

Act under Section 10-503(a) of the *State Government Article*; and be it further

Resolved, That this portion of the meeting continue in closed session until the completion of business.

RESOLUTION NO. 437-02 Re: **APPROVAL OF THE AGENDA**

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

Resolved, That the Board of Education approve its agenda for September 23, 2002, and add Board/Superintendent Comments.

Re: **PUBLIC COMMENTS**

The following people testified before the Board of Education:

	<u>Person</u>	<u>Topic</u>
1.	Kay Romero	Form 270-1
2.	Patricia Downey	Special Education Transportation
3.	Walter Malakoff	Vending Machines
4.	Karen Helfert	MCPS Website
5.	Penny Lee	Transportation
6.	Michael Tabor	Corporate Branding in MCPS
7.	Ellen Valentino	Business Partnerships
8.	Mark Drury	Career and Technology Education
9.	Tracy Fox	Nutrition in Schools

Mr. Felton asked staff to prepare a response to Penny Lee's testimony. Mrs. O'Neill requested the information on the audit of the vending machines in schools, the audit process, and the swap of machines from soda to juice and water.

RESOLUTION NO. 438-02 Re: **PARTIAL CAPITALIZATION OF SELECTED CAPITAL PROJECTS**

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

The Montgomery County Office of Management and Budget and our external auditors have recommended that certain Capital Improvements Program projects be partially capitalized annually. Staff concurs with this capitalization procedure and it is recommended that the following resolution be approved:

WHEREAS, The Montgomery County Office of Management and Budget has recommended the capitalization of countywide capital expenditures incurred as of June 30, 2002; and

WHEREAS, The Montgomery County Public Schools external auditors concur with this recommendation; now therefore be it

Resolved, That the following projects be partially capitalized in FY 2003:

Project No.	Project	(Amts. in Thousands) Partial Capitalization of Expended Funds
9963	ADA Compliance	\$ 1,715
9993	ALARF	8,878
9928	Asbestos Abatement	1,029
9921	Current Modernizations	29,616
9902	Design and Construction Management	3,153
9903	Educational Technology – Global Access	8,130
9959	Energy Conservation	695
9926	Facility Planning	873
9905	Fire Safety Code Upgrades	472
9918	Fuel Tank Management	145
9916	HVAC Replacement	2,233
9932	Improved Access to Schools	2,130
9950	Indoor Air Quality Improvements	1,320
9915	PLAR	1,970
9968	Relocatable Classrooms	9,382
9942	Roof Replacement	3,380
9943	School Gymnasiums	4,274
9920	School Security	619

RESOLUTION NO. 439-02 Re: **ARCHITECTURAL APPOINTMENT – GAITHERSBURG HIGH SCHOOL**

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

WHEREAS, It is necessary to appoint an architectural firm to provide professional and technical services during the design and construction phases for the addition project for Gaithersburg High School; and

WHEREAS, Funds for architectural planning were programmed as part of the FY 2003 Capital Budget; and

WHEREAS, An Architect Selection Committee, in accordance with procedures adopted by the Board of Education on July 14, 1998, identified Samaha Associates as the most qualified firm to provide the necessary professional architectural and engineering services; and

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

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with the architectural firm of Samaha Associates to provide professional architectural and engineering services for the addition project for Gaithersburg High School for a fee of \$576,419.

RESOLUTION NO. 440-02 Re: REDUCTION OF RETENTION – WALT WHITMAN HIGH SCHOOL

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

WHEREAS, Keller Brothers, Inc., general contractor for the Walt Whitman High School addition project, has completed 96 percent of all specified requirements as of August 31, 2002, and requested that the 10-percent retainage, which is based on completed work to date, be reduced to 5 percent; and

WHEREAS, The project bonding company, Travelers Casualty and Surety Company of America, has consented to this reduction; and

WHEREAS, The project architect, Grimm and Parker, P.C., recommends approval of the reduction; now therefore be it

Resolved, That the 10-percent retainage withheld from periodic payments to Keller Brothers, Inc., general contractor for the Walt Whitman High School addition project, be reduced to 5 percent, with the remaining 5 percent to become due and payable after completion of all remaining contract requirements and formal acceptance of the completed project.

RESOLUTION NO. 441-02 Re: UTILIZATION OF FY 2003 FUTURE SUPPORTED PROJECT FUNDS

On recommendation of the Superintendent and on motion of Mrs. King seconded by Ms. Cox, 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. 14-1270, approved May 23, 2002; and

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

WHEREAS, Sufficient appropriation is available, within the FY 2003 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 2003 Provision for Future Supported Projects, as specified below:

<u>Project</u>	<u>Positions</u>	<u>Amount</u>
School Accountability Funding for Excellence (SAFE)		\$ 230,729
Literacy Works 2003		137,745
English Literacy and Civics Instruction	2.0*	647,501
Elementary School Foreign Language Incentive Program		52,035
Meeting National Standards in Immersion Programs – Spanish and French	<u>1.0*</u>	<u>166,468</u>
Total	<u>3.0</u>	<u>\$1,234,478</u>

*2.0 FTE coordinators

*1.0 FTE project specialist/office assistant

and be it further

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

Re: **UPDATE ON THE NO CHILD LEFT BEHIND ACT**

Maree Sneed, Esquire, Hogan and Hartson, L.L.P., updated the Board on the provisions in the draft regulations. This is a very comprehensive law that went into effect on January 8, 2002. As a condition for every state to receive Title I funds, the state must: (1) have a plan and establish standards for mathematics, reading/language arts, and science; (2) provide the same accountability system for all public schools; and (3) include sanctions and rewards to hold districts accountable for student achievement and adequate yearly progress. On August 5, 2002, the proposed regulations were released and expanded the law. By the end of the 2013-14 school year, school systems must close the gap and raise the bar for all disaggregated groups of students.

Ms. Sneed said school systems will be judged by adequate yearly progress, which will be

based on academic assessments; measurable annual improvement for students who are (1) disadvantaged, (2) come from different racial/ethnic groups, (3) disabled, and (4) limited English proficient; secondary school graduation rates; and other indicators selected by the state, such as attendance. There must be a long-term plan to reach the target by 2013-14, but there will be intermediate goals. States must administer assessments to all students, including students with disabilities (with reasonable accommodations), at least 95 percent of each disaggregated group, and LEP students (with reasonable accommodations).

Also, every school district is required to develop a plan by 2002-03 to qualify for Title I program funding, coordinate with other programs and other acts as appropriate, and be subject to periodic review and revision. Those plans must assure that the school system will (1) keep schools and parents informed, (2) provide technical assistance and support, (3) fulfill school improvement responsibilities, (4) provide private school services, (5) consider research, (6) review annual assessments, (7) participate in the National Assessment of Education Program (NAEP), and (8) ensure that low-income and minority students have rates of qualified and experienced teachers equal to other students.

Beginning with the 2002-03 school year, district report cards are required to include (1) student performance and proficiency information, (2) most recent two-year trends for student achievement, (3) aggregated information on other indicators used to determine Adequate Yearly Progress, (4) graduation rates for secondary school students, (5) aggregated teachers' professional qualifications, (6) numbers and percentage of district schools identified for school improvement, and (7) comparison of each school's student performance to district and state performance, and of the district's achievement to that of state as a whole.

As triggered by failure to make adequate yearly progress (as defined by the state education plan), accountability stages include school improvement, corrective action, and restructuring.

1. School Improvement (two consecutive years of failure to meet adequate yearly progress)
 - a. Creates school transfer option
 - b. Mandates development and implementation of school improvement plan
 - c. Requires provision of supplemental services in second year of school improvement designation
2. Corrective Action (four consecutive years of failure to make adequate yearly progress)
 - a. Continues supplemental services and school transfer options
 - b. Requires district to take corrective action
3. Restructuring (failure to make annual yearly progress after full year of corrective action)
 - a. Continues supplemental services and school transfer option
 - b. Requires district to provide alternative governance
 - c. Requires notice to teachers and parents

The identification process for an underachieving school is one that most school systems can meet. The school choice option includes (1) transfer available to another district public school, (2) transfer priority to lowest-achieving, low-income students, (3) district pays transportation, (4) student may remain at new school until completion of the school's highest grade, and (5) district's transportation payment obligation ends when transferring school is no longer subject to remedial action. School choice is based on:

1. Capacity – transfer options may be limited by health and safety code requirements regarding school capacity
2. Priority – the lowest-achieving students from low-income families have priority among school options and for transportation funds
3. Admission requirements – districts can consider entrance requirements for magnet school when granting choice options
4. Transportation – school districts must spend five percent of Title I, Part A, allocation on choice-related transportation, but can supplement that amount with state and local funds
5. Desegregation – districts subject to desegregation plans (whether voluntary or mandated) may consider plan requirements in determining how to provide choice options.
6. Cooperative Agreements – in limited circumstances where intra-district choice is not possible, school districts should establish agreements with nearby districts to accommodate transfer options.

Supplementary education services must include:

1. Parents select service provider
 - a. May be private non-profit or for-profit
 - b. Subject to state approval on reasonable criteria
2. Provider instruction must be secular, neutral, and non-ideological
3. District's obligations:
 - a. Work with service provider to develop services agreement
 - b. Provide annual notice to parents of services' availability
 - c. Provide assistance for provider selection
 - d. Pay for supplemental services

A teacher teaching in a Title I-supported program is a teacher in a targeted assistance school who is paid with funds under Title I, Part A, or in a school-wide program school. By 2005-06, the "highly qualified" (certified) teacher requirement applies only to teachers teaching core academic subjects – English, mathematics, foreign language, economics, history, reading/language arts, science, civics/government, arts, and geography.

Provisions under other titled sections include qualifications for instructional assistants, parent

notification, dropout rates, single-sex classes, school prayer, boy scouts, military recruitment, transfer out of a dangerous school, and student privacy.

Re: DISCUSSION

Mrs. King asked if it was possible to have a single-sex charter school. Ms. Sneed replied that it would potentially be a problem. Mr. Burnett inquired about other districts that have single-sex classes, and how it is done. Ms. Sneed replied that it is done in violation of federal law unless there are exceptions, such as physical education.

Mrs. O'Neill and Mr. Burnett asked for copies of the PowerPoint presentation.

Mr. Felton thought the general question was whether or not the school system was in a position to comply, and what requirements in the law are the most challenging. Ms. Sneed replied that she thought getting the assessment in place and making sure the assessment is aligned with the standard was the biggest challenge. Also, the timelines are a big problem.

Mr. Abrams thought one problem was the uneven application of the law, due to different states having different standards. This has already happened. For example, no schools in Arkansas were identified as not meeting standards, yet schools in Montgomery County were identified. That happens when the testing and assessment are not as rigorous from jurisdiction to jurisdiction. Some school systems run the risk of being penalized because they are too rigorous. The thrust is excellence in education, and the Secretary should revise the national standard with discretion.

Mr. Felton believed that another challenge would be funding. The federal law was passed with the assumption that funding would be made available. However, there are indications from both the federal and state governments that funding will not be sufficient, and the local school system has no choice but to comply with the law.

Mr. Burnett noted that Title I funds will be drawn from the educational program to provide for transportation and supplementary services.

Mrs. O'Neill asked if other jurisdictions would be forced to take children from jurisdictions with a large number of underperforming schools. Ms. Sneed thought the choice provision was a compromise for vouchers.

Ms. Cox thought the current legislation stipulates that a state would allow other districts to take students from a failing district within that state. Ms. Sneed reported that it had not gone that far, but that the state could take over the district. Mr. Felton noted that the law encourages that action, but does not mandate it.

Mr. Burnett remarked about educating the community and parents on the many facets of this law.

Mrs. O'Neill asked if the Maryland Performance Index included attendance. Dr. Weast replied that attendance was a factor but it was hard to determine how it was weighted. There is no standard in education. The implementation of the law will be fraught with many different issues across the country. Some states did not give any choice this year even if they had identified schools. There will be districts that cannot get qualified teachers, train or obtain paraprofessionals, and have ill-defined testing programs.

**Re: 2001-2002 REPORT OF THE MONTGOMERY
COUNTY ADVISORY COUNCIL FOR CAREER
AND TECHNOLOGY EDUCATION**

Dr. Weast invited the following people to the table: Dr. Judy Blumenthal, chair, and Ms. Marjorie Ravick, vice chair, Montgomery County Advisory Council for Career and Technology Education.

Dr. Blumenthal presented the following recommendations from the Council:

Recommendation 1 – The Council recommends putting the Application for the College Tech Prep Program into every MCPS student Course Bulletin. This will help to increase the number of students enrolling in MCPS/Montgomery College (MC) CTE articulation agreements.

Recommendation 2 – Annual Student Awards Program for CTE students.

1. The first alternative would be to speak with the Montgomery County Business Roundtable for Education (MCBRE), since it is a "vested partner" with MCPS, and part of its mission is to "create a new model of educational excellence for all students." The meeting would be to ask for financial support to allow CTE to return to some form of a central awards ceremony.
2. The second alternative is to have "cluster" or "regional" award ceremonies. This will allow for crucial peer acceptance, and increase exposure to parents and students that, in turn, will reinforce the importance of CTE programs. Also, it will increase the chance of having in attendance elected county representatives, MCPS senior management, multiple CTE staff, the advisory council, parents, students, industry, business, and other members of the community at large.

In summary, either a return to a centralized ceremony, or "cluster" or "regional" award ceremonies will offer exposure that is more acceptable and offers recognition of career and technology programs, and the students in those programs. To reiterate, the continued loss of recognition is seriously harmful to the programs. Public recognition is the cornerstone of the school system's current successful CTE programs.

Recommendation 3 – The Council asks the Board to continue to pursue the assembly of

smaller learning communities focused on career-based education with academic rigor. This will allow students in career academies to find relevance in their education and apply the needed effort to succeed in school so they can succeed in life.

Recommendation 4 – The Council encourages and supports the Board’s involvement to provide the coverage for all students in unpaid, work-based learning experiences. Specifically, the Council asks the Board to work with the MCPS Division of Insurance as well as individuals at the State Assembly to establish legislation or other mandates that would extend Workers’ Compensation coverage to ALL students in unpaid, work-based learning experiences as it is currently offered to students who have been identified as having special needs.

Recommendation 5 – The Council has two recommendations for upcounty CTE Signature programs:

1. The first recommendation is that the Board of Education submit a request to the MCPS facilities staff and long-range planning committee or equivalent, to determine how the system might locate such a center in a time of tight facility needs.
2. The second recommendation is that MCPS seek additional funding from the MSDE to expand the upcounty CTE offerings.

Recommendation 6 – The Council recommends continued encouragement for gender equity in traditional single-sex career roles. The Council also recommends additional publicity, and education of the counselors and parents to find ways to encourage participation in more non-traditional employment roles.

Re: **DISCUSSION**

Ms. Cox asked about the CTE expansion in the county. She would be interested in having CTE opportunities on a quad-cluster basis. This would provide a continuum of programs that would be available for students to self-select to match their interests. Her concern in establishing another CTE high school is that it would support the current perception of vo-tech. MCPS should focus on ways to develop additional options within comprehensive high schools for CTE, such as at Damascus High School. Dr. Blumenthal replied that the Council believes the old perception can be dealt with by advertising and by blending CTE students into the college-bound students. She responded that Ms. Cox’s points were important, but she thought a replicate facility would not foster a negative perception of CTE. Mr. Felton wanted this concept added to the superintendent’s response.

Mr. Lange noted that, with different programs throughout the school system, a student would have to make a decision about a career path and possibly seek a transfer to where that program was offered. He thanked the Council for its dedication and thoughtful

recommendations. There is a need to market CTE continually and help parents and students recognize the true career potential.

Mrs. O'Neill mentioned Workers' Compensation and the ongoing issue of student interns. She asked staff to help the Board raise this issue, especially in the annual meeting with the delegation. Also, the legislative committee of the Maryland Association of Boards of Education could investigate future legislation.

Mr. Burnett thanked the Council and its support of MCPS students. He fully supported "Edison North" or an upcounty center. It is a great model that should be replicated.

RESOLUTION NO. 442-02 Re: **2001-2002 REPORT OF THE MONTGOMERY COUNTY ADVISORY COUNCIL FOR CAREER AND TECHNOLOGY EDUCATION**

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

WHEREAS, The Montgomery County Advisory Council for Career and Technology Education has submitted its annual report for 2001–2002; and

WHEREAS, The Montgomery County Advisory Council for Career and Technology Education expressed support for (1) putting the application for the College Tech Prep Program into every Montgomery County Public Schools (MCPS) student course bulletin; (2) returning to either a centralized or "cluster/regional" annual student awards program; (3) continuing pursuit of the assembly of smaller learning communities focused on career-based education with academic rigor; (4) providing Workers' Compensation coverage to all students in unpaid, work-based learning experiences; (5) identifying how a CTE Signature Program center can be established; (6) acquiring funding from the Maryland State Department of Education to expand upcounty CTE offerings; and (7) continuing encouragement for gender equity in traditional single-sex career roles; and

WHEREAS, The superintendent and MCPS staff have reviewed the *2001–2002 Annual Report for the Montgomery County Advisory Council for Career and Technology Education*; now therefore be it

Resolved, That the Board of Education express gratitude to the members for their outstanding contribution to our schools; and be it further

Resolved, That the Board of Education accept the *2001–2002 Annual Report from the Montgomery County Advisory Council for Career and Technology Education*.

Re: **DIALOGUE ON CURRENT ISSUES** – *New State Assessments*

Mr. Felton stated that the Board would discuss the decisions made by the State Superintendent regarding the assessment. He thought those decisions were on the right track, but he was concerned about both the validity and reliability of the test as it relates to minority and special education students. There should be an assurance that students with disabilities are not adversely affected by an instrument that will be put in place so quickly. Also, there are concerns that school staffs understand the design and objectives. However, this assessment will give the school system the ability to assess both individual students and schools.

Mrs. O'Neill pointed out that MCPS argued that MSPAP did not provide individual student data. Also she was pleased that the number of hours had been reduced by three. However, when there is a rush to begin a new assessment, the first round of reports will almost be a trial period even though it meets federal guidelines.

Mr. Burnett added that this test will have a tremendous impact, and the local school systems have not seen it.

Mr. Abrams thought it was one of the more optimistic signs he had seen coming from the state to the extent that the Board's criticism of the MSPAP was well placed. When MSPAP was put in place, MCPS was already running its evaluations and asked that those assessments be used in place of MSPAP. The state turned down that offer, and MCPS had to administer MSPAP. Assessment vehicles can be developed to provide both individual and aggregate data. He was concerned about the differentiation between jurisdictions wherein a Maryland standard is set too high. The state is not giving up on the objective of an instrument that measures cognitive skills in a standardized form and a minimal essay. There must be uniformity in grading essays without a key word indicator. There will need to be a database on reliability to validate the results. The direction of the redesign is very consistent with what MCPS has asked for from the state. It is consistent to have the assessment vehicle in line with the curriculum. However, the timeline is being predicted by the federal legislation rather than the time it takes to develop a reasonable instrument.

Mr. Burnett noted that the state of Virginia had years to develop a reliable assessment instrument, and Maryland will not have that luxury.

Mr. Abrams responded that Virginia has a different structure since they test rote knowledge. If Maryland had chosen that path, it could demonstrate high results but it would not benefit students. The biggest flaw is that systems can comply with the federal law by lowering rigor, but that does not serve students in the long run.

Ms. Cox was pleased that the new assessment will provide information on student achievement on both the state standards and the national norm. Parents have been asking for this information. There will be concerns about whether performance on the state standards accurately reflects student learning when a student is above or below grade level. She asked what the state's plan was in implementing and using the information to identify failing schools. Is there a one-year period when it will not be used? Dr. Weast replied that it is in a state of change, but the Board wants its students to be measured accurately. He was concerned about any test and its level of diagnostic accuracy. There is a great deal of debate on 30-year-old tests and discriminatory inferences. The amount of money spent on the state's new assessment may not provide the level of diagnostic data that MCPS desires. Also, the decrease in time may affect the validity of the test. Therefore, MCPS must collaborate with the state to get a norm reference score with any degree of accuracy as well as a criterion-referenced score. It is laudable what the state is trying to do, but it will be difficult working under the timeframe.

Dr. Weast hoped that the test would be accurate and not biased against any group. He hoped that the test would not narrow the curriculum since some states have removed art and music programs. He hoped the Board would ensure that MCPS students would get a rich and broad curriculum. He hoped that as the test moves to younger children, there would be appropriate materials. He hoped that there would be support for all students whether or not they do well on the assessment. He hoped the Board would back the state in working with other states to build uniformity.

Mr. Felton thought the issue of disaggregated data is very important. Clearly, people want to improve the quality of schools. Many representatives on Capital Hill were not aware of many of the provisions in the legislation. The issue for MCPS is to support the state. What will be the indicators or milestones signaling the realignment of resources? Dr. Weast thought the critical key is an accurate assessment since policy decisions will be made based on the outcome of that assessment. He would not be opposed to more time or a pilot of the instrument if that would assure the accuracy of the assessment. The curriculum standards should be set prior to developing the test. However, the state must do the test first to meet federal legislation and then do curriculum later. Most testing companies want a couple of years to check accuracy and fairness.

Mr. Abrams asked if MCPS had valid tests that could be shared with the state and the testing companies. Dr. Weast stated that the accountability is between the state and the testing companies, and MCPS will have to rely on the test that is developed.

Ms. Cox was interested in the national norms related to the National Assessment of Educational Progress.

Mr. Lange restated that the Board will support the state's initiative, but there are still so many

unknowns.

RESOLUTION NO. 443-02 Re: CLOSED SESSION RESOLUTION

On recommendation of the Superintendent and on motion of Mrs. O'Neill seconded by Mrs. King, 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 portion of its meeting on Tuesday, October 15, 2002, in Room 120 of the Carver Educational Services Center to meet in closed sessions from 9:00 to 10:00 a.m., 12:00 to 2:00 p.m. and 4:30 to 4:35 p.m. to discuss personnel matters, as permitted under Section 10-508(a)(1) of the *State Government Article*, consult with counsel to obtain legal advice, as permitted by Section 10-508(a)(7) of the *State Government Article*; review and adjudicate appeals in its quasi-judicial capacity; and to discuss matters of an executive function outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*); and be it further

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

RESOLUTION NO. 444-02 Re: REPORT OF CLOSED SESSION

On September 12, 2002, 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 September 12, 2002, from 9:10 to 1:30 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and

1. Reviewed and/or adjudicated the following appeals: 2002-14, 2002-16, 2002-34, 2002-36, 2002-38, 2002-40, 2002-41, 2002-43, 2002-44, 2002-46, 2002-47, 2002-48, 2002-54, T-2002-41, T-2002-42, T-2002-43, T-2002-44, T-2002-45, T-2002-48, T-2002-49, T-2002-50, T-2002-51, T-2002-52, T-2002-53, T-2002-54, and T-2002-56.
2. Reviewed the Superintendent's recommendation for the Human Resources Monthly Report and human resources appointment, subsequent to which the vote to approve was taken in open session.
3. Conducted portions of its closed sessions to discuss collective bargaining

- negotiations, as permitted under Section 10-508(a)(9) of the *State Government Article* and Section 4-107(d)(2)(ii) of the *Education Article*;
4. Consulted with counsel to receive legal advice as permitted under Section 10-508(a)(7) of the *State Government Article*.
 5. Discussed matters of an executive function outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*).

In attendance at the closed session were: Steve Abrams, Mihyar Alnifaidy, Larry Bowers, Kermit Burnett, Sharon Cox, Susanne DeGaba, Reggie Felton, Wes Girling, Roland Ikheloa, Nancy King, Don Kopp, Don Kress, Frieda Lacey, Walter Lange, George Margolies, Pat O'Neill, Brian Porter, Lori Rogovin, Glenda Rose, Marshall Spatz, Jerry Weast, and James Williams.

RESOLUTION NO. 445-02 Re: APPEAL T-2002-54

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

Resolved, That the Board of Education adopt its Order in Appeal T-2002-54, student transfer, reflective of the following vote: Mr. Abrams, Mr. Alnifaidy, Mr. Burnett, Ms. Cox, Mr. Felton, Mrs. King, Mr. Lange, and Mrs. O'Neill voting to affirm.

RESOLUTION NO. 446-02 Re: APPEAL NEC-2002-59

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

Resolved, That the Board of Education adopt its Order in Appeal NEC-2002-54, consortium assignment, reflective of the following vote: Mr. Abrams, Mr. Alnifaidy, Mr. Burnett, Ms. Cox, Mr. Felton, Mrs. King, Mr. Lange, and Mrs. O'Neill voting to affirm.

RESOLUTION NO. 447-02 Re: APPEAL T-2002-61

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

Resolved, That the Board of Education adopt its Order in Appeal T-2002-61, student transfer, reflective of the following vote: Mr. Abrams, Mr. Alnifaidy, Mr. Burnett, Ms. Cox, Mr. Felton, Mrs. King, Mr. Lange, and Mrs. O'Neill voting to affirm.

RESOLUTION NO. 448-02 Re: IMPLEMENTING REGULATION FOR POLICY BFA

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

WHEREAS, Many members of the community have brought to the Board's attention, in recent days, that a long-existing Board policy is not being implemented in our schools, raising a question as to its viability; and

WHEREAS, The Board has not been kept apprised, on a regular basis, of regulations promulgated by the superintendent, notwithstanding the express language of Policy BFA (*Policysetting*); and

WHEREAS, Policy BFA sets forth that the superintendent shall review policies on an ongoing basis as a prelude to Board consideration; and

WHEREAS, Policy BFA further requires that the superintendent develop a process for its implementation; now therefore be it

Resolved, That the superintendent issue an implementing regulation for Policy BFA that addresses:

1. The establishment of a process and schedule for identifying:
 - a) the alignment of practice with policy and
 - b) the need for substantive revision, rescission, reformatting, or minor editing of all existing policies,
2. The means by which the superintendent shall solicit input from stakeholders prior to recommending language of a draft policy to be considered by the Board,
3. The means by which the superintendent shall disseminate to citizens and staff for public comment a policy tentatively approved by the Board, and
4. The criteria for recommending whether a public forum or hearing should be conducted in the course of developing a proposed policy or prior to its adoption; and be it further

Resolved, That the draft regulation be submitted to the Board for its review.

RESOLUTION NO. 449-02 Re: **WALK OUR CHILDREN TO SCHOOL DAY – NEW BUSINESS**

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

WHEREAS, In 1997, the first national "Walk Our Children to School Day" was sponsored in Chicago and, in 2000, the first international "Walk to School Day" was celebrated; and

WHEREAS, East Silver Spring Elementary School was the first MCPS school to sponsor a

local "Walk Our Children to School Day"; and

WHEREAS, An estimated 5,700 pedestrians are killed each year, one of seven of whom are children; and

WHEREAS, Hundreds of children could be saved from injury and death each year if every community took steps to make pedestrian safety a priority, to teach children about pedestrian safety, and to become aware of the difficulties and dangers that children face on their trip to school or the bus stop each day; and

WHEREAS, Parents and community leaders again are joining together nationwide to walk children to school or to the bus stop to promote pedestrian safety in their community and, also, to promote physical fitness; now therefore be it

Resolved, That the Board of Education proclaim October 2, 2002, "Walk Our Children to School Day"; and be it further

Resolved, That the superintendent of schools notify the community and school population of "Walk Our Children to School Day," publicize this resolution and the school system's participation through a press release and an article in the *Bulletin*, and encourage everyone to consider the safety of pedestrians – and, in particular, student walkers – every day.

Re: BOARD AND SUPERINTENDENT COMMENTS

Mr. Lange noted that on October 7, there will be a meeting in the CESC auditorium to discuss study circles, and he encouraged the community to attend.

Mrs. O'Neill reported that she and Mr. Alnifaidy attended the 9th Annual Kensington 8K Race with proceeds going to the Kensington-Parkwood Elementary School PTA. Mr. Alnifaidy came in second in the 2K race. Also, Ms. Cox, Mrs. King, and Mrs. O'Neill attended the 3rd Annual School-Community Upcounty Partnership Conference, and the City of Gaithersburg is amazing in its support of MCPS students.

Mrs. King reported that several Board members attended the dedication of the boundless playground, designed for students with disabilities, at Spark Matsunaga Elementary School/Longview School. It is an incredible playground for the combination school, and she encouraged everyone to visit.

Ms. Cox attended with other Board members Gaithersburg's 21st Annual Olde Town Days, and the swearing-in of naturalized citizens was very inspirational.

Mr. Felton reminded the Board that the George B. Thomas Learning Academy will begin its

18th year. He thanked MCPS for its support and encouraged the community to get involved in tutorial programs.

Mr. Abrams stated that he enjoyed the extemporaneous discussions by the Board as well as the Board/superintendent comments. It is instructive by the degree of participation in both, and it demonstrates the wisdom of keeping both as separate items on the Board's agenda in the future.

RESOLUTION NO. 450-02 Re: ADJOURNMENT AND CLOSED SESSION

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

Resolved, That the Board of Education adjourn its business meeting of September 23, 2002, at 11:00 p.m. and reconvene in closed session.

PRESIDENT

SECRETARY

JDW:gr

**MONTGOMERY COUNTY BOARD OF EDUCATION
SUMMARY SHEET**

September 23, 2002

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