

## Report: Seven Locks options were limited

### County Council blasts school system and calls for further investigation

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Staff Writers

County school planners decided to build a replacement for Seven Locks Elementary School in Potomac without considering two less costly options, according to a report expected to be released today by the county's inspector general.

The school system also may have ignored board procedures in awarding a \$817,500 architect contract, according to a draft report of the inspector general's findings obtained by The Gazette.

The inspector general also found that Superintendent Jerry D. West misstated community support for a replacement to the Potomac school.

School officials have always said building a new 68,000-square-foot school on Kendale Road would cost less than a two-phased renovation and expansion of the old school on Seven Locks Road. Just two weeks ago, school officials released updated cost estimates showing the Kendale site school would come in at \$18 million, or \$1.3 million less than improving the old school.

But community groups long opposed to the plan said school officials ignored concerns about the new school.

"[This plan] is the poster child of the lack of accountability by the Montgomery County Public School system," said Sandy Vogelgesang of the Seven Locks Coalition, which comprises eight neighborhood associations. "We're pleased this report vindicates and validates the concerns we've raised for over two years now."

The IG report is "blistering and unflinching," said County Councilman Howard A. Denis (R-Dist. 1) of Chevy Chase, who has raised concerns about the replacement school. "I feel misled and let down that information we should have had wasn't provided and had to be dug out ... by the IG report."

Denis said Tuesday that he plans to introduce on Feb. 28 an amendment to rebuild Seven Locks Elementary at its existing location.

"It puts another option on the table to consider," he said.

Also Tuesday, County Council President George L. Leventhal asked two key committees to investigate the audit's findings.

He called for a joint meeting of the Education and Management and Fiscal Policy committees in a memo to the committees' chairmen.

"This report raises significant questions regarding the information provided to the Council by MCPS on which the Council based its decision-making," wrote Leventhal (D-At large) of Takoma Park. "I am not making any judgments at this time about the merits of

**Read the report**  
The inspector general's report may be read at [www.montgomerycountymd.gov](http://www.montgomerycountymd.gov). Click on "Services," then on "Inspector General." **Findings**  
School planners presented the school board and County Council with costs for two options — building an addition to the existing school and building a new school on Kendale Road — although less costly options existed.

the IG's report, his findings or his recommendations, but I do feel that due diligence requires that the Council review them in detail before final decisions are made on a new school."

Taking umbrage

Meanwhile, some school board members are asking whether Inspector General Thomas J. Dagley, who reports to the County Council, overstepped his bounds with the report, which details an audit of information provided by the school system to the school board and County Council between May 2001 and May 2004.

According to county law, the inspector general's job is to "1. review the effectiveness and efficiency of programs and operations of county government and independent county agencies; 2. prevent and detect fraud, waste, and abuse in government activities; and 3. propose ways to increase the legal, fiscal, and ethical accountability of county government departments and county-funded agencies."

The law includes "the county board of education and the county school system" as an "independent county agency."

But school board member Stephen N. Abrams (Dist. 2) of Rockville, chairman of the board's Audit Committee, wrote in a five-page letter to Dagley on Feb. 7 that two legal opinions he solicited conclude "that state law does not provide such authority to the Inspector General."

"I'm convinced the school system is an entity of the state, and not the county government," Abrams said in an interview.

County Councilman Michael L. Subin (D-At large) of Gaithersburg said he disagrees with the county law that gives Dagley the authority to conduct the audit.

"I'm aware of Mr. Abrams' letter and the other legal opinions," said Subin, chairman of the council's Education Committee. "And while I tend to agree with those, the council does not interpret the law the same way ... I would question [the inspector general's] ability to look at state agencies."

Dagley did not return phone calls.

This is not the first time the inspector general's authority has been called into question.

On Jan. 12, Dagley questioned his own authority in a memo to Leventhal, County Executive Douglas M. Duncan (D) and Planning Board Chairman Derick P. Berlage, regarding zoning violations at the Clarksburg Town Center.

"The Inspector General model does not exist at the State of Maryland level, and I am concerned that my office does not have the authority to independently investigate all land development complaints because [Park and Planning] operates under Article 28 of state law," he wrote.

Dagley suggested a remedy.

"It is recommended that the County Council, in consultation with appropriate state officials, consider wider use of the Inspector General model to help prevent and detect land development abuse in the county," he wrote. "It is also

**To improve fiscal accountability, a process is needed to ensure that the board and County Council receive complete and reliable cost information. Evidence "does not support" statements made by Superintendent Jerry D. Weast to the board that the Seven Locks PTA proposed or supported a replacement school. Awarding an \$817,500 architect contract for the design and construction of the replacement school may have violated the school board's rules.**

recommended that the Council pursue changes to state law so that the county [Office of Inspector General] law can be fully implemented.”

#### School board reaction

School Board member Valerie Ervin took issue with Abrams’ letter. Abrams wrote the letter in response to a draft of the audit report. Dagley asked Weast to respond to his findings in a Jan. 31 memo.

“I would really like to see the superintendent and the Board of Education respond to these findings,” said Ervin (Dist. 4) of Silver Spring. “I think it is the responsibility of the Board of Education as an oversight body of the school system to fully cooperate with the inspector general ... Let’s get to the bottom of these allegations.”

The council approved the replacement school in May 2004 and is considering approval of an additional \$3.3 million for the project to cover rising construction costs.

Board President Charles Haughey said the board first must consider whether Dagley has the authority to conduct the audit. He said the findings ignored how the decision to build a new 740-student school on Kendale Road would address crowding issues as a whole and focused only on the cost of the replacement project.

“It seemed to take a narrower view than the board takes in its full range of responsibilities,” said Haughey (At large) of Rockville, who is a member of the Audit Committee. “It’s looking entirely at the Seven Locks phenomenon rather than the impact of the additional classrooms on the Churchill cluster and on the whole system.”

Larry A. Bowers, the school system’s chief operating officer, also questioned Dagley’s authority. The school system disagrees with the finding that school planners ignored such cost-effective options as building a new school on Seven Locks Road or improving it all at once rather than in two phases.

“There was no request to look at other options at that time,” Bowers said.

The Audit Committee asked school planners to look into the finding that they did not follow board procedures requiring the system to advertise specific projects before awarding contracts, he said.

“We’ll certainly be doing that,” Bowers said. “In terms of anything else, we’ll certainly not be responding to it.”

Asked if the report would pour gasoline on a firestorm of criticism that the board has heard in the 21 months since the council approved the replacement school, Bowers said: “Absolutely.”

Staff Writer Janel Davis contributed to this report.