

APPROVED
26-2012

Rockville, Maryland
September 11, 2012

The Board of Education of Montgomery County held a business meeting at the Carver Educational Services Center, 850 Hungerford Drive, Rockville, Maryland, on September 11, 2012, beginning at 12:00 p.m.

Present: Ms. Shirley Brandman, President
in the Chair
Mr. Christopher Barclay
Ms. Laura Berthiaume
Dr. Judy Docca
Mr. Michael Durso
Mr. Philip Kauffman
Mr. John Mannes
Mrs. Patricia O'Neill
Dr. Joshua Starr, Secretary/Treasurer

Absent: None

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

With a quorum present, the Board of Education met in open session at 12:00 p.m.

RESOLUTION NO. 389-12 Re: **RESOLUTION FOR CLOSED SESSION**

On recommendation of the superintendent and on motion of Mr. Kauffman seconded by Mrs. O'Neill, 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 September 11, 2012, in Room 120 of the Carver Educational Services Center, 850 Hungerford Drive, Rockville, Maryland, from 12:00 to approximately 1:00 p.m.; and be it further

Resolved, That the Board receive legal advice as the Board adjudicates appeals, which is a quasi-judicial function outside the purview of the *Open Meetings Act* and as permitted under Section 10-508(a)(7) of the *State Government Article*; and be it further

Resolved, That the superintendent of schools brief the Board on the Monthly Human Resources and Development Report, with a subsequent vote in open session, which is

an administrative function outside the purview of the *Open Meetings Act* and, to the extent any individual employee is discussed, as permitted under Section 10-508(a)(1) of the *State Government Article*; and be it further

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

Re: **OPEN SESSION**

The Board of Education met in closed session from 12:01 to 1:14 p.m. After a break, the Board of Education reconvened in open session at 1:22 p.m.

To view specific sections or the entire meeting, please watch at <http://www.montgomeryschoolsmd.org/boe/meetings/archive/2012/2012-0911.shtm>

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. 390-12 Re: **APPROVAL OF THE AGENDA**

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

Resolved, That the Board of Education approve its agenda for September 11, 2012.

RESOLUTION NO. 391-12 Re: **HISPANIC HERITAGE MONTH**

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

WHEREAS, Twenty-four years ago, the United States Congress passed a joint resolution, which proclaimed the period beginning September 15 and ending on October 15 as National Hispanic Heritage Month; and

WHEREAS, Hispanics or Latinos have strengthened America's resolve through their perseverance and have affirmed the narrative of American unity and progress, and within Montgomery County Public Schools comprise 26 percent of our student population; and

WHEREAS, Hispanics or Latinos have shared their creativity and innovation in the sciences, politics, education, business, technology, the arts, and sports; and

WHEREAS, Hispanics or Latinos honor the rich traditions found in close communities with centuries-old roots in America and authenticate the energy and drive of our recent immigrants; now therefore be it

Resolved, That on behalf of the Board of Education, the superintendent of schools, and the staff members, students, and families of Montgomery County Public Schools, the Board of Education hereby declares September 15 to October 15, 2012, to be observed as “Hispanic Heritage Month.”

RESOLUTION NO. 392-12 Re: **SEPTEMBER 11 REMEMBRANCE**

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

WHEREAS, On September 11, 2001, the United States of America was attacked by terrorists; and

WHEREAS, A total of 2,981 innocent people from more than 90 countries lost their lives and more than 300 valiant first responders were lost in New York, New York; Arlington, Virginia; and Shanksville, Pennsylvania; and

WHEREAS, As a nation and a community we were profoundly affected by this loss of life; and

WHEREAS, We are committed to remembering the men, women, and children who lost their lives to the acts of terrorism on September 11, 2001, and joining together nationally and internationally to honor them; now therefore be it

Resolved, That the Board of Education and the superintendent of schools solemnly proclaim September 11, 2012, as “September 11, A Day of Remembrance.”

Re: **PUBLIC COMMENTS**

There were no public comments.

Re: **BOARD/SUPERINTENDENT COMMENTS**

Mrs. O’Neill asked the superintendent to review the regulation on Portable Communication Devices to ensure that it accounts for the use of 21st century technology. After that review, the superintendent should make a recommendation if he believes there is a need for a policy.

Re: **ORAL UPDATE ON THE OPENING OF SCHOOLS**

Dr. Starr reported that the 2012-2013 school year is off to a great start. On August 27, the school system welcomed more than 149,000 students to our school—the highest enrollment in our district’s history. The first day of school was highlighted by the opening of Flora M. Singer Elementary School in the Downcounty Consortium and the fully

modernized Paint Branch High School. The superintendent visited more than 30 schools during the first week and he was very pleased to have board members and local elected officials join the superintendent on these visits. Everyone was impressed by how prepared the schools were for the first day and how quickly the students were engaged in learning. There was excellent instruction taking place from day one. Staff observed great examples of teachers turning the first-day jitters of our kindergarten and first-grade students into opportunities for writing, expression and exploration. There was relevant, engaging instruction and effective differentiation taking place in the high school classrooms.

The operations of the schools—from cafeterias and transportation to maintenance and the front office—were in mid-year stride, making students feel welcome, safe and supported. Nearly all of the executive leadership team spent the week touring schools and reported seeing much of the same high-quality instruction and operation at nearly every school in MCPS. There was input from principals who identified areas for possible improvement and further discussion. But, overall, it was a near perfect opening week for the school system.

RESOLUTION NO. 393-12 Re: **CONTRACTS OF \$25,000 OR MORE**

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

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

WHEREAS, Funds have been budgeted for the lease/purchase of off-the-lot, new vehicles awarded through Bid No. 0367000079GH, in the amount of \$24,025; and

WHEREAS, Funds have been budgeted for the lease/purchase of off-the-lot, new vehicles awarded through Bid. No. 0367000079GH, in the amount of \$74,381; and

WHEREAS, The acquisition of off-the-lot, new vehicles through lease/purchase agreements has been reviewed by legal counsel; now therefore be it

Resolved, That off-the-lot, new vehicles in the amount of \$24,025 be leased/purchased for a four-year term under the Master Lease/Purchase Agreement with Banc of America Public Capital Corporation; and be it further

Resolved, That off-the-lot new vehicles in the amount of \$74,381 be leased/purchased for a five-year term under the Master Lease/Purchase Agreement with Banc of America Public Capital Corporation; and be it further

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

Resolved, That the president of the Board of Education 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 follows:

| | | |
|--------|---------------------------|-----------|
| 036700 | Off-the-Lot, New Vehicles | |
| 0079GH | | |
| | <u>Awardee</u> | |
| | Criswell Chevrolet, Inc. | \$ 98,406 |

| | | |
|-----------|---|-----------|
| JCCC-1030 | Remanufactured Toner and Ink Cartridges | |
| | <u>Awardee</u> | |
| | EIS Office Solutions, Inc.* | \$400,000 |

| | | |
|---------|--|-----------|
| 1006439 | Repair and Maintenance of Underground Stormwater Management Facilities—Extension | |
| | <u>Awardee</u> | |
| | Environmental Quality Resources, LLC | \$ 30,000 |

| | | |
|--------|--|----------------|
| 4035.5 | Heating, Ventilation, and Air Conditioning/Refrigeration Equipment and Parts—Extension | |
| | <u>Awardees</u> | |
| | Aireco Supply Inc. | \$180,000 |
| | Applied Industrial Technologies-Dbb, Inc. | 10,000 |
| | Associated Controls Inc.* | 5,000 |
| | Boland Trane Services, Inc. | 119,000 |
| | Capitol Compressor, Inc. | 10,000 |
| | Capp, Inc. | 80,000 |
| | Chesapeake Systems, LLC | 65,000 |
| | Havtech | 65,000 |
| | H. M. Sweeny Company | 65,000 |
| | M&M Controls, Inc. | 8,000 |
| | RPC, Inc. | 8,000 |
| | Smart Supply Company, Inc. | 40,000 |
| | United Refrigeration, Inc. | <u>125,000</u> |
| | Total | \$780,000 |

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|--------|--|-----------|
| 4042.6 | Boiler Supplies and Associated Materials | |
| | <u>Awardees</u> | |
| | Best Plumbing Specialties, Inc. | \$ 34,500 |

| | | |
|---------|---|---------------|
| | Capp, Inc. | 12,500 |
| | H. M. Sweeny Company | 24,000 |
| | M & M Controls, Inc. | 7,500 |
| | MDM Products, LLC | 4,000 |
| | Noland Company | 88,500 |
| | R. E. Michel Company, Inc. | 46,000 |
| | Southern Utilities Company, Inc. | <u>59,500</u> |
| | Total | \$276,500 |
| 4287.1 | PSAT/NMSQT Student Testing Program—Extension | |
| | <u>Awardee</u> | |
| | The College Board | \$117,524 |
| 4302.1 | Apex Learning Digital Curriculum—Extension | |
| | <u>Awardee</u> | |
| | Apex Learning, Inc. | \$ 30,650 |
| 7219.1 | Intellias Job Automation Application | |
| | <u>Awardee</u> | |
| | Intellias | \$ 65,723 |
| 9015.6 | Ceiling Board and Grid System Materials | |
| | <u>Awardees</u> | |
| | B&B Concepts* | \$ 49,000 |
| | Capitol Building Supply | 8,596 |
| | Liberty Lumber and Supply Company | <u>17,031</u> |
| | Total | \$ 74,627 |
| 9028.4 | Tree Maintenance, Removal, and New Tree Planting Services | |
| | <u>Awardees</u> (See note) | |
| | Bartlett Tree Experts Company, Inc. | |
| | Mead Tree & Turf Care, Inc. | |
| | Takoma Tree Experts, Inc. | |
| | Total | \$200,000 |
| 9103.10 | Groceries and Staples | |
| | <u>Awardee</u> | |
| | Kellogg's Food Away From Home | \$ 40,000 |
| 9139.1 | Refrigerated and Frozen Foods | |

| | | |
|--------|---|---------------|
| | <u>Awardees</u> | |
| | Conagra Foods, Inc. | \$ 41,700 |
| | Cargill Kitchen Solutions | <u>2,800</u> |
| | Total | \$ 44,500 |
| 9154.5 | Industrial Hygiene and Laboratory Services | |
| | <u>Awardee</u> | |
| | Chamber Environmental, Inc.* | \$176,882 |
| 9435.1 | Indoor Air Quality Equipment and Supplies—Extension | |
| | <u>Awardees</u> | |
| | American Environmental Enterprises | \$ 7,000 |
| | Grainger, Inc. | 30,000 |
| | Smart Supply Company, Inc. | <u>33,000</u> |
| | Total | \$ 70,000 |
| 9515.6 | Middle School Athletic Shirts—Extension | |
| | <u>Awardee</u> | |
| | The Incentive Mall* | \$ 45,801 |
| | TOTAL PROCUREMENT CONTRACTS OVER \$25,000 | \$2,450,613 |

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

Note: Contract amounts will be based on individual requirements.

RESOLUTION NO. 394-12 Re: **ARCHITECTURAL APPOINTMENT—
ARCOLA ELEMENTARY SCHOOL
ADDITION PROJECT**

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

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

WHEREAS, The preliminary construction cost estimate for this work is approximately \$2,520,000; and

WHEREAS, Funds for architectural planning were programmed as part of the Fiscal Year 2013 Capital Budget; and

WHEREAS, An Architect Selection Committee, in accordance with procedures adopted by the Board of Education on April 20, 2006, identified The Lukmire Partnership, Inc., the architectural firm that designed the original building, which opened in 2007, as the most qualified firm to provide the necessary professional architectural and engineering services; and

WHEREAS, Staff in the Department of Facilities Management has negotiated a fee for the necessary architectural and engineering services that includes two Maryland Department of Transportation-certified, minority-owned firms and one non-certified, minority-owned firm; now therefore be it

Resolved, That the Montgomery County Board of Education enters into a contractual agreement with the architectural firm of The Lukmire Partnership, Inc. to provide professional architectural and engineering services for the Arcola Elementary School addition project for a fee of \$275,000.

RESOLUTION NO. 395-12 Re: **ARCHITECTURAL APPOINTMENT—
BETHESDA ELEMENTARY SCHOOL
ADDITION PROJECT**

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

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

WHEREAS, The preliminary construction cost estimate for this work is approximately \$2,815,300; and

WHEREAS, Funds for architectural planning were programmed as part of the Fiscal Year 2013 Capital Budget; and

WHEREAS, An Architect Selection Committee, in accordance with procedures adopted by the Board of Education on April 20, 2006, identified Walton, Madden, Cooper, Robinson, Poness, Inc., the architectural firm that designed the building modernization, which was completed in 1999, as the most qualified firm to provide the necessary professional architectural and engineering services; and

WHEREAS, Staff in the Department of Facilities Management has negotiated a fee for the necessary architectural and engineering services that includes a Maryland Department of Transportation-certified, minority-owned firm; now therefore be it

Resolved, That the Montgomery County Board of Education enters into a contractual agreement with the architectural firm of Walton, Madden, Cooper, Robinson, Poness, Inc. to provide professional architectural and engineering services for the Bethesda

Elementary School addition project for a fee of \$260,000.

RESOLUTION NO. 396-12 Re: **ARCHITECTURAL APPOINTMENT—
CLARKSBURG/DAMASCUS MIDDLE
SCHOOL #2**

On recommendation of the superintendent and on motion of Mrs. O'Neill 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 Clarksburg/Damascus Middle School #2 project; and

WHEREAS, The preliminary construction cost estimate for this work is approximately \$38,300,000; and

WHEREAS, Funds for architectural planning were programmed as part of the Fiscal Year 2013 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 in the Department of Facilities Management has negotiated a fee for the necessary architectural and engineering services that includes a Maryland Department of Transportation-certified, minority-owned firm; now therefore be it

Resolved, That the Montgomery County Board of Education enters into a contractual agreement with the architectural firm of Grimm + Parker Architects to provide professional architectural and engineering services for the Clarksburg/Damascus Middle School #2 project for a fee of \$1,704,600.

RESOLUTION NO. 397-12 Re: **ARCHITECTURAL APPOINTMENT—
CLARKSBURG HIGH SCHOOL ADDITION
PROJECT**

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

WHEREAS, It is necessary to appoint an architectural firm to provide professional and technical services during the design and construction phases for the Clarksburg High School addition project; and

WHEREAS, The preliminary construction cost estimate for this work is approximately \$8,227,000; and

WHEREAS, Funds for architectural planning were programmed as part of the Fiscal Year 2013 Capital Budget; and

WHEREAS, An Architect Selection Committee, in accordance with procedures adopted by the Board of Education on April 20, 2006, identified Delmar Architects, P.A., the architectural firm that designed the original building, which opened in 1995, as the most qualified firm to provide the necessary professional architectural and engineering services; and

WHEREAS, Staff in the Department of Facilities Management has negotiated a fee for the necessary architectural and engineering services that includes a non-Maryland Department of Transportation-certified, minority-owned firm; now therefore be it

Resolved, That the Montgomery County Board of Education enters into a contractual agreement with the architectural firm of Delmar Architects, P.A. to provide professional architectural and engineering services for the Clarksburg High School addition project for a fee of \$685,000.

RESOLUTION NO. 398-12 Re: **ARCHITECTURAL APPOINTMENT—NORTH
CHEVY CHASE ELEMENTARY SCHOOL
ADDITION PROJECT**

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

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 addition project; and

WHEREAS, The preliminary construction cost estimate for this work is approximately \$3,321,000; and

WHEREAS, Funds for architectural planning were programmed as part of the Fiscal Year 2013 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, the architectural firm that designed the recently completed gymnasium addition project, as the most qualified firm to provide the necessary professional architectural and engineering services; and

WHEREAS, Staff in the Department of Facilities Management has negotiated a fee for the necessary architectural and engineering services that includes a Maryland Department of Transportation-certified, minority-owned firm; now therefore be it

Resolved, That the Montgomery County Board of Education enters 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 addition project for a fee of \$315,500.

RESOLUTION NO. 399-12 Re: **ARCHITECTURAL APPOINTMENT—
ROSEMARY HILLS ELEMENTARY SCHOOL
ADDITION PROJECT**

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

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

WHEREAS, The preliminary construction cost estimate for this work is approximately \$3,870,000; and

WHEREAS, Funds for architectural planning were programmed as part of the Fiscal Year 2013 Capital Budget; and

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

WHEREAS, JK Architects + Associates, Inc. is a Maryland Department of Transportation-certified, minority-owned firm; and

WHEREAS, Staff in the Department of Facilities Management has negotiated a fee for the necessary architectural and engineering services; now therefore be it

Resolved, That the Montgomery County Board of Education enters into a contractual agreement with the architectural firm of JK Architects + Associates, Inc. to provide professional architectural and engineering services for the Rosemary Hills Elementary School addition project for a fee of \$455,000.

RESOLUTION NO. 400-12 Re: **COLD SPRING ELEMENTARY SCHOOL—
GRANT OF EASEMENT AND RIGHT-OF-
WAY**

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

WHEREAS, The Washington Suburban Sanitary Commission has requested a grant of easement and right-of-way at Cold Spring Elementary School, located at 9201 Falls Chapel Way in Potomac; and

WHEREAS, The proposed grant of easement and right-of-way, consisting of 1,459 square feet, is needed for the installation of a water main, meter vault, and appurtenances; and

WHEREAS, A temporary construction easement consisting of 3,212 square feet is needed during the period of original construction; and

WHEREAS, The Washington Suburban Sanitary Commission will assume responsibility for the initial expense and liability of damages or injury resulting from the installation and will be responsible for all future maintenance and repair activities; and

WHEREAS, The proposed easement and right-of-way will not affect any land that could be used for school programming and recreational activities and will provide improved water meter equipment and appurtenances; now therefore be it

Resolved, That the president of the Board of Education and the superintendent of schools be authorized to execute a permanent grant of easement and right-of-way of 1,459 square feet and a temporary construction easement of 3,212 square feet to the Washington Suburban Sanitary Commission at Cold Spring Elementary School.

RESOLUTION NO. 401-12 Re: **TRUSTEE NOMINATION—CONSOLIDATED
RETIREE HEALTH BENEFITS TRUST**

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

WHEREAS, On June 28, 2011, the County Council passed Expedited Bill 17-11 to amend the county's Retiree Health Benefits Trust to fund Other Post-Employment Benefits for Montgomery County Public Schools and Montgomery College retirees; and

WHEREAS, Expedited Bill 17-11 provided for three trustees to represent the interests of Montgomery County Public Schools, nominated by the Board of Education, appointed by the county executive, and confirmed by the County Council; and

WHEREAS, On August 24, 2011, the Board of Education approved the names of three nominees, which were subsequently approved by the county executive and appointed by the County Council; and

WHEREAS, One of those trustees, retiree Dr. Kenneth K. Muir, submitted his resignation from the Consolidated Retiree Health Benefits Trust as of May 9, 2012; now therefore be it

Resolved, That on the recommendation of the superintendent of schools, the Board of Education nominates Mr. Robert J. Doody, who will retire from Montgomery County Public Schools as of September 30, 2012, to the Consolidated Retiree Health Benefits Trust as the retiree representative; and be it further

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

RESOLUTION NO. 402-12 Re: **OFFICE OF HUMAN RESOURCES AND DEVELOPMENT MONTHLY REPORT**

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

WHEREAS, The educators and others who are employed by Montgomery County Public Schools are key partners in the important work and achievements of the school system; now therefore be it

Resolved, That the Board of Education approves the monthly Human Resources and Development Report with its listings identifying new employees, employee resignations, and other employee status updates; and be it further

Resolved, That this resolution be made a part of the minutes of this meeting.

** Mr. Durso left the meeting at this point.

RESOLUTION NO. 403-12 Re: **PRELIMINARY PLANS—MODERNIZATION OF WHEATON HIGH SCHOOL AND THOMAS EDISON HIGH SCHOOL OF TECHNOLOGY**

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

WHEREAS, The architect for the proposed Wheaton High School and Thomas Edison High School of Technology modernization project, Grimm + Parker Architects, has prepared a schematic design in accordance with the educational specifications; and

WHEREAS, The Wheaton High School and Thomas Edison High School of Technology Facility Advisory Committee has provided input for the proposed schematic design; now therefore be it

Resolved, That the Board of Education approves the preliminary plans report for the Wheaton High School and Thomas Edison High School of Technology modernization project developed by Grimm + Parker Architects.

RESOLUTION NO. 404-12

Re: **FINAL ACTION, POLICY CND, SCHOOL-RELATED FUND-RAISING**

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

WHEREAS, Policy CND, *School-Related Fund-Raising*, provides a framework for school-related fund-raising activities in or on behalf of Montgomery County Public Schools that safeguards instructional time, maximizes the safety of students, supports a common school experience for all students, and includes appropriate accountability provisions; and

WHEREAS, The draft of Policy CND, *School-Related Fund-Raising*, was tentatively adopted by the Montgomery County Board of Education on March 13, 2012, and was sent out for public comment; and

WHEREAS, The Montgomery County Board of Education has received comments and the Board of Education Policy Committee's recommendations; now therefore be it

Resolved, That the Montgomery County Board of Education adopt Policy CND, *School-Related Fund-Raising*, as updated in the attached committee recommended draft.

School-Related Fund-Raising

A. PURPOSE

To provide a framework for school-related fund-raising activities in or on behalf of Montgomery County Public Schools (MCPS) that safeguards instructional time, maximizes the safety of students, supports a common school experience for all students, and includes appropriate accountability provisions

B. ISSUE

The Montgomery County Board of Education (Board) affirms its interest in ensuring that fund-raising activities by schools or school-sponsored groups or on behalf of MCPS by parent and community groups are conducted in compliance with state law and MCPS regulations and contribute to the school experience of students without conflicting with or disrupting the operation of the instructional program or jeopardizing the safety of students. Parent and community groups include, but are not limited to, Parent Teacher Associations (PTAs), Parent Teacher Student Associations (PTSAs), foundations, and booster clubs.

The Board recognizes that funds can be raised for purposes other than instruction and that these fund-raising activities contribute to the overall experience of being a member of the school community.

C. POSITION

1. The Board encourages those seeking to make donations or raise funds for schools to collaborate with school leadership to ensure that school-related fund-raising efforts pursue shared purposes, which may include, but are not limited to, the following:
 - a) Supporting activities of school-sponsored groups, which include, but are not limited to, school classes or grade-level groups, clubs, teams, performing arts groups, and countywide student organizations
 - b) Supporting activities that benefit the student body
 - c) Providing supplemental funds to help defray the costs of optional activities that enhance MCPS programs
 - d) Raising funds and collecting donations for charitable purposes or for members of the community experiencing financial hardship. The Board affirms the value of such fund-raising activities for increasing student awareness of their membership in the local and global community.
 - e) Providing supplemental materials or equipment that enhance the instructional program or the administrative functions of the school
 - f) Providing supplemental support for staff to participate in professional development activities
2. Student safety and health are the foremost concerns for any fund-raising activity involving students and, specifically, students collecting funds directly from the public.
3. Neither parent or community groups, nor students are expected to raise funds to support specific programs or purchase materials to enhance the instructional program. Participation in school fund-raising activities shall be on a voluntary basis, and no student shall be compelled to participate or contribute.
4. While many schools and PTAs/PTSAs have emphasized fundraising in the past, raising money is not their primary focus. In Board Policy ABC, *Parent and Family Involvement*, the Board affirms the National Standards for Family-School Partnerships, and the development of parent and family involvement programs and services that are comprehensive and linked to student learning.

5. School staff should not become dependent on fund-raising activities to purchase materials and instructional equipment.
6. The Board recognizes that some activities, such as school fairs, are important because they promote parent participation and result in increasing school and community spirit in addition to any amounts of money they raise for the school.
7. Funds raised by fund-raising groups cannot be used to employ anyone to work in the schools during the regular school day.
8. The Board establishes its process for accepting non-Montgomery County government funds for improvements that qualify as capital improvements in Board Policy CNE, *Facility Improvements That Are Not Funded With Montgomery County Revenues*.
9. The Board establishes its process for naming school facilities in Board Policy FFA, *Naming School Facilities*, and prohibits naming a portion of a school facility to generate funds, unless expressly approved by the Board.
10. MCPS establishes its process for accepting donated items or purchasing materials and equipment with nonappropriated funds in MCPS Regulation DJA-RB, *Purchase of Materials and Equipment Using Nonappropriated Funds and Acceptance of Donated Items*.
11. The provisions of this policy do not apply to fund-raising activities by groups not associated with MCPS who use MCPS facilities through the Interagency Coordinating Board.

D. DESIRED OUTCOMES

1. Cooperative effort between MCPS, school and school-sponsored groups, parent and community groups, private organizations and foundations, businesses, and individuals working in partnership toward shared goals
2. Understanding and communication about the needs and resources of the schools and community
3. Transparency in purpose and implementation of fund-raising activities and appropriate accountability for such activities

E. IMPLEMENTATION STRATEGIES

The superintendent of schools will establish regulations or other administrative procedures necessary for carrying out this policy.

F. REVIEW AND REPORTING

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

RESOLUTION NO. 405-12 Re: **APPROVAL OF CONTRACTS AND FISCAL
YEAR 2013 SUPPLEMENTAL
APPROPRIATION REQUEST FOR
TECHNOLOGY MODIFICATION**

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

WHEREAS, Board of Education approval is required to purchase Promethean interactive classroom technology systems for approximately 2,000 elementary school classrooms at a total cost of \$8,949,719, and to finance the purchase with Dell Financial Services L.L.C. for a five-year period; and

WHEREAS, Board of Education approval is required to purchase Cisco wireless networking equipment, software, and services for schools at a total cost of \$5,591,758, and to finance the purchase with Banc of America for a five-year period; and

WHEREAS, When the County Council approved the Technology Modernization Program in the Fiscal Year 2013–2018 Capital Improvements Program and the Fiscal Year 2013 Capital Budget, the federal Education Rate funds were assumed to be an additional source of funding for the Technology Modernization Program in Fiscal Years 2013 and 2014 and that the Board would request a supplemental appropriation to expend these funds; and

WHEREAS, Federal Education Rate funds in the amount of \$2,042,000 are available as Fiscal Year 2013 appropriation to provide the additional funding necessary to roll out Promethean interactive technology across all elementary schools and to implement wireless networks across all schools; now therefore be it

Resolved, That the Board of Education approves the purchase of Promethean interactive classroom technology systems (pursuant to the state of Maryland contract 050B7800023) at a total cost of \$8,949,719; and be it further

Resolved, That the Board of Education finances this purchase of Promethean interactive classroom technology for a five-year period (\$1,789,944 per year for Fiscal Years 2013–2017) with Dell Financial Services L.L.C.; and be it further

Resolved, That the Board of Education approves the purchase of Cisco wireless networking equipment, software, and services (pursuant to a Montgomery County Public Schools Request for Proposal, #7067.4) at a total cost of \$5,591,758; and be it further

Resolved, That the Board of Education finances the purchase of Cisco wireless networking equipment, software, and services for a five-year period (\$1,118,352 per year for Fiscal Years 2013–2017) with Banc of America; and be it further

Resolved, That the Board of Education requests a Fiscal Year 2013 supplemental appropriation in the amount of \$2,042,000 to expand federal Education Rate funds received in Fiscal Year 2013 to support implementation of these essential technology infrastructure priority improvements; and be it further

Resolved, That the purchase of the equipment is dependent on County Council approval of the supplemental appropriation; and be it further

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

RESOLUTION NO. 406-12 Re: **FUTURE CLOSED SESSION RESOLUTION**

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

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

Resolved, That the Board of Education of Montgomery County conduct a closed session on Monday, September 24, 2012, in Room 120 of the Carver Educational Services Center, 850 Hungerford Drive, Rockville, Maryland, to meet from 5:30 to approximately 6:00 p.m.; and be it further

Resolved, That the Board of Education anticipates that the closed session will include a discussion of personnel matters, as permitted under Section 10-508(a)(1) of the *State Government Article* and Section 4-107(d) of the *Education Article*; the review and adjudication of appeals in its quasi-judicial capacity; consultation with counsel to obtain legal advice on those appeals, as permitted under Section 10-508(a)(7) of the *State Government Article*; a discussion of matters constituting an administrative function outside the purview of the *Open Meetings Act* (Section 10-502(b) of the *State Government Article*); and the Board will publish a more detailed Resolution for Closed Session when particular topics for discussion are identified; and be it further

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

RESOLUTION NO. 407-12 Re: **REPORT OF PREVIOUS CLOSED SESSION**

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

On August 23, 2012, the Board of Education voted unanimously to conduct a closed session as permitted under the *Education Article* Section 4-107(d) and *State Government Article* Section 10-508(a), et seq., of the *Annotated Code of Maryland*.

The Board of Education of Montgomery County met in closed session on August 23, 2012, from 9:03 to 11:33 a.m. in Room 120 of the Carver Educational Services Center, 850 Hungerford Drive, Rockville, Maryland, and:

1. Reviewed the Decisions and Orders in Appeals NEC-2012-27, DCC-2012-31, T-2012-32, NEC-2012-33, T-2012-35, T-2012-36, T-2012-37, NEC-2012-38, NEC-2012-39, T-2012-40, DCC-2012-41, DCC-2012-43, T-2012-44, T-2012-46, and 2012-9.
2. Received legal advice and adjudicated the following appeals involving student transfers, placements, highly gifted programs, promotion, and early entrance to kindergarten: T-2012-1, T-2012-34, T-2012-47, T-2012-48, T-2012-49, T-2012-50, 2012-10, 2012-11, 2012-12, 2012-13, 2012-14, 2012-15, and 2012-16, as permitted under Section 10-508(a)(7) of the *State Government Article* and in its quasi-judicial capacity outside the purview of the *Open Meetings Act*, with a subsequent vote in open session.
3. Received legal advice regarding various litigation matters pending in the Montgomery County Circuit Court, as permitted under Section 10-508(a)(7) of the *State Government Article*.
4. Received legal advice regarding the Board property located at Brickyard Road, as permitted under Section 10-508(a)(7) of the *State Government Article*.
5. Discussed appointments to the committees of the Maryland Association of Boards of Education, which is an administrative function outside the purview of the *Open Meetings Act*.
6. Received a briefing by the superintendent on the Monthly Human Resources and Development Report, which is an administrative function outside the purview of the *Open Meetings Act*.
7. Received a briefing by the superintendent of schools on an individual candidate for appointment as supervisor, Equity Assurance and Compliance Unit, with a subsequent vote in open session, as permitted under Section 10-508(a)(1) of the *State Government Article*.

In attendance at the 9:03 a.m. closed session were Christopher Barclay, Shirley Brandman, Laura Berthiaume, Michael Durso, Phil Kauffman, Patricia O'Neill, Suzann King, Glenda Rose, Laura Steinberg, Patrick Clancy, and Kristin Koger. At 10:12 a.m., Ms. Koger left the meeting and the following staff and counsel joined the meeting: Larry Bowers, Judy Bresler, Samantha Cohen, Brian Edwards, Beth Schiavino-Narvaez, Joshua Starr, Kimberly Statham, Dana Tofig, and Kimberly Years. At 10:28 a.m.

Christine Collins and Kurt Wolfe joined the meeting. At 10:47 a.m. Christine Collins and Kurt Wolfe left the meeting.

RESOLUTION NO. 408-12 Re: **APPEALS**

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

WHEREAS, The Board of Education has met in closed session and deliberated on appeals brought before its members acting in its quasi-judicial capacity under Section 10-508(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> |
|----------------------|--------------------------------|--------------------|
| T-2012-15 | Reconsideration | Denied |
| T-2012-51 | Student Transfer | Affirmed |
| T-2012-53 | Student Transfer | Affirmed |
| T-2012-55 | Student Transfer | Affirmed |
| T-2012-57 | Student Transfer | Affirmed |
| 2012-17 | Early Entrance to Kindergarten | Affirmed |
| 2012-18 | Early Entrance to Kindergarten | Affirmed |
| 2012-20 | Highly Gifted Center | Affirmed |
| 2012-21 | Early Entrance to Kindergarten | Affirmed |
| 2012-22 | Early Entrance to Kindergarten | Affirmed |
| 2012-23 | Early Entrance to Kindergarten | Affirmed |

Re: **COMMITTEE UPDATES**

There were no committee updates.

** Mr. Durso rejoined the meeting; Mr. Mannes left the meeting.

RESOLUTION NO. 409-12 Re: **FISCAL YEAR 2014 BOARD OPERATING BUDGET INTERESTS**

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

WHEREAS, The Board of Education of Montgomery County discussed at work sessions on July 17, 2012, and July 25, 2012, the Board's interests for the Fiscal Year 2014 Operating Budget; and

WHEREAS, A summary of those interests, which is attached, was created, as well as a list of the interests for ranking; and

WHEREAS, Board members reviewed and ranked those interests on a scale of 1 to 10, with 1 being their highest priority interest, in August 2012; now therefore be it

Resolved, That the Board of Education accept the attached summary of those interests; and be it further

Resolved, That the following top 10 of those interests be considered the Board's Fiscal Year 2014 Operating Budget Interests;

- Provide multiple pathways enabling graduates to be globally competitive and college- and career-ready;
- Meet the needs of each individual child, including their health and social and emotional well-being;
- Continue to reduce variability of performance/address student performance issues;
- Retain and support staff;
- Expand and support community engagement in our schools. Sub interest: Work hard to ensure communities and families know what they need to do to support their kids;
- Maintain and improve our special education programs;
- Promote instructional strategies and curriculum that engages students through innovative delivery methods and 21st century physical spaces;
- Focus on all students and ensure all students, regardless of race, have equity of access to appropriate and higher level courses;
- Ensure budget is aligned to the systems' and the staff's needs;
- Pay attention to areas of great need, in particular middle school;

and be it further

Resolved, That these top 10 interests will guide the Superintendent of Montgomery County Public Schools in the development of his Fiscal Year 2014 Operating Budget Recommendation.

Re: **NEW BUSINESS**

There was no new business.

Re: **ITEMS OF INFORMATION**

The following documents were available:

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

RESOLUTION NO. 410-12 Re: **ADJOURNMENT**

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

Resolved, That the Board of Education adjourn its meeting of September 11, 2012, at 4:48 p.m.

 PRESIDENT

 SECRETARY

JPS:gr

| Resolution | Barclay | Berthiaume | Brandman | Docca | Durso | Kauffman | Mannes | O'Neill |
|---------------------------------|---------|------------|----------|-------|-------|----------|--------|---------|
| Modernization of Wheaton/Edison | A | A | A | A | O | A | A | A |
| Policy CND | A | A | A | A | O | A | A | A |
| Budget Interests | A | A | A | A | A | A | O | A |

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

APPROVED
26(a)-2012

Rockville, Maryland
September 11, 2012

The Board of Education of Montgomery County held a work session at the Carver Educational Services Center, 850 Hungerford Drive, Rockville, Maryland, on September 11, 2012, beginning at 9:10 a.m.

Present: Ms. Shirley Brandman, President
in the Chair
Mr. Christopher Barclay
Ms. Laura Berthiaume
Dr. Judy Docca
Mr. Michael Durso
Mr. Philip Kauffman
Mr. John Mannes
Mrs. Patricia O'Neill
Dr. Joshua Starr, Secretary/Treasurer

Staff: Mr. Larry Bowers
Dr. Beth Schiavino-Narvaez
Dr. Kimberly Statham
Mr. Brian Edwards
Mr. Ikhide Roland Ikheloa
Ms. Suzann King
Mrs. Glenda Rose
Ms. Samantha Cohen
Ms. Kimberly Yearns

Guests: Ms. Danuta Wilson
Ms. Lynn Bui
Mr. Chris Lloyd

Ms. Brandman welcomed those present and reviewed what was to be accomplished during this work session: review of Board's disciplined work process and adoption of 2012-13 Board work topics. Board members provided their suggested topics. For discussion purposes, the proposed topics were aligned with the three strategic priorities identified for 2012-13, namely: Interventions, Professional Development, and Community Engagement, with the exception of dividing interventions between Instructional and Disciplinary Interventions.

The shared interests were agreed upon at the onset of the meeting. As the Board discovered, our shared interests have clear implications for policy, design of data points, and the renovation of the strategic plan:

1. Useful, thoughtful information.
2. An informed public.
3. Clear communication of ideas and strategies (data points in renovated strategic

plan).

4. Knowing what works and what does not work by using defined metrics and evaluating data.
5. Information necessary to fulfill role—policy implications, strategic planning, due diligence, fiscal implications, etc.
6. Focus and alignment by defining what the Board wants to do.
7. Clear roles and responsibilities — committees, Board, staff, etc.
8. Candid communication/discussion regarding identifying issues/problems so that the Board and the superintendent get right data and information.

In light of these shared interests, the Board reached consensus on the following work for the upcoming year:

Professional Development: In terms of professional development, it was agreed to have a comprehensive conversation on professional development training, which would provide the rationale for Professional Learning Communities, discuss how the work is being scaled up, the impact of the Common Core State Standards, and an analysis of what resources would be needed for full implementation.

Interventions: As a sign of the Board's interests, the bulk of the questions focused on Interventions. There was a productive dialogue that focused on the following: What's our goal?; What's our vision?; How do we get there?; Do we have the right data to indicate how our students are performing?; What should we be looking at?; What do we do with the data?; and, Should we be looking at interventions in other areas, for example – writing? The interventions were assigned into two categories: Instructional Intervention and Disciplinary Intervention. The Board had a lengthy and engaging discussion during which the superintendent shared that he has directed staff to undertake a systemwide "gap analysis". The Board agreed that the results of this "gap analysis" should be shared with the Board a robust Board discussion on Instructional Interventions—school-based, central office, and programs and resources that support the social/emotional aspects of learning. The following are issues culled from the discussion that were agreed to and should be addressed during a full Board presentation and discussion:

Instructional Interventions:

- What is a "red flag?" (Indicators that need to be present to draw attention to a student's needs.)
- How are we helping schools to address gaps?
- Principals and local school administrators should engage the Board in conversations regarding articulation strategies.
- Mathematics instruction data as it relates to learning gaps must be studied.
- How do we know we have the appropriate type and level of resources (for example: number of resources/teachers)?
- How is our school district organized to address how and why there is a gap and ways to address it?
- What data does the Board need to advocate for the system? In presenting the

data, include explanation of data changes, why it occurred, strategies used, and what is needed to sustain improvements.

Students should be empowered to advocate for themselves when they believe they need help. In summary, the Board would like a work session on Instructional Interventions that would showcase a gap analysis that provides information on the gap that would be the focus for the next few years. This analysis would be shared with the Board and public along with information on existing models of interventions and how we are using them to support schools. The information would also explore resource allocations and how they are consistent with our core values.

Disciplinary Interventions: The upcoming November 13, 2012, discussion has been scheduled on the Board's agenda to discuss the State Board's proposed regulatory changes to suspension rules and the impact on MCPS practice.

In advance of that discussion, Board staff will solicit Board member's questions that need to be addressed in the paper and during the discussion. The discussion will include a presentation on what we are currently doing and set the stage for a larger work session on instructional supports for students who are not thriving in their comprehensive school program. The goal is that these conversations will support the Board in its quasi-judicial capacity. The discussions on interventions need to be scheduled with special sensitivity to the budget development schedule and address the following:

- Intervention strategies should get to the root causes and focus on changing behavior.
- Provide a catalog of what is currently done as a system.
- What are the supports in place for suspended/expelled students? Some community providers provide supports for suspended students ("Sharp Street"). Should MCPS be providing the supports instead?
- What should alternative programs look like?
- There is interest in understanding the restructuring process at the Ewing Center, etc. Provide data on the performance of the students in alternative programs; how effective are these programs? How do you measure the effectiveness of these programs?

The Board discussed the distinction between providing alternative instructional options for students who are the subject of disciplinary interventions and the topic of alternative education which focuses on providing instructional alternatives to the traditional secondary model. There was agreement that alternative education is a different subject from traditional alternative programs. There will be a memorandum regarding the current status of alternative programs for students who are the subject of disciplinary intervention and the special populations committee may review this initial information.

Community Engagement:

The Board has committed to a work session on Communications and Community

Engagement that will focus on outreach efforts as a Board. Prior to the session, there needs to be a gap analysis that includes a catalog of current practices and resources. Initial reflection and recommendations will be developed by the Communication and Engagement Committee which can devote more intensive time and attention to considering the Board's goals in its outreach effort and how to best align resources—including time spent in the community to achieve these goals. The work session would help clarify expectations and desires for community outreach and define the listening and input process (seek non-traditional voices and include students). The Board needs to go out and engage the community more proactively and ensure that all communications outreach initiatives are coordinated. The Board's policy development outreach should also be reviewed.

The meeting was adjourned at 11:55 a.m.

PRESIDENT

SECRETARY

JPS:gr