

APPROVED
32-2003

Rockville, Maryland
October 14, 2003

The Board of Education of Montgomery County met in regular session at the Carver Educational Services Center, Rockville, Maryland, on October 14, 2003, at 10:05 a.m.

ROLL CALL Present: Mrs. Patricia B. O'Neill, President
 in the Chair
 Ms. Sharon Cox
 Mr. Kermit V. Burnett
 Mr. Reginald M. Felton
 Dr. Charles Haughey
 Mr. Walter Lange
 Mr. Gabe Romero
 Mr. Sagar Sanghvi, Student Board Member
 Dr. Jerry Weast, Secretary/Treasurer

Absent: None

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

RESOLUTION NO. 493-03 Re: **CLOSED SESSION**

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

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

Resolved, That the Board of Education of Montgomery County conduct closed sessions on October 14, 2003, in Room 120 from 9:00 a.m. to 10:00 a.m. and 12:00 to 1:30 p.m. to discuss personnel matters, as permitted under Section 10-508(a)(1) of the *State Government Article*; and be it further

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

Resolved, That the Board of Education discuss the contents of a bid prior to the awarding of a contract for employee medical plans; and be it further

Resolved, That the Board of Education of Montgomery County dedicate part of the closed sessions on October 14, 2003, to acquit its executive functions and to adjudicate and review appeals, which is a quasi-judicial function outside the purview of the Open Meetings Act under

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

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

RESOLUTION NO. 494-03 Re: **APPROVAL OF THE AGENDA**

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

Resolved, That the Board of Education approve its agenda for October 14, 2003.

Re: **ANNOUNCEMENT**

Mrs. O'Neill announced that Mr. Chris France, president of the New Zealand Schools Trustee Association, was observing the Board and its governance.

RESOLUTION NO. 495-03 Re: **AMERICAN INDIAN HERITAGE MONTH**

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

WHEREAS, Since 1991, the President of the United States has proclaimed the month of November as "National American Indian Heritage Month"; and

WHEREAS, American Indians have lived in the Americas for about 70,000 years, demonstrating courage, determination, and endurance; and

WHEREAS, American Indians have made significant contributions within the broader community by the accomplishments of extraordinary individuals in the areas of science, politics, fine arts, sports, spirituality, environment, and music; and

WHEREAS, The American Indian experience past and present enriches our county, state, and nation; and

WHEREAS, The American Indian community has developed outreach activities and partnerships with families, students, and schools to strengthen and support the academic achievement of American Indian students; now therefore be it

Resolved, That on behalf of the superintendent of schools and staff, the Montgomery County Board of Education hereby declares the month of November 2003 to be observed in Montgomery County Public Schools as "American Indian Heritage Month."

RESOLUTION NO. 496-03 Re: **MONTGOMERY COUNTY EMPLOYEES' CHARITY CAMPAIGN**

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

WHEREAS, The 2003 Montgomery County Public Schools Charity Campaign is organized and supported by the Montgomery County Government, in collaboration with the Montgomery County United Way; and

WHEREAS, The needs of others have long depended on the generosity of the employees of the Montgomery County Public Schools who have contributed to charity campaigns organized by the Montgomery County Government and implemented by the Montgomery County United Way; and

WHEREAS, The three employee representative organizations – Montgomery County Association of Administrative and Supervisory Personnel, Montgomery County Education Association, and Montgomery County Council of Supporting Services Employees – along with the Montgomery County Public Schools, have formed a partnership with the Union Community Fund to broaden the alternatives for employee charity contributions; and

WHEREAS, Last year school system employees contributed \$196,938.90 to the campaign; now therefore be it

Resolved, That the period of October 27 through December 1, 2003, is hereby designated for participation in the Montgomery County Public Schools Charity Campaign by the Board of Education of Montgomery County; and be it further

Resolved, That all employees of the Montgomery County Public Schools are urged to demonstrate their continuing charity by donating to this campaign as a reflection of their commitment to addressing the needs of people who need our support.

RESOLUTION NO. 497-03 Re: **PRESENTATION OF MARK MANN AWARDS**

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

WHEREAS, The Superintendent's Annual Mark Mann Excellence and Harmony Award was established in 1990 to honor the highest qualities and most significant accomplishments of the late Dr. Mark Mann, former principal of Parkland Junior High School; and

WHEREAS, The award is presented annually to a Montgomery County Public Schools

administrator who has shown exceptional performance in promoting academic excellence, positive human relations, and community outreach; and

WHEREAS, Mr. Kennon D. Evans, principal of Dr. Sally K. Ride Elementary School, was chosen as the recipient of the 2003 Mark Mann Excellence and Harmony Award for his extensive record of excellence in educational leadership; and

WHEREAS, Mr. Evans has made his school a community of learners where students can and do succeed, where staff morale is high, and where a positive school climate promotes collaboration and open dialogue to further the academic success of all its students; now therefore be it

Resolved, That the Board of Education congratulate Mr. Evans on his accomplishments and on receiving the Mark Mann Excellence and Harmony Award.

Re: **BOARD/SUPERINTENDENT COMMENTS**

Dr. Weast stated that he and Mrs. O'Neill were going to Anaheim, California, to represent the Board to receive prestigious awards for the school system.

Dr. Weast reported that plans are well under way to open a KIPP college preparatory public school for middle school students in the Wheaton area in 2005. The school will be the first public charter school in Montgomery County if facility and charter plans are approved. The Knowledge Is Power Program would operate the school as an independent school within the former Belt Middle School facility. The Belt facility is planned to reopen for the 2005-2006 school year as both a middle school and as the site of the KIPP school. Efforts are under way to recruit educators who want to apply for instructional and leadership positions. An informational meeting for parents and the community is set for Monday, October 20, 7:30 p.m., at Wheaton High School.

Dr. Weast informed the Board that two teams of students at Eastern Middle School were among the top winners in the 2003 International Student Media Festival, which recognizes outstanding achievement in video production, Web site creation, and related creative arts. Their winning entries in animation were "Ancient Egypt" and "Getting Ready for Middle School." These winners and other winners from around the world will receive awards and certificates in Anaheim, California, on October 24. Winners will be recognized as part of the annual conference for the Association for Educational Communications and Technology, a leading research and professional group dedicated to the improvement of learning through technology.

Finally, Dr. Weast reported that State Superintendent of Schools Nancy Grasmick and he met with *Washington Post* reporters last Thursday to share a growing concern about the

inconsistency and unfairness resulting from the way adequate yearly progress (AYP) was calculated for the Maryland School Assessments (MSAs) administered last spring. Certain special education students and those with limited English proficiency received legally valid reading accommodations on the Grade 3 reading portion of the MSA. However, the accommodations led to their scores being invalidated under current AYP calculations. Their scores were changed to the lowest possible number and then included in all calculations of AYP. The article that appeared on Friday, October 10, the day after this meeting brought to public attention the implications of these inconsistencies in calculating AYP, not only for Montgomery County, but also for school systems throughout Maryland. This is an important topic with serious and far-reaching ramifications that will be discussed at length later in this meeting.

Mrs. O'Neill participated in a press conference at the U.S. Capitol on proposed reductions in federal funding for the *No Child Left Behind Act*, construction, after-school activities, and IDEA. It was an honor and privilege to address the needs of children and express concerns that without funds, *No Child Left Behind* is an unfunded mandate that is a great burden for local school systems.

Ms. Cox reported that the Montgomery County Board of Education was well represented at the Maryland Association of Boards of Education (MABE) conference. Mrs. O'Neill was elected secretary of MABE. She attended a workshop with Johns Hopkins University on its parent/school partnership, which is an exciting project on parent involvement.

Mr. Lange stated that he and other Board members participated in the dinner recognition for the Teacher of the Year. Also, he met with Mr. Kelsch and the middle school principals on a project to provide better integration between middle school and high school.

Mr. Romero noted that he and other Board members attended the Arts Education Summit in Baltimore which included a presentation on the effects of art on reasoning and imagination in children. Also, he participated in the Kensington 8K race, and it was good to see a community come together for health-related activities. Finally, he attended the Hispanic Gala and the conference to integrate Hispanic businesses.

Dr. Haughey remarked that he attended an open house at Suburban Hospital to dedicate the new pediatric emergency ward. A regular emergency room is not a good place for youngsters who are in trauma. Bradley Hills and Ashburton elementary schools provided art work from their students.

Mr. Sanghvi reported that the high and middle school student government associations held their first meetings of the year, and they started addressing student issues. He attended the MABE new members orientation where he met other student Board members. The state student government has met and discussed political action and voting. Last week, he was

filmed at school for a spot on MCPS' Cable Channel.

Mr. Felton reported that he attended with other Board members a community forum sponsored by a number of African-American organizations. The key issue was shared accountability for the academic progress of students. The clear message was that parents and community groups will have to take greater responsibility in order to close the academic achievement gap. The George B. Thomas Learning Academy started another year of Saturday schools. It is a tremendous service, and there are children on the waiting list because there are not enough tutors. Finally, he and Dr. Haughey attended a meeting of the Montgomery County Alliance of Black Educators, who are committed to improving student achievement, professional development, and national certification of teachers.

Re: PUBLIC COMMENTS

The following people testified before the Board of Education:

	<u>Person</u>	<u>Topic</u>
1.	Ron Eyre	Outside Contract
2.	Linda Morganstein	Character Education
3.	Debbie Gold	Health Survey
4.	Mark Drury	Career Education

Mr. Lange asked staff to provide information on Mr. Drury's testimony and the described allegations.

**Mr. Burnett joined the meeting at this point.

Re: UPDATE ON CIP/ENROLLMENT

Dr. Weast invited the following people to the table: Mr. Joseph Lavorgna, director, and Mr. Bruce Crispell, senior planner, Department of Planning and Capital Programming.

Staff presented a review of systemwide enrollment and demographic information as well as an overview of the upcoming Capital Improvements Program (CIP).

The rate of increase in school system enrollment has slowed this year. The preliminary September 30, 2003, enrollment is 139,799. This represents an increase of approximately 900 students from last year. County births topped 13,000 for the third straight year in 2002. The brief respite from enrollment growth in many elementary and middle schools will be temporary, given the increase in county births since 1998. Most enrollment growth is now at the high school level. Though growth has slowed at the elementary and middle school levels, continuing space shortages exist at these schools. With continuing high school growth, more

relocatables are likely to be needed. This year there are 689 relocatable classrooms in use at county schools.

The need for additional capacity is evident in both downcounty and upcounty areas. Nearly an equal number of school openings in older established areas of the downcounty is required—where student diversity is greatest—as in upcounty areas of rapid residential development. Capacity needs in both areas of the county attest to the impact of changing demographics on enrollment, even in areas where no new housing is being constructed. The demographic presentation will highlight these changes in the county and in the school system.

This year information also will be provided that compares and contrasts the 60 schools that have been targeted for full-day kindergarten and class-size initiatives, and the other 65 non-targeted elementary schools. This presentation highlights the considerable differences between these two sets of schools.

Re: DISCUSSION

Mrs. O'Neill remarked that many people are not aware of the poverty within Montgomery County. People are shocked when they learn of the number of families and children in poverty who are eligible for free and reduced-price meals.

Mr. Felton thought this was not a new topic, and the real issue for the Board is the infrastructure that has to be in place to address the 60 schools. Dr. Weast agreed that the school system had to invest in all schools regardless of their demographic makeup. That support is to nurture high achievement, but there has to be different strategies depending on the school enrollment. Equity is to meet the child's needs, and more support will be needed for children living in poverty, with a high mobility rate, and with limited English skills.

Mr. Burnett agreed that there has to be diverse programming to meet the needs of children throughout the county. Dr. Weast commented that the Board recognized that fact in 1999, and the Board convinced the County Council and the community to support its strategies. There has been significant process with early childhood initiatives, and the school system must continue throughout the elementary as well as secondary grades. There must be different strategies to increase student performance, such as charter schools, year-round schooling, schools within schools, a longer school year, students taking responsibility for learning, and parent involvement.

Ms. Cox asked if there was any survey data to indicate why African-American and Hispanic students do not take the SAT earlier and more than once. Dr. Weast indicated that information was not available, but it could be ascertained.

Mrs. O'Neill said she learned that it had not been instilled in students from middle school, and

students do not think about it until their junior or senior year.

Mr. Felton thought most students think of the SAT as part of the decision to go to college, and it is almost a new rule that the test is taken early and often.

Mr. Romero pointed out that students from other countries do not have the concept of an SAT since it is not required for college.

Mr. Felton thought the school system could say that a student is expected to take the test for the first time by a certain date.

Ms. Cox noted it was a cultural issue because some students simply check it off a list of things to do while others are so competitive that they must have the highest score possible.

Dr. Thornton thought that having all 10th graders take the PSAT will heighten the awareness and importance of the SAT. However, the school system must build a mechanism to assure that students at middle school are aware of their options. In the short term, the school system has identified students who have the prerequisite skills to be successful on these tests. Options that are being examined are: PSAT in the ninth grade or a PSAT prep course at middle school.

Mr. Burnett noted that the presentation illustrated the challenges that have been met and the challenges of the future. It is essential that the school system finds funding for the six-year CIP. The population is very diverse, but there is richness in that diversity. Also, parent involvement essential for diversity success as well as support for lobbying the funding agencies.

Mr. Felton noted that the presentation must move to reality even though student demographics are invisible to those who make decisions on funding. There must be clear alternatives with specific formulas to deal with growth in the county through the council and state lawmakers.

Ms. Cox noted that there were no policy decisions for the Board. However, the housing issues are under the purview of other agencies. She thought that a joint session with the Council and the Board to discuss housing and employment would be useful.

Mrs. O'Neill thought it was important to have that discussion with the Montgomery County Chamber of Commerce. The older areas of the county have no space for new schools, unless the county reclaims former school buildings. The Council and Chamber must look at the big picture as new building increases population densities in certain areas of the county. Every county decision maker must be part of this dialogue.

Mr. Lange agreed that a joint meeting with the Council must be scheduled. Even with the \$1 billion CIP, there will still be more than 300 portables. The presentation will help the Board

make decisions, and it will provide a framework for community dialogue. Also, Mr. Lange agreed with Dr. Weast that students must understand and accept responsibility for setting goals in order to invest in their learning opportunities.

Mr. Romero believed that the presentation should be shared with the Council. Also, he thought it was important for the African-American and Hispanic communities to be engaged in discussions about the capital budget. How the county develops is critical to the future of everyone living here. Parental involvement is crucial for student achievement.

Mr. Haughey was concerned about the stability of the student enrollment, especially in the targeted FARMs schools. Will there be a change over time? What will be the impact on the CIP? If the system cannot give students a reasonable learning environment, they will not learn as well as they should. Dr. Weast thought the CIP is essential for both the "red" and "green" areas of the county since both have requirements that must be met.

Mr. Felton reiterated that beyond staff, people do not have a clear concept of what happens if the CIP is not funded. Dr. Weast was concerned that the elected officials who understood the situation would move to other jobs.

Re: LUNCH AND CLOSED SESSION

The Board of Education recessed from 12:25 to 1:55 p.m. for lunch and closed session.

**Mr. Romero Left the meeting at this point.

RESOLUTION NO. 498-03 Re: CONTRACTS OF \$25,000 OR MORE

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

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

WHEREAS, Funds have been budgeted and/or identified for the purchase of data storage equipment through Baltimore Community College Contract No. 100201A, for the Office of Global Access Technology; and

WHEREAS, Funds have been budgeted and/or identified to acquire a new vehicle through the Montgomery County Government Bid No. 0507000028BD, Off-the-lot New and Used Vehicles, for the Office of Global Access Technology Telecommunications Services Unit; and

WHEREAS, Funds have been budgeted and/or identified to acquire a new vehicle through

the Maryland State Bid 001B3900515, Off-the-lot New and Used Vehicles, for the Office of Global Access Technology Systems Maintenance Unit; and

WHEREAS, Funds have been budgeted and/or identified for purchase of a forklift for the Division of Food and Nutrition Services through Bid No. 7107.2; and

WHEREAS, Funds have been budgeted and/or identified for a copier for the Office of School Performance through Bid No. 4106.2; and

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

Resolved, That the purchase identified in Contract No. 100201A, be approved for lease/purchase in the amount of \$91,785, for a four-year term under the Master Lease/Purchase Agreement with Banc of America Leasing & Capital, LLC; and be it further

Resolved, That the vehicle identified in Bid No. 0507000028BD, be approved for lease/purchase in the amount of \$27,761, for a five-year term under the Master Lease/Purchase Agreement with Banc of America Leasing & Capital, LLC; and be it further

Resolved, That the vehicle identified in Bid No.001B3900515, be approved for lease/purchase in the amount of \$16,000, for a four-year term under the master Lease/Purchase Agreement with Banc of America Leasing & Capital, LLC; and be it further

Resolved, That equipment identified in Bid No.4106.2, be approved for lease/purchase in the amount of \$11,065, for a five-year term under the Master Lease/Purchase Agreement with Banc of America Leasing & Capital, LLC; and be it further

Resolved, That equipment identified in Bid No.7107.2, be approved for lease/purchase in the amount of \$27,138, for a four-year term under the Master Lease/Purchase Agreement with Banc of America Leasing & Capital, LLC; and be it further

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

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

100 Data Storage Equipment
201A

Awardee
Severn Companies

\$ 91,785

MC050 Off-the-lot New and Used Vehicles

70000

28BD

Awardee

Criswell Chevrolet, Inc.

\$ 27,761

04-689 HVAC Air Filters
531-12

Awardee

Complete Air Filter Company

\$ 105,000

PGCPS Internet Service Provider
59-03

Awardee

Cogent Communications

\$ 36,000

DBM Information Technology Research and Advisory Services
OIT

99-082

Awardee

Gartner, Inc.

\$ 102,000

1082.2 Professional Services for Computer Programming, Analysis,
Database Administration, Systems Engineering, and Consulting
Services—Extension

Awardees (See note)

David Barr

Chesapeake Computer Engineering*

Compumatics, Inc.

DigiTerra

Linda K. Gallo*

Lighthouse Management Consulting

Mason Dixon Consulting Services, Inc.

Richard and Sandra Metcalfe*

Metro Technical Consulting, LLC

NexGen Infosys, Inc.*

Peace Technology*

Milton Wilkerson

Total

\$ 700,000

4043.3 Security System Supplies and Equipment—Extension

Awardees

ADI

\$ 114,116

Alarmax Distributors, Inc.

37,042

Allegheny Electronics, Inc.

1,475

Cabling System Supply, Inc.

26,392

Capitol Cable & Technology, Inc.

29,448

Liberty Lock & Security, Inc.	1,265
Northern Video System, Inc.*	185,574
Security Equipment Distributors, Inc.	<u>2,726</u>
Total	\$ 398,038

4079.5 Computer Supplies

Awardees

Advanced Business Concepts, Inc.*	\$ 1,887
Athana International, Inc.	15,369
Best Computer Supplies	4,210
Budget Stationery*	561
Canon Business Solutions, Southeast	550,541
Carolina Imaging Products*	14,246
Corporate Express Imaging	1,650
Infoserve Technologies Corporation*	914
Martek	3,656
Rudolph's Office & Computer Supply, Inc.*	4,016
Standard Stationery Supply Company	38,168
Three House, Inc.*	<u>11,262</u>
Total	\$ 646,480

4081.4 Art Equipment—Extension

Awardees

AJ Stationers*	\$ 7,951
Campbell's Ceramics, Inc.	5,345
Cutlass Enterprises, Inc.	1,472
Dick Blick East	3,032
Glover Equipment, Inc.	9,986
James Howard Company	819
Nelson White Systems, Inc.*	260
Paxton/Patterson	160
Pyramid School Products	12,865
Satco, Inc.	55,233
Sax Arts & Crafts	1,683
Sheffield Pottery, Inc.	32,439
Windtree Enterprises, Inc.	<u>848</u>
Total	\$ 132,093

4111.2 Overhead Door Repair—Extension

Awardee

Metropolitan Rolling Doors, Inc.

\$ 80,000

4126.1 Recycling/Trash Removal—Extension

Awardee

Waste Management of MD, Inc.

\$ 460,000

4147.1 Air Conditioning Units for Portable Classrooms at
Rachel Carson Elementary SchoolAwardee

Spot Coolers

\$ 28,280

7106.2 Fork Lift for the Division of Food and Nutrition Services

Awardee

Werres Corporation

\$ 27,138

9104.1 Cafeteria Disposable Supplies

Awardees

Acme Paper and Supply Company, Inc.

\$ 105,533

Adams-Burch

935

C & K Manufacturing & Sales Company, LLC

493

Calico Industries, Inc.

33,327

Carroll Manufacturing & Sales

150

Film X, Inc.

922

Holt Paper & Chemical Company

13,398

Interboro Packaging Corporation

3,480

Kahn Paper Company, Inc.

283,191

Marathon Sales, LLC

33,898

Package Concepts & Materials

4,133

S. Freedman & Sons, Inc.

61,814

Transilwrap Company, Inc.

2,180

Total

\$ 543,454

9353.1.2 Stage Lighting Dimmer & Control System Renovations**

Awardee

Texas Scenic Company, Inc.

\$ 173,196

TOTAL PROCUREMENT CONTRACTS EXCEEDING \$25,000 \$3,551,225

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

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

Note: Contract amounts will be based on individual requirements.

RESOLUTION NO. 499-03 Re: **AWARD OF CONTRACT – BETHESDA MAINTENANCE
DEPOT REROOFING**

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

WHEREAS, The following sealed bids were received on September 17, 2003, for the reroofing of the Bethesda Maintenance Depot, with work to be completed by December 15, 2003:

<u>Bidder</u>	<u>Amount</u>
J. E. Wood & Sons Company, Inc.	\$70,469
Orndorff & Spaid, Inc.	71,576
R. D. Bean, Inc.	71,818
Interstate Corporation	75,000
CitiRoof Corporation	84,900

and

WHEREAS, There is limited opportunity for minority vendor participation because of the scope of the work involved in roofing projects, and staff recommends waiving the Minority Business Enterprise goal for this project; and

WHEREAS, The low bidder, J. E. Wood & Sons Company, Inc., has completed similar work successfully for the Montgomery County Public Schools; and

WHEREAS, The low bid is below the staff estimate of \$82,000; now therefore be it

Resolved, That a \$70,469 contract be awarded to J. E. Wood & Sons Company, Inc., for the reroofing of the Bethesda Maintenance Depot.

RESOLUTION NO. 500-03 Re: **ARCHITECTURAL APPOINTMENT –
CLARKSBURG/DAMASCUS ELEMENTARY SCHOOL #7**

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

WHEREAS, It is necessary to appoint an architectural firm to provide professional and technical services during the design and construction phases for the new facility for Clarksburg/Damascus Elementary School #7; and

WHEREAS, The building design is a repeat of the Northwest Elementary School #7 and includes construction of approximately 75,000 square feet of building along with related site work; and

WHEREAS, The preliminary construction cost estimate for this work is approximately \$11,000,000; and

WHEREAS, Funds for architectural planning were programmed as part of the FY 2004 Capital Budget; and

WHEREAS, Staff has negotiated a fee for the architectural services that includes two consultants who are Maryland Department of Transportation (MDOT)-certified minority firms; now therefore be it

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with the architectural firm of Grimm and Parker, P.C., to provide professional architectural and engineering services for the new Clarksburg/Damascus Elementary School #7 for a fee of \$611,463.

RESOLUTION NO. 501-03 Re: **AN AMENDMENT TO THE LICENSE AGREEMENT AT WESTLAND MIDDLE SCHOOL**

On motion of Mr. Felton and seconded by Mr. Lange, the following amendment was adopted unanimously by members present:#

WHEREAS, The license agreement includes provisions for the cancellation of this agreement with 240 days' notice **and annual review** from the Montgomery County Public Schools; now therefore be it

RESOLUTION NO. 502-03 Re: **LICENSE AGREEMENT AT WESTLAND MIDDLE SCHOOL**

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

WHEREAS, The Church of the Little Flower requested permission to develop 1,300 square feet of the Westland Middle School site, in conjunction with plans to develop a playfield on their property; and

WHEREAS, The church and Westland Middle School have enjoyed a long, good neighbor relationship; and

WHEREAS, The portion of the site requested is unimproved and not needed for the program requirements of Westland Middle School; and

WHEREAS, The Maryland-National Capital Park and Planning Commission approved the proposed project through the mandatory referral process on April 3, 2003; and

WHEREAS, The Board of Education's attorney reviewed and recommends approval of a license agreement that permits use of the site at no cost to the Board of Education; and

WHEREAS, The license agreement includes provisions for the cancellation of this agreement with 240 days' notice and annual review from the Montgomery County Public Schools; now therefore be it

Resolved, That the Board of Education approve a license agreement permitting the Church of the Little Flower to use 1,300 square feet of the Westland Middle School site to develop a playfield.

RESOLUTION NO. 503-03 Re: UTILIZATION OF FY 2004 PROVISION FOR FUTURE SUPPORTED PROJECT FUNDS

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

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

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

WHEREAS, Sufficient appropriation is available, within the FY 2004 Provision for Future Supported Projects, to permit the transfers within state categories; now therefore be it

Resolved, That the superintendent of schools be authorized to receive and expend, within the FY 2004 Provision for Future Supported Projects, as specified below:

<u>Projects</u>	<u>Amount</u>
Learning to Write, Writing to Learn	\$ 20,000
Bridge Lawn Crew	15,000
IDEA School Improvement Grant	<u>12,500</u>
Total	<u>\$ 47,500</u>

and be it further

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

RESOLUTION NO. 504-03 Re: **RECOMMENDED CATEGORICAL TRANSFERS FOR THE FY 2004 PROVISION FOR FUTURE SUPPORTED PROJECTS**

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

WHEREAS, The current FY 2004 Operating Budget adopted by the Board of Education includes \$8,081,097 for the Provision for Future Supported Projects; and

WHEREAS, The Board of Education will receive additional projects that are eligible for funding through the Provision for Future Supported Projects during FY 2004; and

WHEREAS, Actual revenue and expenditure requirements of grant projects require that categorical transfers be made in the Provision for Future Supported Projects; now therefore be it

Resolved, That the superintendent of schools be authorized to effect categorical transfers totaling \$1,500,000 within the FY 2004 Provision for Future Supported Projects, in accordance with the County Council provision for transfers, as follows:

<u>Category</u>	<u>From</u>	<u>To</u>
1 Administration	\$ 100,000	
2 Mid-level Administration	1,300,000	
3 Instructional Salaries	100,000	
6 Special Education		\$ 1,300,000
12 Fixed Charges	<u> </u>	<u>200,000</u>

Total	<u>\$ 1,500,000</u>	<u>\$ 1,500,000</u>
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and be it further

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

Resolved, That the county executive be requested to recommend approval of this resolution to the County Council.

RESOLUTION NO. 505-03 Re: FY 2004 SUPPLEMENTAL APPROPRIATION FOR THE SAFE SCHOOLS/HEALTHY STUDENTS GRANT

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

Resolved, That the superintendent of schools be authorized to receive and expend, subject to County Council approval, an FY 2004 supplemental appropriation of \$1,978,150 from the U. S. departments of Education, Health and Human Services, and Justice for the Safe Schools/Healthy Students Initiative in the following categories:

<u>Category</u>	<u>Positions</u>	<u>Amount</u>
1 Administration		\$ 272,600
3 Instructional Salaries	8.0*	538,500
4 Textbooks and Instructional Materials		99,000
5 Other Instructional Costs		719,300
7 Student Personnel Services	2.0*	123,000
12 Fixed Charges	_____	<u>225,750</u>
Total	<u>10.0*</u>	<u>\$1,978,150</u>

Positions

- * 5.0 School Psychologist (B-D)
- * 1.0 Guidance Counselor (B-D)
- * 1.0 Pupil Personnel Worker (B-D)
- * 1.0 Social Worker (B-D)
- * 1.0 Project Manager (B-D)
- * 1.0 Secretary (12)

and be it further

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

Resolved, That the county executive be requested to recommend approval of this resolution to the County Council.

RESOLUTION NO. 506-03 Re: **MONTGOMERY COUNTY PUBLIC SCHOOL
EMPLOYEE MEDICAL PLANS**

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

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

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

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

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

WHEREAS, Having been duly advertised under RFP No. 1156.1, companies were invited to submit proposals for consideration; and

WHEREAS, MCPS and its employees will benefit from improved service and more efficient cost-containment efforts; and

WHEREAS, MCPS has reviewed the results of the bid with its unions through the Joint Employee Benefit Committee; and

WHEREAS, The unions support the recommendations being made; now therefore be it

Resolved, That contracts be awarded to Carefirst Blue Choice, Kaiser Permanente, and MAMSI/Optimum Choice to provide Health Maintenance Organization (HMO) coverage to Montgomery County Public Schools employees, effective January 1, 2004; and be it further

Resolved, That contracts be awarded to Carefirst BlueCross BlueShield and United Health

Care to administer point-of-service plans for Montgomery County Public Schools employees, effective January 1, 2004; and be it further

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

RESOLUTION NO. 507-03 Re: HUMAN RESOURCES MONTHLY REPORT

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

Resolved, That the Board of Education accept the Human Resources Monthly Reported dated October 14, 2003.

RESOLUTION NO. 508-03 Re: DEATH OF ROBERT E. HEBRON, CENTRAL PRODUCTION FACILITY MECHANIC, ON LONG-TERM LEAVE, DIVISION OF FOOD AND NUTRITION SERVICES

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

WHEREAS, The death on September 11, 2003, of Robert E. Hebron, Central Production Facility mechanic on long-term leave from the Division of Food and Nutrition Services, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, Mr. Hebron was an exemplary employee of Montgomery County Public Schools for more than twenty-three years; and

WHEREAS, Mr. Hebron's knowledge of his position, extra effort in the total operation of the Central Production Facility, and good rapport with staff helped the facility to maintain a production output of 55,000 meals daily; now therefore be it

Resolved, That the members of the Board of Education express their sorrow at the death of Robert E. Hebron and extend deepest sympathy to his family; and be it further

Resolved, That this resolution be made a part of the minutes of this meeting and a copy be forwarded to Mr. Hebron's family.

RESOLUTION NO. 509-03 Re: HUMAN RESOURCES APPOINTMENT

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

Resolved, That the following personnel appointment be approved effective October 15, 2003:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Stephen Whiting	Assistant Principal, Poolesville High School	Principal, Rocky Hill MS

RESOLUTION NO. 510-03 Re: **HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective October 15, 2003:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Virginia Ross	Special Education Instructional Specialist	Supervisor, Special Education

RESOLUTION NO. 511-03 Re: **HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective October 15, 2003:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Diane Mohr	Acting Administrative Assistant to the Chief Information Officer	Administrative Assistant to the Chief Information Officer

RESOLUTION NO. 512-03 Re: **HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective October 15, 2003:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Sean Yarup	Environmental Health and Safety Manager, George Washington University	Environmental Coordinator, Department of Facilities Management

RESOLUTION NO. 513-03 Re: **HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective October 15, 2003:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Lynne Zarate	Safety Manager, Georgetown University	Environmental Safety Coordinator

RESOLUTION NO. 514-03 Re: PRELIMINARY PLANS – FOREST KNOLLS ELEMENTARY SCHOOL ADDITION

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

WHEREAS, The architect for the Forest Knolls Elementary School addition, Cooper Carry, Inc., has prepared a schematic design in accordance with the educational specifications; and

WHEREAS, The Forest Knolls Elementary School Facility Advisory Committee has approved the proposed schematic design; now therefore be it

Resolved, That the Board of Education approve the preliminary plan report for the Forest Knolls Elementary School addition developed by Cooper Carry, Inc.

RESOLUTION NO. 515-03 Re: PRELIMINARY PLANS – CLARKSBURG AREA HIGH SCHOOL CONVERSION

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

WHEREAS, The architect for the Clarksburg Area High School conversion, Delmar Architects, PA, has prepared a schematic design in accordance with the educational specifications; and

WHEREAS, The Clarksburg Area High School Facility Advisory Committee has approved the proposed schematic design; now therefore be it

Resolved, That the Board of Education approve the preliminary plan report for the Clarksburg Area High School conversion developed by Delmar Architects, PA.

RESOLUTION NO. 516-03 Re: TENTATIVE ACTION ON POLICY IPD, TRAVEL STUDY PROGRAMS, CLASS, AND STUDENT

ORGANIZATION TRIPS

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

WHEREAS, Policy IPD, *Travel Study Programs, Class and Student Organization Trips* provides guidance for planning, approving, implementing, and evaluating various types of school trips; and

WHEREAS, Policy IPD, *Travel Study Programs, Class and Student Organization Trips* affirms the position that classroom instruction is the foundation of the educational process, and that maximizing the time spent in this endeavor is the primary goal of the Board of Education; and

WHEREAS, The Board of Education Policy Committee has considered and recommended revisions to Policy IPD, *Travel Study Programs, Class and Student Organization Trips*; now therefore be it

Resolved, That the Board of Education take tentative action on Policy IPD, *Travel Study Programs, Class and Student Organization Trips*; and be it further

Resolved, That Policy IPD, *Travel Study Programs, Class and Student Organization Trips* be sent out for public comment.

**Travel Study Programs, Field Trips and
Student Organization Trips****A. PURPOSE**

Classroom instruction is the foundation of the educational process, and maximizing instructional time is a primary goal of the Board of Education. The Board supports the use of carefully planned field trips, travel study programs, and student organization trips that are directly related to the instructional program or provide extended enrichment opportunities related to a school-sponsored organization. Trips should enhance and supplement the instructional program and support other Board policies

B. ISSUE

The overall success of any trip is dependent upon cooperative planning, a coordinated effort, and clearly identified objectives.

C. POSITION

1. Students' grades or eligibility to participate in other activities shall not be adversely affected based on participation in school-sponsored trips.
2. Students' participation in trips is voluntary, and students may not be penalized based on nonparticipation.
3. No student may be denied participation in a school-sponsored field trip or overnight trip that directly relates to the instructional program due to financial circumstances.
4. Trips commemorating articulation or promotion, utilized to motivate and reward students, are permitted only upon approval of the appropriate community superintendent.
5. The community superintendents will review this policy and accompanying administrative regulations with the principals on an annual basis.
6. The superintendent will issue a regulation implementing this policy. The regulation will address, among other matters, when circumstances compel the cancellation of trips by the superintendent or his/her designee for reasons such as safety or security.

D. DESIRED OUTCOMES

To have carefully designed travel study programs, field trips, and student organization trips that are directly related to the instructional program or provide extended enrichment opportunities related to a school-sponsored organization.

E. REVIEW AND REPORTING

This policy will be reviewed in accordance with the Board of Education's policy review process.

RESOLUTION NO. 517-03

Re: **RECISSION OF POLICY IPB, *OUT-OF-CLASSROOM ENRICHMENT***

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

WHEREAS, Policy IPB, *Out-of-Classroom Enrichment Program*, was identified for

rescission by the Board of Education Policy Committee; and

WHEREAS, The policy on policyssetting requires a rationale for rescinding a policy; and

WHEREAS, Policy IPB, *Out-of-Classroom Enrichment Program*, adopted by resolution on June 11, 1968, has been superceded by other policies and regulations; now therefore be it

Resolved, That Policy IPB, *Out-of-Classroom Enrichment Program*, be rescinded.

Out-of-Classroom Enrichment Program

A. Purpose

To affirm that school-sponsored out-of-classroom learning activities can make a substantial contribution to the educational experience of the public school student and to encourage the development of such activities

B. Process and Content

1. The superintendent shall develop and implement enrichment programs for students which will provide opportunities for firsthand experiences and relationships between these students and people and cultures within the United States and abroad.
2. The superintendent shall include as part of these enrichment programs such out-of-classroom activities which will make a positive contribution to the development of the student.

C. Review and Reporting

This policy will be reviewed every three years in accordance with the Board of Education policy review process.

Re: **HIGH SCHOOL ASSESSMENTS AND MARYLAND
SCHOOL ASSESSMENT**

Dr. Weast invited the following people to the table: Dr. Frieda Lacey, chief of staff, Office of the Superintendent of Schools; Dr. Jose Stevenson, coordinator of testing, Office of Shared Accountability; Dr. Jerrilyn V. Andrews, coordinator of student assessment, Office of Shared Accountability; Dr. Karen C. Woodson, director, Division of ESOL/Bilingual Programs, Office of Curriculum and Instructional Programs; Dr. Carey M. Wright, associate superintendent, Office of Student and Community Services; and Ms. Julia Lawrence, ESOL teacher, Wheaton

Woods Elementary School.

The Maryland State Department of Education (MSDE) is currently making a number of major changes to the state testing program. Some of these changes reflect state decisions, such as the recent state Board of Education's approval of passing standards for the High School Assessments (HSA). Other changes reflect student assessments and accountability mandates under the *No Child Left Behind Act* (NCLB) of 2001.

In late August, the state Board of Education adopted passing scores for each of the four HSAs—algebra/data analysis, biology, English, and government. The HSA in geometry was also changed to be the high school MSA in mathematics, which resulted in a total of four HSAs. In December 2003, the state Board of Education is scheduled to adopt formally a requirement for students to pass the four HSAs in order to graduate from high school. MSDE has indicated that the graduation requirement will begin with the class of 2009, which are those students currently in Grade 7. In preparation for the transition to requiring students to pass the four HSAs, MSDE eliminated the Maryland functional tests for all students except current seniors.

Last winter, MSDE provided school systems with the results from the spring 2002 HSAs, specifically the scale scores and Maryland percentiles. Now that passing scores have been set on the four HSAs, MSDE is recalculating the spring 2002 results and will be re-releasing them showing the percentage of students who achieved passing scores on each test. MCPS expects to receive the recalculated results later this month and will forward them to the Board. MSDE is scheduled to release results from the spring 2003 administration of the HSAs in November and those results also will be sent to the Board.

This year MSDE will provide school systems with a home report to send to parents. The home report will present results on each HSA given in spring 2003. MSDE is expected to provide these reports in early 2004. MSDE did not provide a home report for the 2002 HSAs. However, MCPS created a home report and sent the results to parents because the school system felt strongly that parents should receive information about their child's performance.

NCLB requires schools, school systems, and states to reach annual targets for students and subgroups of students—including major racial/ethnic categories and children receiving special services—on statewide standardized assessments in reading and mathematics. The target pass rates will increase annually until 2014, when the law mandates reading and mathematics proficiency for all students. This is what is known as adequate yearly progress (AYP).

In making AYP determinations, NCLB further requires at least 95 percent student participation in the assessments and the inclusion of one additional academic indicator. To comply with this mandate, Maryland uses the Maryland School Assessment (MSA) as the measure of student achievement to meet NCLB assessment and accountability requirements in reading

and mathematics. Maryland also uses attendance for elementary and middle schools and graduation rate for secondary schools as additional academic indicators. Last spring, students in Grades 3, 5, and 8 participated in MSA for the first time. High school students took a reading test at Grade 10 and the end-of-course Maryland High School Assessment in Geometry, which has since been renamed the MSA in Geometry. Students with disabilities pursuing Fundamental Life Skills curriculum outcomes participated in an alternate assessment called the Independence Mastery Assessment Program (IMAP), which has since been renamed the Alternate MSA (Alt-MSA). In July 2003, the Maryland State Board of Education approved passing standards for both the MSA and the Alt-MSA. Based on these standards, Maryland released information in August 2003 on the success of schools and school districts in meeting the AYP requirements of NCLB. Performance in mathematics at the high school level was not included in this release, pending final determination of AYP targets for the MSA in Geometry. Staff will provide the Board with a report on the systemwide and school-level results after the school system receives the complete information from MSDE.

To make AYP in 2003, Maryland school districts had to meet a total of 38 targets or Annual Measurable Objectives (AMOs). The 38 targets included nine for proficiency in reading, nine for proficiency in mathematics, nine for student participation in the reading MSA, nine for student participation in the mathematics MSA, one for attendance, and one for graduation rate.

Systemwide, Montgomery County did not make AYP in 2003, even though it met 36 of the 38 targets. Special education students and students with limited English proficiency (LEP) did not meet their targets for reading proficiency.

These results mirrored state results and those of individual school systems across Maryland. Anne Arundel, Calvert, Charles, Frederick, Howard, Prince George's, and St. Mary's counties, and the state of Maryland as a whole did not make AYP in 2003 because special education and/or LEP students did not meet their reading and/or mathematics proficiency targets.

Of the 184 participating schools in Montgomery County, 140 (76 percent) met all of the AMOs for AYP in every category. Several special education centers made AYP, including the Regional Institute for Children and Adolescents (RICA), Carl Sandburg Center, and Longview School. All of the elementary, middle, and high schools met the AYP requirements for each of the racial and ethnic groups, including African American and Hispanic students.

Thirty-two schools fell short of making AYP by just one area, usually special education, LEP, or the Free and Reduced-price Meals System (FARMS). In the 12 remaining schools, targets were not met in more than one category, mostly students receiving special support services.

Several factors in the complex formula that Maryland uses to determine AYP decisions may affect the ability of a school or school system to make AYP. Measuring student proficiency in reading and mathematics, for example, includes several exemptions based on the number of students in a subgroup, the length of time a student was in a school or school system, and the number of students who took the tests.

Furthermore, several categories of students are automatically assigned a below proficiency, or Basic, score on the MSA. Absent students who did not make up the test, excused students, and LEP students with little or no command of English, fall in this category. So do special education students, Section 504 students, and students in the English for Speakers of Other Languages (ESOL) program who receive verbatim reading accommodations for the Grade 3 reading MSA in compliance with their Individualized Education Program, Section 504 Plan, or English Language Learner Plan. In Montgomery County, 832 students received reading verbatim accommodations, distributed in approximately 100 elementary schools. Some of these schools—such as Wheaton Woods, Viers Mill, Meadow Hall, and others—fell short of meeting AYP because of the number of ESOL and/or special education students who received a Basic score on the reading MSA as a result of verbatim reading accommodations.

In spring 2003, Maryland administered the MSA for the first time to students in Grades 3, 5, 8, and 10. In spring 2004, the MSA also will be given to students in Grades 4, 6, and 7. In spring 2003, Maryland administered the IMAP as an alternate assessment to students in Grades 3, 5, 8, and 11 who were pursuing Fundamental Life Skills curriculum outcomes. In spring 2004, the Alternate MSA will replace the IMAP. Students exempt from the MSA in Grades 3 through 8 and Grade 10 will participate in this test. Students pursuing Fundamental Life Skills outcomes in Grade 11 also will participate for the last time.

Maryland will release AYP results for reading and mathematics proficiency and participation in testing for Grades 3, 5, 8, and 10 by June 1, 2004. Release of overall AYP results for these grade levels will occur during the summer of 2004 because attendance and graduation rate data will not be available to the state by June 1, 2004.

In summer 2004, Maryland will set passing standards for the MSA and the Alt-MSA in Grades 4, 6, and 7. Results of the spring 2004 administration in these grade levels then will be used to establish reading and mathematics AMOs for schools and school systems.

Maryland is providing home reports for distribution to parents. These will be mailed centrally to parents by the end of October. The home report will provide parents with the following information:

- Scale scores for the child, the school, the county, and the state, along with a proficiency level (i.e., Basic, Proficient, Advanced).
- Percent of students at Basic, Proficient, Advanced at the school, the county, and

- the state levels.
- A national percentile rank.

For students in Grade 3 who received a verbatim reading accommodation, the home report does not provide a scale score nor a proficiency level and directs parents to contact the school for information. It also does not provide either a national percentile rank for the Stanford 10 component of the MSA in reading in Grade 3. The phrase "Test Invalidated" is displayed instead.

Re: **DISCUSSION**

Ms. Cox asked if the scores do not apply in fifth and eighth grades because of different testing objectives. Dr. Stevenson explained that in grades 3 and 4 the decoding skills are measured in the reading test.

Mr. Felton asked what invalidation was, and what the impact was. Dr. Stevenson replied that invalidation means that the scores do not count for the student, and the school gets a Basic, essentially a zero. The state demands 95-percent participation, but the test would be invalidated because certain students do not have decoding skills. Furthermore, 80 percent of the test can be read to a student, but the whole test is invalidated because of 20 percent of the test.

Mr. Felton asked if the state had not thought about this situation. Dr. Weast replied that there have been various responses, and it is an issue at the federal level. The test is mandated for special education for children with IEPs as well as students who do not speak English. There will be huge implications when there is a concentration of these students in a number of schools. MCPS is trying to address the situation in which a child with an IEP cannot have accommodations for the test based on state and federal guidelines. In other words, the *No Child Left Behind* act and IDEA are at odds with one another.

Mr. Felton wanted to know if safe harbor addressed this issue. Dr. Weast replied that it does not help, and he was worried that the children who get a Basic score might be easily identified by their classmates. MCPS is for accountability. What measures can be used for children with IEPs and ESOL students? Dr. Lacey stated that safe harbor will not apply to these children because accommodations cannot be used for their testing.

Ms. Cox asked if it was a federal or state rule that directed the scoring of tests. Dr. Stevenson replied that the state refers to the federal law as mandating all procedures. Mr. Felton pointed out that the federal law requires data and testing, but each state's accountability plan offered how it was to be done.

Ms. Cox reasoned that the decision to include the invalidated scores in the school's calculation for AYP is not necessarily required by NCLB. Dr. West replied that NCLB has

broad language, but it is the interpretation of NCLB because the state puts together a plan that is submitted and approved by the federal government. The question remains on whether the plan could have been done in another way and accepted.

Mr. Felton mentioned that MCPS will be able to see if other states' plans may have been approved with a provision for students without coding skills. There is inconsistency across the country with approved plans. Dr. Stevenson explained that the law has been applied in different ways across the nation. Based on a participation rate of 95 percent, there must be a minimum of five students in a group to report AYP decisions in Maryland, 50 students in Virginia, and 43 students in the District of Columbia.

Dr. Haughey was concerned that the school system is at the bottom of all the decision making. The federal level is making decisions, and the state is interpreting those decisions for implementation by local districts. He asked whether or not MCPS was in a position to set its own acceptable standards. What would make a defensible testing process? Dr. Weast thought the concept was interesting, but the school system is a state agency. Dr. Weast reported that 832 sets of parents will receive forms on which there is no score. When the parents call the school, the principal has no good answer because the test was invalidated due to an accommodation that is legally required for the child. Therefore, the child is harmed, the school is harmed, and the district is harmed. MCPS is working with the state to resolve this issue. The crux of the issue is that two laws are in conflict with one another.

Ms. Cox asked if the participation level is considered the enrollment. Whether or not students were present, they were counted as participating because they were assigned a Basic score. Those scores were assigned to the school and to the school system. Dr. Lacey stated that students who are present must take the test. However, if they are uncomfortable, the test can be stopped.

Mr. Felton pointed out that the federal law established the 95 percent so school districts would not encourage students to stay home. If there is a 5-percent flexibility, why would MCPS mandate 100 percent for calculating the scores? Dr. Weast thought that was an important question. It is demoralizing for the student, and the parents will be angry. Dr. Weast noted that special education students in the life skills curriculum can take an alternate test, and some of them are classified as advanced and proficient on that test.

Mrs. O'Neill thought the information could be shared with the parents in the conferences scheduled for November. Dr. Lacey stated that the folders are sent to the schools and provide the scores to the parents with a letter of explanation. Dr. Weast pointed out that the folder states that there is a score, and 832 parents will not get a score. There is a need to translate the fact sheet into several languages.

Mr. Felton noted that there are legal issues and common sense issues. In complying with the law, staff has to communicate to parents what makes sense for them. In terms of students with

disabilities, the system has to argue the conflict of the two laws. The law was enacted to help ascertain where all students were based on a set standard. Dr. Wright thought it was critical to hold students and staff accountable, but student progress has to be measured based on a student's disability.

Ms. Cox asked about geometry when it is included in MSA. Dr. Andrews replied that it is an end-of-course exam. Dr. Weast stated that the state is still developing the guidelines.

RESOLUTION NO. 518-03

Re: **HIGH SCHOOL ASSESSMENTS AND MARYLAND SCHOOL ASSESSMENT**

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

WHEREAS, The No Child Left Behind Act of 2001 requires all states to test students in reading and mathematics, with the results used as a measure of school, district, and state performance in calculating Adequate Yearly Progress (AYP); and

WHEREAS, The federal law requires that all ESOL students, regardless of level of English proficiency, and all special students are to participate in such testing; and

WHEREAS, The Maryland State Department of Education mandated the administration of the Maryland School Assessment (MSA) for the 2002-2003 school year in grades 3, 5, 8, and 10 in reading and mathematics, in order to comply with the federal requirement; and

WHEREAS, The state is requiring that, for the 2003-2004 school year, the MSA be administered to all students in grades 3 through 8 and grade 10 in reading and mathematics; and

WHEREAS, The Maryland State Department of Education (MSDE), in calculating the scores for the 2002-2003 administration of the MSA, invalidated the reading scores of third grade special education and limited English proficient students throughout the state if they were provided an accommodation of verbatim reading and, in lieu thereof, assigned them the lowest possible score and placed them in the basic proficiency category included in the calculation of a school's and district's AYP for this benchmark year; and

WHEREAS, This action to invalidate the use of accommodations for special education and limited English proficient students is at variance with the requirements of federal law and regulation; now therefore be it

Resolved, That the Montgomery County Board of Education hereby requests that MSDE

revise its calculation of the scores on the third grade reading test and readjust the determination of AYP for every school and district within the state; and be it further

Resolved, That the Montgomery County Board of Education hereby requests that MSDE permit special education and limited English proficient students who receive verbatim reading accommodations on an appropriate test to demonstrate their proficiency on the MSA, receive individualized test scores, and not be penalized by having their tests invalidated; and be it further

Resolved, That the Montgomery County Board of Education hereby requests that, to the extent to which MSDE considers its actions to be dictated by federal regulation, MSDE seek specific clarification and relief from the United States Department of Education so that school districts within Maryland which desire to provide proper accommodation to such students are not penalized and so no child is left behind.

**Re: IMPLICATIONS FOR MCPS OF COUNTY'S
REVENUE SHORTFALL (ORAL)**

Mr. Larry Bowers, Chief Operating Officer, commented on the MCPS operating budget and the county's revenue. It is important to put into perspective the county's request for savings. MCPS has several issues, such as the cost of utilities, diesel fuel, natural gas, transportation, special education placements, and health care. Therefore, MCPS has issues to cover before a savings can be found to help other agencies. Since student enrollment came in below projections, all positions have not been allocated. At the present time, the county is asking MCPS to create savings of \$7 million.

Dr. Marshall Spatz noted that all agencies are under the same pressure to generate savings in their budgets. Today, the County Council approved the recommendations from the Budget Savings Plan Committee (each agency must develop a savings plan for Council review next month). The county started with a reserve of \$58 million, but there have been the annualization of delayed wages and the storms (Hurricane Isabel cost an extra \$7 million). Also, the council estimates that there will \$25 million in supplemental requests. In addition, there is a revenue shortfall which may or may not continue throughout the year.

Mrs. O'Neill thought this issue was compounded because the county had planned on the recordation tax to fund the shortfall. Fortunately, the Council had taken steps to reserve the recordation tax for the MCPS' CIP. Mr. Bowers pointed out that the Council made the assumption of funding the 2004 budget with the reserve.

Dr. Weast remarked that this is a complicated process. The Board is a legal entity with a responsibility to end the year with a balanced budget. At the present time, forces on the budget are pushing it out of balance. To start with, the operating budget was very lean, with \$14 million in deferred wages negotiated through three unions. MCPS has incurred problems with the storms, utilities, fuel and placements. Staff will make the internal reductions to offset overages over which staff had no control. MCPS will cooperate, as it has every year, to find savings to pass back to the county.

Mr. Bowers stated that the challenge is having the reduction portrayed as only one percent of the budget. The budget has been scrubbed, and there are no contingencies. If there is a savings with lapse funds, the system must hire substitutes to fill those positions. All funds are programed very tightly and any reduction will impact programs for students.

Ms. Cox noted that if there is a freeze, it will be the third year in a row. What will be the impact on morale as well as MCPS' ability to deliver programs? Dr. Weast stated that there are increasing groups of students who will need more intervention to achieve in a rigorous program with high stakes testing. When a freeze is invoked, only a small part of the budget can be affected, such as materials and textbooks.

Mrs. O'Neill remarked that the Board worked with the Council because it was a difficult budget year. MCPS' three employee groups reopened their contracts to defer the COLA until October in order to avoid a budget shortfall. After all that work, MCPS is facing a reduced budget as in the past three years. This is very frustrating.

Dr. Weast commented that MCPS' budget had increased by \$392 million in the last four years. Of that, \$360 million has been spent on wages and benefits to hire more teachers to reduce class size, support children who need help, and teach 12,000 more children. There will be no new initiatives in the next budget, with the legal obligation for full-day kindergarten and funds for inflation and enrollment growth.

Mr. Felton thought the system did a good job informing the community of the impact of budget decisions, and it needs to be done again. He hoped that staff would develop communication strategies to explain the county funding.

Ms. Cox asked if the taxes that the Council raised last year were eaten up by the tax shortfall. Dr. Spatz replied that there is healthy revenue growth in the 2005 budget. Because of the additional expenditures and slow economy, there will be less revenues next year. The Council assumes full funding of the Thornton Commission.

RESOLUTION NO. 519-03 Re: **CLOSED SESSION RESOLUTION**

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

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

Resolved, That the Board of Education of Montgomery County conduct a closed session on Monday, October 27, 2003, in Room 120 of the Carver Educational Services Center to meet from 7:00 to 7:30 p.m. to discuss personnel matters, as permitted under Section 10-508(a)(1) of the *State Government Article*; consult with counsel to obtain legal advice, as permitted by Section 10-508(a)(7) of the *State Government Article*; review and adjudicate appeals in its quasi-judicial capacity; and discuss matters of an executive function outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*); and be it further

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

RESOLUTION NO. 520-03 Re: **REPORT OF CLOSED SESSION**

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

Resolved, That the Board of Education approve its minutes of the August 25, 2003, meeting.

RESOLUTION NO. 524-03 Re: **MINUTES – SEPTEMBER 17, 2003**

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

Resolved, That the Board of Education approve its minutes of the September 17, 2003, MCCSSE meeting.

RESOLUTION NO. 525-03 Re: **MINUTES – SEPTEMBER 17, 2003**

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

Resolved, That the Board of Education approve its minutes of the September 17, 2003, MCAASP meeting.

RESOLUTION NO. 526-03 Re: **MINUTES – SEPTEMBER 23, 2003**

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

Resolved, That the Board of Education approve its minutes of the September 23, 2003, meeting.

RESOLUTION NO. 527-03 Re: **APPEALS**

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

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2003-46, community-based program, reflective of the following vote: Mr. Burnett, Ms. Cox, Mr. Felton, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to dismiss.

RESOLUTION NO. 528-03 Re: **APPEALS**

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

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2003-47,

student discipline, reflective of the following vote: Mr. Burnett, Ms. Cox, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to affirm; Mr. Felton voting to affirm in part and to reverse in part.

Re: **NEW BUSINESS**

On motion of Ms. Cox and seconded by Mr. Lange, the following new business item was introduced:

WHEREAS, The superintendent, in a memorandum to the Board as to food and nutrition services, dated September 9, 2003, noted that the problem of individuals who are overweight or obese has reached epidemic proportions and that there have been quantum increases of hypertension, elevated cholesterol levels, and Type II diabetes among children; and

WHEREAS, Vending machines at our schools--dispensing sodas, soft drinks, and other non-nutritious beverages--contribute significantly to unhealthy choices; and

WHEREAS, Two of the largest school districts in the United States--New York City and Los Angeles--have taken bold action to phase out the sale of non-nutritious beverages in vending machines at their schools, and other districts throughout the nation have found that vending profits have not decreased when schools have converted their machines to selling only water or nutritious low-calorie/low-sugar beverages; and

WHEREAS, The superintendent has informed the Board that staff is in the process of obtaining sales information from the vending companies that currently contract with individual schools; and

WHEREAS, Our school district must be pro-active in addressing the matter of vending machines, as is evidenced by the pilot project initiated at Damascus, Wootton, and Walter Johnson high schools this semester to promote healthy options while retaining soda-only machines; now therefore be it

Resolved, That the superintendent convene a work group of stakeholders--to include principals, parents, students, PTA representatives, and health/nutrition professionals--to review a sampling of existing MCPS school contracts for vending machines; to compile a listing of options of nutritious beverages suitable for sale through vending machines; and, at the completion of the pilot, to submit a written report to the superintendent and Board, including recommendations on how to expand the sale of water and nutritious low-

calorie/low-sugar beverages, with the goal of eventually eliminating the sale of all non-nutritious beverages.

On motion of Mr. Lange and seconded by Mr. Sanghvi, the following new business item was introduced:

WHEREAS, Health behaviors developed in childhood have a substantial effect on child and adult health and longevity; and

WHEREAS, Health behaviors are determined by many factors, including knowledge, attitude, peer pressure, and environmental influences; and

WHEREAS, Obesity rates among children have more than doubled in the past twenty years, according to the National Longitudinal Study of Youth; and

WHEREAS, Federal grant funding for childhood obesity prevention and other child health initiatives requires the collection of baseline and outcome data; and

WHEREAS, Health education courses provide an opportunity to influence health behaviors positively and are most likely to be effective if they reflect a current understanding of the attitudes, knowledge, and environmental influences on the health behaviors of students;

WHEREAS, The superintendent has recently advised the Board that the course outlines for comprehensive health education in middle and high schools were last revised in 1999; and

WHEREAS, Both the Montgomery County Public Schools (MCPS) and the Department of Health and Human Services (HHS) would benefit from recent data as to child health behaviors for purposes of planning and programming; now therefore be it

Resolved, That MCPS—in tandem with HHS and health professionals—develop and administer a questionnaire to students to serve as a health curriculum needs assessment in sixth, eighth, and 10th grade health education classes in time for the results to be used in applying for Fiscal Year '05 federal funding to reduce child health risks and to be used to develop curriculum and programs addressing the health needs of students.

Re: **ITEMS OF INFORMATION**

The following items were available for information:

1. Legal Fees Report
2. Construction Progress Report

RESOLUTION NO. 529-03 Re: **ADJOURNMENT**

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

Resolved, That the Board of Education adjourn its meeting of October 14, 2003, at 5:10 p.m.

PRESIDENT

SECRETARY

JDW:gr

MONTGOMERY COUNTY BOARD OF EDUCATION SUMMARY SHEET

October 14, 2003

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