

MONTGOMERY COUNTY BOARD OF EDUCATION POLICY COMMITTEE

July 23, 2012

The meeting was called to order at 2:30 p.m. with the following Board members and Board staff present: Pat O'Neill, (chair), Chris Barclay, Shirley Brandman, John Mannes, Suzann King (staff assistant), and Glenda Rose (recorder).

Other staff present: Stephanie Williams, Harriet Potosky, Lori-Christina Webb, Sally Davis, Karen Crawford, Brian Edwards, Phil McGaughey, Susanne DeGraba, and Robin Confino.

Guests: Justin Kim, Zoey Tang, and Richard Yarrow.

The minutes from the June 11, 2012, committee meeting were approved, as amended.

Policy DJA/DJB, MCPS Procurement Practices/Bid Awards. Staff will review Policy DJA, *MCPS Procurement Practices*, and Policy DJB, given that the language states the Board endorses the MCPS Procurement Manual but does not reference the adopted date, nor specify how the Board will be made aware of/consent to changes to the Procurement Manual. Staff stated that the reference to the Board endorses the Procurement Manual was deleted at Lines 21 through 23 and replaced with language in lines 38-39 indicating that the Fiscal Management Committee will review the Procurement Manual.

Discussion focused on the effect of state law on procurement practice, some provisions of the procurement manual, which types of procurements must be put out to bid, legal counsel's review of the manual, and the need to inform the Fiscal Management Committee of this committee's recommendation.

The committee decided to recommend that the Board of Education take tentative action on Policy DJA, with a note that Policy DJB would need to be rescinded. In addition, the committee chair will send a memorandum to the chair of the Fiscal Management Committee noting the proposed changes to Policy DJB and recommending that an annual review of the Procurement Manual be added to the Fiscal Management Committee's work plan.

Policy CND, School-related Fund-Raising

The Board of Education took tentative action on Policy CND, *School-related Fund-Raising*, and sent it out for public comment. Staff reviewed the five public comments that were received, as well as suggested revisions to Policy CND. Discussion focused on the following:

- The following language will be moved to the new regulation: Principals must inform parents that neither the school nor MCPS endorses the products that are

sold or sanctions the services that are offered by businesses.

- The language in lines 104-108 of the policy regarding raising funds for charitable purposes should be moved to the “Position” section of the policy.
- The committee stated that the policy should convey that families should not feel pressure to engage in fund-raising activities. The committee decided to state that participation is voluntary and to make sure that students do not feel compelled to participate.
- There was a discussion on the balance between fund-raising for enhancements to the instructional program, versus those items that are to be provided by the school system.
- It was suggested that language be added at Line 142 that references Policy DJA and Regulation DJA-RB to cover those situations in which people are seeking to give money for the purchase of equipment. It should parallel the structure of references to Policy CNE and FFA elsewhere in the policy.
- Procedures relating to the donations of money will be detailed in the regulation.

Discussion focused on the need for a separate policy on advertising, as well as the redacted language about the need for the deputy superintendent of schools to approve all fundraising activities conducted by “countywide student organizations.”

The committee voted to recommend that the Board take final action on the revised Policy CND, *School-related Fund-Raising*.

Update on Policy BBB, Ethics

The Board took tentative action on Policy BBB, Ethics, and sent it out for public comment and submitted it to the Maryland State Ethics Commission (Commission) for review and comment. Based on comments received from the public, legal counsel for the Commission, and the Ethics Panel, editorial changes were made, as well as, the following:

- Change “calendar year” to “reporting period.”
- Line 180 should be strengthened about the policy prohibiting participation in the “disposition or decisions” of certain matters.
- The gift limit changed to \$20 at Lines 390 and 970.
- Board members and Board candidates will complete the form enumerated in the law; the superintendent and other designated personnel will complete a shorter disclosure form regarding gifts, conflicts or potential conflicts of interest, or outside employment with any entity doing business with MCPS, and information regarding family members working for MCPS.
- All financial disclosure statements are public.
- The finding of an ethics violation is public information.

The committee questioned whether the Student Member of the Board (SMOB) would be required to fill a financial disclosure form given that SMOB’s are often minors and are not permitted to vote on budgets, contracts or other fiscal items. The committee decided to consult with legal counsel about adding language to the policy that would exempt the SMOB from the disclosure requirements. It was noted that the next step is

to get a recommendation for approval from the Commission before the policy can be submitted to the Board for final action.

Noting that the Ethics Panel will develop the disclosure forms, Ms. King reported that there is a work group working on a publication/implementation plan for the revised policy, including developing a list of employees who will be required to file disclosure forms under the revised policy. The Policy BBB work group is also working on the communications plan for instructing staff about the ethics policy, including the financial disclosure form.

The meeting ended at 3:50 p.m.