technical services to conduct a design feasibility study of alternatives for the modernization of Harmony Hills Elementary School; and

WHEREAS, Funds for architectural planning were appropriated as part of the FY 1997 Capital Budget; and

WHEREAS, The Architectural Selection Committee, in accordance with procedures adopted by the Board of Education, identified Way & Associates, Architects, as the most qualified firm to provide the necessary professional architectural and engineering services; and

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

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with the architectural firm of Way & Associates, Architects, to provide professional architectural services for the Harmony Hills Elementary School feasibility study project for a fee of \$25,000.

RESOLUTION NO. 517-96

Re: **ARCHITECTURAL APPOINTMENT -- ROCK VIEW
ELEMENTARY SCHOOL FEASIBILITY STUDY**

On recommendation of the superintendent and on motion of Dr. Cheung seconded by Mrs. King, the following resolution was adopted unanimously by members present:#

WHEREAS, It is necessary to appoint an architectural firm to provide professional and technical services to conduct a design feasibility study of alternatives for the modernization of Rock View Elementary School; and

WHEREAS, Funds for architectural planning were appropriated as part of the FY 1997 Capital Budget; and

WHEREAS, The Architectural Selection Committee, in accordance with procedures adopted by the Board of Education, identified Coastal Design, Architects, as the most

qualified firm to provide the necessary professional architectural and engineering services;
and

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

Resolved, That the Montgomery County Board of Education enter into a contractual
agreement with the architectural firm of Coastal Design, Architects, to provide professional
architectural services for the Rock View Elementary School feasibility study project for a
fee of \$25,000.

RESOLUTION NO. 518-96 Re: **CONCRETE REMOVAL AND REPLACEMENT**

On recommendation of the superintendent and on motion of Dr. Cheung seconded by
Mrs. King, the following resolution was adopted unanimously by members present:#

WHEREAS, The following sealed bids were received on July 17, 1996, to replace concrete
at various facilities in accordance with MCPS procurement practices, with work to begin
on July 23, 1996, and to be completed by September 1, 1996:

<u>Bidder</u>	<u>Amount</u>
1. Fort Myer Construction Corp.	\$ 163,950
2. Olney Masonry Corp.	167,500
3. DeSouza Construction, Inc.	287,500

and

WHEREAS, The low bid is below the staff estimate of \$165,000; now therefore be it

Resolved, That a contract for \$163,950 be awarded to Fort Myer Construction Corporation
to replace concrete at various facilities.

RESOLUTION NO. 519-96 Re: **AWARD OF CONTRACT FOR MAINTENANCE
PROJECT AT MARK TWAIN SCHOOL**

On recommendation of the superintendent and on motion of Dr. Cheung seconded by
Mrs. King, the following resolution was adopted unanimously by members present:#

WHEREAS, The following sealed bids were received on July 5, 1996, to replace the
boilers at Mark Twain School, in accordance with MCPS procurement practices, with work
to begin on July 23, 1996, and to be completed by October 15, 1996:

<u>Bidder</u>		<u>Amount</u>
1. EMD Mechanical Specialists	\$	192,288
2. G & L Mechanical Services		206,374
3. Shapiro & Duncan Inc.		208,500
4. American Combustion Industries Inc.		218,246
5. M & M Welding and Fabricators, Inc.		246,471
6. Calvert Mechanical, Inc.		360,200

and

WHEREAS, The low bid is below the staff estimate of \$195,000 and EMD Mechanical Specialists has completed similar projects successfully for Montgomery County Public Schools; now therefore be it

Resolved, That a contract for \$192,288 be awarded to EMD Mechanical Specialists to replace the boilers at Mark Twain School.

RESOLUTION NO. 520-96 Re: **GYMNASIUM LIGHT REPLACEMENTS IN VARIOUS SCHOOLS**

On recommendation of the superintendent and on motion of Dr. Cheung seconded by Mrs. King, the following resolution was adopted unanimously by members present:#

WHEREAS, The following sealed bids for lighting improvements at various schools were received on July 12, 1996, in accordance with MCPS procurement practices, with work to begin this summer and be completed by October 30, 1996:

<u>BIDDERS</u>	<u>AMOUNT</u>
1. Conservation Management Corporation	\$139,993.47
2. Steinman Electric	149,942.00
3. Congressional Electric	170,019.00
4. GWS Associates	179,400.00
5. Brandenburg Electric	182,600.00
6. Fostech Lighting Technology	197,290.00
7. Energy 2000 Associates, Inc.	212,245.00

and

WHEREAS, The low bid is below the cost estimate of \$150,000, and the low bidder has completed similar Montgomery County Public Schools' projects successfully; now therefore be it

Resolved, That a \$139,993.47 contract be awarded to the Conservation Management Corporation for gymnasium light replacements in various schools.

RESOLUTION NO. 521-96 Re: **FY 1997-2002 CAPITAL IMPROVEMENTS PROGRAM
SUPPLEMENTAL APPROPRIATION REQUEST --
RELOCATABLE CLASSROOMS**

On recommendation of the superintendent and on motion of Dr. Cheung seconded by Mrs. King, the following resolution was adopted unanimously by members present:#

WHEREAS, The Board of Education and superintendent and staff have committed to collaborate with the county government with the Linkages to Learning Program at Broad Acres Elementary School; and

WHEREAS, The cost to provide the school-based health center exceeds the available state and federal grant funds; and

WHEREAS, The county staff is developing alternatives to reduce the cost of the center, with the anticipation that it will be available in the fall of 1997; and

WHEREAS, The second phase of the program, the direct services component, will require interim housing for one year; and

WHEREAS, There is no space available at Broad Acres Elementary School, and preliminary projections indicate that the school's growing enrollment will require two relocatable classrooms for the 1997-1998 school year; and

WHEREAS, County staff has recommended that we accelerate the placement of the relocatable classrooms on site as soon as possible, and that they be used by the health center until the new facility is built, at which time the relocatables will be available to house the additional students at Broad Acres Elementary School; now therefore be it

Resolved, That the Board of Education request an emergency supplementary appropriation of \$68,000 from the County Council to accelerate the lease and installation of two relocatable classrooms for Broad Acres Elementary School; and be it further

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

RESOLUTION NO. 522-96 Re: **RECOMMENDED PRICE INCREASE IN THE FOOD SERVICE PROGRAM**

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

WHEREAS, Expenditures in the food and nutrition services program for salaries and employee benefits, food, and supplies are expected to increase in FY 1997 by approximately six percent over the FY 1996 levels; and

WHEREAS, Federal and state reimbursement rates for meals will increase slightly; and

WHEREAS, To maintain a financially solvent food service enterprise fund it is necessary to increase revenues in FY 1997; now therefore be it

Resolved, That the price of the elementary school lunch be increased from \$1.45 to \$1.50, secondary school lunch from \$1.55 to \$1.60, and adult lunches from \$2.40 to \$2.45; and be it further

Resolved, That the price increases be effective September 3, 1996.

RESOLUTION NO. 523-96 Re: **UTILIZATION OF FY 1997 FUTURE SUPPORTED PROJECT FUNDS FOR THE MATHEMATICS CONTENT/CONNECTIONS PROGRAM**

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

Resolved, That the superintendent of schools be authorized to receive and expend within the FY 1997 Provision for Future Supported Projects a grant award of \$413,212 from the National Science Foundation, under the Teacher Preparation and Enhancement Program, for the third year of the Mathematics Content/Connections program, in the following categories:

<u>Category</u>	<u>Positions</u>	<u>Amount</u>
2 Instructional Salaries	3.0	\$340,281
3 Other Instructional Costs		24,500
10 Fixed Charges	—	<u>48,431</u>
 Total	 <u>3.0</u>	 <u>\$413,212</u>

1.0 Project Specialist, Grade BD (12 month)

- 1.0 Fiscal Assistant IV, Grade 18 (12 month)
- 1.0 Secretary, Grade 12 (12 month)

and be it further

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

RESOLUTION NO. 524-96 Re: **RECOMMENDATIONS TO SUBMIT AN FY 1997 GRANT PROPOSAL FOR USING TECHNOLOGY TO EXPAND ELEMENTARY SCHOOL SPANISH INSTRUCTION**

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

Resolved, That the superintendent of schools be authorized to submit an FY 1997 grant proposal for \$549,774 over three years to the U.S. Department of Education, Office of Bilingual Education and Language Minority Affairs, Foreign Language Assistance Program to develop CD-ROM materials for use in teaching Spanish in Grades 3-5; and be it further

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

RESOLUTION NO. 525-96 Re: **UTILIZATION OF FY 1997 FUTURE SUPPORTED PROJECT FUNDS FOR HIV/AIDS PREVENTION EDUCATION PROJECT**

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

Resolved, That the superintendent of schools be authorized to receive and expend within the FY 1997 Provision for Future Supported Projects a grant award of \$8,100 from the Maryland State Department of Education, for the HIV/AIDS prevention education project, in the following categories:

<u>Category</u>	<u>Amount</u>
2 Instructional Salaries	\$ 6,000
3 Other Instructional Costs	1,620
10 Fixed Charges	<u>480</u>
 Total	 <u>\$ 8,100</u>

and be it further

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

RESOLUTION NO. 526-96 Re: **PERSONNEL APPOINTMENT**

On recommendation of the superintendent and on motion of Dr. Cheung seconded by Mrs. Gordon, the following resolution was adopted unanimously by members present:

Resolved, That the following personnel appointment be approved effective July 23, 1996:

<u>Appointment</u>	<u>Present Position</u>	<u>As</u>
Mary Helen K. Smith	Acting Associate Superintendent, Office of Instruction and Program Development	Associate Superintendent, Office of Instruction and Program Development

RESOLUTION NO. 527-96 Re: **PERSONNEL APPOINTMENT**

On recommendation of the superintendent and on motion of Dr. Cheung seconded by Ms. Prager, the following resolution was adopted unanimously by members present:

Resolved, That the following personnel appointment be approved effective July 23, 1996:

<u>Appointment</u>	<u>Present Position</u>	<u>As</u>
Catherine R. Allie	Acting Assistant Principal, Beall ES	Principal, South Lake ES

RESOLUTION NO. 528-96 Re: **PERSONNEL APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective July 23, 1996:

<u>Appointment</u>	<u>Present Position</u>	<u>As</u>
Laura A. D'Aiutolo	Acting Assistant Principal, Gaithersburg ES	Principal, Lucy V. Barnsley ES

RESOLUTION NO. 529-96 Re: **PERSONNEL APPOINTMENTS**

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

Resolved, That the following personnel transfers be approved effective July 23, 1996:

<u>Appointment</u>	<u>Present Position</u>	<u>As</u>
Bessie M. Douglas	Assistant Principal, Col. Zadok Magruder HS	Assistant Principal Eastern MS
Ann P. Hare	Assistant Principal, Roberto Clemente MS	Assistant Principal, Parkland MS
Mark E. Levine	Assistant Principal, Thomas Edison HS of Technology	Assistant Principal, Montgomery Blair HS
Michael S. Tartamella	Assistant Principal, Ridgeview MS	Assistant Principal, Julius West MS

Re: **IMPACT OF THE ANNUAL GROWTH POLICY AND
ADEQUATE PUBLIC FACILITIES ORDINANCE AND
MCPS' ROLE IN THE MASTER PLAN PROCESS**

Dr. Vance invited the following people to the table: Mr. Joseph Lavorgna, director, and Mr. Bruce Crispell, demographic planner of the Department of Educational Facilities Planning and Capital Programming; Mr. Glenn Orlin, County Council staff member; Mr. Charles Loehr, Maryland-National Capital Park and Planning Commission staff member; Ms. Jennifer Russell, City of Gaithersburg Planning Department; and Ms. Lisa Rother, City of Rockville Planning Department.

Dr. Vance reported that the current Annual Growth Policy (AGP) has been in effect for nine years. Over that time, no district has been closed to residential development due to a failure to pass the school test. The test compares projected enrollment four years hence with 110 percent from projected capacity. If enrollment exceeds capacity, a secondary test is applied to space available in adjacent clusters. Only if both tests fail, the cluster is considered closed for development. Currently, MCPS' CIP contains projects for new schools and modernization for older schools. This is necessary as the school system strives to create additional space for the current students who are progressing through our system, to bring up current standards for older facilities, and to provide capacity for new developments. All three types of projects are competing for the same dollars. The lion share of funding is allocated for new school capacity and modernizations. The County

Council considers revision biennially to the policy element of the AGP which establishes the criteria for the school tests. A future issue for the next revision in the Fall of 1997 is ceiling flexibility which would allow a developer to proceed with a project in a closed cluster if the developer mitigates the impact of the project by paying for the school capacity generated by the project. From the school system's perspective, creating flexibility for the facilities adequacy test allows schools over a multi-cluster area to be overutilized by 10 percent before the development is halted makes little sense.

Mr. Lavorgna stated that the discussion would allow the planners to hear the Board's concerns about development in the county as it relates to the AGP and the Adequate Public Facilities Ordinance (APFO). In the CIP, it is illustrated that the school system is growing because (1) children are progressing through the system, especially at the high school level; (2) additional students are enrolling in the county's schools; and (3) modernizations of older facilities. There is always a balance between modernizations and new space. With the present inventory of facilities on a 30 year cycle, six modernizations are scheduled each year which provides new space for increasing enrollment projections. The school system is experiencing enrollment increase in the newly developing areas as well as established neighborhoods. Some of the things that impact the school system in new subdivisions are the density and mixed use of the subdivisions. Historically, county and local governments establish the policies for growth and the timing for the infrastructure.

Mr. Crispell highlighted the white paper. There has always been a traditional role the school system has had with the planning bodies in Montgomery County in working on master plans and how many school sites were necessary based on different development scenarios. Knowing what the master plan build-outs are for different parts of the county, MCPS is able to develop enrollment forecasts for 10 to 15 years. A new role is for the school system and planners in Montgomery County to generate strategies for land use and demographics. Good land use principles in high density areas makes good sense transportation wise, but boundary decisions are difficult in assigning contiguous neighborhoods to the same schools. The AGP and APFO have nothing to do with what planning for housing units or the zoning density; that is done at the master plan and zoning stages. The AGP and APFO are only timing devices to allow developers to subdivide when that property has already gone through the master plan stage. The effect of development has created competition for capital resources. There are tremendous needs for all facilities areas within the county. The crunch is caused in the school system by students that are aging forward.

Mrs. King asked about the northern section of Montgomery County that is growing, and asked if the school system can keep up with that continued growth. Mr. Lavorgna stated that the enrollment projections are very accurate and the CIP reflects the anticipated growth; however, one of the things that is most difficult to estimate is the housing market.

Mrs. King inquired as to when those numbers get put into the enrollment projection. Mr. Crispell responded that when the subdivision has received approval from the planning board, it has passed the AGP test. Mrs. King thought three or four years notice is not enough planning time. Mr. Crispell agreed that the dilemma is always when does the school system provide space.

Mrs. Gordon requested information on how active is the school system's participation in the master plan. Mr. Crispell answered that the school system is involved at the outset of master planning as scenarios are being developed for different densities.

Mrs. Gordon asked about density and what kind of housing or development would be provided for in a particular area, and does the school system take an active role in identifying the issues around particular types of density? If there is a very densely populated area, it causes problems for the school system in terms of boundaries, educational load, programs, and number of students receiving free and reduced meals. Does that sort of information take place during the master plan development? Mr. Crispell stated that it has been brought up at the staff level; however, it goes against good land use principles to disperse high density development. It has not been raised to a profile such as a Board policy. Mr. Loehr replied that this concern has not been addressed to this point even though they are aware of the issue, but the planning department is undergoing a reorganization with a community-based structure. There has been a study underway of the master plan process in an effort to shorten the process. If the process is shortened, there will be more involvement from the school system and other agencies at the front end of the process in order to get as much information as possible.

Mrs. Gordon inquired about a scenario that if the road test is not met and it is very close to not meeting the school test in a particular area, does this area need a different kind of approach or is it reexamined? How is that addressed not to put undue hardship on developers, but, on the other hand, to account for the needs of the community that are involved? Mr. Orlin stated that if a developer fails any of the tests, the development fails unless there are other requirements that have been met. The AGP is useful for the County Council because it pinpoints where school capacity is about to reach the cap. For transportation purposes, it is those areas that are in moratorium where the transportation improvements are made. The AGP is used as a way of keeping the development from overburdening the infrastructure, and an indication of where capital funds should be invested.

Mrs. Gordon stated that if the tests are looked at as completely separate, when the road problem is alleviated, the school problem could be exacerbated. Obviously, one test has an impact on the other. She suggested that there should not be two separate tests. Mr. Orlin stated that there is not a need for two tests because the tests are applied at the same time to see the results of one on the other. In fact, school capacity has been added when roads are enhanced or expanded.

Ms. Prager focused on the AGP and flexibility and whether it is adequate in planning. Mr. Crispell stated that the AGP test multiplies 1.1 to add 10 percent to capacity. The reason that the AGP test is constructed that way is to allow for use of relocatables for interim periods to allow for inaccuracy in forecasting, and other factors. Ms. Prager asked about holding schools and whether the lack of holding schools slows the renovation of schools. Mr. Crispell replied that there are a limited number of schools that can be used as holding schools particularly at the secondary level. Some schools can be modernized on site, but to accelerate the schedule would take some serious study on how to house students during this period.

Mr. Ewing was pleased with the white paper and the opportunity to discuss this issue. The Board had some discussion on these topics when it met with the Planning Board. The AGP and APFO operate to keep tax levels as low as possible by controlling expenditures through those mechanisms. The result is from those policies that the county has steadily more crowded schools coupled with a high degree of comfort on the part of the Council that all is well with property owners and taxpayers. School overcrowding is worse with 5,300 students in portable classrooms. What the county has done through this set of mechanisms and the impact of growth is create a situation that is not tolerable. School capacity at 110 percent is often 110 percent plus. The point has been reached where such a small amount of space is available in any adjacent cluster that it is negligible and provides no resolution to the problem. However, there is a proposal for ceiling flexibility which adds insult to injury. The school system is asked to make more room for students. Parents are sick of a steady increase in the overcrowding of schools at a time when the number of incidents of student conflict and violence is increasing. He understands that people do not want to spend money on schools, but they also ought to state that they are willing to have overcrowded schools. What Mr. Ewing hears is a defense of the AGP and APFO as being adequate even though there are 5,300 students in portables. How can it be said it is adequate as a mechanism for planning? The Board should say the mechanisms are not working very well because of the outcome and results. It is time to rethink the whole process in some way that makes it less likely that the results are overcrowded schools. Security, class size, and adequacy of instructional program are the things parents want in a quality school system, and security and class size are both negatively impacted by overcrowded schools. The school system has a good academic program but not the proper setting for it. He hoped that the Board would raise its concerns to the Council and request a meeting with the Council, county executive and Planning Board to discuss these concerns.

Ms. Gutiérrez was enlightened by the white paper and discussion. In looking at a table where over 50 percent of the high schools are over 100 percent capacity, the process whereby that is deemed adequate is totally unreal. The policy impacts a lot of decisions on what happens in Montgomery County but it does not reflect reality. There needs to be a procedure that is more than a numbers game to be able to answer the real concerns of the citizens. The Board and Council hear the concerns of the citizens. The issue of class

size is a major concern of the school system. In her frustration, she asked where one begins to improve the process and at what point could the mechanism be consonant to the quality of life measure for the citizens of Montgomery County. She asked how does the process have enough granularity in analysis to look at other types of growth patterns such as developments in established neighborhoods?

Ms. Russell stated that the City of Gaithersburg develops a master plan on a neighborhood by neighborhood basis. They have come to the realization that changes in the housing policy must be made to shift the density of the development. The best way to deal with these issues is at the master plan level to identify school sites.

Dr. Cheung was educated by the white paper and the subsequent discussion. He wondered what kind of factors are used in developing a master plan and as the community changes are the same factors still employed? Other factors such as educational load require more school space. If wrong data is used to plan, the results and outcomes will not be sufficient to support the community. Mr. Crispell replied that the master plan allows school sites to be identified. Mr. Lavorgna added that data will provide information as the communities age or turnover. Before technology was available, it was an instinct that people used to estimate those factors. In the long-term, this data will be used in the master plan to identify future needs.

Ms. Rother stated that the City of Rockville works closely with school system staff. In regard to the King Farm and annexation into the City of Rockville, there is flexibility at the time those agreements are made. The City of Rockville developed a master plan and the developer has agreed to dedicate park/school sites. Based on school system projections, the City of Rockville will enter into an agreement and dedicate the site(s) for school construction. Another concept or model is that the city could provide a second gymnasium on a school site for recreational use.

Mr. Orlin said that during the 80s the county executive and County Council were looking at ways to constrain burgeoning growth. During the last few years with the recession, the attitude is to promote growth, and it is difficult to think in terms of restrictions when the pressure is to be flexible and not add additional taxes.

The Board of Education took a break from 10:20 to 10:35 p.m.

RESOLUTION NO. 530-96

Re: **AMENDMENT OF AGENDA**

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

Resolved, That the Board of Education amend its agenda to postpone Item 5.0 (Facilities Standards, Educational Specifications, and Budget Reductions) until a time when the Board officers can reschedule the discussion.

Re: **EXCLUSION OF NONRECURRING COSTS AND
WAIVER OF MAINTENANCE OF EFFORT**

Dr. Vance stated that during its June 11, 1996, meeting the Board expressed concern about the impact of the recent General Assembly's amendment to the maintenance of effort law. This amendment provides for a waiver of the maintenance of effort requirement in the case of unusual fiscal circumstances and for the exclusion from the calculation of maintenance of effort of nonrecurring costs. He was concerned that the regulations may be adopted that may significantly reduce the current requirement for the local support of schools. Proposed regulations recently published by the Maryland State Department of Education are now open for comments and testimony due by the end of August. His main concern was the definition of nonrecurring costs is not clear according to the proposed regulation. This lack of clarity could result in interpretation of nonrecurring costs. This is far too broad, and could be at variance with the intent of the law. The difference between a recurring and nonrecurring cost can vary greatly depending on the definition. His other main concern was the procedures prescribed in the proposed regulations. These procedures do not provide for an adequate role for the local board of education in the determination of nonrecurring costs. According to the regulations, the county government initiates a request to the exclusion of qualified nonrecurring costs. While the procedures mandate that the local board of education receive a copy of the request and require that a hearing be held, there is no guarantee that the local board of education will have a formal and defined role. Without full participation by the local board of education, he concluded that there is no guarantee that the Maryland State Department of Education will have the facts and balanced opinions to reach a fair and consistent decision.

Mr. Bowers pointed out that a copy of a letter to Dr. Grasmick from Mr. Duncan and Mrs. Ewing has been received requesting authorization of nonrecurring costs for FY 1997 operating budget and listed items totaling 1.2 million dollars. Again, a major concern is that the Board of Education has no opportunity for input.

Ms. Prager commented that when the Board presents testimony to the Maryland State Board of Education, it is necessary to bring up the concerns stated above. The Board also needs to focus on the philosophy and how disgusted, as a student Board member, she is with what is going on at the state level. Basically, the Maryland State Board of Education

is appointed to support education as well as local, state, and federal governments, but this law is undermining education by adding nonrecurring costs. The whole idea of maintenance of effort and not keeping it up with providing waivers is not acceptable.

Mr. Ewing asserted that the situation that the Board is now in prior to the resolution of the regulations calls for immediate action. The Board's point of view should be made and made well known. He suggested that the Board president write a letter to Dr. Grasmick objecting to the list of nonrecurring costs as presented in the letter from Mr. Duncan. The definition issue is critical in that, if these costs from the county are accepted by the state as nonrecurring costs, then in subsequent years the same argument will be made and the amounts in the budget would be pressed downward. The letter from the Board of Education to Dr. Grasmick should state that the Board does not like the list submitted by Mr. Duncan nor does it like the process that does not spell out a clear role for boards of education. Any passivity on the part of the Board will be taken as agreement, and we should not allow that to happen.

Mrs. Gordon emphasized that the Board should move quickly. There needs to be clear definitions of a number of things including nonrecurring costs, books other than classroom textbooks, and the list that has been sent to Dr. Grasmick. The Board needs to be very, very clear that the impact will be cumulative as well as a great deal of impact on the authority of the boards of education. Mindful that the state law was passed, it is the purview of the Maryland State Board of Education to adopt regulations, and the local Board ought to have as much input into how those regulations are written and what they convey as possible. A letter should be prepared and sent immediately. Board members should be present at the hearing to give testimony.

Dr. Cheung was concerned that the law passed with the idea to help local county governments in terms of economics. The elected officials at the local and state level are very good at cutting funds, and this is another way to micro-manage the school system. He has not seen anything to generate wealth to invest in growth or new revenue sources which is very worrisome. The Governor says that education is a high priority, and he needs to evaluate what the State Board of Education is doing in implementing the legislation that has been passed. He was very concerned because he has not seen strong state or local leadership that will lead toward educational excellence as growth continues.

RESOLUTION NO. 531-96

Re: **EXCLUSION OF NONRECURRING COSTS AND
WAIVER OF MAINTENANCE OF EFFORT**

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

WHEREAS, The Maryland State Board of Education has prepared both emergency and final rule making to implement HB-7 and will be holding public hearings in the near future; now therefore be it

Resolved, That the Board of Education authorize the superintendent to draft and the Board President to sign a letter to the Maryland State Superintendent of Schools and State Board President (with copies to the Governor, Speaker, Senate President, County Council, County Executive, PSSAM, MABE, Montgomery County delegation, and each local board in Maryland) raising questions and setting out objections about the items in the July 11, 1996, letter from Mr. Duncan and Mrs. Ewing; and be it further

Resolved, That the Board of Education object to the absence of a formal role for the Board of Education in determining what are nonrecurring costs, noting the absence of a process for achieving mutual agreement, and noting there was no mutual agreement on this list; and be it further

Resolved, That the Board of Education raise the question of what is meant by the term nonrecurring costs and noting wide differences of view and the need to attempt to reach better agreement; and be it further

Resolved, That the Board of Education authorize the preparation of testimony for the upcoming hearings and educate the general public what this issue is all about; and be it further

Resolved, That the Board of Education send separate letters to the County Council and the County Executive objecting to the process used by them prior to sending the correspondence to the Maryland State Superintendent of Schools.

Re: BOARD/SUPERINTENDENT COMMENTS

Dr. Vance alerted the Board to a number of initiatives that he will take before the opening of school in the fall. One initiative will be designed to address an increase in serious incidents particularly in drug and alcohol use and fighting among middle school age students. Dr. Fountain will form a group consisting of a cross section of school staff and community members to make recommendations addressing the rise in serious incidents. Dr. Vance is also looking into establishing a task group that would look at the implications of programs such as Charter Counts and values education. At the same time, he has asked Mr. Gough to incorporate a greater emphasize on strict law enforcement and school security particularly dealing with individual and group behavior at extracurricular activities.

Mr. Ewing reminded the Board of the Future Search conference on September 19 - 21, 1996. All invitations have been sent with an 85 percent acceptance rate. Mr. Ewing asked the superintendent to respond to reports of a plan for across the board reduction of

classroom staff hours in community-based special education programs. He requested the facts and the impact of any reductions. Regarding Montgomery Blair High School's science labs, Mr. Ewing requested the superintendent to investigate falling tiles, flooding, and damaged equipment in order to provide a safe environment for students. Mr. Ewing commented Albert Einstein High School for improved AP test results with a large number of students taking the tests. Einstein is both doing better than it has done in the past which evidenced by this test data.

Mr. Ewing was pleased to hear the superintendent speak of safety and security issues. There are many initiatives that can be considered and taken. He believes strongly that the Board needs to budget for and put in place more security assistants at all levels. The school system needs a very aggressive instructional effort in teaching students moral values beginning at the earliest stages. He is willing to consider Character Counts as one way to approach this issue. The Board and superintendent needs to be open about what is to be taught and why. A major pillar of the policy ought to be intensive efforts at parental education. There is no issue more likely to lead parents to conclude that their students ought not be in MCP schools than the issue of security and safety. If they think the schools are not save, they will lose confidence in the schools.

Mrs. Gordon pointed out that the Board has scheduled an item with the overarching policy issue taking definitive action about character and values education. Also, the Board has had some discussion about the positions MABE took last year on legislation, and a study group looked at local issues and will make recommendations to the delegate assembly at the annual conference.

Mrs. King remarked that Character Counts is generating a great deal of excitement. This program does not have to cost a great deal of money. The City of Gaithersburg spent \$25,000 and trained a immense number of people with the trained people training others. It is an issue that is not political nor racial, but something everyone can value.

Ms. Gutiérrez remarked that Dr. Vance's comments were valuable. She added that the Board members had an opportunity to meet with representatives of MCAASP who are concerned about discipline. In addition to Dr. Vance's initiatives, the school system has only a few students who are causing the most disruption and violence. As the school system identifies disruptive students and strictly enforces the rules, the Board must budget and have a capacity for alternative programs to deal with these students. In regard to the budget review committees, she hoped that Board members would have an opportunity to be involved in getting materials as well as help create the framework in which the committee recommendations will come to the Board. She hoped there would be a multi-year approach, and there could be expansion rather than only recommendations for reductions in the operating budget.

RESOLUTION NO. 532-96

Re: **CLOSED SESSIONS RESOLUTION**

On recommendation of the superintendent and on motion of Mrs. King seconded by Dr. Cheung, the following resolution was adopted unanimously by members present:

WHEREAS, The Board of Education of Montgomery County is authorized by the Education Article of the Annotated Code of Maryland and Title 10 of the State Government Article to conduct certain meetings or portions of its meetings in closed session; now therefore be it

Resolved, That the Board of Education of Montgomery County conduct a portion of its meetings on Thursday, August 1, 1996, at 7:00 p.m. and on Tuesday, August 27, 1996, at 8:30 a.m. to discuss personnel matters, matters protected from public disclosure by law, review and adjudicate appeals, and other issues including consultation with counsel to obtain legal advice, specifically pertaining to the acquisition of real property for a public purpose and related matters; and be it further

Resolved, That these meetings be conducted in Room 120 of the Carver Educational Services Center, Rockville, Maryland, as permitted under Section 4-106, Education Article of the Annotated Code of Maryland and State Government Article 10-501; and be it further

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

Re: REPORT OF CLOSED SESSION

On June 24, 1996, by the unanimous vote of members present, the Board of Education voted to conduct a closed session on July 9, 1996, as permitted under Section 4-106, Education Article of the Annotated Code of Maryland and State Government Article 10-501.

The Montgomery County Board of Education met in closed session on July 9, 1996, from 9:05 to 10:05 a.m. and 1:20 to 2:40 p.m. The meeting took place in Room 120, Carver Educational Services Center, Rockville, Maryland.

The Board met to discuss personnel issues, legal matters with its attorneys, and matters protected from public disclosure by law. The Board reviewed and adjudicated BOE Appeals 1995-20, 1996-1, 1996-7, 1996-8, 1996-9, 1996-10, 1996-11, 1996-12, 1996-13, and 1996-17.

In attendance at part or all of the closed sessions were: Steve Abrams, Larry Bowers, Alan Cheung, Blair Ewing, David Fischer, Kathy Gemberling, Bea Gordon, Ana Sol Gutiérrez, Armando Gutierrez, Nancy King, George Margolies, Ben Marlin, Brian Porter, Rachel Prager, Glenda Rose, Mary Helen Smith, and Paul Vance.

RESOLUTION NO. 533-96 Re: **BOE APPEAL 1996-9**

On motion of Mrs. Gordon and seconded by Mrs. King, the following resolution was adopted:

Resolved, That the Board of Education adopt its Decision and Order in BOE Appeal 1996-9, a student suspension matter, reflective of the following vote: Dr. Cheung, Mr. Ewing, Mrs. Gordon, and Mrs. King voting to dismiss; Mr. Abrams, Ms. Gutiérrez, and Ms. Prager voting to reverse the superintendent's decision; Mr. Felton was absent.

RESOLUTION NO. 534-96 Re: **BOE APPEAL 1996-10**

On motion of Mrs. Gordon and seconded by Dr. Cheung, the following resolution was adopted:

Resolved, That the Board of Education adopt its Decision and Order in BOE Appeal 1996-10, a student discipline matter, reflective of the following vote: Mr. Abrams, Dr. Cheung, Mr. Ewing, Mrs. Gordon, Ms. Gutiérrez, Mrs. King, and Ms. Prager voting to dismiss; Mr. Felton was absent.

RESOLUTION NO. 535-96 Re: **BOE APPEAL 1996-11**

On motion of Mrs. Gordon and seconded by Ms. Prager, the following resolution was adopted:

Resolved, That the Board of Education adopt its Decision and Order in BOE Appeal 1996-11, a student suspension matter, reflective of the following vote: Mr. Abrams, Dr. Cheung, Mr. Ewing, Mrs. Gordon, Ms. Gutiérrez, Mrs. King, and Ms. Prager voting to dismiss; Mr. Felton was absent.

RESOLUTION NO. 536-96 Re: **BOE APPEAL 1996-12**

On motion of Mrs. Gordon and seconded by Ms. Prager, the following resolution was adopted:

Resolved, That the Board of Education adopt its Decision and Order in BOE Appeal 1996-12, a student suspension matter, reflective of the following vote: Mr. Abrams, Dr. Cheung, Mr. Ewing, Mrs. Gordon, Ms. Gutiérrez, Mrs. King, and Ms. Prager voting to dismiss; Mr. Felton was absent.

RESOLUTION NO. 537-96 Re: **BOE APPEAL 1996-13**

On motion of Mrs. Gordon and seconded by Mrs. King, the following resolution was adopted:

Resolved, That the Board of Education adopt its Decision and Order in BOE Appeal 1996-13, a student grade matter, reflective of the following vote: Mr. Abrams, Dr. Cheung, Mr. Ewing, Mrs. Gordon, Ms. Gutiérrez, Mrs. King, and Ms. Prager voting to affirm the superintendent's decision; Mr. Felton was absent.

RESOLUTION NO. 538-96 Re: **BOE APPEAL T-1996-4**

On motion of Mrs. Gordon and seconded by Mrs. King, the following resolution was adopted:

Resolved, That the Board of Education adopt its Order in BOE Appeal T-1996-4, a student transfer matter, reflective of the following vote: Dr. Cheung, Mrs. Gordon, Ms. Gutiérrez, Mrs. King, and Ms. Prager voting to affirm the superintendent's decision; Mr. Ewing voting to reverse the superintendent's decision; Mr. Abrams and Mr. Felton were absent.

RESOLUTION NO. 539-96 Re: **AMENDMENT OF AGENDA**

On motion of Mrs. Gordon and seconded by Mrs. King, the following resolution was adopted unanimously by member present:

Resolved, That the Board of Education amend its agenda to postpone Items 7.5.1 (Change of Position Classification), 7.5.2 (Physical Appearance Category in Human Relations Policies), and 7.5.3 (Cable Modems) until the next meeting when Mr. Abrams would be present.

RESOLUTION NO. 540-96 Re: **COMMITTEE TO EXPLORE OPTIONS IN FUNDING BUDGET**

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

WHEREAS, The Board of Education has proposed budgets it believed to be modest over the past six years; and

WHEREAS, The County Council has determined to reduce those budgets, increasingly turning to cuts in direct educational programs to students, as options for administrative cost reductions have been greatly reduced over time, as a result of years of successive cuts in this area; and

WHEREAS, It is urgent that further reductions in educational services be avoided, that services be provided to the increasing numbers of students in MCPS, and that selected improvements or restorations of funds be made; now therefore be it

Resolved, That the Board of Education appoint a Committee comprised of citizens and supported by MCPS staff to explore and make recommendations about options for avoiding future reductions in the extent and quality of education services; and be it further

Resolved, That the Committee be requested to examine such options as additional taxes, other sources of income, changes in the laws that provide for school financing, as well as such other options as the Committee may think appropriate; and be it further

Resolved, That the Committee be appointed and begin work before the end of September, 1996, and make initial recommendations by February 1, 1997, with a final report and recommendations to the Board by July 1, 1997.

RESOLUTION NO. 541-96 Re: **CLASS SIZE REDUCTION GOALS AND STRATEGIES**

On motion of Ms. Gutiérrez and seconded by Mr. Ewing, the following resolution was adopted unanimously by members present:

WHEREAS, The Board of Education has scheduled time to discuss class size that focuses on the relative impact of technology and other factors on class size as well as varying types of teaching and organizational structure; now therefore be it

Resolved, That the Board of Education schedule time at a subsequent meeting to discuss class size reduction goals and strategies.

Re: **NEW BUSINESS**

Mr. Ewing moved and Dr. Cheung seconded the following:

Resolved, That the Board of Education schedule time to discuss and adopt appropriate action recommendations to go to the County Council, County Executive, and the Planning Board to improve or change the Adequate Public Facilities Ordinance and the Annual Growth Policy so that they more clearly and strongly support school system policies and the need for appropriate school facilities that are not overcrowded.

Mr. Ewing moved and Dr. Cheung seconded the following:

Resolved, That the Board of Education ask the superintendent to provide a review of the MCPS facility plans insofar as they affect and provide for special education facilities as well as accessibility for handicapped individuals in all schools, including, but not limited to, issues that have been raised recently by the County

July 22, 1996

Commission on People with Disabilities about Poolesville High School and in a letter from Mr. Astrove.

RESOLUTION NO. 542-96 Re: **ADJOURNMENT**

Resolved, That the Board of Education adjourn its meeting of July 22, 1996, at 12:15 a.m.

PRESIDENT

SECRETARY

PLV:gr

MONTGOMERY COUNTY PUBLIC SCHOOLS
SUMMARY SHEET
JULY 22, 1996

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