

APPROVED
15-2009

Rockville, Maryland
June 9, 2009

The Board of Education of Montgomery County met at the Carver Educational Services Center, Rockville, Maryland, on June 9, 2009, at 10:15 a.m.

Present: Ms. Shirley Brandman, President
in the Chair
Mr. Christopher Barclay
Ms. Laura Berthiaume
Dr. Judy Docca
Mr. Timothy Hwang, Student Board Member-Elect
Mr. Philip Kauffman
Ms. Quratul-Ann Malik
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. 268-09Re: **CLOSED SESSION RESOLUTION**

On recommendation of the superintendent and on motion of Mr. Bradley seconded by Mr. Kauffman, 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 June 9, 2009, in Room 120 from 8:30 to 10:00 a.m. and 12:30 to 1:30 p.m.; and be it further

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

Resolved, That the Board of Education of Montgomery County dedicate part of the closed sessions on June 9, 2009, to acquit its administrative functions, seek legal advice regarding the Maryland State Board of Education decision, 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.

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. 269-09 Re: **APPROVAL OF THE AGENDA**

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

Resolved, That the Board of Education approve its agenda for June 9, 2009.

RESOLUTION NO. 269(a)-09 Re: **RECOGNITION OF DISTINGUISHED HISPANIC SCHOLARS**

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

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

WHEREAS, The Hispanic Employees Association of Montgomery County Public Schools promotes the importance of school and community involvement, academic achievement, and unity and mutual support among all Hispanic Americans; and

WHEREAS, The Hispanic Employees Association of Montgomery County Public Schools provides an opportunity to acknowledge and highlight the involvement of Hispanic American students in our schools and communities and their many accomplishments; and

WHEREAS, The Hispanic Employees Association of Montgomery County Public Schools recognizes 24 outstanding Montgomery County Public Schools Hispanic American students by awarding \$3,500 in educational scholarships and \$1,900 in gift certificate awards; and

WHEREAS, The Board of Education is proud that Montgomery County Public Schools recognizes and values the achievements and contributions of all Hispanic American students; now therefore be it

Resolved, That on behalf of the superintendent of schools, staff, students, and parents of Montgomery County Public Schools, the members of the Board of Education congratulate the recipients of this year's Distinguished Hispanic Scholars Scholarship.

RESOLUTION NO. 269(b)-09 Re: **LEADERSHIP MONTGOMERY YOUTH**

COMMUNITY SERVICE LEADERSHIP AWARDS

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

WHEREAS, The purpose of Leadership Montgomery is to educate, connect, and inspire leaders to improve our community; and

WHEREAS, Leadership Montgomery instituted the Youth Community Service Leadership Awards as part of its mission to identify, develop, inspire, and reward students who earn a minimum of 260 hours of school-accredited service by completion of their junior year in high school and who exercise their leadership to enhance their schools and communities; and

WHEREAS, The law firm of Shulman, Rogers, Gandal, Pordy and Ecker, P.A., of Rockville, Maryland, sponsor of the award since 1997, will present a \$1,000 award to each recipient; and

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

WHEREAS, This year, five Montgomery County Public Schools high school students have been honored as the Leadership Montgomery Youth Community Service Leadership Award recipients; 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 demonstration of leadership in community service.

Re: **PUBLIC COMMENTS**

The following people testified before the Board of Education:

- | <u>Person</u> | <u>Topic</u> |
|--------------------|--------------|
| 1. Mr. John Burley | Cell phones |
| 2. Dr. Debra Monk | Cell Phones |

3. Ms. Stephanie Hartman Budget Priorities
4. Ms. Joan Glickman FY 2010 Operating Budget
5. Ms. Anna Gilcher Building on our Strengths
6. Ms. Aissa Sires Immersion English Teachers
7. Ms. Dawn Trahern Redland Middle School Construction

Re: **DISCUSSION**

Ms. Berthiaume had met with staff and was told there would be an announcement about staffing for next year in English instruction for immersion programs. She asked staff to provide the communication to the principals and parents.

Re: **BOARD/SUPERINTENDENT COMMENTS**

All Board members and the superintendent commented on the graduation season and the graduations where they had officiated. Everyone was very proud of the graduates, and they were impressed by the speakers.

Dr. Weast commented on the amount of scholarship money earned by this year's graduates—nearly \$186 million. This is more than \$32 million more than last year—an increase of 21 percent.

Re: **DISCUSSION OF THE OPERATING BUDGET**

Dr. Weast and Mr. Bowers highlighted the changes to the operating budget and detailed the effects on the school system.

Mrs. O'Neill asked staff to clarify the \$79.5 million that had been added to the operating budget after the denial of the waiver by the Maryland Board of Education on the maintenance-of-effort requirements. Staff explained that the added funds were for payment of the county's debt service that the County Council approved and included in the MCPS operating budget in a nondesignated category to make the bond payment for FY 2010. That amount is included in the budget resolution before the Board.

Ms. Berthiaume commented that the immersion programs are some of the best programs and cutting edge. She looked forward to integrating these programs with the International Baccalaureate programs. Recent research shows that immersion programs increase diversity in schools. Regarding the request from the community to restore positions this year, she thought it was too late at this time since there would have to be a shift in categories. However, she has a commitment from staff that there will be continuation of the program without any more harm.

Mrs. O'Neill noted that there are issues with this budget next year as well. MCPS has wonderful programs, and the reductions in the past have not been revived. In the budget of FY 1999, class size and combination classes were finally addressed. She was very concerned about the funds that have been reassigned from textbooks and materials to cover the elimination of course-related fees. Board members were already hearing that the summer Advanced Placement reading was being diminished. At the time \$1.5 million was reassigned, it was the best guess of staff. In September and October, there will be outcries from the schools that things are not being operating the way that they have been in the past since it will impact the poorer students.

Mr. Kauffman commented on the operating budget. He thanked the unions, officers, county executive, and the County Council. The issue of the \$79.5 million obligation has been budgeted to the school system for debt payment. The impact of that action is yet to be determined, i.e., whether or not there will be a penalty.

Re: **AN AMENDMENT TO THE FY 2010 OPERATING BUDGET**

On motion of Mr. Kauffman and seconded by Ms. Berthiaume, the following amendment was placed on the table:

WHEREAS, There is uncertainty whether the Council's action with respect to the debt service meets the maintenance of local effort requirement of Section 5-202 of the *Education Article, Annotated Code of Maryland*; and

WHEREAS, If it is determined that the county is in violation, the state could directly penalize the school system by denying state education funds; and

WHEREAS, The superintendent has requested guidance from the state superintendent regarding the effect of the Council's action and further requested that she exercise her discretion to not ask for such a penalty if she determined that the Council was in noncompliance; and

Resolved, That the superintendent with the further approval of the Board of Education direct the superintendent of schools to pay the \$79,537,322 of the FY 2010 appropriation to the Montgomery County Department of Finance for debt service for the construction of Montgomery County Public Schools facilities in FY 2010 alone if it is determined, after consultation with the county executive and County Council, that such payment will not result in a penalty imposed on the school system that will not adversely impact the FY 2010 budget, and such payment not be made in succeeding years; and be it further

Re: DISCUSSION

Mrs. O'Neill commented that the system did not know what the penalty would be if it were assessed. And, the system does not know when it will come if assessed. Mrs. O'Neill commented on the recommendation from the superintendent, and noted that if there is a ruling from the state superintendent, the Board will have to revisit the issue in the future. Dr. Weast thought the amendment offered clarification.

Mr. Barclay commented that the county agencies are sometimes working against each other. He had no issue with the *Whereas*, but questioned the addition to the *Resolve*. He did not like how the \$79.5 million was added to the MCPS budget. He agreed with Mrs. O'Neill that the Board will have to revisit the budget at the point when there is a determination from the state superintendent. He was very concerned about how the Board will move forward in working with the County Council and other agencies. Do other school systems deal with debt service? Staff explained that other counties do have the school system pay part or all of the debt service. The problem is whether it counts toward the maintenance of effort based on the shift of funds.

Mr. Barclay added that the Board thought the money was one time only. Maintenance of effort is troubling since the Council is not penalized for changing the funding stream, and the school system must pay a penalty (if determined) through no fault of its making.

Ms. Brandman explained that it was "a difficult decision with respect to the waiver of maintenance of effort but after careful deliberation, the Board deemed it appropriate to collaborate with county government because we could craft a sustainable school system budget with sacrifices from employees that permitted funds to be available to avoid more severe cuts to the safety net services—health, fire, police—that our students and families also rely upon. It was recognition that in this unique fiscal year with the \$24 million error and the recalculation of state formulas, we could collaborate on a one-time limited waiver."

Ms. Brandman continued, "The denial of that waiver has left the county in uncharted territory and with few viable options. Thus, while the Board's basic commitment to ensuring sustainability continues to drive our desire for collaboration with county government to find a solution for this year, we must be vigilant to avoid setting a precedent that will adversely affect our budget in the future by shifting a county responsibility like debt service to the school system going forward. It is critical for the public to realize that in response to the denial of the waiver the county has limited our use those funds toward paying debt service—it did not result in the schools having \$79.5 million additional dollars available to restore cuts.

"Moreover, there is a perverse penalty in state law that if the county funding is not found to meet maintenance of effort, a significant financial penalty could be imposed directly upon the school system. The superintendent has sought clarification from the state

superintendent and advocated vigorously to avoid any penalty as we grapple with the implications of this unusual set of fiscal circumstances. The challenges this year have been enormous, and I want to thank the Board, the superintendent, Mr. Bowers, Dr. Spatz, and all the staff for their assistance.”

RESOLUTION NO. 270-09Re: **DIVIDE THE QUESTION**

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

Resolved, That the amendment be split into *Whereas* and *Resolved* clauses.

RESOLUTION NO. 271-09Re: **AN AMENDMENT TO THE FY 2010 OPERATING BUDGET**

On motion of Mr. Kauffman and seconded by Ms. Berthiaume, the following amendment was adopted unanimously:#

WHEREAS, There is uncertainty whether the Council’s action with respect to the debt service meets the maintenance of local effort requirement of Section 5-202 of the *Education Article, Annotated Code of Maryland*; and

WHEREAS, If it is determined that the county is in violation, the state could directly penalize the school system by denying state education funds; and

WHEREAS, The superintendent has requested guidance from the state superintendent regarding the effect of the Council’s action and further requested that she exercise her discretion to not ask for such a penalty if she determined that the Council was in noncompliance; and

Re: **AN AMENDMENT TO THE FY 2010 OPERATING BUDGET**

On motion of Mr. Kauffman and seconded by Ms. Berthiaume, the following amendment failed with Ms. Berthiaume and Mr. Kauffman voting in the affirmative; Mr. Barclay, Ms. Brandman, Dr. Docca, and Mrs. O’Neill voting in the negative:#

Resolved, That **the superintendent with the further approval of the Board of Education** ~~direct the superintendent of schools to pay~~ **the \$79,537,322 of the FY 2010 appropriation to the Montgomery County Department of Finance for debt service for the construction of Montgomery County Public Schools facilities in FY 2010 alone if it is determined, after consultation with the county executive and County Council, that such payment will**

not result in a penalty imposed on the school system that will not adversely impact the FY 2010 budget, and such payment not be made in succeeding years; and be it further

RESOLUTION NO. 272-09Re: **FINAL ADOPTION OF THE FY 2010 OPERATING BUDGET**

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

WHEREAS, The Board of Education adopted the FY 2010 Operating Budget of \$2,152,103,336 on February 23, 2009; and

WHEREAS, The county executive recommended \$2,128,410,168 for MCPS, \$23.7 million less than the Board of Education's Budget Request on March 16, 2009; and

WHEREAS, The County Council approved a total of \$2,200,577,000 (including grants and enterprise funds), an increase of \$48,473,664 over the Board of Education's request on May 21, 2009; and

WHEREAS, The County Council appropriated a total of \$2,020,078,263 (excluding grants and enterprise funds), an increase of \$48,473,762 over the Board of Education's request; and

WHEREAS, The County Council does not have the legal authority to direct the Board of Education not to deposit \$12,000,000 of the appropriation for prefunding retiree health insurance in the Retiree Health Benefit Trust Fund before June 30, 2010, to address any unanticipated revenue shortfall; and

WHEREAS, The County Council directed the Board of Education to pay \$79,537,322 of the appropriation for debt service for the construction of Montgomery County Public Schools facilities; and

WHEREAS, There is uncertainty whether the Council's action with respect to the debt service meets the maintenance of local effort requirement of Section 5-202 of the *Education Article, Annotated Code of Maryland*; and

WHEREAS, If it is determined that the county is in violation, the state could directly penalize the school system by denying state education funds; and

WHEREAS, The superintendent has requested guidance from the state superintendent regarding the effect of the Council's action and further requested that she exercise her

discretion to not ask for such a penalty if she determined that the Council was in noncompliance; and

WHEREAS, To meet essential educational needs, the FY 2011 Operating Budget must reflect the maintenance of effort amount required for FY 2010, without use of debt service payment or any other payment for county services as a way of reaching maintenance of effort; and

WHEREAS, The Maryland State Department of Education requires each local school system to submit an annual special education staffing plan; and

WHEREAS, The Special Education Staffing Committee, composed of parents, teachers, principals, special education staff, and special education advocates, held meetings in June of 2008 and recommendations were submitted to the Office of Special Education and Student Services; and

WHEREAS, The FY 2010 Recommended Operating Budget includes all of the staffing plan elements required by the Maryland State Department of Education; and

WHEREAS, The County Council made net additions to the Board of Education's FY 2010 Operating Budget Request of March 1, 2009, of \$48,473,664, from the various budget categories, as shown on the following schedule, consisting of an increase of \$20,837,800, excluding grants and enterprise funds; an increase of \$27,635,962 in grants; and a reduction of \$98 in special revenue funds, in appropriating \$2,200,577,000 for the Board of Education's FY 2010 Operating Budget:

I. Current Fund Category	BOE Request March 1, 2009	Council (Reduction)/ Addition	Council Approved Budget
1 Administration	41,809,677	64,426	41,874,103
2 Mid-level Administration	135,542,318	329,102	135,871,420
3 Instructional Salaries	856,035,209	(258,495)	855,776,714
4 Textbooks and Instructional Supplies	31,905,545	(1,783)	31,903,762
5 Other Instructional Costs	15,070,581	23,120	15,093,701
6 Special Education	280,339,274		280,339,274
7 Student Personnel Services	11,153,748	21,630	11,175,378
8 Health Services	41,002		41,002
9 Student Transportation	92,765,998		92,765,998
10 Operation of Plant and Equipment	118,589,104		118,589,104

11 Maintenance of Plant	34,961,236	(1,023,000)	33,938,236
12 Fixed Charges	477,537,658	(30,218,560)	447,319,098
14 Community Services	208,495		208,495
Non-Categorized Expenditures		79,537,322	79,537,322
Subtotal, including specific grants	2,095,959,845	48,473,762	2,144,433,607
Less specific grants	96,719,382	27,635,962	124,355,344
Subtotal, spending affordability	1,999,240,463	20,837,800	2,020,078,263

II. Enterprise Funds

37 Instructional Television	1,581,608	(98)	1,581,510
51 Real Estate Management	2,651,095		2,651,095
61 Food Services	47,821,972		47,821,972
71 Field Trip	2,314,716		2,314,716
81 Entrepreneurial Activities	1,774,100		1,774,100
Subtotal, Enterprise Funds	56,143,491	(98)	56,143,393
Total Budget for MCPS	<u>2,152,103,336</u>	<u>48,473,664</u>	<u>2,200,577,000</u>

now therefore be it

Resolved, That based on an appropriation of \$2,200,577,000, that includes an appropriation of \$56,143,393 for enterprise and special revenue funds and \$124,355,344 for restricted grants, approved by the County Council on May 21, 2009, the Board of Education adopt its FY 2010 Operating Budget reflecting the changes shown in Schedule A; and be it further

Resolved, That the Board of Education direct the superintendent of schools to deposit \$12,000,000 of the FY 2010 appropriation in the Retiree Health Benefit Trust Fund; and be it further

Resolved, That the Board of Education direct the superintendent of schools to pay \$79,537,322 of the FY 2010 appropriation to the Montgomery County Department of Finance for debt service for the construction of Montgomery County Public Schools facilities in FY 2010 alone and not in succeeding years; and be it further

Resolved, That the Board of Education approve the FY 2009 Special Education Staffing

Plan as included in the FY 2010 Recommended Operating Budget; and be it further

Resolved, That the Special Education Staffing Plan be submitted to the Maryland State Department of Education; 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 12:25 to 2:20 for lunch and closed session.

Mr. Barclay and Ms. Brandman were temporarily out of the room

RESOLUTION NO. 273-09Re: CONTRACTS OF \$25,000 OR MORE

On recommendation of the superintendent and on motion of Dr. Docca 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:

JMI-605- 08-003	Computer and Peripheral Memory Modules—Extension <u>Awardee</u> Rocky Mountain RAM	\$110,000
001B8 900505	Poly Liner Bags <u>Awardee</u> W. W. Grainger, Inc.	\$ 60,000
050B8 800003	Two Way Radios—Extension <u>Awardee</u> Procom	\$200,000
08-M-4	Water Cooler Rental and Bottled Water Service—Extension	

	<u>Awardee</u> Crystal Springs	\$ 88,000
1063.4	Speech and Language Services	
	<u>Awardees</u> (See note) Arbor E&T, LLC, dba Care Resources, Inc.* Cambridge Healthcare Educational Based Services (EBS) National Speech/Language Therapy Center* Progressus Therapy, LLC Rehabilitation Services, Inc.* Total	\$600,000
1091.4	Services for Infants and Toddlers with Developmental Delays	
	<u>Awardees</u> (See note) Arbor E&T, LLC, dba Care Resources, Inc.* National Speech/Language Therapy Center* Pediatric Therapy Associates Rehabilitation Services, Inc.* Total	\$605,000
1127.3	Physical Exams for Bus Drivers—Extension	
	<u>Awardees</u> (See note) American Business Medical Services* Corporate Occupational Health Solutions Frederick Primary Care Associates Medical Access PC* Secure Medical Care* Total	\$120,000
1140.2	Ongoing Health and Welfare Consulting Services—Extension	
	<u>Awardee</u> AON Consulting	\$170,000
4035.4	HVAC/Refrigeration Equipment and Parts—Extension	
	<u>Awardees</u> Aireco Supply, Inc.	\$141,500

Applied Industrial Technologies	10,000
Boland Trane Services, Inc.	14,000
Capp, Inc.	297,000
Chesapeake System	140,000
Heritage Food Service Equipment	18,000
H.M. Sweeney Company	75,000
M&M Controls, Inc.	10,000
National Energy Control Corporation	20,000
Smart Supply Company, Inc.	13,100
United Refrigeration, Inc.	50,000
WRT, Inc.	<u>110,000</u>
Total	\$898,600

4137.6 Special Education Supplies and Software—Extension

Awardees

At Last, Inc.*	\$141,213
Cadan Computers	63,627
Don Johnston, Inc.	34,625
Envision Technology, Inc.*	73,025
Learning Services	26,779
Prentke Romich Company	70,340
Renaissance Learning, Inc.	123,250
Riverside Publishing	<u>50,140</u>
Total	\$582,999

4161.1 Grant Evaluators—Extension

Awardee

Macro International, Inc.	\$ 70,000
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4169.1 Subscription Fee for Automated Reading Assessments—Extension

Awardee

Wireless Generation	\$358,000
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4183.1 Information Technology Research and Consulting—Extension

Awardee

Gartner, Inc.	\$130,000
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4230.1	Workspace K12 Web-based Software Support—Extension	
	<u>Awardee</u>	
	Naviance	\$ 34,996
7109.4	Tire Retread Service	
	<u>Awardee</u>	
	S&S Tire Service, Inc.*	\$169,395
7114.4	Bus Wash Chemicals—Extension	
	<u>Awardee</u>	
	The Myco Companies	\$ 35,100
7131.4	Commodity Product Processing Services	
	<u>Awardees</u>	
	Advance Food Company	\$ 73,265
	Jennie-O Turkey Store Sales, LLC	70,800
	Pierre Foods, Inc.	219,185
	Tyson Sales & Distribution, Inc.	<u>521,348</u>
	Total	\$884,598
7132.4	Kitchenware and Small Equipment	
	<u>Awardees</u>	
	Buller Fixture Company	\$ 1,262
	Calico Industries, Inc.	22,949
	Sam Tell	<u>7,838</u>
	Total	\$ 32,049
7142.2	Broadband Cable Network Cabling Installation and Integration—Extension	
	<u>Awardees</u> (See note)	
	Netcom Technologies, Inc.	
	Systemcom, Inc.	
	TCV, LLC	
	Total	\$ 460,000

9052.7	Portable and Team Bleachers		
	<u>Awardees</u>		
	All Star Bleachers, Inc.	\$	13,226
	Grandstand International, Inc.		3,116
	Sport Supply Group, Inc.		<u>8,992</u>
	Total	\$	25,334
9102.7	Beverages, Chips, and Snacks A La Carte		
	<u>Awardees</u>		
	Atlantic Beverage Company	\$	161,980
	Dori Foods, Inc.		20,250
	Royalle Dining Services, Inc.*		<u>265,358</u>
	Total	\$	447,588
9122.3	Breads and Rolls—Extension		
	<u>Awardee</u>		
	H&S Bakers, Inc.	\$	300,000
9159.4	Metal Doors, Frames, Windows, and Accessories		
	<u>Awardee</u>		
	Metro Metal Services, Inc.	\$	669,775
9163.4	Tennis/Basketball Court Installations/Renovations at Various Locations**		
	<u>Awardee</u>		
	American Tennis Courts, Inc.	\$	363,291
9203.7	Custom Science Kits—Extension		
	<u>Awardees</u> (See note)		
	Carolina Biological Supply Company		
	Sempco, Inc.*		
	Total	\$	220,000
9637.1	Fire Alarm Replacement at Various Locations—Extension**		
	<u>Awardee</u>		

	SPC, Inc.	\$ 500,000
9649.2	New Emergency Generating System at Stephen Knolls Center**	
	<u>Awardee</u> Tex/Am Construction, Inc.*	\$ 112,441
9677.1	Removal and Replacement of Terrazzo Floor System at Julius West Middle School**	
	<u>Awardee</u> Atlantic Refinishing & Restoration, Inc.*	\$ 64,405
9701.1	Specialty Cementitious Coatings at Various Locations**	
	<u>Awardee</u> Walker Willis Corporation	\$ 121,302
TOTAL PROCUREMENT CONTRACTS OVER \$25,000		\$8,432,873

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

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

Note: Contract amounts will be based on individual requirements.

RESOLUTION NO. 274-09Re: **CONTRACT APPROVAL FOR BID NO. 9120.3, MILK,
OTHER DAIRY PRODUCTS, AND FRUIT
JUICES**

On recommendation of the superintendent and on motion of Dr. Docca seconded by Mr. Kauffman, the following resolution was adopted unanimously by members present:#

WHEREAS, Funds have been budgeted for the purchase of milk, other dairy products, and fruit juices for FY 2010; and

WHEREAS, The vendor has been contacted and agrees to extend the contract for milk, other dairy products, and fruit juices for FY 2010; now therefore be it

Resolved, That the Board of Education extends the contract for milk, other dairy products, and fruit juices through FY 2010 for Montgomery County Public Schools for a total amount

of \$4,031,900; and be it further

Resolved, That having been duly advertised, the following contract will be extended to the vendor as shown below:

9120.3 Milk, Other Dairy Products, and Fruit Juices—Extension

Awardees
Dairy Maid Dairy, Inc.
Total\$4,031,900

RESOLUTION NO. 275-09Re: CONTRACT APPROVAL FOR BID NO. 9111.4 PIZZA, BAKED/FROZEN

On recommendation of the superintendent and on motion of Dr. Docca seconded by Mr. Kauffman, the following resolution was adopted unanimously by members present: #

WHEREAS, Funds have been budgeted for the purchase of pizza, baked/frozen for FY 2010; and

WHEREAS, The vendors have been contacted and agree to extend the contracts for pizza, baked/frozen for FY 2010; now therefore be it

Resolved, That the Board of Education extend the contracts for pizza, baked/frozen through FY 2010 for Montgomery County Public Schools for a total amount of \$1,335,920; and be it further

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

9111.4 Pizza, Baked/Frozen—Extension

<u>Awardees</u>	
Conagra Foods, Inc.	\$ 487,240
Rich Products Corporation	424,000
Schwan’s Food Service*	<u>424,680</u>
Total\$1,335,920	

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

RESOLUTION NO. 276-09Re: **CONTRACT APPROVAL FOR BID NO. 7141.2
TELECOMMUNICATIONS AND NETWORK
WIRING**

On recommendation of the superintendent and on motion of Dr. Docca seconded by Mr. Kauffman, the following resolution was adopted unanimously by members present:#

WHEREAS, Funds have been budgeted for the purchase of telecommunications and network wiring installation/integration services for FY 2010; and

WHEREAS, The vendors have been contacted and agree to extend their contracts for telecommunications and network wiring installation/integration services for FY 2010; now therefore be it

Resolved, That the Board of Education extend the contracts for telecommunications and network wiring installation/integration services through FY 2010 for Montgomery County Public Schools for a total amount of \$1,100,000; and be it further

Resolved, That having been duly advertised, contracts for the following vendors will be extended for one year:

7141.2 Telecommunication and Network Wiring Installation/Integration—Extension

- Awardees*
- Ark Systems
- Crawford Technical Services, Inc.
- Netcom Technologies, Inc.
- Systemcom, Inc.
- TCV, LLC
- Vision Technologies
- Total\$1,100,000

*Contract amounts will be based on individual requirements.

RESOLUTION NO. 277-09Re: **CONTRACT APPROVAL FOR BID NO. 1139.2
ACTUARIAL CONSULTING SERVICES**

On recommendation of the superintendent and on motion of Dr. Docca seconded by Mr. Kauffman, the following resolution was adopted unanimously by members present:#

WHEREAS, Funds have been budgeted for the purchase of actuarial services for FY 2010; and

WHEREAS, The vendor agrees to extend the contract for actuarial services for FY 2010 subject to its new policy limiting its professional liability; now therefore be it

Resolved, That the Board of Education extend the contract for actuarial services through FY 2010 for Montgomery County Public Schools for a total amount of \$80,000, and that the terms and conditions continue in effect subject to the vendor's new policy limiting its professional liability; and be it further

Resolved, That having been duly advertised, the following contract will be extended as shown below:

1139.2 Actuarial Consulting Services—Extension

Awardees

Mercer Human Resources \$80,000

RESOLUTION NO. 278-09Re: AWARD OF CONTRACT - CABIN JOHN MIDDLE SCHOOL MODERNIZATION PROJECT

On recommendation of the superintendent and on motion of Dr. Docca seconded by Mr. Kauffman, the following resolution was adopted unanimously by members present:#

WHEREAS, On March 11, 2008, the Board of Education authorized staff to utilize a construction management process for the Cabin John Middle School modernization project and awarded a contract for preconstruction services to Dustin Construction, Inc.; and

WHEREAS, The following low bids were received on May 7, 2009, for the Cabin John Middle School modernization project:

<u>Low Bidder</u>	<u>Amount</u>
2A-Sitework—Pleasants Construction, Inc.	\$7,128,000
3A-Concrete—Sody Concrete Construction, Inc.	949,600
4A-Masonry—J. D. Long Masonry, Inc.	2,872,000
5A-Steel—S. A. Halac Iron Works, Inc.	2,151,000
6A-General Carpentry—Hancock & Albanese, Inc.	1,606,000
7A-Roofing—R. D. Bean, Inc.	1,005,840
8A-Windows and Glazing—Engineered Construction Products, Ltd.	747,930
9A-Drywall and Acoustical—Finishes, Inc.	731,000

12A-Casework—Steel Products, Inc.	656,565
15A-Mechanical—Towson Mechanical, Inc.	5,033,000
16A-Electrical—Young Electrical Contractors, Inc.	2,600,000

and

WHEREAS, On May 7, 2009, Dustin Construction, Inc. received bid proposals for the remaining trade contracts for the project, which will be included in the guaranteed maximum price; and

WHEREAS, Detailed information on these bid proposals is available for review in the Department of Facilities Management; and

WHEREAS, The construction management contract contains provisions that permit Montgomery County Public Schools to assign the awarded trade contracts to Dustin Construction, Inc. as part of a guaranteed price agreement to complete the Cabin John Middle School modernization project; and

WHEREAS, Staff has negotiated and recommends approval of a guaranteed price contract with Dustin Construction, Inc. for the completion of the Cabin John Middle School modernization project that includes the assignment of trade work awarded by Montgomery County Public Schools, along with all management and general conditions costs; and

WHEREAS, Dustin Construction, Inc. has agreed to accept the assignment of the Cabin John Middle School trade contracts awarded on June 9, 2009, and complete the project for the guaranteed price; and

WHEREAS, The goal for Maryland Department of Transportation-certified Minority Business Enterprise participation established for this project was 16 percent; and

WHEREAS, The aggregate Minority Business Enterprise participation submitted is 11.91 percent Maryland Department of Transportation-certified, of which 3.17 percent is African American, 3.23 percent is women-owned, and 5.51 percent is other minority-owned; and

WHEREAS, That 11.72 percent non-Maryland Department of Transportation-certified Minority Business Enterprise participation also has been submitted, totaling 23.63 percent Minority Business Enterprise participation; and

WHEREAS, The state minority business requirements for school construction projects stipulate that only Maryland Department of Transportation-certified minority businesses can be used to satisfy the Minority Business Enterprise goal; and

WHEREAS, A request has been submitted to waive the balance of the Maryland

Department of Transportation-certified Minority Business Enterprise participation requirement; 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 Maryland Department of Transportation-certified Minority Business Enterprise participation requirement; now therefore be it

Resolved, That the following trade contract packages be awarded to the low bidders for the construction of Cabin John Middle School modernization project:

<u>Low Bidder</u>	<u>Amount</u>
2A-Sitework—Pleasants Construction, Inc.	\$7,128,000
3A-Concrete—Sody Concrete Construction, Inc.	949,600
4A-Masonry—J. D. Long Masonry, Inc.	2,872,000
5A-Steel—S. A. Halac Iron Works, Inc.	2,151,000
6A-General Carpentry—Hancock & Albanese, Inc.	1,606,000
7A-Roofing—R. D. Bean, Inc.	1,005,840
8A-Windows and Glazing—Engineered Construction Products, Ltd.	747,930
9A-Drywall and Acoustical—Finishes, Inc.	731,000
12A-Casework—Steel Products, Inc.	656,565
15A-Mechanical—Towson Mechanical, Inc.	5,033,000
16A-Electrical—Young Electrical Contractors, Inc.	2,600,000

and be it further

Resolved, That the trade contracts awarded for the Cabin John Middle School modernization project be assigned to Dustin Construction, Inc.; and be it further

Resolved, That a contract in the amount of \$32,349,370, to include the assignment of the trade contract awards, be awarded to Dustin Construction, Inc. for the Cabin John Middle School modernization project, in accordance with drawings and specifications prepared by Samaha Architects, P.C.

RESOLUTION NO. 279-09Re: **AWARD OF CONTRACT - NORTHWOOD HIGH SCHOOL MUSIC ACADEMY AND WELLNESS CENTER**

On recommendation of the superintendent and on motion of Dr. Docca seconded by Mr. Kauffman, the following resolution was adopted unanimously by members present: #

WHEREAS, The following sealed bids were received May 26, 2009, for the Northwood High School music academy and wellness center project:

<u>Bidder</u>	<u>Amount</u>
R. J. Crowley, Inc.	\$1,374,450
Keller Brothers, Inc.	1,387,956
William F. Klingensmith, Inc.	1,597,400
Tuckman-Barbee Construction Co., Inc.	1,652,000
Meridian Construction Co., Inc.	1,778,000

and

WHEREAS, The goal for Maryland Department of Transportation-certified Minority Business Enterprise participation established for this project was 14 percent; and

WHEREAS, The low bidder, R. J. Crowley, Inc., has submitted 5.9 percent Maryland Department of Transportation-certified Minority Business Enterprise participation, the highest percentage of all bidders, of which 1.5 percent is African American and 4.4 percent is other minority-owned; and

WHEREAS, That 7.3 percent non-Maryland Department of Transportation-certified Minority Business Enterprise participation also has been submitted, totaling 13.2 percent Minority Business Enterprise participation; and

WHEREAS, The state minority business requirements for school construction projects stipulate that only Maryland Department of Transportation-certified minority businesses can be used to satisfy the Minority Business Enterprise goal of 14 percent; and

WHEREAS, R. J. Crowley, Inc. has submitted a request to waive the balance of the Maryland Department of Transportation-certified Minority Business Enterprise participation; and

WHEREAS, Department of Facilities Management staff has reviewed and certified that the waiver request meets the contract requirements and recommends waiving the remaining balance of the Maryland Department of Transportation-certified Minority Business Enterprise participation; and

WHEREAS, The contract award includes an alternate for the renovation of existing space to accommodate the wellness center funded by the Montgomery County Department of Health and Human Services; and

WHEREAS, The Montgomery County Council reserves the option to accept an alternate bid price to include in the contract award the enlargement of the existing space planned for the wellness center at an additional cost of \$230,000; and

WHEREAS, R. J. Crowley, Inc. has completed similar work successfully for Montgomery County Public Schools; now therefore be it

Resolved, That a \$1,374,450 contract be awarded to R. J. Crowley, Inc. for the Northwood High School music academy and wellness center project, in accordance with drawings and specifications prepared by Samaha Associates, P.C.; and be it further

Resolved, That a change order in the amount of \$230,000 be issued to R. J. Crowley, Inc. contingent upon the Montgomery County Council approval of the project alternate for the enlargement of the wellness center.

RESOLUTION NO. 280-09Re: AWARD OF CONTRACT - REDLAND MIDDLE SCHOOL IMPROVEMENTS PROJECT

On recommendation of the superintendent and on motion of Ms. Berthiaume seconded by Dr. Docca, the following resolution was adopted unanimously by members present:#

WHEREAS, On April 19, 2007, the Board of Education authorized staff to utilize a construction management process for the Redland Middle School improvements project and awarded a contract for preconstruction services to Dustin Construction, Inc.; and

WHEREAS, The following low bids were received on May 14, 2009, for the Redland Middle School improvements project:

<u>Low Bidder</u>	<u>Amount</u>
4A-Masonry—KaRon Masonry of Maryland, Inc.	\$468,500
6A-General Carpentry—Homewood General Contractors, Inc.	1,565,000
9A-Drywall and Acoustical—Finishes, Inc.	369,000
12A-Casework—Steel Products, Inc.	378,694
15A-Mechanical—Ryco Associates, Inc.	2,404,000
16A-Electrical—Altimate Electric, Inc.	774,500

and

WHEREAS, On May 14, 2009, Dustin Construction, Inc. received bid proposals for the remaining trade contracts for the project, which will be included in the guaranteed maximum price; and

WHEREAS, Detailed information on these bid proposals is available for review in the Department of Facilities Management; and

WHEREAS, The construction management contract contains provisions that permit Montgomery County Public Schools to assign the awarded trade contracts to Dustin Construction, Inc. as part of a guaranteed price agreement to complete the Redland Middle School improvements project; and

WHEREAS, Staff has negotiated and recommends approval of a guaranteed price contract with Dustin Construction, Inc. for the completion of the Redland Middle School improvements project that includes the assignment of trade work awarded by Montgomery County Public Schools, along with all management and general conditions costs; and

WHEREAS, Dustin Construction, Inc. has agreed to accept the assignment of the Redland Middle School trade contracts awarded on June 9, 2009, and complete the project for the guaranteed price; and

WHEREAS, The goal for Maryland Department of Transportation-certified Minority Business Enterprise participation established for this project was 16 percent; and

WHEREAS, The aggregate Minority Business Enterprise participation submitted is 11.7 percent Maryland Department of Transportation-certified, of which 5.5 percent is African American, 5.4 percent is women-owned, and .8 percent is other minority-owned; and

WHEREAS, That 6.4 percent non-Maryland Department of Transportation-certified Minority Business Enterprise participation also has been submitted, totaling 18.1 percent Minority Business Enterprise participation; and

WHEREAS, The state minority business requirements for school construction projects stipulate that only Maryland Department of Transportation-certified minority businesses can be used to satisfy the Minority Business Enterprise goal; and

WHEREAS, A request has been submitted to waive the balance of the Maryland Department of Transportation-certified Minority Business Enterprise 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 Maryland Department of Transportation-certified Minority Business Enterprise participation requirement; now therefore be it

Resolved, That the following trade contract packages be awarded to the low bidders for the completion of the Redland Middle School improvements project:

<u>Low Bidder</u>	<u>Amount</u>
4A-Masonry—KaRon Masonry of Maryland, Inc.	\$ 468,500
6A-General Carpentry—Homewood General Contractors, Inc.	1,565,000
9A-Drywall and Acoustical—Finishes, Inc.	369,000
12A-Casework—Steel Products, Inc.	378,694
15A-Mechanical—Ryco Associates, Inc.	2,404,000
16A-Electrical—Altimate Electric, Inc.	774,500

and be it further

Resolved, That the trade contracts awarded for the Redland Middle School improvements project be assigned to Dustin Construction, Inc.; and be it further

Resolved, That a contract in the amount of \$10,892,643 to include the assignment of the trade contract awards be awarded to Dustin Construction, Inc. for the Redland Middle School improvements project, in accordance with drawings and specifications prepared by Delmar Architects, P.A.

**RESOLUTION NO. 281-09Re: CAPITAL PROJECTS TO BE CLOSED EFFECTIVE
JUNE 30, 2009**

On recommendation of the superintendent and on motion of Dr. Docca seconded by Mr. Kauffman, the following resolution was adopted unanimously by members present:#

WHEREAS, The Board of Education annually closes capital projects and transfers any unencumbered balances to the unliquidated surplus account; and

WHEREAS, The Department of Facilities Management has reviewed capital projects that may be closed effective June 30, 2009; now therefore be it

Resolved, That the capital construction projects listed below, subject to final audit, be closed effective June 30, 2009, and any unencumbered balances be transferred to the unliquidated surplus account:

<u>Project No.</u>	<u>Project</u>	<u>Balance</u>
204006	Garrett Park Elementary School Addition	\$353,911

219002	Farmland Elementary School Addition	121,075
503021	Sherwood High School Addition	159,873
517012	Silver Spring International Middle School/Sligo Creek Elementary School Addition	17
777005	Weller Road Elementary School Addition	41,352
789020	Albert Einstein High School Signature Improvements	118,721

and be it further

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

RESOLUTION NO. 282-09Re: PARTIAL CAPITALIZATION OF SELECTED CAPITAL PROJECTS

On recommendation of the superintendent and on motion of Dr. Docca seconded by Mr. Kauffman, the following resolution was adopted unanimously by members present:#

WHEREAS, The Montgomery County Office of Management and Budget has recommended the capitalization of countywide capital expenditures incurred as of June 30, 2009; and

WHEREAS, Montgomery County Public Schools external auditors concur with this recommendation; now therefore be it

Resolved, That the following projects be partially capitalized in FY 2009, with amounts subject to final audit:

<u>PDF No.</u>	<u>Project</u>	(Amts. in Thousands) <u>Partial Capitalization of Expended Funds</u>
976235	Americans with Disabilities Act Compliance	\$ 1,285
076506	Building Modifications and Program Improvements	2,474
926575	Current Replacements/Modernizations	32,546
816633	Heating, Ventilation, and Air Conditioning Replacement	6,756
975051	Improved Access to Schools	1,373
896586	Planned Life Cycle Asset Replacement	1,482
916587	Rehabilitation/Renovation of Closed Schools	46,965
766995	Roof Replacement	7,618
886550	School Gymnasiums	9,405

RESOLUTION NO. 283-09Re: RECOMMENDED FY 2010 FEES FOR FOOD AND

NUTRITION SERVICES PROGRAM

On recommendation of the superintendent and on motion of Dr. Docca seconded by Mr. Kauffman, the following resolution was adopted unanimously by members present:#

WHEREAS, Expenditures in the food and nutrition services program for salaries and employee benefits, food, and supplies are expected to increase in FY 2010 by approximately 3.3 percent over the FY 2009 levels; and

WHEREAS, Federal reimbursement rates for meals will increase by 2 percent; and

WHEREAS, To maintain a financially solvent food service enterprise fund it is necessary to increase revenues in FY 2010; now therefore be it

Resolved, That the price of the elementary school lunch be increased from \$2.40 to \$2.50 and the price of secondary school lunch be increased from \$2.65 to \$2.75; and be it further

Resolved, That the price increases be effective August 31, 2009.

** Mr. Barclay and Ms. Brandman rejoined the meeting

RESOLUTION NO. 284-09Re: **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:

Resolved, That the Board of Education approve the Human Resources Monthly Report dated June 9, 2009.

RESOLUTION NO. 285-09 Re: **DEATH OF ROSWITHA A. WOLFE,
FOOD SERVICE SATELLITE
MANAGER II, THURGOOD
MARSHALL ELEMENTARY SCHOOL**

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

WHEREAS, The death on May 9, 2009, of Mrs. Roswitha A. Wolfe, food service satellite manager II at Thurgood Marshall Elementary School, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, During the 22.6 years Mrs. Wolfe had worked for Montgomery County Public

Schools, she was extremely professional and demonstrated a thorough knowledge of her job responsibilities; and

WHEREAS, She was committed to working with the staff and students and took great pride in her work; 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 Mrs. Wolfe 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. Wolfe’s family.

RESOLUTION NO. 286-09Re: **APPOINTMENT**

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 following personnel appointment be approved effective July 1, 2009:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Charlotte Boucher	Principal, Eastern MS	Principal, John Poole MS

RESOLUTION NO. 287-09Re: **APPOINTMENT**

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 following personnel appointment be approved effective June 10, 2009:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Eric Davis	Acting Director. Department of Family and Community Partnerships	Director, Department of Family and Community Partnerships

RESOLUTION NO. 288-09Re: **RETIREES**

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

WHEREAS, The persons on the separate report are retiring or 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.

Re: MONTHLY FINANCIAL REPORT

Mr. Larry Bowers, chief operating officer, reported that this financial report reflects the actual financial condition of Montgomery County Public Schools (MCPS) as of April 30, 2009, 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 \$1,180,000, while expenses have a projected surplus of \$18,700,000. Staff will continue to closely monitor both revenues and expenditures.

**RESOLUTION NO. 289-09Re: PRESENTATION PLANS FOR HARMONY HILLS
ELEMENTARY SCHOOL ADDITION PROJECT**

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

WHEREAS, The architect for the proposed Harmony Hills Elementary School addition project, The Lukmire Partnership, Inc., has prepared a schematic design in accordance with the educational specifications; and

WHEREAS, The Harmony Hills 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 Harmony Hills Elementary School addition project developed by The Lukmire Partnership, Inc.

**RESOLUTION NO. 290-09Re: PRESENTATION PLAN FOR MONTGOMERY
KNOLLS ELEMENTARY SCHOOL ADDITION**

PROJECT

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

WHEREAS, The architect for the proposed Montgomery Knolls Elementary School addition project, Grieves, Worrall, Wright & O'Hatnick, Inc., has prepared a schematic design in accordance with the educational specifications; and

WHEREAS, The Montgomery Knolls 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 Montgomery Knolls Elementary School addition project developed by Grieves, Worrall, Wright & O'Hatnick, Inc.

Re: **GOAL 1: ENSURE SUCCESS FOR EVERY STUDENT - SCHOOL SAFETY AND SECURITY UPDATE**

Dr. Weast invited the following people to the table: Mr. Stephen L. Bedford, chief school performance officer, Office of School Performance; Mr. Robert B. Hellmuth, director, Department of School Safety and Security (DSSS); and Mr. Douglas J. Steel, supervisor, DSSS.

Maintaining safe schools is critically important to our mission of providing a high quality education to every student. Quite simply, if students and staff do not feel safe, then we have not created an optimal environment for teaching and learning. In fact, the vast majority of our staff and students believe they work in safe buildings as confirmed by the results of the climate surveys conducted by the Office of Shared Accountability. Countywide, the following stakeholders indicate that they believe their school is a safe environment: 95 percent of parents, 90 percent of students, and 97 percent of staff.

Nonetheless, incidents of school violence have made all of us aware of this issue and have required us to think strategically and comprehensively about school safety and security. We must focus on the daily work of school safety and ensure that we are prepared in the event of a crisis. The tragedies at Columbine High School and other incidents of school violence that have occurred during the past decade serve to remind us of the need to focus increased attention on school safety and security.

Montgomery County Public Schools (MCPS) is committed to ensuring that crisis preparedness is a top educational priority and is included in *Our Call to Action: Pursuit of*

Excellence. DSSS oversees not only crisis preparedness, but also regularly examines the school system's safety and security needs, from how students and staff are trained to respond to emergencies to upgrading the physical infrastructure of surveillance systems, visitor accountability, and access control in our buildings.

The School Security Unit was formed in 1992 with the mission of supporting a safe and secure learning and working environment for MCPS students and staff. In 1995, the unit was reclassified to the Division of Security and attained department status in 2000. The department staff consists of a director, supervisor, safety and staff development manager, six cluster security coordinators, and two secretaries. The department also includes the Electronic Detection Section (EDS), which is responsible for monitoring alarms and patrolling MCPS property after school hours. The EDS has been upgraded with up-to-date monitoring and reporting technology that provides the ability for accurate monitoring of alarms and allow for more accurate and efficient response to after-hours incidents or emergencies. The department provides supervisory support to school administrators in the supervision of more than 200 school-based security staff members. (Attachment A) The cluster security coordinators work with school-based security team leaders to provide support to principals and security staff personnel within their high school clusters.

MCPS continues to make school safety and security a top priority. The department will play a leadership role in providing school administrators with better resources and more efficient ways to ensure a safe learning and working environment.

Ensuring a safe and secure school environment for 140,000 students and more than 20,000 employees is a significant challenge. Our school system is a microcosm of society, and, as such, there is never a day that goes by where DSSS staff is not involved in an incident at a school. The restructuring of the department, ensuring comprehensive training for all staff, collaboration with public safety agencies, and the use of technology aids is assisting our staff with this challenge.

Re: **DISCUSSION**

Board members were interested in interagency communication, confront level of visitors/parents, behavioral psychologists, parent/student surveys on feeling safe in school, and relationships with adults.

Re: **GOAL 1: ENSURE SUCCESS FOR EVERY STUDENT - CYBERSAFETY UPDATE**

Dr. Weast invited the following people to the table: Ms. Shelley A. Johnson, director, Instructional Technology and Partnerships; Dr. Paulette L. Smith, principal, Cabin John Middle School; Mr. Larry M. Wong, supervisor, Office of the Chief Technology Officer; Mr.

J. Thomas Manger, chief of police, Montgomery County Police Department; and Mr. John McCarthy, state's attorney, Montgomery County.

Internet safety is a growing concern, and a comprehensive approach is necessary to address this community issue. The Montgomery County Public Schools (MCPS) strategic plan, *Our Call to Action: Pursuit of Excellence*, provides information and direction about safe and secure schools, including the appropriate use of technology. Additionally, the creation of a partnership with MCPS, the Montgomery County Police Department (MCPD), and the Montgomery County State's Attorney's Office has established a collaborative effort for these agencies to work together to protect children, arrest violators, and prosecute criminals.

Educating children about the Internet is the first step to ensure their safety while online. This year, the Maryland legislature passed legislation to address bullying in general and cyberbullying in particular. This legislation requires the Maryland State Board of Education to develop a model policy prohibiting bullying in schools. Furthermore, it requires each county board to adopt its own policy by July 1, 2009, based on the model. MCPS Regulation JFA-RA, *Student Rights and Responsibilities*, currently includes prohibitions on harassment and intimidation (bullying) using electronic communication.

Another important step in protecting students is reporting intimidating online activity and communication. Unlike some cyberbullying laws, Maryland's bill specifically states that even if the harassment takes place off school grounds, as long as it "substantially disrupts the orderly operation of a school," administrators can report the incident. To protect students, it is vital that school staff and community members report Internet incidents to the MCPD so that individuals who use the Internet to lure children into unsafe situations can be apprehended and prosecuted.

MCPS supports Internet safety by using technology protection measures to examine the content of Internet sites and block inappropriate content. Parents can better ensure their child's safety while online by establishing family rules for Internet use and through the use of parental control tools. However, the best chances of increasing Internet safety are achieved when parents and children talk about this issue.

Re: **DISCUSSION**

Mr. Barclay thanked the presenters since this topic is so relevant for parents and students. Is there help for parents to communicate with children? he asked. Children feel that MySpace is their private site. Students do not realize what is on the web, stays on the web. Staff thought the parents should be more proactive and utilize web sites to help with the conversation. There are also presentations for parents throughout the county.

Mrs. O'Neill noted that the world is changing, especially through technology. Is this part of

the health curriculum? Staff replied that NetSmartz training is provided for elementary school counselors and secondary school media specialists. Furthermore, MCPS has a filter for inappropriate Internet sites.

Mr. Kauffman asked whether or not staff is filtered from sites which should be monitored, especially with cyberbullying. Staff explained that computers can be identified for availability, especially EFOs, security, and principals.

Ms. Berthiaume pointed out that some of the laws are not appropriate for today's cyber crime. Young people do not understand the seriousness of their actions. Law enforcement has responded that the cases will be prosecuted, especially when serious and criminal. However, students do not think it is criminal so they must be educated about risky behaviors.

Ms. Malik thought it would be useful to work through the student government to educate students. Staff thought it was a good idea, and they are seeking cooperation from student government.

RESOLUTION NO. 291-09Re: 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:

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

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

Resolved, That the Board of Education of Montgomery County conduct a closed session on Monday, June 22, 2009, in Room 120 of the Carver Educational Services Center to meet from 5:30 to 6:00 p.m. to discuss personnel matters, as permitted under Section 10-508(a)(1) of the *State Government Article*; consult with counsel to obtain legal advice, as permitted by Section 10-508(a)(7) of the *State Government Article*; review and adjudicate appeals in its quasi-judicial capacity; and to 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. 292-09Re: 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:

On May 26, 2009, by unanimous vote, the Board of Education voted to conduct a closed session 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 a closed session on May 26, 2009, from 5:30 to 6:16 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and

- 9102 Unanimously approved Decisions and Orders for Appeals 2009-6 and 2009-7.
- 9103 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*.
- 3. Discussed matters of an administrative function (strategy for funding of the operating budget and legal opinions regarding lease financing and appropriation for retiree health insurance) outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*).

In attendance at the closed session were Christopher Barclay, Steve Bedford, Laura Berthiaume, Shirley Brandman, Judy Docca, Brian Edwards, Roland Ikheloa, Phil Kauffman, LaVerne Kimball, Suzann King, Frieda Lacey, Jody Leleck, Susan Marks, Heath Morrison, Patricia O'Neill, Glenda Rose, Stacy Scott, Steve Simon, Laura Steinberg, Jerry Weast, and Carey Wright.

RESOLUTION NO. 293-09Re: APPOINTMENT TO THE ETHICS PANEL

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

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 on the Ethics Panel effective July 1, 2009, and ending June 30, 2012.

Holli Beckerman Jaffe
Arleas Upton Kea
Donald G. Zauderer

RESOLUTION NO. 294-09Re: **APPOINTMENTS TO THE CITIZENS ADVISORY COMMITTEE ON FAMILY LIFE AND HUMAN DEVELOPMENT**

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

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

WHEREAS, By Resolution 389-05, approved July 27, 2005, the Board of Education reconstituted the Citizens Advisory Committee on Family Life and Human Development 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 of schools; and

WHEREAS, The terms of all current members of the committee end on June 30, 2009; and

WHEREAS, The Board of Education desires to modify the compositional requirements for the committee. The Board of Education will appoint to the committee 15 members, all of whom must be bona fide residents of Montgomery County who did not serve on the committee prior to July 27, 2005. All 15 members will serve as individuals, two of whom shall be MCPS high school students; and

WHEREAS, The normal terms of appointment shall be two years for the adult members and one year for the student members, with no member appointed to serve for more than two consecutive terms unless exempted by the Board of Education; now therefore be it

Resolved, That the Citizens Advisory Committee on Family Life and Human Development

shall be comprised of 15 members, all of whom must be bona fide residents of Montgomery County who did not serve on the Committee prior to July 27, 2005; two of whom shall be MCPS high school students; and be it further

Resolved, That the following individuals be appointed to serve terms ending June 30, 2011, with the exception that the terms of the students hereby appointed shall expire as of June 30, 2010:

Kaushal Chauhan
Cynthia Ellis
Christine Grewell
Candice Haaga
Catherine Kramer
Catherine Lane
Deborah Livornese
Jasmin Lizarazo
Carlos Mejia (student)
Carol Plotsky
Peter Sprigg
Kimberly Townsend
Elinor Walker
Rhea Wyse (student)
Susan Young

and be it further

Resolved, That the following individuals are hereby granted exemptions from the two consecutive terms limitation:

Carol Plotsky
Peter Sprigg
Elinor Walker

and be it further

Resolved, That the following individuals are hereby designated as committee chair and vice chair, respectively:

Carol Plotsky (chair)
Elinor Walker (vice chair)

RESOLUTION NO. 295-09Re: **MINUTES**

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

Resolved, That the Board of Education approve its minutes for April 14 and 28, 2009.

RESOLUTION NO. 296-09Re: **APPEALS**

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

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>
T-2009-1	Student Transfer	Affirmed
T-2009-3	Student Transfer	Affirmed
T-2009-4	Student Transfer	Affirmed

Re: **PORTABLE COMMUNICATION DEVICES
DURING LUNCH PERIODS**

On motion of Ms. Malik and seconded by Mrs. O'Neill, the following substitute resolution was placed on the table:

WHEREAS, Prior to the current Regulation COG-RA, *Portable Communication Devices*, any use of portable communication devices by students was prohibited; and

WHEREAS, Under current policy and practice, the Board of Education allows for "students to possess portable communication devices on MCPS property and at MCPS-sponsored activities" in recognition of the need for students to be able to communicate with parents and guardians in appropriate circumstances and as long as it does not interfere with instructional time; and

WHEREAS, Using portable communication devices during lunch periods does not cause harm or interfere with a student's educational learning process; and

WHEREAS, If students know that there is a designated time to use cell phones, students may be less tempted to use them during class hours and schools can use staff more effectively to address other disciplinary issues; and

WHEREAS, Most students possess portable communication devices which allow for convenient communications with parents to students and students to parents; and

WHEREAS, Students have flexible schedules that may change throughout the course of the school day; now therefore be it

Resolved, That the members of the Board of Education request that for the 2009–2010 school year, the superintendent conduct a field test of at least two to three high schools, with diverse lunch schedules, to allow students to use portable communication devices during their designated lunch periods; and be it further

Resolved, That a multi-stakeholder task force, consisting of students, staff, and administrators, follow up on the results of the pilot program and make a recommendation to the superintendent (with a copy sent to the Board of Education) regarding whether Regulation COG-RA, *Portable Communication Devices*, should be revised to permit high school students to use their portable communication devices during their designated lunch periods.

RESOLUTION NO. 297-09 Re: **AN AMENDMENT TO THE RESOLUTION
PORTABLE COMMUNICATION DEVICES
DURING LUNCH PERIODS**

On motion of Dr. Docca and seconded by Mr. Kauffman, the following amendment was adopted unanimously:

Resolved, That Board of Education encourages the Montgomery County Region (MCR) of the Maryland Association of Student Councils to develop and implement an education program on the proper use of cell phones during school hours based on the current policy and regulations.

RESOLUTION NO. 298-09 Re: **PORTABLE COMMUNICATION DEVICES
DURING LUNCH PERIODS**

On motion of Ms. Malik and seconded by Mrs. O'Neill, the following amended resolution was adopted unanimously:

WHEREAS, Prior to the current Regulation COG-RA, *Portable Communication Devices*, any use of portable communication devices by students was prohibited; and

WHEREAS, Under current policy and practice, the Board of Education allows for “students to possess portable communication devices on MCPS property and at MCPS-sponsored activities” in recognition of the need for students to be able to communicate with parents and guardians in appropriate circumstances and as long as it does not interfere with instructional time; and

WHEREAS, Using portable communication devices during lunch periods does not cause harm or interfere with a student’s educational learning process; and

WHEREAS, If students know that there is a designated time to use cell phones, students may be less tempted to use them during class hours and schools can use staff more effectively to address other disciplinary issues; and

WHEREAS, Most students possess portable communication devices which allow for convenient communications with parents to students and students to parents; and

WHEREAS, Students have flexible schedules that may change throughout the course of the school day; now therefore be it

Resolved, That the members of the Board of Education request that for the 2009–2010 school year, the superintendent conduct a field test of at least two to three high schools, with diverse lunch schedules, to allow students to use portable communication devices during their designated lunch periods; and be it further

Resolved, That a multi-stakeholder task force, consisting of students, staff, and administrators, follow up on the results of the pilot program and make a recommendation to the superintendent (with a copy sent to the Board of Education) regarding whether Regulation COG-RA, *Portable Communication Devices*, should be revised to permit high school students to use their portable communication devices during their designated lunch periods; and be it further

Resolved, That Board of Education encourages the Montgomery County Region (MCR) of the Maryland Association of Student Councils to develop and implement an education program on the proper use of cell phones during school hours based on the current policy and regulations.

Re: **BOARD COMMITTEE UPDATES**

There were no updates.

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
- 3. Update on Contract Awards for On-Call Heating, Ventilation, Air Conditioning Replacement Services and On-Call Construction Services

RESOLUTION NO. 299-09Re: **ADJOURNMENT**

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

Resolved, That the Board of Education adjourn its meeting of June 9, 2009, at 5:20 p.m.

PRESIDENT

SECRETARY

JDW:gr

Resolution	Barclay	Berthiaume	Brandman	Kauffman	Docca	Malik	O'Neill
Final Adoption of the FY 2010 Operating Budget	A	A	A	A	A	A	A

A = affirmative; N = negative; O = absent; AB = abstain

MONTGOMERY COUNTY BOARD OF EDUCATION SUMMARY SHEET

June 9, 2009

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