

APPROVED
33-2012

Rockville, Maryland
October 22, 2012

The Board of Education of Montgomery County held a business meeting at the Carver Educational Services Center, 850 Hungerford Drive, Rockville, Maryland, on October 22, 2012, beginning at 5:00 p.m.

Present: Ms. Shirley Brandman, President
in the Chair
Dr. Judy Docca
Mr. Michael Durso
Mr. Philip Kauffman
Mr. John Mannes
Mrs. Patricia O'Neill
Dr. Joshua Starr, Secretary/Treasurer

Absent: Mr. Christopher Barclay
Ms. Laura Berthiaume

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

With a quorum present, the Board of Education met in open session at 5:00 p.m.

RESOLUTION NO. 449-12 Re: **RESOLUTION FOR CLOSED SESSION**

On recommendation of the superintendent and on motion of Dr. Docca seconded by Mr. Kauffman, the following resolution was adopted unanimously by members present:

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

Resolved, That the Board of Education of Montgomery County conduct a closed session on October 22, 2012, in Room 120 of the Carver Educational Services Center, 850 Hungerford Drive, Rockville, Maryland, from 5:00 to approximately 6:00 p.m.; and be it further

Resolved, That the Board receive legal advice as the Board adjudicates appeals, which is a quasi-judicial function outside the purview of the *Open Meetings Act* and as permitted under Section 10-508(a)(7) of the *State Government Article*; and be it further

Resolved, That the superintendent of schools brief the Board on an appointment, with a subsequent vote in open session, which is an administrative function outside the purview of the *Open Meetings Act* and, to the extent any individual employee is discussed, as permitted under Section 10-508(a)(1) of the *State Government Article*; and be it further

Resolved, That the superintendent of schools provide the Quarterly Sexual Harassment Report to the Board which is an administrative function and outside the purview of the *Open Meetings Act*; and be it further

Resolved, That the Board receive legal advice regarding the litigation pertaining to the William H. Farquhar Middle School, Bethesda-Chevy Chase Middle School #2, and Northwest Cluster site acquisition and discuss with staff these pending litigation matters, as permitted under Sections 10-508(a)(7) and 10-508(a)(8) of the *State Government Article*; and be it further

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

Re: **OPEN SESSION**

The Board of Education met in closed session from 5:01 to 6:01 p.m. After a break, the Board of Education reconvened in open session at 6:07 p.m.

To view specific sections or the entire meeting, please watch at <http://www.montgomeryschoolsmd.org/boe/meetings/archive/2012/2012-1022.shtm>

Re: **PLEDGE OF ALLEGIANCE**

“I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.”

RESOLUTION NO. 450-12 Re: **APPROVAL OF THE AGENDA**

On recommendation of the superintendent and on motion of Mrs. O’Neill seconded by Mr. Durso, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education adopt its agenda for October 22, 2012.

RESOLUTION NO. 451-12 Re: **SUPERINTENDENT’S ANNUAL MARK MANN EXCELLENCE AND HARMONY AWARD**

On recommendation of the superintendent and on motion of Mrs. O’Neill seconded by Dr. Docca, the following resolution was adopted unanimously by members present:

WHEREAS, The Superintendent’s Annual Mark Mann Excellence and Harmony Award was established in 1991 to honor the highest qualities and most significant accomplishments of the late Dr. Mark Mann, former principal of Parkland Junior High School; and

WHEREAS, The award is presented annually to a Montgomery County Public Schools administrator who has shown exceptional performance in promoting academic excellence, positive human relations, and community outreach; and

WHEREAS, Mrs. Carole A. Working, principal of Quince Orchard High School, was chosen as the recipient of the 2012 Mark Mann Excellence and Harmony Award for her dedication to providing a challenging academic program for every student; and

WHEREAS, During her tenure at Quince Orchard High School, Mrs. Working has taken a school at which student achievement already was a focused priority and led it to achieve greatness, improving the overall grade point average from 2.72 to 3.19; increasing honors participation from 61 to 91 percent; and creating an environment of respect at Quince Orchard High School, where students and staff are performing at high levels through her visionary leadership and her strong personal relationships with all stakeholders; now therefore be it

Resolved, That the Montgomery County Board of Education and the superintendent of schools congratulate Mrs. Working on her accomplishments and on receiving the Mark Mann Excellence and Harmony Award.

Re: **PUBLIC COMMENTS**

There were no public comments.

Re: **BOARD/SUPERINTENDENT COMMENTS**

Mr. Durso commented that Carole Working was a well-deserved recipient of the Annual Mark Mann Excellence and Harmony Award. She is outstanding in every phase of being a principal. He commended Mr. Mannes and Dr. Starr for the Student Town Hall meeting at Northwest High School where the students were very engaged and asked great questions. Mr. Durso and Mr. Barclay attended the 20th Anniversary of Rosa Parks Elementary School. Finally, there was the MCAAP Fall Conference at Walter Johnson High School. He commended the MCAAP team for an interesting day with informative workshops and an outstanding speaker.

Mr. Mannes echoed Mr. Durso's comments. He was pleased with the Youth Town Hall meeting at Northwest High School, and he was looking forward to the next meeting. He visited Boy Scout Troop 209 who are studying civic engagement to earn a merit badge. He was impressed by the amount of time young put into the community.

Dr. Docca commented on (1) the work of Carole Working at Quince Orchard High School where the curriculum is top notch and the staff interacts with each other and the students; (2) Youth Town Hall meeting; and (3) Excel Beyond the Bell where a large number of students participate and are involved in a variety of activities.

Dr. Starr commented on the Neighbor to Neighbor Campaign; Student Town Hall meetings; shadow days at high school for executive staff; NAACP Parents Council; Excel Beyond the Bell; Siemens Competition's regional finalist; Community Days October 29 with a town hall meeting at 7:30 p.m.; State of the Schools; and Strathmore.

Ms. Brandman reminded everyone that on November 14 there will be a Community Conversation at Richard Montgomery High School. This will be an opportunity for the Board and community to discuss core value that will shape the future of the school system.

RESOLUTION NO. 452-12 Re: **CONTRACTS OF \$25,000 OR MORE**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Kauffman, 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 will be awarded to the low bidders meeting specifications as follows:

PCR-247-12 Heating Oil—Extension

<u>Awardee</u>	
Space Petroleum and Chemical Company, Inc.	\$112,000

165-97 Food Service Integrated Software—Extension

<u>Awardee</u>	
Heartland Payment Systems, Inc.	\$ 92,953

9803105.1 Maintenance and Repair Underground Stormwater Facilities—Extension

<u>Awardee</u>	
Stormwater Management FRG, Inc.	\$325,000

4175.1 Web-based Parent Outreach Application—Extension

<u>Awardee</u>	
Edline \$182,438	

4178.2 Dental Plans—Extension

<u>Awardee</u>	
Aetna Dental, Inc.	\$443,000

4296.1 Vision Programs—Extension

<u>Awardee</u>	
National Vision Administrators, LLC	\$133,000

4321.1 Web-based Safety Training and Online MSDS Annual

Subscription—Extension

	<u>Awardee</u>	
	SafeSchools	\$ 48,750
4334.1	Maximo Work Order and Asset Management Software Upgrade	
	<u>Awardee</u>	
	Ensoft Consulting, Inc.	\$229,800
7006.6	Hand-held Calculators and CBL Data Collection Systems—Extension	
	<u>Awardees</u>	
	AFP Industries, Inc.*	\$ 1,000
	D&H Distributing Company	150,398
	VWR International	<u>1,000</u>
	Total	\$152,398
9059.9	Developmental Activities Supplies and Equipment—Extension	
	<u>Awardees</u>	
	BSN Sports, Inc.	\$ 51,000
	Cannon Sports, Inc.*	26,900
	Flaghouse, Inc.	5,100
	S&S Worldwide	3,000
	School Specialty, Inc.	26,800
	Sports Stop, Inc.	2,300
	The Prophet Corporation	<u>15,100</u>
	Total	\$130,200
9114.11	Canned Fruit and Vegetables—Extension	
	<u>Awardees</u>	
	Calfed Financial Corporation	\$ 31,200
	Foodpro Corporation	3,000
	H. Schrier & Company, Inc.	31,700
	Novi Industries, Inc.	4,000
	Wholesale Liquidations	<u>5,100</u>
	Total	\$ 75,000
9115.9	Potatoes, Frozen—Extension	
	<u>Awardee</u>	
	J.R. Simplot Company	\$ 500,000
9201.4	Diploma and Certificate Covers—Extension	

<u>Awardee</u>	
Jostens, Inc.	\$ 39,696

TOTAL PROCUREMENT CONTRACTS OVER \$25,000	\$2,464,235
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* Denotes Minority-, Female-, or Disabled-owned Business

RESOLUTION NO. 453-12 Re: **CONTRACT APPROVAL FOR BID NO. 4193.2, LIFE INSURANCE PLANS**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Kauffman, the following resolution was adopted unanimously by members present:#

WHEREAS, Funds have been budgeted for the purchase of contractual services; now therefore be it

Resolved, That having been duly advertised, the following contract will be awarded to the low responsive bidder as follows:

4193.2 Life Insurance Plans

<u>Awardee</u>	
Prudential Financial, Inc.	\$2,900,000

Re: **DELEGATION OF AUTHORITY TO EXERCISE PERMANENT EASEMENTS, AND RIGHTS-OF-WAY, MEMORANDUM OF UNDERSTANDINGS, AND RELATED AGREEMENTS OF A ROUTINE NATURE**

Without objection, the Board of Education referred this item to the Fiscal Management Committee for review and recommendation:#

WHEREAS, The Board of Education of Montgomery County holds all property in trust for the benefit of the county public schools, in accordance with Maryland's Public School Law; and

WHEREAS, The Board of Education of Montgomery County has authority and control over the granting of easements, perpetual licenses, and other grants that encumber or impair Board of Education-owned property; and

WHEREAS, The efficient management of school property can be improved by expanding the authority delegated to the superintendent of schools or his/her designee to execute utility easements, licenses, permanent easements with adjoining land owners and governmental entities, and estoppel certificates; approve amendments to cellular tower leases; and enter memoranda of understanding with private and governmental entities involving incidental expenses only, all of which serve a routine and necessary purpose for

the functioning of the public school system; now therefore be it

Resolved, That the Board of Education rescinds Resolution No. 455-03 and expands the superintendent of schools or his/her designee authority to approve and execute routine documents required in long-term property leases of six years or less for amounts not exceeding \$100,000 annually that are necessary for school use and to report such transactions to the Board of Education at the end of each fiscal year; and be it further

Resolved, That the Board of Education delegates authority to the superintendent of schools or his/her designee to approve and to execute documents for licenses, rights-of-entry, utility easements, cellular tower lease amendments, permanent easements with adjacent landowners and governmental entities, estoppel certificates, memoranda of understanding with private and governmental entities involving incidental expenses only, and similar routine uses as part of the administrative management of school facilities.

RESOLUTION NO. 454-12 Re: **UTILIZATION OF THE FY 2013 PROVISION
FOR FUTURE SUPPORTED PROJECTS**

On recommendation of the superintendent and on motion of Mrs. O’Neill seconded by Mr. Kauffman, the following resolution was adopted unanimously by members present:#

WHEREAS, The above-noted grants qualify for a transfer of appropriation from the Provision for Future Supported Projects, pursuant to the provisions of County Council Resolution No. 17-444, approved May 24, 2012; and

WHEREAS, The above-noted projects do not require any present or future county funds; and

WHEREAS, Sufficient appropriation is available within the Fiscal Year 2013 Provision for Future Supported Projects to permit the above-noted transfers within state categories; now therefore be it

Resolved, That the superintendent of schools be authorized by the Montgomery County Board of Education to receive and expend \$1,339,663 within the Fiscal Year 2013 Provision for Future Supported Projects, as specified as follows:

Project	Amount
<i>Individuals with Disabilities Education Act (IDEA) Passthrough, Part B</i>	\$ 797,715
Medical Assistance	<u>541,948</u>
Total	\$ 1,339,663

and be it further

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

RESOLUTION NO. 455-12 Re: **APPOINTMENT**

On recommendation of the superintendent and on motion of Mrs. O’Neill seconded by Dr. Docca, the following resolution was adopted unanimously by members present:

Resolved, That the following personnel appointment be approved effective November 19, 2012:

Traci L. Anderson, chief, Management and Technology Services Division, Maryland-National Capital Park and Planning Commission, as assistant to the chief engagement and partnership officer, Office of Community Engagement and Partnerships

RESOLUTION NO. 456-12 Re: **FINAL ACTION ON POLICY JPD,
EMERGENCY CARE FOR STUDENTS
EXPERIENCING ANAPHYLAXIS**

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

WHEREAS, Policy JPD, *Emergency Care for Students Experiencing Anaphylaxis*, promotes and protects children’s health, well-being and ability to learn; and

WHEREAS, The draft of Policy JPD, *Emergency Care for Students Experiencing Anaphylaxis*, was tentatively adopted by the Montgomery County Board of Education on September 24, 2012, and was sent out for public comment; and

WHEREAS, The Montgomery County Board of Education has received comments and the Board of Education Policy Committee’s recommendations; now therefore be it

Resolved, That the Montgomery County Board of Education adopt Policy JPD, *Emergency Care for Students Experiencing Anaphylaxis*.

**Emergency Care for Students
Experiencing Anaphylaxis**

A. PURPOSE

The Board of Education (Board) is committed to a school environment that promotes and protects children’s health, well-being, and ability to learn. Preparation for medical emergencies that children may encounter during the school day is an important part of that environment.

B. ISSUE

Some students have severe, life-threatening reactions to nuts or other foods, insect venom, and or other substances in the environment and rapidly develop a condition called anaphylaxis. These students may need an immediate injection of epinephrine while awaiting transport to the hospital.

C. POSITION

Schools shall establish procedures to provide emergency medical care to any student who is determined or perceived to be in anaphylaxis.

1. The school nurse, and other school personnel identified by the superintendent of schools or designee, are authorized to administer auto-injectable epinephrine, if available, to a student who is determined to be or perceived to be in anaphylaxis, regardless of whether the student—
 - (a) has been identified as having an anaphylactic allergy; or,
 - (b) has a prescription for epinephrine as prescribed by an authorized licensed health care practitioner.
2. School personnel shall be trained on—
 - (a) how to recognize the symptoms of anaphylaxis;
 - (b) procedures for the emergency administration of auto-injectable epinephrine; and,
 - (c) the proper follow-up emergency procedures.
3. A school nurse may obtain and store auto-injectable epinephrine to be used in an emergency situation.

D. DESIRED OUTCOMES

An educational environment that promotes and protects children's health, well-being, and ability to learn by preparing for medical emergencies that children may encounter during the school day.

E. IMPLEMENTATION

The superintendent of schools or designee will develop procedures for obtaining and storing auto-injectable epinephrine to be used in an emergency situation, recognizing symptoms of anaphylaxis, providing training identified in this policy for school personnel, administering auto-injectable epinephrine, and completing proper follow-up emergency procedures.

F. REVIEW AND REPORTING

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

RESOLUTION NO. 457-12 Re: **CORE VALUES**

On recommendation of the Strategic Planning Committee, the following resolution was adopted unanimously by members present:

WHEREAS, The Board of Education and the Superintendent of Schools have begun a process to revise the system's strategic plan, *Our Call to Action: Pursuit of Excellence*; and

WHEREAS, The Board of Education's central role is to review and revise the guiding tenets (core values, mission, vision, system goals, and academic priorities); and

WHEREAS, The Board of Education developed a set of draft core values and accompanying belief and behavior statements; and

WHEREAS, The Board of Education has received initial feedback on those core values and accompanying statements; and

WHEREAS, The Strategic Planning Committee has reviewed the initial feedback on the draft core values, as well as begun a preliminary conversation about the other guiding tenets; now therefore be it

Resolved, That the Board of Education adopt the edited draft core values and continue to solicit feedback before finalizing; and be it further

Resolved, That future discussions about possible revisions to other guiding tenets incorporate the core competencies of academics, social and emotional learning, and 21st century skills.

LEARNING

Culture/Belief (We believe that...)

We must reach every student, every day to build connections.

Students must be engaged if they are to learn.

Learning is achieved by cultivating curiosity and encouraging determination, focus, and hard work.

Adult learning is key to student learning. Behavior (Therefore, we will...)

Encourage and support critical thinking, problem solving, active questioning and risk taking to continuously improve.

Stimulate discovery by engaging students in relevant and rigorous academic, social, and emotional learning experiences. Challenge ourselves to analyze and reflect upon evidence to improve our practices.

RELATIONSHIPS

Culture/Belief (We believe that...)

Meaningful collaboration is a vital ingredient of our district's success.

Strong partnerships are built on **trust and** open and honest communication.

Building relationships in our diverse community requires us to understand the perspectives and experiences of others.

Behavior (Therefore, we will...)

Get to know individual student and staff members **as individuals** needs to better serve them.

Engage in interest-based decision making with our partners to achieve mutually agreed upon goals. Build strong relationships between students, family, and staff, **and community** to support learning.

RESPECT

Culture/Belief (We believe that...)

Each individual's contributions add value to our learning community.

Fair treatment, honesty, openness, and integrity are essential elements of respect.

The diversity of our culture, interests, skills and backgrounds is an asset that makes us stronger.

Behavior (Therefore, we will...)

Model civility in all interactions and encourage candid conversations.

Deal fairly and honestly with each other.

Listen to others' perspectives with openness and accept that there are various points of view.

EXCELLENCE

Culture/Belief (We believe that...)

Raising the bar and setting high standards is necessary to ensure that all students graduate college and career ready.

We have to expect the best to get the best from everyone, every day.

Creating intellectual excitement and supporting personal growth inspires us all toward excellence.

Behavior (Therefore, we will...)

Push unceasingly for continuous improvement.

Hold our practice and our work to the highest possible standards.

Nurture a culture of creativity and inquiry that supports innovation and progress.

EQUITY

Culture/Belief (We believe that...)

Each and every student matters.

Outcomes should not be predictable by race or ethnicity/ Equity demands a recognition that race matters. Equity demands the elimination of all gaps.

Creating and maximizing future opportunities for all **students and staff** is necessary for equity.

Behavior (Therefore we will...)

Hold high expectations for all students.

Distribute resources as necessary to provide extra supports and interventions so all students can achieve. Identify and eliminate any institutional barriers to students' success.

Ensure

Re: **RECOMMENDATION FOR LEGAL SERVICES**

On motion of the Fiscal Management Committee, the following resolution was placed on the table:

WHEREAS, The Fiscal Management Committee was charged to undertake a comprehensive review of the current legal services structure in the Montgomery County Public Schools (MCPS), as well as possible alternative models; and

WHEREAS, The Fiscal Management Committee was committed to exploring a variety of legal services models that would provide MCPS with a general counsel who could serve in the fullest sense as a legal advisor to the school system as a whole; and

WHEREAS, The Fiscal Management Committee further considered legal service models that would provide MCPS with the best ability to proactively anticipate legal issues relevant to decision making; now therefore be it

Resolved, That the superintendent include in the FY 2014 recommended operating budget to the Board of Education monies for an in-house general counsel with adequate supports and organizational structure; and be it further

Resolved, That the superintendent, in consultation with the Board, creates an in-house general counsel job description and identifies a reporting arrangement that ensures a legal advisor role to both the superintendent and the Board, as appropriate; and be it further

Resolved, That the Board of Education would participate in the hiring and evaluating of the in-house general counsel.

Re: **AN AMENDMENT TO THE
RECOMMENDATION FOR LEGAL
SERVICES**

On motion of Mrs. O'Neill and seconded by Dr. Docca, the resolution failed for lack of a consensus:

Resolved, That the superintendent include in the FY 2014 recommended operating budget to the Board of Education monies for an in-house general counsel with adequate supports and organizational structure; and be it further

Resolved, That the superintendent, in consultation with the Board, creates an in-house general counsel job description and identifies a reporting arrangement for a legal counsel that reports to the superintendent but that ensures a legal advisor roles to both the superintendent and the Board, as appropriate, and be it further

Resolved, That the Board of Education would ~~participate~~ have input in the hiring and performance evaluation~~ing~~ of the in-house general counsel.

RESOLUTION NO. 458-12 Re: **AN AMENDMENT TO THE
RECOMMENDATION FOR LEGAL
SERVICES**

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

Resolved, That the Board of Education would participate in the hiring and performance evaluation of the in-house general counsel.

RESOLUTION NO. 459-12 Re: **RECOMMENDATION FOR LEGAL
SERVICES**

On motion of the Fiscal Management Committee, the following resolution was adopted

unanimously, as amended,

WHEREAS, The Fiscal Management Committee was charged to undertake a comprehensive review of the current legal services structure in the Montgomery County Public Schools (MCPS), as well as possible alternative models; and

WHEREAS, The Fiscal Management Committee was committed to exploring a variety of legal services models that would provide MCPS with a general counsel who could serve in the fullest sense as a legal advisor to the school system as a whole; and

WHEREAS, The Fiscal Management Committee further considered legal service models that would provide MCPS with the best ability to proactively anticipate legal issues relevant to decision making; now therefore be it

Resolved, That the superintendent include in the FY 2014 recommended operating budget to the Board of Education monies for an in-house general counsel with adequate supports and organizational structure; and be it further

Resolved, That the superintendent, in consultation with the Board, creates an in-house general counsel job description and identifies a reporting arrangement that ensures a legal advisor role to both the superintendent and the Board, as appropriate; and be it further

Resolved, That the Board of Education would participate in the hiring and performance evaluation of the in-house general counsel.

RESOLUTION NO. 460-12 Re: **BUDGET CONTROL ACT**

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

WHEREAS, A world class public education is essential for the future success of our nation and today's school children; and

WHEREAS, The *Budget Control Act of 2011* includes a provision to impose \$1.2 trillion in across-the-board budget cuts to almost all federal programs including education that would become effective January 2, 2013; and

WHEREAS, These across-the-board budget cuts would impact school districts during the 2013-2014 school year, with the exception of the Impact Aid program, with which a reduction would become effective this school year; and

WHEREAS, These across-the-board budget cuts, also known as sequestration, would impact education by a reduction in funds of 8.2 percent or more and could result in \$50 million in education cuts to Maryland; and

WHEREAS, Sequestration would impact almost every public school system in the nation and the millions of students educated through programs such as Title I grants for disadvantaged students, the *Individuals With Disabilities Education Act* (IDEA), English Language Acquisition, Career and Technical Education, 21st Century Community Learning Centers, and more; and

WHEREAS, Montgomery County Public Schools, as well as other public schools, would be impacted nationwide by an estimated \$2.7 billion loss from just three programs alone—Title I grants, IDEA, special education state grants, and Head Start—that serve a combined 30.7 million children; and

WHEREAS, Local funds would be required to be used to fund those areas required to be funded by federal and state mandates, e.g., IDEA and Head Start; and

WHEREAS, Federal funding for K-12 programs was already reduced by more than \$835 million in Fiscal Year 2011, and state and local funding for education continues to be impacted by budget cuts and lower local property tax revenues; and

WHEREAS, State and local governments have very limited capacity to absorb the further budget cuts from sequestration, as Montgomery County Public Schools has already implemented cuts commensurate to state and local budget conditions; now therefore be it

Resolved, That the Montgomery County Public Schools urges Congress and the Administration to amend the *Budget Control Act* to mitigate the drastic cuts to education that would affect our students and communities, and to protect education as an investment critical to economic stability and American competitiveness.

RESOLUTION NO. 461-12 Re: **2013 LEGISLATIVE PLATFORM**

On motion of Mr. Durso and seconded by Dr. Docca, the following Legislative Platform was adopted unanimously by members present:

The Montgomery County Board of Education believes that today's investments in the Montgomery County Public Schools (MCPS) are crucial to a prosperous economy, strong business growth, and students' ability to compete for good jobs in the global, high-tech economy. School systems must be adequately funded to prepare our youth to support future economic health. We urge you and the entire General Assembly to remain vigilant against the potential negative impacts of unfunded mandates, including significant additional workload burdens with no accompanying source of revenue. We look forward to a successful 2013 legislative season in which children's welfare continues to be paramount.

Maintenance of Effort

The Passage of the *Bridge to Excellence in Public Education Act of 2002* (BTE) resulted in a dramatic change to education funding in Maryland. Even during challenging fiscal

times, the General Assembly has held the line on education funding evidenced by having annually provided \$5.7 billion in education aid since 2008. Maryland's Maintenance of Effort (MOE) requirement, in place since 1984, requires school systems receive, at a minimum, the same per-pupil local funding in a subsequent year as was received in a current year. This provision, along with the BTE funding paradigm, provides assurance that the goals of adequacy, equity, and excellence are met. We are grateful that the 2012 General Assembly both clarified and strengthened Maryland's longstanding MOE law. Those actions now make clear that MOE is the required funding floor for all local jurisdictions, rather than the funding amount required to receive any increase in state education aid. Furthermore, the enacted law is the hallmark of good governance, providing flexibility and transparency. The historical legacy of support for quality education for Montgomery County Public Schools is greatly appreciated and we pledge to continuing to work cooperatively with our county partners.

Common Core State Standards

Governor Martin O'Malley and former State Superintendent Nancy Grasmick committed Maryland to the Common Core State Standards. This initiative provides a clear understanding and expectation of what each student should learn and master. The initiative develops a set of standards that are common across states with a resulting curriculum continuing to be a local responsibility (or state-led, where appropriate). As these standards are being implemented across Maryland and within our school district, we must ensure that this is not an unfunded mandate and that resources are available to bring to fruition the goals and objectives of these standards.

Long-range Planning and Capacity Issues

MCPS continues to experience a burgeoning increase in enrollment and diversity along racial, ethnic, and socioeconomic lines. At the same time, we are challenged by limited capacity in school facilities. The projections over the next several years call for significant expenditures in the capital and operating budgets to accommodate these student enrollment increases. State construction dollars are critical and we urge allocation be proportional to our share of statewide student enrollment. Over the years, MCPS has sought to balance the fiscal difficulties facing the county with the need to address our overcrowded schools and aging facilities and infrastructure. We are committed to working with our local county government and our local state delegation to address our tremendous needs in the most responsible way possible, while continuing to provide our students with an adequate learning environment.

State Education Funding

Maryland's public schools are ranked Number One in the nation. The *Bridge to Excellence in Public Schools Act of 2002* (BET) represents the resources invested to support this achievement. Full funding of the BTE, including the Geographic Cost of Education Index (GCEI) and the annual inflation factor, is needed to sustain successful programs and services for our students.

To keep pace with rising standards for student performance, including the Common Core Standards, state aid must be sustained. The *Bridge to Excellence in Public*

Schools Act of 2002 (BTE), conceived to ensure adequacy and equity in education funding, has led to increased student performance in Maryland. The Common Core Standards initiative, agreed to by Maryland, has significant budgetary impacts yet to be accounted for. Additionally, if the January 2013 across-the-board cuts, or sequestration, to all federal education programs take place, they will have a devastating impact on some of our most vulnerable students. Since 2008, the BTE targeted funding level has been maintained.

The Montgomery County Board of Education supports—

Full-commitment to BTE funding, including the GCEI and student transportation.

Mandating GCEI funding.

Annual inflation adjustment.

The Montgomery County Board of Education opposes—

Any retreat from funding identified in BTE.

Additional state mandates, unless accompanied by sufficient and ongoing state funding. In addition, meeting the needs of our rapidly expanding diverse student population requires recognition of the additional resources needed to both meet educational needs and fulfill mandated monitoring and reporting requirements.

The Montgomery County Board of Education also supports—

Additional funding to support English for Speakers of Other Languages

Reimbursement for students placed by state agencies at the Regional Institute for Children and Adolescents (RICA).

Capital Budget/School Construction

State construction funds continue to be inadequate to meet the substantial needs of our burgeoning student enrollment. Rapid enrollment growth, coupled with maintenance needs in older schools, continues to put enormous pressures on school facilities. Without adequate school construction funding, MCPS will be forced into an over-reliance on relocatable classrooms while increasingly aging and less than adequate facilities will become the norm making it hard to meet the educational needs of our students. Limited state funding has forced Montgomery County to forward-fund critical projects that are eligible for state funding but for which no state funds are ever received. For Fiscal Year 2013, the total state Capital Budget for school construction was \$349.2 million, including \$25 million held in reserve for projects that will improve the energy efficiency of schools. MCPS was eligible for \$184.5 million and receive \$43.1 million. This year, there are 385 relocatables in use at schools to address enrollments that exceed capacity, with more anticipated next year. Increasingly, aging and less-than-adequate facilities will become the norm, making it hard to meet the educational needs of our students.

The Montgomery County Board of Education supports—

- Robust school construction and renovation funding for FY 2014 to address school facility needs.

- Expanding the state's bonding capacity to meet Maryland's growing school facility needs.
- Establishing distribution of school construction funds equal to the percentage share of student enrollment statewide and taking into consideration systems with a rapid rate of enrollment growth.
- Revising current standards for the Interagency Committee square footage allowances for new and modernized schools to eliminate penalty for building additional class-rooms intended to reduce class size in support of student achievement.
- Developing a mechanism to ensure that locally forward-funded projects remain eligible for state funding, even after the project has been completed.
- Changing the Public School Construction Program to address inequities in funding needs related to the size and location of a Local Education Agency.
- Establishing incentives for green and energy-efficient school construction.
- Continuing the funding for the Energy Efficiency Initiative (EEI).

The Montgomery County Board of Education opposes—

Any reduction in the state and local cost-share formula.

Any change to the threshold requirements for prevailing wages.

Special Education Nonpublic Tuition

Montgomery County Public Schools (MCPS) and the Maryland State Department of Education (MSDE) share the costs for providing services for special education students who are served in nonpublic schools. The program requires local school systems to pay 300 percent of the average per-pupil cost and, since 2010, 30 percent, rather than 20 percent, of any amount in excess; MSDE is required to fund the remaining 70 percent, rather than 80 percent. The Nonpublic Tuition Assistance Program has been beneficial in supporting our obligation to provide appropriate services to students who require intensive special education services.

The Montgomery County Board of Education supports—

Restoring the 80/20 cost-sharing formula of the Nonpublic Tuition Assistance Program.

The Montgomery County Board of Education opposes—

Any attempts to increase the local share of tuition for special education students served in nonpublic schools.

Public Funding for Private Schools

Nonpublic schools are neither subject to state accountability measures nor to the same legal requirements as public schools, such as those set out in special education laws and teacher certification regulations. With the increasing unmet needs in public schools, state funds must be targeted to address the needs of public school students in Montgomery County and throughout the state.

The Montgomery County Board of Education supports—
Strong accountability for all public dollars spent on education.

The Montgomery County Board of Education opposes—

- Appropriation of public funds for private and parochial schools.
- Direct aid to private and parochial students.
- Tuition tax credits, vouchers, or tax credits as a means of reimbursing parents who choose to send their children to private or parochial schools.
- Continuation or expansion of providing textbooks to private schools.

The Maryland State Board of Education establishes, through regulations, broad statewide policies and mandates, with local boards of education responsible for establishing policies and procedures for the public schools within their jurisdiction. While the General Assembly has a role in crafting Maryland's Education Article, any unfunded requirements should be discretionary or authorizing, rather than mandatory. By retaining decision-making authority at the local level, a board of education can best balance educational practices, available resources, public input, and accountability.

Curriculum and Assessments

In creating the State Board and local boards of education, the General Assembly has delegated to them the responsibility for development of content standards, curriculum, and assessments. The State Board establishes standards and the local boards adopt and implement locally developed programs with local funding to ensure that these standards are met and students are prepared to meet graduation requirements. The state and local boards of education can best balance educational practices and available resources to ensure that all students, schools, and school systems are held accountable for their work.

The Montgomery County Board of Education supports—

Maintaining the authority of local boards of education to determine educational policy, curriculum, graduation requirements, and administration.
Retaining decision-making authority at the local level.

The Montgomery County Board of Education opposes—

Any efforts by the General Assembly to legislate curriculum or assessments, firmly believing that this role belongs to local boards of education in conjunction with the State Board.

Charter Schools

In 2003, the General Assembly enacted legislation that created a charter school program. While the Maryland Public Charter School Act establishes an alternative means within a public school system to provide teaching and learning, there remains the need for a strong accountability system to ensure that any public charter school funds are appropriately spent.

The Montgomery County Board of Education supports—

Reaffirming that the sole authority for establishing public charter schools is vested in local boards of education, with an appropriate procedure for appeals of local decisions.

The Montgomery County Board of Education opposes—

Efforts to expand charter school authority beyond local school boards.

Efforts to weaken academic or fiscal accountability requirements.

Any attempt to deprive charter school employees of the rights and responsibilities of other public employees.

The Montgomery County Board of Education is committed to providing a high-quality, world-class education that ensures success for every student through excellence in teaching and learning. A high-quality education is the fundamental right of every child. Montgomery County Public Schools is steadfast in ensuring that all students will receive the respect, encouragement, and opportunities they need to build the knowledge, skills, and attitudes to be successful, contributing members of a global society.

Early Childhood Education

Montgomery County Public Schools (MCPS) believes that investments in early childhood education are both wise and essential to ensuring success for every student. A longitudinal study by the National Institutes of Health concluded that investing in early childhood education can yield impressive economic benefits, including an 18 percent return on investment. MCPS is a significant partner in Montgomery County's Early Childhood Initiative, which ensures that family-focused programs and services for young children are neighborhood-based, effective, responsive to cultural diversity, make a measurable, positive difference in children's well-being, and help prepare them for success in school.

The Montgomery County Board of Education supports—

- State fiscal support for any expansion of local prekindergarten services.
- Statewide initiatives fostering school readiness through the provision of high-quality early childhood programs, including child care.
- Efforts that encourage the provision of an array of services by a variety of agencies.
- Efforts to ensure affordable child care co-payments for parents.
- Efforts that protect the safety, health, and well-being of children in child care.

Nutrition and Health

Thousands of low-income children in Maryland depend on school meals for the nutrition they need to learn and grow. *Maryland Meals for Achievement* provides funding for schools with high concentrations of poverty to provide breakfast to all students, regardless of family income. Most recently, of the 50 schools that are eligible to apply for the program and not in the program, only 8 were approved for the program in FY 2013. As a result, only 40 of the 82 eligible schools have been selected to participate in the program. The Maryland State Department of Education (MSDE) would only accept

applications for the currently enrolled schools and a priority list for those eligible but not in the program. Additionally, the *Summer Food Service Program* ensures that children in lower income areas continue to receive nutritious meals during the summer months when school breakfasts and lunches are not available.

The Montgomery County Board of Education supports—

- Expansion of Maryland Meals for Achievement as an entitlement to include all eligible schools that choose to apply.
- Efforts to increase federal funding for the Summer Food Service Program

The Montgomery County Board of Education opposes—

Limiting the number of eligible schools from participation in Maryland Meals for Achievement.

Safety and Security

Safety in public schools has become increasingly important as threats to national and community security have taken on new meaning. The prevention of disruption and violence has always been a key component of long-term effective school safety strategies. The pursuit of a safe environment must be tempered by a balanced emphasis on the protection of individual student rights.

The Montgomery County Board of Education supports—

Innovative initiatives and funding that speak to strategies that ensure a safe and secure learning and working environment for students and staff, including those that address gang prevention and involvement and promote targeted interventions to reduce gang activity.

The Montgomery County Board of Education opposes—

Statewide approach to discipline that limits a school system's ability to respond to unique and unusual circumstances.

Home Schooling

Maryland law recognizes home instruction as an alternative to public school enrollment and as a means for students to receive regular, thorough instruction. Currently, home school students are expressly authorized to participate in public school standardized testing.

The Montgomery County Board of Education opposes—

Any requirement that home school students be allowed to participate in public school athletics or other extracurricular activities.

RESOLUTION NO. 462-12

Re: **FUTURE CLOSED SESSION RESOLUTION**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Kauffman, the following resolution was adopted unanimously by members present:

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

Resolved, That the Board of Education of Montgomery County conduct a closed session on Tuesday, November 13, 2012, in Room 120 of the Carver Educational Services Center, 850 Hungerford Drive, Rockville, Maryland, to meet from 9:00 a.m. to approximately 1:00 p.m.; and be it further

Resolved, That the Board of Education anticipates that the closed session will include a discussion of personnel matters, as permitted under Section 10-508(a)(1) of the *State Government Article* and Section 4-107(d) of the *Education Article*; the review and adjudication of appeals in its quasi-judicial capacity; consultation with counsel to obtain legal advice on those appeals, as permitted under Section 10-508(a)(7) of the *State Government Article*; a discussion of matters constituting an administrative function outside the purview of the *Open Meetings Act* (Section 10-502(b) of the *State Government Article*); and the Board will publish a more detailed Resolution for Closed Session when particular topics for discussion are identified; and be it further

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

RESOLUTION NO. 463-12 Re: **REPORT OF PREVIOUS CLOSED SESSION**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Kauffman, the following resolution was adopted unanimously by members present:

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

Resolved, That the Board of Education of Montgomery County conduct a closed session on Tuesday, November 13, 2012, in Room 120 of the Carver Educational Services Center, 850 Hungerford Drive, Rockville, Maryland, to meet from 9:00 a.m. to approximately 1:00 p.m.; and be it further

Resolved, That the Board of Education anticipates that the closed session will include a discussion of personnel matters, as permitted under Section 10-508(a)(1) of the *State Government Article* and Section 4-107(d) of the *Education Article*; the review and adjudication of appeals in its quasi-judicial capacity; consultation with counsel to obtain legal advice on those appeals, as permitted under Section 10-508(a)(7) of the *State Government Article*; a discussion of matters constituting an administrative function outside the purview of the *Open Meetings Act* (Section 10-502(b) of the *State Government Article*); and the Board will publish a more detailed Resolution for Closed

Session when particular topics for discussion are identified; and be it further

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

RESOLUTION NO. 464-12 Re: **APPEALS**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Kauffman, the following resolution was adopted unanimously by members present:

WHEREAS, The Board of Education has met in closed session and deliberated on appeals brought before its members acting in its quasi-judicial capacity under Section 10-508(a) of the State Government Article of the Annotated Code of Maryland; now therefore be it

Resolved, That the Board of Education hereby decides the following appeals reflective of the Board members' votes in closed session, the disposition of which will be recorded in the minutes of today's meeting:

<u>Appeal Number</u>	<u>Type</u>	<u>Disposition</u>
NEC-2012-63	Student Placement	Affirmed
T-2012-64	Student Transfer	Affirmed
T-2012-65	Student Transfer	Affirmed
NEC-2012-66	Student Placement	Affirmed

RESOLUTION NO. 465-12 Re: **MINUTES**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Kauffman, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education approved its minutes for September 24, 2012.

Re: **NEW BUSINESS**

There was no new business.

RESOLUTION NO. 466-12 Re: **ADJOURNMENT**

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

Resolved, That the Board of Education adjourn its meeting of October 22, 2012, at 8:13 p.m.

PRESIDENT

SECRETARY

JPS:gr

Resolution	Barclay	Berthiaume	Brandman	Docca	Durso	Kauffman	Mannes	O'Neill
Policy JPD	O	O	A	A	A	A	A	A
Core Values	O	O	A	A	A	A	A	A
Legal Services	O	O	A	A	A	A	A	A
Budget Control Act	O	O	A	A	A	A	A	A
Legislative Platform	O	O	A	A	A	A	A	A

A = affirmative; N = negative; O = absent; AB = abstain