

APPROVED  
15-2006

Rockville, Maryland  
June 13, 2006

The Board of Education of Montgomery County met in regular session at the Carver Educational Services Center, Rockville, Maryland, on Tuesday, June 13, 2006, at 10:30 a.m.

Present:                   Dr. Charles Haughey, President  
                                  in the Chair  
                                  Ms. Sharon W. Cox  
                                  Ms. Valerie Ervin  
                                  Mrs. Nancy Navarro  
                                  Mrs. Patricia O'Neill  
                                  Mr. Gabriel Romero  
                                  Mr. Sebastian Johnson, Student Board Member  
                                  Ms. Sarah Horvitz, Student Board Member-Elect  
                                  Dr. Jerry Weast, Secretary/Treasurer

Absent:                    Mr. Steve Abrams

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

RESOLUTION NO. 271-06           Re:   **CLOSED SESSION RESOLUTION**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mrs. O'Neill, 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 June 13, 2006, in Room 120 from 8:30 to 10:00 a.m. and 12:30 to 2:15 p.m.; and be it further

Resolved, That the Board of Education of Montgomery County

1. Discuss the Human Resources Monthly Report and Appointments, as permitted under Section 10-508(a)(1) of the *State Government Article*
2. Consider 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*
3. 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 June 13, 2006, 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 the meeting continue in closed session until the completion of business.

RESOLUTION NO. 272-06            Re:    **APPROVAL OF THE AGENDA**

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

Resolved, That the Board of Education approve its agenda for June 13, 2006.

RESOLUTION NO. 273-06            Re:    **LEADERSHIP MONTGOMERY YOUTH  
COMMUNITY SERVICE LEADERSHIP AWARDS**

On recommendation of the Superintendent and on motion of Mrs. O'Neill seconded by Ms. Cox, the following resolution was adopted unanimously by members present:

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

WHEREAS, Since 1997, Leadership Montgomery has offered the Youth Community Service Leadership Awards to identify, reward, and promote outstanding continuing community service efforts and accompanying demonstrations of leadership by high school students; and

WHEREAS, The law firm of Shulman, Rogers, Gandal, Pordy and Ecker, P.A., of Rockville, has generously sponsored and funded cash awards for up to five students per year for the past nine years; and

WHEREAS, Five Montgomery County Public Schools high school students have been honored as the Leadership Montgomery Youth Community Service Leadership Award recipients for 2006; now therefore be it

Resolved, That the Montgomery County Board of Education express its appreciation to Leadership Montgomery and to Shulman, Rogers, Gandal, Pordy and Ecker, P.A., for their leadership in promoting and honoring youth leadership in community service; and be it further

Resolved, That the Board of Education congratulate this year's Leadership Montgomery

Youth Community Service Leadership Award recipients for their outstanding leadership in community service.

RESOLUTION NO. 274-06            Re:    **RECOGNITION OF DISTINGUISHED HISPANIC SCHOLARS**

On recommendation of the Superintendent and on motion of Mrs. O'Neill seconded by Ms. Cox, the following resolution was adopted unanimously by members present:

WHEREAS, The Hispanic Employees Association of Montgomery County Public Schools has recognized twenty-one outstanding Montgomery County Public Schools Hispanic American students by awarding a total of \$9,000 in educational scholarships and \$1,300 in gift certificate awards; and

WHEREAS, The Hispanic Employees Association of Montgomery County Public Schools is promoting the message of mutual support and unity among all Hispanic Americans and the value of the roles of Hispanic American students in this effort; and

WHEREAS, Montgomery County recognizes and celebrates the contributions of Hispanic American students to our county, our state, and our country; and

WHEREAS, The Board of Education is proud that the Montgomery County Public Schools recognizes the achievements of Hispanic American students; 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 congratulate the recipients of this year's Distinguished Hispanic Scholars Awards.

RESOLUTION NO. 275-06            Re:    **GEORGE WASHINGTON CARVER HIGH SCHOOL CLASS OF 1956**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mrs. O'Neill, the following resolution was adopted unanimously by members present:

WHEREAS, Separate public education systems for white and black students persisted in Maryland until well into the 20th century; and

WHEREAS, In 1896, the U.S. Supreme Court case of *Plessy vs. Ferguson* confirmed the doctrine of "separate but equal," but black students, teachers and their families were only too aware that separate was not equal; and

WHEREAS, George Washington Carver High School was opened in 1951 as a senior high school for blacks in Montgomery County; and

WHEREAS, The Supreme Court in its celebrated case of *Brown vs. Board of Education of Topeka, Kansas et al.*, ruled that segregated schools violated the 14th Amendment to the U.S. Constitution, leading to the ultimate closure of Carver High School in 1960; and

WHEREAS, Board of Education Resolution 1055-55, adopted March 21, 1955, read in part, "The Board of Education also acknowledges the moral and democratic implications of the rulings, and regards compliance as an opportunity to extend all of its educational programs and facilities to all of the children on an impartial basis;" now therefore be it

Resolved, That the Montgomery County Board of Education salute the students of Carver High School for being brave pioneers of freedom and equity for all children in Montgomery County and extend hearty congratulations to the Carver High School class of 1956 as it celebrates its 50th class reunion this year.

RESOLUTION NO. 276-06

Re: **RECOMMENDATION TO APPROVE THE AMENDED AGREEMENT WITH THE MONTGOMERY COUNTY ASSOCIATION OF ADMINISTRATIVE AND SUPERVISORY PERSONNEL**

On recommendation of the Superintendent and on motion of Mrs. O'Neill seconded by Ms. Cox, the following resolution was adopted unanimously by members present:

WHEREAS, Section 6-408 of the Education Article, *Annotated Code of Maryland*, requires the Board of Education to enter into negotiations with designated employee organizations concerning "salaries, wages, hours, and other working conditions;" and

WHEREAS, The Montgomery County Association of Administrative and Supervisory Personnel (MCAASP) was properly designated as the employee organization to be the exclusive representative for these negotiations; and

WHEREAS, The parties have a negotiated agreement for the 2004–2007 school years and said agreement provides that either party may reopen negotiations for FY 2007 on all provisions of the Agreement, with the exception of wages and benefits; and

WHEREAS, The parties agreed that the goal of these negotiations would be to negotiate a multi-year Agreement with salary and benefit reopeners for FY 2008 and beyond; and

WHEREAS, Said negotiations have occurred in good faith, as directed by law; and

WHEREAS, The parties have reached tentative agreement on amendments to the Agreement to be effective for the period of time from July 1, 2006, through June 30, 2009; and

WHEREAS, The tentative agreement to amend has been duly ratified by the membership of MCAASP; now therefore be it

Resolved, That the Board of Education approve the amended agreement for the period of July 1, 2006, through June 30, 2009; and be it further

Resolved, That the secretary and the president of the Board of Education be authorized to sign the amended agreement, all according to said agreement and to the law.

Re: **PUBLIC COMMENTS**

The following people testified before the Board of Education:

	<u>Person</u>	<u>Topic</u>
1.	Sarah Hund	Sex Education Curriculum
2.	Christopher Lloyd	Teacher Professional Partnership
3.	Marvin Weinman	Taxpayers League

Re: **DISCUSSION**

Board members asked for a timeline on the revisions to curriculum of Family Life and Human Development.

Re: **BOARD/SUPERINTENDENT COMMENTS**

Ms. Ervin commented on attending graduations, especially the special schools and the obstacles those students have overcome on the way to a diploma. It was evident to her that the support of the Board is apparent.

Mr. Romero read the following prepared statement: "After much careful consideration, I have decided not to seek reelection to a second term on the Board of Education. Eleven years ago, my business partner and I established an architectural firm – Rktects, Inc. Over the past three years, we have been fortunate to have a marked increase in business, and the practice now demands far more of my time and attention than I could devote to serving a second term on the Board of Education. I am very proud of the work the Board of Education has done over the past four years. I am honored to have served as a Board member. The implementation of the Board’s vision and action plan have brought about many positive changes for Montgomery County Public Schools. I am particularly proud of the educational achievements of our younger students in our ESOL community. We have welcomed diversity and have worked hard to ensure success for all of our students. I hope with my decision not to seek reelection, more candidates will emerge from District 1. Our county will benefit from a competitive field of candidates that engage in a meaningful

discussion of the work that has taken place and of the road ahead. I remain hopeful that our community will be able to select a candidate who embraces the Board's vision and demonstrates a commitment to continuing the work that has started."

Mr. Romero remarked that he attended graduations, and it is one of the most enjoyable functions of a Board member. The Longview School graduation was very emotional, and the dedication and high expectations of special education staff are commendable.

Mrs. O'Neill joined in her comments about graduations and agreed that they are the best part of being a Board member. She also had an opportunity to participate in a visit from the President of Chile. She is the first female president in all of Latin America. She visited local schools, and she was very gracious and articulate. Also, she attended the Washington Metropolitan Basketball Hall of Fame where Coach Chris Lun from Walt Whitman High School won Boys' Basketball Coach of the Year for the entire area. Finally, she attended the 20<sup>th</sup> Anniversary of Interages.

Ms. Cox commented that graduations were wonderful, and she noted that Mr. Shea announced his retirement after graduations. Ms. Cox asked that a recognition of Vietnamese scholars take place at the June 26, 2006, Board meeting. Also, she presented an award to Winston Churchill High School's orchestra at the John F. Kennedy for the Performing Arts. Finally, she commended staff on the excellent Annual Report.

Mrs. Navarro echoed her colleagues regarding graduations since it is a snapshot of the excellent work done in high schools. She attended an amazing event at Wheaton High School where there was a recognition of high-achieving Latino students. Furthermore, she represented the Board at the African-American Festival of Academic Excellence, and that was another opportunity to congratulate students for their achievements.

Mr. Johnson remarked that he attended his graduation, and it was exciting to hand out the diplomas and make a short speech. His last school visit will be to Robert Frost Middle School. He represented the Board at a Congressional Simulated Hearing where the Constitution was analyzed. Finally, he attended his last SGA meeting and met the new leaders.

Dr. Haughey announced that with great reluctance he would not be able to serve another term on the Board of Education, and he would not be campaigning.

Dr. Weast reported that the 2006 *Annual Report to the Community* has been published and will be mailed to all MCPS parents. Employees will receive copies through the Pony mail. Copies also will be distributed to community leaders and other stakeholders. This new publication provides a comprehensive overview of the accomplishments of students, administrators, teachers, support staff, and the Board of Education during this past year.

Dr. Weast said 14 high school seniors participated in the Superintendent's Leadership

Program this year. The year-long program selects students based on outstanding leadership, academic excellence, and maturity within their schools and communities. The curriculum is comparable to a college-level course, and students receive two honors credits for participation. Students attend regular school classes in the morning and report for work at their internships in the afternoon. During the program, students meet with industry executives, attend seminars on current workplace issues, write a research thesis, and keep a journal of their experiences. A total of 88 students have participated in the program, which began in 2000.

Dr. Weast reported that MCPS had received two awards – Energy Conservation and Financial Reporting. MCPS has been recognized with a state award from the Maryland Energy Administration for outstanding energy conservation efforts. The school system was honored for its Resource Conservation Plan. This comprehensive plan for superior energy performance throughout the school system was noted to have clear objectives, specific goals, and an extensive action plan for implementation. Also, MCPS has received the Governmental Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting for the 2005 Comprehensive Annual Financial Report. This award is the highest form of recognition in governmental accounting and financial reporting.

RESOLUTION NO. 277-06            Re:    **HUMAN RESOURCES MONTHLY REPORT**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mrs. O'Neill, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education approved the Human Resources Monthly Report dated June 13, 2006.

RESOLUTION NO. 278-06            Re:    **DEATH OF VICTOR C. DAO, BUS ATTENDANT  
SPECIAL EDUCATION, DEPARTMENT OF  
TRANSPORTATION**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mrs. O'Neill, the following resolution was adopted unanimously by members present:

WHEREAS, The death on May 15, 2006, of Victor C. Dao, bus attendant special education at the Bethesda Depot in the Department of Transportation, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, In the 1.9 years that Mr. Dao worked for Montgomery County Public Schools, he was a cooperative and conscientious employee; and

WHEREAS, Mr. Dao's dependability with the transportation staff and students made him a valuable employee; 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 Victor C. Dao 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. Dao's family.

RESOLUTION NO. 279-06            Re:    **DEATH OF WAYNE A. EVANS, BUILDING SERVICE WORKER, THOMAS S. WOOTTON HIGH SCHOOL**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mrs. O'Neill, the following resolution was adopted unanimously by members present:

WHEREAS, The death on May 1, 2006, of Wayne A. Evans, building service worker at Thomas S. Wootton High School, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, In the 2.9 years that Mr. Evans worked for Montgomery County Public Schools, he performed his duties and responsibilities in a professional way; and

WHEREAS, Mr. Evans demonstrated good human relations skills and got along well with all in the Wootton community; 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 Wayne A. Evans 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. Evans' family.

RESOLUTION NO. 280-06            Re:    **DEATH OF AGNES M. ENGELS, PARAEDUCATOR AND LUNCH HOUR AIDE, WESTOVER ELEMENTARY SCHOOL**

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

WHEREAS, The death on May 5, 2006, of Agnes M. Engels, paraeducator and lunch hour aide at Westover Elementary School, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, In the 3.5 years that Mrs. Engels worked for Montgomery County Public Schools, she developed a thorough knowledge of developmental needs of students; and

WHEREAS, Mrs. Engels worked across grade levels, received high praise from the staff members, and was more than willing to assist whenever necessary; 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 Agnes M. Engels and extend deepest sympathy to her 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 Mrs. Engels' family.

RESOLUTION NO. 281-06            Re:    **DEATH OF DOUGLAS E. CLARKE, BUS ATTENDANT SPECIAL EDUCATION, DEPARTMENT OF TRANSPORTATION**

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

WHEREAS, The death on April 13, 2006, of Douglas E. Clarke, bus attendant special education at the Clarksburg Depot in the Department of Transportation, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, In the 7.5 years that Mr. Clarke worked for Montgomery County Public Schools, he was very dependable and reliable in carrying out his responsibilities; and

WHEREAS, Mr. Clarke was firm but flexible in the control of his students to provide them with safe transportation and worked collaboratively with his bus driver; 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 Douglas E. Clarke 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. Clarke's family.

RESOLUTION NO. 282-06            Re:    **DEATH OF MR. JOHN E. MUSGROVE, CLASSROOM TEACHER, THOMAS S. WOOTTON HIGH SCHOOL**

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

WHEREAS, The death on April 13, 2006, of Mr. John E. Musgrove, classroom teacher at Thomas S. Wootton High School, has deeply saddened the staff, students, and members

of the Board of Education; and

WHEREAS, In the 32 years that Mr. Musgrove worked for Montgomery County Public Schools, he was recognized as a conscientious, dedicated professional who constantly provided high quality educational experiences for his students; and

WHEREAS, Mr. Musgrove had an excellent command of the subjects he taught and captured the attention of his students using humor and student/teacher involvement effectively; 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 John E. Musgrove 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. Musgrove's family.

**RESOLUTION NO. 283-06            Re:    HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective June 14, 2006:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Anita O'Neill	Science Resource Teacher	Supervisor, K-12 Science

and be it further

Resolved, That the following personnel appointments be approved effective July 1, 2006:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Carl Baskerville	Principal, Rolling Terrace ES	Director, Curriculum Training and Development
Elaine Chang	Principal, Lakewood ES	Executive Assistant, Office of Information and Organizational Systems
Dennis Heidler	Acting Coordinator, Montgomery Blair HS Magnet Programs	Coordinator, Montgomery Blair HS Magnet Programs
David Patterson	Monitoring Specialist,	Supervisor, Special Education

	MSDE	Division of School-Based Special Education Services
David Steinberg	Consulting Principal	Director, Administrative and Supervisory Professional Growth System
Cynthia Duranko	Acting Principal, Darnestown ES	Principal, Monocacy ES
William Gregory	Principal, Dr. Martin Luther King, Jr. MS	Principal, Sherwood HS
Daniel Vogelmann	Assistant Principal, Westland MS	Principal, Westland MS
Renee Foose	Principal, Boonsboro MS	Principal, Earle B. Wood MS
Gayle Starr	Acting Principal, Woodfield ES	Principal, Woodfield ES
Ursula Hermann	Principal, Westland MS	Community Superintendent
Heath Morrison	Director of School Performance	Community Superintendent
Adrian Talley	Director of School Performance	Community Superintendent

RESOLUTION NO. 284-06      Re:    **RETIREES**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mrs. O'Neill the following resolution was adopted unanimously by members present:

WHEREAS, The persons who are retiring or who have retired from the Montgomery County Public Schools; and

WHEREAS, Each person, through outstanding performance of duties and dedication to the education of our youth, has made a significant contribution to the school system, which is worthy of special commendation; now therefore be it

Resolved, That the Board of Education members express their sincere appreciation to each person for faithful service to the school system and to the children of the county, and also extend to each one best wishes for the future; and be it further

Resolved, That this resolution be made part of the minutes of this meeting and a copy be forwarded to each retiree.

RESOLUTION NO. 285-06

Re: **FINAL ADOPTION OF THE FY 2007 OPERATING BUDGET**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mrs. O'Neill, the following resolution was adopted unanimously by members present:

WHEREAS, The Board of Education adopted the FY 2007 Operating Budget of \$1,839,119,355 on February 14, 2006; and

WHEREAS, The county executive recommended full funding of the Board of Education's Budget Request on March 15, 2006; and

WHEREAS, The Board of Education amended its budget request on May 9, 2006, by adding \$13,975,479, for a total of \$1,853,094,834, to include the impact of changes in estimated state and federal revenue for FY 2007, and the effect of pension improvements; and

WHEREAS, The County Council approved a total of \$1,851,496,287 (including grants and enterprise funds), a decrease of \$1,598,547 from the Board of Education's request on May 9, 2006; and

WHEREAS, The County Council appropriated a total of \$1,724,404,964 (excluding grants and enterprise funds); and

WHEREAS, The County Council made total additions to the Board of Education's FY 2007 Operating Budget Request of February 14, 2006, of \$12,376,932, from the various budget categories, as shown on the following schedule, consisting of an addition of \$12,301,648, excluding grants and enterprise funds, a reduction of \$547,376 in specific grants, and an addition of \$75,284 in special revenue funds, in appropriating \$1,851,496,287 for the Board of Education's FY 2007 Operating Budget:

<b>I. Current Fund</b> Category	BOE Request February 14, 2006	Council (Reduction)/ Addition	Council Approved Budget
1 Administration	38,505,301	(201,278)	38,304,023
2 Mid-level Administration	118,023,575	335,365	118,358,940
3 Instructional Salaries	765,063,495	(1,905,532)	763,157,963
4 Textbooks and Instructional Supplies	35,853,014	(250,462)	35,602,552
5 Other Instructional Costs	18,933,727	519,816	19,453,543
6 Special Education	228,211,384	(401,350)	227,810,034
7 Student Personnel Services	10,431,421		10,431,421
8 Health Services	46,138		46,138
9 Student Transportation	78,695,894	1,089,436	79,785,330
10 Operation of Plant and Equipment	105,162,382	(1,048,925)	104,113,457
11 Maintenance of Plant	30,410,825	250,000	30,660,825
12 Fixed Charges	357,597,225	13,914,578	371,511,803
14 Community Services	208,495		208,495
Subtotal, including specific grants	1,787,142,876	12,301,648	1,799,444,524
Less specific grants	75,586,936	(547,376)	75,039,560
Subtotal, spending affordability	1,711,555,940	12,849,024	1,724,404,964
 <b>II. Enterprise Funds</b>			
37 Instructional Television	1,307,716	75,284	1,383,000
51 Real Estate Management	2,792,452		2,792,452
61 Food Services	44,373,243		44,373,243
71 Field Trip	1,979,516		1,979,516
81 Entrepreneurial Activities	1,523,552		1,523,552
Subtotal, Enterprise Funds	51,976,479	75,284	52,051,763
 Total Budget for MCPS	 <u>1,839,119,355</u>	 <u>12,376,932</u>	 <u>1,851,496,287</u>

now therefore be it

Resolved, That based on an appropriation of \$1,851,496,287, which includes an appropriation of \$52,051,763 for enterprise and special revenue funds and \$75,039,560 for restricted grants, approved by the County Council on May 25, 2006, the Board of Education adopt its FY 2007 Operating Budget reflecting the changes shown in Schedule A and Schedule B; and be it further

Resolved, That the Board of Education affirm its support for the negotiated agreements with its employee organizations and for the increases in salary costs that they contain; and be it further

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

**Re: LUNCH AND CLOSED SESSION**

The Board of Education recessed from 12:40 to 2:20 p.m. for lunch and closed session.

**RESOLUTION NO. 286-06 Re: CONTRACTS OF \$25,000 OR MORE**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mrs. O'Neill, the following resolution was adopted unanimously by members present:#

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

WHEREAS, It is recommended that Bid No. 1132.5, Alcohol/Drug Testing Program Services, be rejected due to change in specifications and lack of competition; now therefore be it

Resolved, That Bid No. 1132.5, Alcohol/Drug Testing Program Services, be rejected due to change in specifications and lack of competition; and be it further

Resolved, That the Board president and superintendent be authorized to execute the documents necessary for these transactions; and be it further

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

BL02-55	Elevator Equipment Preventative Maintenance—Extension	
9758-12A		
	<u>Awardee</u>	
	Elevator Control Service	\$ 300,000

NP-TFE -0405	Appliances  <u>Awardee</u> Sears Contract Sales	\$ 25,000
06SC-42	Assessment Management Software System  <u>Awardee</u> Scantron Corporation	\$ 191,050
1062.2	Speech and Language Services—Extension  <u>Awardees</u> (See note 1) Atlantic Health Services, Inc.* Care Resources, Inc.* EBS Healthcare National Speech/Language Therapy Center* Progressus Therapy, Inc. Therapy Needs, Inc.* TriRehab of Germantown, Inc.* Total	\$ 600,000
1090.3	Services for Infants and Toddlers with Developmental Delays—Extension  <u>Awardees</u> (See note 1) Care Resources, Inc.* Early Intervention Therapists Jewish Social Service Agency The Language Experience, LLC* National Speech/Language Therapy Center* Pediatric Therapy Associates* Total	\$ 550,000
1098.1	Procurement Card—Extension  <u>Awardee</u> (See note 2) American Express Corporate Service	
1119.3	Payroll Check, Paper Stock, Z-Fold—Extension  <u>Awardee</u> Bottomline Technologies	\$ 41,750

1126.3	Physical Exams for Bus Drivers	
	<u>Awardees</u> (See note 1)	
	American Business Medical Services*	
	Corporate Occupational Health Solutions	
	Frederick Primary Care Associates	
	Medical Access, PC*	
	Secure Medical Care*	
	Total	\$ 96,000
1133.2	Occupational and Physical Therapy Services for Students with Disabilities—Extension	
	<u>Awardees</u> (See note 1)	
	Care Resources, Inc.*	
	TriRehab of Germantown, Inc.*	
	Therapy Needs, Inc.*	
	Total	\$ 150,000
1138.2	Actuarial Consulting Services	
	<u>Awardee</u>	
	Mercer Human Resources	\$ 75,000
1139.2	On-going Health and Welfare Consulting Services	
	<u>Awardee</u>	
	AON Consulting	\$ 200,000
4021.4	Painting Contractors—Extension	
	<u>Awardees</u> (See note 1)	
	5:01 Office and Home Contractors*	
	B&B Restoration and Repairs*	
	Colossal Contractors, Inc.*	
	DA Painting and Construction, Inc.*	
	OMF Contractors, Inc.*	
	Tito Contracting, Inc.*	
	Total Contracting, Inc.*	
	Total	\$ 350,000
4027.4	Two-Way Radios—Extension	
	<u>Awardees</u>	

	Continental Wireless*	\$	1,385
	Procom Corporation		<u>26,059</u>
	Total	\$	27,444
4096.2	Science Equipment Repair Service—Extension		
	<u>Awardees</u>		
	Metro Scopes*	\$	30,000
4106.2	Fire Alarm Monitoring System—Extension		
	<u>Awardee</u>		
	Ark Systems, Inc.	\$	41,088
4172.1	Printing of Blueprints/Construction Specifications and Brochures—Extension		
	<u>Awardee</u>		
	Reprographics Technologies	\$	100,000
4273.1	Robotic Arm with Servo Motor—Extension		
	<u>Awardee</u>		
	Diversified Educational System	\$	54,240
4283.1	Enterprise Resource Planning Software and Implementation Services		
	<u>Awardee</u>		
	BearingPoint, Inc.		\$6,313,000
	Oracle USA, Inc.		<u>277,942</u>
	Total		\$6,590,942
4188.2	Technology Literacy Standards Unit		
	<u>Awardee</u>		
	K to the 8 <sup>th</sup> Power	\$	48,350
7072.1	Novell Network Desktop Licenses		
	<u>Awardee</u>		
	Novell, Inc.	\$	278,774
7094.2	Water Cooler Rental and Bottled Water Service—Extension		

	<u>Awardee</u>	
	Crystal Springs Water Company	\$ 78,770
9004.6	Industrial and Technology Education Lumber—Extension	
	<u>Awardees</u>	
	Allied Plywood Corporation	\$ 988
	Mann and Parker Lumber Company	20,862
	Pikesville Lumber Company	<u>53,525</u>
	Total	\$ 75,375
9012.6	Industrial and Technology Education Hand Tools	
	<u>Awardees</u>	
	Diamond Tool Company	\$ 66,000
	Fastenal Company	1,519
	Grainger, Inc.	7,174
	Metco Supply, Inc.	3,386
	Paxton/Patterson	4,191
	Rutland Tool and Supply Company	2,689
	Satco, Inc.	80,898
	Snap On Industrial	<u>10,000</u>
	Total	\$ 175,857
9101.5	Beverages, Chips and Snacks—Extension	
	<u>Awardees</u> (See note 1)	
	Dori Foods, Inc.	
	Royalle Dining Services, Inc.	
	Total	\$ 168,000
9108.5	Snack Cakes—Extension	
	<u>Awardee</u>	
	McKee Foods Corporation	\$ 115,000
9110.3	Pizza, Baked, Frozen—Extension	
	<u>Awardees</u>	
	Conagra Foods	\$ 442,188
	Nardone Brothers Baking Company, Inc.	188,720
	Schwan's Food Service*	<u>194,285</u>
	Total	\$ 825,193

9112.3	Beverages, Frozen Self-serve Smoothies—Extension	
	<u>Awardee</u> Ridgefield's Brand Corporation	\$ 143,800
9119.2	Milk, Other Dairy Products and Fruit Juices—Extension	
	<u>Awardee</u> Dairy Maid Dairy, Inc.	\$2,026,295
9129.2	Ice Cream and Frozen Dessert Novelties—Extension	
	<u>Awardee</u> Briggs Ice Cream Company	\$ 180,550
9174.2	Latex Running Track Renovations and Repairs—Extension**	
	<u>Awardee</u> American Tennis Courts*	\$ 50,000
9202.6	Custom Science Kits	
	<u>Awardees</u> (See note 1) Carolina Biological Supply Company Kendall Hunt Publishing Company Sempco, Inc.* Total	\$ 187,000
9346.3	Portable Classroom Wood Canopy and Decking at various locations—Extension**	
	<u>Awardee</u> D.L. Brown Construction	\$ 50,000
9601.1	Partial Re-roofing at Gaithersburg Middle School**	
	<u>Awardee</u> Interstate Corporation*	\$ 139,015
9612.1	Corridor Coaches/Athletic Lockers at William H. Farquhar Middle School**	
	<u>Awardee</u> Steel Products, Inc.*	\$ 177,368

9618.1	Stage Lighting and Dimmer Renovations at Springbrook High School**	
	<u>Awardee</u> Tex/Am Construction Company, Inc.*	\$ 78,132
9989.1	Air Cooler Rotor Screw Chiller at Burning Tree Elementary	
	<u>Awardee</u> Havtech Washington	\$ 69,450
TOTAL PROCUREMENT CONTRACTS EXCEEDING \$25,000		\$14,289,443

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

\*\* Planned Life-cycle Asset Replacement Bid (PLAR)

Note 1: Contract amounts will be based on individual requirements.

Note 2: This contract will be at no cost to MCPS.

RESOLUTION NO. 287-06                      Re:    **AWARD OF CONTRACT – ASSET MANAGEMENT  
IMPLEMENTATION**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mrs. O'Neill, the following resolution was adopted unanimously by members present:#

WHEREAS, On March 14, 2006, the County Council approved a supplemental appropriation request for a capital asset management system; and

WHEREAS, On March 22, 2006, the Board of Education awarded a contract to a consultant to develop a program of requirements and request for proposals for the capital asset management system; and

WHEREAS, A request for proposals was advertised on May 9, 2006; and

WHEREAS, Three firms responded to the request for proposals solicitation; and

WHEREAS, Based on the selection criteria in the request for proposals, Caver-Morehead Systems, Inc., was determined to be the most responsive vendor; now therefore be it

Resolved, That a contract in the amount of \$794,722 be awarded to Caver-Morehead Systems, Inc., for technical support services in accordance with the terms and conditions of the Montgomery County Public Schools' request for proposals for the asset data collection and bar-coding services for the capital asset management system and Caver-Morehead Systems, Inc.'s, proposal of May 22, 2006.

RESOLUTION NO. 288-06

Re: **AWARD OF CONTRACT – ALBERT EINSTEIN HIGH SCHOOL**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mrs. O’Neill, the following resolution was adopted unanimously by members present:#

WHEREAS, The following sealed bids were received on May 23, 2006, for the Albert Einstein High School Signature Program improvements project:

<u>Bidder</u>	<u>Amount</u>
Keller Brothers, Inc.	\$3,707,050
Meridian Construction Company, Inc.	4,170,000
R.J. Crowley, Inc.	4,180,280
Tuckman-Barbee Construction Company, Inc.	4,683,619
Sigal Construction Group	4,760,000

and

WHEREAS, The low bidder, Keller Brothers, Inc., has submitted 9.1-percent Maryland Department of Transportation (MDOT)-certified Minority Business Enterprise (MBE) participation, of which 3.6 percent is female and 5.5 percent is other MDOT certified; and

WHEREAS, Keller Brothers, Inc., has submitted a waiver for the balance of the MDOT-certified MBE participation; and

WHEREAS, Department of Facilities Management staff has reviewed and certified that the waiver meets the contract requirements and recommends waiving the remaining balance of the MDOT-certified MBE participation; and

WHEREAS, Keller Brothers, Inc., has completed similar work successfully for the Montgomery County Public Schools; now therefore be it

Resolved, That a \$3,707,050 contract be awarded to Keller Brothers, Inc., for the Albert Einstein High School Signature Program improvements project, in accordance with drawings and specifications prepared by Grimm and Parker, P.C.

RESOLUTION NO. 289-06

Re: **AWARD OF CONTRACT – ARGYLE MIDDLE SCHOOL**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mrs. O’Neill, the following resolution was adopted unanimously by members present:#

WHEREAS, The following sealed bids were received on May 25, 2006, for the Argyle

Middle School renovation project that includes renovating existing laboratories to create eight new computer laboratories to support the Middle School Magnet Consortium Program:

<u>Bidder</u>	<u>Amount</u>
Dynamic Corporation	\$1,216,054
Tuckman-Barbee Construction Company, Inc.	1,370,000
Sigal Construction Corporation	1,685,000

and

WHEREAS, The low bidder, Dynamic Corporation, is an African American, Maryland Department of Transportation (MDOT)-certified Minority Business Enterprise (MBE), and has submitted an additional 15-percent MDOT-certified MBE participation, of which 14.8 percent is African American, and .2 percent is female; and

WHEREAS, Dynamic Corporation has submitted a waiver for the balance of the MDOT-certified MBE participation; and

WHEREAS, A large percentage of the contract work is self-performed by the low bidder, and there are limited opportunities for subcontracting on this type of project; and

WHEREAS, Department of Facilities Management staff has reviewed and certified that the waiver meets the contract requirements and recommends waiving the remaining balance of the MDOT-certified MBE participation; and

WHEREAS, Dynamic Corporation has completed similar work successfully for other jurisdictions; now therefore be it

Resolved, That a \$1,216,054 contract be awarded to Dynamic Corporation for the Argyle Middle School renovation project, in accordance with drawings and specifications prepared by JK Architects + Associates, Inc.

RESOLUTION NO. 290-06      Re:    **AWARD OF CONTRACT – POOLESVILLE HIGH SCHOOL**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mrs. O'Neill, the following resolution was adopted unanimously by members present:#

WHEREAS, The following sealed bids were received on May 25, 2006, for the Poolesville High School computer laboratory renovation project:

<u>Bidder</u>	<u>Amount</u>
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Golden Construction, Inc.	\$268,078
Tuckman-Barbee Construction Company, Inc.	337,000
Sigal Construction Corporation	495,000
Dynamic Corporation	520,379

and

WHEREAS, The low bidder, Golden Construction, Inc., has submitted 1.2-percent female-owned, Maryland Department of Transportation (MDOT)-certified Minority Business Enterprise (MBE) participation; and

WHEREAS, A large percentage of the contract work is self-performed by the low bidder, and there are limited opportunities for subcontracting on this type of project; and

WHEREAS, Golden Construction, Inc., has submitted a waiver for the balance of the MDOT-certified MBE participation; and

WHEREAS, Department of Facilities Management staff has reviewed and certified that the waiver meets the contract requirements and recommends waiving the remaining balance of the MDOT-certified MBE participation; and

WHEREAS, Golden Construction, Inc., has completed similar work successfully for the Montgomery County Public Schools; now therefore be it

Resolved, That a \$268,078 contract be awarded to Golden Construction, Inc., for the Poolesville High School computer laboratory renovation project, in accordance with drawings and specifications prepared by JK Architects + Associates, Inc.

RESOLUTION NO. 291-06      Re:    **AWARD OF CONTRACT – A. MARIO LOIEDERMAN MIDDLE SCHOOL**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mrs. O'Neill, the following resolution was adopted unanimously by members present:#

WHEREAS, The following sealed bids were received on May 30, 2006, for the A. Mario Loiederman Middle School modification project that includes construction of a new front entry canopy and installation of additional windows and internal security gates:

<u>Bidder</u>	<u>Amount</u>
Golden Construction, Inc.	\$278,835
Tuckman-Barbee Construction Company, Inc.	338,656
Dynamic Corporation	405,438

and

WHEREAS, The low bidder, Golden Construction, Inc., has submitted 11.9-percent Maryland Department of Transportation (MDOT)-certified Minority Business Enterprise (MBE) participation which is female-owned; and

WHEREAS, Golden Construction, Inc., has also submitted 3-percent non-MDOT certified, African American minority participation; and

WHEREAS, A large percentage of the contract work is self-performed by the low bidder, and there are limited opportunities for subcontracting on this type of project; and

WHEREAS, The state minority business requirements for school construction projects stipulate that only MDOT-certified minority businesses can be used to satisfy the MBE goal of 25 percent; and

WHEREAS, Golden Construction, Inc., has submitted a waiver for the balance of the MDOT-certified MBE participation; and

WHEREAS, Department of Facilities Management staff has reviewed and certified that the waiver meets the contract requirements and recommends waiving the remaining balance of the MDOT-certified MBE participation; and

WHEREAS, Golden Construction, Inc., has completed similar work successfully for the Montgomery County Public Schools; now therefore be it

Resolved, That a \$278,835 contract be awarded to Golden Construction, Inc., for the A. Mario Loiederman Middle School modification project, in accordance with drawings and specifications prepared by Moseley Architects, P.C.

RESOLUTION NO. 292-06

Re: **AWARD OF CONTRACT – RELOCATABLE CLASSROOMS AT VARIOUS SCHOOLS**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mrs. O'Neill, the following resolution was adopted unanimously by members present:#

WHEREAS, Proposals were received from Cottonwood Construction, Inc.; EMH Environmental, Inc.; Cynthia M. Hastings, Inc.; J & L Services, Inc.; Modular Genius; and U. S. Modular Group East, Inc., on May 31, 2006, for construction services needed to move and install relocatable classrooms in FY 2007; and

WHEREAS, Proposals for relocatable classroom work to be completed during FY 2007 will be solicited from the six contractors for each group of placements with the lowest cost proposal being utilized; and

WHEREAS, The six contractors proposed for these services have satisfactorily completed numerous relocatable placements for the Montgomery County Public Schools and other jurisdictions; now therefore be it

Resolved, That the Department of Facilities Management be authorized to solicit proposals for the movement and installation of relocatable classrooms utilizing Cottonwood Construction, Inc.; EMH Environmental, Inc.; Cynthia M. Hastings, Inc.; J & L Services, Inc.; Modular Genius; and U. S. Modular Group East, Inc., for a period of one year; and be it further

Resolved, That the Department of Facilities Management be authorized to proceed with work procured from the contractor that submits the lowest cost proposal for the specific relocatable placements.

RESOLUTION NO. 293-06                      Re:    **ARCHITECTURAL APPOINTMENT – EAST SILVER SPRING ELEMENTARY SCHOOL FEASIBILITY STUDY**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mrs. O'Neill, the following resolution was adopted unanimously by members present:

WHEREAS, It is necessary to appoint an architectural firm to provide professional and technical services to conduct a feasibility study for East Silver Spring Elementary School; and

WHEREAS, Funds for this feasibility study were programmed as part of the FY 2007 Capital Budget; and

WHEREAS, An Architect Selection Committee, in accordance with procedures adopted by the Board of Education on April 20, 2006, identified Delmar Architects, P.A., as the most qualified firm to provide the necessary professional architectural and engineering services; and

WHEREAS, Staff has negotiated a fee for necessary architectural services; now therefore be it

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with the architectural firm of Delmar Architects, P.A., to provide professional architectural and engineering services for the East Silver Spring Elementary School feasibility study for a fee of \$31,000.

RESOLUTION NO. 294-06                      Re:    **CONTINUATION OF ENGINEERING SERVICES CONTRACT – NETWORK SYSTEMS DESIGN**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mrs. O'Neill, the following resolution was adopted unanimously by members present:#

WHEREAS, Engineering services are required to design and administer the installation of the CATV and building-wide data/communications network systems for new and modernized schools; and

WHEREAS, On May 11, 2004, a contract was awarded to Brinjac Engineering, Inc., to perform these services; and

WHEREAS, The current consultant has agreed to hold its unit prices for an additional year; and

WHEREAS, Staff has recommended that the current contract be extended; now therefore be it

Resolved, That the Board of Education extend the contract with the firm of Brinjac Engineering, Inc., for CATV and data/communications network engineering design services for the following amounts:

Elementary schools	\$ 7,500 per school
Middle schools	14,680 per school
High schools	18,350 per school

and be it further

Resolved, That design fees for additions to existing schools will be negotiated on an individual basis at standard hourly rates for similar services.

**RESOLUTION NO. 295-06            Re:    DEED OF LEASE AGREEMENT AT ROLLINGWOOD CENTER**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mrs. O'Neill, the following resolution was adopted unanimously by members present:#

WHEREAS, The French International School has leased and operated a primary school at the former Rollingwood Elementary School since 1990; and

WHEREAS, The current lease expires on June 30, 2006, and facilities staff have negotiated a new five-year Deed of Lease Agreement with one five-year renewal option; and

WHEREAS, Outside counsel from Reese and Carney has approved the new agreement for legal sufficiency; now therefore be it

Resolved, That the superintendent and president of the Board of Education be authorized to execute the Deed of Lease Agreement with the French International School.

RESOLUTION NO. 296-06            Re:    **ACCEPTANCE OF KENSINGTON PARKWOOD  
ELEMENTARY SCHOOL**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mrs. O'Neill, the following resolution was adopted unanimously by members present:#

WHEREAS, The Kensington Parkwood Elementary School modernization project was inspected on May 30, 2006; now therefore be it

Resolved, That the Board of Education accept the Kensington Parkwood Elementary School modernization project and that the official date of completion is that date when formal notice is received from the architect that this project has been completed in accordance with the plans and specifications, and all contract requirements have been met.

RESOLUTION NO. 297-06            Re:    **ACCEPTANCE OF LAKELANDS PARK MIDDLE  
SCHOOL**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mrs. O'Neill, the following resolution was adopted unanimously by members present:#

WHEREAS, The Lakelands Park Middle School project was inspected on May 23, 2006; now therefore be it

Resolved, That the Board of Education accept the Lakelands Park Middle School project and that the official date of completion is that date when formal notice is received from the architect that this project has been completed in accordance with the plans and specifications, and all contract requirements have been met.

RESOLUTION NO. 298-06            Re:    **ACCEPTANCE OF OAK VIEW ELEMENTARY  
SCHOOL**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mrs. O'Neill, the following resolution was adopted unanimously by members present:#

WHEREAS, The Oak View Elementary School core improvements project was inspected on June 7, 2006; now therefore be it

Resolved, That the Board of Education accept the Oak View Elementary School core improvements project and that the official date of completion is that date when formal notice is received from the architect that this project has been completed in accordance with the plans and specifications, and all contract requirements have been met.

RESOLUTION NO. 299-06

Re: **ACCEPTANCE OF ROSEMONT ELEMENTARY SCHOOL**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mrs. O'Neill, the following resolution was adopted unanimously by members present:#

WHEREAS, The Rosemont Elementary School addition project was inspected on May 12, 2006; now therefore be it

Resolved, That the Board of Education accept the Rosemont Elementary School addition project and that the official date of completion is that date when formal notice is received from the architect that this project has been completed in accordance with the plans and specifications, and all contract requirements have been met.

RESOLUTION NO. 300-06

Re: **ACCEPTANCE OF SOUTH LAKE ELEMENTARY SCHOOL**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mrs. O'Neill, the following resolution was adopted unanimously by members present:#

WHEREAS, The South Lake Elementary School addition project was inspected on May 31, 2006; now therefore be it

Resolved, That the Board of Education accept the South Lake Elementary School addition project and that the official date of completion is that date when formal notice is received from the architect that this project has been completed in accordance with the plans and specifications, and all contract requirements have been met.

RESOLUTION NO. 301-06

Re: **CONTRACT AMENDMENT—ENSOFT CONSULTING**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mrs. O'Neill, the following resolution was adopted unanimously by members present:#

WHEREAS, On March 15, 2006, the Board of Education awarded a contract to Ensoft Consulting to develop a program of requirements and request for proposals for a Department of Facilities Management capital asset management system; and

WHEREAS, Additional services are needed to support the implementation of the capital asset management system; and

WHEREAS, Staff has negotiated a fee for these services at labor rates agreed upon within the contract; now therefore be it

Resolved, That an amendment to the March 15, 2006, contract with Ensoft Consulting in the amount of \$165,278 be awarded for additional technical support services in accordance with the terms and conditions of the contract.

RESOLUTION NO. 302-06            Re:    **UTILIZATION OF THE FY 2006 PROVISION FOR FUTURE SUPPORTED PROJECTS FUNDS**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mrs. O'Neill, the following resolution was adopted unanimously by members present:#

WHEREAS, The grant qualifies for a transfer of appropriation from the Provision for Future Supported Projects, pursuant to the provisions of County Council Resolution No. 15-631, approved May 27, 2005; and

WHEREAS, The project does not require any present or future county funds; and

WHEREAS, Sufficient appropriation is available, within the FY 2006 Provision for Future Supported Projects, to permit the transfer within state categories; now therefore be it

Resolved, That the superintendent of schools be authorized to receive and expend, within the FY 2006 Provision for Future Supported Projects, as specified below:

<u>Project</u>	<u>Amount</u>
Maryland Department of the Environment (MDE) Ultra Low Sulfur Fuel Grant	\$ <u>15,000</u>
Total	\$ <u>15,000</u>

and be it further

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

RESOLUTION NO. 303-06            Re:    **RECOMMENDED CATEGORICAL TRANSFER FOR THE FY 2006 PROVISION FOR FUTURE SUPPORTED PROJECTS**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mrs. O'Neill, the following resolution was adopted unanimously by members present:#

WHEREAS, The current FY 2006 Operating Budget adopted by the Board of Education includes \$16,467,476 for the Provision for Future Supported Projects; and

WHEREAS, The Board of Education will receive additional projects that are eligible for funding through the Provision for Future Supported Projects during FY 2006; and

WHEREAS, Actual revenue and expenditure requirements of grant projects require that categorical transfers be made in the Provision for Future Supported Projects; now therefore be it

Resolved, That the superintendent of schools be authorized to effect a categorical transfer totaling \$300,000 within the FY 2006 Provision for Future Supported Projects, in accordance with the County Council provision for transfers, as follows:

<u>Category</u>	<u>From</u>	<u>To</u>
3 Instructional Salaries	\$ 300,000	
14 Community Services	<u>                    </u>	\$ 300,000
Total	<u>\$ 300,000</u>	<u>\$ 300,000</u>

and be it further

Resolved, That a copy of this resolution be sent to the county executive and County Council; and be it further

Resolved, That the county executive be requested to recommend approval of this resolution to the County Council.

Re: **MONTHLY FINANCIAL REPORT**

Mr. Larry Bowers, chief operating office, stated that this financial report reflects the actual financial condition of MCPS as of April 30, 2006, and projections through June 30, 2006, based on program requirements and estimates made by primary and secondary account managers. At that time, revenues had a projected surplus of \$1,297,863, while expenditures had a projected surplus of \$5,300,000. Staff will continue to closely monitor both revenues and expenditures.

Ms. Cox asked for three years of data on budgetary expenditures by the Office of Organizational Development regarding stipends versus credit. This information should include surpluses, deficits, and causes.

RESOLUTION NO. 304-06

Re: **PRELIMINARY PLAN – FRANCIS SCOTT KEY  
MIDDLE SCHOOL MODERNIZATION**

On recommendation of the Superintendent and on motion of Mrs. O'Neill seconded by Ms. Cox, the following resolution was adopted unanimously by members present:

WHEREAS, The architect for the proposed modernization of Francis Scott Key Middle School, The Lukmire Partnership, Inc., has prepared a schematic design in accordance with the educational specifications; and

WHEREAS, The Francis Scott Key Middle School Facility Advisory Committee has provided input for the proposed schematic design; now therefore be it

Resolved, That the Board of Education approve the preliminary plans report for the modernization of Francis Scott Key Middle School developed by The Lukmire Partnership, Inc.

**Re: UPDATE ON PROFESSIONAL LEARNING  
COMMUNITIES INSTITUTE**

Dr. Weast invited the following people to the table: Ms. Darlene Merry, associate superintendent for the office of organizational development; Mr. Jamie Virga, director, Professional Learning Communities Institute; and Ms. Joan Mory, instructional specialist, Professional Learning Communities Institute.

The Professional Learning Communities Institute (PLCI) is an innovative professional development initiative designed to increase student achievement in selected elementary schools by building the school improvement capacity of each school's leadership team. Through participation in the PLCI, leadership team members, including administrators, teachers, supporting services staff, and parents, develop the skills and knowledge that will enable them to create and sustain a high-performing professional learning community in their schools. PLCI participants review case studies, engage in reflective discussions, examine their own practices, and plan for improvement. Teams are provided with structured professional development, ongoing support from the PLCI staff, and enhanced school improvement funding. As a result of these experiences, teams identify needs, plan strategies, and implement action plans to improve achievement for all students. The discussion focuses on the collaborative development of the PLCI, the inaugural implementation of the program during the 2005–2006 school year, and the next steps for expanding the impact of the initiative.

**Re: DISCUSSION**

Ms. Cox asked if the team members ask thought-provoking questions about instruction when they return to their schools to teach their colleagues. Mr. Virga explained that they talk about the best characteristics of instruction, and some schools want to use the survey instrument at the beginning of the school year. Ms. Merry added that there has to be performance measures to determine success, what was learned, if it was implemented, and if student achievement increased.

Ms. Cox pointed out that the questions asked the leadership teams from the schools about

their perceptions of the school environment and their colleagues. Is the idea to have them observe the change in others? Mr. Porter pointed out that the question “can all children learn,” causes reflection and self-evaluation.

Mr. Romero thought the timing of the study is based on the capacity that has been built over the past several years, and now the PLCI is going to the local level. Dr. Weast replied that “closing the gap” has to have a different approach with a case study of three successful schools. What was learned was that the right questions had to be asked – can all children learn, is it everyone’s responsibility, and is school for student learning? Now the intent is to replicate what has been learned, change the belief system of teachers, and become output oriented to determine if it makes a difference in student learning.

Mrs. Navarro thought there was value in honestly answering the questions to self-evaluate and internalize the mission of the school system. She wanted to know if the question “can all students learn” was connected to the diversity of the school system. Staff replied that the Broad Acres Elementary School case study provided knowledge that can be shared with other schools. After the study was presented, the strategies were replicated with the whole staff based on expectations.

Ms. Ervin thought language and the way it is used are important. The term “diversity” is suppose to be good, but it has connotations and is used as a cop out. She would like another descriptor for use by the school system. Dr. Lacey replied that is the power of the Broad Acres case study. The PLCI provides the shared information, collaboration, and outreach to emphasize that all students can learn.

Ms. Ervin asked if the success of a school is tied to the leader. Dr. Weast replied that this experiment is being watched to determine the effectiveness of trained staff or leadership. This project is to promote collaboration to ascertain the most cogent learning model. Training will be required for staff.

Mr. Romero thought there were other conversations, and people want their children to attend a diverse school so that people can come together. Dr. Weast stated that education of children in diverse areas is backed up with study circles to deal with issues such as race, immigration, and poverty.

Dr. Weast pointed out that everyone must ascertain if staff is asking the right questions. If those questions are answered, student achievement will be affected. This is a long-term journey to deal with race, poverty, and immigration.

Re: **DIALOGUE WITH INTERAGENCY COORDINATING BOARD**

Dr. Weast invited the following people to the table: Ms. Ginny Gong, executive director, Community Use of Public Facilities; Mr. Robert Muller, chairman of the Interagency Coordinating Board (ICB); and Meredith Wellington, vice chairman of the ICB. The chair explained that since 1978, the ICB for Community Use of Public Facilities (CUPF) has helped to make public facilities accessible and affordable year round for community activities and to bring services to county residents at public school sites. The ICB, whose membership includes decision-makers from the various county stakeholder agencies, formulates policies that equitably balance the needs of community use with those of the school system's instructional programs.

With the guidance of the ICB's advisory committees, an appropriate balance of user fees and reimbursements to the school system for shared use is maintained. CUPF operates solely as an enterprise fund, supported totally by fees from community users and no taxpayer dollars. In addition to reimbursing the school system for hours of use, utilities, and staff costs, monies are also expended to support other initiatives such as the After-school Activities Program, modem sound access, security cameras, security gates, field renovations, etc. The ICB also reimburses the county's general fund for the office's administrative costs.

What do these ICB policies mean to the citizens of Montgomery County? When implemented by CUPF, they become the key to a variety of exciting community activities in schools and other public facilities. Before and after the school bell rings and throughout the weekend, from morning to late evening, these activities continue in the majority of the 190 schools (indoors and outdoors), libraries, closed schools and other public facilities. Private and public organizations, businesses, and individuals are all welcome to use the county's public schools and facilities.

Ms. Wellington reported that the ICB has been thinking about two major issues: (1) balance the mandate to cover all costs as an enterprise fund, but keep fees affordable, and (2) adult soccer games on county fields. The ICB is moving to a system of reviewing fees every two years to reflect the actual costs, such as for utilities. A task force will look at the scheduling of fields.

Ms. Gong reported that CUPF has streamlined the process through technology. All elementary and middle schools are scheduled by CUPF, and all schools are online with CUPF. There is online submission for facility requests.

Re: **DISCUSSION**

Ms. Cox noted that she had not received any complaints about the ICB, and she appreciated the collaboration with the school system.

Mrs. O'Neill thought it was important to educate the public on the use of facilities, especially the use of fields. She asked if PTAs received information to encourage collaboration with CUPF. Ms. Gong stated that she was included in the MCCPTA meeting, and she uses the PTA newsletters in the fall.

Ms. Ervin remarked that the County Council added funds for after-school programs, and she asked how that would complicate the scheduling of facilities. Ms. Gong replied that there is shared occupancy before and after school. If there is space available, there can be joint occupancy. She assumed that the funding by the Council will go to organizations and in turn the organizations will request space.

Dr. Weast noted that CUPF has increased its operational proficiency, and he thought scheduling would become more difficult because of the demand for facilities. Mr. Muller thought the training is a must since organizations continually turn over, and groups need to be educated on the costs of keeping the facilities open to them. Ms. Wellington suggested that artificial turf may be the answer for fields.

Dr. Haughey asked about the fees based on costs for construction and utilities. Dr. Weast replied that different schools have different pricing, but the facilities are the cheapest rentals in the area. Should the school system subsidize the use of facilities or should it be the county? This dilemma needs to be addressed.

Ms. Navarro asked what would be the priority for a parent group. Would it have to be sponsored by the school? Ms. Gong stated that if the group is not sponsored by the PTA or school, then it uses the space as a community group with appropriate costs.

Ms. Navarro knew of groups that are reimbursed through the county for the use of schools. How prevalent is that? Ms. Gong replied that if a group has county funding through a grant, those funds should be used to pay for the facilities used by the group.

RESOLUTION NO. 305-06      Re:    **CLOSED SESSION RESOLUTION FOR JUNE 26, 2006**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mrs. O'Neill, 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 a closed session on Monday, June 26, 2006, in Room 120 of the Carver Educational Services Center to meet from 6:00 to 6:30 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. 306-06            Re:    **REPORT OF CLOSED SESSION FOR MAY 22, 2006**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mrs. O'Neill, the following resolution was adopted unanimously by members present:

On May 22, 2006, 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 May 22, 2006, from 6:00 to 6:25 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and

1. Reviewed and considered the following appeal with a subsequent vote in open session in its quasi-judicial capacity outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*): 2005-20, 2005-50, 2006-16, and T-2006-20.
2. 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*): 2006-17.
3. Discussed the Human Resources Appointments with a subsequent vote in open session, as permitted under Section 10-508(a)(1) of the *State Government 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 session were: Steve Abrams, Larry Bowers, Patrick Clancy, Sharon Cox, Brian Edwards, Charles Haughey, Roland Ikheloa, Sebastian Johnson, Don Kress, Frieda Lacey, George Margolies, Susan Marks, Nancy Navarro, Patricia O'Neill, John Q. Porter, Brian Porter, Lori Rogovin, Frank Stetson, Gabe Romero, Glenda Rose, Matt Tronzano, and Jerry Weast.

RESOLUTION NO. 307-06

Re: **APPOINTMENTS TO THE ADVISORY COMMITTEE  
ON FAMILY LIFE AND HUMAN DEVELOPMENT  
(STUDENTS)**

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

WHEREAS, By Resolution 389-05, approved July 27, 2005, the Board of Education reconstituted the Citizens Advisory Committee for Family Life and Human Development to serve in an advisory capacity only, pursuant to COMAR 13A.04.18.03.D(1); and

WHEREAS, Among its 15 members are an MCPS high school student and another MCPS high school student representing the Montgomery County Region of the Maryland Association of Student Councils; now therefore be it

Resolved, That the following students be appointed to serve a one-year term effective July 1, 2006, and ending June 30, 2007.

Benjamin Elkind, representing Montgomery County Region of the  
Maryland Association of Student Councils

Margaret Ellen Johnson

RESOLUTION NO. 308-06

Re: **APPOINTMENTS TO THE ETHICS PANEL**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mrs. O'Neill, the following resolution was adopted unanimously by members present:

WHEREAS, On February 29, 1984, the Ethics Panel was established by the Board of Education; and

WHEREAS, The members of the Ethics Panel are appointed by the Board of Education; and

WHEREAS, The Board expanded the panel on June 10, 2003, from three to five members; and

WHEREAS, Three vacancies will soon exist on the five-member panel; now therefore be it

Resolved, That the following individuals be appointed to serve a three-year term effective July 1, 2006, and ending June 30, 2009.

Ellen M. Duncan

Holli Beckerman Jaffe

Arleas Upton Kea

RESOLUTION NO. 309-06      Re:    **MINUTES – FEBRUARY 27 AND MARCH 14, 2006**

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

Resolved, That the Board of Education approve its minutes from the February 27 and March 15, 2006, meetings.

RESOLUTION NO. 310-06      Re:    **APPEALS**

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

WHEREAS, The Board of Education has met in closed session, and deliberated on appeals brought before its members acting in its quasi-judicial capacity under Section 10-503(a) of the *State Government Article*; now therefore be it

Resolved, That the Board of Education hereby decide the following appeals, reflective of the Board members' votes in closed session, the disposition of which shall be recorded separately in the minutes of today's meeting:

<u>Appeal Number</u>	<u>Type</u>	<u>Disposition</u>
2006-17	Student Expulsion	Affirmed
T-2006-21	Student Transfer	Reversed
T-2006-22	Student Transfer	Reversed
T-2006-23	Student Transfer	Reversed
T-2006-24	Student Transfer	Affirmed
T-2006-26	Student Transfer	Affirmed

RESOLUTION NO. 311-06      Re:    **THE DIVISION OF FOOD AND NUTRITION SERVICES ENTERPRISE FUND**

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

WHEREAS, The Division of Food and Nutrition Services operates an enterprise fund that is intended to be fully self-supporting with revenues used to offset expenditures including

salaries of cafeteria workers,

WHEREAS, Concerns have been expressed that rising cost factors are impacting the self-sufficiency of the food services enterprise fund; now therefore be it

Resolved, That the Board of Education schedule a discussion of the food services enterprise fund that addresses these concerns, their impact on cafeteria personnel, and the delivery of quality nutrition services in Montgomery County Public Schools.

Re: **NEW BUSINESS**

There was no new business.

Re: **ITEMS OF INFORMATION**

The following items were available:

1. Legal Fees Report
2. Construction Progress Report

RESOLUTION NO. 312-06

Re: **ADJOURNMENT**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mrs. O'Neill, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education adjourn its meeting of June 13, 2006, at 5:05 p.m.

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PRESIDENT

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SECRETARY

JDW:gr

**MONTGOMERY COUNTY BOARD OF EDUCATION  
SUMMARY SHEET**

June 13, 2006

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