

APPROVED  
14-2005

Rockville, Maryland  
April 25, 2005

The Board of Education of Montgomery County met in regular session at the Carver Educational Services Center, Rockville, Maryland, on Monday, April 25, 2005, at 7:30 p.m.

Present: Mrs. Patricia B. O'Neill, President  
in the Chair  
Mr. Steve Abrams  
Ms. Sharon W. Cox  
Ms. Valerie Ervin  
Dr. Charles Haughey  
Mrs. Nancy Navarro  
Mr. Gabriel Romero  
Mr. Sagar Sanghvi, Student Board Member  
Dr. Jerry Weast, Secretary/Treasurer

Absent: None

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

RESOLUTION NO. 195-05 Re: **RESOLUTION FOR CLOSED SESSION**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mr. Romero, the following resolution was adopted unanimously:

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 25, 2005, in Room 120 from 7:00 to 7:30 p.m. to discuss the Human Resources Appointments and Monthly 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 receive legal advice as permitted under Section 10-508(a)(7) of the *State Government Article*; and be it further

Resolved, That the Board of Education of Montgomery County dedicate part of the closed sessions on April 25, 2005, to acquit its executive functions and to adjudicate and review appeals, which is a quasi-judicial function outside the purview of the Open Meetings Act under Section 10-503(a) of the *State Government Article*; and be it further

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

RESOLUTION NO. 196-05 Re: **APPROVAL OF THE AGENDA**

On recommendation of the Superintendent and on motion of Mr. Sanghvi seconded by Ms. Cox, the following resolution was adopted unanimously:

Resolved, That the Board of Education approve its agenda for April 25, 2005.

RESOLUTION NO. 197-05 Re: **NATIONAL STUDENT LEADERSHIP WEEK**

On recommendation of the Superintendent and on motion of Mr. Sanghvi seconded by Ms. Cox, the following resolution was adopted unanimously:

WHEREAS, The Montgomery County Board of Education has a continuing commitment to support active student participation in school and community activities; and

WHEREAS, The Board of Education and student organizations respect each other and engage in an open dialogue that is productive and useful in matters of common concern and diverse interests; and

WHEREAS, Participation by our youth is valued by the Board of Education; and

WHEREAS, In April, student leadership activities include the election of the student member of the Board of Education, voter registration, the Montgomery County Region of the Maryland Association of Student Councils and Montgomery County Junior Council elections, and National Student Leadership Week; and

WHEREAS, National Student Leadership Week is a time when schools across our nation recognize student leaders for their accomplishments, efforts, and service, with this year's national theme being "Life's Journey Starts Now!"; now therefore be it

Resolved, That the Board of Education hereby joins with the superintendent of schools in designating the week of April 17–23, 2005, as Student Leadership Week in Montgomery County Public Schools; and be it further

Resolved, That the Board of Education commends student leaders for their efforts and achievements on behalf of Montgomery County Public Schools.

RESOLUTION NO. 198-05 Re: **ASIAN PACIFIC AMERICAN HERITAGE MONTH**

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by Ms. Cox, the following resolution was adopted unanimously:

WHEREAS, The United States Congress passed a resolution proclaiming the month of May

as Asian Pacific American Heritage Month; and

WHEREAS, The Asian Pacific American Heritage Council has selected the theme, “*Bridging the Gap Between Our Differences, Promoting Diversity,*” to commemorate Asian Pacific American Heritage Month in 2005; and

WHEREAS, Montgomery County recognizes and celebrates the rich heritage of Asian Pacific American accomplishments and contributions that have been an inspiration to families, communities, and the country; and

WHEREAS, The Montgomery County Public Schools is committed to providing learning and working environments that encourage the pursuit of academic and career opportunities for Asian Pacific Americans; now therefore be it

Resolved, That, on behalf of the superintendent, staff, students, and parents of the Montgomery County Public Schools, the members of the Board of Education hereby declare May 2005 to be observed as “Asian Pacific American Heritage Month,” and be it further

Resolved, That the Montgomery County Board of Education and the superintendent of schools recognize and honor our Asian Pacific American students, staff, businesses, and community leaders who – by their hard work, vision, and achievements – are creating a better tomorrow.

RESOLUTION NO. 199-05 Re: **TEACHER APPRECIATION WEEK**

On recommendation of the Superintendent and on motion of Dr. Haughey seconded by Mr. Romero, the following resolution was adopted unanimously:

WHEREAS, Montgomery County has among the best teachers in the United States and has asked them to provide the most rigorous education possible; and

WHEREAS, Teachers have responded tirelessly, with creativity, collaboration, and commitment to the goal of sustaining high expectations and performance for all students; and

WHEREAS, The achievements of teachers are reflected in the outstanding performance of our students on local, state, national, and international assessments of what students should know and be able to do; and

WHEREAS, The Board of Education wishes to recognize publicly the professionalism, competence, and dedication of the teachers of the Montgomery County Public Schools; and

WHEREAS, The Board of Education encourages students, families, schools, and the general public to show appreciation for these dedicated, hardworking teachers; and

WHEREAS, The Board of Education thanks teachers of the Montgomery County Public Schools for their contributions to the excellence of our educational program; now therefore be

it

Resolved, That Teacher Appreciation Week be observed by the school system during the week of May 1–7, 2005; and be it further

Resolved, That Tuesday, May 3, 2005, be designated as Teacher Appreciation Day for the Montgomery County Public Schools.

RESOLUTION NO. 200-05 Re: **NATIONAL CIVIC STAR AWARD**

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by Dr. Haughey, the following resolution was adopted unanimously:

WHEREAS, A goal of *Our Call to Action* is to secure the commitment of the Montgomery County community to strengthen productive partnerships and develop and implement innovative activities that advance student learning; and

WHEREAS, The Montgomery County Public Schools, in partnership with the RFI Foundation, Comcast of Montgomery County, and the Montgomery County Government, is implementing the Ruth Rales Comcast Kids Reading Network to boost the reading proficiency of second grade students in 56 targeted elementary schools; and

WHEREAS, The Ruth Rales Comcast Kids Reading Network relies on parent and community involvement to provide weekly, one-on-one tutoring support to boost children's reading skills and confidence, as well as create caring relationships between adults and children; and

WHEREAS, Volunteer tutors are recruited through three nonprofit community organizations: Interages, Inc.; George B. Thomas, Sr. Learning Academy, Inc.; and Passion for Learning, Inc.; and

WHEREAS, In Montgomery County, 575 volunteer tutors include community members, family members, and students; and

WHEREAS, The Ruth Rales Comcast Kids Reading Network was nominated for the Civic Star Award in recognition of its success in inspiring community members to renew their commitment to ensure success for every student; now therefore be it

Resolved, That the Montgomery County Board of Education accept the Maryland State Civic Star Award that was cosponsored by Sodexo School Services and the American Association of School Administrators on behalf of the Ruth Rales Comcast Kids Reading Network, and extend appreciation to parents and community volunteers for their assistance and commitment to our schools.

Re: **PUBLIC COMMENTS**

The following people testified before the Board of Education:

	<u>Person</u>	<u>Topic</u>
1.	David Fishback	Health Education Curriculum
2.	Evie Frankl	Education Equity
3.	Scott Davenport	Sex Education Curriculum
4.	Jane deWinter	Policy FAA
5.	Toni Karlin	Farmland Elementary School
6.	Ellen Paul	Program Capacity - Walter Johnson
7.	Barbara Ferry	Capital Budget 2006 Amendment

**Re: FY 2006 CAPITAL BUDGET AMENDMENT**

Dr. Weast, Mr. Richard Hawes, director of the Department of Facilities Management; and Mr. Joseph Lavorgna, director of the Department of Planning and Capital Programming, explained that on February 15, 2005, Dr. Weast notified the Board of Education that the spike in construction material prices last year, primarily due to high oil costs and global demand for metal products, concrete, and other materials used in building construction, had not moderated. He also noted that, based on bids received for recent projects, construction prices are running an average of 20 percent higher than the funds that were budgeted as part of the FY 2005–2010 Capital Improvements Program (CIP). Similar problems are affecting school districts throughout the Washington Metropolitan area. In checking with colleagues at Prince George’s, Frederick, Fairfax, and Arlington county public schools, staff found they were experiencing similar increases on their projects.

Staff discussed this situation with the County Council president and chairman of the Education Committee. Because the Council agreed to fund as many school system requests as possible in the current CIP, there is very little capital reserve for FY 2006. The Council leadership is concerned about committing this reserve too early in the fiscal year and has asked agencies to develop reprioritization plans for their CIP projects to stay within the total funds allocated by agency for FY 2006 if construction prices exceed budgets.

Over the past six weeks, Dr. Weast reviewed with staff and others the various projects scheduled to start construction this year as part of the current CIP. Based on this review, he developed the following recommendations for prioritizing the FY 2006 projects should there be a need to defer expenditures as a result of current construction prices:

1. Dr. Weast believes the highest priority should be given to the four new elementary schools funded for construction in FY 2005 and scheduled to be bid this spring. The four schools are Downcounty Consortium #27, Northeast Consortium #16, Clarksburg/Damascus #7, and Northwest #7 elementary schools. These projects are needed to relieve overcrowding at existing schools, such as Cresthaven, Spark M. Matsunaga, and Clarksburg elementary schools that will be at 152-, 157-, and 212-percent utilization, respectively, by the 2006-07 school year.

2. The next highest priority Dr. Weast recommended was the two modernization projects, Richard Montgomery High School and Parkland Middle School, scheduled to be bid this summer. The Richard Montgomery project has been delayed several times, and the existing facility will be at 127-percent utilization without the additional capacity included with the modernization. Lastly, MCPS has been informed that the Interagency Committee on School Construction is recommending approximately \$13.9 million in state aid for Richard Montgomery in FY 2006.

Parkland is an aging facility in dire need of upgrading. Deferring Parkland also would have a domino effect on the middle school modernization program because MCPS has only one holding facility capable of housing middle school programs. Given that the middle school modernization program is currently funded on a 51-year cycle, Dr. Weast would not recommend any further delays for this project.

3. The superintendent's third highest priority is the additions planned for Gaithersburg and Northwest high schools. Both of these schools have steady enrollment and will be at 125- and 126-percent utilization without the additions. Since both projects have been deferred before, Dr. Weast would not recommend any further delays.
4. As the next highest priority, Dr. Weast recommended the replacement facility for Seven Locks Elementary School and the addition/core improvements to Broad Acres, Watkins Mill, Garrett Park, and Farmland elementary schools, scheduled to be bid this summer. Dr. Weast recommended these projects be prioritized with the first school listed below being the highest priority, based on utilization and/or other factors described below:
  - a) Broad Acres is scheduled to receive \$1.9 million in state aid in FY 2006. This project was scheduled to start last summer but was deferred for one year so the school could move to the Fairland Center after Oak View Elementary School moved back to its permanent facility.
  - b) Watkins Mill will be at 151-percent utilization without its addition, which is the highest utilization of the four elementary school addition projects.
  - c) Garrett Park will be at 133-percent utilization if its addition is delayed one year.
  - d) The replacement facility for Seven Locks is needed to relieve Potomac Elementary School, which will be at 126-percent utilization if the new school is delayed.
  - e) Farmland will be at 122-percent utilization if its addition is delayed one year. Farmland also is programmed to be modernized starting in 2009 as part of the current CIP. If the modernization remains on schedule as part of the FY 2007–12 CIP, the addition timing also should be assessed to determine if it would be better programmatically to do the addition with the modernization.

5. As the next highest priority Dr. Weast recommended the gymnasium addition to Lois P. Rockwell Elementary School. This is a stand-alone project and deferring it for one year will not affect any other projects programmed in the CIP.
6. His lowest priority for FY2006 expenditures is planning funds that were programmed for several projects earlier than normally needed. This was done to allow MCPS to accelerate the construction if funds became available. In light of the current situation, there is no likelihood that the school system will be able to accelerate these projects; and the advance planning funds can be deferred for one year without affecting the construction schedules that are programmed in the CIP. This applies to the modernizations for Galway and Cashell elementary schools, as well as the additions to Thomas W. Pyle Middle School and Bethesda-Chevy Chase High School.

Based on the bids received to date, MCPS will need an increase in the CIP of approximately \$4 million in FY 2005 and \$15 million in FY 2006 to go forward with all the projects programmed to start construction this spring/summer. Fortunately, the legislature increased the school system's state aid for FY2006 to \$30,431,000, which is \$10 million more than the Council's state aid revenue projections for school construction for FY 2006. Therefore, approximately \$10 million is available to offset the additional funds needed in FY 2006, if the current pricing continues. This reduces the school system's shortfall to \$5 million in FY 2006.

Facilities staff has reviewed the projected expenditures with County Council and county executive staff. There is a possibility that surplus bond funds may be available to cover the \$4 million needed in FY 2005. This would reduce the projected shortfall to \$5 million in FY 2006 bond funds. If there are surplus FY 2005 bond funds that can be used, the Board would have only to consider deferring priority recommendations 4e, 5, and 6 to cover the projected FY 2006 shortfall that would occur if the current construction pricing continues.

Based on the scenario that bond funds are available to cover the \$4 million shortfall in FY 2005, Dr. Weast recommended that the Board take the following approach to deal with the current situation. For the four new elementary schools programmed for construction as part of the FY 2005 budget (Downcounty Consortium #27, Northeast Consortium #16, Northwest #7, and Clarksburg/ Damascus #7), request FY 2005 special appropriations. This would essentially ask the County Council to consider using surplus FY 2005 bond funds for the additional \$4 million in FY2005 expenditures needed. For the remainder of the projects that are scheduled to be bid this year and are programmed as FY2006 expenditures, Dr. Weast recommended that the Board adopt his priority order and notify the County Council that the school system plans to request amendments to defer expenditures based on those priorities once the bids for the individual projects are received, and staff can determine whether the current market prices continue.

This approach will enable the County Council to consider using surplus FY 2005 bond funds for a portion of the projected shortfall, while at the same time allow MCPS to delay deferring projects until MCPS bids individual projects and finds out whether the current pricing continues

or moderates. While this will require Board and Council action for individual projects after reconciliation of the FY 2006 capital budget, Dr. Weast believed it is preferable to taking action to defer projects now when it may not be necessary. The Council is holding public hearings for all potential FY 2006 projects in light of the uncertainty of which projects were going to be considered for deferral. If the Board adopts the superintendent's recommendations and the Council approves this approach, a second public hearing should not be required if any of these specific projects get deferred.

Staff has discussed this with County Council and executive staff. They believe that the mechanics for adopting the recommendations can be worked out.

Re: **DISCUSSION**

Mr. Abrams asked for a cost comparison with the Seven Locks replacement facility versus Farmland's addition/modernization. Mr. Hawes replied that Farmland is an eight-room addition with core improvements and is \$6 million compared to \$13 million for the facility replacement.

In referring to the priority list, Mr. Abrams remarked that there could be some savings if prices come down. He thought there would be a cost savings by delaying the Seven Locks project to get a better price on a bigger project. Mr. Hawes replied that prices may not come down, and it would mean that a bigger project would cost much more. The priority list will provide the least impact to the construction schedule.

Mr. Romero asked if the general contractors have secured the prices for the three bids that have been received. Mr. Hawes replied that with Board action those costs will be secured, and that the prices have been locked in at the mill.

RESOLUTION NO. 201-05 Re: **FY 2006 CAPITAL BUDGET AMENDMENT**

On recommendation of the Superintendent and on motion of Mr. Romero seconded by Mr. Sanghvi, the following resolution was adopted unanimously:

WHEREAS, Construction material prices have increased dramatically over the past 12 months, primarily due to higher energy costs and global demand for steel products, concrete, and construction-related equipment; and

WHEREAS, These price increases have raised the cost of school construction in the Washington Metropolitan area approximately 20 percent since the winter of 2003-04 when budget projections were developed for the FY 2005-2010 CIP; and

WHEREAS, Based on current prices, the cost to complete the projects programmed in the CIP to be bid during the spring/summer 2005 will exceed budgeted expenditures by \$4 million in FY 2005 and \$15 million in FY 2006; and

WHEREAS, Increased state aid for FY 2006 will decrease the projected FY 2006 shortfall from \$15 million to \$5 million; and

WHEREAS, Recent spending projections for FY2005 indicate that there may be surplus bond funds available to offset the \$4 million increase in FY 2005 programmed expenditures; and

WHEREAS, Due to limited capital reserves for FY 2006, the County Council has expressed a desire for county agencies to develop reprioritization plans for their CIP projects to stay within the agency's total capital budget allocation programmed for FY 2006 if construction bids exceed anticipated costs; and

WHEREAS, The superintendent and staff have recommended a reprioritization plan for deferrals if current construction prices continue and Montgomery County Public Schools (MCPS) has to offset increases in programmed expenditures for FY 2006; now therefore be it

Resolved, That the Board of Education request FY2005 special appropriations as part of the contract awards for the Downcounty Consortium #27, Northeast Consortium #16, Northwest #7, and Clarksburg/Damascus #7 elementary schools for increased construction costs; and be it further

Resolved, That the Board adopt the superintendent's recommendation for project deferrals in the following order if current construction prices continue and MCPS has to offset increases in programmed expenditures for FY 2006:

1. Planning funds for the Galway and Cashell elementary schools' modernizations, as well as the additions for Thomas W. Pyle Middle School and Bethesda-Chevy Chase High School
2. Construction funds for the Rockwell Elementary School gymnasium addition
3. Construction funds for the following elementary school projects in the order listed:
  - a. Farmland Elementary School addition
  - b. Replacement facility for Seven Locks Elementary School
  - c. Garrett Park Elementary School addition
  - d. Watkins Mill Elementary School addition
  - e. Broad Acres Elementary School addition
4. Construction funds for the Northwest High School addition
5. Construction funds for the Gaithersburg High School addition
6. Construction funds for the Parkland Middle School modernization

7. Construction funds for the Richard Montgomery High School modernization and be it further

Resolved, That this resolution be forwarded to the county executive and County Council.

\*\*Ms. Cox temporarily left the meeting.

RESOLUTION NO. 202-05 Re: **CONTRACTS OF \$25,000 OR MORE**

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by Dr. Haughey, the following resolution was adopted unanimously by members present:#

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

Resolved, That having been duly advertised, the following contracts be awarded to the low bidders meeting specifications as shown below:

45070 00076 CC	Off-the-lot, New Vehicles <u>Awardee</u> Norris Ford	\$ 25,219
1131.4	Alcohol/Drug Testing Programs Services—Extension  <u>Awardees</u> (See note)  American Business Medical Services* Medical Access, PC* Secure Medical Care* Total	\$ 72,216
4120.5	Office Papers, Virgin and Recycled  <u>Awardees</u> Lindenmeyr Munroe Frank Parsons Paper Company, Inc. Ris the Paper House Unisource Total	\$ 15,093 295,256 340,426 <u>1,902,009</u> \$2,552,784
4800.3	Supplies and Repairs of String Instruments  <u>Awardees</u> (See note)	

	Potter's Violin	
	Lashof Violins	
	Total	\$ 35,000
7060.4	Book Binding	
	<u>Awardee</u>	
	Mid Atlantic Bookbindery	\$ 34,520
7131.2	Commodity Product Processing Services	
	<u>Awardees</u>	
	Eden and Tye, Inc.	\$ 116,480
	Oak Valley Farms, Inc.	440
	Pierre Foods, Inc.	188,907
	Schreiber Foods, Inc.	60,668
	Zartic, Inc.	<u>454,500</u>
	Total	\$ 820,995
7131.2	Kitchenware and Small Equipment	
	<u>Awardees</u>	
	Buller Fixture Company	\$ 20,771
	Calico Industries, Inc.	<u>9,148</u>
	Total	\$ 29,919
7132.3	Cafeteria Disposable Supplies	
	<u>Awardees</u>	
	Acme Paper and Supply Company, Inc.	\$ 75,743
	Calico Industries, Inc.	137,504
	Carroll Manufacturing and Sales	7,144
	S. Freedman and Sons, Inc.	126,448
	Interboro Packaging Corporation*	5,770
	Kahn Paper Company, Inc.	475,690
	Leonard Paper Company	1,970
	Marathon Sales, LLC	51,681
	Transilwrap Company, Inc.	780
	Webco Packaging, Inc.*	<u>36,251</u>
	Total	\$ 918,981
9058.6	Developmental Activities Supplies and Equipment	
	<u>Awardees</u>	
	Cannon Sports, Inc.*	\$ 4,128

DVF Sporting Goods Company	3,751
Bill Fritz Sports Corporation	4,660
Gopher Sport	7,564
Passons's Sports	11,256
Pyramid School Products	1,932
S & S Worldwide	9,383
Sports Stop, Inc.	<u>7,197</u>
Total	\$ 49,871

9403.1 Water Treatment Chemicals

Awardees

Harrington Industrial Plastics, LLC	\$ 25,008
Superior Water Services, Inc.	<u>51,104</u>
Total	\$ 76,112

TOTAL PROCUREMENT CONTRACTS EXCEEDING \$25,000 \$4,615,617

\*Denotes Minority-, Female-, or Disabled-owned Business

NOTE: Contract amounts will be based on individual requirements.

RESOLUTION NO. 203-05 Re: **AWARD OF CONTRACTS — NORTHWEST  
ELEMENTARY SCHOOL #7 AND  
CLARKSBURG/DAMASCUS ELEMENTARY SCHOOL #7**

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by Dr. Haughey, the following resolution was adopted unanimously by members present:#

WHEREAS, On December 14, 2004, the Board of Education authorized staff to utilize a construction management process for the new Northwest #7 and Clarksburg/Damascus #7 elementary schools projects; and

WHEREAS, The building plans are identical for both schools and were bid as a joint project to take advantage of economies of scale; and

WHEREAS, The following low bids were received on February 22 and March 30, 2005, for the specified trades for the joint project which include an additional four classrooms to address capacity issues that were not included in the original budget:

	<u>Low Bids</u>	<u>Amount</u>
1)	Sitework – AccuBid Excavation, Inc.	\$2,070,000
2)	Paving – Francis O. Day Company, Inc.	785,000
3)	Concrete – Puebla Construction, Inc.	1,223,356

4)	Masonry – KaRon Masonry of Maryland, Inc.	4,078,000
5)	Steel – S. A. Halac Iron Works, Inc.	2,353,000
6)	Carpentry – Homewood General Contractors, Inc.	2,959,200
7)	Roofing – Interstate Corporation	1,503,000
8)	Mechanical/Clarksburg/Damascus #7 – R.W. Warner, Inc.	3,962,000
9)	Mechanical/Northwest #7 – Tyler Mechanical	4,741,000
10)	Electrical – Brandenburg Electric, Inc.	2,833,500

	<u>Low Bids</u>	<u>Amount</u>
11)	Landscaping – W.H. Boyer, Inc.	466,887
12)	Windows – Engineered Construction Products, LTD	1,023,000
13)	Drywall – Can-Am Contractors, Inc.	935,600
14)	Flooring – CB Flooring, LLC	573,800
15)	Painting – NLP Enterprises, Inc.	321,000
16)	Food Service Equipment – Essbar South Company	293,100

and

WHEREAS, The lowbidders have submitted a combined 15.8-percent Maryland Department of Transportation-certified Minority Business Enterprise participation, of which 3.3 percent is African-American, 2.1 percent is female-owned, and 10.4 percent is other minority; and

WHEREAS, Waiver requests for the balance of the MBE participation have been received; and

WHEREAS, Department of Facilities Management staff has reviewed and certified that the waivers meet the contract requirements and recommends waiving the remaining balance of the MBE requirements; and

WHEREAS, The construction management contract contains provisions that permit the Montgomery County Public Schools (MCPS) to assign the trade contracts that are awarded by the Board of Education to the construction manager, Hess Construction Company, as part of a guaranteed price agreement to complete the two elementary school projects; and

WHEREAS, Staff has negotiated a guaranteed price with Hess Construction Company for the completion of the joint projects that includes the assignment of the trade work bid by MCPS and construction management/general conditions costs of \$3,940,150 for a total of \$34,061,593 for both projects; and

WHEREAS, The cumulative cost of the joint project exceeds the funds available in both projects because of significantly higher construction material prices than anticipated; and

WHEREAS, Funds are needed to add four classrooms at each school for capacity that was

not included in the original budget; and

WHEREAS, It is necessary for construction to begin immediately to meet the scheduled opening dates of September 2006; and

WHEREAS, Both of these schools are needed to relieve substantial overcrowding in the upcounty area; now therefore be it

Resolved, That subcontract packages 1 through 10 be awarded to the low bidders for the construction of the new Northwest #7 and Clarksburg/Damascus #7 elementary schools, in accordance with drawings and specifications prepared by Grimm and Parker, P.C.; and be it further

Resolved, That FY 2005 special appropriations in the amount of \$3,800,000 for Northwest Elementary School #7 and \$2,200,000 for Clarksburg/Damascus Elementary School #7 be requested due to higher than anticipated construction material prices; and be it further

Resolved, That FY 2006 amendments to the FY2005–2010 Capital Improvements Program be requested in the amount of \$1,050,000 for Northwest Elementary School #7 and \$1,050,000 for Clarksburg/Damascus Elementary School #7 for four additional classrooms; and be it further

Resolved, That subcontract packages 11 through 16 and the guaranteed price contract for Hess Construction Company be awarded contingent upon County Council approval of the special appropriations and amendments to the FY 2005–2010 Capital Improvements Program; and be it further

Resolved, That the county executive be requested to recommend approval of the emergency supplemental appropriation to the County Council.

**RESOLUTION NO. 204-05 Re: AWARD OF CONTRACT — DOWNCOUNTY CONSORTIUM ELEMENTARY SCHOOL #27**

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by Dr. Haughey, the following resolution was adopted unanimously by members present:#

WHEREAS, The following sealed bids were received on February 8, 2005, for the Downcounty Consortium Elementary School #27 (Connecticut Park) reopening project:

<u>Bidder</u>		<u>Alternates for a six-classroom addition and site paving</u>
Meridian Construction Company, Inc.	\$14,062,000	\$1,462,000
Dustin Construction, Inc.	14,844,000	1,384,000

Tuckman-Barbee Construction Company, Inc.      14,951,000                      1,414,000

and

WHEREAS, Meridian Construction Company, Inc., has submitted 34.5-percent Maryland-Department of Transportation certified Minority Business Enterprise participation, of which 9.8 percent is African-American, and 24.7 percent is female-owned; and

WHEREAS, Meridian Construction Company, Inc., has completed similar work successfully for the Montgomery County Public Schools; and

WHEREAS, The contract award includes a Daycare-In-School program that will be funded by the Montgomery County Department of Health and Human Services; and

WHEREAS, The low bid exceeds the funds available in the project budget because of higher than anticipated construction material prices; and

WHEREAS, Additional funds are needed to fund the classroom addition, site paving, contingencies, and related costs; and

WHEREAS, The low bidder, Meridian Construction Company, Inc., has agreed to hold its alternate prices for the classroom addition and site paving until additional funds are approved; and

WHEREAS, The new Downcounty Consortium Elementary School #27 is needed to relieve overcrowding; now therefore be it

Resolved, That a \$14,062,000 contract be awarded to Meridian Construction Company, Inc., for the Downcounty Consortium Elementary School #27 project, in accordance with drawings and specifications prepared by Architecture, Inc.; and be it further

Resolved, That an FY 2005 special appropriation in the amount of \$2,400,000 be requested for the Downcounty Consortium Elementary School #27 project; and be it further

Resolved, That the award of a change order for the six-classroom addition and site paving be approved contingent upon County Council approval of additional funds; and be it further

Resolved, That the county executive be requested to recommend approval of the special appropriation to the County Council.

RESOLUTION NO. 205-05 Re:      **DEED OF PUBLIC IMPROVEMENTS EASEMENT —  
SHERWOOD ELEMENTARY SCHOOL**

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by Dr. Haughey, the following resolution was adopted unanimously by members present:#

WHEREAS, Montgomery County has requested a Deed of Public Improvements Easement at Sherwood Elementary School to provide road improvements along a portion of Olney-Sandy Spring Road (MD 108); and

WHEREAS, The road improvements will require a Deed of Public Improvements Easement contained within 1,058 square feet of land for the purposes of installing, maintaining, operating, rehabilitating, or removing public improvements to connect to the Meadowsweet development, adjacent to the school; and

WHEREAS, All construction and future maintenance will be undertaken by Montgomery County or its contractors at no cost to the Board of Education, with Montgomery County assuming liability for all damages or injury and all work; and

WHEREAS, The Deed of Public Improvements Easement will benefit the surrounding community by increasing pedestrian and cyclist safety and will not affect any land that could be used for school programming or recreational activities; now therefore be it

Resolved, That the president and secretary of the Board of Education be authorized to execute a Deed of Public Improvements Easement to Montgomery County creating an easement for the purposes of installing, maintaining, operating, rehabilitating, or removing public improvements contained within 1,058 square feet of land along a portion of Olney-Sandy Spring Road in front of Sherwood Elementary School.

RESOLUTION NO. 206-05 Re: **REVISED PROJECT PRIORITIES FOR THE FY 2006 STATE CAPITAL IMPROVEMENTS PROGRAM (CIP)**

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by Dr. Haughey, the following resolution was adopted unanimously by members present:#

WHEREAS, HB340 requires the IAC to fund projects in priority order as requested by local school systems; and

WHEREAS, MCPS submitted its project priorities based on prior IAC practices and prior to the approval of HB340; and

WHEREAS, In order to obtain state funding for much needed systemic roof and HVAC projects, it is necessary for the Board of Education to revise its FY 2006 State CIP Request; now therefore be it

Resolved, That the Board of Education revise the project priorities for its FY 2006 State CIP request as indicated in "FY 2006 State Capital Improvements Program for Montgomery County Public Schools — Revised Project Priorities — April 25, 2005"; and be it further

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

\*\*Ms. Cox rejoined the meeting.

RESOLUTION NO. 207-05 Re: **HUMAN RESOURCES MONTHLY REPORT**

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by Ms. Cox, the following resolution was adopted unanimously:

Resolved, That the Board of Education approve the Human Resources Monthly Report dated April 25, 2005.

RESOLUTION NO. 208-05 Re: **DEATH OF WESLEY L. JACKSON, BUILDING SERVICE MANAGER II (ON LEAVE), DUFIEF ELEMENTARY SCHOOL**

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by Ms. Cox, the following resolution was adopted unanimously:

WHEREAS, The death on March 11, 2005, of Wesley L. Jackson, building service manager II on leave from DuFief Elementary School, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, In the 31 years that Mr. Jackson worked for Montgomery County Public Schools,

he was very pleasant, positive, and professional at all times; and

WHEREAS, Mr. Jackson was highly effective in communicating with the staff and community and maintained high standards in his areas; now therefore be it

Resolved, That the members of the Board of Education and the superintendent of schools express their sorrow at the death of Wesley L. Jackson and extend deepest sympathy to his family; and be it further

Resolved, That this resolution be made a part of the minutes of this meeting and a copy be forwarded to Mr. Jackson's family.

**RESOLUTION NO. 209-05 Re: HUMAN RESOURCES APPOINTMENT**

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by Dr. Haughey, the following resolution was adopted unanimously by members present:

Resolved, That the following personnel appointment be approved effective April 26, 2005:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Sean Bulson	Acting Principal, Bethesda-Chevy Chase HS	Principal, Bethesda-Chevy Chase HS

**RESOLUTION NO. 210-05 Re: HUMAN RESOURCES APPOINTMENT**

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by Dr. Haughey, the following resolution was adopted unanimously by members present:

Resolved, That the following personnel appointment be approved effective April 26, 2005:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Christopher Garran	Acting Principal, Walter Johnson HS	Principal, Walter Johnson HS

**RESOLUTION NO. 211-05 Re: HUMAN RESOURCES APPOINTMENT**

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by Dr. Haughey, the following resolution was adopted unanimously by members present:

Resolved, That the following personnel appointment be approved effective April 26, 2005:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
John Yore	Acting Principal, Sherwood HS	Principal, Sherwood HS

**RESOLUTION NO. 212-05 Re: HUMAN RESOURCES APPOINTMENT**

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by Dr. Haughey, the following resolution was adopted unanimously by members present:

Resolved, That the following personnel appointment be approved effective July 1, 2005:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Kevin Hobbs	Assistant Principal, Watkins Mill HS	Principal, Parkland MS

RESOLUTION NO. 213-05 Re: **HUMAN RESOURCES APPOINTMENT**

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by Dr. Haughey, the following resolution was adopted unanimously by members present:

Resolved, That the following personnel appointment be approved effective May 1, 2005:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Richard Bishop	Assistant Principal, Gaithersburg MS	Principal, John Poole MS

RESOLUTION NO. 214-05 Re: **HUMAN RESOURCES APPOINTMENT**

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by Dr. Haughey, the following resolution was adopted unanimously by members present:

Resolved, That the following personnel appointment be approved effective July 1, 2005:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Andrew Winter	Principal Intern, Washington Grove ES	Principal, Greencastle ES

RESOLUTION NO. 215-05 Re: **HUMAN RESOURCES APPOINTMENT**

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by Dr. Haughey, the following resolution was adopted unanimously by members present:

Resolved, That the following personnel appointment be approved effective April 26, 2005:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Sally Macias	Acting Principal, Jackson Road ES	Principal, Jackson Road ES

RESOLUTION NO. 216-05 Re: **HUMAN RESOURCES APPOINTMENT**

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by Dr. Haughey, the following resolution was adopted unanimously by members present:

Resolved, That the following personnel appointment be approved effective July 1, 2005:

Appointment  
Yong-Mi Kim

Current Position  
Principal Intern, Greencastle ES

As  
Principal, Wayside ES

\*\*Ms. Cox rejoined the meeting, and Mr. Abrams left the meeting.

Re: **KINDERGARTEN THROUGH GRADE 2  
STUDENT READING ACHIEVEMENT FOR 2003-  
2004 SCHOOL YEAR**

Dr. Weast invited the following people to the table: Dr. Faith Connolly, acting director, Department of Shared Accountability; Mr. Dale Fulton, associate superintendent, Office of Curriculum and Instructional Programs; and Mr. Carl Baskerville, principal, Rolling Terrace Elementary.

The 2003–2004 reading achievement of kindergarten through Grade 2 students validates the success of the early childhood reform initiatives and proves the need to continue and expand them. For the first time since initiating early childhood reform initiatives, more than 70 percent of students in kindergarten through Grade 2 were reading at or above grade level by the end of the 2003–2004 school year. This success has taken place throughout MCPS, including areas with greater numbers of academically at-risk students. Especially promising was the substantial increase in the number of African American and Hispanic students reaching benchmark, thus narrowing the reading achievement gap between African American and Hispanic students and their Asian American and White classmates.

The achievement gain of students in the early elementary grades underscores: (1) the capacity of the school system to significantly improve student achievement; (2) the cohesion of reform efforts working together in a strategic alignment; and (3) the ability of teachers, principals, and support staff to sustain these improvements over time.

Re: **DISCUSSION**

Mr. Romero asked if the focus will continue on the most impacted schools (ESOL and FARMs). Dr. Weast agreed but there will be more curriculum revisions along with staff training.

Mrs. Navarro wanted to know if the school system had examined the nationality and time in the country of the children. Mr. Fulton stated that there is every possible combination present in the schools. Some students speak only one language, some have interrupted educations, and some were born in this country, but do not speak English. A continuum of services is essential.

Ms. Ervin commented that it is a tribute to school leadership and the changing attitudes, including the conviction that all children can succeed. She asked where these students go after the third grade, and said there is a need to open opportunities for children who have had the benefit of the early childhood initiative. Mr. Fulton stated that the plan is to finish the K-5

curriculum and staff training. Dr. Weast added that there is a need to add teachers to reduce class size in Grades 3, 4, and 5; this has been placed in the budget. Also, classes for gifted and talented students must be added to prepare children for advanced work.

Mrs. Navarro noted that if the school system can intervene earlier to provide a rich language stimulation before they enter kindergarten, the students will be ready to learn and accelerate through the curriculum. Dr. Weast commented that preschool work in early Head Start and Head Start is working well. Also, the school system is willing to train and share curriculum with private providers.

Mr. Romero remarked that the system must continue the level of effort with an increase for Grades 1 and 2. However, the report showed that some schools are getting consistent results. Is there a pattern? Is it the leadership at the school? Dr. Weast thought that the leadership team is a key element that drives high expectations for student outcomes.

Mr. Romero thought it is hard to keep data on all cultures and the students' needs when entering the system. Dr. Weast said that is why MCPS develops an individual plan for almost every child, which has been made possible through technology. Most ESOL students concentrate in the same schools, and all those students have different needs.

Ms. Cox asked about the data available at various levels to identify best practices. What are the characteristics of students who are having the most difficulty? Mr. Baskerville replied that there is a data-decision course to help principals spot any problem areas. Based on the indicators, principals can go to a variety of data sources or staff to get answers.

Ms. Cox inquired about data that schools need, and she wanted to know if the system could adapt to provide the information systemwide rather than individually. Mr. Porter replied that data requests will establish trends, and that information will be included in the data warehouse.

Ms. Cox asked if the data allows the system to match the intervention programs that have been used with the student to ascertain achievement levels. Mr. Fulton replied that the system is going in that direction. Assessments will be compared to determine interventions or acceleration. Based on data, the system would not place a student in a fluency program when the student has an issue with decoding. Dr. Weast reminded the Board that this data collection is recent vintage, and the database will build on each child to making meaningful decisions possible.

Ms. Cox commented that the system does a balancing act in pushing students who are able to be accelerated; however, there are also students who are not successful. Also, those students with IEPs need to match their level of services based on the data gathered. Ms. Cox asked about the data on White students that showed a slight decline. What is the significance of that decline? Dr. Connelly replied that had not been studied closely. Ms. Cox reminded them to watch it closely because some in the community have the perception that the gap will be closed by lowering the achievement of other students.

Dr. Haughey appreciated the range of questions his colleagues had asked. He wanted to know if this report or another will refute the contention that the system does not need to extend all-day kindergarten to all schools. Dr. Weast stated that MCPS has data to prove that all children benefit from all-day kindergarten, and it is imperative for ESOL and FARMs students.

Mrs. O'Neill stated that the report showed encouraging results. In the beginning, it was a difficult sell to the County Council. A past Board member always talked about every child with an IEP, and MCPS could not monitor students without technology. What the system is doing is building capacity for children in the long-term because it will never give up on having a student succeed. Dr. Weast added that politicians all have the latest technology, and teachers are expected to handle their tasks with pencils.

**Re: BOARD/SUPERINTENDENT COMMENTS**

Dr. Weast reported that Champions for Children was a great success. Thanks are due to the Montgomery County Business Roundtable for Education. Congratulations once again to all the winners, especially the MCPS Teacher of the Year, Kimberly Oliver, who teaches kindergarten at Broad Acres Elementary School.

Dr. Weast added that two teachers have won the Presidential Award for Excellence in Mathematics and Science Teaching, the nation's most prestigious honor for K–12 math and science teachers. Anita O'Neill, a science teacher at Neelsville Middle School, was one of two Maryland teachers and one of only 95 elementary and middle school teachers nationwide to receive the award this year. Another MCPS teacher, Joy Wolfe, now a fourth grade teacher at Pine Crest Elementary School, received a Presidential Award in mathematics for her work as a teacher in Arkansas. She was one of the two Presidential Award winners from that state. Dr. Weast stated, "We grow the best, and we recruit the best." Janice Eisenberg, a science teacher at Rosa Parks Middle School, was one of three Maryland teachers selected as state finalists.

Dr. Weast said the mock trial teams do not get as much attention as they deserve — and they especially deserve attention with a record like the Richard Montgomery team. The team has won 12 of the last 14 county mock trial championships and lost only two regular season matches in the last 14 years. Best of luck to coach Dan Evans as he and his team go to the state semifinal match in Annapolis this week.

Mrs. O'Neill pointed out that members of the Board attended the NAACP's Freedom Fund Dinner, and among the honorees was the George B. Thomas Learning Academy. It has made a huge contribution to the success of MCPS students. She congratulated the NAACP scholarship winners. She congratulated the Northwest High School's chess team championship in a national tournament. Finally, Mrs. O'Neill added that there was a press conference on Project Prom, and she hoped that all students will be safe and sober during this period.

Dr. Haughey represented the Board as a judge in the selection of the Montgomery County

Teacher of the Year. It was one of the worst responsibilities since all three finalists deserved the honor.

Mr. Sanghvi reported that the MCR elections were last week. The MCJC elections will be in May. Finally, the student member of the Board will be elected on April 27.

**RESOLUTION NO. 217-05 Re: CLOSED SESSION RESOLUTION**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mr. Sanghvi, the following resolution was adopted unanimously by members present:

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

Resolved, That the Board of Education of Montgomery County conduct closed sessions on Tuesday, May 10, 2005, in Room 120 of the Carver Educational Services Center to meet from 9:00 to 10:00 a.m. and 12:00 to 2:00 p.m. to discuss personnel matters, as permitted under Section 10-508(a)(1) of the *State Government Article*; consult with counsel to obtain legal advice, as permitted by Section 10-508(a)(7) of the *State Government Article*; review and adjudicate appeals in its quasi-judicial capacity; and discuss matters of an executive function outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*); and be it further

Resolved, That such meetings shall continue in closed session until the completion of business.

**RESOLUTION NO. 218-05 Re: REPORT OF CLOSED SESSION**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mr. Sanghvi, the following resolution was adopted unanimously by members present:

On April 12, 2005, by unanimous vote of members present, the Board of Education voted to conduct closed sessions as permitted under the *Education Article* § 4-107 and *State Government Article* § 10-501, *et seq.*, of the *Annotated Code of Maryland*.

The Montgomery County Board of Education met in closed session on April 12, 2005, from 9:05 to 10:00 a.m. and 1:15 to 2:00 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and

1. Reviewed and considered the following appeals in its quasi-judicial capacity outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*): 2005-4 and 2005-5.
2. Discussed the Human Resources appointment with a subsequent vote in open

session, as permitted under Section 10-508(a)(1) of the *State Government Article*.

3. Considered the acquisition 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*.
4. Received legal advice as permitted under Section 10-508(a)(7) of the *State Government Article*.
5. Discussed matters of an executive function outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*).

In attendance at the closed sessions were: Steve Abrams, Aggie Alvez, Larry Bowers, Eric Brousaides, Patrick Clancy, Sharon Cox, Brian Edwards, Valerie Ervin, Charles Haughey, Richard Hawes, Roland Ikheloa, Mark Kelsch, Don Kress, Frieda Lacey, Erick Lang, George Margolies, Nancy Navarro, Pat O'Neill, Brian Porter, John Q. Porter, Lori Rogovin, Gabe Romero, Glenda Rose, Sagar Sanghvi, Matt Tronzano, and Jerry Weast.

RESOLUTION NO. 219-05 Re: **APPEAL**

On motion of Dr. Haughey and seconded by Mr. Sanghvi, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2005-5, student discipline, reflective of the following vote: Mr. Abrams, Ms. Cox, Ms. Ervin, Dr. Haughey, Mrs. Navarro, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to affirm.

RESOLUTION NO. 220-05 Re: **APPEAL**

On motion of Dr. Haughey and seconded by Mr. Sanghvi, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education adopt its Order in Appeal T-2005-1, student transfer, reflective of the following vote: Mr. Abrams, Ms. Ervin, Dr. Haughey, Mrs. Navarro, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to affirm; Ms. Cox voting to reverse.

Re: **NEW BUSINESS**

There was no new business.

RESOLUTION NO. 221-05 Re: **ADJOURNMENT**

On recommendation of the Superintendent and on motion of Mrs. Navarro seconded by Mr. Romero, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education adjourn its meeting of April 25, 2005, at 10:20 p.m.

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PRESIDENT

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SECRETARY

JDW:gr

# MONTGOMERY COUNTY BOARD OF EDUCATION SUMMARY SHEET

April 25, 2005

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