

APPROVED
6-2010

Rockville, Maryland
February 17, 2010

The Board of Education of Montgomery County held a business meeting at the Carver Educational Services Center, Rockville, Maryland, on February 17, 2010, at 10:05 a.m.

Present: Mrs. Patricia O'Neill, President
in the Chair
Mr. Christopher Barclay
Ms. Laura Berthiaume
Dr. Judy Docca
Mr. Michael Durso
Mr. Timothy Hwang
Mr. Philip Kauffman
Dr. Jerry Weast, Secretary/Treasurer

Absent: Ms. Shirley Brandman

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

RESOLUTION NO. 31-10 Re: **RESOLUTION FOR CLOSED SESSIONS**

On recommendation of the superintendent and on motion of Mr. Barclay seconded by Mr. Kauffman, 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 February 9, 2010, in Room 120 from 8:30 to 10:00 a.m. and 12:30 to 2:00 p.m.; and be it further

Resolved, That the Board of Education of Montgomery County discuss the Human Resources Monthly Report 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 discuss the Sexual Harassment Quarterly Report as permitted under Section 10-508(a)(1) of the *State Government Article*; and be it further

Resolved, That the Board of Education of Montgomery County discuss collective bargaining negotiations and related matters, as permitted under Section 10-508(a)(9) of the *State Government Article* and Section 4-107(d)(2)(ii) of the *Education Article*; and be it further

Resolved, That the Board of Education of Montgomery County dedicate part of the closed sessions on February 9, 2010, to acquit its administrative functions and receive legal advice to adjudicate and review appeals, which is a quasi-judicial function outside the purview of the *Open Meetings Act* under Section 10-508(a) of the *State Government Article*; and be it further

Resolved, That the meeting continue in closed sessions 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. 32-10

Re: **APPROVAL OF THE AGENDA**

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

Resolved, That the Board of Education adopt its agenda for February 17, 2010.

** Ms. Berthiaume was temporarily absent.

Re: **PUBLIC COMMENTS**

The following people testified before the Board of Education:

	<u>Person</u>	<u>Topic</u>
1.	Cori Vanchieri	Language Immersion
2.	Lauren Poper	Budget
3.	Heather Sachs	HB59/SB467

Re: **BOARD/SUPERINTENDENT COMMENTS**

Mr. Barclay thanked the school staff for clearing the snow from parking lots and sidewalks. He welcomed the students and teachers back to school after the unprecedented snowfall. Mr. Durso echoed the comments of Mr. Barclay.

Dr. Docca commented that she participated in the following:

1. Eastern Middle School's Interages Program
2. Read at Laytonville Elementary School
3. Youth Summit, where she and Mr. Hwang heard from many students on a variety of topics

4. Maryland State Education Association awards program
5. Martin Luther King, Jr. program at Richard Montgomery High School.

Mr. Kauffman associated his comments with his colleagues, Mr. Barclay and Mr. Durso.

Mr. Hwang welcomed the student back after the snow, and he thanked employees for their work to get buildings ready for schools. He attended Lunar New Year events. The County Council Town Hall for Youth was very successful. He developed a video on youth campaigning for their future. The video was shown, and Board members expressed appreciation for his efforts. Also, MCR/MCJC is starting a task force on student engagement, looking at issues within the community.

Mrs. O'Neill associated herself with her colleagues' comments on the snow removal. She was amazed that there is not enforcement of residents clearing sidewalks from snow.

Dr. Weast commented that he was grateful for the work of all our staff during the snowstorms that have caused so much disruption in our community. Special thanks are due to employees in the Division of Plant Operations who have coordinated the monumental task of clearing parking lots and sidewalks on school and office property. Special thanks are due to building services staff as they continue to improve access to school buildings. MCPS continues to communicate with Montgomery County Government about bus stops and walkways that pose a problem for students as they travel to and from school. There will be a need to make adjustments to the school calendar. It is hoped that , the state will offer waivers of instructional time and adjust testing schedules. Finally, nearly two-thirds (64.4 percent) of the MCPS Class of 2009 took one or more Advanced Placement exams, significantly higher than Maryland (40 percent) and the nation (26.5 percent).

Re: FY 2011 OPERATING BUDGET ADOPTION

On recommendation of the superintendent and on motion of Mr. Barclay seconded by Dr. Docca, the following resolution was placed on the table:

WHEREAS, The superintendent of schools presented the Recommended FY 2011 Operating Budget of \$2,226,134,843 to the Board of Education on December 10, 2009; and

WHEREAS, The Recommended FY 2011 Operating Budget includes the FY 2011 Special Education Staffing Plan; and

WHEREAS, The recommended county contribution of \$1,553,934,287 is at the Maintenance of Effort amount; and

WHEREAS, The state attorney general and the Maryland State Board of Education have

ruled that Montgomery County is not in compliance with the Maintenance of Effort requirement for FY 2010 because of the impermissible use of debt service reimbursement of \$79,327,322 to reach the Maintenance of Effort amount; and

WHEREAS, The FY 2011 Recommended Operating Budget accordingly does not include debt service reimbursement for FY 2011; and

WHEREAS, Increases of state aid for Montgomery County Public Schools as recommended in the governor's budget on January 20, 2010, total \$48,366,761; and

WHEREAS, Increases in federal aid from the *American Recovery and Reinvestment Act of 2009* of \$2,843,811 are included in the governor's recommended FY 2011 operating budget; and

WHEREAS, Because of the serious economic recession in the county, the state, and the nation, it is possible that MCPS may not receive all of the additional \$48.4 million of state aid now projected; and

WHEREAS, Projected revenue in addition to the amount recommended for the FY 2011 Operating Budget on December 10, 2009, should be placed in a reserve account in Category 12, Fixed Charges, to be available in case of a penalty of withheld state aid because of the county's noncompliance with the Maintenance of Effort requirement or other potential obligations; now therefore be it

Resolved, That the Board of Education approve the FY 2011 Special Education Staffing Plan as outlined in the Superintendent's Recommended FY 2011 Operating Budget; and be it further

Resolved, That upon final approval of the FY 2011 Operating Budget in June 2010, the Special Education Staffing Plan will be submitted to the Maryland State Department of Education; and be it further

Resolved, That the Board of Education adopt the Superintendent's Recommended FY 2011 Operating Budget totaling \$2,263,286,410, as follows:

1	Administration	\$41,941,991
2	Mid-level Administration	141,874,583
3	Instructional Salaries	871,191,332
4	Textbooks and Instructional Supplies	34,041,281
5	Other Instructional Costs	15,098,889
6	Special Education	291,393,563
7	Student Personnel Services	11,306,567

8	Health Services	44,590
9	Student Transportation	96,187,296
10	Operation of Plant and Equipment	115,877,577
11	Maintenance of Plant	33,905,007
12	Fixed Charges	553,555,446
14	Community Services	208,495
37	Instructional Television Fund	1,619,507
51	Real Estate Fund	3,074,719
61	Food Services Fund	47,363,001
71	Field Trip Fund	2,369,952
81	Entrepreneurial Activities Fund	2,232,614
	Total	<u>\$2,263,286,410</u>

Re: **DISCUSSION**

Mrs. O'Neill commented that there is a great deal of uncertainty and fiscal alarm in Montgomery County. In the hearings, the PTAs recognized the fiscal situation and were supportive of the superintendent's recommendations. There is a list of \$44 million worth of reductions, but the process will not end until June. One of the dilemmas in FY10 is the \$23.4 million fine for noncompliance of the Maintenance of Effort, plus Mr. Leggett has asked that the school system conserve. Then, there is snow removal. She stated a cautionary note to the community that no program is safe, but the Board will protect student achievement as much as possible. For today, it is the Board's responsibility to put forth a Maintenance of Effort budget.

Mr. Barclay associated himself with Mrs. O'Neill's comments. It is important for the county to ensure that the operating budget reflects maintenance of effort. It is important for the county and its children to pass a budget that supports staff and the students' academic gains. Finally, he thanked the staff for their work on the operating budget.

Mr. Kauffman thanked staff for their work. It is the Board's responsibility to pass a Maintenance of Effort budget as well as the County Council's responsibility legally to do the same. The law is clear that the County Council shall pass a Maintenance of Effort budget. Further, the message to the community does not include the \$44 million of reductions, but they should not think that their programs are safe and there will be no reductions. Therefore, they should testify before the County Council to support the operating budget.

Dr. Docca agreed with her colleagues, and she supported the operating budget. She thanked staff for their knowledge of the operating budget. It is the duty of Board members to share the whole picture with the community, she noted. She expressed pleasure with the progress that has been made, and it terrifies her that there will need to be reductions.

The Maintenance of Effort is being used unreasonably in this economic crisis.

Dr. Weast reminded the Board that former budgets have been reduced by more than \$202 million, with \$44 million reduced during this past year and transferred to the county. And, the recommended budget is based on maintenance of effort.

RESOLUTION NO. 33-10 Re: **AN AMENDMENT TO THE FY 2011
OPERATING BUDGET ADOPTION**

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

WHEREAS, **The Board of Education does not intend to include debt service reimbursement** in the FY 2011 Recommended Operating Budget ~~accordingly does not include debt service reimbursement for FY 2011 and~~

RESOLUTION NO. 34-10 Re: **AN AMENDMENT TO THE FY 2011
OPERATING BUDGET ADOPTION**

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

WHEREAS, Projected revenue in addition to the amount recommended for the FY 2011 Operating Budget on December 10, 2009, should be placed in a reserve account in Category 12, Fixed Charges, to be available ~~in case of a penalty of withheld state aid because of the county's noncompliance with the Maintenance of Effort requirement or other potential obligations~~ **as further determined by the Board of Education**; now therefore be it

RESOLUTION NO. 35-10 Re: **FY 2011 OPERATING BUDGET ADOPTION**

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

WHEREAS, The superintendent of schools presented the recommended FY 2011 Operating Budget of \$2,226,134,843 to the Board of Education on December 10, 2009; and

WHEREAS, The recommended FY 2011 Operating Budget includes the FY 2011 Special Education Staffing Plan; and

WHEREAS, The recommended county contribution of \$1,553,934,287 is at the

Maintenance of Effort amount; and

WHEREAS, The state attorney general and the Maryland State Board of Education have ruled that Montgomery County is not in compliance with the Maintenance of Effort requirement for FY 2010 because of the impermissible use of debt service reimbursement of \$79,327,322 to reach the Maintenance of Effort amount; and

WHEREAS, The Board of Education does not intend to include debt service reimbursement in the FY 2011 Recommended Operating Budget; and

WHEREAS, Increases of state aid for Montgomery County Public Schools as recommended in the governor's budget on January 20, 2010, total \$48,366,761; and

WHEREAS, Increases in federal aid from the *American Recovery and Reinvestment Act of 2009* of \$2,843,811 are included in the governor's recommended FY 2011 operating budget; and

WHEREAS, Because of the serious economic recession in the county, the state, and the nation, it is possible that MCPS may not receive all of the additional \$48.4 million of state aid now projected; and

WHEREAS, Projected revenue in addition to the amount recommended for the FY 2011 Operating Budget on December 10, 2009, should be placed in a reserve account in Category 12, Fixed Charges, to be available as further determined by the Board of Education; now therefore be it

Resolved, That the Board of Education approve the FY 2011 Special Education Staffing Plan as outlined in the Superintendent's Recommended FY 2011 Operating Budget; and be it further

Resolved, That upon final approval of the FY 2011 Operating Budget in June 2010, the Special Education Staffing Plan will be submitted to the Maryland State Department of Education; and be it further

Resolved, That the Board of Education adopt the Superintendent's Recommended FY 2011 Operating Budget totaling \$2,263,286,410, as follows:

1	Administration	\$41,941,991
2	Mid-level Administration	141,874,583
3	Instructional Salaries	871,191,332
4	Textbooks and Instructional Supplies	34,041,281
5	Other Instructional Costs	15,098,889

6	Special Education	291,393,563
7	Student Personnel Services	11,306,567
8	Health Services	44,590
9	Student Transportation	96,187,296
10	Operation of Plant and Equipment	115,877,577
11	Maintenance of Plant	33,905,007
12	Fixed Charges	553,555,446
14	Community Services	208,495
37	Instructional Television Fund	1,619,507
51	Real Estate Fund	3,074,719
61	Food Services Fund	47,363,001
71	Field Trip Fund	2,369,952
81	Entrepreneurial Activities Fund	<u>2,232,614</u>
	Total	\$2,263,286,410

RESOLUTION NO. 36-10

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

On recommendation of the superintendent and on motion of Mr. Barclay 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:

021.07.B3 HVAC Air Filters—Extension

Awardee

Air Filter Maintenance, Inc.

\$349,000

05091 Appliances and Hardware

Awardee

Home Depot, USA, Inc.

\$150,000

08-04026 Science/Labware Supplies and Equipment—Extension

Awardee

Fisher Science Education

\$175,000

1144.3 Grade 2 TerraNova Second Edition—Extension

<u>Awardee</u>	
McGraw Hill Companies	\$201,400

1161.1 Enterprise Wide Electronic Grading and Reporting System—Extension

<u>Awardee</u>	
Excelsior Software, Inc.	\$283,000

4038.7 Closed Circuit Television Equipment—Extension

<u>Awardees</u>	
Alarmax Distributors, Inc.	\$166,536
Graybar Electric Company, Inc.	45,718
North American Video*	117,088
Protective Security, Inc.	45,701
Security Cameras Direct*	<u>28,716</u>
Total	\$403,759

4064.9 Art Tools

<u>Awardees</u>	
Commercial Art Supply	\$ 18,226
DGS Educational Products*	10,484
Dick Blick East	1,791
Elgin School Supply Company, Inc.	136,594
Integrity School Supplies*	5,246
Midwest Model Supply Company, Inc.	1,805
Nasco	882
National Art and School Supplies	236,048
Pyramid School Products	<u>24,167</u>
Total	\$435,243

4079.9 Health Room Supplies—Extension

<u>Awardees</u>	
Calico Industries, Inc.	\$135,396
Cole Medical, Inc.	11,300
Ever Ready First Aid Company*	1,800
S. Freedman & Sons, Inc.	84,762
Henry Schein, Inc.	33,250

Landy Bio-Resources, LLC*	270
Medco Supply Company	11,438
Safetec of America, Inc.	119,795
School Health Corporation*	6,867
Southeastern Emergency Equipment	7,839
Supreme Medical Fulfillment Systems, Inc.	12,710
Worldcare Medical Distributors, Inc.*	1,000
Zams, Inc.*	<u>592</u>
Total	\$427,019

4089.7 Laminating Supplies—Extension

Awardees

AFP Industries, Inc.*	\$ 15,756
Pyramid School Products	114,494
Standard Stationery Supply Company	<u>68,382</u>
Total	\$198,632

4115.4 Microscopes—Extension

Awardees

3Z's Instruments, LLC	\$ 12,776
Benz Microscope Optics Center	5,200
Cynmar Corporation*	12,138
Fisher Science Education	27,388
Science Kit, Inc.	<u>4,242</u>
Total	\$ 61,744

4283.1 Pharmacy Benefit Manager (PBM) Audit

Awardee

Clifton Gunderson, LLP	\$ 61,850
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4286.1 Professional Development Evaluators

Awardee

Arroyo Research Services	\$ 39,975
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4287.1 PSAT/NMSQT Student Testing Program

Awardee

The College Board	\$ 99,705
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4288.1 Maryland LAS Links K-12 Assessment

Awardee

CTB/McGraw-Hill

\$216,824

7079.5 Paperback and Prebound Books

Awardees

Perfection Learning

\$225,000

Everbind Book Company

25,000

Total

\$250,000

7120.5 Elementary Mathematics Supplies—Extension

Awardees

Center Enterprises

\$ 350

Childcraft Education Corporation

318

EAI Education

10,878

ETA/Cuisenaire*

18,215

Nasco

4,880

School Specialty

4,033

Total

\$ 38,674

7123.2 Vehicle Glass Repair and Replacement—Extension

Awardee

Banner Glass

\$ 93,000

7149.2 Tires, Mounting, Balancing, and Alignment—Extension

Awardee

S&S Tire Service, Inc.*

\$ 30,256

9006.4 Shade/Upholstery Material—Extension

Awardees

Crown Shade Company

\$155,276

Frankel Association, Inc.

35,015

Mileham & King, Inc.

1,660

Tedco Industries, Inc.

29,346

Total

\$221,297

9018.4 Operable Wall System, Preventive Maintenance—Extension

Awardee

Modern Door and Equipment Sale	\$ 35,000
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9019.5 Roofing Supplies—Extension

Awardees

ABC Supply, Inc.	\$ 59,363
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Bradco Supply Corporation	81,800
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Roof Center, Inc.	289,715
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Seamless Gutter Supply of Maryland, Inc.	<u>50,685</u>
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Total	\$481,563
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9021.7 Doors and Door Hardware—Extension

Awardees

American Door Company	\$ 26,945
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Brunswick Door Company	16,873
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Capitol Building Supply	43,575
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Pikesville Lumber Company	<u>45,657</u>
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Total	\$133,050
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9022.5 Building Materials—Extension

Awardees

Amsco A Maintenance Supply Company*	\$ 3,122
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Capitol Building Supply	2,688
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Patuxent Materials, Inc.	18,824
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Pikesville Lumber Company	<u>30,971</u>
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Total	\$ 55,605
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9099.4 Security System Installation/Cabling at Various Locations—Extension

Awardee

EAI Security Systems, Inc.	\$ 50,000
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9116.4 Detergents and Cleaners, Laundry and Kitchen Use—Extension

Awardee

Acme Paper & Supply Company, Inc.	\$ 51,109
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9175.4 Latex Running Track Renovations and Repairs**

Awardee

American Tennis Courts*

\$306,838

9181.4 Masonry Thru-Wall Flashing and Waterproofing**

Awardee

Walker Willis/T/A Custom Masonry

\$263,150

9182.4 Concrete Removal and Replacement at Various Locations—Extension**

Awardee

NZI Construction*

\$350,000

9194.4 Gymnasium Wood Flooring, Sanding, and Refinishing at Various Locations**

Awardee

Weyer's Floor Service, Inc.

\$ 55,991

9300.3 Chain Link Fencing, Gates, and Backstops at Various Locations—Extension**

Awardee

Hercules Fence Company

\$229,310

9345.4 Portable Classroom Re-roofing at Various Locations**

Awardee

Interstate Corporation*

\$150,000

9620.2 Replace Acoustical Suspended Ceiling Systems at Various Locations**

Awardee

Corning Construction Corporation*

\$ 189,433

TOTAL PROCUREMENT CONTRACTS OVER \$25,000 \$6,087,427

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

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

RESOLUTION NO. 37-10

Re: **CONTRACT APPROVAL FOR BID C06062,
DIESEL FUEL – EXTENSION**

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

WHEREAS, Funds have been budgeted for and/or identified for the purchase of diesel fuel through Bid No. C06062; now therefore be it

Resolved, That having been duly advertised, the following contract will be awarded to the low bidder meeting specifications as shown below:

C06062	Diesel Fuel—Extension	
	<u>Awardee</u>	
	Mansfield Oil Company	\$4,153,500

RESOLUTION NO. 38-10 Re: **ACCEPTANCE OF CASHELL ELEMENTARY SCHOOL MODERNIZATION PROJECT**

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

WHEREAS, On behalf of the Board of Education, Board Member Michael A. Durso inspected the Cashell Elementary School modernization project on Friday, January 15, 2010; now therefore be it

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

RESOLUTION NO. 39-10 Re: **ACCEPTANCE OF NORTHWOOD HIGH SCHOOL VARIOUS FACILITY IMPROVEMENTS PROJECT**

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

WHEREAS, On behalf of the Board of Education, Board Member Christopher S. Barclay inspected the Northwood High School various facility improvements project on Tuesday, January 19, 2010; now therefore be it

Resolved, That the Board of Education accept the Northwood High School various facility

improvements project and that the official date of completion is that date when formal notice is received from the architect that this project has been completed in accordance with the drawings and specifications, and all contract requirements have been met.

RESOLUTION NO. 40-10 Re: **ACCEPTANCE OF THOMAS W. PYLE
MIDDLE SCHOOL ADDITION PROJECT**

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

WHEREAS, On behalf of the Board of Education, Board Member Shirley Brandman inspected the Thomas W. Pyle Middle School addition project on Thursday, January 21, 2010; now therefore be it

Resolved, That the Board of Education accept the Thomas W. Pyle Middle 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. 41-10 Re: **ARCHITECTURAL APPOINTMENT –
HIGHLAND VIEW ELEMENTARY SCHOOL
ADDITION PROJECT FEASIBILITY STUDY**

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

WHEREAS, It is necessary to appoint an architectural firm to provide professional and technical services to perform a feasibility study for the Highland View Elementary School addition project; and

WHEREAS, Funds for conducting feasibility studies were programmed as part of the FY 2010 Capital Budget; and

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

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

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with the architectural firm of Proffitt and Associates Architects to provide design feasibility services for the Highland View Elementary School addition project for a fee of \$52,000.

RESOLUTION NO. 42-10

Re: **ARCHITECTURAL APPOINTMENT –
RITCHIE PARK ELEMENTARY SCHOOL
ADDITION PROJECT FEASIBILITY STUDY**

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

WHEREAS, It is necessary to appoint an architectural firm to provide professional and technical services to perform a feasibility study for the Ritchie Park Elementary School addition project; and

WHEREAS, Funds for conducting feasibility studies were programmed as part of the FY 2010 Capital Budget; and

WHEREAS, An Architect Selection Committee, in accordance with procedures adopted by the Board of Education on April 20, 2006, identified Smolen-Emr + Associates Architects as the most qualified firm to provide the necessary professional architectural and engineering services; and

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

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with the architectural firm of Smolen-Emr + Associates Architects, to provide design feasibility services for the Ritchie Park Elementary School addition project for a fee of \$49,100.

RESOLUTION NO. 43-10

Re: **AWARD OF CONTRACT – LEASING OF
RELOCATABLE CLASSROOMS**

EXTENSION

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

WHEREAS, Funds are appropriated annually in the Capital Budget for relocatable classroom buildings; and

WHEREAS, It is necessary to have a bid in place for the procurement and lease of new relocatable classroom units so that staff can proceed immediately to place units at various school sites and for the replacement of older units; and

WHEREAS, On March 10, 2009, Mobile Modular Management Corporation was awarded the unit price contract; and

WHEREAS, Mobile Modular Management Corporation has agreed to honor its 2009 pricing for new relocatable classroom units on a five-year lease for FY 2011; now therefore be it

Resolved, That the Mobile Modular Management Corporation contract to lease new relocatable buildings be extended at a rate of \$515 per month per unit on an as-needed basis, with a one-time delivery charge of \$300, for a five-year lease period.

RESOLUTION NO. 44-10 Re: **AWARD OF CONTRACT – RELOCATABLE
CLASSROOM BID PACKAGE #12**

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

WHEREAS, The following sealed bids were received on January 25, 2010, for the return of relocatable classrooms from Washington Grove Elementary School:

<u>Contractor</u>	<u>Low Bid</u>
J & L Services, Inc.	\$38,757
U.S. Modular Group East, Inc.	\$42,654
Prevost Construction, Inc.	\$44,723
EMH Environmental, Inc.	\$48,800
Cottonwood Construction, Inc.	\$57,700

and

WHEREAS, The low bidder has completed similar work successfully for Montgomery County Public Schools and/or other jurisdictions; now therefore be it

Resolved, That a \$38,757 contract be awarded to J & L Services, Inc. for the relocatable classroom bid package #12 project in accordance with the project specifications.

RESOLUTION NO. 45-10 Re: **CONSULTANT APPOINTMENT – SECURITY
SYSTEMS FOR VARIOUS PROJECTS**

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

WHEREAS, It is necessary to appoint a firm to provide professional design services for security systems; and

WHEREAS, A Consultant Selection Committee, in accordance with procedures adopted by the Board of Education on April 20, 2006, identified East West Telecom, Inc. as the most qualified firm to provide the necessary professional design services for security systems; and

WHEREAS, Staff will negotiate fees for the necessary security system design services 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 East West Telecom, Inc. to provide professional design services for security systems as requirements arise, with the total contract amount not to exceed \$100,000.

RESOLUTION NO. 46-10

Re: **ENGINEERING APPOINTMENT – ENERGY
MANAGEMENT AUTOMATION SYSTEMS**

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

WHEREAS, It is necessary to appoint an engineering firm to provide professional design services for energy management automation systems; and

WHEREAS, A Consultant Selection Committee, in accordance with the procedures adopted by the Board of Education on April 20, 2006, identified Brinjac Engineering, Inc. as the most qualified firm to provide the necessary professional design services for energy management automation systems; and

WHEREAS, Staff will negotiate fees for the necessary engineering services 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 Brinjac Engineering, Inc. for design and administration of construction contracts for energy management automation systems, with the contract amount not to exceed \$75,000 per project.

RESOLUTION NO. 47-10

Re: **FY 2010 SPECIAL APPROPRIATION**

**REQUEST FOR RELOCATABLE
CLASSROOMS**

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

WHEREAS, The Board of Education's Requested FY 2011–2016 Capital Improvements Program includes \$6.750 million in the FY 2011 Capital Budget for relocatable classrooms to accommodate student population changes for the 2010–2011 school year; and

WHEREAS, These funds are programmed to be expended during summer 2010 but will not be available until the County Council takes final action on the Board of Education's Capital Improvements Program request in May 2010; and

WHEREAS, The contracts for the relocation and installation work for the FY 2011 relocatable classroom moves must be executed prior to May 15, 2010, in order to have the units ready for the start of school in August 2010; and

WHEREAS, The appropriation authority to expend the funds programmed for FY 2011 must be approved by the County Council before the Board of Education can enter into contracts; now therefore be it

Resolved, That the Board of Education request an FY 2010 special appropriation in the amount of \$6.750 million to accelerate the requested FY 2011 appropriation to provide for the execution of contracts for relocatable classroom moves planned for summer 2010 to address school enrollment changes in time for the beginning of the 2010–2011 school year; and be it further

Resolved, That this request be forwarded to the county executive and the County Council for action.

RESOLUTION NO. 48-10

Re: **PECONSTRUCTION/CONSTRUCTION
MANAGEMENT SERVICES – BEVERLY
FARMS ELEMENTARY SCHOOL
MODERNIZATION PROJECT**

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

WHEREAS, The FY 2010 Capital Improvements Program includes planning funds for the modernization of Beverly Farms Elementary School; and

WHEREAS, The design phase of this project is proceeding, with construction scheduled to begin in January 2012 and be completed by August 2013; and

WHEREAS, Staff has recommended that this project be completed using a construction management delivery system due to its complexities and scope of work; and

WHEREAS, A Consultant Selection Committee, utilizing procedures adopted by the Board of Education on April 20, 2006, identified Meridian Construction Company, Inc. as the most qualified firm to provide the necessary management services; and

WHEREAS, The management services will be implemented in two phases; and

WHEREAS, The initial phase will consist of preconstruction services for cost estimating, value engineering, constructability reviews, and the development of the construction implementation schedule; and

WHEREAS, Staff has negotiated a fee for the preconstruction services; and

WHEREAS, The second phase will consist of general construction management services, and a fee for this phase will be negotiated once the preconstruction services are completed; now therefore be it

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with Meridian Construction Company, Inc. to provide phase one preconstruction services for cost estimating, value engineering, constructability reviews, and the development of the construction implementation schedule for the modernization of Beverly Farms Elementary School for a fee of \$72,500.

RESOLUTION NO. 49-10

Re: **PRECONSTRUCTION/CONSTRUCTION
MANAGEMENT SERVICES -
DOWNCOUNTY CONSORTIUM #29 ES
(MCKENNEY HILLS CENTER) REOPENING
PROJECT**

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

WHEREAS, The FY 2010 Capital Improvements Program includes planning funds for the Downcounty Consortium #29 Elementary School (McKenney Hills Center) Reopening Project; and

WHEREAS, The design phase of this project is proceeding, with construction scheduled to

begin in January 2011 and be completed by August 2012; and

WHEREAS, Staff has recommended that this project be completed using a construction management delivery system due to its complexities and scope of work; and

WHEREAS, A Consultant Selection Committee, utilizing procedures adopted by the Board of Education on April 20, 2006, identified Henley Construction Co., Inc. as the most qualified firm to provide the necessary management services; and

WHEREAS, The management services will be implemented in two phases; and

WHEREAS, The initial phase will consist of preconstruction services for cost estimating, value engineering, constructability reviews, and the development of the construction implementation schedule; and

WHEREAS, Staff has negotiated a fee for the preconstruction services; and

WHEREAS, The second phase will consist of general construction management services, and a fee for this phase will be negotiated once the preconstruction services are completed; now therefore be it

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with Henley Construction Co., Inc. to provide phase one preconstruction services for cost estimating, value engineering, constructability reviews, and the development of the construction implementation schedule for the Downcounty Consortium #29 Elementary School (McKenney Hills Center) Reopening for a fee of \$75,000.

RESOLUTION NO. 50-10

Re: **GRANT OF UTILITY EASEMENT AT
WOODWARDS ROAD ELEMENTARY
SCHOOL SITE**

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

WHEREAS, A Lease Agreement for Cable Communications with Comcast Cablevision of Potomac, LLC was executed on September 30, 2003, which permitted installation, maintenance, and operation of communications for cable television services at the Woodward Road Elementary School site, located on Emory Grove Road in Gaithersburg; and

WHEREAS, Comcast Cablevision of Potomac, LLC has received site development approval from the City of Gaithersburg to upgrade equipment and install an unmanned

telecommunications building; and

WHEREAS, The Potomac Electric Power Company has requested a grant of utility easement consisting of 7,633 square feet to install, reconstruct, and maintain underground electric power and energy transmission, distribution, and communication facilities to serve the proposed telecommunications building; and

WHEREAS, The easement will not affect any land that could be used for future school programming and recreational facilities; and

WHEREAS, All construction, restoration, and future maintenance will be performed at no cost to the Board of Education, with the Potomac Electric Power Company and their contractors assuming liability for all work; now therefore be it

Resolved, That the president and secretary of the Board of Education be authorized to execute a grant of utility easement and right-of-way of 7,633 square feet to the Potomac Electric Power Company at the Woodward's Road Elementary School site.

RESOLUTION NO. 51-10

Re: **PRECONSTRUCTION/CONSTRUCTION
MANAGEMENT SERVICES – GLENALLAN
ELEMENTARY SCHOOL MODERNIZATION
PROJECT**

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

WHEREAS, The FY 2010 Capital Improvements Program includes planning funds for the modernization of Glenallan Elementary School; and

WHEREAS, The design phase of this project is proceeding, with construction scheduled to begin in January 2012 and be completed by August 2013; and

WHEREAS, Staff has recommended that this project be completed using a construction management delivery system due to its complexities and scope of work; and

WHEREAS, A Consultant Selection Committee, utilizing procedures adopted by the Board of Education on April 20, 2006, identified Dustin Construction, Inc. as the most qualified firm to provide the necessary management services; and

WHEREAS, The management services will be implemented in two phases; and

WHEREAS, The initial phase will consist of preconstruction services for cost estimating,

value engineering, constructability reviews, and the development of the construction implementation schedule; and

WHEREAS, Staff has negotiated a fee for the preconstruction services; and

WHEREAS, The second phase will consist of general construction management services, and a fee for this phase will be negotiated once the preconstruction services are completed; now therefore be it

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with Dustin Construction, Inc. to provide phase one preconstruction services for cost estimating, value engineering, constructability reviews, and the development of the construction implementation schedule for the modernization of Glenallan Elementary School for a fee of \$75,000.

RESOLUTION NO. 52-10

Re: **PRECONSTRUCTION/CONSTRUCTION
MANAGEMENT SERVICES – WELLER
ROAD ELEMENTARY SCHOOL
MODERNIZATION PROJECT**

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

WHEREAS, The FY 2010 Capital Improvements Program includes planning funds for the modernization of Weller Road Elementary School; and

WHEREAS, The design phase of this project is proceeding, with construction scheduled to begin in January 2012 and be completed by August 2013; and

WHEREAS, Staff has recommended that this project be completed using a construction management delivery system due to its complexities and scope of work; and

WHEREAS, A Consultant Selection Committee, utilizing procedures adopted by the Board of Education on April 20, 2006, identified Keller Construction Management, LLC as the most qualified firm to provide the necessary management services; and

WHEREAS, The management services will be implemented in two phases; and

WHEREAS, The initial phase will consist of preconstruction services for cost estimating, value engineering, constructability reviews, and the development of the construction implementation schedule; and

WHEREAS, Staff has negotiated a fee for the preconstruction services; and

WHEREAS, The second phase will consist of general construction management services, and a fee for this phase will be negotiated once the preconstruction services are completed; now therefore be it

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with Keller Construction Management, LLC to provide phase one preconstruction services for cost estimating, value engineering, constructability reviews, and the development of the construction implementation schedule for the modernization of Weller Road Elementary School for a fee of \$72,779.

RESOLUTION NO. 53-10

Re: **UTILIZATION OF THE FY 2010 PROVISION
FOR FUTURE SUPPORTED PROJECTS
FUNDS**

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

WHEREAS, The above-noted grants qualify for a transfer of appropriation from the Provision for Future Supported Projects, pursuant to the provisions of County Council Resolution No. 16-971, approved May 21, 2009; and

WHEREAS, The above-noted projects do not require any present or future county funds; and

WHEREAS, Sufficient appropriation is available, within the FY 2010 Provision for Future Supported Projects, to permit the above-noted transfers within state categories; now therefore be it

Resolved, That the superintendent of schools be authorized to receive and expend \$178,191 within the FY 2010 Provision for Future Supported Projects, as specified below:

<u>Project</u>	<u>Amount</u>
IDEA—Part B, State Performance Plan/Annual Performance Review	\$ 85,367
Title I—Part D, Neglected, Delinquent, or At-Risk Children Project	52,824
Learn and Serve America	20,000
STEM Curriculum Development	<u>20,000</u>

Total \$ 178,191

and be it further

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

RESOLUTION NO. 54-10 Re: **FY 2010 SECOND QUARTER CATEGORY
AND OBJECT TRANSFERS REQUEST**

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

WHEREAS, Montgomery County Public Schools must report each transfer between state categories to the county executive and County Council; and

WHEREAS, Categorical transfers are required at this time for grant funded projects; now therefore be it

Resolved, That the superintendent of schools be authorized to effect FY 2010 categorical transfers of \$1,899,129 in the following categories:

Title I—Part A

	<u>Category</u>	<u>From</u>	<u>To</u>
2	Mid-level Administration	\$ 57	
3	Instructional Salaries	126,588	
5	Other Instructional Costs		\$ 126,645
	Total	<u>\$ 126,645</u>	<u>\$ 126,645</u>

Title I—Part A, American Recovery and Reinvestment Act

	<u>Category</u>	<u>From</u>	<u>To</u>
3	Instructional Salaries	\$ 121,463	
4	Textbooks and Instructional Supplies		\$ 67,478
5	Other Instructional Costs		26,564
9	Student Transportation		27,421
	Total	<u>\$ 121,463</u>	<u>\$ 121,463</u>

Title I—Part D, Neglected, Delinquent, or At-Risk Children

	<u>Category</u>	<u>From</u>	<u>To</u>
3	Instructional Salaries	\$ 1,665	
4	Textbooks and Instructional Supplies		\$ 904
5	Other Instructional Costs		4,867

9	Student Transportation	1,000	
12	Fixed Charges	<u>3,106</u>	<u> </u>
	Total	<u>\$ 5,771</u>	<u>\$ 5,771</u>

Title V—Innovative Education Program Strategies

	<u>Category</u>	<u>From</u>	<u>To</u>
1	Administration	\$ 60,071	
4	Textbooks and Instructional Supplies		\$ 85,417
5	Other Instructional Costs	568	
12	Fixed Charges	<u>24,778</u>	<u> </u>
	Total	<u>\$ 85,417</u>	<u>\$ 85,417</u>

Smaller Learning Communities

	<u>Category</u>	<u>From</u>	<u>To</u>
1	Administration		\$ 980
2	Mid-level Administration		35,139
3	Instructional Salaries		82,310
4	Textbooks and Instructional Supplies		46,301
5	Other Instructional Costs	\$ 189,271	
9	Student Transportation	8,568	
12	Fixed Charges		<u>33,109</u>
	Total	<u>\$ 197,839</u>	<u>\$ 197,839</u>

Individuals with Disabilities Education Act—American Recovery and Reinvestment Act

	<u>Category</u>	<u>From</u>	<u>To</u>
3	Instructional Salaries	\$ 620,709	
4	Textbooks and Instructional Supplies	85,368	
5	Other Instructional Costs	28,400	
6	Special Education		\$1,274,521
12	Fixed Charges	<u>540,044</u>	<u> </u>
	Total	<u>\$ 1,274,521</u>	<u>\$1,274,521</u>

Infants and Toddlers

	<u>Category</u>	<u>From</u>	<u>To</u>
1	Administration		\$ 8,942
6	Special Education	\$ 11,126	
12	Fixed Charges		<u>2,184</u>
	Total	<u>\$ 11,126</u>	<u>\$ 11,126</u>

Families Who Read, Succeed

	<u>Category</u>	<u>From</u>	<u>To</u>
2	Mid-level Administration		\$ 18,000
5	Other Instructional Costs	\$ 19,440	
12	Fixed Charges		<u>1,440</u>
	Total	<u>\$ 19,440</u>	<u>\$ 19,440</u>

Career and Technology Education

	<u>Category</u>	<u>From</u>	<u>To</u>
3	Instructional Salaries	\$ 1,800	
5	Other Instructional Costs		\$ 1,944
12	Fixed Charges	<u>144</u>	
	Total	<u>\$ 1,944</u>	<u>\$ 1,944</u>

Title VII—American Indian Education

	<u>Category</u>	<u>From</u>	<u>To</u>
3	Instructional Salaries		\$ 1,924
4	Textbooks and Instructional Supplies	\$ 3,447	
5	Other Instructional Costs		2,627
9	Student Transportation	1,382	
12	Fixed Charges		<u>278</u>
	Total	<u>\$ 4,829</u>	<u>\$ 4,829</u>

Title III—Limited English Proficiency

	<u>Category</u>	<u>From</u>	<u>To</u>
1	Administration		\$ 42,736
2	Mid-level Administration	\$ 42,736	
3	Instructional Salaries	6,398	
5	Other Instructional Costs		<u>6,398</u>
	Total	<u>\$ 49,134</u>	<u>\$ 49,134</u>

STARTALK

	<u>Category</u>	<u>From</u>	<u>To</u>
3	Instructional Salaries	\$ 1,000	
4	Textbooks and Instructional Supplies		\$ 1,000
	Total	<u>\$ 1,000</u>	<u>\$ 1,000</u>

Resolved, That the superintendent of schools be authorized to effect FY 2010 object transfers of \$1,678,967 in the following project:

Individuals with Disabilities Education Act—American Recovery and Reinvestment Act

	<u>Object</u>	<u>From</u>	<u>To</u>
01	Salaries and Wages		\$1,381,401
02	Contractual Services		297,566
03	Supplies and Materials	\$ 97,656	
04	Other Expenditures	540,044	
05	Equipment	<u>1,041,267</u>	
	Total	<u>\$ 1,678,967</u>	<u>\$1,678,967</u>

and be it further

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

RESOLUTION NO. 55-10 Re: **HUMAN RESOURCES MONTHLY REPORT**

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

Resolved, That the Board of Education approve the Human Resources Monthly Report dated February 9, 2010.

RESOLUTION NO. 56-10 Re: **DEATH OF ELIZABETH C. KELLY, TEACHER,
ART, RONALD A. MCNAIR ELEMENTARY
SCHOOL**

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

WHEREAS, The death on January 10, 2010, of Mrs. Elizabeth C. Kelly, art teacher at Ronald A. McNair Elementary School, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, During the 5.4 years that Mrs. Kelly had worked for Montgomery County Public Schools, she was very committed to students and their learning, holding them to high standards and expectations with each challenging lesson; and

WHEREAS, Mrs. Kelly was invested in the students' learning and sought out suggestions and resources for enhancing instruction with other staff members; 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 Elizabeth C. Kelly 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. Kelly's family.

Re: MONTHLY FINANCIAL REPORT

Mr. Larry Bowers, chief operating officer, stated that this financial report reflects the actual financial condition of Montgomery County Public Schools (MCPS) as of December 31, 2009, and projections through June 30, 2010, based on program requirements and estimates made by primary and secondary account managers. At this time, revenues have a projected surplus of \$250,000, while expenses have a projected surplus of \$18,000,000. The county contribution also has decreased by \$2.0 million because of a shift in revenue source resulting from additional federal grants under the American Recovery and Reinvestment Act of 2009 (ARRA). This results in a greater county year-end fund balance. Staff will continue to closely monitor both revenues and expenditures.

** Ms. Berthiaume joined the meeting at this point.

Re: LUNCH AND CLOSED SESSION

The Board of Education recessed from 12:00 to 2:00 p.m. for lunch and closed session.

RESOLUTION NO. 57-10

Re: FINAL ACTION ON POLICY ECK, *USE OF SMITH CENTER FOR NON-MCPS GROUPS*

On motion of the Policy Committee, the following resolution was adopted unanimously by members present:

WHEREAS, Policy ECK, *Use of Smith Center for Non-MCPS Groups*, authorizes the superintendent of schools to permit the use of the Smith Center by nonprofit groups; and

WHEREAS, The draft update of Policy ECK, *Use of Smith Center for Non-MCPS Groups*, was adopted tentatively by the Montgomery County Board of Education on October 26, 2009, and sent out for public comment; and

WHEREAS, The Montgomery County Board of Education has received the Board of Education Policy Committee's recommendations and received no comments; now therefore be it

Resolved, That the Montgomery County Board of Education adopt Policy ECK, *Use of Smith Center by Non-Montgomery County Public Schools (MCPS) Groups*.

USE OF SMITH CENTER BY NON-MONTGOMERY COUNTY PUBLIC SCHOOLS (MCPS) GROUPS

A. PURPOSE

To permit the use of the Lathrop E. Smith Environmental Center (Smith Center) by nonprofit groups

B. ISSUE

The Smith Center is a facility owned and operated by MCPS to provide interdisciplinary learning opportunities in the out-of-doors. In addition to residential outdoor education programs, the Smith Center also operates day programs that are open to MCPS students and staff.

C. POSITION

The superintendent of schools is authorized to permit the limited use of the Smith Center by nonprofit groups.

MCPS reserves the right to schedule the use of the Smith Center by nonprofit groups to ensure the appropriate use of this unique facility and to maximize flexibility in scheduling its use by MCPS students and staff.

D. IMPLEMENTATION STRATEGIES

The superintendent of schools will develop regulations to guide the use of the Smith Center by nonprofit groups.

E. REVIEW AND REPORTING

This policy will be reviewed in accordance with the Board of Education policy review process.

RESOLUTION NO. 58-10

Re: **POLICY GFC, REASSIGNMENT OF PERSONNEL AFTER 25 YEARS OF SERVICE OR AGE 50**

On motion of the Policy Committee, the following resolution was adopted unanimously by

members present:

WHEREAS, The title of Policy GFC, *Reassignment of Personnel After 25 Years of Service or Age 50*, does not reflect current practice and should be renamed; and

WHEREAS, Policy GFC, *Reassignment of Personnel After 25 Years of Service or Age 50*, sets forth the guidelines for maintaining salary and retirement benefit levels for personnel who are transferred or assigned to positions with a lower salary classification, especially within two years of retirement; and

WHEREAS, The draft update of Policy GFC, *Reassignment Personnel After 25 Years of Service or Age 50*, was adopted tentatively by the Montgomery County Board of Education on October 26, 2009, and sent out for public comment; and

WHEREAS, The Montgomery County Board of Education has received the Board of Education Policy Committee's recommendations and received no comments; now therefore be it

Resolved, That the Montgomery County Board of Education rename Policy GFC to "*Reassignment of Employees Within Two Years of Normal Retirement Eligibility*"; and be it further

Resolved, That the Montgomery County Board of Education adopt Policy GFC, *Reassignment of Employees Within Two Years of Normal Retirement Eligibility*.

REASSIGNMENT OF EMPLOYEES WITHIN TWO YEARS OF NORMAL RETIREMENT ELIGIBILITY

A. PURPOSE

To establish guidelines for maintaining salary and retirement benefit levels for certain employees who are transferred or assigned to positions with a lower salary classification

B. ISSUE

The Board of Education of Montgomery County is mindful that in some instances, employees who are transferred or assigned to positions with a lower salary classification have devoted many years of service to youth and education in Montgomery County.

C. POSITION

When an employee is transferred or assigned to a position that would normally result in a reduction in salary classification for such person, such reduction in salary may be waived and the person's current salary classification maintained in those instances where:

1. The person has been enrolled in the State Retirement and Pension System and/or the Montgomery County Public Schools Retirement and Pension System and is within two years of eligibility for normal retirement
2. The person to be transferred has been employed by Montgomery County Public Schools for 15 or more years
3. The individual signs an agreement containing the conditions of the reassignment
4. The individual's evaluations in the new position are satisfactory
5. The reassignment of such personnel will be brought before the Board periodically as part of the monthly Human Resources Report.

The associate superintendent, Office of Human Resources (OHR), makes recommendations through the chief operating officer for approval or disapproval of the reassignment to the superintendent of schools or designee under the provisions of this policy. If approved, the associate superintendent, OHR, will confer with the appropriate bargaining unit regarding these transfers or reassignments, and the conditions set forth in the agreement are final.

D. DESIRED OUTCOMES

Employees who are reassigned within two years of normal retirement eligibility will receive consideration of their years of service in Montgomery County.

E. IMPLEMENTATION

The superintendent of schools will develop a regulation for implementing this policy.

F. REVIEW AND REPORTING

This policy will be reviewed in accordance with the Board of Education policy review process.

RESOLUTION NO. 59(a)-10 Re: CLOSED SESSION RESOLUTION

On recommendation of the superintendent and on motion of Mr. Barclay seconded by Mr. Kauffman, 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 22, 2010, 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 10-508(a) of the *State Government Article*); and be it further

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

RESOLUTION NO. 59(b)-10 Re: REPORT OF CLOSED SESSION

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

On January 12, 2010, by unanimous vote, the Board of Education voted to conduct closed sessions as permitted under the *Education Article* § 4-107 and *State Government Article* § 10-501, *et seq.*, of the *Annotated Code of Maryland*.

The Montgomery County Board of Education met in closed sessions on January 12, 2010, from 9:00 to 10:05 a.m. and 12:30 to 12:45 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and

1. Reviewed the closed session minutes for November 10, 2009, and decided to review them at the next meeting to provide for clarification of language used in the minutes.
2. Unanimously approved the Decisions and Orders in Appeals 2009-34, 2009-36, and 2009-37 in its quasi-judicial capacity outside the purview of the *Open Meetings Act* (Section 10-508(a) of the *State Government Article*).

3. Reviewed and considered the following appeal with a subsequent vote in open session in its quasi-judicial capacity outside the purview of the *Open Meetings Act* (Section 10-508(a) of the *State Government Article*): 2009-38.
4. Reviewed the Equal Employment Opportunity Report, as permitted under Section 10-508(a)(1) of the *State Government Article*.
5. Discussed the Human Resources Monthly Report and Appointment with a subsequent vote in open session, as permitted under Section 10-508(a)(1) of the *State Government Article*.
6. Received legal advice 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*.
7. Discussed matters of an administrative function (strategy for obtaining funding of the operating budget, maintenance of effort fine, federal funding, and Board attendance at NSBA) outside the purview of the *Open Meetings Act* (Section 10-508(a) of the *State Government Article*).

In attendance at the closed session for appeals were Chris Barclay, Laura Berthiaume, Shirley Brandman, Judy Docca, Mike Durso, Tim Hwang, Phil Kauffman, Pat Clancy, Roland Ikheloa, Suzann King, Glenda Rose, and Laura Steinberg. At 9:25 a.m., the following staff joined the Board in closed session: Larry Bowers, Brian Edwards, Frieda Lacey, Jody Leleck, Chris Richardson, Frank Stetson, Dana Tofig, and Jerry Weast. At 12:30 p.m., the following Board member joined the Board and staff in closed session: Patricia O'Neill.

RESOLUTION NO. 59(c)-10 Re: **MINUTES**

On motion of Mr. Barclay seconded by Mr. Kauffman, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education approve the minutes for the November 19, December 15, 2009, January 13, And January 20, 2010, meetings.

RESOLUTION NO. 60-10 Re: **APPEALS**

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

WHEREAS, The Board of Education has met in closed session and deliberated on appeals brought before its members acting in its quasi-judicial capacity under Section 10-503(a) of the *State Government Article* 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>
2009-39	Alternative Program	Affirmed

RESOLUTION NO. 61-10 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education opposes **SB/HB0243 , *Fairness in Negotiations Act***, which would establish an independent unit of State government, a Public School Labor Relations Board, to assume specified duties previously held by the State Board of Education; requiring the Public School Labor Relations Board to hear specified controversies and disputes; establishing that specified decisions by the Public School Labor Relations Board are final.

Re: **ITEM OF LEGISLATION**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Mr. Barclay, the following resolution failed with Mr. Barclay, Mr. Hwang, Mr. Kauffman, and Mrs. O'Neill voting in the affirmative; Ms. Berthiaume, Dr. Docca, and Mr. Durso voting in the negative:

Resolved, That the Board of Education supports **HB0059/SB0467, *Task Force to Incorporate the Principles of Universal Design for Learning into the Policies, Practices, and Curriculum of the Education Systems in Maryland.***

RESOLUTION NO. 62-10 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education takes no position with a concern about unfunded mandates on **HB0059/SB0467, *Task Force to Incorporate the Principles of Universal Design for Learning into the Policies, Practices, and Curriculum of the Education Systems in Maryland***, which would establish the Task Force to Incorporate Principles of Universal Design for Learning (UDL) into the Policies, Practices, and Curriculum of the Education Systems in Maryland; providing for the membership, purposes, and staffing of

the Task Force; prohibiting a member of the Task Force from receiving compensation but entitling members to certain reimbursement for certain expenses under certain regulations in the State budget; requiring the Task Force to study and make certain recommendations on how to incorporate and apply the principles of Universal Design for Learning into the policies, practices, and curriculum of the education systems in Maryland; requiring the Task Force to submit a report to the State Board of Education and certain committees of the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force to Incorporate the Principles of Universal Design for Learning into the Policies, Practices, and Curriculum of the Education Systems in Maryland.

RESOLUTION NO. 63-10 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education strongly opposes **SB0385, *Building Opportunities for All Students and Teachers (BOAST) in Maryland Tax Credit***, which would provide a tax credit against the State income tax for contributions made to an eligible educational scholarship organization or an eligible innovative educational organization; requiring the State Department of Education to administer the tax credit; requiring specified entities to submit an application to be an eligible organization by January 1 of each year; establishing the Building Opportunities for All Students and Teachers Reserve Fund.

RESOLUTION NO. 64-10 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education opposes **SB0181, *Health Insurance - Child Dependents - Qualifying Age Limit***, which would increase to age 30 the age limit for an individual to be considered a child dependent under policies of individual or group health insurance, contracts issued by a nonprofit health service plan, and contracts issued by a health maintenance organization.

RESOLUTION NO. 65-10 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education strongly supports **HB0223, *Montgomery County – Maintenance of Effort Waiver***, which would waive the maintenance of effort provisions for a certain fiscal year for Montgomery County; making this Act an emergency measure; and

generally relating to the MOE requirement of Montgomery County.

RESOLUTION NO. 66-10 Re: **ITEM OF LEGISLATION**

On recommendation of the superintendent and on motion of Mr. Barclay seconded by Dr. Docca, the following resolution was adopted with Mr. Barclay, Ms. Berthiaume, Dr. Docca, Mr. Durso, Mr. Hwang, and Mrs. O'Neill voting in the affirmative; Mr. Kauffman voting in the negative:

Resolved, That the Board of Education supports with amendment **HB0304/SB0310, Education - Maintenance of Effort Requirement - Process and Factors**, which would alter the date by which a county governing body must make a request to the State Board of Education for a waiver from the maintenance of effort requirement; requiring the State Board to consider specified factors when making a decision whether to grant a waiver; altering the date by which the State Board must inform the county governing body whether the waiver application has been granted or denied.

RESOLUTION NO. 67-10 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education strongly opposes **HB0410, Education - Statewide Maintenance of Effort Waiver**, which would waive the maintenance of effort requirement for the counties and Baltimore City for a specified fiscal year; providing for the calculation of specified levels of appropriations by the counties and Baltimore City for a specified fiscal year; making the Act an emergency measure.

RESOLUTION NO. 68-10 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education strongly supports **SB0403, Education - Maintenance of Effort – Penalty**, which would alter the penalty provisions for a county governing body that fails to meet the maintenance of effort requirement for primary and secondary education.

RESOLUTION NO. 69-10 Re: **ITEM OF LEGISLATION**

On recommendation of the superintendent and on motion of Mr. Barclay seconded by Mr. Kauffman, the following resolution was adopted with Mr. Barclay, Dr. Docca, Mr. Durso,

Mr. Hwang, Mr. Kauffman, and Mrs. O'Neill voting in the affirmative; Ms. Berthiaume voting in the negative:

Resolved, That the Board of Education strongly support **SB0476, *Maintenance of Effort – Penalty***, which would waive the maintenance of effort penalty for fiscal year 2010; requiring certain committees to report to the Legislative Policy Committee by December 31, 2010; providing for the application of the Act.

RESOLUTION NO. 70-10 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education opposes **HB0276/SB0410, *Education - Public School Holidays - Veterans Day***, which would add Veterans Day to the list of public school holidays; removing Veterans Day from the list of days for which public schools are required to devote a part of the day to specified exercises.

RESOLUTION NO. 71-10 Re: **ITEM OF LEGISLATION**

On recommendation of the superintendent and on motion of Mr. Barclay seconded by Dr. Docca, the following resolution was adopted with Mr. Barclay, Dr. Docca, Mr. Durso, Mr. Hwang, Mr. Kauffman, and Mrs. O'Neill voting in the affirmative; Ms. Berthiaume voting in the negative:

Resolved, That the Board of Education opposes **HB0017, *Education - Incidents of Bullying, Harassment, or Intimidation - Reports by Principals - Local Law Enforcement Agency***, which would authoriz public school principals to report incidents of bullying, harassment, or intimidation against students attending the school to the chief of the local law enforcement agency; requiring principals to use a certain form; defining certain terms; and generally relating to the authorization of principals to report incidents of bullying, harassment, or intimidation against students to the chief of the local law enforcement agency.

RESOLUTION NO. 72-10 Re: **ITEM OF LEGISLATION**

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 supports with amendment **SB0074, *Education - Comprehensive Master Plans***, which would require a local board of education to submit updates to the comprehensive master plan on or before certain dates; altering certain dates

by which a board is required to submit a plan and updates; altering the time frame for submitting copies of plans or updates; authorizing a local board to submit a preexisting management plan to satisfy certain requirements; requiring the State Superintendent of Education to approve the plan as the county board's plan if certain requirements are met.

RESOLUTION NO. 73-10 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education supports **SB0087, Education - Physical Education and Athletic Programs for Students with Disabilities - Reporting Requirements**, which would alter the reporting date for county boards of education to report on certain requirements relating to physical education and athletic programs for students with disabilities; altering the reporting date for the State Department of Education to issue a certain report to the General Assembly; and generally relating to physical education and athletic programs for students with disabilities.

RESOLUTION NO. 74-10 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education supports **SB0275, Education - Maryland Longitudinal Data System**, which would establish the Maryland Longitudinal Data System as a statewide data system containing individual-level student data from all levels of education and into the workforce; establishing the purpose of the system; establishing the Maryland Longitudinal Data System Center as an independent unit of State government; providing for the organizational placement, location, staffing, and funding of the Center.

RESOLUTION NO. 75-10 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education supports **SB0360, Education - Offenses Reportable to School Authorities**, which would amend specified definitions, including the definition of "reportable offense" to include specified violations of the Criminal Law Article and the attempt to commit specified crimes; and requiring a law enforcement agency to report the arrest of a student for a reportable offense to a local superintendent and the public or nonpublic school principal.

RESOLUTION NO. 76-10 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education opposes **SB0264, State Board of Education - Financial Literacy Curriculum - Graduation Requirement**, which would require the State Board of Education to develop curriculum content for a course in financial literacy; requiring county boards of education to implement specified curriculum content in specified high schools; requiring specified students to complete a specified course in order to graduate from high school.

RESOLUTION NO. 77-10 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education opposes **HB0272, Classroom Placement - Multiple-Birth Children - Parental Discretion**, which would authorize parents or guardians of multiple-birth children to request the classroom placement of their children; requiring a parent or guardian to make a request in a specified period of time; authorizing a principal to determine a classroom placement under specified circumstances; authorizing the appeal of a classroom placement decision of a principal.

RESOLUTION NO. 78-10 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education strongly supports **SB0239, Education - Age of Compulsory Attendance – Exemptions**, which would alter the age at which children are required to attend a public school regularly during the entire school year, subject to specified exceptions.

RESOLUTION NO. 79-10 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education opposes **SB0128, Education - High School Diploma - GED Options Program**, which would require the State Board of Education to establish a GED Options Program that provides specified students with an alternative

course for obtaining a high school diploma beginning August 1, 2010; providing for specified Program requirements; requiring students enrolled in the GED Options Program to be counted in the average daily attendance of a local school system; and requiring the State Board to adopt specified regulations.

RESOLUTION NO. 80-10 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education opposes **HB0097, *Education - Hearing and Vision Screenings***, which would require the parent or legal guardian of a public school student to ensure that the student has been screened for hearing and vision problems before entering a public school system; requiring county boards of education to develop procedures to determine compliance with this requirement.

RESOLUTION NO. 81-10 Re: **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education supports **HB0011, *Student Stigma Act***, which would change references to "emotional disturbance" to "emotional disability"; providing that specified documents may not be used until the use of specified other documents; providing that nothing in the Act is intended to result in a reduction of federal funds available to the State.

RESOLUTION NO. 82-10 Re: **ITEM OF LEGISLATION**

On recommendation of the superintendent and on motion of Dr. Docca seconded by Mr. Barclay, the following resolution was adopted Mr. Barclay, Dr. Docca, Mr. Durso, Mr. Hwang, Mr. Kauffman, and Mrs. O'Neill voting in the affirmative; Ms. Berthiaume voting in the negative:

Resolved, That the Board of Education opposes **HB0269, *Child with a Disability - Individualized Education Program***, which would require appropriate school personnel to provide a copy of specified documents relating to the development of an individualized education program for a child with a disability to the parents of the child within 5 business days after a meeting between the child's parents and school personnel; requiring the documents to be in an accessible format.

RESOLUTION NO. 83-10 Re: **PRELIMINARY PLANS FOR DOWNCOUNTY**

**CONSORTIUM #29 ELEMENTARY SCHOOL
(MCKENNEY HILLS CENTER) REOPENING
PROJECT**

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

WHEREAS, The architect for the proposed Downcounty Consortium #29 Elementary School (McKenney Hills Center) Reopening Project, Grimm + Parker Architects, has prepared a schematic design in accordance with the educational specifications; and

WHEREAS, The Downcounty Consortium #29 Elementary School (McKenney Hills Center) Reopening Facility Advisory Committee, composed of staff and community representatives from Oakland Terrace and Woodlin elementary schools, 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 Downcounty Consortium #29 Elementary School (McKenney Hills Center) Reopening Project developed by Grimm + Parker Architects.

**Re: UPDATE ON POSITIVE BEHAVIORAL
INTERVENTIONS AND SUPPORTS**

Dr. Weast invited the following people to the table: Mrs. Chrisandra A. Richardson, acting associate superintendent, OSESS; Mr. Stephen M. Zagami, director, DSS, OSESS; Ms. Sally I. Katz, pupil personnel worker and PBIS behavior support coach, DSS, OSESS; Ms. Kristine D. Leary, PBIS specialist, DSS, OSESS; AND Dr. Edgar E. Walker, principal, Montgomery Village Middle School.

Positive Behavioral Interventions and Supports (PBIS) is a highly successful system approach to improving student behavior, thereby creating safer and more effective schools. The approach—a team-based, three-tiered process for systemic problem solving, planning, and evaluation—is based upon research supported in part by the Office of Special Education Programs of the United States Department of Education (USDE). The implementation of PBIS aligns with the Montgomery County Public Schools (MCPS) strategic plan, *Our Call to Action: Pursuit of Excellence*, Goal 1, Ensure Success for Every Student; the Baldrige *Plan-Do-Study-Act* process; and the three-tiered intervention model used in the Collaborative Problem Solving process. Schools are encouraged to include PBIS action steps in their school improvement plans.

Rather than a prescribed program, PBIS provides the three-tiered framework for schools to design the systems and practices necessary for staff members to teach and support

positive behavior for all students. Schools analyze discipline and climate data to establish an implementation plan, which includes the following essential elements:

- Three to five positively stated schoolwide behavior expectations.
- Procedures for systematically teaching and modeling those expectations to students and staff.
- Procedures for recognizing students when they demonstrate established expectations.
- Procedures for intervening when students do not demonstrate appropriate behavior.
- A process for collecting, analyzing, and sharing discipline data to address problems and improve implementation.

To provide consistency and clarity, the behavior expectations are short, clear, positively stated, and apply to all students in all settings in the school. For example, some schoolwide expectations commonly used are “be respectful, be responsible, be safe, and be ready to learn.”

PBIS provides schools with procedures for—

- Teaching and modeling behavior expectations which include lesson plans for staff use and dedicated time for teaching and reteaching;
- Recognizing students with individual, group, and schoolwide incentives, rewards, and celebrations for demonstrating appropriate behavior; and
- Addressing inappropriate behavior by defining classroom and office-managed behaviors, utilizing strategies for managing behavior in the classroom, and identifying consequences.

MCPS joined the PBIS Maryland Initiative in the 2006–2007 school year, beginning a system-supported implementation of PBIS coordinated by the Department of Student Services (DSS) in the Office of Special Education and Student Services (OSESS). The first cohort included 13 schools. As of the 2009–2010 school year, staff in 67 schools and 3 alternative program sites has been trained in PBIS, and the program is in varying stages of implementation in these schools.

The impact of implementation is measured through the collection and analysis of office discipline referrals and out-of-school suspension data. Of the 28 elementary and middle schools that began implementation in 2006–2007 and 2007–2008, 100 percent have shown a continued decrease in the total number of office discipline referrals. Of the 47 schools that implemented PBIS in the 2008–2009 school year, 98 percent showed a decrease in the rate of out-of-school suspensions as compared to the 2007–2008 school year. Among these 47 schools, 29 demonstrated a 50 percent or greater decrease in the rate of out-of-school suspensions compared to the year before implementing PBIS.

Re: **DISCUSSION**

Mr. Hwang thanked staff for all their hard work. Also, he thought it was important to have student input when plans were made at the school level. He noted that there are differences in programs at each level, and he wanted to know if it were not difficult to implement a new program at high school. Staff stated that student input was key for success. The structure and maturity level of the students is what makes the difference in implementation of PBIS not the grade level. Rules are developed and implemented throughout the school.

Ms. Berthiaume commented that Maryvale Elementary School has implemented PBIS and the school atmosphere has changed for the better. There is clarity of expectations, and the students are enthusiastic about the positive behavior celebrations. Furthermore, it needs to be a school wide culture. What does PBIS look like at the high school? When will PBIS be implemented system wide? Staff explained that high school students and teachers have expectations with intrinsic motivation. Other school use rewards for students as ways to

create interest and better behaviors and respect for others.

Mr. Barclay asked about articulation patterns and the first cohort moving up the grade levels. Is there a difference in behaviors? Staff replied that clusters with PBIS and the schools are working together to build a culture using the same language with reinforcement.

Mr. Barclay noted that it was essential to analyze and share discipline data to improve implementation. What are the difficulties in implementation? Also, what is working? Staff responded that schools review data of any office referral, and the data can be sorted in any number of ways. With that information, the behavior issues can be targeted, such as lunch or dismissal. Also, it aligns with Baldrige and schools are familiar with that approach.

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

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. Minority-, Female-, or Disabled-Owned Business Procurement Report

RESOLUTION NO. 84-10

Re: **ADJOURNMENT**

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

Resolved, That the Board of Education adjourn its meeting of February 17, 2010, at 4:32 p.m.

PRESIDENT

SECRETARY

JDW:gr

RESOLUTION	BARCLAY	BERTHIAUME	BRANDMAN	DOCCA	DURSO	HWANG	KAUFFMAN	O'NEILL
FY 2011 Operating Budget	A	O	O	A	A	(A)	A	A
Policy ECK	A	A	O	A	A	A	A	A
Policy GFC	A	A	O	A	A	A	A	A

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

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