

Samuel L. Statland
Vice President
Rock Creek Hills Citizens Association
3500 Saul Road
Kensington, MD 20895
W (301) 587-6050 H (301) 949-1058

June 4, 2011

Open Meeting Compliance Board
C/O Attorney Generals Office
200 St. Paul Place
Baltimore, MD 21202

Re: Complaint against the Board of Education, Montgomery County Public Schools

Dear Open Meeting Compliance Board,

I am filing a complaint on behalf of the Rock Creek Hills Civic Association against the Montgomery County Board of Education for using exception's under the Open Meeting Act, Article §10-508 (a) (3) *"To consider the acquisition of real property for a public purpose and matters directly related thereto"*, and Article §508 (a) (14) *"Before a contract is awarded or bids are opened, discuss a mater directly related to a negotiation strategy or the contents of a bid proposal, if public discussion or disclosure would adversely impact the acclivity of the public body to participate in the competitive bidding or proposal process,"* to deliberately and systematically avoid it's responsibility to conduct it's business in an open and public manner, at their Open Business Meeting on April 28, 2011, And to provide proper advanced notice to our Civic Association's Board Members, the Kensington Retirement Community, and concerned citizens.

The School Board also violated the Act under the definition of "meetings...violating open process" since a Board sub-group met, researched, and voted upon issues relative to the Board's selecting a site within our Community for a new Middle School, the BCC Middle School Number 2 Site Selection.

Another violation occurred at 5 PM, on the day of the Open Meeting, when the Board went into an unannounced Closed Session prior to a Public Open Session, The closed session was not disclosed in the Open Session that immediately followed.

We were overtly and covertly excluded from the entire Site Selection Process.

In fact the Kensington Retirement Community, 3620 Littledale Rd, a multi-level care provider for 200 Senior Citizens, never received any notification of any kind period. A hard to believe fact since their facility abuts the proposed school site, and was built upon 1/3rd of the land which was a part of the original 20 acre Kensington Jr. High School property ceded to the Maryland-

National Park and Planning Commission in 1990 with a recall provision. A previous and current overhead view of the property is enclosed, along with a diagram of the site and its amenities.¹

On April 28, 2011, at 6 PM, A Board of Education meeting took place. We were not officially notified, nor made aware of the Board's decision to consider, and then vote for the construction of a Middle School on a MNPPC Public Park Site within our community until 2 PM, the afternoon of the meeting. In fact when some of our citizens called the Board to sign up to speak, they were told that all of the spots were taken. Some of us decided to attend the meeting anyway. A negotiation then took place between ourselves, an intermediary, and Board Staff which led to us receive three speaking slots. The Board approved our three speaking slots in the aforementioned closed meeting. The Board, in Closed Session, was sitting in meeting room 120, adjacent to their regular meeting room with a quorum present discussing public business.

As further evidence of an Open Meeting Violation I am enclosing an April 28th Memorandum copy from Jerry D. Weast, Superintendent of Schools to Members of the Board of Education.² The subject is Resolution for a Closed Session to begin at 5:00 PM and end at 6:00 PM in Room 120. This Memorandum was sent to the School Board, if it wasn't created after the fact, the same day as the scheduled Board Meeting, and in effect the Board went into Closed Session before the Announced Regular Meeting Scheduled for 6 PM.

A representative from the Kensington Retirement, a member of our community, and I, representing the Rock Creek Hills Citizens Association were allowed to speak. We all said the same thing. "We were appalled at the lack of proper notice, transparency, our ability to participate as a community, and lack of time to prepare written testimony. Because of the lack of notice and the lack of transparency in the selection process, I asked the Board to delay making a decision until their next month regular May meeting."

Other violations of the Open Meeting Act "violating open process" occurred as evidenced by a letter, copy enclosed, sent by the Maryland-National Park and Planning Commission, Vice Chair Francoise M. Carrier sent to The School Board on April 27th one day before the Boards meeting. His letter supports and validates our complaint on several points:

1) The School Board knew well in advance of the April 28th meeting that their first choice of a Middle School site had been rejected by M-NCPP Montgomery Parks, but kept their knowledge a secret from our Community, and the general public. And in fact did not make anyone aware of the change until 2 PM on the Day of the MCPS Open Business Meeting.

"The Montgomery County Planning Board has unanimously agreed that these are not suitable uses of existing parkland and recently voted specifically to object to the selection of Rosemary Hills-Lytonsville Local Park for conversion to a school site. We also have serious concerns about the overall MCPS site selection process as it relates to identifying parkland for school sites."³

¹ Maryland-National Park and Planning Commission Site Diagram, and aerial photograph from <http://savckensingtonpark.blogspot.com/search?updated-max=2011-05-15T05%3A00%3A00-04%3A00&max-results=17>, both enclosed.

² Letter from Dr. Weast enclosed

³ Letter from Francoise M. Carrier, Chair, Montgomery County Planning Board, and Vice Chair, Maryland-National Park and Planning Commission Page 1, Paragraph 2.

2) We had no formal notification of a Site Selection Committee (a sub group) being appointed by the School Board to meet, select, and vote upon selected sites. The School Board also chose sites that they knew could not be used for a school because the property when deed to M-NCPP stated that the property could not be "recalled" for School Board use. When the Rock Creek Hills site was deed to M-NCPP a recall provision was included within the deed. Thus no site without a recall provision could be used, and the listing of such a site by the School Board was bogus, misleading and lacked transparency to the general public, another violation of the Open Meeting Act. And, in fact MCPS lacked fairness and transparency in its dealings with M-NCPPC.

The M-NCPP letter continues, "It is my understanding that the staff representative from the M-NCPPC Montgomery Parks, on a rather large site selection committee regarding the BCC sites, received only one vote, even when the locations being discussed were park sites without recall rights. Six out of the ten sites under consideration, in fact, were public parks. Our representative has stated that he did not have the opportunity to present cost and other data that would have made for a fairer comparison among all the sites under consideration, and that his objections to conversion of parkland were ignored. This does not seem appropriate. It is also likely to lengthen or confuse your process, because absent a very unusual public need, we do not consider the use of unencumbered park sites for anything other than park purposes to be consistent with the public interest, or with our responsibilities as stewards of Montgomery County's public parkland."⁴

Further... "When dealing with public property, we suggest more transparency is required than when dealing with private landowners. Where open deliberation might influence price. Where public property is at issue, secrecy does not serve the community well. Finally, we believe there should be more "due diligence in researching the real costs of all sites before a site selection committee takes a vote, and before MCPS undertakes a feasibility study."⁵ This is a reference to a culture of Closed Meeting Activities condoned by the by the School Board and perpetuated by its Staff.

Within the past ten days the definition of a feasibility study was explained to our Citizens Association by a representative of MCPS. It came up in selecting an architect to perform the "feasibility study."⁶ By their definition once a site is selected and an architect is chosen by an Architect Selection Committee, the architect is charged with how to fit the school on to the site, and not to determine whether or not the site should be used. Again, because of the Boards consistent lack of transparency we were not notified of nor allowed to participate in the process. This act in itself is not a violation of the Open Meeting Act, however it an example of the overall negative secretive culture promoted by the Board and its Staff to be less than transparent and open in the overall daily operation of the MCPS. Again, were not made aware of or asked to participate in this process.

⁴ Letter from Francoise M. Carrier, Chair, Montgomery County Planning Board, and Vice Chair, Maryland-National Park and Planning Commission, Page 2, Paragraph 4.

⁵ Letter from Francoise M. Carrier, Chair, Montgomery County Planning Board, and Vice Chair, Maryland-National Park and Planning Commission, Page 2, Paragraph 5.

⁶ Montgomery County Public Schools, Feasibility Study, Introduction to the School Construction Process, copy enclosed

"The architect selection process is structured to choose competent architectural firms to conduct a feasibility studies... Architectural firms interesting in competing for the project commission are invited to provide information on their qualifications and experience to an Architect Selection Committee. The committee which is chaired by the director, Division of Construction, or their designee, and includes the building principal, a representative of the school community ..."⁷

Please review the MCPS Open Business Meetings videos of May 10, 2011, and May 23, 2011. These tapes show a continuing process of not divulging to Montgomery County Citizens in the dark when it comes to the decision making process. I would like to know if bids were publicly solicited for the Architect, and if so, how?

As stated by the Maryland General assembly in enacting the Open Meeting Act, "It is essential to the maintenance of a democratic society that, except in special and appropriate circumstances:

- (1) public business be performed in an open and public manner; and
- (2) citizens be allowed to observe:
 - (i) the performance of public officials; and
 - (ii) the deliberation and decisions that the making of public policy involves

§10-501 (a) of the State Government Article. "The General Assembly came to this policy judgment because public and news media access to the meetings of public bodies ensures the accountability of government to the citizens of the State." §10-501(b) (1) "furthermore, [t]he conduct of public business in open meetings increases the faith of the public in government and enhances the effectiveness of the public in fulfilling its role in a democratic society." §10-501 (b) (2)."⁸

To assist you with your evaluation of our complaint here are two websites for your review:

- (1) Board of Education's taped recording of their April 28, 2011 Business Meeting.
<http://www.montgomeryschoolsmd.org/boe/meetings/archive/2011/2011-0428.shtm>⁹
 - a. Our comments on process begins at 42minutes 26 seconds (42:26) with Christian O'Keefe, followed by Randy East of the Kensington Retirement, and closes with Samuel L. Statland
 - b. Comment's of MCPS Board Members and Staff begins at 1:20:12. MCPS Staff person Mr. Bowers comments at 1:25 referring to private property... and how this process was followed as it has been in the past, etc. reinforces how the Board and Staff have violated §10-508 (a) (3) and §508 (a) (14). Listening to the rest of Staff testimony it is apparent to me that their presentation has been orchestrated.
 - c. Board Comments beginning with Board Member O'Neil 1:29. She clearly asks if the notification about Rock Creek Hills Park was placed upon the "Green Sheet." The MCPS Official Public Notification Document. Staff response was no. Much hemming and hawing takes place between the Board and Staff. Clearly, we were not notified. And, in my opinion much discussion took place behind closed doors.

⁷ MCPS-Architect Selection process, copy enclosed

⁸ Maryland Open Meeting Act Manual, Chapter 1 page 1.

⁹ Montgomery Board of education website

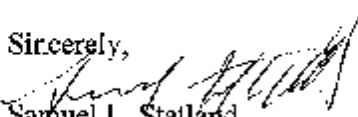
- d. The discussion between staff was entirely bogus, and a waste of time. It took place for show since MCPS Board and Staff already knew that M-NPCC would not release the other properties, stated in their letter that arrived the day before.
- (2) I have also included a website address created by members of our community, <http://t.co/4pOY6qx>, which includes video clips from our May 5, 2011 Community Meeting with MCPS personnel, and after the May 23, 2011 MCPS¹⁰ Regular Business Meeting where Board Members and Staff unconsciously, directly and indirectly admit violating the Open Meeting Act. MCPS.¹¹
- (3) The last addendum¹² attached to this complaint is an assortment of newspaper article, and reprints from on-line sites dealing with MCPS fairness and transparency issues. It, along with all the material filed in this complaint shows the on going chronic, cultural attitude of deceptiveness prevalent within the MCPS Board and its Staff. A reading of the material shows how much angst is caused to the general public, and how much productive time is lost by the average citizen from their business and personal activities, trying to transform the closed MCPS culture to one of openness. Note the April 20, 2011 Sarah Gantz Gazette article. There is absolutely no mention of the Rock Creek Hills Park or of the Rock Creek Hills Civic Association.

Other documents which I would like you to review are the internal and external emails between MCPS Board Members and their Staff, and any written paper or electronic memos between the Architect, Board and Staff.

I can not conceive how this site selection process could change direction so dramatically within a few hours with no substantive discussion taking place among the MCPS Board and its staff in an Open Meeting. To me the Open Meeting testimony was orchestrated, and the orchestration occurred during the 5 PM Closed Session.

Please feel free to contact me for more information, and/or clarifications.

Sincerely,

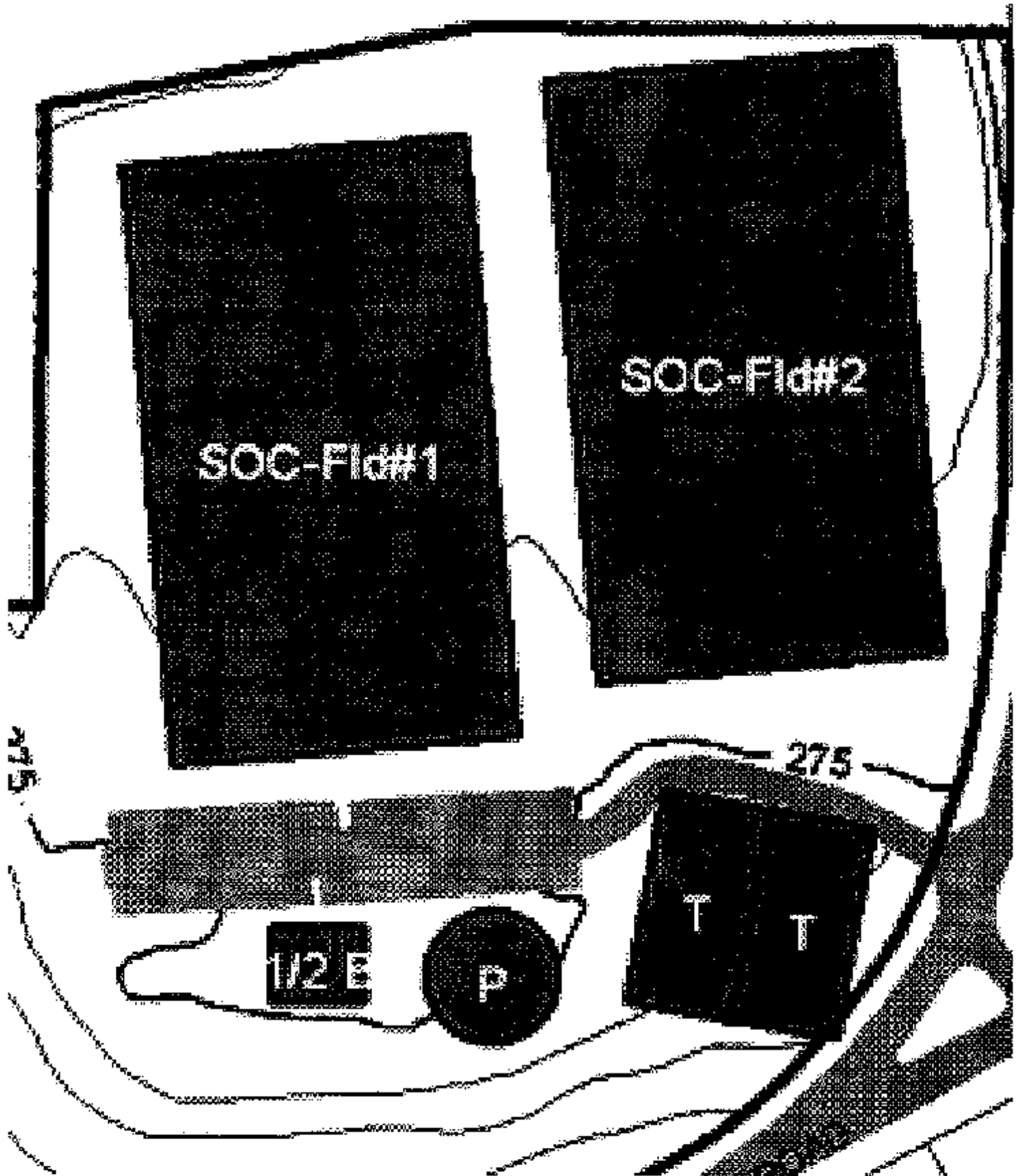

Samuel L. Stallard

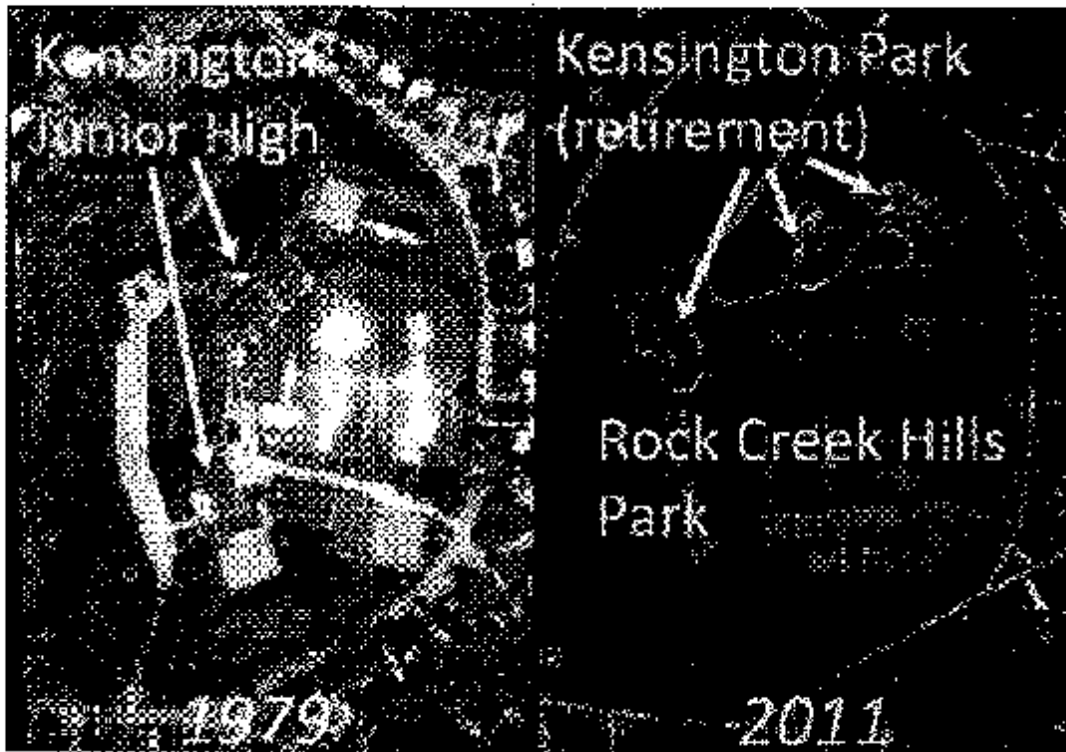
Vice Chair, Rock Creek Hills Civic Association

¹⁰ <http://t.co/4pOY6qx> from <http://savekensingtonpark.blogspot.com/search?updated-max=2011-05-15T05%3A00%3A00-04%3A00&max-results=17>

¹¹ <http://t.co/4pOY6qx> from <http://savekensingtonpark.blogspot.com/search?updated-max=2011-05-15T05%3A00%3A00-04%3A00&max-results=17>

¹² May 24, 2011 Erin Donaghue, Blog Article; May, 2011 Andrew Hamik Examiner Article; June 1, 2011 Sarah Gantz Gazette Articles; April 20, 28, May 4, 2011, June 1, 2011, and Bethesda MD DIRECTTV service Article April 29, 2011.





Office of the Superintendent of Schools
MONTGOMERY COUNTY PUBLIC SCHOOLS
Rockville, Maryland

REVISED

April 28, 2011

MEMORANDUM

To: Members of the Board of Education

From: Jerry D. Weast, Superintendent of Schools

Subject: Resolution for Closed Session

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 April 28, 2011, in Room 120 from 5:00 to 6:00 p.m.; and be it further

Resolved, That the Board of Education of Montgomery County discuss the Monthly Human Resources and Development Report and Appointments as permitted under Section 10-508(a)(1) of the *State Government Article* with a subsequent vote in open session; and be it further

Resolved, That the Board of Education of Montgomery County discuss the Equal Employment Opportunity Quarterly Report 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 discuss matters relating to the use of real property for a public purpose and matters directly related thereto, as permitted under Section 10-508(a)(3) of the *State Government Article* and Section 4-107(d) of the *Education Article*; and be it further

Resolved, That the Board of Education of Montgomery County discuss personnel matters and receive legal advice on those matters, as permitted under Section 10-508(a)(1) of the *State Government Article* and Section 4-107 (d) of the *Education Article*; and be it further

Board of Education

2

April 28, 2011

Resolved, That the Board of Education of Montgomery County dedicate part of the closed sessions on April 28, 2011, to acquit its administrative functions and receive legal advice to adjudicate and review appeals, which is a quasi-judicial function outside the purview of the *Open Meetings Act* under Section 10-508(a) of the *State Government Article*; and be it further

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

JDW:gr



MONTGOMERY COUNTY DEPARTMENT OF PARKS
 THE MARYLAND NATIONAL CAPITAL PARK AND PLANNING COMMISSION

April 27, 2011

Mr. Christopher S. Barclay
 President, Board of Education
 Montgomery County Public Schools
 Carver Educational Services Center
 850 Hungerford Drive, Room 123
 Rockville, Maryland 20850

REF: BCC Middle School Number 2 Site Selection

Dear Mr. Barclay:

It has come to our attention that on April 28, the Board of Education will be considering the selection of a site for development of a new middle school to serve the Bethesda-Chevy Chase area, and that Rosemary Hills-Lyttonsville Local Park and Rock Creek Hills Local Park are the first and second choices identified by the site selection committee. We are also aware that other parks within The Maryland-National Capital Park and Planning Commission (M-NCPPC) Montgomery County park system are being considered as locations for other schools, including a new elementary school site in Germantown that could affect South Germantown Recreational Park.

The Montgomery County Planning Board has unanimously agreed that these are not suitable uses of existing parkland, and recently voted specifically to object to the selection of Rosemary Hills-Lyttonsville Local Park for conversion to a school site. We also have serious concerns about the overall MCPS site selection process as it relates to identifying parkland for school sites.

Background

The "Policy for Parks," as adopted in 1988 by The Maryland-National Capital Park and Planning Commission, states: "*Lands and facilities under the control of The Maryland-National Capital Park and Planning Commission are held as a public trust for the enjoyment and education of present and future generations. The Commission is pledged to protect these holdings from encroachment that would threaten their use as parkland. The Commission recognizes that under rare circumstances non-park uses may be required on park property in order to serve the greater public interest.*"

M-NCPPC has a fiduciary duty to the public to protect and preserve parkland. We recognize there may be, on rare occasions, a higher public interest to which we must defer. However, we are not inclined to accept a routine school site location as such an exception. Moreover, even in the rare instance where a higher public interest justifies converting parkland to a non-park use, there is an expectation that equivalent land will be provided for park use in exchange, along with funds to recreate amenities that are lost with the loss of parkland.

Mr. Christopher S. Barclay
April 27, 2011
Page 2 of 4

Site Selection Process

It appears that park sites are being considered as possible candidate sites by the MCPS site selection committees as if they are vacant spaces. In fact, the very opposite is true – most have highly popular public amenities built upon them and serve as community gathering places, valuable open spaces, or carbon-offsetting open fields and wooded areas. There seems to be some misunderstanding by MCPS staff of what a “developed” area is – in our terminology, that does not mean land must have a building constructed upon it to be considered “developed.” Ballfields, pathways, parking areas, community use structures, and other amenities are all designed, developed, and built with an expenditure of tax dollars, investments that would be lost if those amenities are removed and replaced. Moreover, these are popular places with heavy use that serve all our residents, including families and youth, and provide healthy places for out-of-school activities, an important public goal.

In some cases (as with both the first and second choices for the new BCC school), State or Federal money was used to purchase all or some of the property or to make the park improvements, and that money has use restrictions associated with it. This often amounts to hundreds of thousands of dollars, as in this instance.

There are some exceptions to the rule of no conversion of parks-- although much of our County's parkland is not available for non-park use, there are some parks currently in our system that can be recalled by the Board of Education for the development of new schools, identified by a “recall right” included in the deed for these properties. Even with a recall right provision, however, there are still legal and financial considerations that must be addressed before any transfer could take place. The assumption that these are “free” lands that were transferred to us without cost is mistaken.

It is my understanding that the staff representative from M-NCPPC Montgomery Parks, on a rather large site selection committee regarding the BCC sites, received only one vote, even when the locations being discussed were park sites without recall rights. Six out of the ten sites under consideration, in fact, were public parks. Our representative has stated that he did not have the opportunity to present the cost and other data that would have made for a fairer comparison among all the sites under consideration, and that his objections to conversion of parkland were ignored. This does not seem appropriate. It is also likely to lengthen or confuse your process, because absent a very unusual public need, we do not consider the use of unencumbered park sites for anything other than park purposes to be consistent with the public interest, or with our responsibilities as stewards of Montgomery County's public parkland.

As the public property owner of sites being considered for a school, our representative should be given the opportunity to note what park properties are available with recall rights, and have the ability to take others off the table if they are not suitable for the several reasons noted above. This is a different challenge from the one used for property in private ownership. When dealing with public property, we suggest more transparency is required than when dealing with private landowners, where open deliberation might influence the price. Where public property is at issue, secrecy does not serve the community well. Finally, we believe there should be more “due

Mr. Christopher S. Barclay
 April 27, 2011
 Page 3 of 4

diligence" in researching the real costs of all sites before a site selection committee takes a vote, and before MCPS undertakes an expensive feasibility study.

Such changes could save the BOE, MCPS, and the site selection committee from potential disappointment and wasted energy.

Rosemary Hills-Lyttonsville Local Park

Rosemary Hills-Lyttonsville Local Park is an exceedingly popular community open space, and is well-located to serve local families and other park users. Last week, the Montgomery County Planning Board voted to object to its selection for a school. It is a fully developed park, serving this close-in neighborhood with ballfields, basketball courts, a community center managed by the Department of Recreation, and associated parking and support facilities.

At the recent public "town hall" meeting, the community clearly demonstrated its commitment to preserving its neighborhood park, even those who supported a new middle school for the area. There is also a recognized shortage of rectangular athletic fields, particularly in this part of the County; the loss of those located in Rosemary Hills-Lyttonsville Local Park would place additional stress on the remaining overused fields in this County and further complicate the already difficult process of allocating field use among the various County leagues and teams. In addition, portions of the Rosemary Hills-Lyttonsville Local Park were purchased with restricted funds, such as Program Open Space, which limits the conversion of use from parkland. To include this park as a strong candidate for a school -- let alone as the number one choice -- when there is little likelihood of acquiring it seems at best unproductive, and at worst unfair or misleading to the members of the site selection committee.

Rock Creek Hills Local Park

This site was the former Kensington Junior High School site. It is also a highly popular and well-used community park, and will no doubt experience a similar public reaction if taken back for a school. Nonetheless, it was surplused to Montgomery County by the Board of Education in 1988 and subsequently transferred to M-NCPPC in 1990 with a reservation of the County's right to recall the property if needed for school purposes. Federal Land and Water Conservation Fund (LWCF) money appears to have been used for this park, and we are researching any limitations associated with those funds. The associated transfer costs, plus financial reimbursement for additional park development costs, would be indicated under the current deed before any recall could take place. There may also be additional legal considerations to be addressed which are, at this time, unknown.

In Conclusion

As Montgomery County becomes more urbanized and residents' backyards shrink or disappear, our parks are becoming more important to residents. More than 91% of county residents visit our parks each year, and our satisfaction ratings are consistently high. While we are cognizant of the need for additional school sites to serve the public, our mission is to protect and preserve this county's award-winning park system (which also serves the public). It is extremely troubling to see multiple recommendations recently made for the use of parkland as school sites. As our policy clearly states, we "...are pledged to protect these holdings..." and parks should not be available at all for non-park purposes except in the most extraordinary circumstances.

Mr. Christopher S. Barclay
April 27, 2011
Page 4 of 4

The public park system and the public school system are two of the primary reasons residents and businesses choose Montgomery County, and both are highly valued by our residents. You and your colleagues are to be commended on the amazing work you do, and we recognize the importance of your services to the residents of this county. We have worked cooperatively with you in the past on the installation of geothermal wells and playgrounds and real estate exchanges to better align demands for services. However, we cannot sanction the conversion of parkland we are pledged to protect and preserve. There are certainly other candidate sites the Board of Education could consider that do not place the County's valued park system at risk.

At your convenience, I look forward to meeting with you to discuss how the site selection process works, where there may exist opportunity for cooperation on parks with recall rights, and how best to address alternatives to the possible selection of parkland for school sites.

Sincerely,



Françoise M. Carrier
Chair, Montgomery County Planning Board
Vice Chair, Maryland-National Park and Planning Commission

cc: Valerie Ervin
Mary Bradford
Board of Education members

FEASIBILITY STUDY

Subsequent to the selection of an architect for the feasibility study, the project manager will meet with you to discuss the logistics for the study. The primary purpose of the feasibility study is to transform the guideline educational space requirements into a facility plan and determine the scope of work and associated costs.

The Facilities Advisory Committee for Feasibility Planning

A Facilities Advisory Committee, chaired by the principal of the school, or designee, is formed to begin the feasibility study. Committee members are drawn from representatives of the Division of Construction, Department of Planning and Capital Programming, the PTSA if one exists, school staff, representatives of adjacent neighborhood associations if they express interest, adjacent landowners if they express interest, and at least one non-parent adjacent landowner if one exists and expresses interest.

The principal's primary task during this phase is to identify the educational goal envisioned for the school program and facility needs that should be addressed as part of the project. The architect will then work with the Facilities Advisory Committee to ensure the goals and facility needs are addressed by the plans developed in the feasibility study.

The principal will also work with the project manager and facilities planner to select committee members, establish agendas, facilitate decision making, liaison with other MCPS staff participating in the process, and direct the committee's work to a final consensus. The project manager will be responsible for ensuring that the architect complies with MCPS standards and performs their duties in a timely and competent manner.

Using the guideline educational space requirements, the architect selected to do the feasibility study works with the committee to determine the most effective manner in which the selected site and, if the project is a modernization, the existing building, can be converted to meet program needs. Committee members have multiple opportunities to review and discuss alternate approaches to completing the project. Approximately four meetings over a period of a few months are usually required to develop the feasibility study.

The final result of the feasibility study is a report prepared that provides various alternatives and a recommendation of the most appropriate approach to achieving the goals expressed in the educational space requirements. The superintendent uses the feasibility report to make a recommendation on the project's funding as part of the annual development of the CIP. The BOE must then decide whether to include the superintendent's request in their CIP submission to the County Council for further funding.

An example of a completed feasibility report is included in this section

ARCHITECT SELECTION

The architect selection process is structured to choose competent architectural firms to conduct feasibility studies and design the project to reflect the requirements of the educational specifications and, to the extent possible, the aesthetic preferences of the school community. Architectural firms interested in competing for the project commission are invited to provide information on their qualifications and experience to an Architect Selection Committee. The committee, which is chaired by the director, Division of Construction, or their designee, and includes the building principal or principal designee, a representative of the school community and central office staff, evaluates the information, interviews likely candidates, selects the best qualified firm for the project, and nominates that firm to the Board of Education to receive the design contract award. The Board may accept or reject the committee's recommendation.

Sequence of Events

1. Completed, approved guideline Educational Specifications for feasibility planning or final educational program specifications for architectural design are received from the Department of Planning and Capital Programming. These specifications define the functional requirements of the project and provide a basis for determining the types of architectural and engineering services that will be required. For interested architectural firms, the specifications provide an indication of the level of effort and skills required to produce a successful final product.
2. Expressions of interest in providing architectural services are solicited from qualified firms by publishing a public notice in a local newspaper for three consecutive days (required by law) and by using other notification methodologies that have been shown to be effective in providing this information to large numbers of qualified firms. A specific time period for interested firms to respond to the solicitation.

During, and only during, the time period defined in the public notice, interested architectural and engineering firms may apply for consideration for a specific project by submitting the following information to the director of the Division of Construction:

- A. A letter of interest in the project signed by an officer of the firm.
- B. Completed, up-to-date U.S. Government Standard Forms 254 and 255. These forms are used by the Federal Government for architect and engineering selection and require applicants to provide the types of information that allow MCPS to make an informed judgment on an applicant's experience and qualifications.
- C. Optional additional information on completed projects and special qualifications.

3. Responses to the Request for Proposals are evaluated by a team of professional designers and construction managers within the Division of Construction. After reviewing all proposals (usually in excess of fifty architectural brochures), this team will recommend three to five firms to the architectural selection committee for interviewing.

Architectural firm interviews will be scheduled for a time and date that is convenient for the selection committee. The interviews will be held during normal business hours at an MCPS central office.

Selection of firms for short-listing and interviews is based on the following criteria:

- A. General competence, including that of proposed consultants
- B. Geographic location of firm and consultants
- C. Past performance on MCPS projects or on similar work elsewhere, especially with regard to errors, omissions and adherence to budget and schedule limitations
- D. Compatibility of the size of the firm with the size of the proposed project
- E. Indications of the firm's recent total workload and capacity to accomplish the proposed work in the required time
- F. Indications of the firm's understanding of the project's requirements
- G. Special experience, design approach, or other special qualifications
- H. Originality and quality of design of previous work
- I. Firm's financial responsibility
- J. Measures of protection for MCPS against errors and omissions

4. Architectural Selection Committee Interviews Short-listed Firms

Depending on the number of firms to be interviewed, the complexity of the project, and the size of the selection committee, interviews may be scheduled on one or more days. The interviews are structured so that each firm receives an equitable opportunity with the committee to present their qualifications and whatever information they feel makes the firm uniquely qualified for the project. At the conclusion of the presentation, the committee votes on the firm to receive the commission.

5. Appointment by Board of Education

The Director, Division of Construction, negotiates an appropriate fee for services to be provided with the selected firm. The firm and agreed upon fee must be approved by the Board of Education before further design work may begin.

THINGS TO REMEMBER IN EVALUATING ARCHITECTS

Those who make the best presentations or make the best impressions in interviews don't necessarily do the best work.

Focus on substance, not appearance.

Things about a specific building you like or hate may be the result of compromises forced by the client and not a reflection of the architect's talent.

It's important to have confidence in the abilities of the architect, and some are better at hand-holding than others, but the most polite don't necessarily do the best work.

Chapter One Policy and Interpretive Principles

The Open Meetings Act is based on the General Assembly's policy determination in favor of open decision-making by governmental bodies:

It is essential to the maintenance of a democratic society that, except in special and appropriate circumstances:

(1) public business be performed in an open and public manner; and

(2) citizens be allowed to observe:

(i) the performance of public officials; and

(ii) the deliberations and decisions that the making of public policy involves.

§10-501(a) of the State Government Article.¹ The General Assembly came to this policy judgment because public and news media access to the meetings of public bodies "ensures the accountability of government to the citizens of the State." §10-501(b)(1). Furthermore, "t]he conduct of public business in open meetings

¹ The Open Meetings Act is codified as title 10, Subtitle 5 of the State Government Article, Annotated Code of Maryland. All statutory references in this manual are to this subtitle, unless otherwise indicated.

School Site Selection Process

Residents appealed to the Board of Education to re-open the site selection process at a Monday meeting.

By [Erin Donaghue](#) [Email the author](#) May 24, 2011

The Rock Creek Hills Local Park in Kensington is the proposed site for a new middle school in the Bethesda-Chevy Chase cluster, but neighbors of the park say they weren't included in the site selection process.

The Board of Education acknowledged Monday evening a "loss of trust" from the community following a site selection process for a new Bethesda-Chevy Chase Middle School that many have called flawed.

The board pointed to the need for more community involvement in future site selection processes, but nonetheless voted to move forward in appointing an architect that will lead a study to determine the feasibility of building the new school at the Rock Creek Hills Local Park in Kensington.

Residents of the Rock Creek Hills neighborhood, which surrounds the proposed site, lobbied the board Monday to re-open the site selection process. They said residents weren't notified that the park was on the table as a possible location for a new middle school and the site selection process wasn't inclusive of the community. A community association there recently voted to oppose the plan to build the new middle school.

"I'm shocked and saddened by the process used by the Board of Education to select Rock Creek Hills," said neighbor Tom D'Agostino. "There is a need for a middle school, but I was not notified this park was even being considered."

School board officials noted the community's concern, but also said that options for land on which to build new schools in the highly developed downcounty were scarce, and that in the cramped Bethesda-Chevy Chase cluster, a new school was needed "yesterday." The school board is aiming to complete the feasibility study by July 1, leaving time to request capital improvement funds to be allocated for the new school in the fiscal 2013 budget.

"If you can show me another site in this cluster that will cost us less, and be equivalent in size, and that will not delay our CIP, show it to me," said board member Laura Berthiaume (Dist. 2).

A site selection committee reviewed ten sites as possible locations for the new middle school, which was recommended last year by schools superintendent Jerry D. Weast as a way to combat overcrowding in the Bethesda-Chevy Chase cluster. Initially, the committee recommended a park site in the Rosemary Hills/Lyonsville Community in

Silver Spring. But the selection was met with heat from the community, which advocated to keep their park. The selection also met strong opposition from the Maryland-National Capital Park and Planning Commission, which opposed using park sites for schools.

The board voted instead to move forward with the feasibility study at Rock Creek Hills, where, as the former site of the Kensington Junior High School, the school system is able to reclaim the property from the parks department as part of a “recall rights” provision.

However, several of the options considered during the site selection process were parks sites, and schools officials noted they may be left with few options in the future to build schools if parkland is off the table.

County Executive Isiah Loggett (D) weighed in on the dispute in an April 28 letter to the board, urging schools officials to consider co-locating parks facilities on a potential new schools site at Rock Creek Hills.

At the meeting, the board approved architects Samaha Associates to lead the feasibility study for a \$67,500 fee. But board members urged school construction officials to make sure the community was included in the study.

“I would be upset too if I got four hours notice that that park I didn’t know had a right of recall to it was going to be turned into a school – we do need to very much look into the process and include neighborhood impact,” Berthiaume said.


Berthiaume asked staff to be “extra sensitive” to the needs of the Rock Creek Hills community. “We do have an actual loss of trust here, certainly not by any intention, but whatever we can do in terms of ...trying to be sympathetic and open minded to their input, whether it’s on access or ways to mitigate the impacts. ... whatever we need to do, I really hope that we do it.”



Published on *Washington Examiner* (<http://washingtonexaminer.com>)

Home > MontCo parents miffed over site for new school

MontCo parents miffed over site for new school

 [Andrew Harnik/Examiner](#) Montgomery County parents and residents are furious that the county school board picked a Kensington park as its top contender for a new school site just hours before the board voted on the location, leaving residents in the dark.

The board voted 6-1 to explore using Rock Creek Hills Park as the site of a new middle school for the Bethesda-Chevy Chase cluster, citing increasing enrollment and plans to shift sixth-graders out of the local middle schools.

Rock Creek Hills was originally the board's runner-up choice, until the Department of Parks slammed the school board over its No. 1 choice, a Silver Spring park to which the school board had no claim. County Executive Ike Leggett urged the school board to go with Rock Creek Hills, a property that used to belong to the school system, and can be bought back.

At 2 p.m. - about six hours before the vote - the school board backpedaled and named Rock Creek Hills its top choice.

"The process of moving this site to the top of the list for consideration lacks honesty and transparency and seems to have been designed specifically to *not* include input, discussion or consideration from the community here," Kensington resident Cathy Fink said in a letter to the council and Leggett. "The school board should be ashamed, and you should be ashamed with and for them. To call this a last-minute slight of hand is polite."

In a letter to the council and school board, Lauren Itkowitz, a mother of three, said, "As a military family, we have lived in many places. ... To witness such an important matter moved through the system with disregard for input from the affected communities and stakeholders was surprising and disheartening."

Many parents raised issues with the size of the lot, which at 13.4 acres is much smaller than the 20-acre standard. A retirement community now sits on part of the former school site, and it would remain if the school is built there.

Community members also noted that the park, located along the 3700 block of Saul Road and one of the few in the area, is often busy and accessible only by narrow residential

streets.

School board President Christopher Barclay said the district had to make tough choices to deal with overcrowding.

"We just have way too many young people that are there," he said. "There's really no way out of it. We have to address this in the short term."

At a recent meeting of the Planning, Housing and Economic Development Committee, "the committee unanimously expressed concern with the site selection process and conveyed an interest in taking up the matter," George Leventhal, D-At large, wrote to a concerned parent. "The rush to build a new middle school should not supersede the community's right to be properly informed and provide input."

Staff Writer Brian Hughes contributed to this report.

lgartner@washingtonexaminer.com

[Education](#) [Local](#) [Lisa Gartner](#) [middle school](#) [Montgomery County Public Schools](#) [Rock Creek Hills Park](#) [school board](#)

Source URL: <http://washingtonexaminer.com/local/education/2011/05/montco-parents-miffed-over-site-new-school>

Weather Traffic Gazette Healthy Challenge

Gazette.Net Maryland Community News Online

Follow us: [Facebook icon] [Twitter icon]

Montgomery Prince George's Frederick Sports Business Politics Entertainment Opinions JOBS CARS HOMES

News by community Classifieds Daily Deal GazetteBuyandSell Calendars Contact Us SEARCH

ADVANCED SEARCH >>

Wednesday, April 28, 2011

Some residents question proposed site for new middle school

School system official to attend community meeting

By Sarah Gatz | Staff Writer



More News

Montgomery moves forward on first half of \$4 million subway to help lure business to Washington... Competition comes to Silver Spring's Blair High School... Nonprofit with Silver Spring location... Chevy Chase envisions quiet evening... Seping planned to replace 'Washington oak' in Odentonburg

Silver Spring residents who live near the proposed site for a new middle school want more information about how their community park was selected from 10 options.

Three civic associations that represent neighborhoods near Rosemary Hills/Lyttonsville Park will Thursday hold a town hall meeting with the long-range planning director for the county school system, Bruce Crispell, will speak about the middle school proposed for the park and the site selection process.

FEATURED JOBS

- SEARCHABLE / ACCOUNT ONLY FT/PT/ Flexible hours... MINISTER OF MUSIC Community of Faith United... Loader Operator Needed... HOUSEKEEPER: Live-in, weekends and... Most work...

See all jobs

"It clearly rose to the top," Crispell said. "We think right now it is the best site."

The board of education is scheduled to vote April 28 on the site selection committee's recommendation that the new middle school be built at the park, which is located in Silver Spring but is within the boundaries for Bethesda-Chevy Chase schools.

The civic associations representing the three neighborhoods — Lyttonsville, Rosemary Hills and Rock Creek Forest — have taken a neutral position about the middle school, but a group of at least 30 residents from those neighborhoods have formed a group that opposes a school being built in the park, said Susan Buchanan, a member of Save Our Park, Protect Our Community Coalition.

"The coalition feels the report doesn't provide the board of education enough information to make a decision," Buchanan said.

A total of 10 sites were considered for a new middle school: Rock Creek Hills Park, North Chevy Chase Park, the former Lynnbrook Elementary School, Leland Park, the former Rollingwood Elementary School, a property owned by Washington Suburban Sanitary Commission, the former Montgomery Hills Junior High School, Grace Episcopal School, Norwood Park and Rosemary Hills/Lyttonsville Park.

The report released by the school system says the committee evaluated each site based on location, acreage, topography, utilities, access, cost, availability and physical condition. The Rosemary Hills/Lyttonsville Park was selected because it best fit the criteria, according to the report.

But residents want more information about how the sites were evaluated under the criteria and how the Rosemary Hills/Lyttonsville Park compared to other sites, Buchanan said.

"The report itself lacks key information about how they went about applying the criteria to the 10 sites — some criteria seem to be unevenly applied," she said.

ADVERTISEMENTS

INTERNET SPECIALS

2010 Honda Fit



\$15,650

Criswell Honda 10525 Annapolis Drive, Germantown, MD 20874 Toll Free: (888) 688-6573 www.criswellhonda.net

2010 CARS

TOP JOBS

See all top jobs >

JOBS CARE Looking for Full-Time exp'd help in Information Technology Assistant

JOBS CARE Bethesda area, Live-in positions.

Check out the Montgomery County Gazette Seniors Edition



The town hall meeting will take place at 7 p.m. Thursday at the Colfield Community Center, 2450 Lyttonville Road, Silver Spring.

sgantz@gazette.net

Leave a comment

Echo 3 News

2/1/11



LindaG

The proposed park to the east of this community is in the DMV "back yard" for residents of the many apartments bordering it. S. the park is all-day used. The report & the process used to create it are flawed. The MCPS officials have admitted that there was no underlying data supporting the site selection report - that its conclusions were drawn through discussion and a show of hands. An official representing the MNCPPC stated that they against using the parkland to construction. She added that MNCPPC is requesting that names of MNCPPC personnel be removed from the report due to its shortcomings and their lack of real input and participation.
Friday, April 29, 2011, 8:36:35 AM - Flag - Reply



Parents' Coalition

This park includes dedicated, taxpayer paid for Playyard Open Space land.

See the 6-65 site plan that MCPS wants to develop as a school site at the link.

http://www.marylandcomptroller.gov/2011/04/29/parents-coalition-community-meeting.html
Friday, April 29, 2011, 10:07:26 AM - Flag - Reply



Jesse Redwood

Re: Gazette Article

There were several aspects of the site selection process that residents found immediately unfair.

First, that the site criteria do not include human or environmental impact.

Second, that no one on the Site Selection Committee was from the three communities surrounding the proposed Silver Spring school site. All were from Bethesda and Chevy Chase. The three communities were in a word-overlooked.

Third, that there are at least 5 apartment complexes located directly border the park. The park is their only green space.

Fourth, that the park is also bordered by the Washington Synagogue Center or Facility, and within blocks of it is the coming above ground Purple Line and station, the Ride-On bus yard, an Incentral Park, the Walter Reed Research Annex (soon to grow when the 26th Street Facility is closed down), and East West Highway.

Our community has had more than its share of development. It is already densely populated, and probably not even healthy for a middle school. The school would take the only the last of our green space. The last green space for thousands in the lower income, ethnically and racially diverse neighborhoods.

Thursday, April 21, 2011, 9:20:02 AM - Flag - Reply

Copyright © 2011 - All rights reserved. MD 3 - TheGazette.Net
Contact Us | About Us | Privacy Policy | FAQ | E-Letters | Place Classified Ad |
The Gazette | 9090 Campbell Court, Gaithersburg, MD 20877 | inner number 301-670-2565, classifieds: 301-673-2500

Thursday, April 28, 2011

Kensington park added as alternate site for middle school to serve Bethesda, Chevy Chase students

Planning Board chairwoman says parks are not appropriate sites for schools

by Sarah Gantz, Staff Writer

A Kensington park is listed as an alternate site for a proposed middle school for Bethesda, Chevy Chase students, if the preferred site, a park in Silver Spring, does not pan out.

The resolution expands on a site selection committee's initial recommendation for a middle school at Rosemary Hills/Lyttonsville Park, in Silver Spring, by tapping Rock Creek Hills Park, in Kensington, as an alternative, in case the Silver Spring site "does not become available," according to the memorandum by Superintendent Jerry D. West.

The Montgomery County Board of Education is scheduled to vote tonight on the resolution, which would launch a feasibility study for both sites.

Spokesman Dana Tofig declined to comment on the change to the proposal.

Tonight's scheduled vote was delayed from the board's March agenda. Since the site selection committee's recommendation was announced in March, the proposal has been met with backlash from Silver Spring residents who oppose building a school on park land.

On Wednesday, Montgomery County Planning Board Chairwoman Francoise M. Carrier joined the debate. Both sites are property of the Montgomery-National Park and Planning Commission.

"M-NCPPC has a fiduciary responsibility to the public to protect and preserve parkland. We recognize there may be, on rare occasions, a higher public interest to which we must defer. However, we are not inclined to accept a routine school site location as such an exception," Carrier wrote in a letter to school board President Christopher Barclay.

She continued: "It appears that park sites are being considered as possible candidate sites by the MCPS site selection committees as if they are vacant spaces."



The school board's meeting begins at 6 p.m. at the board of education headquarters, 850 Hungerford Drive, Rockville. The meeting will be webcast live at www.montgomerycountyschoolsmd.org.

sgantz@gazette.net

Weather Traffic Gazette Healthy Challenge

Gazette.Net

Maryland Community News Online

Follow us:  

Montgomery Prince George's Frederick Sports Business Politics Entertainment Opinions Jobs Cars Homes

News by community Classifieds Daily Deal GazetteBuyandSell Calendars Contact Us

SEARCH



ADVANCED SEARCH

Wednesday, May 4, 2011

School site selection process to be reviewed

School officials to study Kensington park for site of middle school

By Sarah Conitz and Andrew Uffus | Staff Writers



More News

- Montgomery moves toward first half of \$4 million estimate to help lure children in Wheaton
- Puzzle pieces competition comes to Silver Spring's Blair High School
- Nonprofit with Silver Spring leaders welcomes back immigrant health care professionals
- Chevy Chase assumes quiet evenings devoid of local yard work
- Staging planned to replace Washington park in Gaithersburg

This story was corrected on May 4, 2011. An explanation follows the story.

The school system will likely review its procedure for choosing where to build schools after residents and parks officials said the process wrongly equates parks with vacant property.

FEATURED JOBS

- HOUSEKEEPER Live in weekends of. Must cook....
- Babysitting in my house
- SECRETARIAL/ ACCOUNTING FT/PT/ F flexible hours
- Foster Parents Treatment Foster Parents Needed. .

[See all jobs](#)

The school board Thursday abandoned a recommendation that a middle school be built in Rosemary Hills/Lyttonsville Park in Silver Spring and approved a feasibility study for a park in Kensington in a 6-1 vote, with member Michael A. Durso opposed. The new site, Rock Creek Hills Park, at 3701 Saul Road in Kensington, was tapped by the school system's site selection committee as the second-best option and was included in the resolution that came to the board Thursday as an alternate.

But the location change does not address larger issues, according to Caren Madsen, chair of Conservation Montgomery, an organization that wrote a letter opposed to putting a school at the Rosemary Hills park.

"The bigger picture is parks are still in jeopardy," Madsen said. "The school board made clear they still want to use public park land."

Of the 10 sites reviewed by the project's site selection committee, six were parks.

"The school system thought of park land as sort of -- free," said Montgomery County Planning Board Chair Francouise Carrier, who April 27 wrote a letter to the school board deploring the use of park land for schools except on rare occasion.

The community response and especially Carrier's letter will force school officials to "rethink, definitely, when and how parks are identified as possible school sites," said Bruce Crispell, director of the long-range planning for the school system. He did not know what changes, if any, would be made.

"We never doubted that parks are major community assets and we don't consider them vacant land," he said. "But in built-out parts of the county, there is very scarce land period. We felt a school was a community asset."

The board's action

Both Rock Creek Hills and Rosemary Hills/Lyttonsville Parks are property of the Maryland-National

ADVERTISEMENTS

INTERNET SPECIALS

2010 Honda Fit



Start Your Internet Price Now

\$15,650

2010 Honda Fit
2010 Honda Fit
2010 Honda Fit
2010 Honda Fit

Criswell Honda

19625 Annapolis Drive, Gaithersburg, MD 20878
791 Free, (800) 899-4573
www.criswellhonda.com

2010

TOP JOBS

[See all top jobs](#)

- MCAS You can now for one or more children.
- DRIVER/WAREHOUSE ASSISTANT
- SPRING CARE Looking for Part-time help...

Check out the Montgomery County Gazette Seniors Edition



Capital Park and Planning Commission. The county can reclaim the Rock Creek Hills park, which it sold to M-NCPPC in 1993, if needed for a school because it originally housed a school, Kensington Junior High. A senior housing community has since been built on part of the former junior high property, but the school's plans for a middle school would not reclaim that portion of the property, Crispell said.

Board member Patricia O'Neill (Dist. 3) of Bethesda distinguished the Rosemary Hills park as a site with "enormous obstacles," and said she supported the location change in an effort to move forward with an urgent project.

Dunso (Dist. 5) of Silver Spring said he voted against the motion because he thought the process remained flawed, even though the feasibility study will move to a different location.

"I didn't see a lot of difference between the shift from Rosemary Hills to Rock Creek Hills," he said. "They appeared to me to have even less time to react and respond than the Rosemary Hills people."

Since the board decided a vote on a recommended site for the school in March, Rosemary Hills and Silver Spring community groups protested the proposal, sending more than 100 emails to the school board, holding community meetings and organizing a coalition, Save Our Park, Preserve Our Communities.

About 15 people attended Thursday night's meeting wearing green shirts with "Save Our Park" on the front and "Preserve Our Communities" on the back. Some questioned the board's decision-making process and suggested the recommendation was racially and economically motivated. Rosemary Hills residents said their community members, which have a lower average income than much of the Bethesda-Chevy Chase cluster, needs the park for recreation because many cannot afford gym memberships.

The middle school is needed to address overcrowding at Westland Middle School and to remove sixth grade from Chevy Chase and North Chevy Chase elementary schools. The boundaries and capacity of the school have not been determined, but the Bethesda-Chevy Chase area will have about 1,600 middle school-aged children once sixth grade is removed from the two elementary schools, Crispell said. Westland Middle School has a capacity of about 1,000 students, he said.

The feasibility study approved by the board launches a series of meetings planners will hold with community members to determine what features they want and those they don't want in a school. The study, which is required by the county before the school system seeks funding, will determine potential hurdles, a basic design and the project's cost.

The next board action on the project will be approval of the feasibility study, the preferred project plan and cost, expected at the end of the summer, Crispell said. The project's timeline would allow school officials to seek funding in the county's Capital Improvements Program this fall.

Rock Creek Hills responds

Rock Creek Hills residents are not necessarily opposed to the school — though some residents are — but are primarily upset that they were not given the same opportunity as Silver Spring residents to respond before the board's vote, said Sam Stalland, the vice chair of the Rock Creek Hills Citizens' Association.

Stalland said he was among the first in the community to hear the neighborhood park was considered for the middle school and got the news hours before the school board voted to move forward with a feasibility study at the park.

"We were shocked," Stalland said. "We find it kind of puzzling the school board could pull a stunt like this."

The concerns circulating neighborhood email listservs and groups of friends are similar to those that were raised about the Rosemary Hills park.

Rock Creek Hills park serves as a hub of recreation for children, dog walkers and residents in the abutting senior residential community, said Barbara Bent, 61, who lives near the park. The property includes soccer fields, tennis courts and a playground.

"It would be nice because the kids could walk to school, yes, except — where are they going to play afterward?" Bent said.

The roads to the park do not have shoulders or sidewalks, which means children often walk in the road, which Bent said she worried could become even more dangerous with a school that brings children and cars to the area.

sgantz@gazette.net, aujifusa@gazette.net

Correction: This story was updated to correctly identify the owner of Rock Creek Hills and Rosemary Lilli / Lyttonville parks and to correct the spelling of Caren Madson's name.

Leave a comment

Echo 0 items

Admin

Copyright © 2011 Post-Newsweek Media, Inc./Gazette.Net
Contact Us | About Us | Privacy Policy | FAQ | E-Alerts | Place Classified Ad |
The Gazette | 8330 Conprint Court | Gaithersburg, MD 20877 | main number: 301-870-2535, classifieds: 301-870-2500

Wednesday, June 1, 2011

Rock Creek Hills appeals Montgomery County school board's selection of Kensington park for middle school

Middle school site selection was 'arbitrary'

by Sarah Gantz | Staff Writer

A group of Kensington residents accuse the Montgomery County school board of being reckless, imprudent and abusive of its power in its selection of a Kensington park as the preferred site for a middle school.

The Rock Creek Hills Citizens' Association is appealing to the Maryland State Board of Education the decision by the Montgomery County Board of Education to conduct a feasibility study at Rock Creek Hills Park for a new middle school for the Bethesda-Chevy Chase area. The association argues in its appeal that the county school board based its decision on a flawed site selection study, failed to provide residents adequate time to respond to the proposal and did not address potentially major impediments at the site.

"We love that park," said David Kaplan, a Rock Creek Hills resident who spoke on behalf of the association. "It was described as vacant land by the board — we see it as vibrant land."

The state board of education reviews appeals and can send decisions back to county level, overturn a county decision or let the decision stand. If the state board were to uphold the county's decision, the citizens' association could take their appeal to court.

Rock Creek Hills Park was selected from 10 options for further study as a site for a middle school in April, a change from the original proposal for further study at Rosemary Hills/Lyttonsville Park in Silver Spring. A new middle school is needed to relieve overcrowding at Bethesda-Chevy Chase's middle school and to remove sixth grade from Chevy Chase and North Chevy Chase elementary schools.

Residents near the Kensington park said they heard about the proposal only hours before the board approved it, but have since strongly voiced their opposition, most recently at the school board's meeting May 23. Residents at that meeting pleaded with the board to halt the process and review other options; the board instead approved an architect for a \$67,500 feasibility study.

Board member Patricia B. O'Neill (Dist. 3) of Bethesda defended the board's action and said the park had been listed as the second option in the original site selection committee report.

"I'm not surprised — I think that almost any neighborhood we would choose to put a school in would appeal," O'Neill said. "It's a pretty typical neighborhood response."

Rock Creek Hills residents agree that the area needs a new middle school, but do not think Rock Creek Hills Park will provide enough space for a top-notch school, Kaplan said.

In the association's appeal, the group asks the state board of education to reverse the county school board's decision on the basis that the decision meets criteria for an appeal, as outlined in the Code of

Maryland Regulations: first, that a reasoning mind would not have reached the same conclusion as did the board and, second, that the board abused its power of discretion, which gives the board authority to determine, with county council support, the location of a new school. The appeal says the process was flawed because the committee did not include adequate representation from that area, the report did not accurately represent the site and the surrounding community did not have a "realistic opportunity to comment."

"The Local Board's action was ill informed and arbitrary given the lack of notice and comment," the appeal reads.

The appeal also accuses the board of having insufficient information for its decision — the school report does not include analysis of cost, traffic and trees.

That type of analysis will come with the feasibility study, which holds its first community meeting June 8. Dennis Cross, the project manager, did not return calls for comment Tuesday, but division of long range planning director Bruce Crispell previously said the feasibility study process includes at least six public meetings at which the architect, school officials and the community evaluate what potential problems exist, what features are desirable and the cost of the project.

Get involved

Montgomery County Public Schools will hold six meetings and a community presentation as part of a feasibility study for a new middle school at Rock Creek Hills Park, in Kensington.

The study is intended to determine spatial relationships within the school, pedestrian and traffic flow, and the school's integration into the community, according to a memo sent to residents from project manager Dennis Cross.

Unless otherwise noted, meetings are held at Bethesda-Chevy Chase High School choral room, 4301 East West Highway, Bethesda.

Sessions are as follows:

7 p.m. June 8; 2 p.m. June 22; 7 p.m. July 13; 2 p.m. July 28; 7 p.m. Aug. 10; 2 p.m. Aug 17.

The 7 p.m. Sept. 8 community presentation is at Westland Middle School, 5511 Massachusetts Ave., Bethesda.

For details, contact project manager Dennis Cross at 240-876-4586 or dennis_cross@mcpssmd.org.

sgantz@gazette.net

Rock Creek Hills

Bethesda MD DIRECTV Service

Powered by: DirectSatTV

(301) 365-1192

- [Home](#)
- [Cable and Satellite news](#)
- [Local News](#)
- [Local Sports](#)

Posts Tagged 'Rock Creek Hills'

Rock Creek Hills Residents Blast New B-CC Middle School Site Selection Process

May 24th, 2011

The Board of Education acknowledged Monday evening a “loss of trust” from the community following a site selection process for a new Bethesda-Chevy Chase Middle School that many have called flawed.

The board pointed to the need for more community involvement in future site selection processes, but nonetheless voted to move forward in appointing an architect that will lead a study to determine the feasibility of building the new school at the Rock Creek Hills Local Park in Kensington.

Residents of the Rock Creek Hills neighborhood, which surrounds the proposed site, lobbied the board Monday to re-open the site selection process. They said residents weren’t notified that the park was on the table as a possible location for a new middle school and the site selection process wasn’t inclusive of the community. A community association there recently voted to oppose the plan to build the new middle school.

“I’m shocked and saddened by the process used by the Board of Education to select Rock Creek Hills,” said neighbor Tom D’Agostino. “There is a need for a middle school, but I was not notified this park was even being considered.”

School board officials noted the community’s concern, but also said that options for land on which to build new schools in the highly developed downcounty were scarce, and that in the cramped Bethesda-Chevy Chase cluster, a new school was needed “yesterday.” The school board is aiming to complete the feasibility study by July 1, leaving time to request capital improvement funds to be allocated for the new school in the fiscal 2013 budget.

“If you can show me another site in this cluster that will cost us less, and be equivalent in size, and that will not delay our CIP, show it to me,” said board member Laura Berthiaume (Dist. 2).

A site selection committee reviewed ten sites as possible locations for the new middle school, which was recommended last year by schools superintendent Jerry D. Weast as a way to combat overcrowding in

the Bethesda-Chevy Chase cluster. Initially, the committee recommended a park site in the Rosemary Hills/Lyttonsville Community in Silver Spring. But the selection was met with heat from the community, which advocated to keep their park. The selection also met strong opposition from the Maryland-National Capital Park and Planning Commission, which opposed using park sites for schools.

The board voted instead to move forward with the feasibility study at Rock Creek Hills, where, as the former site of the Kensington Junior High School, the school system is able to reclaim the property from the parks department as part of a "recall rights" provision.

However, several of the options considered during the site selection process were parks sites, and schools officials noted they may be left with few options in the future to build schools if parkland is off the table.

County Executive Isiah Leggett (D) weighed in on the dispute in an April 28 letter to the board, urging schools officials to consider co-locating parks facilities on a potential new schools site at Rock Creek Hills.

At the meeting, the board approved architects Samaha Associates to lead the feasibility study for a \$67,500 fee. But board members urged school construction officials to make sure the community was included in the study.

"I would be upset too if I got four hours notice that that park I didn't know had a right of recall to it was going to be turned into a school – we do need to very much look into the process and include neighborhood impact," Berthiaume said.

Berthiaume asked staff to be "extra sensitive" to the needs of the Rock Creek Hills community. "We do have an actual loss of trust here, certainly not by any intention, but whatever we can do in terms of ... trying to be sympathetic and open minded to their input, whether it's on access or ways to mitigate the impacts... whatever we need to do, I really hope that we do it."

Article source: <http://bethesda.patch.com/articles/rock-creek-hills-residents-blast-new-b-cc-middle-school-site-selection-process>

Posted in [Local News](#) | Tags: [Bethesda Chevy Chase](#), [Laura Berthiaume Dist](#), [Rock Creek Hills](#), [Samaha Associates](#)

Board of Education Drops Proposed Silver Spring Park; Favors Kensington Site For New B-CC Middle School

April 29th, 2011

In the face of strong opposition from the Rosemary Hills community and from the Maryland-National Capital Park and Planning Commission, the Montgomery County Board of Education voted Thursday against considering the Rosemary Hills-Lyttonsville Local Park as a site for a new middle school in the overcrowded Bethesda-Chevy Chase cluster. It instead voted to move forward with a feasibility study for the new school at Rock Creek Hills Local Park in Kensington – a site set forth as an alternate by the same site selection committee that recommended the Rosemary Hills site – in a move that marked a victory for some, and a shock for others.

The decision also highlighted a tension between Montgomery County Public Schools and the Maryland-National Capital Park and Planning Commission as space to build new schools becomes scarce in the highly developed downcounty, and the school system eyes parkland as potential school sites to accommodate rising enrollment projections. At the hearing, some dubbed the conflict “Parks vs. Schools.”

Neighbors of the Rosemary Hills-Lytonsville Local Park banded together to oppose the site selection committee’s recommendation to build a new middle school on their park, and hailed the board member’s decision Thursday to take the site off the table. But controversy will likely continue to swirl as the board moves forward with the feasibility study at the Rock Creek Hills parks site. Some Rock Creek Hills residents said that Thursday’s board meeting marked the first time the alternate site had been highlighted in the public site selection discussion.

“We feel very blindsided,” said Rock Creek Hills resident Kristin O’Keefe.

Both communities said they didn’t have a seat at the table during the site selection process.

“For all who live in and love the [Rosemary Hills/Lytonsville] community, we consider it a victory tonight – we’re glad the board listened to our concerns that we were excluded from the process,” said former Rosemary Hills resident Teresa Murray.

The site selection committee – comprised of county officials, MCPS staff, PTA members, local officials and others – considered ten potential school sites, six of which were public parks.

“Particularly in well-developed parts of the county like Bethesda and Chevy Chase, there aren’t that many options to find vacant land to house schools – most of the land that exists in these communities are going to be parks,” said MCPS chief operating officer Larry Bowers at the hearing.

But April 27, Montgomery County Planning Board Chair Francoise Carrier wrote the board condemning the use of park sites for schools. “M-NCPPC has a fiduciary duty to the public to protect and preserve parkland,” Carrier wrote. “We recognize there may be, on rare occasions, a higher public interest to which we must defer. However, we are not inclined to accept a routine school site selection as such an exception.”

The Montgomery County Planning Board recently voted to object to converting the Rosemary Hills park site into a school, Carrier wrote.

Carrier also took issue with the notion that parkland is vacant space. “In fact, the very opposite is true – most have highly popular public amenities built upon them and serve as community gathering places, valuable open spaces, or carbon-offsetting open fields and wooded areas.”

Some former school sites that are now park sites may be recalled by the school system for the development of new schools, according to board members and Carrier’s letter. MCPS does have “recall rights” on the Rock Creek Hills site. “Even with the recall right provision, however, there are still legal and financial considerations that must be addressed before any transfer could take place,” Carrier wrote.

Carrier raised concerns about the site selection process – saying that an M-NCPPC staff member on the site selection committee who raised concerns about conversion of parkland was “ignored” and that the selection requires more transparency when public lands are on the table. The site selection process is typically confidential to protect negotiations between private landowners and the school system, but in a

departure from the usual process, the report by the site selection committee was made public by MCPS before the board took action on the committee's recommendation.

Board members said the site selection process needed to be more inclusive of residents in neighborhoods where schools are proposed, repeatedly questioning MCPS director of facilities James Song about how the Rock Creek Hills and Rosemary Hills communities were or weren't engaged in the site selection process and subsequent community meetings. They also stressed the need to start discussions with Park and Planning.

"The need for land is real, the need to support students is real, the need to support parks is real, so there needs to be a different kind of conversation if looking forward there aren't going to be that many options," said board Vice President Shirley Brandman (At large).



Since the school system does have "recall rights" on the Rock Creek Hills site as the former location of the Kensington Junior High School, the board opted to move forward with the feasibility study there rather than to pursue the Rosemary Hills site. With strong opposition from Park and Planning, the County Council would have ultimately needed to weigh in to determine whether that site could have been converted, Song said.

"The letter from Francoise Carrier makes it pretty clear they have no intention of giving us this," said board member Laura Berthiaume (Dist. 2). "I think doing a feasibility study [at Rosemary Hills] would be a waste of time and money and we are under pressure to get a school built."

In her letter, however, Carrier predicted community opposition to converting the Rock Creek Hills Local Park to a school. "It is... a highly popular and well-used community park, and will no doubt experience a similar public reaction if taken back for a school," Carrier wrote.

Susan Buchanan, an advocate and neighbor of the Rosemary Hills/Lyttonsville Local Park, was among those who showed up to the hearing in green tee shirts to show their support for their community park. "We are ready to wash our shirts and hand them over to the Rock Creek Hills community," Buchanan said. "We don't believe that parks should be used for schools."

Article source: <http://bethesda.patch.com/articles/board-of-education-drops-proposed-silver-spring-park-favors-kensington-site-for-new-b-cc-middle-school>

 Posted in [Local News](#) |  Tags: [Larry Bowers](#), [MCPS](#), [Rock Creek Hills](#), [Rosemary Hills](#)

- [DIRECTV HD Service Offers](#)
- [Cable and Satellite News](#)
- [Local News](#)
- [Local Sports](#)