

APPROVED
1-2009

Rockville, Maryland
January 13, 2009

The Board of Education of Montgomery County met at the Carver Educational Services Center, Rockville, Maryland, on January 13, 2009, at 10:00 a.m.

Present: Ms. Shirley Brandman, President
in the Chair
Mr. Christopher Barclay
Ms. Laura Berthiaume
Dr. Judy Docca
Mr. Philip Kauffman
Ms. Quratul-Ann Malik
Mrs. Nancy Navarro
Mrs. Patricia O'Neill
Dr. Jerry Weast, Secretary/Treasurer

Absent: None

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

RESOLUTION NO. 1-09 Re: **RESOLUTION FOR CLOSED SESSIONS**

On recommendation of the superintendent and on motion of Dr. Docca seconded by Ms. Navarro, 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 closed sessions on January 13, 2009, in Room 120 from 9:00 to 10:00 a.m. and 12:30 to 2:30 p.m. to discuss the Human Resources 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 discuss a proposed legal settlement agreement, as permitted under Section 10-508(a)(5) of the *State Government Article*; and be it further

Resolved, That the Board of Education of Montgomery County receive legal advice on the proposed settlement, intellectual property issues, and other matters, 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 January 13, 2009, to acquit its administrative 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.

Re: **PLEDGE OF ALLEGIANCE**

“I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.”

RESOLUTION NO. 2-09 Re: **APPROVAL OF THE AGENDA**

On recommendation of the superintendent and on motion of Mrs. O’Neill seconded by Mr. Barclay, the following resolution was adopted unanimously:

Resolved, That the Board of Education approve its agenda for January 13, 2009.

RESOLUTION NO. 3-09 Re: **IN APPRECIATION: TRACI L. WILLIAMS, STUDENT MEMBER OF THE BOARD OF EDUCATION (1980–1981)**

On recommendation of the superintendent and on motion of Ms. Malik seconded by Mrs. O’Neill, the following resolution was adopted unanimously:

WHEREAS, Ms. Traci L. Williams, actress and arts educator, graduate of Walt Whitman High School, and former student member of the Montgomery County Board of Education (SMOB) passed away on December 14, 2008; and

WHEREAS, Ms. Williams, as a student leader and student member of the Board (SMOB) from July 1, 1980, to June 30, 1981, blazed a pioneering trail as the third SMOB, the first female SMOB, and the first African American SMOB in the history of Montgomery County Public Schools (MCPS); and

WHEREAS, During Ms. Williams tenure as a student of MCPS and as a leader, she displayed uncommon grace, dignity, and strength of character as she worked to ensure respect and authority for the voices of students by successfully fighting for the expansion of the SMOB’s voting rights and ensuring SMOB votes on key issues affecting MCPS; now therefore be it,

Resolved, That, on behalf of the Montgomery County Board of Education and the children of Montgomery County Public Schools, the Board sends condolences to the family of Ms. Traci L. Williams and salutes her legacy as a powerful voice and advocate for the welfare of all children and youth and as a visionary pioneer whose quiet but persistent advocacy enhanced the stature and authority of the office of the Student Member of the Board; and be it further

Resolved, That a copy of this resolution be sent to the family of Ms. Traci L. Williams.

RESOLUTION NO. 4-09 Re: **AFRICAN AMERICAN HISTORY MONTH**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Ms. Berthiaume, the following resolution was adopted unanimously:

WHEREAS, The history of African Americans began in 1619 with the settlement of 20 African Americans at Jamestown, Virginia; and

WHEREAS, In 1926, Dr. Carter G. Woodson, African American educator and historian, moved to officially recognize the achievements and contributions that African Americans make to our society; and

WHEREAS, African Americans have contributed significantly to the growth and development of the country and our county through their distinguished leadership in the fields of science, medicine, education, law, government, religion, the arts, and the humanities; and

WHEREAS, On November 4, 2008, Senator Barack Obama was elected the first African American President of the United States, a country whose Constitution had to be amended nearly 140 years ago in order for African Americans to gain the right to vote; and

WHEREAS, The percentage of African American elementary school students earning a proficient or advanced score in reading on the Maryland School Assessment increased 5.7 percentage points from 76.5 percent in 2007 to 82.2 percent in 2008, now therefore be it

Resolved, That the Montgomery County Board of Education and superintendent of schools hereby declare the month of February 2009 to be *African American History Month*; and be it further

Resolved, That the Montgomery County Board of Education and superintendent of schools encourage the staff, students, parents, and community to actively honor the contributions of African Americans in Montgomery County, the state, and the nation, and enhance the awareness of the impact of attitudes and expectations on the achievement of African American students.

RESOLUTION NO. 5-09 Re: **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

Mr. Barclay, the following resolution was adopted unanimously: #

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 2008–2010 school years; and

WHEREAS, The parties agreed mutually to reopen negotiations on that Agreement for the 2009–2010 school year because of the adverse economic conditions in Montgomery County and the state of Maryland; and

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

WHEREAS, The parties have reached tentative agreement on modification of the agreement to include extension of the agreement by four years with specified reopeners, through FY 2014; 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, 2009, through June 30, 2014; 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.

RESOLUTION NO. 6-09

Re: **AMENDED AGREEMENT WITH THE
MONTGOMERY COUNTY BUSINESS AND
OPERATIONS ADMINISTRATORS**

On recommendation of the superintendent and on motion of Mrs. O’Neill seconded by Mr. Barclay, the following resolution was adopted unanimously: #

WHEREAS, Section 6-510 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), representing the Montgomery County Business and Operations

Administrators (MCAASP/MCBOA) 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 2008–2010 school years; and

WHEREAS, The parties agreed mutually to reopen negotiations on that agreement for the 2009–2010 school year because of the adverse economic conditions in Montgomery County and the state of Maryland; and

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

WHEREAS, The parties have reached tentative agreement on modification of the agreement to include extension of the agreement by four years with specified reopeners, through FY 2014; and

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

Resolved, That the Board of Education approve the amended agreement for the period of July 1, 2009, through June 30, 2014; 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.

RESOLUTION NO. 7-09

Re: **AMENDED AGREEMENT WITH THE MONTGOMERY COUNTY EDUCATION ASSOCIATION**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Barclay, the following resolution was adopted unanimously:#

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 Education Association (MCEA) 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 2008–2010 school years; and

WHEREAS, The parties agreed mutually to reopen negotiations on that Agreement for the 2009–2010 school year because of the adverse economic conditions in Montgomery County and the state of Maryland; and

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

WHEREAS, The parties have reached tentative agreement on modification of the Agreement to include extension of the agreement by four years, with specified reopeners, through FY 2014; and

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

Resolved, That the Board of Education approve the amended agreement for the period of July 1, 2009, through June 30, 2014; 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.

RESOLUTION NO. 8-09

Re: **AMENDED AGREEMENT WITH SEIU LOCAL 500**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Barclay, the following resolution was adopted unanimously:#

WHEREAS, Section 6-510 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, Service Employees International Union, (SEIU) Local 500, CTW, 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 2008–2010 school years; and

WHEREAS, The parties agreed mutually to reopen negotiations on that Agreement for the 2009–2010 school year because of the adverse economic conditions in Montgomery County and the state of Maryland; and

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

WHEREAS, The parties have reached tentative agreement on modification of the Agreement to include extension of the agreement by four years, with specified reopeners, through FY 2014; and

WHEREAS, The tentative Agreement to amend has been duly ratified by the membership of SEIU Local 500, CTW; now therefore be it

Resolved, That the Board of Education approve the amended Agreement for the period of July 1, 2009, through June 30, 2014; 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. Linda Plummer	Fannie Mae Help the Homeless Mini Walks
2. Lisa Gabriel	Middle School Staffing

Re: **BOARD/SUPERINTENDENT COMMENTS**

Ms. Berthiaume commented that she attended the MCCPTA Forum to talk about the budget and the need to seek funding from the state. Second, there was a joint meeting of the Fiscal Management and Policy committees to receive information about curricular-related fees. In the future, she will be attending the Federal Relations Network to review the reauthorization of the *No Child Left Beyond Act*. Finally, she attended the legislative breakfast hosted by the Montgomery County Education Association.

Mr. Kauffman added to Ms. Berthiaume's comments. He explained that, as we move forward with the operating budget, the key is to have the school system and stakeholders be vigilant at the state level and to make sure the legislators do everything necessary to ensure that Montgomery County receives the appropriate funding. Also, he said that it is necessary to make sure that the state does not pass back the pensions and funding formulas are maintained and adhered to with GCEI funding.

Mr. Barclay also added to the remarks of his colleagues. He had the opportunity to participate in the reopening of the Piney Branch pool in Takoma Park. He thanked the County Council and Department of Recreation for the use of an existing facility for the community and school system.

Ms. Malik thanked the chairs of the Fiscal Management and Policy committees for an informative meeting on curricular-related fees. Also, she encouraged students to end the semester on a strong note.

Ms. Navarro further added to the comments of her colleagues. The importance of all of the meetings is to make use of the opportunity to come together as county leaders to discuss and express ideas and strategies. The officers will continue to have lunches with members of the County Council to collaborate on county issues. Finally, she attended a meeting with

county officials where a change in police policy might record violent crime without notification to the Immigration and Customs Enforcement. This is a growing concern, and the stakeholders discussed possibilities to address crimes with other tools.

Dr. Docca noted that she attended a meeting where she was able to talk to legislators. With Maryland being the number-one state for the quality of its public schools, MCPS contributes to the record. The Board must continue to work with the delegation to assure that there are no unfunded mandates. Also, the delegates should check with the Board or staff to determine what the bills necessitate. Finally, she pointed out that Dr. George B. Thomas, Sr. was named as one of the Washingtonians of the Year.

Mrs. O'Neill noted that the message at the MCEA Breakfast was "no pass backs" from the state to Montgomery County, especially pensions. There is a lot at stake during the General Assembly in Annapolis this year, including teacher pensions, Geographic Cost of Education Index, no tinkering with formulas, construction, and unfunded mandates. Finally, the delegation must look into the shortfall to MCPS in FY 2009.

Dr. Weast commented on two items in the news that appeared last week—two outstanding examples of how schools are performing at a high level and closing the achievement gap. In both cases, there were two key factors influencing the high level of student performance: collaboration among staff and the entire school community, and a sincere belief that student achievement will not be predictable by race. In the Washington Post, a column by Marc Fisher emphasized the amazing turnaround that took place at Broad Acres Elementary. That school was transformed from being on the verge of a state takeover to soaring student achievement. Mr. Fisher described it as a school "that works" because the staff, the students and the entire school community work together."

The second story is one that ran on Channel 9, on the day that Maryland was named the number-one state for the quality of its public schools by *Education Week* magazine. In presenting that story, Channel 9 went to Highland Elementary School, which (just before the holidays) was named one of six Maryland Blue Ribbon Schools. Highland was, by far, the most diverse of the six schools honored this year with this prestigious distinction.

Dr. Weast said he was looking forward to the public hearings on the budget and to continuing work with the Board as we move to approve a budget to send to the County Council. According to Dr. Weast, the proposed budget is \$2.1 billion and, understanding the dire economic situation, staff has put together a plan that will not require any new county taxpayer dollars. There has been extraordinary cooperation with our employee associations, which supported a necessary move this year to forgo cost-of-living adjustments resulting in a savings \$89 million.

According to Dr. Weast, another item closely related to the budget is a subject that has been in the news in recent days. A major miscalculation in the state's funding formula led to MCPS receiving about \$24 million less than we should have this fiscal year. Staff has

called attention to an error in the state's calculations last year at this time, but we were unable to get any kind of satisfactory answer to the concerns we expressed, in analyzing the state calculations. After recently receiving the new calculations for next year, we knew for certain that this confirmed our suspicion that there must have been an error. The state has now pledged to return that money to us in next year's budget.

Re: UPDATE ON PREKINDERGARTEN

Dr. Weast invited the following people to the table: Mr. Erick J. Lang, associate superintendent, Office of Curriculum and Instructional Programs (OCIP) ; Dr. Michael P. Cohen, director, Department of Instructional Programs, OCIP; Mrs. Deann M. Collins, principal, Montgomery Knolls Elementary School; and Ms. Janine G. Bacquie, director, DECPS, OCIP.

Children's experiences in their first years have a profound impact on the course of their development, and for the rest of their lives. Research confirms that high-quality preschool programs have a long-term positive effect on a child's well-being and academic success. Children need rich language and literacy experiences beginning at an early age. Montgomery County Public Schools' (MCPS) locally funded prekindergarten and federally funded Head Start programs offer high-quality early learning experiences and comprehensive services to 3- and 4-year-old children from income-eligible families. Federal Head Start guidelines mandate comprehensive services for enrolled children. In an effort to address the needs of prekindergarten families, a service model for prekindergarten was developed, in collaboration with the Montgomery County Council, that is similar to the Head Start model. Services include speech, nutrition, health, social services, mental health consultation, and parent education and engagement.

Both prekindergarten and Head Start programs provide a cognitively stimulating curriculum with a strong emphasis on language and literacy that is aligned with the Maryland Voluntary State Curriculum. Age-appropriate science, social studies, art, music, technology, and physical education experiences also are part of the student day. Instruction is focused on the whole child, including his/her social, emotional, and physical/motor development. Students are given the opportunity to develop and practice critical language skills as they learn about their world. The programs include family involvement components to encourage regular communication and provide opportunities for parents to become engaged in their children's education.

For both programs, the MCPS Assessment Program (MCPSAP) and the Early Childhood Observation Record (ECOR) are used to differentiate instruction and monitor student progress. The MCPSAP is a performance assessment that operates to evaluate each student's performance level for foundational skills deemed necessary to achieve proficiency in reading and mathematics. The ECOR is an observational instrument aligned with the Maryland Model for School Readiness that assesses readiness indicators in the following seven broad developmental dimensions of learning:

1. Personal and Social Development
2. Language and Literacy
3. Mathematical Thinking
4. Scientific Thinking
5. Social Studies
6. Physical Development and Health
7. The Arts

Compliance with BTE may increase the number of students in prekindergarten classes as more parents of FARMS-eligible students access their children's right to a free public prekindergarten experience. Presently, the local prekindergarten program is funded for 1,885 students. As more students are added to classrooms, accommodations will have to be made within existing resources. MSDE suggests that local education agencies may determine how to address any additional costs, possibly necessitating adjustments to the instructional program.

MSDE has recommended universal preschool for all 4-year-old children, beginning in 2014. The Universal Preschool Implementation Work Group is developing a proposed implementation plan. Given the number of 4-year-old children in Montgomery County, the current capacity of community-based resources, certification issues related to community-based staffing, the need to provide training opportunities, and funding streams for programs, the implications of this plan for MCPS are unclear.

Re: **DISCUSSION**

Ms. Brandman asked about the number of full-day programs with additional Title I funds. Staff replied that there were 13 classes in 10 schools. The morning session is paid for by federal Head Start funds, and the afternoon session is from local Title I funds.

Ms. Navarro pointed out that debate takes place all over the country when funding is limited. MCPS has data and research to prove that alignment with early grades produces continued academic achievement throughout the student's career. Ms. Navarro stated that there is a priority for pre-K at the national level, and the county has been engaged in the Universal Preschool Implementation Work Group.

Ms. Berthiaume asked if the Gates Foundation was interested in this area. Staff indicated that the Gates Foundation is interested in early childhood education, but it is focused in the Seattle area. Further, there is a grants specialist within MCPS who researches possible grants and supports staff in seeking and writing grants.

Mr. Barclay inquired about community partnerships related to sharing space and curriculum. Staff replied that child care providers lease space from MCPS schools where they operate preschool programs. Second, MCPS has provided training for a select tier

of providers identified by the Maryland Department of Health and Human Services.

Mrs. O'Neill noted that MCPS's curriculum was revised and teachers were trained in early childhood education. Aligning the curriculum to pre-K is key, since the richness of language and literacy skills is based on a lifetime of experience. Referring to the community-based programs, she asked about the oversight responsibility of the school system. Staff explained that MCPS collaborates with the programs, but they operate under the Department of Health and Human Services. Mrs. O'Neill quoted Dr. Weast about encouraging teachers to work at focus or Title I schools. However, building leadership is vital in leading teachers to excellence.

Mrs. Navarro commented on the "fade out" issue. Whenever there is a diverse group of stakeholders to put forth a plan, there will be different points of view. It is important to make sure that research has proven alignment in a strong K- 3 curriculum. An academic component is an issue of equity.

Ms. Brandman questioned the variance in enrollment, and what it means in terms of the budget. Staff explained it is directly related to the Bridge to Excellence mandate. Children eligible for prekindergarten must be enrolled if their parents apply without full funding. Ms. Brandman thought it was critical for the legislators to be aware of unfunded mandates. Ms. Brandman asked for the number of students on the waiting list for prekindergarten services who are not eligible.

Mrs. Navarro thought that a list of recommendations should be made available when the Universal Preschool Implementation Work Group's Report is issued. This would be helpful in reaching out to the Montgomery County Delegation in support of early childhood education legislation. This report would allow alignment with MCPS and would be instructive to the General Assembly and congress. Hopefully, there will be recommendations for all elected officials.

Re: **LUNCH AND CLOSED SESSION**

The Board of Education recessed for lunch and closed session from 12:35 to 2:35 p.m.

** Mrs. Navarro left the meeting at this point.

** Ms. Berthiaume temporarily left the meeting at this point.

RESOLUTION NO. 9-09

Re: **CONTRACTS OF \$25,000 OR MORE**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Kauffman, 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 will be awarded to the low bidders meeting specifications as shown below:

IFB82-07	Antifreeze		
	<u>Awardee</u>		
	Hydrocarbon Recovery Services, Inc.		\$ 65,000
RKS-9-8	Music Equipment		
	<u>Awardee</u>		
	Wenger Corporation		\$ 51,507
001B8 900505	Poly Liner Bags		
	<u>Awardee</u>		
	W W Grainger, Inc.		\$ 30,000
07-I-1	Instructional Calculators and Accessories		
	<u>Awardee</u>		
	EAI Education		\$ 86,880
1151.1	COTS/ASP Instructional Management System		
	<u>Awardee</u>		
	Edmin.com, Inc.		\$ 350,000
4053.5	Bathroom Partition Repair Parts		
	<u>Awardee</u>		
	Hardware Discounters		\$ 41,875
4087.8	Media Center Supplies—Extension		
	<u>Awardees</u>		
	Demco, Inc.		\$ 7,481
	Gaylord Brothers, Inc.		18,806
	On Time Label		12,740
	Pyramid School Products		<u>120,944</u>
	Total		\$ 159,971
4088.7	Laminating Supplies		

	<u>Awardees</u>	
	AFP Industries, Inc.*	\$ 9,600
	Pyramid School Products	113,974
	Standard Stationery Supply Company	<u>68,382</u>
	Total	\$ 191,956
4146.1	Office Supplies/Systems Contract—Extension	
	<u>Awardee</u>	
	Officemax	\$1,324,662
4232.1	Foreign Language Translation Services, Voice Talent Casting and Recording	
	<u>Awardee</u>	
	Language Line Services	\$ 84,247
7064.8	Custodial Supplies	
	<u>Awardee</u>	
	Acme Paper & Supply Company	\$ 30,000
9017.4	Operable Wall System, Preventive Maintenance—Extension	
	<u>Awardee</u>	
	Modern Door and Equipment Sale	\$ 35,000
	TOTAL PROCUREMENT CONTRACTS OVER \$25,000	\$2,451,098

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

Note: Contract amounts will be based on individual requirements.

RESOLUTION NO. 10-09 Re: **ACCEPTANCE OF THE BROOKHAVEN
ELEMENTARY SCHOOL GYMNASIUM
ADDITION PROJECT**

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

WHEREAS, On behalf of the Board of Education, Board President Shirley Brandman inspected the Brookhaven Elementary School gymnasium addition project on Tuesday, December 16, 2008; now therefore be it

Resolved, That the Board of Education accept the Brookhaven Elementary School gymnasium 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 drawings and specifications, and all contract requirements have been met.

RESOLUTION NO. 11-09 Re: **ACCEPTANCE OF THE RICHARD
MONTGOMERY HIGH SCHOOL SITE WORK**

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

WHEREAS, On behalf of the Board of Education, Board Member Christopher Barclay inspected the Richard Montgomery High School site work on Friday, December 19, 2008; now therefore be it

Resolved, That the Board of Education accept the Richard Montgomery High School site work 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 drawings and specifications, and all contract requirements have been met.

RESOLUTION NO. 12-09 Re: **ACCEPTANCE OF THE STEDWICK
ELEMENTARY SCHOOL ADDITION PROJECT**

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

WHEREAS, On behalf of the Board of Education, Board Member Judy Docca inspected the Stedwick Elementary School addition project on Wednesday, December 10, 2008; now therefore be it

Resolved, That the Board of Education accept the Stedwick 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 drawings and specifications, and all contract requirements have been met.

RESOLUTION NO. 13-09 Re: **CONSULTANT APPOINTMENT—
TOPOGRAPHY SURVEY**

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

WHEREAS, It is necessary to appoint a survey firm to provide professional topography survey services for various capital projects; and

WHEREAS, A Consultant Selection Committee, in accordance with procedures adopted by the Board of Education on April 20, 2006, identified Meridian Surveys, Incorporated, as the most qualified firm to provide the necessary professional topography survey services; and

WHEREAS, Staff will negotiate fees for the necessary topography survey services for each project, based on the size and complexity of individual projects; now therefore be it

Resolved, That the Board of Education enter into a contractual agreement with the firm of Meridian Surveys, Incorporated, to provide professional topography survey services for new schools, addition, and modernization projects and feasibility studies as requirements arise, with each individual project contract not to exceed \$75,000 and with the total contract amount not to exceed \$900,000.

RESOLUTION NO. 14-09

Re: **CONSULTANT APPOINTMENT—NATURAL RESOURCE INVENTORY AND FOREST STAND DELINEATION**

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

WHEREAS, It is necessary to appoint an engineering firm to provide professional natural resource inventory and forest stand delineation services for various capital projects; and

WHEREAS, A Consultant Selection Committee, in accordance with procedures adopted by the Board of Education on April 20, 2006, identified Haines Norton Land Design, LLC, as the most qualified firm to provide the necessary professional natural resource inventory and forest stand delineation services; and

WHEREAS, Staff will negotiate fees for the necessary natural resource inventory and forest stand delineation services for each project, based on the size and complexity of individual projects; now therefore be it

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with the firm of Haines Norton Land Design, LLC, to provide professional natural resource inventory and forest stand delineation services for new schools, addition, and modernization projects and feasibility studies as requirements arise, with each individual project contract not to exceed \$50,000 and with the total contract amount not to exceed \$600,000.

RESOLUTION NO. 15-09

Re: **RECOMMENDED FY 2009 SUPPLEMENTAL APPROPRIATION TO RETROFIT BUSES WITH EMISSION-REDUCTION DEVICES**

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

Resolved, That the superintendent of schools be authorized to receive and expend an FY 2009 supplemental appropriation of \$699,501 from the United States Environmental Protection Agency to retrofit 72 buses with exhaust enhancements.

Category	Amount
9 Student Transportation	\$ 699,501
Total	\$ 669,501

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.

RESOLUTION NO. 16-09 Re: **AMENDMENTS TO MASTER LEASE AGREEMENT**

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

WHEREAS, The Board of Education, on January 13, 2004, approved a Master Lease Agreement with Carlyle Financial Services, now First Southwest; and

WHEREAS, Montgomery County Public Schools needs to increase the funding available to finance vehicles and equipment under the Master Lease Agreement through FY 2010; and

WHEREAS, Montgomery County Public Schools staff has determined that financing the FY 2009 acquisitions is dependent on Master Lease Agreement interest rates that reflect current market conditions; and

WHEREAS, The Board of Education's Fiscal Management Committee voted on January 5, 2009, to support this amendment to the Master Lease Agreement; now therefore be it

Resolved, That the total amount of vehicles and equipment specified for financing under the Master Lease Agreement Section 1 be increased to \$133,002,753; and be it further

Resolved, That the Board of Education amend the Master Lease Agreement Section 3(b) to provide for an adjustment factor that reflects current credit market conditions to be applied to calculated interest rates, based on the MMD AAA scale; and be it further

Resolved, That the superintendent of schools be authorized to execute all documents necessary to complete this financing.

RESOLUTION NO. 17-09 Re: **AMENDED TRUST AGREEMENT FOR
MONTGOMERY COUNTY PUBLIC SCHOOLS
RETIREMENT AND PENSION SYSTEM**

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

WHEREAS, Section 7.2 of the Retirement System Trust provides that the Board of Education may amend the Retirement System Trust at any time; and

WHEREAS, Section 7.2 of the Other Post-Employment Benefits Plan Trust provides that the Board of Education may amend the Other Post-Employment Benefits Plan Trust at any time; and

WHEREAS, Montgomery County Public Schools staff recommends that the Board of Education amend the Retirement System Trust to eliminate the position of director, Benefits Strategy and Vendor Relations, as a trustee of the Retirement System Trust and to authorize the Board of Education to appoint an additional trustee of the Retirement System Trust; and

WHEREAS, Montgomery County Public Schools staff recommends that the Board of Education amend the Other Post-Employment Benefits Plan Trust to eliminate the position of director, Benefits Strategy and Vendor Relations, as a trustee of the Other Post-Employment Benefits Plan Trust and to authorize the Board of Education to appoint an additional trustee to the Other Post-Employment Benefits Trust; and

WHEREAS, The Board of Education's Fiscal Management committee voted on January 5, 2009, to support these amendments to the Retirement System Trust and the Other Post-Employment Benefits Trust; now therefore be it

Resolved, That the Board of Education adopt Amendment No. 1 to the Retirement System Trust to eliminate the position of director, Benefits Strategy and Vendor Relations, as a trustee of the Retirement System Trust and authorize the Board of Education to appoint an additional trustee to the Retirement System Trust; and be it further

Resolved, That the Board of Education adopt Amendment No. 1 to the Other Post-Employment Benefits Plan Trust to eliminate the position of director, Benefits Strategy and

Vendor Relations, as a trustee of the Other Post-Employment Benefits Plan Trust and to authorize the Board of Education to appoint an additional trustee to the Other Post-Employment Benefits Trust; and be it further

Resolved, That the Board of Education authorize the secretary of the Board of Education to execute these amendments.

RESOLUTION NO. 18-09 Re: **HUMAN RESOURCES MONTHLY REPORT**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Barclay, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education approve the Human Resources Monthly Report dated January 13, 2009.

RESOLUTION NO. 19-09 Re: **DEATH OF JAMES W. TAYLOR,
AUTOMOTIVE MECHANIC I, DEPARTMENT
OF TRANSPORTATION**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Barclay, the following resolution was adopted unanimously by members present:

WHEREAS, The death on December 3, 2008, of James W. Taylor, automotive mechanic 1 in the Department of Transportation – Shady Grove Fleet Maintenance, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, In the 43.5 years that Mr. Taylor had worked for Montgomery County Public Schools, he was a dedicated and conscientious employee who took great pride in his work; and

WHEREAS, Mr. Taylor's dependability and good relationships with his fellow workers 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 James W. Taylor 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. Taylor's family.

RESOLUTION NO. 20-09 Re: **APPOINTMENT**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by

Dr. Docca, the following resolution was adopted unanimously by members present:

Resolved, That the following personnel appointment be approved, effective January 27, 2009:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Kimberly Bosnic	Principal, Bannockburn ES	Principal, Clarksburg ES #8

Re: **MONTHLY FINANCIAL REPORT**

Mr. Larry Bowers, chief operating officer, states that this financial report reflects the actual financial condition of Montgomery County Public Schools, as of November 30, 2008, and projections through June 30, 2009, based on program requirements and estimates made by primary and secondary account managers. At this time, revenues have a projected surplus of \$1,700,000, while expenses have a projected surplus of \$18,300,000. Staff will continue to closely monitor both revenues and expenditures.

RESOLUTION NO. 21-09 Re: **PRESENTATION PLANS—ROCK VIEW ELEMENTARY SCHOOL ADDITION**

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

WHEREAS, The architect for the proposed Rock View Elementary School addition project, Delmar Architects, P.A., has prepared a schematic design, in accordance with the educational specifications; and

WHEREAS, The Rock View Elementary 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 Rock View Elementary School addition project developed by Delmar Architects, P.A.

RESOLUTION NO. 22-09 Re: **PRESENTATION PLANS—CANNON ROAD ELEMENTARY SCHOOL MODERNIZATION**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Barclay, the following resolution was adopted unanimously by members present:

WHEREAS, The architect for the proposed Cannon Road Elementary School modernization project, Delmar Architects, P.A., has prepared a schematic design, in accordance with the educational specifications; and

WHEREAS, The Cannon Road Elementary 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 Cannon Road Elementary School modernization project developed by Delmar Architects, P.A.

** Ms. Berthiaume rejoined the meeting.

Re: **GOAL 1: ENSURE SUCCESS FOR EVERY STUDENT: ACHIEVEMENT STEERING COMMITTEES**

Dr. Weast invited the following people to the table: Mr. Stephen L. Bedford, chief school performance officer, Office of School Performance; Dr. Heath E. Morrison, community superintendent, Office of School Performance; Mrs. Chrisandra A. Richardson, director, Academic Support Initiatives, Office of School Performance; Mrs. Ann E. Bedford, director, Curriculum Development and Program Intervention, Office of Curriculum and Instructional Programs; Ms. Caryn L. Conley, academic achievement specialist, Office of School Performance; Ms. Tonia L. Harley, assistant principal, Silver Spring International Middle School; Ms. Rebecca L. Joseph, special education resource teacher, Silver Spring International Middle School; Mrs. Gwendolyn Mason, director, Department of Special Education Services, Office of Special Education and Student Services; Mr. A. Raymond Myrtle, principal, Highland Elementary School; and Mr. Scott R. Steffan, assistant principal, Highland Elementary School.

The Achievement Steering Committee (ASC) process represents effective stakeholder collaboration with schools identified for Year 2 of School Improvement or Corrective Action, based on the results of the Maryland School Assessment (MSA) or High School Assessment (HSA). All ASCs are based on the Plan-Do-Study-Act model and share a common goal—to implement an effective instructional program that addresses performance concerns on the MSAs and HSAs and leads to student success. ASCs are a strategic initiative included in *Our Call to Action: Pursuit of Excellence*, Goal 1: Ensure Success for Every Student.

The ASC process is a unique stakeholder collaboration initiated in 2004 at Highland Elementary School when the school was identified for Corrective Action. Since that time, eight schools have held ASCs. Five of these schools exited school improvement. All eight schools achieved Adequate Yearly Progress (AYP) for at least one of the two consecutive years needed to exit school improvement.

The community superintendent works with the director(s) of school performance to facilitate monthly school-based ASC meetings that include school administrators and staff, team members from various central offices who are selected based on the needs of the school and the individual's area of expertise, employee organizations, and parents or community

members. ASC meetings focus on the school's improvement plan, data analysis and data-driven decision making, provision of identified supports such as focused professional development, and follow-up on specific action items identified by the team.

The ASC Project Team developed a guide as a way to provide for consistent implementation of ASCs that allows for flexibility based on school needs and promotes the sharing of best practices. In addition, effective strategies identified through ASC meetings are shared among schools as central office ASC members may serve on multiple teams. Community superintendents and directors of school performance also systematically share strategies as they provide support to all schools in their respective clusters. ASCs offer an excellent opportunity to positively impact school culture and build staff capacity as the process continues internally when the school exits improvement status.

MCPS has a highly effective approach to providing a unique form of technical assistance to schools identified for Year 2 of School Improvement or Corrective Action. ASCs represent the best in collaboration—central office, schools, and the community working together, with an emphasis on collegial strategic planning, which results in improved student achievement and serves to reduce the achievement gap. Through the ASC protocol, school-based staff members have immediate and ongoing access to central office staff representing areas of expertise that match a school's needs. Central office staff is given the opportunity to establish continuing contact with schools and provide targeted resources and expertise. Areas of need are identified, in collaboration with school-based staff members, through the systematic review of data and instructional practices.

A forum for sharing best practices among schools is established as central ASC members often serve on multiple teams. Community superintendents and directors of school performance also systematically share these strategies as they provide support to all schools in their respective clusters.

Re: **DISCUSSION**

Mr. Barclay complimented the staff at Silver Spring International Middle School on increasing the rigor and support for students. He was pleased with the *proficient* rating, but would like to see it increased to *advanced*.

Mr. Kauffman referred to the data collected and the charts, and he asked if there was information on how cohorts perform over time. Staff explained that students are tracked on an individual basis to ascertain how they are performing over their school careers.

Ms. Brandman asked what else is happening outside of giving data to the teachers. Staff replied that teachers want to be successful, and there is ownership in the classroom to work with the students. Through professional development, the teachers are given the tools to analyze data and use that information for student achievement. Ms. Brandman was concerned that education of children is based on teachers, mentors, and support. She

was concerned that the budget would eliminate some of this support.

Ms. Brandman asked about the reading programs at Highland and whether those programs were used to push readers from *proficient* to *advanced*. Staff replied that there were reading programs that develop thinking skills, remediation, or accelerate instruction.

Ms. Brandman noted an increase in the reading chart from last year. She asked if there was any thought about this breakthrough, and what was the trigger? Staff replied that there was a focus on vocabulary.

Mr. Barclay noted that staff should expect *advanced* from students and they will perceive it to be the standard. What was the response of staff in rising the bar and expectations? Staff replied that teachers have been given the tools to educate students, with expectations that all children can succeed at high levels of instruction.

Mr. Kauffman asked what strategy has been employed to engage parents, in terms of the success of students. Staff replied that parents are invited to be part of the process and get involved with their children.

Ms. Berthiaume asked (1) how extensively the William and Mary program is being used, (2) what is the writing curriculum, and (3) how are students accelerated when they have learned curriculum. Staff stated that (1) the William and Mary program is implemented in many ways, depending on the level of rigor needed, (2) reading and writing are the same process, which is the greater literary process, and (3) the co-teaching model pushes some students to a more advanced objective.

RESOLUTION NO. 23-09

Re: **CLOSED-SESSION RESOLUTION**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Barclay, 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 Monday, February 9, 2009, in Room 120 of the Carver Educational Services Center to meet from 9:00 to 10:00 a.m. and 12:30 to 1:30 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 administrative 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. 24-09 Re: **REPORT OF CLOSED SESSION**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Barclay, the following resolution was adopted unanimously by members present:

On December 9, 2008, by unanimous vote, the Board of Education voted to conduct closed sessions, as permitted under *State Government Article § 10-501, et seq.*, of the *Annotated Code of Maryland*.

The Montgomery County Board of Education met in closed sessions on December 9, 2008, from 9:00 to 9:50 a.m. and 12:35 to 1:20 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and

1. Reviewed legal advice under Section 10-508(a)(7) of the *State Government Article* and considered Appeal 2008-52, 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*).
2. Discussed the Human Resources Monthly Report with a subsequent vote in open session, as permitted under Section 10-508(a)(1) of the *State Government Article* regarding procedures for closed session.
3. Discussed matters of an administrative function outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*).

In attendance at portions of the closed sessions were Aggie Alvez, Christopher Barclay, Steve Bedford, Laura Berthiaume, Larry Bowers, Shirley Brandman, Patrick Clancy, Judy Docca, Brian Edwards, Roland Ikheloa, Phil Kauffman, Suzann King, Frieda Lacey, Jody Leleck, Quratul-Ann Malik, Susan Marks, Nancy Navarro, Pat O'Neill, Glenda Rose, Stacy Scott, Laura Steinberg, Jerry Weast, and Carey Wright.

RESOLUTION NO. 25-09 Re: **MCCPTA APPOINTMENT TO CITIZENS
ADVISORY COMMITTEE FOR FAMILY LIFE
AND HUMAN DEVELOPMENT**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Barclay, the following resolution was adopted unanimously by members present:

WHEREAS, By Resolution 389-05, approved July 27, 2005, the Board of Education's Citizens Advisory Committee on Family Life and Human Development is charged to serve in an advisory capacity only, pursuant to the Code of Maryland Regulations (COMAR) 13A.04.18.03.D(1) and to consult with professional educators within Montgomery County

Public Schools (MCPS) in the course of their developing, implementing, and evaluating the family life and human development program to the degree deemed appropriate by the superintendent; and

WHEREAS, The Citizens Advisory Committee on Family Life and Human Development comprises 15 members, including eight members at large; and seven representatives of organizations; and

WHEREAS, The terms of the members end June 30, 2009, except that the terms of the students appointed to the committee shall always expire as of June 30, 2009; and

WHEREAS, Ms. Tracy Fox, representing the Montgomery County Council of PTAs, has resigned her position on the committee; now therefore be it

Resolved, That Ms. Susan Young be appointed representing the Montgomery County Council of PTAs to complete Ms. Tracy Fox's remaining term on the Citizens Advisory Committee for Family Life and Human Development, that ends on June 30, 2009.

RESOLUTION NO. 26-09 Re: **MINUTES**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Barclay, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education approve its minutes for October 14, October 29, November 6, November, 12, November 13, and November 20, 2008.

RESOLUTION NO. 27-09 Re: **APPEALS**

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* of the *Annotated Code of Maryland*; now therefore be it

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

<u>Appeal Number</u>	<u>Type</u>	<u>Disposition</u>
2008-12	Student Expulsion	Affirmed
2008-50	Student Expulsion	Affirmed
2008-51	Alternative Placement	Affirmed
2008-53	Student Expulsion	Affirmed
T-2008-64	Student Transfer	Reversed

RESOLUTION NO. 28-09

Re: **ITEM OF LEGISLATION**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Dr. Docca, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education supports, with amendments, local bill *MC930-09—Funding Accountability and Transparency Act* that would require Montgomery County Board of Education to develop and operate a certain website; defining certain terms; and generally relating to the development and operation of a searchable website for aggregated payments of \$25,000 or more.

Re: **BOARD COMMITTEE UPDATES (IF NEEDED)**

Mr. Barclay reported that the Fiscal Management Committee was developing its work plans for the coming year.

Re: **NEW BUSINESS**

There was no new business.

Re: **ITEMS OF INFORMATION**

The following documents were available:

1. Legal Fees Report
2. Construction Progress Report

RESOLUTION NO. 29-09

Re: **ADJOURNMENT**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Barclay, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education adjourn its meeting of January 13, 2009, at 5:30 p.m.

PRESIDENT

SECRETARY

JDW:gr

MONTGOMERY COUNTY BOARD OF EDUCATION SUMMARY SHEET

January 13, 2009

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