

APPROVED
23-2010

Rockville, Maryland
August 26, 2010

The Board of Education of Montgomery County held a business meeting at the Carver Educational Services Center, Rockville, Maryland, on August 26, 2010, at 12:30 p.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. Philip Kauffman
Mr. Alan Xie
Dr. Jerry Weast, Secretary/Treasurer

Absent: None

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

** Mr. Xie joined the meeting in progress

RESOLUTION NO. 424-10 Re: **RESOLUTION FOR CLOSED SESSION**

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 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 session; now therefore be it

Resolved, That the Board of Education of Montgomery County conduct a closed session on August 26, 2010, in Room 120 from 12:30 to 2:00 p.m.; and be it further

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

Resolved, That the Board of Education of Montgomery County dedicate part of the closed session on August 26, 2010, to acquit its administrative functions, including selecting the recipients for the Distinguished Service Awards 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 session until the completion of business.

Re: PLEDGE OF ALLEGIANCE

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

RESOLUTION NO. 425-10Re: 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 August 26, 2010.

RESOLUTION NO. 426-10Re: IN APPRECIATION OF STEPHEN N. ABRAMS

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

WHEREAS, Mr. Stephen N. Abrams, who passed away on August 1, 2010, served as a member of the Montgomery County Board of Education for three terms in 1992–1996, 1998–2002, and 2004–2008; and

WHEREAS, Mr. Abrams was a tireless and relentless advocate for the students of Montgomery County and a true believer in enhancing the academic ability of all children; and

WHEREAS, Mr. Abrams was a forward-looking, out-of-the-box thinker that helped Montgomery County move its schools into the 21st century through the use of innovation and technology; and

WHEREAS, During his tenure on the Montgomery County Board of Education, Mr. Abrams had the ability to look at issues from every side and spark meaningful discussions about structural changes in education; and

WHEREAS, Even after he left the Board of Education, Mr. Abrams continued to be a strong advocate for the students and staff of Montgomery County Public Schools and his passion for education will be missed; now therefore be it

Resolved, That on behalf of the students and staff of Montgomery County Public Schools, the Montgomery County Board of Education offers our deepest sympathies to Mr. Abrams’ wife, his family, and friends.

Re: **PUBLIC COMMENTS**

The following person testified before the Board of Education:

| <u>Person</u> | <u>Topic</u> |
|---------------|---------------------------|
| Joseph Jordan | Sports Arena/Civic Center |

Re: **BOARD/SUPERINTENDENT COMMENTS**

In the wake of the Dr. Weast's retirement announced, each Board member commented on the superintendent's contribution to Montgomery County Public Schools. Those comments include Dr. Weast's passion for educating children and his tireless support and advocacy for all children, his development of leadership, and enhancing the brand of MCPS.

Board members recognized Mr. Abrams' contributions to MCPS and his "out-of-the-box" thinking, which helped his colleagues in their decision-making roles.

Mr. Durso commented that he attended an open house at the Residency and International Student Admissions Office. Since it is the first impression for some parents and students, he wanted to acknowledge the work of staff.

Ms. Berthiaume congratulated Dr. Grasmick on the approval of the Race to the Top application.

Mr. Barclay commented on the Residency and International Admissions Office, and he applauded the staff and the unified services for families.

Ms. Brandman welcomed back the teachers and students for the coming school year, and she wished them the best. She invited people to attend the Back-to-School Fair on August 28, 2010.

Mrs. O'Neill recognized the new teacher orientation and the excellence of the on-boarding process.

Dr. Weast thanked the Board members for their kind remarks. Also, Dr. Weast would love to have a graduation site in Montgomery County. Mr. James Schafer, a physics and mathematics teacher at Montgomery Blair High School, has been named a finalist for 2010–11 Maryland Teacher of the Year. Finally, Dr. Weast noted that more students are taking the ACT test for college admission.

RESOLUTION NO. 427-10 Re: **CONTRACTS OF \$25,000 OR MORE**

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, Funds have been budgeted for the purchase of equipment, supplies, and contractual services; now therefore be it

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

| | | |
|-------------------|--|-----------|
| 03670000 79GH | Off the Lot New Vehicles | |
| | <u>Awardee</u> Criswell Chevrolet, Inc. | \$42,580 |
| 10-011/BP | Commodity Processing—Sandwiches—Extension | |
| | <u>Awardee</u> Don Lee Farms | \$45,540 |
| GS-35F -0765R | Information Technology Equipment, Software & Services—Extension | |
| | <u>Awardee</u> Netcom Technologies, Inc. | \$847,000 |
| JMI-604-08 | Fire Alarm System Installations, Repairs, Parts, Inspections and Preventative Maintenance—Extension** | |
| | <u>Awardee</u> Advanced Fire Protection Systems LLC | \$30,000 |
| RQ08934 78222A | Chiller Diagnostic Analysis and Preventative Maintenance—Extension | |
| | <u>Awardee</u> Boland Trane Services | \$150,000 |
| 4142.3 | Purchase of Uniforms | |
| | <u>Awardee</u> Classic Custom Products* | \$300,000 |
| 4231.1 | Discovery Education Site License—Extension | |
| | <u>Awardee</u> Discovery Education | \$192,820 |
| 4262.1 | School-based Partnership with Gaithersburg High School—Extension | |

| | | |
|--------|--|-----------|
| | <u>Awardee</u> Identity, Inc. | \$50,000 |
| 4266.1 | Docutech 6135 Copier Maintenance—Extension | |
| | <u>Awardee</u> Xerox Corporation | \$307,432 |
| 4274.1 | Lawson Consulting and Maintenance—Extension | |
| | <u>Awardee</u> Lawson Software Americas, Inc. | \$240,000 |
| 4285.1 | Consultant for Process Management and Improvement Services—Extension | |
| | <u>Awardee</u> 3M CB LLC | \$65,000 |
| 4300.1 | Implementation Services under the Autism Waiver—Extension | |
| | <u>Awardee</u> Montgomery County Department of Health and Human Services | \$400,000 |
| 4301.1 | Scheduling Package Maintenance—Extension | |
| | <u>Awardee</u> NCS Pearson, Inc. | \$95,565 |
| 7111.3 | Automotive Body Shop Paints and Supplies—Extension | |
| | <u>Awardee</u> Mattos Pro Finishes | \$67,575 |
| 9013.8 | Industrial and Technology Hand Tools | |
| | <u>Awardees</u> Brodhead Garrett Company | \$ 1,500 |
| | Electronix Express | 6,691 |
| | Fastenal Company | 28,200 |
| | Metco | 8,057 |
| | Paxton/Patterson LLC | 8,107 |
| | Pikesville Lumber Company | 1,000 |
| | Powerhouse Tool & Supply, Inc.* | 19,727 |
| | Rutland Tool & Supply, Inc. | 4,553 |

| | | |
|--------|--|---------------|
| | Satco Supply | <u>85,627</u> |
| | Total | \$163,462 |
| 9181.4 | Masonry Thru-Wall Flashing & Waterproofing** | |
| | <u>Awardee</u> | |
| | Walker Willis/T/A Custom Masonry | \$450,000 |
| | TOTAL PROCUREMENT CONTRACTS OVER \$25,000 | \$3,446,974 |

* 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. 428-10 Re: **MASTER LEASE FINANCING**

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 Board of Education authorized the master lease program as first consideration for the source of financing the acquisition of school buses, technology modernization equipment, and other essential vehicles and equipment needed through August 2013; and

WHEREAS, Request For Proposal Number 1072.3 was duly advertised for seeking proposals for preferred municipal master lease financing; and

WHEREAS, On May 20, 2010, the Montgomery County Board of Education received proposals for financing under Request for Proposal Number 1072.3 and has determined that Banc of America Public Capital Corporation is the financing vendor offering the most favorable equipment financing through a master lease/purchase program; and

WHEREAS, Banc of America Public Capital Corporation has agreed to provide the required financing for essential vehicles and equipment, at a preferred municipal rate; and

WHEREAS, the Montgomery County Board of Education approved the purchase of school buses, copiers, computers, associated hardware, and services in the aggregate amount of \$23,775,686, to be financed through the Master Lease Agreement and now intends to finance these equipment acquisitions through the new Master Lease Agreement by amending the earlier resolutions and substituting Banc of America Public Capital Corporation as the financing vendor; now therefore be it

Resolved, That the Montgomery County Board of Education award Request for Proposal Number 1072.3 to Banc of America Public Capital Corporation for a Master Lease

Agreement in accordance with the bid specifications and the bidder's proposal, subject to the non-appropriation clause as set forth in the Master Lease Agreement documents; and be it further

Resolved, That school buses in the amount of \$10,190,933 be lease/purchased for a six-year term, copiers in the amount of \$450,000 be lease/purchased for a three-year term, and computers, associated hardware, and services in the amount of \$13,134,753 be lease/purchased for a four-year term under the Master Lease Agreement with Banc of America Public Capital Corporation; and be it further

Resolved, That Montgomery County Board of Education Resolutions 424-09 and 472-09 approving the lease purchase of school buses in the amount of \$10,190,933, that Montgomery County Board of Education Resolution 228-10 approving the lease purchase of copiers in the amount of \$450,000, and that Montgomery County Board of Education Resolution 229-10 approving the lease purchase of computers, associated hardware and services in the amount of \$13,134,753 be amended by substituting Banc of America Public Capital Corporation as the financing vendor in place of First Southwest Leasing Company; and be it further

Resolved, That the Montgomery County Board of Education authorize proceeds from the aforementioned financing be used to reimburse Montgomery County Public Schools accounts to the extent that such equipment has or will be acquired before closing; and be it further

Resolved, That the superintendent of schools and Montgomery County Board of Education president are authorized, empowered, and directed to approve, execute, and deliver on behalf of the Montgomery County Board of Education the documents necessary to implement this Master Lease Agreement and related documents with whatever changes may be necessary or appropriate and to complete the lease purchases approved herein.

RESOLUTION NO. 429-10 Re: **CONTRACT APPROVAL FOR BID NO.
7094.4, AFTERMARKET AUTOMOTIVE
PARTS**

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, Funds have been budgeted and/or identified for the purchase of aftermarket automotive parts through Bid No. 7094.4; 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:

7094.4 Aftermarket Automotive Parts

Awardees

| | |
|-------------------------------------|--------------|
| Academy Ford Sales* | \$ 25,000 |
| American Bus Sales and Service | 300,000 |
| Best Battery Company, Inc. | 10,000 |
| Fleetpride, Inc. | 10,000 |
| J. G. Parks & Son, Inc. | 745,715 |
| Johnson & Towers, Inc. | 178,270 |
| Johnson Truck Center | 233,000 |
| K Neal International Trucks, Inc.* | 1,097,079 |
| Kingmor Supply, Inc. | 172,536 |
| Looper Servicer, Inc. | 38,749 |
| Northern Virginia Supply, Inc. | 83,421 |
| Parts Authority Southern | 150,000 |
| R&S Auto & Truck Spring Works, Inc. | 23,500 |
| School Bus Parts Company | <u>5,500</u> |
| Total | \$3,072,770 |

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

RESOLUTION NO. 430-10 Re: **AWARD OF CONTRACT – ROLLING
TERRACE ELEMENTARY SCHOOL,
SCHOOL-BASED HEALTH CENTER
ADDITION**

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 following sealed bids were received July 1, 2010, for the Rolling Terrace Elementary School School-based Health Center addition project:

| <u>Bidder</u> | <u>Amount</u> |
|---|---------------|
| Keller Brothers, Inc. | \$1,310,990 |
| Tuckman-Barbee Construction Company, Inc. | 1,395,000 |
| Henley Construction Company, Inc. | 1,404,300 |
| William F. Klingensmith, Inc. | 1,412,100 |
| Scheibel Construction | 1,427,000 |
| John W. Brawner Contracting Company, Inc. | 1,951,495 |

and

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

WHEREAS, The low bidder, Keller Brothers, Inc., has submitted 14.39 percent Maryland Department of Transportation-certified Minority Business Enterprise participation, of which

0.79 percent is African American, 2.35 percent is women-owned, and 11.25 percent is other minority-owned; and

WHEREAS, The project is being funded by the Montgomery County Department of Health and Human Services; and

WHEREAS, Montgomery County Public Schools is Montgomery County Department of Health and Human Services' representative for the project and the Department of Facilities Management will administer the project; and

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

Resolved, That a \$1,310,990 contract be awarded to Keller Brothers, Inc. for the Rolling Terrace Elementary School School-based Health Center addition, in accordance with drawings and specifications prepared by Smolen Emr Ilkovitch Architects, Inc.; and be it further

Resolved, That a copy of the contract be forwarded to the Montgomery County Department of Health and Human Services for approval and funding for the project.

RESOLUTION NO. 431-10 Re: **CONSULTANT APPOINTMENT – FACILITIES ASSESSMENT AND CRITERIA TESTING**

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, It is necessary to appoint a consulting firm to provide professional and technical services to assess and rank the facilities approved on July 8, 2010, to be included as a part of the Fiscal Year 2013–2018 Capital Improvements Program request; and

WHEREAS, Funds for this assessment were programmed as part of the Fiscal Year 2011 Capital Budget; and

WHEREAS, A Consultant Selection Committee, in accordance with procedures adopted by the Board of Education on April 20, 2006, identified EMG Corporation as the most qualified firm to provide the necessary assessment services; and

WHEREAS, Staff from the Montgomery County Public Schools Department of Facilities Management has negotiated a fee for the necessary assessment services; now therefore be it

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with the consulting firm of EMG Corporation to provide professional assessment services for a fee of \$450,000.

RESOLUTION NO. 432-10

Re: **PRECONSTRUCTION/CONSTRUCTION
MANAGEMENT SERVICES – BEL PRE
ELEMENTARY SCHOOL MODERNIZATION**

WHEREAS, The Fiscal Year 2011–2016 Capital Improvements Program includes planning funds for the modernization of Bel Pre Elementary School; and

WHEREAS, The design phase of this project is commencing, with construction scheduled to begin in January 2013 and to be completed by August 2014; and

WHEREAS, Staff from the Montgomery County Public Schools' Department of Facilities Management has recommended that this project be completed using a construction management delivery system due to the project's complexities and the scope of work; and

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

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

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

WHEREAS, Staff from the Montgomery County Public Schools' Department of Facilities Management has negotiated a fee for the preconstruction services; and

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

Resolved, That the Montgomery County Board of Education enter into a contractual agreement with Bovis Lend Lease, Inc. to provide phase one preconstruction services for cost estimating, value engineering, constructability reviews, and the development of the construction implementation schedule for the modernization of Bel Pre Elementary School for a fee of \$74,916.

RESOLUTION NO. 433-10

Re: **GARRETT PARK ELEMENTARY SCHOOL –
FOREST CONSERVATION AGREEMENTS**

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, Forest Conservation Plan No. MR2010701 (the Plan), for the modernization of Garrett Park Elementary School, located at 4810 Oxford Street in Garrett Park, Maryland, establishes the need for a 0.46 acre of forest conservation to satisfy environmental code requirements for tree loss during construction; and

WHEREAS, The Board of Education must acquire Forest Conservation Credits in an off-site mitigation bank that has been approved by the Maryland-National Capital Park and Planning Commission, because there is insufficient space at Garrett Park Elementary School to accommodate the required forest conservation; and

WHEREAS, Staff has negotiated a purchase price of \$11,580 for a 0.46 acre of Forest Conservation Credits from Winchester Homes, Inc. in an approved Forest Conservation Mitigation Bank, to satisfy the Plan's requirements in compliance with Article II of Chapter 22A of the Montgomery County Code; and

WHEREAS, Winchester Homes, Inc. will accept all responsibility for the continued maintenance, monitoring, and protection of the Forest Conservation Mitigation Bank; and

WHEREAS, A Certificate of Compliance Agreement among the Board of Education, Winchester Homes, Inc., and the Maryland-National Capital Park and Planning Commission has been drafted and reviewed by the Board of Education's attorney, which when executed by the parties, will evidence compliance and participation with the environmental code requirements for forest conservation; now therefore be it

Resolved, That the president and secretary of the Board of Education be authorized to execute an Agreement of Sale with Winchester Homes, Inc. in the amount of \$11,580 for a 0.46 acre of off-site Forest Conservation Credits for Garrett Park Elementary School; and be it further

Resolved, That the president and secretary of the Board of Education be authorized to execute a Certificate of Compliance Agreement with Winchester Homes, Inc. and the Maryland-National Capital Park and Planning Commission establishing the Conservation Easement at the off-site location.

RESOLUTION NO. 434-10 Re: **GARRETT PARK ELEMENTARY SCHOOL –
SHARED SITE—UTILITY SYSTEM BILLING
AND MAINTENANCE AGREEMENT**

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 Washington Suburban Sanitary Commission has requested a Shared Site—Utility System Billing and Maintenance Agreement for the modernization of Garrett Park Elementary School, located at 4810 Oxford Street in Garrett Park, Maryland; and

WHEREAS, Currently there is a shared water and sewer service system for both Garrett Park Elementary School and the owner of Parcel P900, known as Garrett Park Estates Local Park, now titled to the Maryland-National Capital Park and Planning Commission; and

WHEREAS, The Washington Suburban Sanitary Commission requires execution of the Shared Site—Utility System Billing and Maintenance Agreement that sets forth terms for future maintenance and billing for the shared water and sewer service connections; and

WHEREAS, The Shared Site—Utility System Billing and Maintenance Agreement stipulates that the owners of each of the parcels are jointly liable for all of the costs of providing water service to their properties and further agree that they shall retain responsibility for allocating costs and that the terms of the Shared Site—Utility System Billing and Maintenance Agreement shall continue for the duration of the ownership of the land by each party; and

WHEREAS, Montgomery County Public Schools will be responsible for invoicing the owner of Parcel P900; now therefore be it

Resolved, That the president and secretary of the Montgomery County Board of Education be authorized to execute a Shared Site—Utility System Billing and Maintenance Agreement at Garrett Park Elementary School.

RESOLUTION NO. 435-10

Re: **FIRST AMENDMENT TO GAITHERSBURG
AQUATIC CENTER AGREEMENT**

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 Board of Education and the City of Gaithersburg entered into a Joint Use Agreement in 2003 for the use, maintenance, and operation of the Gaithersburg Aquatic Center located at Gaithersburg Middle School; and

WHEREAS, The City's Department of Parks, Recreation, and Culture operates the indoor pool, known as the Gaithersburg Aquatic Center, for public use after school and on weekends; and

WHEREAS, The Joint Use Agreement has expired and the parties desire to extend the term of the agreement for 15 years to meet the terms of grant funding to improve locker rooms, plumbing fixtures, lighting, and the front counter reception area; now therefore be it

Resolved, That the Montgomery County Board of Education president and secretary be authorized to execute a First Amendment to the Gaithersburg Aquatics Center Agreement, extending the term until July 31, 2025, contingent upon yearly appropriation of operating funds by both the City of Gaithersburg and the Montgomery County Board of Education.

RESOLUTION NO. 436-10

Re: **LEASE RENEWALS FOR RELOCATABLE
CLASSROOMS WITH VANGUARD
MODULAR BUILDING SYSTEMS**

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 original leases for 24 relocatable classrooms owned by Vanguard Modular Building Systems expired as of June 30, 2010; and

WHEREAS, There is a continuing need for 19 of the 24 units for the next school year, while three units have been identified for return to the vendor, and two units were returned in 2009; and

WHEREAS, Staff from the Montgomery County Public Schools' Department of Facilities Management has negotiated a one-year renewal cost for the 19 units that are still needed of \$96,264, or an average cost of \$5,067 per unit, which is an increase of \$3.00 per unit; now therefore be it

Resolved, That the Montgomery County Board of Education authorize the superintendent of schools to execute renewal leases with Vanguard Modular Building Systems for a total one-year cost of \$96,264.

RESOLUTION NO. 437-10 Re: **LEASE RENEWALS FOR RELOCATABLE
CLASSROOMS WITH WILLIAMS
SCOTSMAN, INC.**

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 original leases for 63 relocatable classrooms owned by Williams Scotsman, Inc. expired as of June 30, 2010; and

WHEREAS, There is a continuing need for 62 of the 63 units for the next school year, while one unit has been identified for return to the vendor; and

WHEREAS, Staff from the Montgomery County Public Schools Department of Facilities Management has negotiated a one-year renewal cost for the 62 units that are still needed at an annual cost of \$345,504, or an average cost of \$5,573 per unit, which is an increase of \$13.00 per unit; now therefore be it

Resolved, That the Montgomery County Board of Education authorize the superintendent of schools to execute renewal leases with Williams Scotsman, Inc. for a total one-year cost of \$345,504.

RESOLUTION NO. 438-10 Re: **UTILIZATION OF THE FISCAL YEAR 2011
PROVISION FOR FUTURE SUPPORTED
PROJECTS**

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 above-noted grants qualify for a transfer of appropriation from the Provision for Future Supported Projects, pursuant to the provisions of County Council Resolution No. 16-1374, approved May 27, 2010; and

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

WHEREAS, Sufficient appropriation is available, within the Fiscal Year 2011 Provision for Future Supported Projects, to permit the above-noted transfers within state categories; now therefore be it

Resolved, That the superintendent of schools be authorized by the Montgomery County Board of Education to receive and expend \$172,888 within the Fiscal Year 2011 Provision for Future Supported Projects, as specified below:

| <u>Project</u> | <u>Amount</u> |
|---|-------------------|
| Maryland STEM Portfolio | \$ 104,079 |
| Youth in Natural Resources | 1,153 |
| Education for Homeless Children and Youth Program | 35,000 |
| Carl D. Perkins Career and Technical Education Act—Career and Technology Education Reserve | <u>32,656</u> |
| Total | <u>\$ 172,888</u> |

and be it further

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

RESOLUTION NO. 439-10 Re: **HUMAN RESOURCES MONTHLY REPORT**

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

Resolved, That the Board of Education approve the Human Resources Monthly Report dated August 26, 2010.

RESOLUTION NO. 440-10

Re: **DEATH OF MS. CYNTHIA L. SMITH,
TEACHER, SPECIAL EDUCATION,
THURGOOD MARSHALL ELEMENTARY
SCHOOL**

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 death on June 23, 2010, of Ms. Cynthia L. Smith, special education teacher at Thurgood Marshall Elementary School, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, During the 38.10 years that Ms. Smith worked for Montgomery County Public Schools, she conveyed a professional and caring atmosphere; and

WHEREAS, Ms. Smith was very patient and understanding, and always involved the parents in their child's school life and decisions about their education; 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. Smith 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. Smith's family.

RESOLUTION NO. 441-10

Re: **APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective August 27, 2010:

- Marjorie D. Lope, currently acting supervisor, Division of Accelerated and Enriched Instruction, as supervisor, Division of Accelerated and Enriched Instruction

** Mr. Xie joined the meeting at this point.

Re: **READINESS FOR OPENING SCHOOLS**

Dr. Weast explained that the school system was prepared for the opening of schools this year through enormous efforts of all staff. During the summer, capital projects were completed, students fed, roofs replaced, 17,000 computers install or refreshed, teachers hired, school buses purchased, and all facilities cleaned.

Mr. Larry A. Bowers, chief operating officer, mentioned the following areas where staff has been working this summer:

1. Enrollment and allocation of staff
2. Teacher recruitment and hiring
3. Construction projects
4. Maintenance projects
5. Work orders
6. Emergency management system
7. FARMS applications
8. Menu enhancements
9. Transportation/drivers hired
10. Technology installed
11. Professional development/training

Dr. Frieda K. Lacey, deputy superintendent, presented a video from staff declaring that "WE ARE READY!"

** Mr. Barclay left the meeting.

RESOLUTION NO. 442-10 Re: **CLOSED SESSION RESOLUTION**

On recommendation of the superintendent and on motion of Ms. Brandman seconded by Mr. Kauffman, the following resolution was adopted unanimously by member 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 Thursday, September 16, 2010, in Room 120 of the Carver Educational Services Center to meet from 9:00 to 10:00 a.m. and 12:00 to 1:00 p.m. to discuss personnel matters, as permitted under Section 10-508(a)(1) of the *State Government Article*; consult with counsel to obtain legal advice while the Board reviews and adjudicates appeals in its quasi-judicial capacity; and to discuss matters of an executive 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 meetings shall continue in closed session until the completion of business.

RESOLUTION NO. 443-10 Re: **REPORT OF CLOSED SESSION**

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

On July 26, 2010, by unanimous vote of members present, the Board of Education voted to conduct closed sessions as permitted under the *State Government Article* Section 10-508, *et seq.*, of the *Annotated Code of Maryland*.

The Montgomery County Board of Education met in a closed session on July 26, 2010, from 5:35 to 6:20 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and

12. Reviewed and approved the Decisions and Orders for the following appeals: 2010-11, 2010-12, 2010-14, T-2010-9, T-2010-10, T-2010-11, T-2010-12, T-2010-14, and NEC-2010-15.
13. 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*): T-2010-16, NEC-2010-17, DCC-2010-18, T-2010-19 (held until August 26, 2010), and T-2010-20.
14. Received legal advice to review appeals, as permitted under Section 10-508(a)(7) of the *State Government Article*.
15. Discussed the Human Resources Monthly Report and Appointments with a subsequent vote in open session, as permitted under Section 10-508(a)(1) of the *State Government Article*.

In attendance at the closed session for appeals were Chris Barclay, Laura Berthiaume, Shirley Brandman, Patrick Clancy (5:35 to 6:12 p.m. for appeals only), Judy Docca, Mike Durso, Phil Kauffman, Alan Xie, Roland Ikheloa, Suzann King, Glenda Rose, and Laura Steinberg. They were later joined by Larry Bowers, Brian Edwards, Carole Goodman, Ursula Hermann, Frieda Lacey, Erick Lang, Bronda Mills, Chris Richardson, Frank Stetson, and Jerry Weast for the items not related to the appeals.

RESOLUTION NO. 444-10 Re: **BOARD OF EDUCATION MINUTES**

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

Resolved, That the Board of Education approve its minutes from the meetings of June 8, June 22, and June 28, 2010.

RESOLUTION NO. 445-10 Re: **APPEALS**

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

WHEREAS, The Board of Education has met in closed session and deliberated on appeals brought before its members acting in its quasi-judicial capacity under Section 10-508(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 appeals reflective of the Board members' votes in closed session, the disposition of which will be recorded in the minutes of today's meeting:

| <u>Appeal Number</u> | <u>Type</u> | <u>Disposition</u> |
|----------------------|--------------------------------|--------------------|
| 2010-18 | Early Entrance to Kindergarten | Affirmed |
| 2010-19 | Highly Gifted Center | Affirmed |
| 2010-20 | Early Entrance to Kindergarten | Affirmed |
| 2010-21 | Early Entrance to Kindergarten | Affirmed |
| 2010-23 | Early Entrance to Kindergarten | Affirmed |
| 2010-24 | Personnel Dismissal | Assigned to HE |
| 2010-25 | Spanish Immersion Program | Affirmed |
| T-2010-19 | Student Transfer | Affirmed |
| T-2010-21 | Student Transfer | Dismissed |
| T-2010-23 | Student Transfer | Affirmed |
| T-2010-24 | Student Transfer | Affirmed |
| T-2010-25 | Student Transfer | Affirmed |
| T-2010-27 | Student Transfer | Affirmed |
| T-2010-28 | Student Transfer | Affirmed |

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

There were no committee updates.

Re: **NEW BUSINESS**

There was no new business.

Re: **ITEMS OF INFORMATION**

The following documents were available:

1. Legal Fees Report
2. Construction Progress Report
3. Minority-, Female-, Or Disabled-Owned Business Procurement Report for the Fourth Quarter of Fiscal Year 2010

RESOLUTION NO. 446-10

Re: **ADJOURNMENT**

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

Resolved, That the Board of Education adjourn its meeting of August 26, 2010, at 4:00 p.m.

PRESIDENT

SECRETARY

JDW:gr

**MONTGOMERY COUNTY BOARD OF EDUCATION
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August 26, 2010**

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