



**RESOLUTION NO. 177-04 Re: APPROVAL OF THE AGENDA**

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

Resolved, That the Board of Education approve its agenda for March 22, 2004.

**RESOLUTION NO. 178-04 Re: MONTH OF THE YOUNG CHILD**

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

WHEREAS, Children's experiences with language and literacy during the first five years of life form the basis for later success as readers and learners; and

WHEREAS, Early experiences in the home, child-care setting, school, and community have a lifelong impact on a child's reading and writing proficiency; and

WHEREAS, The research literature and the Montgomery County Public Schools longitudinal kindergarten study data show that young children can and do learn at high levels; and

WHEREAS, Montgomery County's Early Childhood Initiative ensures that family-focused programs and services for young children are neighborhood-based, effective, and responsive to cultural diversity; make a measurable, positive difference in children's well-being; and help young children prepare for school; and

WHEREAS, Montgomery County recognizes that every county resident has a stake in the healthy growth, development, and education of all young children; and

WHEREAS, Montgomery County is implementing community wide a comprehensive and collaborative early childhood initiative, and the Montgomery County Board of Education; Montgomery County Executive; Montgomery County Council; and Montgomery County Collaboration Council for Children, Youth, and Families wish to issue a joint proclamation for Month of the Young Child; now therefore be it

Resolved, That a joint proclamation for the Month of the Young Child will occur on April 21, 2004, at the Aspen Hill Library.

**RESOLUTION NO. 179-04 Re: ARAB AMERICAN HERITAGE MONTH**

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

WHEREAS, In rising to prominence in many areas of business and daily life—from commerce and trade to education, medicine, politics, sports, and the arts—Arab Americans have contributed greatly to the success of our nation; and

WHEREAS, Arab Americans benefit American culture with contributions from the unique civilizations of the Arab world, including its language and rich heritage; and

WHEREAS, Arab Americans are productive members of our society and add to the richness of our diverse country; and

WHEREAS, Montgomery County Executive Douglas M. Duncan and Montgomery County Council President Steven Silverman jointly recognize April as Arab American Heritage Month; and

WHEREAS, Montgomery County is home to a thriving Arab American community whose valued presence has contributed to the rich cultural mosaic of our community; now therefore be it

Resolved, That, on behalf of the superintendent, staff, students, and parents of the Montgomery County Public Schools, the members of the Board of Education hereby declare April 2004 to be observed as Arab American Heritage Month.

Re: **ITEM ON LEGISLATION**

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

Resolved, That the Board of Education support **HB 740 – Safe Schools Reporting Act of 2004** which would require each local board of education to create a program for reporting incidents of harassment or intimidation against public school students that occur on public school property, at a school activity or event, or on a school bus.

Re: **DISCUSSION**

Mr. Burnett stated that this bill addresses bullying which affects a child's ability to learn and his desire to be in school.

Mr. Felton spoke in opposition because state law should not drive the operations of local schools. However, he supported the intent of the bill and said there should be a report on this topic.

Ms. Cox asked where the annual report would be sent. Ms. Rogovin replied that it would be

submitted to a committee of the House and Senate. Ms. Cox noted that under the No Child Left Behind Act (NCLB), the state has to establish criteria for safe schools. Will that information be shared with the state? Ms. Rogovin replied that the specifics would be worked out.

Mrs. O'Neill spoke in support of the motion because community members would like to address bullying, intimidation, and harassment. Without a state law, nothing happens.

Mr. Sanghvi spoke in opposition even though the intent of the bill was good.

Ms. Cox asked if there was a definition in the bill of the terms used to facilitate consistency in statewide reporting. Ms. Rogovin replied in the affirmative.

Mr. Lange spoke in opposition to the motion because the legislature should not pass laws on operations of a school system. However, he would like protocols and more detail from staff on this issue.

Ms. Cox spoke in opposition since she did not know how this bill would address behavior. She thought that under NCLB, dangerous schools would be reported to the state.

Re: **ITEM ON LEGISLATION**

On motion of Mr. Burnett and seconded by Mrs. O'Neill, the following resolution failed with Mr. Burnett, Mrs. O'Neill, and Mr. Romero voting in the affirmative; Ms. Cox, Mr. Felton, Dr. Haughey, Mr. Lange, and Mr. Sanghvi voting in the negative:

Resolved, That the Board of Education support **HB 740 – Safe Schools Reporting Act of 2004** which would require each local board of education to create a program for reporting incidents of harassment or intimidation against public school students that occur on public school property, at a school activity or event, or on a school bus.

RESOLUTION NO. 180-04 Re: **ITEM ON LEGISLATION**

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

Resolved, That the Board of Education take no position on **HB 740 – Safe Schools Reporting Act of 2004** which would require each local board of education to create a program for reporting incidents of harassment or intimidation against public school students that occur on public school property, at a school activity or event, or on a school bus.

FOR THE RECORD: Ms. Cox and Mr. Felton would have opposed the legislation.

Re: **ITEM ON LEGISLATION**

Ms. Rogovin reported that **SB 649 – State Board of Education – Graduation Requirements – Student Service** and **SB 850 – Public High School – Graduation Requirements – Community Service** were voted on as unfavorable.

Re: **PUBLIC COMMENTS**

The following people testified before the Board of Education:

	<u>Person</u>	<u>Topic</u>
1.	Henrietta Brown	Sex Education Video
2.	Lafe Solomon	Students Rights
3.	William Bevan	Property
4.	Jacquelyn Rice	School Curriculum
5.	Charlotte Holden	Discipline
6.	Nguyen Minh Chau	Lead Levels
7.	Cornelia Scioli	Zero Tolerance
8.	Christopher Lloyd	Book a Dance of Change
9.	Jennifer Manguera	East Silver Spring Elementary School Articulation
10.	Michael Durso	Students Rights
11.	Dr. Neil Bernstein	Policy JFA
12.	J. Grace Harley	Sex Education
13.	Bennetta McDuffie	East Silver Spring Elementary School Articulation
14.	Victoria Langerman	Inventoried Property

Ms. Cox asked for information on how the school system will support the articulation changes at East Silver Spring Elementary School.

RESOLUTION NO. 181-04 Re: **AWARD OF CONTRACT – SHADY GROVE DEPOT STORMWATER MANAGEMENT**

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

WHEREAS, The following sealed bid was received on March 4, 2004, for the installation of four stormwater management structures for the Shady Grove Depot:

Bidder

Amount

Francis O. Day Company, Inc.

\$312,490

and

WHEREAS, The labor included in this project will be self-performed by the contractor, and the structures are prefabricated by specified manufacturers; therefore, the opportunity for Minority Business Enterprise (MBE) participation is constrained; and

WHEREAS, Staff recommends waiving the MBE participation goal for this project; and

WHEREAS, The bid is within the staff estimate for this project; and

WHEREAS, The Francis O. Day Company, Inc., has completed similar work successfully; now therefore be it

Resolved, That a \$312,490 contract be awarded to Francis O. Day Company, Inc., to install four stormwater management structures for the Shady Grove Depot, in accordance with drawings and specifications prepared by the Department of Facilities Management.

RESOLUTION NO. 182-04 Re: **APPOINTMENT OF ERNST & YOUNG LLP AS EXTERNAL AUDITOR**

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

WHEREAS, In May 2002, the Board of Education awarded Ernst & Young LLP the remainder of the contract to perform auditing services for the Montgomery County Public Schools; and

WHEREAS, Ernst & Young LLP successfully completed the FY 2002 and FY 2003 audits within the required timeframe; and

WHEREAS, Ernst & Young LLP has agreed to complete the audit for FY 2004 for \$159,600 within the required timeframe; now therefore be it

Resolved, That the Board of Education appoint Ernst & Young LLP as the auditor for the FY 2004 Montgomery County Public Schools audit for a fee of \$159,600.

RESOLUTION NO. 183-04 Re: **AMENDMENT AND RESTATEMENT OF THE MCPS EMPLOYEES' RETIREMENT AND PENSION SYSTEMS**

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

WHEREAS, Article III, Section 6.1 of the Plan provides that, upon preparation and recommendation of the superintendent of schools, the Board of Education may amend the Plan at any time; and

WHEREAS, The Board of Education wishes to amend and restate the Plan in order to comply with the Small Business Job Protection Act of 1996, the Taxpayer Relief Act of 1997, and other recent federal legislation and to incorporate the terms of Amendment No. 1 to the Plan which adopted certain provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA) effective January 1, 2002; and

WHEREAS, The Board of Education requested a determination on the qualified status of the Plan from the Internal Revenue Service on June 28, 2002; and

WHEREAS, The Internal Revenue Service issued a favorable determination letter on the Plan on January 7, 2004; now therefore be it

Resolved, That the Board of Education hereby adopt the Montgomery County Public Schools Employees' Retirement and Pension Systems, as amended and restated through July 1, 1998, in substantially the form as attached hereto, and authorize the appropriate individuals to take such further actions and execute such documents as may be necessary or advisable to effect this resolution.

**RESOLUTION NO. 184-04 Re: UTILIZATION OF THE FY 2004 PROVISION FOR FUTURE SUPPORTED PROJECT FUNDS**

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

WHEREAS, The grants qualify for a transfer of appropriation from the Provision for Future Supported Projects, pursuant to the provisions of County Council Resolution No. 15-184, 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>
High School Vertically Integrated Partnerships Project	\$ 852,615
National Network of Partnership Schools	<u>8,380</u>
Total	<u>\$ 860,995</u>

and be it further

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

RESOLUTION NO. 185-04 Re: **RECOMMENDED FY 2004 SUPPLEMENTAL APPROPRIATION FOR THE PROVISION FOR FUTURE SUPPORTED PROJECTS**

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

WHEREAS, The FY 2004 Operating Budget adopted by the Board of Education on June 10, 2003, included \$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; now therefore be it

Resolved, That the superintendent of schools be authorized to receive and expend, subject to County Council approval, an FY 2004 supplemental appropriation of \$4,200,000 for the Provision for Future Supported Projects in the following categories:

<u>Category</u>	<u>Amount</u>
1 Administration	\$ 50,000
2 Mid-level Administration	50,000
3 Instructional Salaries	2,200,000
4 Textbooks and Instructional Supplies	400,000
5 Other Instructional Costs	1,200,000
9 Transportation	50,000
12 Fixed Charges	<u>250,000</u>
Total	<u>\$ 4,200,000</u>

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. 186-04 Re: HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective July 1, 2004:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Dawn Ellis	Principal, Neelsville MS	Consulting Principal

**RESOLUTION NO. 187-04 Re: HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective July 1, 2004:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Jeffrey Martinez	Principal, Stonegate ES	Consulting Principal

**RESOLUTION NO. 188-04 Re: HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective July 1, 2004:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Carolyn Starek	Principal, Forest Knolls ES	Consulting Principal

**RESOLUTION NO. 189-04 Re: HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective March 22, 2004:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Zadia Broadus	Acting Principal, Takoma Park ES	Principal, Takoma Park ES

Re: **INSTRUCTIONAL MATERIALS REVIEWED AND  
EVALUATED BY THE CITIZENS COMMITTEE ON  
FAMILY LIFE AND HUMAN DEVELOPMENT**

On recommendation of the Superintendent and on motion of Mrs. O'Neill and seconded by Dr. Haughey, the following resolution was placed on the table:

WHEREAS, Maryland COMAR 13A.04.18 requires each local school system to provide an instructional program in comprehensive health education for each year in Grades K–8 and to offer a program in Grades 9–12 that enables students to select health education electives; and

WHEREAS, Maryland COMAR 13A.04.18 requires each school system to appoint a joint committee of educators and representatives of the community that shall examine all instructional materials proposed for use in schools; and

WHEREAS, Maryland COMAR 13A.04.18 further requires that the committee's recommendations shall be submitted to the local Superintendent of Schools and the local Board of Education for final action; now therefore be it

Resolved, That the Board of Education approve the attached list of instructional materials that were reviewed and evaluated during the past 10 months for use in the Montgomery County Public Schools Family Life and Human Development program by its Citizens Advisory Committee on Family Life and Human Development; and be it further

Resolved, That the Board of Education approve the use of the video production *Protect Yourself* in a limited field-test during spring 2004.

Re: **DISCUSSION**

Mrs. O'Neill reported that she watched the video, *Protect Yourself*, and thought it was tastefully done. The important message throughout the video was abstinence. It needs to be emphasized that parents have the opportunity to review the tape, and they have the right to remove their child from any section of the class. The video is an important health message and is well done.

Mr. Felton thanked the committee for its development work and the assurance that there are safeguards, such as parental involvement, staff development, and pilot program. The video is well done, and it is appropriate for use with students.

Mr. Burnett stated that his test for the material was whether or not he would approve it for his child, and the video passed that test. He agreed with Mrs. O'Neill and Mr. Felton that the video was tasteful, and there were safeguards for parents.

Mr. Romero asked what the dissenting members thought. The chair of the committee stated that their view was that any discussion of the use of condoms was, essentially, condoning premature sexual activity.

Mr. Lange stated that he watched the video and was generally impressed with it. Even though there was repetition about abstinence, he did not hear any statements that it is okay to say "no." The chair responded that not all points were covered, but the context was personal responsibility. However, he thought that message was there.

Mr. Lange thought that in the lesson plan and as part of the enduring understanding, abstinence should be listed as the only completely effective prevention for pregnancy and infections. Mr. Fulton replied that staff would consider that addition.

Ms. Cox stated that she watched the video. She liked the specific reference to parents and the fact that they can opt out their child if they deem it appropriate. In the future, she asked the Advisory Committee on Family Life and Human Development to include a note of explanation when there is a close vote on instructional materials.

RESOLUTION NO. 190-04 Re: **INSTRUCTIONAL MATERIALS REVIEWED AND EVALUATED BY THE CITIZENS COMMITTEE ON FAMILY LIFE AND HUMAN DEVELOPMENT**

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

WHEREAS, Maryland COMAR 13A.04.18 requires each local school system to provide an instructional program in comprehensive health education for each year in Grades K–8 and to offer a program in Grades 9–12 that enables students to select health education electives; and

WHEREAS, Maryland COMAR 13A.04.18 requires each school system to appoint a joint committee of educators and representatives of the community that shall examine all instructional materials proposed for use in schools; and

WHEREAS, Maryland COMAR 13A.04.18 further requires that the committee's recommendations shall be submitted to the local Superintendent of Schools and the local Board of Education for final action; now therefore be it

Resolved, That the Board of Education approve the attached list of instructional materials that were reviewed and evaluated during the past 10 months for use in the Montgomery County Public Schools Family Life and Human Development program by its Citizens Advisory Committee on Family Life and Human Development; and be it further

Resolved, That the Board of Education approve the use of the video production *Protect Yourself* in a limited field-test during spring 2004.

**Instructional Materials Reviewed and Evaluated  
By the Citizens Advisory Committee on Family Life and Human Development**

During the past 10 months, a majority of committee members reviewed and evaluated seven items for which a decision was made regarding approval. The committee voted to recommend five items, recommend with reservations one item, and voted not to recommend one item. The following is a list of materials reviewed as well as committee members' recommendations and results of the vote.

<u>Material Reviewed</u>	<u>Committee Decision</u>	<u>Yes</u>	<u>No</u>	<u>Abs</u>
<i>Avoiding Infectious and Sexually Transmitted Diseases</i> (video) Films for the Humanities and Sciences, 2001, Grades 9–12	Recommend with reservations	7	6	0
<i>You...Me and the Kids: Sex Talk</i> (video) Film Ideas, Inc. 1999–2000, Grade 8	Not recommended	0	14	0
<i>You...Me and the Kids: The Teen Years-Dangerous Encounters: STDs</i> (video) Film Ideas, Inc. 1999–2000, Grades 9–12	Recommend	8	2	0
<i>What Is Love, What Is Sex?</i> (video) Human Relations Media, 2000, Grades 9–12	Recommend	10	0	0
<i>You... Me and the Kids: Puberty Happens</i> (video) Film Ideas, Inc., 1999–2000, Grade 6	Recommend	9	1	0

<i>STDs: What You Need to Know about Sexually Transmitted Disease</i> (video) Sunburst Communications, 2000, Grades 9–12	Recommend	11	4	1
<i>The Anatomy Coloring Book, Third Edition</i> (supplemental workbook) Benjamin Cummings Publishing Co., 2002, Grades 9–12 <i>Protect Yourself</i> MCPS Production, 2003 Grades 9–12	Recommend	15	0	0
	Recommended for field–test in spring 2004	12	2	1

Re: **BANNEKER-BRIGGS CHANEY BOUNDARY  
RECOMMENDATIONS**

On recommendation of the Superintendent and on motion of Mr. Felton and seconded by Mr. Burnett, the following resolution was placed on the table:#

WHEREAS, In December 2003, the superintendent convened a Boundary Advisory Committee, comprised of representatives from Benjamin Banneker Middle School and its feeder elementary schools and Briggs Chaney Middle School and its feeder elementary schools; and

WHEREAS, The Boundary Advisory Committee met in December 2003 and January 2004 and submitted a report to the superintendent on January 30, 2004, with committee evaluations of 10n boundary options; and

WHEREAS, The superintendent reviewed and carefully considered the Boundary Advisory Committee's report, parent-teacher association position papers, and feedback from the community at large, and on February 12, 2004, presented a recommendation for middle school boundary changes for consideration by the Board of Education; and

WHEREAS, On February 23, 2004, the Board of Education conducted a work session to consider the superintendent's recommendation for boundary changes and adopted one alternative; and

WHEREAS, The Board of Education conducted a public hearing on March 3, 2004, in accordance with the Board of Education Policy FAA, *Long-range Educational Facilities Planning*, on the superintendent's recommendation and the Board of Education alternative;

now therefore be it

Resolved, That, effective August 2004, the boundaries for Benjamin Banneker Middle School and Briggs Chaney Middle School be changed by reassigning the following portions of the Fairland Elementary School service area from Benjamin Banneker Middle School to Briggs Chaney Middle School, described as follows:

1. The area south of East Randolph Road and west of Old Columbia Pike that includes the Iverleigh community, Fairland Apartments community, and other residences in this area
2. The Woodlake Apartment community on Castle Boulevard;

and be it further

Resolved, That the boundary change be phased in, beginning with Grades 6 and 7 students in August 2004.

RESOLUTION NO. 191-04 Re: **AN AMENDMENT TO THE BANNEKER-BRIGGS CHANEY BOUNDARY RECOMMENDATIONS**

On motion of Ms. Cox and seconded by Mr. Burnett, the following amendment was adopted with Mr. Burnett, Ms. Cox, Dr. Haughey, Mr. Lange and Mr. Romero voting in the affirmative; Mr. Felton, Mrs. O'Neill, and Mr. Sanghvi voting in the negative: #

Resolved, That, effective August 2004, the boundaries for Benjamin Banneker Middle School and Briggs Chaney Middle School be changed by reassigning the following portions of the Fairland Elementary School service area from Benjamin Banneker Middle School to Briggs Chaney Middle School, described as follows:

1. The area south of East Randolph Road and west of Old Columbia Pike that includes the Iverleigh community, Fairland Apartments community, and other residences in this area
2. The Woodlake Apartment community on Castle Boulevard
3. **The areas east of Old Columbia Pike and south of Briggs Chaney Road, that includes the Avonshire and Fairland Ridge communities**

RESOLUTION NO. 192-04 Re: **BANNEKER-BRIGGS CHANEY BOUNDARY RECOMMENDATIONS**

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

WHEREAS, In December 2003, the superintendent convened a Boundary Advisory

Committee, comprised of representatives from Benjamin Banneker Middle School and its feeder elementary schools and Briggs Chaney Middle School and its feeder elementary schools; and

WHEREAS, The Boundary Advisory Committee met in December 2003 and January 2004 and submitted a report to the superintendent on January 30, 2004, with committee evaluations of 10 boundary options; and

WHEREAS, The superintendent reviewed and carefully considered the Boundary Advisory Committee's report, parent-teacher association position papers, and feedback from the community at large, and on February 12, 2004, presented a recommendation for middle school boundary changes for consideration by the Board of Education; and

WHEREAS, On February 23, 2004, the Board of Education conducted a work session to consider the superintendent's recommendation for boundary changes and adopted one alternative; and

WHEREAS, The Board of Education conducted a public hearing on March 3, 2004, in accordance with the Board of Education Policy FAA, *Long-range Educational Facilities Planning*, on the superintendent's recommendation and the Board of Education alternative; now therefore be it

Resolved, That, effective August 2004, the boundaries for Benjamin Banneker Middle School and Briggs Chaney Middle School be changed by reassigning the following portions of the Fairland Elementary School service area from Benjamin Banneker Middle School to Briggs Chaney Middle School, described as follows:

1. The area south of East Randolph Road and west of Old Columbia Pike that includes the Iverleigh community, Fairland Apartments community, and other residences in this area
2. The Woodlake Apartment community on Castle Boulevard
3. The areas east of Old Columbia Pike and south of Briggs Chaney Road, that includes the Avonshire and Fairland Ridge communities

and be it further

Resolved, That the boundary change be phased in, beginning with Grades 6 and 7 students in August 2004.

RESOLUTION NO. 193-04 Re: **EAST SILVER SPRING, TAKOMA PARK, AND PINEY BRANCH ARTICULATION**

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



Mr. Lange, the following resolution was adopted unanimously: #

WHEREAS, In January 2002, the superintendent convened a roundtable discussion group comprised of representatives from the Montgomery Blair Cluster leadership and the East Silver Spring, Takoma Park, and Piney Branch elementary schools' principals and parent-teacher associations; and

WHEREAS, The roundtable discussion group met in February, March, and April 2002, and submitted a report to the superintendent on May 20, 2002, that included evaluations of four approaches that explored other articulation patterns for East Silver Spring, Takoma Park, and Piney Branch elementary schools; and

WHEREAS, In the fall of 2002, the Office of School Performance conducted a comprehensive study of student achievement data at the East Silver Spring, Takoma Park, and Piney Branch elementary schools in relation to the current articulation pattern; and

WHEREAS, In the fall of 2003, the Office of School Performance met with the school community leaders of East Silver Spring, Takoma Park, and Piney Branch elementary schools to discuss the change in articulation; and

WHEREAS, The superintendent reviewed and carefully considered the roundtable discussion group's report, the results from the study of achievement data, and community concerns and, on October 29, 2003, as Supplement C to the Superintendent's Recommended FY 2005 Capital Budget and FY 2005–2010 Capital Improvements Program, presented a recommendation to change the grade articulation pattern between East Silver Spring and Piney Branch elementary schools; and

WHEREAS, On November 20, 2003, the Board of Education adopted the superintendent's recommendation to change the grade articulation pattern between East Silver Spring and Piney Branch elementary schools and directed the Office of School Performance to develop an implementation plan so that a recommendation can be made by the superintendent for Board of Education action in March 2004; and

WHEREAS, On February 23, 2004, the superintendent recommended that implementation of the articulation change for East Silver Spring and Piney Branch elementary schools occur in August 2004; and

WHEREAS, On February 23, 2004, the Board of Education held a work session to consider the superintendent's recommendation on implementing the change to the grade articulation pattern for East Silver Spring and Piney Branch elementary schools and adopted no alternatives; now therefore be it

Resolved, That implementation of the change to the articulation pattern and grade organization for East Silver Spring Elementary School from Grades K–3 to Grades K–2 and the grade organization for Piney Branch Elementary School to include Grade 3 from East Silver Spring Elementary School begin in September 2004; and be it further

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

Re: **BRICKYARD ROAD, KENDALE ROAD, AND  
EDSON LANE SCHOOL SITES**

The superintendent recommended the following resolutions:

**Recommended Resolution for the Kendale Road site and the Edson Lane property:**

WHEREAS, On October 20, 2003, the county executive requested that the Board of Education surplus the Kendale Road school site and the expansion parcel, known as the Edson Lane property, owned by Montgomery County Public Schools; and

WHEREAS, The superintendent presented a recommendation to the Board of Education on February 23, 2004, concerning the county executive's request to surplus the Kendale Road site and the Edson Lane property; and

WHEREAS, On March 3, 2003, the Board of Education held a public hearing on CIP items, including the superintendent's recommendation on the request to surplus the Kendale Road site and the Edson Lane property; and

WHEREAS, The cost for building a replacement facility for the current Seven Locks Elementary School on the Kendale Road site is \$2 to \$3 million less than the plan currently included in the Board of Education's Requested FY 2005 Capital Budget and FY 2005–2010 CIP; and

WHEREAS, The superintendent has revised his recommendation for the Seven Locks Elementary School from phasing the construction of an addition and modernization to building a replacement facility; and

WHEREAS, The plan to build a replacement Seven Locks Elementary School facility will cause less disruption to the Seven Locks Elementary School students and staff and provide ample space to reassign 150–200 students from Potomac Elementary School; and

WHEREAS, The Seven Locks Elementary School would be relocated to the Kendale Road site and the current site at the intersection of Seven Locks Road and Bradley Boulevard would

no longer be needed for school purposes; and

WHEREAS, The current Seven Locks Elementary School site would become an underutilized asset that the Board of Education should consider leveraging to provide value to help fund the replacement school on the Kendale Road site; and

WHEREAS, The Edson Lane expansion parcel is an underutilized asset that the Board of Education should consider leveraging to provide value to help fund the requested FY 2005–2010 CIP; now therefore be it

Resolved, That the Board of Education amend its Requested FY 2005 Capital Budget and FY 2005–2010 CIP to include a revised FY 2005 Capital Budget appropriation of \$308.3 million and a revised six-year total of \$955.2 million to include building a replacement Seven Locks Elementary School at the Kendale Road site to be completed by September 2007; and be it further

Resolved, That the Board of Education authorize staff to explore opportunities through a Memorandum of Understanding (MOU) with the county to use the value of the current Seven Locks Elementary School site to provide additional funding to support the construction of the Seven Locks Elementary School replacement project for the FY 2005–2010 CIP; and be it further

Resolved, That the Board of Education authorize staff to explore opportunities through a MOU with the county to use the value of the Edson Lane expansion parcel to provide additional funding for the requested FY 2005–2010 CIP; and be it further

Resolved, That the superintendent return to the Board of Education with a recommendation on the disposition of the current Seven Locks Elementary School site and the Edson Lane property once staff has completed an evaluation of the feasibility of a MOU with the county; and be it further

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

**Recommended Resolution for the Brickyard Road site:**

WHEREAS, On October 20, 2003, the county executive requested that the Board of Education surplus the school site, known as the Brickyard Road site, owned by Montgomery County Public Schools; and

WHEREAS, The superintendent presented a recommendation to the Board of Education on February 23, 2004, concerning the county executive's request to surplus the Brickyard Road

site; and

WHEREAS, On March 3, 2003, the Board of Education held a public hearing on CIP items, including the superintendent's recommendation on the request to surplus the Brickyard Road site; and

WHEREAS, Before a decision is made on surplus the Brickyard Road site, further examination is needed regarding other potential middle school sites, preferably in the Thomas S. Wootton Cluster; now therefore be it

Resolved, That the superintendent return to the Board of Education with a recommendation on the disposition of the Brickyard Road site once staff has completed an evaluation of alternative future middle school sites for the Thomas S. Wootton and Winston Churchill clusters and the feasibility of a Memorandum of Understanding with the county; and be it further

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

Re: **A SUBSTITUTE RESOLUTION FOR THE  
BRICKYARD ROAD SCHOOL SITE**

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

Resolved, That the Board of Education take no action on the disposition of the Brickyard Road site at this time; and be it further

Resolved, That the Board of Education direct the superintendent to review options for future middle school sites in the Wootton, Whitman, and Churchill clusters.

Re: **DISCUSSION**

Mrs. O'Neill explained that the school system will not get the Capital Improvements Program (CIP) fully funded. If there is community dissent on transferring the property, there is a possibility that there will never be a public/private partnership with those resources.

Dr. Haughey thought the school system needs to analyze all of its assets as well as its needs, and match one against the other.

Mr. Lange shared Mrs. O'Neill's concerns, but supported the superintendent's recommendation. In addition, he thought there should be a careful study of the issue.

Mr. Felton thought the Board should defer its decision of disposition of property until there was a review of the alternate middle school sites. The message to the Council is that the Board needs more information to make a decision.

Ms. Cox asked about the future middle school needs for the Whitman, Churchill, and Walter Johnson clusters. There was an initial recommendation that the Brickyard site was not necessary because the need would be at the high school level and not the middle school level. Also, the Churchill Cluster's needs could be addressed by a potential boundary change. What has changed, and what would further analysis yield? Mr. Bowers replied that it is a matter of looking for sites that may be available in the long term if and when there is a need. However, at this time, there is no need for a middle school. Therefore, staff would like to analyze sites that may be more appropriate and would be available for middle school use in the future.

Mrs. O'Neill was concerned about the feasibility of the Memorandum of Understanding and said that phrase should be eliminated.

RESOLUTION NO. 194-04 Re: **A SUBSTITUTE RESOLUTION FOR THE BRICKYARD ROAD SCHOOL SITE**

On motion of Mr. Felton and seconded by Mrs. O'Neill, the following resolution was adopted unanimously:#

Resolved, That the Board of Education accept the superintendent's recommendation to defer action on the disposition of the Brickyard Road site; and be it further

Resolved, That the Board of Education direct the superintendent to evaluate alternative future middle school sites in the Churchill, Whitman, and Wootton clusters.

RESOLUTION NO. 195-04 Re: **BRICKYARD ROAD SCHOOL SITE**

On motion of Mr. Felton and seconded by Mrs. O'Neill, the following resolution, as amended, was adopted unanimously:#

WHEREAS, On October 20, 2003, the county executive requested that the Board of Education surplus the school site, known as the Brickyard Road site, owned by Montgomery County Public Schools; and

WHEREAS, The superintendent presented a recommendation to the Board of Education on February 23, 2004, concerning the county executive's request to surplus the Brickyard Road site; and

WHEREAS, On March 3, 2003, the Board of Education held a public hearing on CIP items, including the superintendent's recommendation on the request to surplus the Brickyard Road site; and

WHEREAS, Before a decision is made on surplus the Brickyard Road site, further examination is needed regarding other potential middle school sites, preferably in the Thomas S. Wootton Cluster; now therefore be it

Resolved, That the Board of Education accept the superintendent's recommendation to defer action on the disposition of the Brickyard Road site; and be it further

Resolved, That the Board of Education direct the superintendent to evaluate alternative future middle school sites in the Churchill, Whitman, and Wootton clusters.

Re: **KENDALE ROAD SITE AND THE EDSON LANE PROPERTY**

On recommendation of the Superintendent and on motion of Mr. Burnett seconded by Dr. Haughey, the following resolution was placed on the table:

WHEREAS, On October 20, 2003, the county executive requested that the Board of Education surplus the Kendale Road school site and the expansion parcel, known as the Edson Lane property, owned by Montgomery County Public Schools; and

WHEREAS, The superintendent presented a recommendation to the Board of Education on February 23, 2004, concerning the county executive's request to surplus the Kendale Road site and the Edson Lane property; and

WHEREAS, On March 3, 2003, the Board of Education held a public hearing on CIP items, including the superintendent's recommendation on the request to surplus the Kendale Road site and the Edson Lane property; and

WHEREAS, The cost for building a replacement facility for the current Seven Locks Elementary School on the Kendale Road site is \$2 to \$3 million less than the plan currently included in the Board of Education's Requested FY2005 Capital Budget and FY2005–2010 CIP; and

WHEREAS, The superintendent has revised his recommendation for the Seven Locks Elementary School from phasing the construction of an addition and modernization to building a replacement facility; and

WHEREAS, The plan to build a replacement Seven Locks Elementary School facility will cause less disruption to the Seven Locks Elementary School students and staff and provide ample space to reassign 150–200 students from Potomac Elementary School; and

WHEREAS, The Seven Locks Elementary School would be relocated to the Kendale Road site and the current site at the intersection of Seven Locks Road and Bradley Boulevard would no longer be needed for school purposes; and

WHEREAS, The current Seven Locks Elementary School site would become an underutilized asset that the Board of Education should consider leveraging to provide value to help fund the replacement school on the Kendale Road site; and

WHEREAS, The Edson Lane expansion parcel is an underutilized asset that the Board of Education should consider leveraging to provide value to help fund the requested FY 2005–2010 CIP; now therefore be it

Resolved, That the Board of Education amend its Requested FY 2005 Capital Budget and FY 2005–2010 CIP to include a revised FY 2005 Capital Budget appropriation of \$308.3

million and a revised six-year total of \$955.2 million to include building a replacement Seven Locks Elementary School at the Kendale Road site to be completed by September 2007; and be it further

Resolved, That the Board of Education authorize staff to explore opportunities through a Memorandum of Understanding (MOU) with the county to use the value of the current Seven Locks Elementary School site to provide additional funding to support the construction of the Seven Locks Elementary School replacement project for the FY 2005–2010 CIP; and be it further

Resolved, That the Board of Education authorize staff to explore opportunities through a MOU with the county to use the value of the Edson Lane expansion parcel to provide additional funding for the requested FY 2005–2010 CIP; and be it further

Resolved, That the superintendent return to the Board of Education with a recommendation on the disposition of the current Seven Locks Elementary School site and the Edson Lane property once staff has completed an evaluation of the feasibility of a MOU with the county; and be it further

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

Re: **A SUBSTITUTE RESOLVE TO THE KENDALE ROAD SITE AND THE EDSON LANE PROPERTY**

On motion of Mr. Felton and seconded by Mrs. O'Neill, the following amendment failed with Mr. Felton, Mr. Lange, and Mrs. O'Neill voting in the affirmative; Mr. Burnett, Ms. Cox, Dr. Haughey, and Mr. Romero voting in the negative:#

Resolved, That the Board of Education direct the superintendent to defer recommendations on the disposition of the current Seven Locks Elementary School site and the Edson Lane property until the staff has completed an evaluation of the feasibility of a Memorandum of Understanding with the county government.

Re: **DISCUSSION**

Ms. Cox asked for the definition of “for school purposes.” Mr. Hawes responded that there can be a broad interpretation, but it refers to K-12 programs. Ms. Cox inquired whether or not it could be defined as a bus depot or an alternative program. Mr. Hawes responded in the affirmative.

Ms. Cox thought the Board had an obligation to the current students and the CIP to address



those needs. There is nothing to preclude the Board from agreeing to surplus the site with an MOU in which that the value of the property could be leveraged to support the current CIP. Dr. Weast said her statement was correct and important. He was recommending a series of transactions resulting in the relief of Potomac Elementary School's overcrowding, a new school for Seven Locks Elementary School, a savings of \$2 - 3 million dollars, and avoidance of the construction problems of building on the current Seven Locks site.

Mrs. O'Neill noted that the school system had asked for a road to go through the Edson Lane property, and the community fought that road. Mr. Hawes agreed, but a traffic light on Old Georgetown Road addressed the traffic problems.

Mr. Felton asked if the MOU would define the parameters or the end product. Mr. Lavorgna replied that the MOU was the first step for the county to approach developers with the value returned to the school system.

Mr. Romero wanted to know if there were ways to partner with other public/private organizations for the innovative use of land and construction of schools. Dr. Weast replied that the school system supports and utilizes that concept.

Ms. Cox was concerned that the relief for Potomac Elementary School would be delayed one more year with this proposal.

RESOLUTION NO. 196-04 Re: **KENDALE ROAD SITE AND THE EDSON LANE PROPERTY**

On recommendation of the Superintendent and on motion of Mr. Burnett seconded by Dr. Haughey, the following resolution was adopted with Mr. Burnett, Ms. Cox, Mr. Felton, Dr. Haughey, Mr. Lange, Mrs. O'Neill, and Mr. Sanghvi voting in the affirmative; Mr. Romero voting in the negative#:

WHEREAS, On October 20, 2003, the county executive requested that the Board of Education surplus the Kendale Road school site and the expansion parcel, known as the Edson Lane property, owned by Montgomery County Public Schools; and

WHEREAS, The superintendent presented a recommendation to the Board of Education on February 23, 2004, concerning the county executive's request to surplus the Kendale Road site and the Edson Lane property; and

WHEREAS, On March 3, 2003, the Board of Education held a public hearing on CIP items, including the superintendent's recommendation on the request to surplus the Kendale Road site and the Edson Lane property; and

WHEREAS, The cost for building a replacement facility for the current Seven Locks Elementary School on the Kendale Road site is \$2 to \$3 million less than the plan currently included in the Board of Education's Requested FY 2005 Capital Budget and FY 2005–2010 CIP; and

WHEREAS, The superintendent has revised his recommendation for the Seven Locks Elementary School from phasing the construction of an addition and modernization to building a replacement facility; and

WHEREAS, The plan to build a replacement Seven Locks Elementary School facility will cause less disruption to the Seven Locks Elementary School students and staff and provide ample space to reassign 150–200 students from Potomac Elementary School; and

WHEREAS, The Seven Locks Elementary School would be relocated to the Kendale Road site and the current site at the intersection of Seven Locks Road and Bradley Boulevard would no longer be needed for school purposes; and

WHEREAS, The current Seven Locks Elementary School site would become an underutilized asset that the Board of Education should consider leveraging to provide value to help fund the replacement school on the Kendale Road site; and

WHEREAS, The Edson Lane expansion parcel is an underutilized asset that the Board of Education should consider leveraging to provide value to help fund the requested FY 2005–2010 CIP; now therefore be it

Resolved, That the Board of Education amend its Requested FY 2005 Capital Budget and FY 2005–2010 CIP to include a revised FY 2005 Capital Budget appropriation of \$308.3 million and a revised six-year total of \$955.2 million to include building a replacement Seven Locks Elementary School at the Kendale Road site to be completed by September 2007; and be it further

Resolved, That the Board of Education authorize staff to explore opportunities through a Memorandum of Understanding (MOU) with the county to use the value of the current Seven Locks Elementary School site to provide additional funding to support the construction of the Seven Locks Elementary School replacement project for the FY 2005–2010 CIP; and be it further

Resolved, That the Board of Education authorize staff to explore opportunities through a MOU with the county to use the value of the Edson Lane expansion parcel to provide additional funding for the requested FY 2005–2010 CIP; and be it further

Resolved, That the superintendent return to the Board of Education with a recommendation

on the disposition of the current Seven Locks Elementary School site and the Edson Lane property once staff has completed an evaluation of the feasibility of a MOU with the county; and be it further

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

Re: **FINAL APPROVAL OF POLICY JFA, *STUDENT RIGHTS AND RESPONSIBILITIES***

The Policy Committee placed the following resolution on the table:

WHEREAS, Policy JFA, *Student Rights and Responsibilities*, sets forth the scope of student rights and responsibilities; and

WHEREAS, Policy JFA, *Student Rights and Responsibilities*, affirms the local school's responsibility in developing, implementing, and enforcing disciplinary standards; and

WHEREAS, the draft revision of Policy JFA, *Student Rights and Responsibilities*, tentatively was adopted by the Board of Education on December 9, 2003, and sent out for public comment; and

WHEREAS, the Board of Education has considered comments and the superintendent's recommendation; now therefore be it

Resolved, That the Board of Education adopt Policy JFA, *Student Rights and Responsibilities* as revised.

## **Student Rights and Responsibilities**

### A. PURPOSE

To provide a learning community designed to foster intellectual development, citizenship, responsibility, and mutual respect among students as they engage in the education process. As members of this community, all students have certain rights, responsibilities, and privileges. There are expectations for conduct that are intended to foster the desired environment and educational goals of Montgomery County Public Schools and its students.

### B. ISSUE

In a free and democratic society rights are balanced with responsibilities. All rights are

inherently interwoven with responsibilities.

### C. POSITION

1. Students have responsibility for their own learning, their personal conduct, and for the manner in which they exercise their rights. Students are expected to actively participate in the educational community, accept the consequences of their actions, and abide by the policies and regulations of Montgomery County Public Schools.
2. The rights of the student must always be considered in relation to the legal rights and responsibilities retained by others, including other students, teachers, administrators, other school staff, and parents.
3. As a component of active participation in the school community, students may form and participate in clubs, teams, and student organizations in accordance with all state and local laws, policies, regulations, and procedures.
4. Students elected to student government or occupying other leadership positions must retain academic eligibility during their term of office. Additionally, students elected to student government or occupying other leadership positions are expected to meet a higher standard of conduct and comply with all policies, regulations, and procedures on and off campus during their term of office.
5. The rights of freedom of expression in dress, writing, and other forms are balanced with the responsibility to maintain an environment conducive to learning.
6. The rights of freedom of religion should be respected and accommodated in accordance with law.
7. Students have the right to have disciplinary actions solely based on their individual conduct, which occurs at school, at school-related activities, when being transported by MCPS to or from school or a school-related activity, or would compromise the health or safety of others in the school or would adversely impact the security or operation of the school setting. The superintendent shall ensure that disciplinary actions are fair and appropriate. However, students also have the responsibility to accept the consequences of their actions and be active participants in maintaining an environment conducive to learning.
8. Students have the right to physical autonomy unless the use of physical restraint

is reasonable under the circumstances.

9. Students' legally recognized expectations of privacy are to be respected.
10. The essential dignity of all students, teachers, and staff is recognized and the responsibility to secure, respect, and support an environment conducive to learning is shared by all members of the broad-based school community.
11. Students have due process rights which must be protected.
12. Local school staff, in collaboration with students and parents, shall develop, implement, and enforce disciplinary standards and procedures which may include zero tolerance policies and procedures that limit or restrict participation in extracurricular or other school-related activities or events. Graduation may not be included in local school zero tolerance policies; however, principals retain the authority to exclude students from participation in graduation for cause on a case-by-case basis.
13. Students retain all the rights and responsibilities articulated in all Montgomery County Public Schools policies and regulations, as well as those defined by law.

#### D. DESIRED OUTCOMES

Montgomery County Public Schools will provide an educational environment which promotes intellectual development, responsibility, citizenship, respect for individual dignity, and respect for legally constituted authority.

#### E. IMPLEMENTATION GUIDELINES

1. The *Student's Guide to Rights and Responsibilities* shall be made available to all elementary school students and shall be distributed to all students entering secondary schools. Copies of the document should be made available to parents.
2. The superintendent will develop regulations with student, staff and parental input to guide staff in the implementation of this policy, including issues concerning eligibility for extracurricular activities.

#### F. REVIEW AND REPORTING

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

Re: **DISCUSSION**

It was the consensus of the Board to change “graduation” to “commencement ceremonies.”

Mrs. O’Neill stated that zero tolerance was very clear with a direct consequence for alcohol and drug use. She thought the principals’ decisions might be appealed to the Board at the eleventh hour. Ms. Cox remarked that this policy authorizes local discipline guidelines, and principals should be clear about the infractions and consequences of the local discipline guidelines. Dr. Weast supported the principals’ views, and he believed that principals should have the authority to discipline students according to the infraction.

Mr. Sanghvi supported the view of principals to retain zero tolerance guidelines. However, he did not agree that principals should have the right to deny a student’s attendance at graduation. He also thought there was inconsistency in the discipline from school to school. Dr. Weast thought that graduation was a privilege, and a privilege can be revoked.

Mr. Romero agreed with Mr. Sanghvi and did not see graduation as a privilege. It is an integral part of the educational process.

Re: **AN AMENDMENT TO THE FINAL APPROVAL OF  
POLICY JFA, STUDENT RIGHTS AND  
RESPONSIBILITIES**

On motion of Mr. Romero and seconded by Mr. Burnett, the following resolution was placed on the table:

Resolved, That the Board of Education amend the policy at C.12. to read:

Local school staff, in collaboration with students and parents, shall develop, implement, and enforce disciplinary standards and procedures which may include zero tolerance policies and procedures that limit or restrict participation in extracurricular or other school-related activities or events. Graduation may not be included in local school zero tolerance policies; ~~however, principals retain the authority to exclude students from participation in graduation for cause on a case by case basis~~ **moreover, high school principals shall not deny, for disciplinary reasons, academically-eligible students the opportunity to participate in commencement ceremonies.**

Re: **AN AMENDMENT TO THE FINAL APPROVAL OF**

**POLICY JFA, STUDENT RIGHTS AND  
RESPONSIBILITIES**

On motion of Mr. Sanghvi and seconded by Mr. Romero, the following resolution failed with Mr. Romero and Mr. Sanghvi voting in the affirmative; Mr. Burnett, Ms. Cox, Mr. Felton, Dr. Haughey, Mr. Lange, and Mrs. O'Neill voting in the negative:

Resolved, That the Board of Education amend the policy at C.12. to read:

Local school staff, in collaboration with students and parents, shall develop, implement, and enforce disciplinary standards and procedures which may include zero tolerance policies and procedures that limit or restrict participation in extracurricular or other school-related activities or events. Graduation may not be included in local school zero tolerance policies; ~~however, principals retain the authority to exclude students from participation in graduation for cause on a case by case basis~~ **moreover, high school principals shall not deny, for disciplinary reasons, academically-eligible students the opportunity to participate in commencement ceremonies unless necessary to maintain order on that day.**

Re: **DISCUSSION**

Mr. Burnett was bothered by the graduation piece in zero tolerance guidelines. Graduation is not a right, but it comes very close to being a right. He was pleased to see that graduation was pulled from the zero tolerance guidelines. He hoped that the "case-by-case basis" would be closely examined, since graduation is a very important event for both the child and his/her family.

Ms. Cox explained that the language in the revision was intended to allow principals the authority to deny graduation, but that decision was tied very closely to specific offenses. The change in the policy would allow the Board flexibility to examine appeals on the merits of the case, rather than whether or not the zero tolerance guidelines were followed.

Mr. Lange did not support the amendment, since it undermined discipline.

Re: **AN AMENDMENT TO THE FINAL APPROVAL OF  
POLICY JFA, STUDENT RIGHTS AND  
RESPONSIBILITIES**

On motion of Mr. Romero and seconded by Mr. Burnett, the following resolution failed with Mr. Romero and Mr. Sanghvi voting in the affirmative; Mr. Burnett, Ms. Cox, Mr. Felton, Dr. Haughey, Mr. Lange, and Mrs. O'Neill voting in the negative:

Resolved, That the Board of Education amend the policy at C.12. to read:

Local school staff, in collaboration with students and parents, shall develop, implement, and enforce disciplinary standards and procedures which may include zero tolerance policies and procedures that limit or restrict participation in extracurricular or other school-related activities or events. Graduation may not be included in local school zero tolerance policies; ~~however, principals retain the authority to exclude students from participation in graduation for cause on a case by case basis~~ **moreover, high school principals shall not deny, for disciplinary reasons, academically-eligible students the opportunity to participate in commencement ceremonies.**

Re: **AN AMENDMENT TO THE FINAL APPROVAL OF POLICY JFA, STUDENT RIGHTS AND RESPONSIBILITIES**

On motion of Mr. Lange and seconded by Mrs. O'Neill, the following resolution failed with Mr. Lange and Mrs. O'Neill voting in the affirmative; Mr. Burnett, Ms. Cox, Mr. Felton, Dr. Haughey, Mr. Romero and Mr. Sanghvi voting in the negative:

Resolved, That the Board of Education amend the policy at C.12. to read:

Local school staff, in collaboration with students and parents, shall develop, implement, and enforce disciplinary standards and procedures which may include zero tolerance policies and procedures that limit or restrict participation in extracurricular, commencement ceremonies, or other school-related activities or events. ~~Graduation may not be included in local school zero tolerance policies; however, principals retain the authority to exclude students from participation in graduation for cause on a case by case basis.~~

RESOLUTION NO. 197

Re: **FINAL APPROVAL OF POLICY JFA, STUDENT RIGHTS AND RESPONSIBILITIES**

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

WHEREAS, Policy JFA, *Student Rights and Responsibilities*, sets forth the scope of student rights and responsibilities; and

WHEREAS, Policy JFA, *Student Rights and Responsibilities*, affirms the local school's responsibility in developing, implementing, and enforcing disciplinary standards; and



WHEREAS, the draft revision of Policy JFA, *Student Rights and Responsibilities*, tentatively was adopted by the Board of Education on December 9, 2003, and sent out for public comment; and

WHEREAS, the Board of Education has considered comments and the superintendent's recommendation; now therefore be it

Resolved, That the Board of Education adopt Policy JFA, *Student Rights and Responsibilities* as revised.

## **Student Rights and Responsibilities**

### A. PURPOSE

To provide a learning community designed to foster intellectual development, citizenship, responsibility, and mutual respect among students as they engage in the education process. As members of this community, all students have certain rights, responsibilities, and privileges. There are expectations for conduct that are intended to foster the desired environment and educational goals of Montgomery County Public Schools and its students.

### B. ISSUE

In a free and democratic society rights are balanced with responsibilities. All rights are inherently interwoven with responsibilities.

### C. POSITION

1. Students have responsibility for their own learning, their personal conduct, and for the manner in which they exercise their rights. Students are expected to actively participate in the educational community, accept the consequences of their actions, and abide by the policies and regulations of Montgomery County Public Schools.
2. The rights of the student must always be considered in relation to the legal rights and responsibilities retained by others, including other students, teachers, administrators, other school staff, and parents.
3. As a component of active participation in the school community, students may form and participate in clubs, teams, and student organizations in accordance with all state and local laws, policies, regulations, and procedures.

4. Students elected to student government or occupying other leadership positions must retain academic eligibility during their term of office. Additionally, students elected to student government or occupying other leadership positions are expected to meet a higher standard of conduct and comply with all policies, regulations, and procedures on and off campus during their term of office.
5. The rights of freedom of expression in dress, writing, and other forms are balanced with the responsibility to maintain an environment conducive to learning.
6. The rights of freedom of religion should be respected and accommodated in accordance with law.
7. Students have the right to have disciplinary actions solely based on their individual conduct, which occurs at school, at school-related activities, when being transported by MCPS to or from school or a school-related activity, or would compromise the health or safety of others in the school or would adversely impact the security or operation of the school setting. The superintendent shall ensure that disciplinary actions are fair and appropriate. However, students also have the responsibility to accept the consequences of their actions and be active participants in maintaining an environment conducive to learning.
8. Students have the right to physical autonomy unless the use of physical restraint is reasonable under the circumstances.
9. Students' legally recognized expectations of privacy are to be respected.
10. The essential dignity of all students, teachers, and staff is recognized and the responsibility to secure, respect, and support an environment conducive to learning is shared by all members of the broad-based school community.
11. Students have due process rights which must be protected.
12. Local school staff, in collaboration with students and parents, shall develop, implement, and enforce disciplinary standards and procedures which may include zero tolerance policies and procedures that limit or restrict participation in extracurricular or other school-related activities or events. Exclusion from commencement ceremonies may not be included in local school zero tolerance policies; however, principals retain the authority to exclude students from participation in commencement ceremonies for cause on a case-by-case basis.

13. Students retain all the rights and responsibilities articulated in all Montgomery County Public Schools policies and regulations, as well as those defined by law.

D. DESIRED OUTCOMES

Montgomery County Public Schools will provide an educational environment which promotes intellectual development, responsibility, citizenship, respect for individual dignity, and respect for legally constituted authority.

E. IMPLEMENTATION GUIDELINES

1. The *Student's Guide to Rights and Responsibilities* shall be made available to all elementary school students and shall be distributed to all students entering secondary schools. Copies of the document should be made available to parents.
2. The superintendent will develop regulations with student, staff and parental input to guide staff in the implementation of this policy, including issues concerning eligibility for extracurricular activities.

F. REVIEW AND REPORTING

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

\*\*Mr. Sanghvi left the meeting at this point.

Re: **BOARD/SUPERINTENDENT COMMENTS**

Dr. Weast commented that the Office of the Chief Operating Officer, which oversees seven departments as well as the offices of Human Resources and Global Access Technology, has been recognized as a model of productivity and performance excellence in Maryland.

The "operations" side of the school system was honored last Monday with a bronze medal in the Maryland Quality Awards competition, administered by the University of Maryland Center for Quality and Productivity. Selection of the winners was made by a Board of Examiners comprising more than 40 Maryland business leaders. The awards were presented by senators Paul Sarbanes and Barbara Mikulski, program sponsors. The awards are based on the Criteria for Performance Excellence, part of the Baldrige National Quality Program. Among the characteristics of award winners is a management process that sustains

performance, motivates staff, ensures stakeholder satisfaction, and achieves continuously improving organizational performance. Dr. Weast recognized Larry Bowers, chief operating officer, and the more than 4,000 employees within the offices and departments overseen by his office, for their outstanding achievement.

Dr. Weast commented that Carderock Springs Elementary School was among six schools honored at a state dinner March 8 in celebration of their status as Maryland's No Child Left Behind Blue Ribbon Schools. The Maryland schools were selected on the basis of the new national award criteria for the Blue Ribbon Program which identifies both high-performing schools and schools that have made significant gains in communities heavily affected by poverty. Carderock Springs and two other schools were selected from among the top 10 percent of Maryland elementary schools as measured by Maryland assessments. Another three schools, described as economically disadvantaged, were selected on the basis of having demonstrated significant improvements on the state assessments over a period of at least three years. Congratulations to Principal Linda Jackson Jones and her school community.

**RESOLUTION NO. 198-04 Re: CLOSED SESSION RESOLUTION**

On recommendation of the Superintendent and on motion of Mr. Felton seconded by Mr. Romero, 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 Thursday, April 15, 2004, in Room 120 of the Carver Educational Services Center to meet from 9:00 to 10:00 a.m. and 12:30 to 2:00 p.m. to discuss personnel matters, as permitted under Section 10-508(a)(1) of the *State Government Article*, consult with counsel to obtain legal advice, as permitted by Section 10-508(a)(7) of the *State Government Article*; review and adjudicate appeals in its quasi-judicial capacity; and discuss matters of an executive function outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*); and be it further

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

**RESOLUTION NO. 199-04 Re: REPORT OF CLOSED SESSION**

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

On March 9, 2004, 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 sessions on March 9, 2004, from 9:10 to 9:55 a.m., 12:35 to 2:15 p.m., and 5:45 to 6:50 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and

1. Reviewed and/or adjudicated the following appeals: T-2004-3, 2004-1, 2004-3, 2004-4, 2004-8, and 2004-9.
2. Reviewed the Superintendent's recommendation for the Human Resources Monthly Report, subsequent to which the vote to approve was taken in open session.
3. Discussed collective bargaining negotiations, as permitted under Section 10-508(a)(9) of the *State Government Article* and Section 4-107(d)(2)(ii) of the *Education Article*;
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: Larry Bowers, Judy Bresler, Kermit Burnett, Patrick Clancy, Sharon Cox, Reggie Felton, Charles Haughey, Roland Ikheloa, Don Kopp, Don Kress, Frieda Lacey, George Margolies, Pat O'Neill, Brian Porter, Lori Rogovin, Gabe Romero, Glenda Rose, Sagar Sanghvi, Gregory Thornton, and Jerry Weast.

On March 18, 2004, 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 March 18, 2004, from 9:45 to 10:45 in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and discussed collective bargaining negotiations, as permitted under Section 10-508(a)(9) of the *State Government Article* and Section 4-107(d)(2)(ii) of the *Education Article*.

In attendance at the closed session were: Larry Bowers, Kermit Burnett, Patrick Clancy, Sharon Cox, Reggie Felton, Charles Haughey, Walt Lange, George Margolies, Pat O'Neill, Gabe Romero, and Jerry Weast.

RESOLUTION NO. 200-04 Re: **APPEAL 2004-1**

On motion of Mr. Felton and seconded by Dr. Haughey, the following resolution was adopted

unanimously by members present:

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2004-1, student suspension, reflective of the following vote: Mr. Burnett, Ms. Cox, Mr. Felton, Dr. Haughey, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to dismiss; Mr. Lange was absent when this case was adjudicated.

RESOLUTION NO. 201-04 Re: **APPEAL 2004-4**

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

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2004-4, student discipline, reflective of the following vote: Mr. Burnett, Ms. Cox, Mr. Felton, Dr. Haughey, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to affirm in part and reverse in part; Mr. Lange was absent when this case was adjudicated.

RESOLUTION NO. 202-04 Re: **APPEAL 2004-9**

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

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2004-9, student discipline, reflective of the following vote: Mr. Burnett, Ms. Cox, Mr. Felton, Dr. Haughey, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to affirm; Mr. Lange was absent when this case was adjudicated.

Re: **NEW BUSINESS**

Ms. Cox introduced and Dr. Haughey seconded the following item:

WHEREAS, Board policy IQD, *Academic Eligibility for Extracurricular Activities* states that students in middle and high schools must maintain a 2.0 average with no more than one "E" (failure) in the previous marking period to be eligible to participate in any extracurricular activity; and

WHEREAS, Research has shown that extracurricular participation supports adolescents' academic performance, connection with school, social behavior and overall health; and

WHEREAS, Given the relationship between extracurricular involvement and positive outcomes for young people, the Blair PTSA desires that MCPS pilot an alternative proposal that permits incoming ninth grade students with less than a 2.0 GPA to engage in extracurricular activities if they agree to participate in a personalized academic support program; now therefore be it

Resolved, That the Board request the superintendent to review the proposal and make recommendations to the Board on the feasibility of instituting this alternative eligibility as a pilot program in a select cluster(s) of schools; and be it further

Resolved, That the recommendations identify an implementation timeline and cost implications, including cost-neutral options of implementing this pilot; and be it further

Resolved, That the superintendent's review include a survey of the target school community(ies) to determine if there is broad community support for an alternative pilot.

**RESOLUTION NO. 203-04 Re: ADJOURNMENT**

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

Resolved, That the Board of Education adjourn its meeting of March 22, 2004, at 12:10 a.m.

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PRESIDENT

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SECRETARY

JDW:gr



**MONTGOMERY COUNTY BOARD OF EDUCATION  
SUMMARY SHEET  
March 22, 2004**

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