

APPROVED MINUTES

BOARD OF EDUCATION OF BALTIMORE COUNTY, MARYLAND

Wednesday, November 7, 2007
(rescheduled from November 6, 2007)

The Board of Education of Baltimore County, Maryland, met in open session at 5:33 p.m. at Greenwood. President JoAnn C. Murphy and the following Board members were present: Ms. Donna Flynn, Mr. John A. Hayden, III, Mr. Rodger C. Janssen, Ms. Ramona N. Johnson, Ms. Joy Shillman, and Miss Audrey Dittman. In addition, Dr. Joe A. Hairston, Superintendent of Schools, and staff members were present.

Board member, Ms. Mary-Margaret O'Hare entered the room at 5:34 p.m.

Ms. Murphy reminded Board members of community functions and Board of Education events scheduled in October and November.

Ms. Johnson moved that the student member be permitted to participate in closed session collective bargaining discussions. The motion was seconded by Mr. Hayden and unanimously approved by the Board.

Pursuant to the Annotated Code of Maryland, State Government Article, §10-508(a)(1), (a)(7), and (a)(9) and upon motion of Ms. O'Hare, seconded by Ms. Johnson, the Board commenced its closed session at 5:36 p.m.

CLOSED SESSION MINUTES

The Board of Education of Baltimore County, Maryland, met in closed session at 5:36 p.m. at Greenwood. President JoAnn C. Murphy and the following Board members were present: Ms. Donna Flynn, Mr. John A. Hayden, III, Mr. Rodger C. Janssen, Ms. Ramona N. Johnson, Ms. Mary-Margaret O'Hare, Ms. Joy Shillman, and Miss Audrey Dittman. In addition, Dr. Joe A. Hairston, Superintendent of Schools, and the following staff members were present: J. Robert Haines, Esq., Deputy Superintendent; Dr. Sonia Diaz, Chief Academic Officer, Ms. Rita Fromm, Chief of Staff; Mr. William Lawrence, Assistant Superintendent, Northwest Area; Dr. Manuel Rodriguez, Assistant Superintendent, Southwest Area; Ms. Jean Satterfield, Assistant Superintendent, Southeast Area; Mr. Lyle Patzkowsky, Assistant Superintendent, Central Area; Margaret-Ann Howie, Esq., General Counsel; Dr. Donald Peccia, Assistant Superintendent, Human Resources and Governmental Relations; Dr. Alpheus Arrington, Director, Personnel Staffing; Mr. Daniel Capozzi, Staff Relations Manager; P. Tyson Bennett, Esq., Counsel to the Board of Education; and Ms. Brenda Stiffler, Administrative Assistant to the Board.

Dr. Peccia reviewed with Board members personnel matters to be considered on the evening's agenda.

Mr. Capozzi discussed with Board members the status of collective bargaining negotiations.

CLOSED SESSION MINUTES (cont)

Board member, Mr. Earnest E. Hines, entered the room at 5:47 p.m.

Dr. Peccia, Dr. Arrington, and Mr. Capozzi exited the room at 5:55 p.m.

Mr. Bennett provided legal advice to Board members concerning e-mail.

At 6:05 p.m., Mr. Hayden moved the Board adjourn for a brief dinner recess. The motion was seconded by Ms. Shillman and approved by the Board.

OPEN SESSION MINUTES

The Board of Education of Baltimore County, Maryland, reconvened in open session at 7:36 p.m. at Greenwood. President JoAnn C. Murphy and the following Board members were present: Ms. Donna Flynn, Ms. Frances A. S. Harris, Mr. John A. Hayden, III, Mr. Earnest E. Hines, Mr. Rodger C. Janssen, Ms. Ramona N. Johnson, Ms. Mary-Margaret O'Hare, Ms. Joy Shillman, and Miss Audrey Dittman. In addition, Dr. Joe A. Hairston, Superintendent of Schools, and staff members were present.

PLEDGE OF ALLEGIANCE

The open session commenced with the Pledge of Allegiance to the Flag, which was led by Audrey Dittman, followed by a period of silent meditation for those who have served education in the Baltimore County Public Schools.

Mr. Janssen moved to add an item to the agenda under New Business, Consideration of the Articulated Instruction Module (AIM) Program. Mr. Hayden seconded the motion. Ms. Murphy noted that in accordance with Policy 8314, additional items may be added to the agenda by the unanimous consent of the Board members present. The motion did not carry (favor-6; opposed-4; abstain-0).

* Mr. Janssen stated that he would be presenting a written statement concerning this issue and that he would be requesting that this statement be placed in the minutes.

MINUTES

Hearing no additions or corrections to the Board of Education Open and Closed Minutes of October 23, 2007, Ms. Murphy declared the minutes approved as presented on the Web site.

Ms. Murphy informed the audience of the sessions in which Board members had participated earlier in the afternoon.

SELECTION OF SPEAKERS

After collecting completed sign-up cards, Ms. Murphy announced the names of persons who would be speaking during the public comment portion of the meeting as well as the order in which the persons would be called.

ADVISORY AND STAKEHOLDER COMMENTS

Mr. Boyd Crouse, Coordinator of the Area Education Advisory Councils, reported on the joint area education advisory council meeting held October 24 where Ms. Barbara Burnopp, Chief Financial Officer, explained to council members the budget process.

Mr. Bud Staigerwald, Chair of the Southeast Area Education Advisory Council, reported on the council's October 8 pre-budget hearing. Topics included: replacing antiquated computer equipment, continued funding of CTE program, funding of college access counselor(s), and additional special education teachers.

Ms. Carmela Veit, a representative of the Baltimore County Education Coalition, reported on the coalition's October 29 meeting where the discussion centered on progress in response to the PDK audit.

Ms. Susan Katz, President of the PTA Council of Baltimore County, reported on the council's fall reception and workshop held October 25. More than 250 parents, educators, community leaders, and elected officials attended the reception.

Ms. Cheryl Bost, President of the Teachers Association of Baltimore County, distributed a flyer to Board members requesting that the state's legislators increase education funding. With respect to the budget process, Ms. Bost stated TABCO is looking at increasing the number of kindergarten assistants, clerical and technical support, and additional inclusion teachers.

SUPERINTENDENT'S REPORT

There was no report from the Superintendent.

OLD BUSINESS

Board of Education Policies

The Board Policy Committee, represented by Ms. Harris, recommended approval of Board of Education policies, exhibits B and C. This is the third reading for all policies.

On motion of Mr. Hayden, seconded by Ms. Shillman, the Board approved the proposed deletion of Policy 7440 – NEW CONSTRUCTION: Constructing-Protection and Guarantees.

OLD BUSINESS (cont)

With respect to Policy 8314 – INTERNAL BOARD OPERATIONS: Operations-Meetings: Agenda, Ms. Harris noted that Mr. Hayden’s suggestions from the October 2 Board meeting had been incorporated.

Ms. Flynn moved to defer the approval of Policy 8314 until after the Board’s work session tentatively scheduled for December 11, 2007. The motion was seconded by Mr. Hayden. The Board approved the deferral of Policy 8314 (favor-8; opposed-0). Ms. Murphy and Ms. O’Hare did not vote.

REPORTS

The Board received the following reports:

- A. **Board of Education Ethics Code Policies** – Ms. Frances Harris, Chairperson of the Board Policy Committee, stated that the Board of Education’s Policy Committee met on October 22, 2007, to consider the policies presented this evening, and the committee is recommending approval of these policies. Ms. Harris noted that the committee met with the members of the Board’s Ethics Review Panel to discuss possible amendments to the ethics code policies. This is the first reading for these policies.

Mr. Hayden requested clarification of the state law that if the state fails to act in 60 days the policies are approved. Ms. Howie and Mr. Bennett will verify state law.

- Proposed Changes to Policy 8360 – INTERNAL BOARD OPERATIONS: Ethics Code-Definitions
- Proposed Changes to Policy 8361 – INTERNAL BOARD OPERATIONS: Ethics Code-General
- Proposed Changes to Policy 8362 – INTERNAL BOARD OPERATIONS: Ethics Code-Gifts to the Board of Education, Schools, and Offices within the School System – With respect to paragraph 2G, Mr. Hayden expressed concern that Board members could not accept complimentary tickets to attend events. He noted that such opportunities could arise among school board members because of external contacts, not from his or her position on the Board. Mr. Hayden stated that this language is too restrictive. Mr. Hines concurred with Mr. Hayden’s comments.

With respect to paragraph 3, Mr. Hayden stated that a “potential vendor” is a broad concept and needs to be revisited.

Mr. Hines agreed with Mr. Hayden, stating this addition to the policy is a narrow approach and puts Board members in a tight box. Mr. Hines recommended removing paragraph 3 from Policy 8362.

REPORTS (cont)

- Proposed Changes to Policy 8364 – INTERNAL BOARD OPERATIONS:
Ethics Code-Financial Disclosure
- Proposed Changes to Policy 8365 – INTERNAL BOARD OPERATIONS:
Ethics Code-Lobbying Disclosure
- Proposed Changes to Policy 8366 – INTERNAL BOARD OPERATIONS:
Ethics Code-Ethics Review Panel – With respect to paragraph D-i, Mr. Hayden suggested that the last sentence read, "The ETHICS REVIEW Panel will be advised by an attorney from the Office of Law OR SUCH OTHER COUNSEL THAT MAY BE ENGAGED AT THE BOARD'S EXPENSE FOR SUCH PURPOSE regarding the rule on motions, objections, and issues of law."

In regards to paragraph D-vi, Mr. Hayden suggested changing the last sentence to read, "The Panel will have the right to inspect and/or have copies produced of any relevant document, paper, ELECTRONIC MEDIA, or other tangible object..."

- B. **Legislative/Thornton Revenue Update** – Dr. Donald Peccia, Assistant Superintendent of Human Resources and Governmental Relations, provided an update on the special legislative session of the Maryland General Assembly. Dr. Peccia reminded Board members that the state's obligation to public education, Article VIII, Section 1 of the constitution states, "the general assembly shall at its first session after the adoption of the constitution shall by law establish throughout the state a thorough and efficient system of free public schools and shall provide by taxation or otherwise for their maintenance."

Dr. Peccia reviewed the challenges that the proposed administration plan has with the budget gap, transportation, health, and higher education. The solutions presented were to use the current fund balance, general fund reduction, and new revenues.

Dr. Peccia then shared with the Board that \$650 million was expected in new revenues. However, projected education aid and entitlement increases exceed this amount. There would be no funds available for growth of state agencies, other post-employment benefits, or other state obligations. Revenues are not keeping up with potential state items.

Dr. Peccia reviewed the Budget Reconciliation Act: Impact on K-12 public education. By eliminating inflation increases in 2009 and 2010, the state would reduce future funding of public education by \$190 million and additional dollars in future years. If the plan is approved, Maryland school systems will not receive more than \$1.2 billion between 2009 and 2012. Dr. Peccia noted if the proposed administrative plan is adopted, Baltimore County Public Schools (BCPS) would receive approximately \$23.9 million less in FY 2009.

REPORTS (cont)

Ms. Barbara Burnopp, Chief Financial Officer, reviewed with Board members:

- Increased general fund revenues for fiscal years 2003-2008;
- Thornton expenditures from 2003-2008; and
- General fund expenditures by category for fiscal years 2002-2007.

Ms. Burnopp reiterated that if there is no implicit price deflator (IPD) and geographic cost of education index (GCEI), BCPS would receive only \$2.4 million in fiscal year 2009.

Ms. Flynn stated it would be helpful that within the list of programs and initiatives funded by Thornton would be the support of the data that goes with the initiative and how it contributes to the goals of the school system. If there are new initiatives, the school system needs to establish criteria to ensure that these programs and initiatives are working. Dr. Hairston responded that there are programs throughout the school system that we have no idea of how well they are performing. BCPS is in the process of placing instruments together to capture the data to bring back to the Board. He stated that the school system is also looking at redirecting and transferring funds to programs that may be more effective.

Ms. O'Hare stated that she would like to see reports on programs such as language, reading, mathematics, and science.

PERSONNEL MATTERS

On motion of Mr. Janssen, seconded by Mr. Hayden, the Board approved the personnel matters as presented on Exhibits K, L, M, and N. (Copies of the exhibits are attached to the formal minutes).

BUILDING AND CONTRACT AWARDS

The Building and Contracts Committee, represented by Ms. Shillman, recommended approval of items 1-17 (Exhibit O). Mr. Hayden separated item 3 and 7 for further discussion. Mr. Janssen abstained from voting on items 8, 9, 10, 11, and 12.

The Board approved items 1-2, 5-6, and 8-17.

1. JMI-613-06 Contract Assignment: Direct Digital Control Preventative Maintenance Program
2. RGA-157-08 Baltimore County Public Schools (BCPS) Principals' Academy
4. Pulled
5. MBU-572-06 Contract Modification: Systemic Renovation at Cockeyville Middle School

BUILDING AND CONTRACT AWARDS (cont)

6. JMI-651-05 Contract Modification: Systemic Renovation Design Services at Deer Park Middle Magnet School
8. MWE-817-06 Contract Modification: General Contractor Construction Services Contract – Kenwood High School Addition and Technology Wing Renovation
9. MWE-817-06 Contract Modification: General Contractor Construction Services Contract – Kenwood High School Addition and Technology Wing Renovation
10. JMI-652-06 Contract Modification: General Contractor Construction Services Contract – Lansdowne Middle School Renovation
11. JNI-713-06 Contract Modification: General Contractor Construction Services Contract – Perry Hall Middle School Renovation
12. JNI-713-06 Contract Modification: General Contractor Construction Services Contract – Perry Hall Middle School Renovation
13. MWE-841-07 Contract Modification: Boiler Replacement and Utility Work at Perry Hall High School
14. JMI-631-06 Contract Modification: Design and Build Video Surveillance and Electronic Card Access Control Systems – Various Facilities
15. PCR-298-08 Roof Replacement Design and Contract Administration Services – Joppa View Elementary, Ridgely Middle, Western Technical High, Arbutus Elementary, Kingsville Elementary, Riderwood Elementary, Woodbridge Elementary, Old Court Middle, Cockeysville Middle, Battle Grove Elementary, and Deep Creek Middle Schools
16. PCR-293-08 Request to Negotiate: Consultant Services – Architectural/Engineering Services for Renovation and Addition for Technical Service Center
17. PCR-292-08 Request to Negotiate: Consultant Services – Architectural/Engineering Services for Office of Transportation Projects

Item #3

Mr. Hayden suggested construction increases be pointed out to the Board as part of its discussions concerning long-term contracts.

Mr. Hayden asked if the adoption of the PDP platform of \$19.7 million is BCPS' portion with Dr. Peccia responding affirmatively.

BUILDING AND CONTRACT AWARDS (cont)

On a motion of Mr. Janssen, seconded by Ms. Shillman, the Board approved item 3.

3. RGA-160-08 Medicare Prescription Drug Plan Administration

Item #7

Mr. Hayden asked if the code violations are a result of major improvements or errors made by a prior contractor. Mr. Sines responded these were errors made by a prior contractor.

On a motion of Mr. Janssen, seconded by Mr. Hayden, the Board approved item 7.

7. PCR-212-06 Systemic Renovation at Deer Park Middle Magnet School

INFORMATION

The Board received the following as information:

- A. September 30, 2007 Official Enrollment and Projection Comparison
- B. Deletion of Superintendent's Rule 7440 – NEW CONSTRUCTION: Constructing-Protection and Guarantees

ANNOUNCEMENTS

Ms. Murphy made the following announcements:

- On Thursday, November 8, 2007, the Board of Education's Fall Recognition Ceremony will be held at New Town High School beginning at 7:00 p.m.
- The High School Honors Music Concert will be held at the Joseph A. Meyerhoff Symphony Hall on Monday November 12, 2007, at 7:30 p.m.
- On Tuesday, November 13, 2007, the Northwest Area Education Advisory Council will be holding its meeting at New Town Elementary School beginning at 7:00 p.m.
- On Wednesday, November 14, the Northeast Area Education Advisory Council will hold its "Meet and Greet" meeting at Parkville Middle School beginning at 7:00 p.m.
- On Wednesday, November 14, the Southwest Area Education Advisory Council will hold its meeting at Windsor Mill Middle School beginning at 7:00 p.m.

ANNOUNCEMENTS (cont)

- On Thursday, November 15, 2007, the Central Area Education Advisory Council will hold its meeting at Stoneleigh Elementary School beginning at 7:00 p.m.
- The Board of Education of Baltimore County will hold its next regularly scheduled meeting on Tuesday, November 20, 2007, at Greenwood. The meeting will begin with an open session at approximately 5:00 p.m. The Board will then adjourn to meet in closed session, which will be followed by a brief dinner recess. The open session will reconvene at approximately 7:30 p.m. The public is welcome to all open sessions. The Board will host the China Exchange Program students for dinner on November 20, 2007, from 6:00 until 7:30 p.m.

Ms. Murphy stated that public comment is one of the opportunities provided to hear the views and receive the advice of community members. The members of the Board appreciate hearing from interested citizens and will take their comments into consideration, even though it is not the Board's practice to take action at this time on issues which are raised. When appropriate, the Board will refer concerns to the superintendent for follow-up by his staff.

While the Board encourages public input on policy, programs, and practices within the purview of this Board and this school system, this is not the proper avenue to address specific student or employee matters, or to comment on matters that do not relate to public education in Baltimore County. The Board encourages everyone to utilize existing avenues of redress for complaints. Inappropriate personal remarks or other behavior that disrupts or interferes with the conduct of this meeting are out of order.

Ms. Murphy also asked speakers to observe the light system, which lets the speaker know when time is up. She asked speakers to conclude their remarks when they see the red light.

GENERAL PUBLIC COMMENT

Mr. Mohammad Jameel urged the Superintendent to publicize the importance of the advisory committees throughout the county's communities.

Dr. Bash Pharoan believes it is not healthy to have an overcrowded board room. He also believes that the public comment lottery system restricts public speech.

Ms. Kanwal Rehman asked the Board to allow equal opportunities for all students in Baltimore County.

ADJOURNMENT

At 9:06 p.m., Mr. Janssen moved to adjourn the open session. The motion was seconded by Ms. Shillman and approved by the Board.

Respectfully submitted,

Joe A. Hairston
Secretary-Treasurer

bls

- * As indicated during the November 6, 2007 meeting, Mr. Janssen submitted an explanatory statement to the Board; at its November 20, 2007 meeting, the Board of Education approved inclusion of this statement as an attachment to the minutes. It reads as follows:

Several times I and other Board members have requested that AIM be placed on the Agenda for consideration. I have made that request on two separate occasions prior to this meeting, once verbally of the Vice-President, for the first October meeting, and once of the Superintendent via email for the first meeting in November. At that November 6 meeting, when the chair asked if there were any additions to the agenda before us, I requested the addition of a discussion of AIM to the meeting's agenda. Once again, my efforts to comply with what I understand to be the provisions of the Maryland Annotated Code and to assist the Board in complying with its fiduciary obligation apparently were not well understood by the Superintendent or the minority of the Board's members who voted against adding a discussion regarding AIM to the agenda. Education Article Section 4-205 (h) (2) (i) is very clear that an endeavor such as AIM must be approved by the Board prior to any sort of implementation. The code provisions do not distinguish between those programs, curriculum guides or teaching aids (the definitions of which are not limited by the Code) characterized as "voluntary" or "mandatory." In part this section states: (i) The county superintendent shall prepare and recommend for adoption by the county board:

- (1) Curriculum guides;*
- (2) Courses of study;*
- (3) Resource material; and*
- (4) Other teaching aids.*

I would also suggest that our own Baltimore County Board Policy 8130 is consistent with the State statute and is applicable to this issue. That policy was designed, in part, to insure that system resources of consequence were to be expended only after Board approval. In this instance the reports made to the Board to date suggest that a significant number of our teachers and staff were engaged over an extended period of time, and at Board expense, in the development of AIM, in training in its use, in piloting it, in preparing the electronic version of the original version of AIM so that it could be used as a web-based tool, and in promoting it to selected stakeholders and the press--all prior to consideration of the sort anticipated by the Policy.

This Board must comply and do its legally mandated job. I request that these comments be included in the minutes of our meeting of November 6 and I am joined in this request by Board members Donna Flynn, Audrey Dittman and John Hayden, III.