

APPROVED
20-2003

Rockville, Maryland
May 27, 2003

The Board of Education of Montgomery County met in regular session at the Carver Educational Services Center, Rockville, Maryland, on May 27, 2003, at 7:40 p.m.

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

Absent: None

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

RESOLUTION NO. 255-03 Re: **CLOSED SESSION**

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 closed sessions on May 27, 2003, in Room 120 from 7:00 to 7:30 p.m. and 10:30 to 11:00 p.m. to discuss the Human Resources appointments, 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 a conduct portion of its closed sessions to discuss collective bargaining negotiations, as permitted under Section 10-508(a)(9) of the *State Government Article* and Section 4-107(d)(2)(ii) of the *Education Article*; and be it further

Resolved, That the Board of Education of Montgomery County dedicate part of the closed session on May 27, 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. 256-03 Re: **APPROVAL OF THE AGENDA**

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 Board of Education approve its agenda for May 27, 2003.

Re: **PUBLIC COMMENTS**

The following people testified before the Board of Education:

	<u>Person</u>	<u>Topic</u>
1.	Mike Sauter	Downcounty Consortium
2.	Diana Younts	Downcounty Consortium
3.	Sally Taber	Downcounty Consortium
4.	Ole Varmer	Downcounty Consortium
5.	Michelle Turner	Downcounty Consortium
6.	Alies Muskin	Downcounty Consortium
7.	Valerie Ervin	Downcounty Consortium
8.	Kelly Giblin	Downcounty Consortium

RESOLUTION NO. 257-03 Re: **PROCUREMENT 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; now therefore be it

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

- 1032.1 Provide Legal Counsel for Montgomery County Public Schools
 Department of Special Education—Extension

Awardees (See note)
Hogan and Hartzman, L.L.P.
Knight, Manzi, Nussbaum, and LaPlaca, P.A.
Jeffrey A. Krew
Reese and Carney, LLP

	Total	\$ 582,000
1133.1	Occupational and Physical Therapy Services for Students with Disabilities—Extension	
	<u>Awardees</u> (See note)	
	Care Resources, Inc.*	
	D & J Therapeutic Services, Inc.*	
	Tri-Rehab of Germantown, Inc.*	
	Total	\$ 55,000
9069.4	Softball Supplies and Equipment	
	<u>Awardees</u>	
	Anaconda Sports, Inc.	\$ 15,079
	Athleticexec	5,477
	Baden Sports, Inc.	242
	Cannon Sports, Inc.*	725
	Marlow Sports, Inc.*	298
	Sport Supply Group, Inc. dba Passon's Sports	7,325
	Riddell All American	1,135
	S & S Worldwide	371
	Sportmaster	5,995
	Sports Stop, Inc.	<u>15,335</u>
	Total	\$ 51,982
9102.5	Groceries and Staples	
	<u>Awardees</u>	
	Carroll County Foods, Inc.	\$ 240,423
	Dori Foods, Inc.	67,940
	Interstate Gourmet Coffee Roasters, Inc.	13,275
	Karetas Foods, Inc.	1,393
	Poppy Street Food Products*	136,560
	Princess Ann Products	17,711
	Sysco Food Services of Baltimore/DC Region	111,834
	Wm. R. Hill & Company, Inc	<u>12,292</u>
	Total	\$ 601,428
TOTAL PROCUREMENT CONTRACTS EXCEEDING \$25,000		\$1,290,410

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

NOTE: Contract amounts will be based on individual requirements.

RESOLUTION NO. 258-03 Re: **AWARD OF CONTRACT – DR. CHARLES DREW
ELEMENTARY SCHOOL GYMNASIUM**

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 April 24, 2003, for the Dr. Charles Drew Elementary School gymnasium project:

<u>Bidder</u>	<u>Amount</u>
Dynasty Construction, Inc.	\$756,784
H & H Contractors, Inc.	757,000
Tuckman-Barbee Construction Company, Inc.	799,630
James F. Knott Construction Company, Inc.	829,550
Keller Brothers, Inc.	842,800
Henley Construction Company, Inc.	863,000
William F. Klingensmith, Inc.	872,750

and

WHEREAS, The low bidder, Dynasty Construction, Inc., has submitted 27-percent certified Minority Business Enterprise participation, of which 22 percent is female-owned and 5 percent is Hispanic; and

WHEREAS, Dynasty Construction, Inc., has completed similar work successfully for the Montgomery County Public Schools; now therefore be it

Resolved, That a \$756,784 contract be awarded to Dynasty Construction, Inc., for the Dr. Charles Drew Elementary School gymnasium project, in accordance with drawings and specifications prepared by Grimm and Parker, P.C.

Re: **AWARD OF CONTRACT – ON-CALL
CONSTRUCTION SERVICES**

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

WHEREAS, Proposals were received from various firms on May 13, 2003, for annual on-call construction services that need to be completed within abbreviated time frames; and

WHEREAS, The purpose of the on-call services solicitation is to develop a list of qualified general contractors capable of assisting the Montgomery County Public Schools in responding to short-term, critical, facility-related construction issues that must be completed immediately; and

WHEREAS, The following firms were selected as the most qualified vendors to provide the annual on-call construction services: Cottonwood Construction; Golden Construction, Inc.; Keller Brothers, Inc.; and Smith & Haines, Inc.; and

WHEREAS, Proposals for the work to be completed as part of on-call services will be solicited from the four contractors for each project, with the lowest cost proposal being utilized; and

WHEREAS, The four contractors proposed for on-call services have completed numerous projects satisfactorily for similar work; now therefore be it

Resolved, That the Department of Facilities Management be authorized to solicit proposals for short-term, critical, facility-related services as needs arise utilizing Cottonwood Construction; Golden Construction, Inc.; Keller Brothers, Inc.; and Smith & Haines, Inc., on an on-call basis for a one-year period; and be it further

Resolved, That the Department of Facilities Management be authorized to proceed with work procured from the on-call contractor that submits the lowest cost proposal for the specific project.

RESOLUTION NO. 259-03 Re: **AN AMENDMENT OF THE AWARD OF CONTRACT
– ON-CALL CONSTRUCTION SERVICES**

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

Resolved, That the Board of Education amend the first *resolved* to read:

Resolved, That the Department of Facilities Management be authorized to solicit proposals, not to exceed \$100,000, for short-term, critical, facility-related services as needs arise utilizing Cottonwood Construction; Golden Construction, Inc.; Keller Brothers, Inc.; and Smith & Haines, Inc., on an on-call basis for a one-year period;

RESOLUTION NO. 260-03 Re: **AWARD OF CONTRACT – ON-CALL
CONSTRUCTION SERVICES**

On recommendation of the Superintendent and on motion of Mr. Felton seconded by

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

WHEREAS, Proposals were received from various firms on May 13, 2003, for annual on-call construction services that need to be completed within abbreviated time frames; and

WHEREAS, The purpose of the on-call services solicitation is to develop a list of qualified general contractors capable of assisting the Montgomery County Public Schools in responding to short-term, critical, facility-related construction issues that must be completed immediately; and

WHEREAS, The following firms were selected as the most qualified vendors to provide the annual on-call construction services: Cottonwood Construction; Golden Construction, Inc.; Keller Brothers, Inc.; and Smith & Haines, Inc.; and

WHEREAS, Proposals for the work to be completed as part of on-call services will be solicited from the four contractors for each project, with the lowest cost proposal being utilized; and

WHEREAS, The four contractors proposed for on-call services have completed numerous projects satisfactorily for similar work; now therefore be it

Resolved, That the Department of Facilities Management be authorized to solicit proposals, not to exceed \$100,000, for short-term, critical, facility-related services as needs arise utilizing Cottonwood Construction; Golden Construction, Inc.; Keller Brothers, Inc.; and Smith & Haines, Inc., on an on-call basis for a one-year period not to exceed \$100,000; and be it further

Resolved, That the Department of Facilities Management be authorized to proceed with work procured from the on-call contractor that submits the lowest cost proposal for the specific project.

RESOLUTION NO. 261-03

Re: **AWARD OF CONTRACT – TAKOMA PARK
ELEMENTARY SCHOOL 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 May 13, 2003, for the reroofing of Takoma Park Elementary School:

<u>Bidder</u>	<u>Amount</u>
Orndorff & Spaid, Inc.	\$193,330
J and K Contracting, Inc.	196,000
Interstate Corporation	197,000
J. E. Woods & Sons Company, Inc.	204,650

and

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

WHEREAS, Orndorff & Spaid, Inc., has completed similar work successfully for the Montgomery County Public Schools; and

WHEREAS, The low bid is below the staff estimate of \$205,200; and

WHEREAS, The Interagency Committee on Public School Construction will fund 50 percent of the eligible work for the school, as part of the state systemic renovation program; now therefore be it

Resolved, That a contract be awarded to Orndorff & Spaid, Inc., in the amount of \$193,330, for the reroofing of Takoma Park Elementary School, in accordance with drawings and specifications prepared by the Department of Facilities Management and contingent upon County Council approval of the FY 2004 Capital Budget; and be it further

Resolved, That the contract be forwarded to the Interagency Committee on Public School Construction for approval to reimburse the Montgomery County Public Schools for the state-eligible portion of this project.

RESOLUTION NO. 262-03 Re: **UTILIZATION OF FY 2003 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. 14-1270 approved May 23, 2002; and

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

WHEREAS, Sufficient appropriation is available, within the FY 2003 Provision for Future Supported Projects, to permit the transfers within state categories; now therefore be it

Resolved, That the superintendent of schools be authorized to receive and expend, within the FY 2003 Provision for Future Supported Projects, as specified below:

<u>Project</u>	<u>Amount</u>
School Meals Brochure Project	\$ 30,000
Title I School Improvement	159,396
Maryland Students Online	39,556
Maryland Equipment Incentive Fund	<u>26,985</u>
Total	<u>\$ 255,937</u>

and be it further

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

RESOLUTION NO. 263-03 Re: **RECOMMENDATION OF PARTNERS FOR
ANNUAL MCPS CHARITY CAMPAIGN**

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 Board of Education, by Resolution No. 477-02, designated participation in the 2002 Montgomery County Employees' Charity Campaign; and

WHEREAS, The Montgomery County Employees' Charity Campaign used the United Way of the National Capital Area for its charity campaign in 2002; and

WHEREAS, The United Way of the National Capital Area has announced a reduction of operations; and

WHEREAS, There is continued commitment by the Board of Education to urge employees to demonstrate their charity by donating to a charitable campaign as a reflection of their commitment to addressing the needs of people who need support; and

WHEREAS, It is hoped that charitable giving by employees might be increased through the addition of the Union Community Fund as a second option; now therefore be it

Resolved, That the Board of Education authorize the addition of the Union Community Fund as a vehicle for charity giving by employees during a 2003 campaign; and be it

further

Resolved, That the Board of Education authorize the United Way of Central Maryland to be designated as the United Way affiliate to be used as a vehicle for charity giving by employees during a 2003 campaign; and be it further

Resolved, That the superintendent of schools be authorized to execute the documents necessary to carry out the intent and accomplish the purpose of this resolution with the Union Community Fund and the United Way of Central Maryland.

RESOLUTION NO. 264-03 Re: HUMAN RESOURCES APPOINTMENT

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

Resolved, That the following personnel appointment be approved effective July 1, 2003:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Wanda Carroll	Principal Intern, Westbrook ES	Principal, Waters Landing ES

RESOLUTION NO. 265-03 Re: HUMAN RESOURCES APPOINTMENT

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

Resolved, That the following personnel appointment be approved effective July 1, 2003:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Fred Lowenbach	Program Coordinator, Master of Arts Teaching Program, Johns Hopkins University	Principal, John F. Kennedy HS

RESOLUTION NO. 266-03 Re: HUMAN RESOURCES APPOINTMENT

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

Resolved, That the following personnel appointment be approved effective July 1, 2003:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Dennis Queen	Principal, Hill Magnet School, Winston-Salem, NC	Principal, Kingsview MS

RESOLUTION NO. 267-03 Re: **HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective May 28, 2003:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Karen Harvey	Executive Director of Instructional Services, Colorado Springs, CO	Director, Department of Curriculum and Instruction

RESOLUTION NO. 268-03 Re: **HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective May 28, 2003:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Janine Bacquie	Instructional Specialist, Department of Curriculum and Instruction	Director, Division of Early Childhood Programs and Services

RESOLUTION NO. 269-03 Re: **HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective May 28, 2003:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Theresa Alban	Coordinator of Student Assessment, Shared Accountability	Coordinator, Program Evaluation, Shared Accountability

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

Re: **DOWNCOUNTY CONSORTIUM HIGH SCHOOL
BASE AREAS AND THE STUDENT-CHOICE AND
SCHOOL-ASSIGNMENT PROCESS**

On May 13, 2003, the Board received recommendations for two key components of the Downcounty Consortium—the high school base areas and the rules and procedures for the student-choice and assignment process. Staff from the Office of School Performance, the Office of Curriculum and Instructional Programs, and the Department of Planning and Capital Programming will present the recommendations and respond to any questions.

On June 10, 2003, beginning at 7:00 p.m., the Board will conduct a public hearing on the recommendations and any alternatives the Board has adopted. On June 23, 2003, the Board is scheduled to take action on the recommendations. Implementation of the Downcounty Consortium will begin in the coming school year when Grade 8 students will select a high school to attend for the 2004-05 school year. The first class of Grade 9 students will enter consortium high schools in the 2004-05 school year, when Northwood High School reopens.

Dr. Weast recommended the following base areas for Montgomery Blair, Albert Einstein, John F. Kennedy, Northwood, and Wheaton high schools.

Montgomery Blair High School Base Area

East Silver Spring/Takoma Park/Piney Branch elementary schools
Montgomery Knolls/Pine Crest elementary schools
New Hampshire Estates/Oak View elementary schools
Rolling Terrace Elementary School
The eastern portion of the Sligo Creek Elementary School service area

Albert Einstein High School Base Area

Highland Elementary School
Oakland Terrace Elementary School
Rock View Elementary School
Woodlin Elementary School

John F. Kennedy High School Base Area

Bel Pre/Strathmore elementary schools
Georgian Forest Elementary School
Glenallan Elementary School
Harmony Hills Elementary School

Northwood High School Base Area

Forest Knolls Elementary School
Glen Haven Elementary School
Highland View Elementary School

Kemp Mill Elementary School

The western portions of the Sligo Creek Elementary School service area

Wheaton High School Base Area

Brookhaven Elementary School

Viers Mill Elementary School

Weller Road Elementary School

Wheaton Woods Elementary School

After carefully considering questions and concerns raised by the advisory committee, and in consultation with senior MCPS staff, Dr. Weast recommended the following set of rules and procedures to govern this process:

1. In Grade 8, students choose a high school they would like to attend that contains a Grades 10-12 academy program in which they are interested. After admission to a high school, students will identify an academy program within the school they are interested in attending in Grades 10-12.
2. Students are guaranteed assignment to their base area high school if it is either the first or second choice indicated on their initial Student Preference Form.
3. At two points during Grade 9 (before winter break and in March), students confirm or may change their selection of a Grades 10-12 academy to attend, either in the high school they have been attending for Grade 9, or at another high school. If they are choosing to be assigned to another high school, a "change-of-choice" assignment application is processed. This process also applies, once the choice process is fully phased in, to changes in high school assignment desired for Grade 11 and Grade 12.
4. High school capacities and projected student enrollments are used to control student assignment to prevent schools from becoming disproportionately over-utilized. The capacity of each high school's ESOL Center will be determined in proportion to each school's total capacity.
5. Demographic controls are applied to the student assignment process, as needed. Assignment decisions are guided by the principle that comparable demographics at the five high schools will provide educational benefits to all students. The demographic factors that will be considered for control include student gender and student "ever" FARMs status. The superintendent will conduct periodic reviews to assess the comparability of the demographic profiles among the five high schools.
6. Once choice is fully phased in, younger siblings of students enrolled in a consortium high school are guaranteed attendance at the same high school as their older sibling, if they so choose. During the four-year phase-in period of the choice

process, beginning with the 2004-05 school year, a preference will be given to a student with an older sibling in a requested school.

7. Siblings who enter the choice process at the same time will be provided the option to "link" their school choices. Students who request a sibling link will be guaranteed assignment to the same high school.
8. Students who attend a Downcounty Consortium middle school are eligible to attend the Leadership Training Institute (LTI) at John F. Kennedy High School and the Communication Arts Program (CAP) at Montgomery Blair High School. LTI and CAP begin in Grade 9 and are available by application only, while all other academy programs have no special testing or admission requirements and begin in Grade 10.
9. The Montgomery Blair High School Math/Science/Computer Science magnet and the Albert Einstein High School Visual Arts Center are countywide programs with admission available by application only. Students from the Downcounty Consortium may apply to these programs, but must meet the admission requirements to be accepted. These programs begin in Grade 9.
10. Students applying to the Math/Science/Computer Science magnet, CAP, LTI, and Visual Arts Center programs in Downcounty Consortium high schools, as well as the International Baccalaureate program at Richard Montgomery High School and the Global Ecology program at Poolesville High School, from Downcounty Consortium middle schools need to fill out a choice form in case they are not admitted to these programs.
11. Students who reside outside the Downcounty Consortium, but attend a consortium middle school, may participate in high school choice, following the same process as students residing in the consortium. These students also are assured that they may attend a consortium high school. However, for these students there is no guarantee of admittance to a specific high school, because they do not reside within a base area of one of the high schools. Student-choice request forms for out-of-consortium students are processed in the second round of the student assignment process, after students residing in the consortium have been provided with their high school assignments.
12. Students who reside outside the Downcounty Consortium, and who do not attend a Downcounty Consortium middle school, may apply for transfer into the Downcounty Consortium through the existing student-transfer process. Students admitted to the consortium then choose a high school they wish to attend. They may be admitted to their high school of choice on a space-available basis.
13. Appeals of student high school assignment decisions are handled on two levels. The first level of appeal is administered through the Consortium office. The second

level of appeal is administered through the Office of the Chief Operating Officer.

Re: **DISCUSSION**

Mr. Felton asked to what extent the data captured what is happening, for example, in the Wheaton area, when real estate markets are examined with redevelopment and targeted households. Mr. Crispell stated that the data was based on current information and is not projected into the future. Mr. Lavorgna added that the recommendation left capacity at Wheaton High School.

Mr. Burnett noted that there was a feeder pattern for CAP, but not for LTI. Mr. Lavorgna replied that there is a program at Eastern Middle School that is a precursor to CAP at Montgomery Blair High School. However, everyone who takes the classes is not admitted to CAP since participants are admitted through an application process. In the past, CAP enrollees had to come through a Blair Cluster school, and in the future this will include the Downcounty Consortium. Ms. Tucker added that in addition to the grade-point requirements there is a portfolio review of students' writing as well as teacher recommendations for the CAP application process. CAP was restricted to a Blair Cluster program instead of countywide in 1996 due to the capacity at Blair.

Ms. Cox asked what considerations should be given to expand the number of students in CAP. Ms. Tucker replied that teachers have courses in CAP as well as other courses in the comprehensive program. Therefore, there would be staffing and studio/lab considerations if there were more students. In June, staff will propose the resource requirements for the expansion of CAP in 2005.

Mrs. O'Neill had requested specific information on CAP. In the current eighth grade class, 67 students from Eastern Middle School applied to CAP, and 33 indicated that they will enroll. In total, the class will have 75 students. Therefore, seats are still available. Ms. Tucker indicated that there could be other students interested in CAP from other schools within the cluster.

Dr. Haughey asked if there were plans to expand the LTI program. Dr. Thornton had projected numbers on the LTI expansion. In total, \$36,000 would be needed to accommodate 150 students in the LTI.

Ms. Cox asked how many transfer students from outside that area are currently in the proposed Downcounty Consortium. Mr. Felton inquired about how many students from outside the consortium continue in the feeder pattern. Dr. Thornton volunteered to get that information as well as how many students go to the International Baccalaureate program at Richard Montgomery High School.

Mr. Burnett asked what happens if a child selects a school based on a particular program, but it is not available or the student does not reach the enrollment criteria for the program.

Dr. Thornton replied that the student would return to the base area school.

Mrs. O'Neill asked if students could apply for both CAP and LTI. Dr. Thornton replied that students could apply for any program for which they are qualified.

Mr. Burnett asked what the impact would be on the base area when Arcola is opened. Mr. Lavorgna stated that Arcola would relieve Kemp Mill and Highland elementary schools, which are in two different base areas.

Ms. Cox thought there is tension in the community on whether or not choice will work with the capacity and base areas of the schools. Theoretically, if all ninth-grade students chose their base area school, would there be capacity for other ninth graders in the consortium to move into that school through choice. Mr. Lavorgna stated that there would be space because the capacity in the consortium exceeds the projected enrollment.

Mr. Burnett asked what the consequences would be if Silver Spring International Middle School (SSIMS) had a dual base area. Mr. Crispell thought that with a guarantee of two high schools, there was an outside chance that either Northwood or Blair would be over enrolled, which essentially would close choice for other students in the consortium.

Mrs. O'Neill asked about the experience of the Northeast Consortium and students receiving their first or second choice. Mr. Lang stated that 93 percent or more of the students have received their first choice.

Mrs. O'Neill noted that the demographics in the Northeast Consortium do not mirror in any way those of the Downcounty Consortium. However, Mr. Crispell replied that there is not much difference in demographics in the down-county schools.

Mrs. O'Neill asked how many students choose a school or program. Mr. Lang replied that eight percent of the total pool do not make a choice and default to the base school.

Ms. Cox asked if there was a correlation between FARMs students choosing outside their base area. Mr. Lang stated that there was no data on that aspect of choice.

Ms. Cox asked if students would be aware of what is available in the consortium. What outreach will be used to help families and students access the system? Mr. Lang replied that there will be a continual effort to make information on these choices available. Surveys will be done with eighth graders to relate careers to educational options. Also, the consortium office works with schools to ensure receipt of choice applications. There is always an extensive effort to get the form from the students.

Mr. Romero asked if there were any Title I schools in the Blair Cluster that needed improvement. Mr. Lavorgna replied that there were no "needs-improvement" schools in that cluster.

Mr. Romero inquired about ESOL students and their options for choice. Mr. Lavorgna responded that ESOL students would have the same choices based on their interest, given the capacity of the ESOL center at each high school.

Mr. Felton thought the consortium was a tremendous opportunity, and the Northeast Consortium demonstrates what can be done with student choice.

Mr. Burnett inquired about the role and participation for Thomas Edison High School of Technology in the consortium. Dr. Stetson replied that Wheaton High School relates to Edison's programs and will be factored into consortium choice. Ms. Cox asked whether or not Edison would be open to the entire county. Dr. Stetson answered that there was no plan to close Edison to other county students.

Mr. Lange was pleased with the importance of making choices within the consortium, and the choices will result in an investment in learning. He was concerned about the impact on counselors and the need to make sure that information on choice was available throughout the consortium. Mr. Gibson replied that staff has contracted with a public relations firm to ascertain how all populations in the consortium can be reached with information on choice.

Mrs. O'Neill noted that a speaker testified that there were no high or middle school representatives on the consortium committee. Mr. Lavorgna replied that the cluster leadership wanted a representative from every school, but to have a manageably sized committee, a compromise was to have representatives from all elementary schools. However, the submission of position papers was open to all schools.

Re: **AN ALTERNATIVE TO THE DOWNCOUNTY
CONSORTIUM HIGH SCHOOL BASE AREAS AND
THE STUDENT-CHOICE AND SCHOOL-
ASSIGNMENT PROCESS**

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

Resolved, That the Board of Education offer an alternative to the Superintendent's Recommendation for the Downcounty Consortium that feeder schools for Silver Spring International Middle School have a dual base area.

Re: **DISCUSSION**

Ms. Cox asked if the second statement of rules and procedures would need to be eliminated if this amendment passed. Mr. Lavorgna agreed that it would be difficult to have both.

Mrs. O'Neill inquired if there would need to be some capping mechanism to limit enrollment. Would other middle schools request the same consideration? Mr. Lavorgna thought there would be concerns from some middle schools. Dr. Thornton thought that dual base areas for SSIMS would be difficult to operationalize for several schools, but it could be done with one unique school.

Mr. Felton believed that the experience of the school system has shown that choice is a positive option. It was necessary to look at the total design of the consortium, and the dual base area has an impact on the initial concept.

Mrs. O'Neill asked how many students would be affected at SSIMS. Mr. Crispell replied that there are 300 students per grade.

**Re: AN ALTERNATIVE TO THE DOWNCOUNTY
CONSORTIUM HIGH SCHOOL BASE AREAS AND
THE STUDENT-CHOICE AND SCHOOL-
ASSIGNMENT PROCESS**

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

Resolved, That the Board of Education offer an alternative to the Superintendent's Recommendation for the Downcounty Consortium that feeder schools for Silver Spring International Middle School have a dual base area.

**Re: RECOMMENDATION FOR ANNUAL GROWTH
POLICY SCHOOLS TEST**

Dr. Weast invited the following people to the table: Mr. Joseph Lavorgna, Mr. Bruce Crispell, and Mr. Karl Moritz, planning board.

The Annual Growth Policy (AGP) has become a lightning rod for community concern over the impact of growth in the county. Expectations for what this regulatory tool can, or should, accomplish have come to exceed greatly its actual role. The process of AGP review has been a valuable learning experience. Parties that are often characterized as having adversarial views—the development industry and county residents faced with overutilized facilities—have come to better appreciate each other's viewpoints. Dr. Weast commended the Board of Education Subcommittee on Long-range and Strategic Planning for promoting this dialogue on the AGP. The subcommittee's leadership in this effort has identified the issues that the Board must consider as it formulates its position on the AGP schools test. In recommending an AGP schools test approach, Dr. Weast drew from the work of the subcommittee and from the Planning Board staff recommendation paper.

Dr. Weast recommended that the Board of Education support the Planning Board staff recommendation for a new AGP schools test. This approach, Option 7 of 11 options reviewed by Planning Board staff, represents significant improvement over the current test in a number of areas. The recommended test includes the following characteristics:

Aspects of the recommended AGP schools test that are the same as in the current test

- School capacity available in five years is compared with projected enrollment in five years, with elementary, middle, and high schools' adequacy tested separately.
- School capacities (called AGP capacities) are calculated using uniform numbers of students per classroom in order to have a fixed capacity rating for each school (one that does not change as programs are shifted from one school to another, as in MCPS program capacity).
- The test is conducted annually. Once adopted by the County Council, it applies to one year of subdivision reviews. Proposed subdivision plans in clusters that fail the schools test, at any grade level, may not be approved. (An exemption currently exists for senior housing. An affordable housing exemption would be added in the Planning Board staff recommendation.)

New aspects of the recommended AGP schools test

- The geographic area tested continues to be the cluster. However, the elementary and middle schools tests compare projected capacity with projected enrollment within the cluster area only. This means that there is no "borrowing" of adjacent cluster capacity if the cluster being tested is over utilization guidelines. At the high school level, and for clusters with only one middle school, the schools test includes "borrowing" adjacent cluster capacity.
- In cases where "borrowing" adjacent cluster capacity is allowed, capacity from only one adjacent cluster may be applied (instead of multiple adjacent clusters in the present test).
- The standard of adequacy for cluster facility utilization is set at 105 percent of AGP capacity for the elementary and middle schools tests (which are conducted within the cluster). The standard of adequacy for cluster facility utilization is set at 100 percent of AGP capacity for the high school test (which is conducted applying adjacent cluster capacity, when needed).
- For cases in which a cluster fails the AGP schools test, developers are provided with a "buy-out" provision. This allows developers to pay a fee per housing unit (set at double the proposed impact tax charge) in order to proceed with development in a cluster otherwise closed to subdivision approvals. The "buy-out" provision is allowed for clusters in which projected enrollment exceeds the standard of adequacy (105 percent for elementary and middle schools and 100 percent for high schools), but does not exceed 110 percent of capacity. For cases in which cluster utilization is over 110 percent, no "buy-out" is possible, and a building moratorium

would be imposed.

Applying current enrollment projections and funded capital projects in the adopted FY 2003 to FY 2008 CIP, four clusters would fail the recommended AGP schools test—Damascus, Walter Johnson, John F. Kennedy, and Northwest. All these clusters fail the test at the elementary school level. Planned additions to elementary school capacity through school openings in the case of the Damascus, John F. Kennedy, and Northwest clusters and school additions in the case of the Walter Johnson cluster will address these projected space deficits. However, none of these projects are funded in the adopted CIP and, therefore, are not counted in the schools test.

Dr. Weast supported the Planning Board staff recommendation for a number of reasons. First, narrowing the test to include only capacity available within the cluster for elementary and middle schools is a significant improvement over the current test. The “borrowing” of adjacent cluster capacity is the most often cited complaint from school communities for the current test. The current approach is viewed as adding an unrealistic amount of capacity and erroneously implying that capacity shortages can be addressed by cross-cluster boundary changes. By recognizing that there are multiple elementary schools in all MCPS clusters and at least two middle schools in most clusters, the recommended schools test provides for a more realistic representation of the opportunities for boundary changes among cluster schools.

The recommendation’s continuation of the “borrowing” provision at the high school level and for clusters with only one middle school accurately represents the opportunities for boundary changes at this school level. To relieve high schools of space shortages, either additions are built or changes between high school boundaries are necessary. The improvement that Dr. Weast supported strongly in this area is that any “borrowing” of adjacent high school capacity would be in one direction. In other words, in order to address overutilization at one high school, a single adjacent high school, not multiple high schools, must make up the deficit.

To narrow the geographic scope of the recommended schools test to within a cluster for elementary and middle schools, a slightly higher threshold of AGP capacity utilization is recommended. This threshold is 105-percent utilization, whereas in the current AGP schools test 100-percent utilization is applied at all three school levels. In reviewing other options developed during the review of the AGP schools test, it is evident that continuing at 100-percent utilization, while narrowing the geographic scope of the test to the cluster level, results in an unrealistic number of clusters failing the schools test. In addition, this approach would close clusters where new development is extremely limited. In these clusters, where turnover of existing housing is the major driver of enrollment change, restricting subdivision approvals would have virtually no impact on school conditions. Because of these considerations, Dr. Weast supported the use of the 105-percent utilization threshold for the elementary and middle schools test, and the continued use of the 100-percent utilization threshold for the high school test.

The recommended revisions to the AGP schools test continue the use of so-called "AGP capacity." This rating of capacity treats all rooms in a school (except kindergarten rooms) as regular classrooms. No reduction in capacity is made for rooms used for pre-kindergarten and special education classes. While MCPS program capacity captures differences in how rooms are used for different programs, it can change when special programs are reassigned from one school to another. Using the AGP capacity for the schools test could avoid a situation in which a cluster would be put into moratorium if some special programs were added to a school that reduce program capacity just enough to fail the schools test.

As a consequence of the need to establish a stable, fixed capacity for each school, school capacities in the AGP are somewhat higher than MCPS program capacities. The greatest difference in the two ways of rating capacity is seen at the elementary school level. Dr. Weast appreciated the concern school communities have over this different capacity rating system. At the same time, Dr. Weast understood the necessity for a fixed building capacity rating for schools in the AGP. Also, it is important to remember that the school capacity ratings used in the AGP are not used in MCPS facility planning, where MCPS program capacity guides all projects funded in the CIP.

A new provision of the recommended AGP schools test provides a mechanism for developers to pay a facility fee, per housing unit, that would allow a subdivision to proceed if the schools test indicates cluster utilization is between 105 percent and 110 percent. A major hurdle to past efforts to tighten the AGP schools test was the absolute nature of imposing a moratorium. Providing a mechanism for development to proceed, but at a cost to a developer, makes the recommended AGP schools test more flexible. The "buy-out" provision also promotes a way for the county to raise revenue that would be dedicated to school construction, just as comparable "buy-out" provisions in the transportation test fund road improvements. Dr. Weast supported the use of double the proposed Development Impact tax as the charge levied on developers for each proposed housing unit in a school cluster found to be between 105 percent and 110 percent utilized. Dr. Weast concurred with the Planning Board staff recommendation not to allow a "buy-out" if cluster utilization is at 110 percent or above.

When discussing growth policy, neither side of the debate would be nearly as focused on the nuances of the AGP if funding for county infrastructure was adequate to meet school construction and transportation needs. All sides agree that meaningful improvement in school utilization will be achieved by funding CIP projects, not by creating moratoria on development. There is evidence from the roundtable discussion, held by the Board's Subcommittee on Long-range and Strategic Planning, that the business community will support higher taxes in order to build critical county facilities, including schools.

Last year, the call for increased funding sources resulted in an increase in the Recordation tax. This is the tax paid when housing changes ownership. This increase was intended to be reserved specifically for school construction. This year, a proposal for a new Development Impact tax to be levied on each new housing unit constructed in the county was reviewed. Action on this proposal has been delayed until next fall so that it can be made in the context of AGP policy changes. Proceeds from a new impact tax would be dedicated to school construction. Dr. Weast supported the Recordation tax and the proposed impact tax as important measures to fund school construction. These tax initiatives show a high level of support by the County Council for school needs.

Unfortunately, it appears that proceeds from the increase in the Recordation tax are not being restricted to school system construction, as was intended when the legislation passed. Dr. Weast considers the Recordation tax as a more important source of revenue than the proposed Development Impact tax, because the former taps into enrollment growth generated by turnover of existing housing, as well as by sales of new homes. Dr. Weast recommended that the Board of Education strongly urge the county to tighten the restriction of increased recordation fees to school construction. Dr. Weast also recommended that the Board request a county review of the Recordation tax amount to determine whether there is an opportunity to further increase revenues that could be directed to school construction.

Re: **RECOMMENDATION FOR ANNUAL GROWTH
POLICY SCHOOLS TEST**

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

WHEREAS, A comprehensive review of the AGP element has been conducted over the past year, and this review has included consideration of alternative approaches to the AGP schools test; and

WHEREAS, The Montgomery County Board of Education has participated in the review of the AGP schools test and promoted dialogue among the Montgomery County Planning Board; the mayors of the cities of Gaithersburg, Rockville, and Takoma Park; school community leaders; and the business community; and

WHEREAS, The Montgomery County Planning Board staff has recommended changes to the AGP schools test that address many concerns held by the school system and the community with the current AGP schools test; and

WHEREAS, The Board of Education Subcommittee on Long-range and Strategic Planning conducted a roundtable discussion with a cross-section of stakeholders on the Planning Board staff recommendation and identified issues to be considered in the Board's

response to the Planning Board staff AGP recommendation; and

WHEREAS, The AGP review has highlighted the importance of obtaining adequate revenue as the primary solution to school overutilization; now therefore be it

Resolved, That the Board of Education support the Planning Board staff recommendation for the AGP schools test; and be it further

Resolved, That in its recommendation on the AGP the Planning Board include increased emphasis on ways to increase revenue; and be it further

Resolved, That in its recommendation on the AGP the Planning Board include a request of the County Council to tighten the link between increases adopted last year in the Recordation tax and their dedication to school construction projects; and be it further

Resolved, That in its recommendation on the AGP the Planning Board include a request of the County Council to review potential further increases to the Recordation tax that also would be set aside for school construction projects; and be it further

Resolved, That in its recommendation on the AGP the Planning Board include support for the proposed Development Impact tax on new home construction and the dedication of impact taxes that are collected to support school construction; and be it further

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

Re: **DISCUSSION**

Mrs. O'Neill noted that there would be a work session for the Planning Board in June. After the Board adopts the recommendations, staff will represent the school system at the work session. Following the Planning Board's preliminary action, there will be another opportunity for the Board to comment on the AGP.

Mr. Romero asked if the AGP test is linked to the impact tax and the fees charged. Mr. Lavorgna replied that the recommendation would link the proposed impact tax to the facility payment that a developer could make if they were to proceed when schools were utilized between 105 and 110 percent.

Mr. Romero asked if the impact tax as proposed would be for new development only, whereas the recordation tax is charged when a house changes ownership as well as for new development. Mr. Lavorgna stated that the recording of the deed triggers the taxation.

Mrs. O'Neill thought it was clear in the resolution that the school system needed facilities and the importance of the recordation and impact taxes to further school construction.

Mr. Felton asked how other municipalities were addressed. Mr. Moritz replied that the APG would not regulate growth in those areas since it does not apply to municipalities.

Mr. Felton asked if these taxes would supplant funding by the Council. Mr. Moritz stated that the recommendation did not cover that scenario, but it could. The transportation impact tax has a provision that requires the Council to provide a continuity of funding. Therefore, the development impact tax would not supplant regular funding, and it could be added to the recommendation.

Mr. Felton's concern was that there was a provision that tied the tax closely to school facilities. The projected revenues do not come close to the fiscal needs of the school system, and the community still must find a way to fund adequate facilities for a growing population. This recommendation might give the impression that funding issues had been addressed. Mr. Moritz replied that the revenue is not large. Mr. Lavorgna remarked that there is a question of how much new development contributes to school enrollment. There is not a strong correlation between development, student yield from those households, and overall school enrollment. Enrollment growth comes from housing turnover and family size.

Mr. Felton noted that the school system has no taxing authority, and he suggested that the first *resolve* be deleted since it raised issues such as a moratorium.

Mrs. O'Neill thought that the school system should ask for money as often and in as many ways as possible. The Board has an obligation to advocate for adequate funding for programs and facilities. Since this does not apply to municipalities, she suggested that the Board ask those cities to find a way to contribute funds.

Re: **AN AMENDMENT TO THE RECOMMENDATION
FOR ANNUAL GROWTH POLICY SCHOOLS TEST**

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

Resolved, That the Board of Education delete the following language from the motion:

Resolved, That the Board of Education support the Planning Board staff recommendation for the AGP schools test.

Re: **DISCUSSION**

Ms. Cox asked that the utilization threshold for elementary and middle schools where there are two middle schools be 105 percent and where there is one middle school and for all high schools be 100 percent.

RESOLUTION NO. 270-03 Re: **AN AMENDMENT TO THE RECOMMENDATION FOR ANNUAL GROWTH POLICY SCHOOLS TEST**

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

Resolved, That the Board of Education amend the language of the third resolve to read:

Resolved, That in its recommendation on the AGP the Planning Board include a request of the County Council ~~to tighten the link between increases adopted last year in the Recordation tax and their dedication~~ **to codify the dedication** of the Recordation tax to school construction projects.

RESOLUTION NO. 271-03 Re: **AN AMENDMENT TO THE RECOMMENDATION FOR ANNUAL GROWTH POLICY SCHOOLS TEST**

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

Resolved, That the Board of Education add a resolve to read:

Resolved, That a copy of this resolution be forwarded to mayors and councils in Montgomery County municipalities with a request that they consider adoption of comparable provisions.

RESOLUTION NO. 272-03 Re: **RECOMMENDATION FOR ANNUAL GROWTH POLICY SCHOOLS TEST**

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

WHEREAS, A comprehensive review of the AGP element has been conducted over the past year, and this review has included consideration of alternative approaches to the AGP schools test; and

WHEREAS, The Montgomery County Board of Education has participated in the review

of the AGP schools test and promoted dialogue among the Montgomery County Planning Board; the mayors of the cities of Gaithersburg, Rockville, and Takoma Park; school community leaders; and the business community; and

WHEREAS, The Montgomery County Planning Board staff has recommended changes to the AGP schools test that address many concerns held by the school system and the community with the current AGP schools test; and

WHEREAS, The Board of Education Subcommittee on Long-range and Strategic Planning conducted a roundtable discussion with a cross-section of stakeholders on the Planning Board staff recommendation and identified issues to be considered in the Board's response to the Planning Board staff AGP recommendation; and

WHEREAS, The AGP review has highlighted the importance of obtaining adequate revenue as the primary solution to school overutilization; now therefore be it

Resolved, That the Board of Education support the Planning Board staff recommendation for the AGP schools test; and be it further

Resolved, That in its recommendation on the AGP the Planning Board include increased emphasis on ways to increase revenue; and be it further

Resolved, That in its recommendation on the AGP the Planning Board include a request of the County Council to codify the dedication of the Recordation tax to school construction projects; and be it further

Resolved, That in its recommendation on the AGP the Planning Board include a request of the County Council to review potential further increases to the Recordation tax that also would be set aside for school construction projects; and be it further

Resolved, That in its recommendation on the AGP the Planning Board include support for the proposed Development Impact tax on new home construction and the dedication of impact taxes that are collected to support school construction; and be it further

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

Resolved, That a copy of this resolution be forwarded to mayors and council in Montgomery County municipalities with a request that they consider adoption of comparable provisions.

Re: **BOARD/SUPERINTENDENT COMMENTS**

Dr. Weast commented that 20 MCPS high schools have been recognized by *Newsweek*

as among the best in the nation based on participation in AP and IB courses. The "Challenge Index" is derived from the number of AP or IB tests taken by all students at a school divided by the number of graduating seniors. Five of these 20 MCPS schools are among the top 100 in the nation with two among the top 50. Just three years ago, only six schools would have made such a list. Comprehensive academic reforms have made the difference, along with the dedication of teachers, principals, parents, and students.

Dr. Weast added that a new publication called "Working Together!" was released to the public at a press event at Cabin John Middle School on May 22, 2003. The booklet is part of an overall effort to involve parents in raising standards, expectations, and opportunities for students. The document has been translated into Cambodian, Chinese, Hindi, Japanese, Korean, and Vietnamese.

Dr. Weast stated that MCPS has received a certificate of recognition from the Siemens Foundation for success in "preparing science and technology leaders for the future." This certificate is the result of the accomplishments of one of the ALL-USA winners, Kevin Wei Gan, a student at Thomas S. Wootton High School. Kevin was awarded a \$50,000 scholarship in the Siemens Westinghouse Competition in Math, Science and Technology.

Dr. Weast remarked that USA TODAY has named Thomas S. Wootton High School senior Nicki Lehrer to its ALL-USA High School Academic Team. Nicki is one of 20 students from around the nation selected by a panel of judges on the basis of their academic achievements, leadership and activities, and how well they used their intellectual skills beyond the classroom. Two other MCPS students were named to a second-level team of 20 students, Anatoly Pregel from Montgomery Blair High School, and Kevin Wei Gan from Wootton. The three MCPS students are the only students in Maryland on the three ALL-USA teams, and no other school system in the country had as many as three students represented on the teams.

Mrs. O'Neill reported that she attended the graduation for students in alternative programs. She was impressed with their accomplishments under difficult circumstances.

Ms. Cox commented that she and Mr. Lange attended the African-American Festival for Excellence. She was inspired by the support and excitement of the students and their families.

Mr. Felton commended Dr. Thornton for representing the school system at the forum on *No Child Left Behind*.

Mr. Burnett stated that he proud to attend the African-American Festival for Excellence, and he hoped that the festival will continue to grow.

RESOLUTION NO. 273-03

Re: **CLOSED SESSION RESOLUTION**

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

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

Resolved, That the Board of Education of Montgomery County conduct a closed session on Tuesday, June 10, 2003, in Room 120 of the Carver Educational Services Center to meet from 8:30 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 to discuss matters of an executive function outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*); and be it further

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

Re: **REPORT OF CLOSED SESSION**

On May 13, 2003, by unanimous vote of members present, the Board of Education voted to conduct closed sessions 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 May 13, 2003, for segments between 8:30 a.m. and 1:30 p.m. in Rooms 120 and 127 of the Carver Educational Services Center, Rockville, Maryland, and

1. Reviewed and/or adjudicated the following appeals: 2003-13, 2003-14, and T-2003-2.
2. Reviewed the Superintendent's recommendation for a Human Resources Appointments and Human Resources Monthly Report, subsequent to which the vote to approve was taken in open session.
3. Consulted with counsel to receive legal advice as permitted under Section 10-508(a)(7) of the *State Government Article*.
4. 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: Mihyar Alnifaidy, Elizabeth Arons, Steve Bedford, Larry Bowers, Kermit Burnett, Sharon Cox, Reggie Felton, Walt Gibson, Charles Haughey, Mark Kelsch, Don Kress, Walter Lange, George Margolies, Pat O'Neill, Brian

Porter, Lori Rogovin, Gabe Romero, Glenda Rose, Sagar Sanghvi, Frank Stetson, Greg Thornton, Roger Titus, Jerry Weast, and James Williams.

RESOLUTION NO. 274-03 Re: **APPEAL 2003-13**

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 2003-13, graduation, reflective of the following vote: Mr. Alnifaidy, Ms. Cox, Mr. Felton, and Mrs. O'Neill voting to affirm; Mr. Burnett, Dr. Haughey, Mr. Lange, and Mr. Romero voting to reverse.

RESOLUTION NO. 275-03 Re: **APPEAL 2003-14**

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 2003-14, student suspension, reflective of the following vote: Mr. Alnifaidy, Mr. Burnett, Ms. Cox, Mr. Felton, Dr. Haughey, Mr. Lange, Mrs. O'Neill, and Mr. Romero voting to affirm.

Re: **NEW BUSINESS**

There was no new business.

RESOLUTION NO. 276-03 Re: **ADJOURNMENT AND CLOSED SESSION**

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

Resolved, That the Board of Education adjourn its meeting of May 27, 2003, at 10:50 p.m.

PRESIDENT

SECRETARY

JDW:gr

**MONTGOMERY COUNTY BOARD OF EDUCATION
SUMMARY SHEET**

May 27, 2003

CLOSED SESSION	1
APPROVAL OF THE AGENDA	2
PUBLIC COMMENTS	2
PROCUREMENT CONTRACTS OF \$25,000 OR MORE	2
AWARD OF CONTRACT – CHARLES DREW ELEMENTARY SCHOOL GYMNASIUM	4
AWARD OF CONTRACT – ON-CALL CONSTRUCTION SERVICES	5
AWARD OF CONTRACT – TAKOMA PARK ELEMENTARY SCHOOL REROOFING	6
UTILIZATION OF FY 2003 PROVISION FOR FUTURE SUPPORTED PROJECT FUNDS	7
RECOMMENDATION OF PARTNERS FOR ANNUAL MCPS CHARITY CAMPAIGN	8
HUMAN RESOURCES APPOINTMENTS	9
DOWNCOUNTY CONSORTIUM HIGH SCHOOL BASE AREAS AND THE STUDENT CHOICE AND SCHOOL ASSIGNMENT PROCESS	11
RECOMMENDATION FOR ANNUAL GROWTH POLICY SCHOOLS TEST	24
BOARD/SUPERINTENDENT COMMENTS	25
REPORT OF CLOSED SESSION	27
APPEALS	27
NEW BUSINESS	27
ADJOURNMENT	28