

APPROVED
16-2010

Rockville, Maryland
June 8, 2010

The Board of Education of Montgomery County met at the Carver Educational Services Center, Rockville, Maryland, on June 8, 2010, at 10:00 a.m.

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

Absent: None

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

RESOLUTION NO. 272-10 Re: **CLOSED SESSION RESOLUTION**

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 Board of Education of Montgomery County is authorized by the *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 8, 2010, in Room 120 from 9:00 to 10:00 a.m. and 12:00 to 1:00 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* and Section 4-107(d) of the *Education Article*, with a subsequent vote in open session; and be it further

Resolved, That the Board of Education of Montgomery County discuss negotiation matters relating to the use of real property for a public purpose and matters directly related thereto, as permitted under Section 10-508(a)(3) of the *State Government Article* and Section 4-107(d) of the *Education Article*; 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 June 8, 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.”

** Mr. Hwang was not present at the beginning of the meeting.

RESOLUTION NO. 273-10 Re: **APPROVAL OF THE AGENDA**

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

Resolved, That the Board of Education approve its agenda for June 8, 2010.

RESOLUTION NO. 274-10 Re: **RECOGNITION OF DISTINGUISHED
HISPANIC SCHOLARS**

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 Hispanic Employees Association of Montgomery County Public Schools has recognized 23 Distinguished Hispanic Scholars in the Class of 2010 who have demonstrated extraordinary commitment to academic excellence and community involvement; and

WHEREAS, The Hispanic Employees Association of Montgomery County Public Schools has awarded scholarships totaling \$4,350 to those distinguished scholars with the highest grade point averages who are committed to exemplary community involvement; and

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

WHEREAS, The Montgomery County Board of Education takes great pride that Montgomery County Public Schools continues to recognize and acknowledge the achievements of all Hispanic American students; now therefore be it

Resolved, That on behalf of the superintendent of schools, staff members, 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 Awards:

Sofía Vega-Ormeno from Northwest High School
 Isabelle Zeledón from Walt Whitman High School
 Sonia Matos from Wheaton High School
 César López from Winston Churchill High School
 Javier Vandeyar from Paint Branch High School
 María Escobar from James Hubert Blake High School
 Angelica Joya from Seneca Valley High School
 Vanessa Salgado from Bethesda-Chevy Chase High School
 Enid Acosta from Clarksburg High School
 Nicole Urps from Damascus High School
 Milton García from Albert Einstein High School
 Julia Navarro from Gaithersburg High School
 Irma Méndez from Walter Johnson High School
 Mileyni Alvarenga from John F. Kennedy High School
 Rodrigo Lozada from Col. Zadok Magruder High School
 Paola Aldana from Richard Montgomery High School
 Carlos Cuéllar-Castil from Poolesville High School
 Patricia García from Quince Orchard High School
 Gabriela Perla from Rockville High School
 Ariana Rodríguez-Gitler from Sherwood High School
 Michell Salinas from Springbrook High School
 Dennis Anaya-Granados from Watkins Mill High School
 Zohair Asmail from Thomas S. Wootton High School

RESOLUTION NO. 275-10 Re: **LEADERSHIP MONTGOMERY—YOUTH
 COMMUNITY LEADERSHIP AWARDS**

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

WHEREAS, The mission of Leadership Montgomery is to engage a diverse group of leaders through programs and membership activities, to develop knowledge, awareness, and relationships that enable graduates to benefit our community; and

WHEREAS, Leadership Montgomery created the Youth Community Leadership Awards to identify, reward, and promote outstanding community service efforts by Montgomery

County 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, Since 1997, the Leadership Montgomery—Youth Community Leadership Awards have been sponsored and funded by the law firm of Shulman, Rogers, Gandal, Pordy and Ecker, P.A., of Rockville, Maryland, which provides 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, four Montgomery County Public Schools high school students have been honored as the Leadership Montgomery—Youth Community 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 members of the Board of Education congratulate this year's Leadership Montgomery—Youth Community Leadership Award recipients for their outstanding demonstrations of leadership in community service:

Natalie Astor from Thomas S. Wootton High School
 Unheh Ok from Thomas S. Wootton High School
 Philip Smith from Sherwood High School
 Jigisha Srivastav from Poolesville High School

RESOLUTION NO. 276-10 Re: **THE GATES MILLENNIUM SCHOLARS
 PROGRAM SCHOLARSHIP RECIPIENTS**

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

WHEREAS, The Gates Millennium Scholars Program has awarded good-through-graduation college scholarships to six Montgomery County Public Schools students; and

WHEREAS, The Gates Millennium Scholars Program was established in 1999 with the goal of developing the next generation of America's leaders by supporting a diverse cadre of students to earn their college degrees; and

WHEREAS, Montgomery County values and celebrates the contributions of our minority students to our county, our state, and our country; and

WHEREAS, The Board of Education is proud that Montgomery County Public Schools continues to recognize the achievements of its diverse student body and its community partners; now therefore be it

Resolved, That on behalf of the superintendent of schools, staff members, students, and parents of Montgomery County Public Schools, the members of the Board of Education congratulate the Montgomery County Public Schools Class of 2010 Gates Millennium Scholars:

Gabriela Medina from Col. Zadok Magruder High School
Hyun Min Park from Walter Johnson High School
Cecilia Ramirez from Richard Montgomery High School
Mehrit Tekeste from Montgomery Blair High School
Sofia Vega-Ormeno from Northwest High School
Leuk Woldeyohannes from Wheaton High School

RESOLUTION NO. 277-10 Re: **MONTGOMERY COUNTY ALLIANCE OF
BLACK SCHOOL EDUCATORS
SCHOLARSHIP RECIPIENTS**

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

WHEREAS, The Montgomery County Alliance of Black School Educators provides an opportunity to recognize and highlight the achievements of African American students and the contributions they have made and continue to make to our schools and our communities; and

WHEREAS, The Montgomery County Alliance of Black School Educators promotes the academic, community service, and extracurricular achievements of some of Montgomery County Public Schools' most talented African American high school seniors; and

WHEREAS, Montgomery County values and celebrates the contributions of our minority students to our county, our state, and our country; and

WHEREAS, The Board of Education is proud that Montgomery County Public Schools continues to recognize the achievements of all African American students; now therefore be it

Resolved, That on behalf of the superintendent of schools, staff members, students, and parents of Montgomery County Public Schools, the members of the Board of Education congratulate the recipients of this year's Montgomery County Alliance of Black School Educators' Distinguished African American Scholar Awards:

Serge Amouzou from Clarksburg High School
 Lammi Asrat from Springbrook High School
 Holland Broadus from James Hubert Blake High School
 Michelle Byamugisha from Poolesville High School
 Yasmin Dagne from Richard Montgomery High School
 Staci Daniels from Col. Zadok Magruder High School
 Sarah Demeke from Watkins Mill High School
 Sandrine Emambu from Montgomery Blair High School
 Samirna Esteve from Bethesda-Chevy Chase High School
 Yohannes Ghenbot from Northwest High School
 Serge Gould from Walt Whitman High School
 Laura Hopkins from Gaithersburg High School
 Quentin Jefferies from Winston Churchill High School
 Lauren Lee from Sherwood High School
 Jenay McNeil from Thomas S. Wootton High School
 Lukwesa Morin from Walter Johnson High School
 Grace Mutuku from Quince Orchard High School
 Sandra Okonofua from Paint Branch High School
 Joseph T. Smithey from John F. Kennedy High School
 Miriam Stevens from Albert Einstein High School
 Janelle Thomas from Northwood High School
 Selorm Quist from Seneca Valley High School
 Leuk Woldeyohannes from Wheaton High School
 Denzel Woode from Damascus High School
 Robel Yared from Rockville High School

RESOLUTION NO. 278-10

Re: **RECOMMENDATION TO APPROVE THE
AGREEMENT WITH THE MONTGOMERY
COUNTY EDUCATION ASSOCIATION**

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, Ms. Brandman, Dr. Docca, Mr. Durso, and Mrs. O'Neill voting in the affirmative; Mr. Kauffman recused himself from voting since his wife is a teacher:#

:

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

WHEREAS, The Montgomery County Education Association was properly designated as the employee organization to be an exclusive representative for these negotiations; and

WHEREAS, The parties have a negotiated agreement for the 2011–2014 school years and said agreement provides that negotiations be reopened for Fiscal Year (FY) 2012, FY 2013, and possibly FY 2014; and

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

WHEREAS, The parties have reached tentative agreement on modification of the Agreement to include agreement for four years, through FY 2014; and

WHEREAS, The tentative agreement has been duly ratified by the membership of the Montgomery County Education Association; now therefore be it

Resolved, That the Board of Education approve the agreement for the period of July 1, 2010, through June 30, 2014; and be it further

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

RESOLUTION NO. 279-10 Re: **RECOMMENDATION TO APPROVE THE
AGREEMENT WITH THE SERVICE
EMPLOYEES INTERNATIONAL UNION
LOCAL 500**

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

WHEREAS, Section 6-510 of the Education Article, *Annotated Code of Maryland*, requires the Board of Education to enter into negotiations with designated employee organizations concerning “salaries, wages, hours, and other working conditions”; and

WHEREAS, The Service Employees International Union Local 500 was properly designated as the employee organization to be an exclusive representative for these negotiations; and

WHEREAS, The parties have a negotiated agreement for the 2011–2014 school years and said agreement provides that negotiations be reopened for Fiscal Year (FY) 2012, FY 2013, and possibly FY 2014; and

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

WHEREAS, The parties have reached tentative agreement on modification of the Agreement to include agreement for four years, through FY 2014; and

WHEREAS, The tentative agreement has been duly ratified by the membership of the Service Employees International Union Local 500; now therefore be it

Resolved, That the Board of Education approve the agreement for the period of July 1, 2010, through June 30, 2014; and be it further

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

Re: **PUBLIC COMMENTS**

The following people commented before the Board of Education:

| <u>Person</u> | <u>Topic</u> |
|--------------------|-------------------|
| 1. Abraham Murrell | Visual Art Center |
| 2. Lauren Teixeira | Visual Art Center |
| 3. Susan Miller | Visual Art Center |

Re: **BOARD/SUPERINTENDENT COMMENTS**

On behalf of the Board, Mr. Barclay commented on the graduations, and all Board members have participated in a number of graduations. He stated that to those who have and will graduation; congratulations. He publically thanked the administration and staff because the parents and the students are very excited and filled with hope. Regarding the Public Comments, Mr. Barclay commented on the Visual Art Center (VAC) and the resolution facilitated by staff.

Mr. Durso suggested that the Board calendar and graduation venues be reviewed to allow seniors to graduate as early as possible.

Mrs. O'Neill noted that Kristin Triple was in the audience, and she welcomed her as the president of MCCPTA. Mrs. O'Neill attended the graduation of Gateway to College students, which was very emotional since the program is designed for dropouts.

Dr. Weast commented that more than 10,400 students are graduating from MCPS this year, and we are right in the middle of this exciting commencement season. He was especially proud of the accomplishments of the Class of 2010.

- 150 National Merit finalists
- 46 National Hispanic recognition finalists
- 12 National Achievement finalists
- 267 Maryland Distinguished Scholars
- An average SAT of 1,651 out of 2,400—up 36 points from last year
- 238 acceptances to Ivy League schools

This year's graduates have earned more than \$220.8 million in college scholarships, to date—up more than 18 percent from last year's record number. And the scholarships are still coming in. Increases were seen among all racial and ethnic subgroups, with scholarships earned by Hispanic students at \$21 million, an increase of 17.9 percent.

** Mr. Hwang joined the meeting at the point.

Re: **FINAL ADOPTION OF THE FY 2011
OPERATING BUDGET**

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

WHEREAS, The Board of Education adopted the FY 2011 Operating Budget of \$2,263,286,410 on February 17, 2010; and

WHEREAS, The county executive recommended \$2,125,542,225 for MCPS, \$137.7 million less than the Board of Education's Budget Request on March 15, 2010; and

WHEREAS, Montgomery County Public Schools will make available \$19,700,000 in FY 2010 savings to the County Government General Fund undesignated reserves before June 30, 2010, by reducing its recognition and receipt of FY 2010 local county revenue; and

WHEREAS, The Maryland State Board of Education approved a waiver of the maintenance of local effort requirement of Section 5-202 of the *Education Article, Annotated Code of Maryland* to permit a local contribution of \$1,415,085,344 on May 25, 2010; and

WHEREAS, The County Council approved a total of \$2,104,188,040 (including grants and enterprise funds), a decrease of \$159,098,370 from the Board of Education's request on May 27, 2010; and

WHEREAS, The County Council appropriated a total of \$1,919,842,746 (excluding grants and enterprise funds), a decrease of \$158,404,383 from the Board of Education's request; 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 2009 and recommendations were submitted to the Office of Special Education and Student Services; and

WHEREAS, The FY 2011 Operating Budget includes all of the staffing plan elements required by the Maryland State Department of Education; and

WHEREAS, The County Council made reductions to the Board of Education's FY 2011 Operating Budget Request of March 1, 2010, of \$159,098,370 from the various budget categories, as shown on the following schedule, consisting of a decrease of \$158,404,383, excluding grants and enterprise funds; a decrease of \$154,869 in grants;

and a reduction of \$539,118 in enterprise and special revenue funds, in appropriating \$2,104,188,040 for the Board of Education's FY 2011 Operating Budget:

| • Current Fund • Category | BOE Request March, 2010 | Council (Reduction) Addition | Council Approved Budget |
|---|-------------------------------|------------------------------------|-------------------------------|
| 1 Administration | 41,941,991 | (2,790,846) | 39,151,145 |
| 2 Mid-level Administration | 141,874,583 | (3,070,468) | 138,804,115 |
| 3 Instructional Salaries | 871,191,332 | (36,226,208) | 834,965,124 |
| 4 Textbooks and Instructional Supplies | 34,041,281 | (9,139,326) | 24,901,955 |
| 5 Other Instructional Costs | 15,098,889 | (725,298) | 14,373,591 |
| 6 Special Education | 291,393,563 | (12,227,925) | 279,165,638 |
| 7 Student Personnel Services | 11,306,567 | (105,233) | 11,201,334 |
| 8 Health Services | 44,590 | | 44,590 |
| 9 Student Transportation | 96,187,296 | (2,241,237) | 93,946,059 |
| 10 Operation of Plant and Equipment | 115,877,577 | (877,050) | 115,000,527 |
| 11 Maintenance of Plant | 33,905,007 | (889,040) | 33,015,967 |
| 12 Fixed Charges | 553,555,446 | (90,266,621) | 463,288,825 |
| 14 Community Services | 208,495 | | 208,495 |
| Subtotal, including specific grants | 2,206,626,617 | (158,559,252) | 2,048,067,365 |
| Less specific grants | 128,379,488 | (154,869) | 128,224,619 |
| Subtotal, spending affordability | 2,078,247,129 | (158,404,383) | 1,919,842,746 |
| II. Enterprise Funds | | | |
| 37 Instructional Television Fund | 1,619,507 | (128,997) | 1,490,510 |
| 51 Real Estate Management Fund | 3,074,719 | (3,624) | 3,071,095 |
| 61 Food and Nutrition Services Fund | 47,363,001 | (322,747) | 47,040,254 |
| 71 Field Trip Fund | 2,369,952 | (15,236) | 2,354,716 |
| 81 Entrepreneurial Fund | 2,232,614 | (68,514) | 2,164,100 |
| Subtotal, Enterprise Funds | 56,659,793 | (539,118) | 56,120,675 |
| Total Budget for MCPS | <u>2,263,286,410</u> | <u>(159,098,370)</u> | <u>2,104,188,040</u> |

now therefore be it

Resolved, That based on an appropriation of \$2,104,188,040, that includes an appropriation of \$56,120,675 for enterprise and special revenue funds and

\$128,224,619 for restricted grants, approved by the County Council on May 27, 2010, the Board of Education adopt its FY 2011 Operating Budget reflecting the changes shown in Schedule A; and be it further

Resolved, That the superintendent of schools be authorized to make available \$19,700,000 in FY 2010 savings to the County Government General Fund undesignated reserves before June 30, 2010; and be it further

Resolved, That the Board of Education approve the 2010 Special Education Staffing Plan as included in the FY 2011 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: DISCUSSION

Ms. Berthiaume stated that she agreed with 95 percent of the recommended operating budget; however, the budget is missing a crucial element—Board involvement—either at the beginning or at the end. The Board is supposed to act and react to public comment; therefore, what is the timeframe? She agreed that the state law required the Board to adopt a “maintenance of effort” (MOE) budget. When that budget was adopted, the Board knew that there would be reductions by the County Council based on economic forecasts. The superintendent provided a recommended reduction list, but it was difficult to address prior to the Council’s action and MOE waiver from the state. Now, the Board has more information on the reductions and exact allocation of positions. Once again, the Board finds itself in the position where the majority feels constrained not to change the budget. Until the vote on the budget, she did not feel that a single Board member has affected this budget. Now, there is little chance of changing funding outside of categories. Her question to her colleagues was: Why are we here? If the Board has no input on the budget, and the Board will never change it before or after Council action, she asked whether or not the Board was window dressing. There is a need to have a discussion about a sustainable budget, especially as it relates to retirement and benefits. Finally, when programs are reduced, the decisions equal policy decisions.

Mr. Barclay stated that he understands and applauds Ms. Berthiaume’s courage of her convictions; however, he had strong disagreement with many parts of it. He agreed that underfunded OPEB would eventually become a vital issue for MCPS and the Board’s obligation to retirees. However, the Board is here to give guidance to and be a steward for the school system, and that is what he was elected to do. Even though the process is lacking, it does not change the Board’s responsibility to deal with the reality of adopting a budget. This year the Board was out on a limb, and it came to the possibility of suing the county over the county’s lack to fund the budget at the mandatory MOE

level. With that in mind, Mr. Barclay could not say that he had no purpose as a Board member. He was very clear as to his purpose even though it may not be perfect. It may not be all that he wanted, but he was very clear that the Board gives guidance for the budget. The difficult and frustrating part comes when the Board dances between what the County Council has authorized and the reality of putting that funding into operation. There is a need to move forward and work with what we have. So while, Ms. Berthiaume may make the choice to vote against the budget simply on process, Mr. Barclay was making the choice to vote for the budget because he strictly believed that what was in the budget will help young people.

Mr. Barclay did not like the fact that the school system would make a major reduction in middle school reform and after-school activities for elementary students. However, he was clear that if he voted for the budget to move forward and govern to ensure that the public schools have what they need to help the students who come to school every day..The parents entrust their children to MCPS to give them the best that we can. Mr. Barclay appreciated Ms. Berthiaume's position of criticizing the process saying that it does not work. He is frustrated when public officials take those stances because what gets missed is that the Board was elected to govern. Furthermore, he would implore anyone and all of the Board to work on changing the process. Mr. Barclay stated that to criticize the process at the end when it is safe does not help to make it better.

Mr. Barclay had questions on the budget about: (1) reductions in middle school reform; (2) reducing teacher training; (3) middle school math; (4) OPEB; (5) inflation and textbooks; (6) digital instructional materials; and (7) academic intervention teachers.

Dr. Weast explained that staff will work on Mr. Barclay's list of concerns when the budget is operationalized. If there is flexibility in the budget, staff will reconstitute positions and programs where possible. Dr. Lacey explained that the Visual Art Center will have one teacher, and the other teacher who was assigned to the center will continue to teach art at Albert Einstein High School.

Dr. Docca associated herself with the comments of Mr. Barclay. The reduction list was important in order to talk to people and let them know what the Board was required to do based funding levels. She was impressed with the collaboration with the unions, MCCPTA, and the Board officers. It is distressing to reduce training for employees because it affects teachers working with new curriculum. There has to be flexibility when developing and approving a budget. She thought the budget process had improved over the past and people come out of the process understanding the reductions.

Mr. Kauffman thanked the superintendent and staff since the budget was a challenge and a journey. He intended to vote for the budget and associated himself with Mr. Barclay's remarks, but he appreciated many of the points Ms. Berthiaume had made. He thought that the process was lacking. Last year, the system learned things that led to this year, and there is a problem with the process. However, that is not a reason to vote against the budget. There are many challenges in the budget, and there are harmful reductions. On balance, he could not disagree with the reduction list at this

stage of the budget process. Personally, he thought there is a need to think through next year's budget development, and whether or not the Board should have a different role at a different stage to allow for more input on the recommended reductions. Next year, the budget will be far, far worse. The system will lose federal dollars, and the state may pass back the pension payments. The Board may have to revisit reorganization at central office and the school level, consortiums, signature programs, magnet transportation, and charge for some programs, such as extracurricular activities or High School Plus. There is a need for the Board to discuss the future.

Ms. Brandman also associated her comments with those of Mr. Barclay. As the Board struggles with the process, especially when there is a need for reductions, the Board needs to remember and think through the lens of the strategic plan and how Board meetings are used to build the direction of the system, thus laying the groundwork for the budget. Therefore, the Board's priorities will shape the budget since everyone is committed to the core values as a guiding focus. Those priorities and values need to be aligned to the most critical programs with limited resources.

Mr. Brandman noted that the critical thought is that the school system will have to do things differently while planning for the future. Even though there is a need to do things differently, the question is whether the school system can preserve the essence of programs. Finally, there are county partners that can work with MCPS to provide activities for students, such as after-school activities.

Mr. Durso stated that he was between concern and frustration as stated by his colleagues. In the bigger picture, the Council and school system get pitted against each other, such as the furlough. There is a need to find ways to collaborate, especially when there are dire fiscal constraints.

Mr. Barclay thought there is a need to guide Board discussions, and he suggested a fiscal impact statement could be attached to Board items.

Mrs. O'Neill pointed out that Board committees are working on ways to gathered budget guides for the future.

RESOLUTION NO. 280-10 Re: **FINAL ADOPTION OF THE FY 2011
OPERATING BUDGET**

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

WHEREAS, The Board of Education adopted the FY 2011 Operating Budget of \$2,263,286,410 on February 17, 2010; and

WHEREAS, The county executive recommended \$2,125,542,225 for MCPS, \$137.7

million less than the Board of Education’s Budget Request on March 15, 2010; and

WHEREAS, Montgomery County Public Schools will make available \$19,700,000 in FY 2010 savings to the County Government General Fund undesignated reserves before June 30, 2010, by reducing its recognition and receipt of FY 2010 local county revenue; and

WHEREAS, The Maryland State Board of Education approved a waiver of the maintenance of local effort requirement of Section 5-202 of the *Education Article, Annotated Code of Maryland* to permit a local contribution of \$1,415,085,344 on May 25, 2010; and

WHEREAS, The County Council approved a total of \$2,104,188,040 (including grants and enterprise funds), a decrease of \$159,098,370 from the Board of Education’s request on May 27, 2010; and

WHEREAS, The County Council appropriated a total of \$1,919,842,746 (excluding grants and enterprise funds), a decrease of \$158,404,383 from the Board of Education’s request; 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 2009 and recommendations were submitted to the Office of Special Education and Student Services; and

WHEREAS, The FY 2011 Operating Budget includes all of the staffing plan elements required by the Maryland State Department of Education; and

WHEREAS, The County Council made reductions to the Board of Education’s FY 2011 Operating Budget Request of March 1, 2010, of \$159,098,370, from the various budget categories, as shown on the following schedule, consisting of a decrease of \$158,404,383, excluding grants and enterprise funds; a decrease of \$154,869 in grants; and a reduction of \$539,118 in enterprise and special revenue funds, in appropriating \$2,104,188,040 for the Board of Education’s FY 2011 Operating Budget:

| • Current Fund | BOE | Council | Council |
|-----------------------|-------------|-------------|----------|
| • Category | Request | (Reduction) | Approved |
| | March, 2010 | Addition | Budget |

| | | | |
|--|---------------|---------------|----------------------|
| 1 Administration | 41,941,991 | (2,790,846) | 39,151,145 |
| 2 Mid-level Administration | 141,874,583 | (3,070,468) | 138,804,115 |
| 3 Instructional Salaries | 871,191,332 | (36,226,208) | 834,965,124 |
| 4 Textbooks and Instructional Supplies | 34,041,281 | (9,139,326) | 24,901,955 |
| 5 Other Instructional Costs | 15,098,889 | (725,298) | 14,373,591 |
| 6 Special Education | 291,393,563 | (12,227,925) | 279,165,638 |
| 7 Student Personnel Services | 11,306,567 | (105,233) | 11,201,334 |
| 8 Health Services | 44,590 | | 44,590 |
| 9 Student Transportation | 96,187,296 | (2,241,237) | 93,946,059 |
| 10 Operation of Plant and Equipment | 115,877,577 | (877,050) | 115,000,527 |
| 11 Maintenance of Plant | 33,905,007 | (889,040) | 33,015,967 |
| 12 Fixed Charges | 553,555,446 | (90,266,621) | 463,288,825 |
| 14 Community Services | 208,495 | | 208,495 |
| Subtotal, including specific grants | 2,206,626,617 | (158,559,252) | 2,048,067,365 |
| Less specific grants | 128,379,488 | (154,869) | 128,224,619 |
| Subtotal, spending affordability | 2,078,247,129 | (158,404,383) | 1,919,842,746 |

II. Enterprise Funds

| | | | |
|-------------------------------------|----------------------|----------------------|-----------------------------|
| 37 Instructional Television Fund | 1,619,507 | (128,997) | 1,490,510 |
| 51 Real Estate Management Fund | 3,074,719 | (3,624) | 3,071,095 |
| 61 Food and Nutrition Services Fund | 47,363,001 | (322,747) | 47,040,254 |
| 71 Field Trip Fund | 2,369,952 | (15,236) | 2,354,716 |
| 81 Entrepreneurial Fund | 2,232,614 | (68,514) | 2,164,100 |
| Subtotal, Enterprise Funds | 56,659,793 | (539,118) | 56,120,675 |
| Total Budget for MCPS | <u>2,263,286,410</u> | <u>(159,098,370)</u> | <u>2,104,188,040</u> |

now therefore be it

Resolved, That based on an appropriation of \$2,104,188,040, that includes an appropriation of \$56,120,675 for enterprise and special revenue funds and \$128,224,619 for restricted grants, approved by the County Council on May 27, 2010, the Board of Education adopt its FY 2011 Operating Budget reflecting the changes shown in Schedule A; and be it further

Resolved, That the superintendent of schools be authorized to make available \$19,700,000 in FY 2010 savings to the County Government General Fund undesignated reserves before June 30, 2010; and be it further

Resolved, That the Board of Education approve the 2010 Special Education Staffing Plan as included in the FY 2011 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 12:30 to 1:35 p.m. for lunch and closed session.

RESOLUTION NO. 281-10 Re: **CONTRACTS OF \$25,000 OR MORE**

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

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

WHEREAS, It is recommended that Bid 9698.1, New Served at Col. Zadok Magruder High School, be rejected due to pricing received not in accordance with budgeted amount; now therefore be it

Resolved, That Bid 9698.1, New Served at Col. Zadok Magruder High School, be rejected due to pricing received not in accordance with budgeted amount; and be it further

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

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

| | | |
|-----------------|---|-----------|
| 060B9 800015 | Two-Way Radios—Extension | |
| | <u>Awardee</u> Procom Corporation | \$185,000 |
| 06SC-42 | Assessment Management Software System—Extension | |

| | | |
|--------------|--|-----------|
| | <u>Awardee</u> Scantron Corporation | \$299,000 |
| 08-M-4 | Water Cooler Rental and Bottled Water Service—Extension | |
| | <u>Awardee</u> Crystal Springs Water | \$ 88,000 |
| 6030198.1 | Elevator Maintenance Services—Extension | |
| | <u>Awardee</u> Elevator Control Services | \$450,000 |
| GS-35F-0153M | Oracle Identity and Access Management Suite—Extension | |
| | <u>Awardee</u> Mythics, Inc. | \$632,600 |
| 1063.4 | Speech and Language Services—Extension | |
| | <u>Awardees</u> (See note) Arbor E&T, LLC, dba Care Resources, Inc. Cambridge Healthcare EGS-Educational Based Services National Speech/Language Therapy Center Progressus Therapy, LLC Rehabilitation Services, Inc. Total | \$350,000 |
| 1091.4 | Services for Infants and Toddlers with Developmental Delays—Extension | |
| | <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 | \$360,000 |
| 1127.4 | Physical Exams for Bus and Vehicle Drivers | |
| | <u>Awardees</u> (See note) Apple Occupational Health Service Briggs Chaney Clinic Corporate Occupational HealthSolutions, LLC Frederick Primary Care Association | |

| | | |
|--------|--|----------------|
| | Medical Access PC | |
| | Secure Medical Care | |
| | Total | \$120,000 |
| 1134.3 | Occupational and Physical Therapy Services for Students with Disabilities—Extension | |
| | <u>Awardees</u> (See note) | |
| | Cambridge Global Services, Inc. | |
| | Invo Healthcare Associates, Inc. | |
| | Tri Rehab of Germantown | |
| | Travis Consulting, LLC | |
| | Total | \$150,000 |
| 1139.2 | Actuarial Consulting Services—Extension | |
| | <u>Awardee</u> | |
| | Mercer Human Resources | \$ 83,000 |
| 1140.2 | Ongoing Health and Welfare Consulting Services—Extension | |
| | <u>Awardee</u> | |
| | AON Consulting | \$190,000 |
| 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 |
| | H.M. Sweeny Company | 75,000 |
| | National Energy Control Corporation | 20,000 |
| | Smart Supply Company, Inc. | 13,100 |
| | United Refrigeration, Inc. | 50,000 |
| | WRT, Inc. | <u>110,000</u> |
| | Total | \$870,600 |
| 4087.9 | Office and School Supplies | |
| | <u>Awardee</u> | |
| | Standard Stationery Supply Company | \$ 60,000 |
| 4127.3 | Recycling Services | |

| | | |
|--------|---|---------------|
| | <u>Awardee</u> Potomac Disposal, Inc. | \$449,861 |
| 4137.6 | Special Education Supplies and Software—Extension | |
| | <u>Awardees</u> | |
| | At Last, Inc. dba Md at Co-Op* | \$134,322 |
| | Cadan Computers | 56,627 |
| | Don Johnston, Inc. | 30,625 |
| | Envision Technology, Inc.* | 73,025 |
| | Learning Services | 25,779 |
| | Prentke Romich Company | 59,340 |
| | Renaissance Learning, Inc. | 73,250 |
| | Riverside Publishing | <u>46,140</u> |
| | Total | \$499,108 |
| 4166.1 | Professional Development Management System—Extension | |
| | <u>Awardee</u> iAssessment | \$474,000 |
| 4169.1 | Subscription Fee for Automated Reading Assessments—Extension | |
| | <u>Awardee</u> Wireless Generation | \$542,314 |
| 4175.1 | Web-based Parent Outreach Application—Extension | |
| | <u>Awardee</u> Edline | \$243,250 |
| 4183.1 | Information Technology Research and Consulting—Extension | |
| | <u>Awardee</u> Gartner, Inc. | \$130,000 |
| 4205.1 | Applicant Tracking and Recruiting and Implementation Services—Extension | |
| | <u>Awardee</u> Taleo Corporation | \$261,000 |
| 4211.1 | Fortis PowerWeb Server/View Station Software and Professional Services—Extension | |

| | | |
|--------|---|-----------|
| | <u>Awardee</u> Aztech Datasystems, Inc. | \$165,000 |
| 4235.1 | Disaster Recovery Service—Extension | |
| | <u>Awardee</u> SunGard Availability Services | \$ 75,984 |
| 4237.1 | Copier Maintenance and Supplies—Extension | |
| | <u>Awardee</u> Ikon Office Solutions, Inc. | \$120,000 |
| 4250.1 | Pepco Energy Services Consultant—Extension | |
| | <u>Awardee</u> Enernoc, Inc. | \$ 84,000 |
| 4252.1 | IBM Rational Hardware and Software Maintenance—Extension | |
| | <u>Awardee</u> IBM Corporation | \$ 80,308 |
| 4253.1 | Unicenter Service Desk Licensing—Extension | |
| | <u>Awardee</u> Computer Associates | \$ 60,500 |
| 4255.1 | Consulting Services—Extension | |
| | <u>Awardee</u> Andrew Egel | \$ 75,000 |
| 4257.1 | Subscription for Professional Training and Consulting Services—Extension | |
| | <u>Awardee</u> Northwest Evaluation Association | \$502,638 |
| 4281.1 | Behavioral Health Support Initiative—Extension | |
| | <u>Awardee</u> Mental Health Association | \$100,000 |
| 4297.1 | Legato Networker Maintenance—Extension | |

| | | |
|--------|--|---|
| | <u>Awardee</u> EMC | \$ 40,000 |
| 4298.1 | Critical Data and Systems Disaster Recovery | |
| | <u>Awardee</u> Recovery Point | \$114,420 |
| 4299.1 | Problems of the Week Membership Online Service | |
| | <u>Awardee</u> The Math Forum@Drexel | \$ 39,000 |
| 7066.5 | Vehicle Maintenance, Repair, and Inspection—Extension | |
| | <u>Awardees</u> (See note) General Automotive Servicecenter, Inc. J & M Truck Repair K. Neal International Trucks, Inc. Middleton & Meads Company, Inc. Vehicare Corporation Total | \$ 65,000 |
| 7133.8 | Cafeteria Disposable Supplies—Extension | |
| | <u>Awardees</u> Acme Paper and Supply Company, Inc. Calico Industries, Inc. Carroll Manufacturing and Sales Central Poly Corporation Dade Paper Company, Inc. Leonard Paper Company PFG-Carroll County Foods, Inc.* S. Freedman & Sons, Inc. Transilwrap Company, Inc. Webco Packaging, Inc.* Total | \$110,503 7,497 8,561 14,821 515,313 18,343 17,367 77,470 2,827 <u>41,935</u> \$814,637 |
| 7142.1 | Broadband Cable Network Cabling Installation and Integration—Extension | |
| | <u>Awardees</u> (See note) Netcom Technologies, Inc. Systcom, Inc. TCV, LLC Total | \$500,000 |

| | | |
|--------|---|-----------|
| 7147.1 | Laser Printer System Maintenance—Extension | |
| | <u>Awardee</u> Xerox Corporation | \$106,000 |
| 7199.1 | Online Content Management System for Teachers—Extension | |
| | <u>Awardee</u> Blackboard, Inc. | \$ 43,200 |
| 7200.1 | Palm Tungsten Replacement Batteries | |
| | <u>Awardee</u> DISYS | \$ 30,000 |
| 7201.1 | Replacement Parts for HP Equipment | |
| | <u>Awardee</u> Parts Now, LLC | \$ 75,000 |
| 9096.4 | Corridor Lockers at Various Facilities** | |
| | <u>Awardee</u> Partition Plus, Inc. | \$ 78,129 |
| 9122.3 | Breads and Rolls—Extension | |
| | <u>Awardee</u> H&S Bakery, Inc. | \$286,233 |
| 9130.2 | Ice Cream and Frozen Dessert Novelties—Extension | |
| | <u>Awardee</u> Briggs Ice Cream Company | \$150,000 |
| 9161.3 | Athletic Field Renovation** | |
| | <u>Awardee</u> Walker Willis/T/A Custom Masonry | \$686,673 |
| 9163.4 | Tennis Court Color Coating and Accessories—Extension** | |
| | <u>Awardee</u> American Tennis Courts* | \$360,000 |

| | | |
|---|--|----------------|
| 9320.2 | Library Security System Replacements—Extension** | |
| | <u>Awardees</u> | |
| | 3M Company | \$ 20,000 |
| | Integrated Technology Group* | <u>10,000</u> |
| | Total | \$ 30,000 |
| 9537.3 | Frozen Foods Supplement—Extension | |
| | <u>Awardees</u> | |
| | Feesers, Inc. | \$ 11,353 |
| | Integrated Food Service | 121,100 |
| | J. R. Simplot Company | 44,589 |
| | Kellogg's Food Away From Home | 173,545 |
| | McCain Foods USA | 44,400 |
| | Midas Foods International | 27,820 |
| | PFG-Carroll County Foods, Inc.* | 999 |
| | Seven Seas Restaurant* | 1,605 |
| | Summers Food Brokers* | <u>37,766</u> |
| | Total | \$463,177 |
| 9567.1 | Chicken, Cooked/Frozen—Extension | |
| | <u>Awardees</u> | |
| | Ling's* | \$558,870 |
| | Midas Foods International | 10,295 |
| | Pilgrim's Pride Corporation | <u>112,500</u> |
| | Total | \$681,665 |
| 9699.1 | Stage Lighting Dimmer Replacement at Rosa Parks Middle School** | |
| | <u>Awardee</u> | |
| | Dixie Electric, Inc. | \$ 37,900 |
| 9701.1 | Specialty Cementitious Coatings at Various Locations—Extension** | |
| | <u>Awardee</u> | |
| | Walker Willis/T/A Custom Masonry | \$ 600,000 |
| TOTAL PROCUREMENT CONTRACTS OVER \$25,000 | | \$12,902,197 |

* 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. 282-10 Re: **CONTRACT APPROVAL FOR BID NO. 7141.2, TELECOMMUNICATIONS AND NETWORK WIRING INSTALLATION/INTEGRATION**

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

WHEREAS, Funds have been budgeted for the purchase of telecommunications and network wiring installation/integration through Bid No. 7141.2; 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:

| | | |
|--------|--|-------------|
| 7141.2 | Telecommunications and Network Wiring Installation/Integration— Extension | |
| | <u>Awardee</u> | |
| | Ark Systems | |
| | Crawford Technical Services, Inc.* | |
| | Netcom Technologies, Inc. | |
| | Systcom, Inc. | |
| | TCV, LLC | |
| | Vision Technologies* | |
| | Total | \$1,500,000 |

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

Note: Contract amounts will be based on individual requirements

RESOLUTION NO. 283-10 Re: **CONTRACT APPROVAL FOR BID NO. 120.3, MILK, OTHER DAIRY PRODUCTS, AND FRUIT JUICES**

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

WHEREAS, Funds have been budgeted for the purchase of milk, other dairy products, and fruit juices through Bid No. 9120.3; 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:

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

Awardee

Dairy Maid Dairy, Inc.

\$1,900,000

RESOLUTION NO. 284-10

Re: **ARCHITECTURAL APPOINTMENT – NORTH CHEVY CHASE ELEMENTARY SCHOOL GYMNASIUM ADDITION PROJECT**

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

WHEREAS, It is necessary to appoint an architectural firm to provide professional and technical services during the design and construction phases for the North Chevy Chase Elementary School gymnasium addition project; and

WHEREAS, The preliminary construction cost estimate for this work is approximately \$1.2 million; and

WHEREAS, Funds for architectural planning were programmed as part of the FY 2011 Capital Budget; and

WHEREAS, An Architect Selection Committee, in accordance with procedures adopted by the Board of Education on April 20, 2006, identified Grimm + Parker 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 that includes non-Maryland Department of Transportation-certified minority-owned firm; now therefore be it

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with the architectural firm of Grimm + Parker Architects to provide professional architectural and engineering services for the North Chevy Chase Elementary School gymnasium addition project for a fee of \$163,000.

RESOLUTION NO. 285-10

Re: **ARCHITECTURAL APPOINTMENT – WESTBROOK ELEMENTARY SCHOOL ADDITION PROJECT**

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

WHEREAS, It is necessary to appoint an architectural firm to provide professional and technical services during the design and construction phases for the Westbrook Elementary School addition project, which includes a gymnasium; and

WHEREAS, The preliminary construction cost estimate for this work is approximately \$11 million; and

WHEREAS, Funds for architectural planning were programmed as part of the FY 2011 Capital Budget; and

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

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

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with the architectural firm of Muse Architects to provide professional architectural and engineering services for the Westbrook Elementary School addition for a fee of \$ 883,000.

RESOLUTION NO. 286-10 Re: **AWARD OF CONTRACTS – CANNON 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:#

WHEREAS, On November 11, 2008, the Board of Education authorized staff to utilize a construction management process for the Cannon Road Elementary School modernization project and awarded a contract for preconstruction services to Hess Construction + Engineering Services; and

WHEREAS, The following responsive low bids were received on May 19, 2010, for the specified trades for the Cannon Road Elementary School modernization project:

| <u>Low Bidders</u> | <u>Amounts</u> |
|---|----------------|
| 2A-Sitework/Demolition – Urban N. Zink Contractor, Inc. | \$1,972,889 |
| 3A-Concrete – Sody Concrete Construction, Inc. | 589,000 |
| 4A-Masonry – Manganaro Midatlantic, LLC | 2,288,000 |
| 5A-Steel – Crystal Steel Fabricators, Inc. | 1,254,200 |
| 6A-Millwork/Casework – Fallston Supply, Inc. | 339,700 |
| 7A-Roofing – CitiRoof Corporation | 1,264,935 |
| 8A-Windows – Spear Window & Glass, Inc. | 1,112,404 |
| 9A-Rough Carpentry/Drywall – Manganaro Midatlantic, LLC | 779,000 |
| 9B-Flooring – L&R Floors | 333,918 |
| 9C-Wood Flooring – Weyer’s Floor Service, Inc. | 43,193 |

| | |
|--|-----------|
| 9D-Painting – JNA Painting & Contracting Company, Inc. | 121,900 |
| 11A-Food Service Equipment – Ashland Equipment, Inc. | 132,946 |
| 15B-Sprinkler – Fire-Mak, Inc. | 148,400 |
| 16A-Electrical – Brandenburg Electric, Inc. | 1,379,785 |

and

WHEREAS, The Minority Business Enterprise participation will be reported at the completion of all bid activity for this project; and

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

Resolved, That contracts be awarded to the above-mentioned trade contractors meeting specifications for the Cannon Road Elementary School modernization project, for the amounts listed, in accordance with drawings and specifications prepared by Delmar Architects, P.A.

RESOLUTION NO. 287-10 Re: **AWARD OF CONTRACTS – SEVEN LOCKS
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:#

WHEREAS, On November 11, 2008, the Board of Education authorized staff to utilize a construction management process for the Seven Locks Elementary School modernization project and awarded a contract for preconstruction services to Oak Contracting, LLC; and

WHEREAS, The following low bids were received on April 27, 2010, for the Seven Locks Elementary School modernization project:

| <u>Low Bidders</u> | <u>Amounts</u> |
|--|----------------|
| 2A-Sitework – Urban N. Zink Contractor, Inc. | \$3,188,600 |
| 3A-Concrete – Dance Brothers, Inc. | 454,400 |
| 4A-Masonry – Pompano Masonry Corporation | 1,430,963 |
| 5A-Steel – R&R Fabrication, Inc. | 740,334 |
| 6A-Carpentry – Hancock & Albanese, Inc. | 1,038,740 |
| 7A-Roofing – Interstate Corporation | 728,000 |
| 9A-Drywall – Can-Am Contractors, Inc. | 294,650 |
| 15A-Mechanical – Towson Mechanical, Inc. | 2,567,000 |
| 16A-Electrical – Altimate Electric, Inc. | |

1,161,600

and

WHEREAS, The low bid submitted by Canyon Contracting, Inc. on package 3A-Concrete, was rejected based on disapproval of the firm's Minority Business Enterprise waiver request; and

WHEREAS, On April 27, 2010, Oak Contracting, LLC, received bid proposals for the remaining trade contracts for the project that 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 office; and

WHEREAS, The construction management contract contains provisions that permit Montgomery County Public Schools to assign the awarded trade contracts to Oak Contracting, LLC, as part of a guaranteed price agreement to complete the Seven Locks Elementary School modernization project; and

WHEREAS, Staff has negotiated and recommends approval of a guaranteed maximum price contract with Oak Contracting, LLC, for the completion of the Seven Locks Elementary 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, Oak Contracting, LLC, has agreed to accept the assignment of the Seven Locks Elementary School trade contracts awarded on June 8, 2010, and complete the project for a guaranteed maximum price; and

WHEREAS, The goal for Maryland Department of Transportation-certified Minority Business Enterprise participation established for this project was 15.5 percent; and

WHEREAS, The aggregate Minority Business Enterprise participation submitted is 26.5 percent Maryland Department of Transportation-certified, of which 2.7 percent is African American, 13.7 percent is women-owned, and 10.1 percent is other minority-owned; now therefore be it

Resolved, That the following trade contract packages be awarded to the low bidders for the construction of the Seven Locks Elementary School modernization project:

| <u>Low Bidders</u> | <u>Amounts</u> |
|--|----------------|
| 2A-Sitework – Urban N. Zink Contractor, Inc. | \$3,188,600 |
| 3A-Concrete – Dance Brothers, Inc. | 454,400 |
| 4A-Masonry – Pompano Masonry Corporation | 1,430,963 |
| 5A-Steel – R&R Fabrication, Inc. | 740,334 |

| | |
|--|-----------|
| 6A-Carpentry – Hancock & Albanese, Inc. | 1,038,740 |
| 7A-Roofing – Interstate Corporation | 728,000 |
| 9A-Drywall – Can-Am Contractors, Inc. | 294,650 |
| 15A-Mechanical – Towson Mechanical, Inc. | 2,567,000 |
| 16A-Electrical – Altimate Electric, Inc. | 1,161,600 |

and be it further

Resolved, That the trade contracts awarded for the Seven Locks Elementary School modernization project be assigned to Oak Contracting, LLC; and be it further

Resolved, That a contract in the amount of \$16,604,304, to include the assignment of the trade contract awards, be awarded to Oak Contracting, LLC, for the Seven Locks Elementary School modernization project, in accordance with drawings and specifications prepared by Walton, Madden, Cooper, Robinson, Pones, Inc.

RESOLUTION NO. 288-10 Re: **AWARD OF CONTRACT – STEPHEN
KNOLLS CENTER GREENHOUSE
REPLACEMENT PROJECT**

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

WHEREAS, The following sealed bids were received April 13, 2010, for the Stephen Knolls Center greenhouse replacement project:

| <u>Bidder</u> | <u>Amount</u> |
|----------------------|---------------|
| CDCI, Inc. | \$274,444 |
| Smith & Haines, Inc. | 410,000 |

and

WHEREAS, The project is funded by the *American Recovery and Reinvestment Act of 2009* and prevailing wages shall apply; and

WHEREAS, The low bidder, CDCI, Inc., is a Maryland Department of Transportation-certified Minority Business Enterprise firm; and

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

Resolved, That a \$274,444 contract be awarded to CDCI, Inc. for the Stephen Knolls Center greenhouse replacement project, in accordance with drawings and specifications prepared by The K Group.

RESOLUTION NO. 289-10

Re: **AWARD OF CONTRACTS – IMPROVED
ACCESS TO SCHOOLS**

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

WHEREAS, The following proposals were received May 25, 2010, for the Improved Access to Schools project at the Emory Grove Center:

| <u>Bidder</u> | <u>Amount</u> |
|-----------------------------------|---------------|
| Francis O. Day Company, Inc. | \$368,100 |
| Pleasants Construction, Inc. | 388,900 |
| Highway and Safety Services, Inc. | 459,140 |

and

WHEREAS, There are limited opportunities for Minority Business Enterprise subcontracting on this project; and

WHEREAS, Francis O. Day Company, Inc. has completed similar work successfully for Montgomery County Public Schools; now therefore be it

Resolved, That a contract in the amount of \$368,100 be awarded to Francis O. Day Company, Inc. for the Emory Grove Center Improved Access to Schools project, in accordance with drawings and specifications prepared by Macris, Hendricks and Glascock, P.A.

RESOLUTION NO. 290-10

Re: **CONSULTANT APPOINTMENTS –
CONSTRUCTION MANAGEMENT SERVICES**

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

WHEREAS, The Department of Facilities Management has solicited and reviewed proposals from construction management firms interested in providing construction management services for Montgomery County Public Schools; and

WHEREAS, A consultant selection committee, in accordance with procedures adopted by the Board of Education on April 20, 2006, identified the following firms as the most qualified to provide the necessary management services:

Bovis Lend Lease, Inc.
Dustin Construction, Inc.
Henley Construction Company, Inc.
Hess Construction + Engineering Services

J. Vinton Schafer & Sons, Inc.
Keller Construction Management, LLC
Meridian Construction Co., Inc.
Oak Contracting, LLC

and

WHEREAS, Staff will negotiate fees in accordance with industry standards for the necessary construction management services based on the size and complexity of individual projects; now therefore be it

Resolved, That the Montgomery County Board of Education enter into contractual agreements with the following construction management firms:

Bovis Lend Lease, Inc.
Dustin Construction, Inc.
Henley Construction Company, Inc.
Hess Construction + Engineering Services
J. Vinton Schafer & Sons, Inc.
Keller Construction Management, LLC
Meridian Construction Co., Inc.
Oak Contracting, LLC

to provide construction management services for individual projects as requirements are identified.

RESOLUTION NO. 291-10 Re: **CONSULTANT APPOINTMENTS – DATA
WIRING AND CABLE TELEVISION DESIGN**

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

WHEREAS, It is necessary to appoint engineering firms to provide professional design services for data wiring and cable television on various construction projects on an as-needed basis; and

WHEREAS, A Professional Consultant Selection Committee, in accordance with procedures adopted by the Board of Education on April 20, 2006, identified Brinjac Engineering, Inc. and Educational Systems Planning as the most qualified firms to provide the necessary professional engineering design services; and

WHEREAS, Brinjac Engineering, Inc. and Educational Systems Planning are currently under contract to perform consulting work for data wiring and cable television design and have agreed to extend their contracts to FY 2011 for the current fee schedules; and

WHEREAS, Staff will negotiate fees for the necessary engineering 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 contractual agreements with the firms of Brinjac Engineering, Inc. and Educational Systems Planning to provide professional engineering design services for an individual project as requirements arise for a fee not to exceed \$25,000.

RESOLUTION NO. 292-10 Re: **CONSULTANT APPOINTMENTS –
ENGINEERING SERVICES FOR IMPROVED
VEHICULAR ACCESS AT VARIOUS
SCHOOL SITES**

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

WHEREAS, Funds are appropriated annually in the Capital Improvements Program to improve pedestrian and vehicular access at various school sites, both on a systemic basis and as individual needs become known; and

WHEREAS, A consultant selection committee, in accordance with procedures adopted by the Board of Education on April 20, 2006, identified ADTEK Engineers, Inc.; A. Morton Thomas and Associates, Inc.; Century Engineering, Inc.; Huron Consulting Company; Johnson, Mirmiran & Thompson; Loiederman Soltesz Associates, Inc.; and Macris, Hendricks and Glascock, P.A., as the most qualified firms to provide the necessary professional design services; and

WHEREAS, Staff will negotiate fees for the necessary professional 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 contractual agreements with the engineering firms of ADTEK Engineers, Inc.; A. Morton Thomas and Associates, Inc.; Century Engineering, Inc.; Huron Consulting Company; Johnson, Mirmiran & Thompson; Loiederman Soltesz Associates, Inc.; and Macris, Hendricks, and Glascock, P.A., to provide professional engineering services for improved vehicular access projects at various sites as needs arise, with fees to be negotiated on an individual project basis.

RESOLUTION NO. 293-10 Re: **GAITHERSBURG ELEMENTARY SCHOOL –
EXECUTION OF SUBDIVISION PLAT**

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

WHEREAS, The Mayor and Council of Gaithersburg (City) as a condition of site development approval of the addition project at Gaithersburg Elementary School,

located at 35 North Summit Avenue, Gaithersburg, required the Board of Education to provide a plat of subdivision of the site; and

WHEREAS, Final record plat was postponed until the City formally approved the final design of Teacher’s Way extended, now completed, which abuts the new consolidated school parcel; and

WHEREAS, The plat of subdivision identifies 10,041 square feet along North Summit Avenue to be dedicated to public use and also consolidates the nine-parcel site into one parcel; and

WHEREAS, Adoption of the plat of subdivision will benefit the school and community by providing public areas and will consolidate the parcel in conformity with the addition project; now therefore be it

Resolved, That the president and secretary of the Board of Education be authorized to execute a plat of subdivision for Gaithersburg Elementary School that dedicates 10,041 square feet to public use and consolidates the site from nine separate parcels into one.

RESOLUTION NO. 294-10 Re: **RECOMMENDED FY 2010 SUPPLEMENTAL APPROPRIATION FOR THE ENTREPRENEURIAL ACTIVITIES FUND**

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

WHEREAS, The Montgomery County Public Schools Technology Service activity within the Entrepreneurial Activities Fund will continue to expand and enhance the development of the Online Curriculum module; and

WHEREAS, The Technology Service activity is providing funds for the continued development of the Online Curriculum module; and

WHEREAS, Sufficient funds generated from FY 2010 royalties and the fund's net assets are available for the projected expenses of the Online Curriculum module; now therefore be it

Resolved, That the superintendent of schools be authorized to receive and expend, subject to County Council approval, a FY 2010 supplemental appropriation of \$200,000 for the Entrepreneurial Activities Fund;

| <u>Category</u> | <u>Amount</u> |
|------------------------------------|------------------|
| 81 Entrepreneurial Activities Fund | <u>\$200,000</u> |
| Total | <u>\$200,000</u> |

and be it further

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

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

Re: **DISCUSSION**

The superintendent provided an overview of the rationale for the contract with Pearson. He indicated that there are basically four major components that the Board is being asked to adopt in the form of a contract (a co-development contract with Pearson). It is unique integrated curriculum designed to develop a college read mindset in all the students and foster critical and creative thinking for academic success and a vision that all students can be prepared for successful life-time learning. The second component is that it is an online professional learning community that helps teachers reach the visions through “just in time” professional development on topics essential to teaching and learning and forums for teachers to share the evaluation, instructional ideas, plans, and strategies. Third, this will be the first post-NCBL-B assessments aligned to the new common core standards, and they are designed to measure across discipline, critical and creative thinking academic skills, provide teachers with information necessary to improve their teaching and provide students and families with feedback on the student’s progress toward reaching those milestones, and critical elements for college readiness. Fourth, all the resources will be available in user-friendly web-based platform that integrates the teacher and student information systems to provide a monitoring process for effective implementation.

The superintendent further noted that by acting favorability on the contract, we would be able to accelerate the development of the integrated curriculum, get it done in a much shorter time period, make it better for our teachers and students, and do it at no cost. MCPS worked with Pearson to try to come to some arrangement about the intellectual property and what it was worth and try to make it worth as much as what we had got into it, and what we needed for our teachers and principals to develop the K-5 curriculum, and, also, since that was going to other places to try to deal with it in a way where we would get some revenue off of it if it was sold to other places. Therefore, you have a co-publishing contract in front of you. It has a proviso for \$2.25 million that will be paid up-front over installments with the first installment coming before September 30; installments thereafter when we hit milestones that we agree upon. We intend to get this rolled out in the next two to three years. That will provide us with enough staff coverage that will not be a cost to our budget which is already slim and none. It will be utilized to bring forward this curriculum that we are going to have to have anyway because of the new common core standards, and will be very much aligned to your strategic plan for getting students college and career ready.

In addition, the superintendent thought it was prudent to submit an application for an I3 grant (one of 2,000 of which 70 will awarded). We think that our grant should be funded for an amount of \$5 million that would actually accelerate this process. Furthermore, he discussed options for MCPS if an I3 grant was not received as well as the provisos for terminating the arrangement.

After introduction of the consent item, the Board members discussed integrated curriculum to be developed through MCPS, and inquired about the potential impact of the development of common core standards on the development of the integrated curriculum. It was noted that MCPS planned to develop an integrated curriculum; however, entering into the proposed contract with Pearson would speed up the development of the curriculum. Furthermore, it was noted that MCPS used a publishing attorney to negotiate the contract with Pearson and protect MCPS' interests.

Discussion focused on concerns about the contract, the theory of the contract, MCPS' direction on the voluntary standards, whether there would be a market for this product if states move to a national curriculum, the conflict between educating children and marketing curriculum, the obligations of MCPS staff under the contract, what liabilities MCPS would face if the integrated curriculum was found not to be satisfactory, the difference in the timeline for the integrated curriculum with Pearson's assistance, contract language regarding audits, MCPS obligations under the contract, Pearson's obligations under the contract, the current roll out/implementation of the voluntary integrated kindergarten curriculum, and the contract's termination provisions.

With respect to the obligation of staff, the main question is, is this something MCPS was planning to obligate staff to work on? In the discussion of this matter, it was noted that MCPS' commitment to developing the integrated curriculum was already in place. MCPS would be working on curriculum, followed by working on assessments. This agreement with Pearson would be key to the success of the curriculum because staff would not be teaching to a test that is not part of MCPS curriculum. Thus, this is anticipated to be a tremendous improvement.

Hopefully, the state would adopt the integrated curriculum. Because of the common core standards (art, music, social studies, PE, and science, especially social studies and science), MCPS would be ahead of the game by developing this integrated curriculum. It was noted that Pearson is not new to the educational arena or test development given its wonderful guides for students who are taking the SATs.

There was discussion about the rationale for MCPS entering into this contract with Pearson given the current economic climate. This is something MCPS would be doing in terms of the curriculum in a time where there is no money to be doing this, and the need to assess and verify the psychometric part. The Board does not want to add assessments to what MSDE may require. This is a win/win situation. Even though there is, with any business venture, some element of risk, it is something that is worth pursuing given the fiscal constraints. MCPS will receive funding for doing something that it would otherwise be doing. This is really coming together, with a partner to say

MCPS is building the curriculum, and it needs an assessment to know if students are performing. The concept of public/private partnerships is one of the ways in which to do that. The federal government is looking at public/private partnerships and looking at the private sector to figure out best practices and ways to accomplish government missions by examining what the private sector has to offer.

RESOLUTION NO. 295-10 Re: **APPROVAL OF CONTRACT WITH
PEARSON EDUCATION, INC.**

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

WHEREAS, Montgomery County Public Schools has demonstrated the capacity to positively impact students through high academic standards, high quality instruction, and data-driven decision making; and

WHEREAS, Montgomery County Public Schools has built a foundation for continued success through the development and creation of an integrated curriculum where the disciplines are not isolated from each other, but tied to the critical and creative thinking and academic success skills that help students form an academic identity; and

WHEREAS, Montgomery County Public Schools brings the foundational materials, instructional experience, and vision that can be utilized to fully develop an integrated curriculum program that can be used across the nation; and

WHEREAS, Pearson is a leading international education company in the development of instructional programs and assessments and brings a wealth of development expertise that can ensure a more rapid development of the integrated curriculum as well as more robust and complete assessments, curriculum materials, and professional development; and

WHEREAS, In partnership, Montgomery County Public Schools and Pearson can combine targeted resources to support an accelerated implementation of the elementary integrated curriculum that will reduce teacher instructional preparation time, expand curricular focus to include all disciplines, provide just-in-time professional development experiences, and host an online professional learning community through *myMCPS*, all designed to improve instruction in the various content areas and focus on high expectations, continued academic achievement, and the development of an academic identity in all students; now therefore be it

Resolved, That the Montgomery County Board of Education enters into a contractual agreement with Pearson to provide financial resources, services and professional expertise necessary to fully develop and implement all components of the elementary integrated curriculum by 2013.

RESOLUTION NO. 296-10 Re: **HUMAN RESOURCES MONTHLY REPORT**

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

Resolved, That the Board of Education approve the Human Resources Monthly Report dated June 2, 2010.

RESOLUNTION NO. 297-10 Re: **DEATH OF MR. JORGE I. DIAZ, BUS OPERATOR, DEPARTMENT OF TRANSPORTATION**

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

WHEREAS, The death on May 1, 2010, of Mr. Jorge I. Diaz, bus operator, Department of Transportation, West Farm Depot, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, In the more than nine years that Mr. Diaz worked for Montgomery County Public Schools, he was very professional and respected by the staff, students, and parents; and

WHEREAS, Mr. Diaz was extremely patient and understanding, dependable, and displayed a positive attitude when working with staff and students; 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 Mr. Jorge I. Diaz and extend deepest sympathy to his family; and be it further

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

RESOLUNTION NO. 298-10 Re: **DEATH OF MRS. BECKY GERLOWSKI, CLASSROOM TEACHER ON PERSONAL ILLNESS LEAVE FROM WINSTON CHURCHILL HIGH SCHOOL**

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

WHEREAS, The death on May 13, 2010, of Mrs. Becky J. Gerlowski, classroom teacher at Winston Churchill High School, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, In the more than 2.8 years that Mrs. Gerlowski worked for Montgomery County Public Schools, she held all of her students to high standards and expectations; and

WHEREAS, Mrs. Gerlowski masterfully motivated and inspired all students; 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. Becky Gerlowski 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. Gerlowski's family.

RESOLUNTION NO. 299-10 Re: **DEATH OF SARABETH WEISS, TEACHER,
SPECIAL EDUCATION, SARGENT SHRIVER
ELEMENTARY SCHOOL**

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

WHEREAS, The death on May 15, 2010, of Ms. Sarabeth Weiss, special education teacher at Sargent Shriver Elementary School, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, In the 12.9 years that Ms. Weiss worked for Montgomery County Public Schools, she had always demonstrated her belief that all students can learn and master a challenging curriculum given appropriate accommodations; and

WHEREAS, Ms. Weiss created a classroom environment where students felt comfortable and were able to take risks as well as encouraged all students to believe in themselves; 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 Ms. Weiss 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 Ms. Weiss' family.

RESOLUNTION NO. 300-10 Re: **DEATH OF MARALYN LOGAN-BROWN,
TEACHER, PHYSICAL EDUCATION ON
PERSONAL ILLNESS LEAVE FROM
WILLIAM TYLER PAGE ELEMENTARY
SCHOOL**

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

WHEREAS, The death on May 19, 2010, of Ms. Maralyn Logan-Brown, physical education teacher at William Tyler Page Elementary School, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, During the 33.9 years that Ms. Logan-Brown worked for Montgomery County Public Schools, she was a dedicated teacher and well respected by her colleagues, students, and parents; and

WHEREAS, She had a strong commitment to her students and continually demonstrated this commitment by understanding their needs and planning appropriately for them; 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 Ms. Logan-Brown 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 Ms. Logan-Brown's family.

RESOLUTION NO. 301-10 Re: **HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective July 1, 2010:

- **Jeffrey M. Martinez**, currently consulting principal, Leadership Development Team, as director, Department of Recruitment and Staffing

RESOLUTION NO. 302-10 Re: **HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective June 9, 2010:

- **Marla R. Caplon**, currently acting director, Division of Food and Nutrition Services, as director, Division of Food and Nutrition Services

RESOLUTION NO. 303-10 Re: **HUMAN RESOURCES APPOINTMENT**

On recommendation of the superintendent and on motion of Mr. Barclay seconded by

Dr. Docca, the following resolution was adopted unanimously:

Resolved, That the following personnel appointment be approved effective July 1, 2010:

- **Myriam A. Rogers**, currently principal intern, Montgomery Blair High School, as principal, Francis Scott Key Middle School

RESOLUTION NO. 304-10 Re: **HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective July 1, 2010:

- **Renee D. Stevens**, currently principal intern, Potomac Elementary School, as principal, North Chevy Chase Elementary School

RESOLUTION NO. 305-10 Re: **HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective July 1, 2010:

- **Laura F. Evans**, currently teacher, reading initiative, College Gardens Elementary School, as supervisor, Elementary Integrated Curriculum Team

RESOLUTION NO. 306-10 Re: **HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective July 1, 2010:

- **Niki T. Hazel**, currently principal, Gaithersburg Elementary School, as supervisor, Elementary Integrated Curriculum Team

RESOLUTION NO. 307-10 Re: **HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective July 1, 2010:

- **Andrew W. Miller**, currently acting supervisor, Innovative Professional Development Team, as supervisor, Pre-K–12 Student Online Learning and Online Professional Development

RESOLUTION NO. 308-10 Re: **HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective July 1, 2010:

- **A. Raymond Myrtle**, currently principal, Highland Elementary School, as supervisor, Elementary Integrated Curriculum Team

RESOLUTION NO. 309-10 Re: **HUMAN RESOURCES APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective June 9, 2010:

- **Victor B. Caroscio**, currently acting coordinator, Bridge Plan for Academic Validation, as coordinator, Bridge Plan for Academic Validation

RESOLUTION NO. 310-10 Re: **RETIREEES**

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

WHEREAS, The persons on an attached list 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, stated that the financial report reflects the actual financial condition of Montgomery County Public Schools (MCPS) as of April 30, 2010, 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 deficit of \$21.3 million, which includes a reduction in revenue of \$19.7 million that will be used by the County Government to increase its Fiscal Year (FY) 2010 General Fund reserve. In addition, expenses have a projected surplus of \$32 million. The net amount of year-end surplus that will be available to carry over into FY 2011 is currently projected at \$10.7 million. In addition, 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). These two items result in an increase in the county year-end fund balance of \$21.7 million. Staff will continue to closely monitor both revenues and expenditures.

RESOLUTION NO. 311-10 Re: **PRELIMINARY PLANS FOR GLENALLAN
ELEMENTARY SCHOOL MODERNIZATION
PROJECT**

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

WHEREAS, The architect for the proposed Glenallan Elementary School modernization project, Walton, Madden, Cooper, Robinson, Poness, Inc., has prepared a schematic design in accordance with the educational specifications; and

WHEREAS, The Glenallan 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 Glenallan Elementary School modernization project developed by Walton, Madden, Cooper, Robinson, Poness, Inc.

Re: **CHARTER SCHOOLS APPLICATION
RECOMMENDATIONS**

Staff made recommendation based on the following information. On Friday, May 14, 2010, the review panel convened to consider information supplied through the review process, the applications, the information provided through the question and answer session, and the supplemental materials supplied by applicants in response to the question and answer session. In a dynamic session, panelists discussed in great detail the strengths and areas of concern with the applications. The panel was able to reach consensus on the application for Global Garden, each member citing numerous concerns with, among other things, the academic design and applicant's ability to deliver on the panoply of promises contained in the application. The lack of planning for professional development, particularly given the nature of professional training required in a PYP school, the problems identified with the facility sites, and the lack of a detailed

and specific plan for food and nutrition services all were cited as significant obstacles. The panel discussed concerns about the viability of the proposal and delineated numerous areas, such as the lack of planning to meet special education and ESOL students' needs, as the basis for their decision. For the reasons described above, and the overall concerns about the applicant's grasp of the critical elements of operating a school, the panel recommended the Board of Education not approve a public charter for Global Garden.

The panel was able to reach consensus on the application for Crossway Community Montessori School (CCMS) after an extensive discussion of the strengths and areas of concern with the application. The alignment of the work of Crossway with MCPS' commitment to families and education as a critical lever for ending generational poverty was cited as an important strength, as was the focus on wraparound services and the organization's track record in the community. However, the panelists believed the concerns with funding, operational issues, and staffing required them to recommend that the Board of Education not approve the Crossway Community Montessori School charter request. For all of the reasons set forth above, including concerns about the lack of a detailed plan for transportation and food and nutrition services, staff evaluation, and curricular rigor required for a smooth transition between MCPS and CCMS, the panel could not recommend approval.

Issues in both applications regarding academic design are cause for concern. The panel was not convinced that either applicant had the necessary full understanding of implementing a rigorous curriculum that will provide students with a solid foundation and ensure a successful transition to middle and high school. Academic rigor is critical to success in high school and post-high school goals. Neither applicant was able to meet this standard. Additionally, facility issues require significantly more detail than provided to ensure that the applicants' identified facilities have the capacity to support the programs described in the applications.

Re: **DISCUSSION**

Ms. Berthiaume thanked the applicants for the work to submit their applications. She was not against charter schools since there are many that she would vote for. The Board members read the detailed applications. She had major concerns that prevented her from voting for these applications at this time. There are aspects of both applications that are appealing; however, there are concerns, such as budgets and eligibility of students.

Mr. Kauffman agreed with Ms. Berthiaume's comments. He wanted to approve a charter school since there is place for charter schools. Unfortunately, these applications are not ready for implementation. He hoped that the applicants would take the feedback and reapply. He suggested that the time is right for staff to review the MCPS process on charter school applications.

Mrs. O'Neill agreed with her colleagues. She read the applications, and there is a great

deal of care and passion put into the applications. However, these applicants are not ready to run a charter school.

RESOLUTION NO. 312-10 Re: **GLOBAL GARDEN, INC.**

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

WHEREAS, Montgomery County Board of Education Policy CFB, *Public Charter Schools*, sets forth the process for reviewing public charter school applications; and

WHEREAS, Montgomery County Public Schools received a charter school application for Global Garden, a proposed K–8 International Baccalaureate school with a foreign language program component; and

WHEREAS, In accordance with Board of Education Policy CFB, *Public Charter Schools*, the technical review, a nonsubstantive review that ensures that the application is complete prior to the substantive review, was completed and the application was deemed complete; and

WHEREAS, An extensive review and examination of the application was conducted by an internal panel consisting of staff members from a broad spectrum of offices including, among others, the offices of School Performance, Special Education and Student Services, Curriculum and Instructional Programs, and the Chief Operating Officer; and an external panel comprising representatives from the community, higher education, business, and Montgomery County Public Schools employee associations; and

WHEREAS, The review panel through consensus recommended that the Montgomery County Board of Education not approve the application; and

WHEREAS, The superintendent of schools supports the recommendation of the review panel; now therefore be it

Resolved, That the Montgomery County Board of Education does not approve the application of Global Garden, Inc. to open a public charter school in Montgomery County.

RESOLUTION NO. 313-10 Re: **CROSSWAYS, INC.**

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

WHEREAS, Montgomery County Board of Education Policy CFB, *Public Charter Schools*, sets forth the process for reviewing public charter school applications; and

WHEREAS, Montgomery County Public Schools received a charter school application for Crossway Community Montessori, a proposed K–6 Montessori school with wraparound services; and

WHEREAS, In accordance with Board of Education Policy CFB, *Public Charter Schools*, the technical review, a nonsubstantive review that ensures that the application is complete prior to the substantive review, was completed and the application was deemed complete; and

WHEREAS, An extensive review and examination of the application was conducted by an internal panel consisting of staff members from a broad spectrum of offices including, among others, the offices of School Performance, Special Education and Student Services, Curriculum and Instructional Programs, and the Chief Operating Officer; and an external panel comprising representatives from the community, higher education, business, and Montgomery County Public Schools employee associations; and

WHEREAS, The review panel through consensus recommended that the Montgomery County Board of Education not approve the application; and

WHEREAS, The superintendent of schools supports the recommendation of the review panel; now therefore be it

Resolved, That the Board of Education of Montgomery County does not approve the application of Crossway Inc. to open a public charter school in Montgomery County.

RESOLUTION NO. 314-10 Re: **CLOSED SESSION RESOLUTION**

On recommendation of the superintendent and on motion of Mr. Barclay seconded by Dr. Docca, 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 28, 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* and Section 4-107 (d) of the *Education Article*; consult with counsel to obtain legal advice, as permitted under Section 10-508(a)(7) of the *State Government Article*; review and adjudicate appeals in its quasi-judicial capacity; consult with counsel to obtain legal advice, as permitted under Section 10-508(a)(7) of the *State Government Article*; 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. 315-10 Re: **REPORT OF CLOSED SESSION**

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

On May 24, 2010, by unanimous vote of members present, the Board of Education voted to conduct a closed session as permitted under the *Education Article* ' 4-107 (d) and *State Government Article* §10-508 (a), *et seq.*, of the *Annotated Code of Maryland*.

The Montgomery County Board of Education met in a closed session on May 24, 2010, from 5:30 to 6:25 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and

1. Reviewed and considered the following appeals 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*): 2010-7, 2010-8, T-2010-4, and T-2010-5.
2. Reviewed and approved the Decisions and Orders for Appeals 2009-31, 2010-5, T-2010-2, and T-2010-3. (Dr. Docca and Mr. Hwang left the meeting and did not participate in discussions relating to Appeal 2009-31.)
3. Discussed the Human Resources Appointments with a subsequent vote in open session, as permitted under Section 10-508(a)(1) of the *State Government Article*.
4. As permitted under Section 10-508(a)(9) of the *State Government Article*, the Board received an update on collective bargaining negotiations with all the employee associations.
5. Pursuant to Section 10-508(a) of the *State Government Article*, the Superintendent and Board discussed strategies for the operating budget, reductions in force, and obtaining a waiver for the Maintenance of Effort.
6. Discussed matters of an administrative function (nomination for the Maryland Association of Boards of Education Board of Directors) 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, Shirley Brandman, Judy Docca, Michael Durso, Phil Kauffman, Patricia O'Neill, Roland Ikheloa, Suzann King, Glenda Rose, Laura Steinberg, and Patrick Clancy. At 5:45 p.m., after the discussion of the appeals and Decisions and Orders, Patrick Clancy left the meeting and the following staff joined the Board in closed session: Larry Bowers, Sean Bulson, Brian Edwards, Erick Lang, Jody Leleck, Bronda Mills, Chris Richardson, Dana Tofig, and Jerry Weast.

RESOLUTION NO. 316-10 Re: **APPOINTMENT TO THE ETHICS PANEL**

On recommendation of the superintendent and on motion of Ms. Brandman seconded by Dr. Docca, 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, One vacancy will soon exist on the five-member panel; now therefore be it

Resolved, That the following individual be appointed to serve a three-year term on the Ethics Panel effective July 1, 2010, and ending June 30, 2013.

Arielle Grill

RESOLUTION NO. 317-10 Re: **STUDENT APPOINTMENTS TO THE
CITIZENS ADVISORY COMMITTEE ON
FAMILY LIFE AND HUMAN DEVELOPMENT**

On recommendation of the superintendent and on motion of Mr. Barclay seconded by Ms. Brandman, 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, On June 9, 2009, the Board of Education modified the compositional requirements such that the Citizens Advisory Committee on Family Life and Human Development comprises 15 individual 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

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; and

WHEREAS, The terms of the student members expire on June 30, 2010; now therefore

be it

Resolved, That the following students be appointed to serve terms effective July 1, 2010, and ending June 30, 2011.

Lucia Campos
David Oganesyanyan

RESOLUTION NO. 272-10 Re: **APPOINTMENT OF MEMBERS TO THE
MONTGOMERY COUNTY COLLABORATION
BOARD FOR CAREER AND TECHNOLOGY
EDUCATION**

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

WHEREAS, On January 13, 2004, the Montgomery County Collaboration Board for Career and Technology Education was instituted by the Board of Education; and

WHEREAS, On January 20, 2004, the Montgomery County Collaboration Board for Career and Technology Education was instituted by the Montgomery College Board of Trustees; and

WHEREAS, The Montgomery County Collaboration Board for Career and Technology Education comprises a president, the nominees of the 11 Career Cluster Advisory Boards jointly appointed by Montgomery College and Montgomery County Public Schools, and one student member nominated by the president of Montgomery College and one student member nominated by the superintendent of schools; and

WHEREAS, The nominees of the Career Cluster Advisory Boards are its presidents, diverse in gender and ethnicity as a group, and all represent business/governmental agencies; and

WHEREAS, The membership of the Montgomery County Collaboration Board for Career and Technology Education, pursuant to the January 2004 resolutions that were revised and adopted in December 2006, is appointed jointly by the Board of Education and the Board of Trustees of Montgomery College; and

WHEREAS, The Board of Education and the Board of Trustees made appointments to the Montgomery County Collaboration Board for Career and Technology Education in July 2009, for a one-year term which expires this month; now therefore be it

Resolved, That the following individuals be appointed, subject to the concurrence of the Board of Trustees, to serve a one-year term effective July 1, 2010, and ending June 30, 2011:

Arts, Humanities, Media, and Communications
 Biosciences, Health Science, and Medicine
 Business Management and Finance

Construction and Development
 Education, Training, and Child Studies
 Engineering, Scientific Research, and Manufacturing
 Technologies
 Environmental, Agricultural, and Natural Resources
 Human and Consumer Services, Hospitality, and Tourism
 Information Technologies
 Law, Government, Public Safety, and Administration
 Transportation, Distribution, and Logistics
 MCPS student member
 MC student member

Joseph Malouf
 Lisa McDonald
 Beth Berk and
 Miara A. Rasamoelina
 Mark Drury
 Stewart Edelstein
 Nafiz Karabudack and
 Sanj Malushte
 Marie Rojas
 Andy Chaves
 Dalila Bonilla Wortman
 Wanda Martinez
 Harold Redden
 Molly Long
 Adam Shirazi

and be it further

Resolved, That Thomas DeGonia (formerly president of the Law, Government, Public Safety, and Administration Cluster Advisory Board) shall continue as President of the Montgomery County Collaboration Board for Career and Technology Education for a term due to expire June 30, 2011.

RESOLUTION NO. 319-10 Re: **APPEALS**

On motion of Mr. Barclay seconded by Ms. Brandman, the following resolution was adopted unanimously:

WHEREAS, The Board of Education has met in closed session and deliberated on an appeal brought before its members acting in its quasi-judicial capacity under Section 10-508(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 appeal 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> |
|----------------------|-------------|--------------------|
| 2010-3 | Placement | Affirmed |

Re: **BOARD COMMITTEE UPDATES**

Dr. Docca reported that the Strategic Planning and Communication and Public Engagement committees have meet to review the budget forums. It was decided that they process will be *What Counts* with invited participants as well as other volunteers.

Re: **NEW BUSINESS**

There was no new business.

Re: **ITEMS OF INFORMATION**

The following documents were available:

- Legal Fees Report
- Construction Progress Report
- Update on Contract Awards for On-Call Heating, Ventilation, Air Conditioning Replacement Services and On-Call Construction Services

RESOLUTION NO. 320-10 Re: **ADJOURNMENT**

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

Resolved, That the Board of Education adjourn its meeting of June 8, 2010, at 3:50 p.m.

PRESIDENT

SECRETARY

JDW:gr

| RESOLUTION | BARCLAY | BERTHIAUME | BRANDMAN | DOCCA | DURSO | HWANG | KAUFFMAN | O'NEILL |
|--------------------------|---------|------------|----------|-------|-------|-------|----------|---------|
| FY 2011 Operating Budget | A | N | A | A | A | (A) | A | A |
| Global Garden, Inc. | A | A | A | A | A | A | A | A |
| Crossways, Inc. | A | A | A | A | A | A | A | A |

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

MONTGOMERY COUNTY BOARD OF EDUCATION

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DRAFT