

Position Paper of the Montgomery County Civic Federation Regarding the Work Group Review of Interim FAA-RA (Long-Range Educational Facilities Planning Regulation)

A. The Civic Federation (MCCF) was represented by two members of its Education Committee, who found the process reasonably planned and carried out. We appreciate the valuable assistance provided by Mr. Lavorgna and MCPS staff. We wish, especially, to acknowledge the collegial interactions with the numerous PTA and MCCPTA representatives on the work group, from whom we learned much, and with whom we share so many common goals and perspectives. We regret that not all elements of the community that were invited to serve on the work group participated in the process. Similarly, we were disappointed that attendance at the two public information meetings was so poor and that so few observers attended any of the work group sessions.

B. We believe that the process, although constrained by a very tight time line, worked reasonably well. The interim regulation was carefully examined from multiple points of view and was revised in several ways. [Because this was a consensus process, there are some points where the wording of the revised document is not exactly as we would have chosen; only the very few instances that particularly concern us are mentioned here.]

1. Multiple typographical, grammatical, and logical errors were corrected.

2. In several places sequencing and/or time-lines were revised to make the description of complex processes more realistic.

3. The definition of Community was broadened and multiple specific additions were made, that better define the need for, and methods of, involving the community in long-range educational facilities planning. We are not entirely satisfied with the wording of Section VI.2.3 (lines 751ff) regarding Site Selection Advisory Committees, because it implies that, in some situations, involvement of the community may not be appropriate. The difficulty in achieving satisfactory wording stems from the concern that identifying the appropriate civic association is problematic. We understand this difficulty but believe that, with more time (and perhaps advice of MCPS counsel), it should be possible to find wording that specifically mandates community representation on all SSACs without exposing the process to litigation because not all "impacted" citizen groups had representatives on a given SSAC.

4. The section on Preferred Range of Enrollment (IV.4; lines 310-327) was revised so that the numbers are much closer to those in the previous version of Policy FAA. [However, the phrasing indicating that the numbers do not include special education programs appears to leave open the possibility that certain schools may (as we move to the goal of providing for the full range of services needed by special education students) become more crowded than is the intention

of the community. Here again, with more time, the wording might be improved.] We note below our belief that this section should be moved back into Policy FAA when that document is next revised.

5. We are pleased that a section (IV.5.c; lines 387-413) defining the proper reliance upon, and maintenance of, relocatable classrooms has been added. However, despite considerable discussion, we were unable to arrive at a fully-satisfactory definition of "interim basis" (lines 387-388), and thus failed to help resolve growing community concern about the number of such facilities that seem to be unacceptably-far from "temporary". We note below our belief that a revised Policy FAA must address this issue.

6. We also expanded somewhat the section (VI. 2.d; lines 988-1005) on School Closures and Consolidations. However, this was done largely by clarifying the linkage to Chapter 13A of COMAR and, implicitly, with reference to BoE Policy DNA (Disposition of Board of Education Property). Unfortunately, COMAR is a minimalist set of State regulations and Policy DNA is in much need of updating and revision (see below). Community concerns about declaration of specific school sites as "unneeded" and the processes by which such sites may be transferred to other agencies have grown in the last few years. The work group was not tasked with, nor did it have the time or tools needed for the detailed discussion of these issues - a discussion that MCCF feels must be undertaken.

C. Having participated in this Work Group, we recognize, even more so than at the outset, the importance of Policy FAA and Regulation FAA-RA. We will comment elsewhere on our views about community involvement in working through the controversies that arise when such documents are created/revised. In the context of this position paper we believe it appropriate to state that the new FAA and revised FAA-RA are reasonable documents, but ones that will need further revisions, some of which will only become apparent as future developments and BoE/MCPS actions unfold. There are, however, certain changes to existing BoE documents, other than the revised FAA-RA, that we believe should be addressed as soon as possible.

1. While the distinction between policy and regulation is, in principal, a valuable one (and one that satisfies important practical needs), it is often a false dichotomy because many of the issues discussed by the Work Group reflected genuine concerns about whether a specific point was "policy" or implementing "regulation". When a regulation establishes a process with broad ramifications that have not been discussed by the community, it is blending into policy. In such situations, it seems better to err on the side of duplication and include verbiage in BOTH the policy document AND the regulatory document, if only to assure that all stakeholders understand the consequences of actions being taken or projected. For these reasons we believe that the following elements of FAA-RA should be either moved back into Policy FAA (and further revised as soon as possible) or included in both documents: Preferred School Site Sizes (IV.6; lines 415-423) ,

Preferred Range of Enrollment (IV.4; lines 310-327), Relocatable classrooms (IV. 5.c; lines 387-413), and, School Closures and Consolidations (VI. 2.d; lines 988-1005).

2. Based on admittedly-limited public input, as well as Work Group discussions, we urge two specific actions outside the scope of the FAA/FAA-RA discussion:

a. Policy DNA (Disposition of Board of Education Property) should be reviewed, revised and discussed at public hearings at the earliest possible date.

b. The fact that our recommended revision to FAA-RA begins with the line "Related Entries: ACD, CFA, **DNA**, FAA, JEE, JEE-RA" is not desirable. All BoE policies and regulations should be modified so that any reference to other such documents is made by letter code AND title of the referenced document. Board policies constitute a broad web of documents designed to assure the optimal operation of MCPS. In many cases a specific document cannot be understood in isolation. The coding system used to identify these documents is not obvious nor easily penetrated by members of the community who do not routinely read such material.

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