

APPROVED  
37-2012

Rockville, Maryland  
November 13, 2012

The Board of Education of Montgomery County held a business meeting at the Carver Educational Services Center, 850 Hungerford Drive, Rockville, Maryland, on November 13, 2012, beginning at 9:00 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

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 9:00 a.m.

RESOLUTION NO. 468-12      Re:    **RESOLUTION FOR CLOSED SESSION**

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

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

Resolved, That the Board of Education of Montgomery County conduct a closed session on November 13, 2012, in Room 120 of the Carver Educational Services Center, 850 Hungerford Drive, Rockville, Maryland, from 9:00 to approximately 1:00 p.m.; and be it further

Resolved, That the Board and superintendent of schools engage in a dialogue reflecting on the superintendent's performance, which is an administrative function outside the purview of the *Open Meetings Act*; 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 and Appointments, 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 Board receive a briefing by staff and discuss ongoing collective bargaining negotiations and matters that relate to the negotiations, as permitted under Section 10-508(a)(9) of the *State Government Article*; and be it further

Resolved, That the superintendent of schools brief the Board on operating budget strategies, which is an administrative function outside the purview of the *Open Meetings Act*; 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 9:03 a.m. to 1:00 p.m. After a break, the Board of Education reconvened in open session at 1:05 p.m.

To view specific sections or the entire meeting, please watch at  
<http://www.montgomeryschoolsmd.org/boe/meetings/archive/2012/2012-1113.shtm>

Re: **PLEDGE OF ALLEGIANCE WITH COLOR  
GUARD FROM GAITHERSBURG HIGH  
SCHOOL**

“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. 469-12 Re: **APPROVAL OF THE AGENDA**

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

Resolved, That the Board of Education approve its agenda for November 13, 2012.

RESOLUTION NO. 470-12 Re: **IN HONOR OF VETERANS**

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

WHEREAS, Each Veterans Day, Americans continue to celebrate with ceremonies and speeches remembering and honoring those who fought for peace; and

WHEREAS, In 2001, United States Senate Resolution 143 designated the week of November 11 through November 17 of each year as "National Veterans Awareness Week"; and

WHEREAS, Tens of millions of Americans have served in the Armed Forces of the United States, and hundreds of thousands of Americans have given their lives while serving in the Armed Forces during the past century; and

WHEREAS, The month of November provides us an opportunity to remember and acknowledge the sacrifices of men and women who served our country in the Armed Forces of the United States and especially our parents, staff, and community members; now therefore be it

Resolved, That the Board of Education along with students, parents, Montgomery County Public Schools staff, and the entire community salutes the sacrifices of the men and women of the United States Armed Forces.

RESOLUTION NO. 471-12      Re:    **AMERICAN EDUCATION WEEK**

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

WHEREAS, Montgomery County Public Schools is committed to providing all students with a high quality education that builds 21<sup>st</sup> century skills, fosters social emotional learning and prepares students for college and careers, and

WHEREAS, Our schools are foundational to neighborhoods and communities, bringing together students, parents, educators and volunteers; business, organization, and faith-based leaders; and elected officials for a common purpose; and

WHEREAS, Montgomery County Public Schools' staff members work to serve our students and their families with care and professionalism; and

WHEREAS, Parents and families are an integral part of the educational process, serving as their child's primary teachers and advocates, and engaging as valued and important partners with the school system; and

WHEREAS, Community engagement in our schools provides vital connection and support; and facilitates opportunities for students to participate in enhanced learning and outreach activities; and

WHEREAS, In acknowledgement of American Education Week, educators, students,

family, and community members take time to celebrate their accomplishments and reaffirm their commitment to ensure a world-class education for all students; now therefore be it

Resolved, That the Montgomery County Board of Education hereby declares November 11 through November 17, 2012, to be observed in Montgomery County Public Schools as American Education Week, a time to appreciate the importance of continuing support for our schools.

RESOLUTION NO. 472-12

Re: **SCHOOL PSYCHOLOGY AWARENESS  
WEEK**

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

WHEREAS, The National Association of School Psychologists has designated November 12–16, 2012, as School Psychology Awareness Week to promote and recognize the important role school psychologists play in supporting children's individual needs; and

WHEREAS, The theme for this year's School Psychology Awareness Week, "Know Your Own Strengths. Discover them. Share them. Celebrate them." helps students to focus on identifying, sharing and celebrating their personal strengths within the school community and beyond; and

WHEREAS, Schools can more effectively ensure that all students are able to learn when schools meet the needs of the whole child; children and youth learn best when they are healthy, safe, engaged, supported, and challenged; and

WHEREAS, Education that identifies and develops the individual strengths of every student leads to a greater investment in learning; and

WHEREAS, Psychological principles are integral to instruction and learning, social and emotional development, and prevention and early intervention; and

WHEREAS, School psychologists help children and youth discover and nurture their individual strengths; and

WHEREAS, Montgomery County Public Schools recognizes the essential role that school psychologists play in the social and emotional development of students; now therefore be it

Resolved, That the Montgomery County Board of Education and the superintendent of schools hereby proclaim November 12–16, 2012, as School Psychology Awareness Week in Montgomery County Public Schools and commend observance to all of our school community.

**Re: PUBLIC COMMENTS**

The following people testified before the Board of Education:

<u>Person</u>	<u>Topic</u>
1. Samira Hussein	Muslim Holidays
2. Councilmember George Leventhal	School Holidays
3. Dr. Mudusar Raza	School Holidays
4. Anhar Karim	School Holidays

Mr. Leventhal asked for the records on absenteeism during Eid.

**Re: BOARD/SUPERINTENDENT COMMENTS**

Mr. Mannes congratulated the school system's staff on their response to the Hurricane Sandy. He stated that in the next two months he will be visiting several schools to organize an educational think tank and develop advocacy tips within the school as well as to the Board level. Also, he announced a new student web site with a daily post on what he is doing with his colleagues.

Mr. Durso commended the superintendent on his State of the Schools address. It was a positive step forward for the school system. There was an MCEA function recognizing school psychologists. Our psychologists have larger caseloads than other neighboring jurisdictions. Also, he commended Ms. Dixon and the dedication of Paint Branch High School. He commended Mr. Cohen and Seneca Valley High School on how they handled the recent death of a young lady who was recently killed in auto accident. Finally, he was pleased with the positive comments on the shadow event of the executive team. In the future it could be broadened to county council and Board members since it illustrates schools and young people in their day-to-day life

Mr. Kauffman associated himself with the comments of his colleagues. He commended on Paint Branch High School and the dedication of the community in advocacy for the new school. All the cluster coordinators have testified over the years, and the delays were frustrating. At the recent hearing, the Board listened to people advocating for their capital needs; the Board has to balance a lot of needs. The Paint Branch community was very respectful of the process.

Dr. Docca wanted to thank all the people who worked on the State of the Schools address. She attended the vigil at Seneca Valley High School, and the family is very appreciative of the help the school has provided. She had been notified that Laytonsville Elementary School sponsored a walk for the Wells/Robertson House in Gaithersburg and raised \$3,500. The Wells/Robertson House provides transitional housing for homeless men and women who have undergone alcohol/drug treatment or received other professional counseling and want to break the cycle of homelessness. The program helps residents learn how to be self-sufficient, working and functioning

members of society. There was a Latino Dance Competition was at Strathmore which helps students identify with the culture. She highlighted the career of Joe Monte and his work with MCPS. Mr. Eric Davis was chosen by AASA as the assistant principal of the year in the USA.

Ms. Brandman pointed out that Dr. Docca was recognized by the Montgomery County Human Rights Hall of Fame for her advocacy and has been an unrelenting champion for education.

Mrs. O'Neill congratulated Dr. Docca since her dedicated to children is extraordinary. She noted that Mr. Kauffman and Mr. Barclay had been reelected to the Board of Education. She also thanked Ms. Berthiaume for her service to the children of Montgomery County.

Mr. Barclay joined his colleagues in congratulating Dr. Docca on her award. Dr. Docca attends many meetings and is very involved in the community. He congratulated Mr. Kauffman and Ms. Smondrowski for their elections. The election process is very interesting since it forces candidates to go out, speak to people, put forward your case, and it forces candidates to listen to people. He thought it illustrated the need for the Board to do a lot more listening since it is important to know what people are thinking.

Ms. Brandman associated herself with her colleagues' comments. She personally thanked Dr. Docca since she taught Ms. Brandman so much in Montgomery County and the state of Maryland.

Dr. Starr started his comments by thanking Mr. Bowers and staff for their work during and after Hurricane Sandy. He went on the comment on the (1) State of the Schools; (2) dedication at Paint Branch High School; (3) election of Board members; (4) last meeting with Ms. Berthiaume and her dedication to children in Montgomery County; (5) community engagement; (6) graduation rate; (7) "What's the BIG Idea" podcast; (8) student towns halls; (9) Frontiers in Science; and (10) Siemens competition.

**Re: UPDATE ON STATE REGULATORY  
CHANGES: SUSPENSIONS**

Dr. Starr commented that the Maryland State Board of Education (State Board) proposed new discipline regulations, Code of Maryland Administrative Regulations (COMAR) 13A.08.01.11, which reflect both a rehabilitative philosophy and a connection to comprehensive school reform. The proposed regulations are designed to reduce the number of long-term out-of-school suspensions for non-violent incidents, to eliminate disproportionate suspensions of minority students and students with disabilities, and to ensure that all students receive appropriate educational services during suspension or expulsion within identified timelines for the disciplinary process.

During the past two years, Montgomery County Public Schools (MCPS) actively provided feedback and recommendations to the State Board. MCPS administrators

served on a panel to discuss the key disciplinary concerns and provided public comments. In addition, written testimony was submitted by the superintendent of schools, the Montgomery County Association of Administrators and Principals (MCAAP), and the Montgomery County Council of Parent Teacher Associations. Although MCPS has one of the lowest suspension rates in the state, the intent of the proposed regulations represent issues that MCPS has actively attended to for years.

MCPS recognizes the importance and is in agreement with the explicit intent of the proposed discipline regulations. MCPS is committed to providing a world-class education where core instruction weaves academic with social-emotional learning in a safe and respectful environment with all students actively engaged. Although the proposed regulatory changes will require modification of some of the current disciplinary procedures, our work aligns with the proposed suspension regulations to prepare all Maryland students to become career and college ready.

This provides an overview of the proposed regulatory changes, MCPS processes and strategies, as well as implications and challenges that address current resources and timelines. MCPS' focus on professional development, interventions, and parent and community engagement are the center for implementing changes in practice. A Suspension Regulation Implementation Team will be formed to gather input from stakeholders and provide guidance on how to best operationalize the regulations.

### **Implications and Challenges**

The proposed regulations will necessitate a coordinated effort among MCPS schools and central offices, parents, and the community. Policies, regulations, and practices will need to be aligned with the new regulations. Additional and or alternative strategies must be identified for suspended students in home schools and alternative programs.

Schools will need assistance with identifying alternatives to suspension that are equitable and not arbitrary. Monthly suspension data will need to align with regulatory changes for reporting suspensions. Decentralizing disciplinary decision making around suspension and expulsion prioritizes the need to identify clear processes for continuous and appropriate instruction. The new regulations will challenge schools to do this with limited financial and personnel resources. In addition, MCPS Regulation JFA-RA, *Student Rights and Responsibilities*, will be revised to prohibit the continued use of mandatory (nondiscretionary) consequences for the following five offenses.

- Evidence of intent to distribute or distribution of controlled dangerous substances, MCPS Regulation COF-RA, *Intoxicants on MCPS Property*
- Possession of bombs, or facsimile, or bomb threat, MCPS Regulation EKC-RA, *Bomb Threats/Explosive Devices*
- Possession of firearms, including starter guns, MCPS Regulation COE-RA, *Weapons*
- Weapons used to cause bodily harm, MCPS Regulation COE-RA, *Weapons*
- Violent physical attack on a student or staff member

With an emphasis on keeping students in school and providing continuous educational services, it is clear that long-term suspensions and expulsions may only be used as last resort options. Further collaboration and cooperation will need to take place to provide proactive alternatives to suspension while maintaining the safety of our schools and students.

In alignment with our expected practices and protocol for providing student work, the proposed regulations mandate that suspended students must be provided with daily assignments (which must be returned and graded weekly), or the student must be placed in some form of alternative program. The new state regulations dictate that work must be graded by the teacher giving the assignment. The principal must identify and appoint a staff member to coordinate and monitor the services provided for students serving out-of-school suspensions, including a documented weekly contract.

Suspensions and Investigative Processes will be updated according to the new suspension terminology. For suspensions exceeding 10 days or expulsions, the appeal process must be completed by the tenth day, or the student will be permitted to return to school on day 11 unless the superintendent of schools or his designee determines it is unsafe to do so. Conduct must be determined to be violent, dangerous, or a threat to the safety of the school. We will need to examine how to complete this entire process within 10 days while ensuring a student's due process rights and determine which incidents might require more than 10 days to complete. Currently, with the exception of students with disabilities, the process takes more than 10 days as we need to accommodate parents' work schedules; the availability of attorney's retained by parents, school and pupil services staff availability, and the number of cases. The superintendent of schools has the authority to intercede to continue the suspension beyond 10 days depending on the circumstances.

The Montgomery County Board of Education (Board) must conduct a hearing within 30 days of an appeal being filed in discipline cases and must render a decision within 10 days of conducting the appeal hearing. The Suspension Regulation Implementation Team will need to establish a process to assure that suspension/expulsion appeals to the Board will complete the appeals process within the mandated time allotted by MSDE.

As the proposed regulations are designed to address the statewide suspension disparities issue with Black or African American, Hispanic/Latino, and special education students, school-based and central office staff members will need to continue to examine suspension infraction practices, especially those suspension infractions that have discretion in terms of consequences. The new regulations indicate that if there is a disparity in suspension data for any minority group, the local agency must submit a plan and eliminate the disparity within three years. While we appreciate this three-year goal, MCPS, MCAAP, and others provided testimony to the State Board expressing concern about how realistic this expectation is for local school districts without benefit of the underlying structures to systemically support the mandated changes.

The State Board will be accepting written comments from the community during the open period of November 2 through December 2, 2012. At a minimum, we will advocate for an implementation date no earlier than July 1, 2013. This will permit districts time to put best practices in place to meet student needs and to be in compliance with this state regulation.

### **Alignment with System Priorities**

Inherent to procedural changes will be the need to support staff members and schools to best meet the needs of our students at risk for suspension. We will need to review our current professional development, prevention and intervention strategies, and how we work with families and community partners. Each area of focus will better inform and provide meaningful training and practice to address all of our students. No one single action or practice will address the requirements of this regulation. Rather, this is a shared responsibility that must be embraced by staff members, students, parents, and the community.

**Professional Development** for staff members is a focus area aligned with the belief that continued collaboration and skill building is essential to provide effective and engaging instruction. Professional development needs extend from instructional practices to deepening understanding of equity issues, establishing and maintaining a positive school climate, to a deep understanding of both the research and intent of the procedural changes to the actual regulations. This approach aligns with the renewed emphasis on professional development. Staff members will need to develop increased awareness and skill around cultivating school climates that are inclusive and not exclusive. Staff members must be prepared to engage differently with students in order to yield different suspension rates.

**Prevention/Intervention** aligns with the emphasis on core instruction and Curriculum 2.0, which embeds essential social-emotional strategies to ensure student engagement. Evidenced-based prevention and intervention strategies that supplement core instruction are key to providing meaningful alternatives to suspension. Existing interventions are in place that show promise for our students. Prevention and intervention frameworks such as PBIS demonstrate positive outcomes that correlate with increased engagement and academic achievement. The CPS process informs the use of specific academic and behavioral interventions to support individual students.

**Parent and Community Engagement** are critical to addressing the whole child and having student success go beyond the boundaries of a school day. The newly formed Office of Community Engagement and Partnerships will help to further enhance our networks of support for students and families, often extending beyond the traditional school day and year. School and central office Professional Learning Communities provide an ideal forum for the deep level of data analysis discussion, action planning, and implementation necessary to change beliefs and practices.

### **Conclusion and Next Steps**

The work to reduce suspensions, which integrates effective instruction, student learning,

social-emotional learning, equitable practices, and the intentional involvement of community partners, is ongoing and complex. The implementation of educational research outlining best practices is at the core of how MCPS functions. MCPS has made gains with closing the achievement gap and reducing suspension rates, yet we are well aware of our disproportionate suspension data and the need to address the whole child for meaningful impact. The current systems in place will continue to inform our work and lay the groundwork for establishing the necessary changes that transform practice. For example, current data monitoring systems, supports, and infrastructure will serve as tools for staff to meet requirements and timelines. Meeting our professional development needs, implementing prevention models and intervention strategies, and engagement with families and community partners will facilitate our shared responsibility to serve all students and ensure their future success.

The proposed regulations will require modifications to our current policies, regulations, and practices. MCPS currently is taking steps in preparation for the adoption of the proposed regulatory changes through professional development, identification of successful practices/interventions, and parent and community engagement efforts. We also have practical concerns regarding timing and cost, along with the lack of key components related to implementation. Given ongoing fiscal concerns and the reductions in school and central office staffing, it will be very challenging to meet these requirements; however, we are committed to providing a world-class education with the appropriate supports in place for all students to become college and career ready.

Re: **DISCUSSION**

The Board members were interested in the following aspects of the regulation:

1. Mr. Barclay was interested on how the issue of cultural competency will play into training as the school system deals with suspensions. The system has to know the students to serve them.
2. Dr. Docca supported school staff visiting families to establish a relationship with the family and student in an effort to reduce suspensions.
3. Dr. Docca thought a teacher course on culture competency could help strengthen the Skillful Teacher.
4. Mrs. O'Neill noted that MCPS has been working on disproportionality, and MCPS has forced the conversation across the state. Students who are out of school are not learning; high suspensions lead to a high dropout rate. There is important and critical to look at root causes for suspensions.
5. Mr. Barclay reviewed the percentages of suspensions, and he thought it was important for the school system to develop programs to help students and their families who are in crisis.
6. Mr. Barclay asked about Sharp Street and the continued funding by MCPS. Is there an alternative for parents and students?
7. Mr. Barclay asked about suspended students and what happens with young people outside of the school. Is there a liaison for suspended students to work

- with the teacher to ensure work is received and graded? Where does Home and Hospital Teaching fit into the picture?
8. Dr. Docca noted that this discussion is also a budget and staffing issue. There is a process of conferring with the teacher before a student comes back into the classroom. It helps the Board to understand what goes on before a suspension and an idea of the number of families being worked with.
  9. Mr. Kauffman asked for data demonstrating the effectiveness of PBIS. How many schools have PBIS? Is there evidence documenting less disproportionality using PBIS?
  10. Mr. Brandman thought a strategic priority was to recognize the signs of student behavior in order to avoid student suspensions. Some of the conversation needs to be on interventions.
  11. Ms. Brandman pointed out that the regulations are still a proposal, and the school system should submit comments to the State Board on things that could be a stumbling block. There is a serious commitment to those suspended, and there needs to be a balance. What are the implications regarding timeframes, accountability, and the immediate impact on school systems? MCPS has not lost its commitment to reduce or eliminate suspensions. However, there are challenges that the State Board needs to be aware of before moving forward.
  12. Mr. Barclay thought there needed to be a phase-in period after data collection. It is not clear when the regulations take effect.

**RESOLUTION NO. 473-12****Re: 2013-2014 SCHOOL CALENDAR**

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

WHEREAS, The establishment of school terms by the Board of Education is required by Maryland State law; and

WHEREAS, Montgomery County Public Schools parents, community members, students, and staff should be informed of the Board-adopted school calendar each year and the subsequent contingency plan identifying days that will be used to make up lost instructional time due to emergency closings; now therefore be it

Resolved, That the proposed calendar and contingency plan for Montgomery County Public Schools for the 2013–2014 school year be adopted.

<http://www.montgomeryschoolsmd.org/info/calendars/>

**RESOLUTION NO. 474-12****Re: CONTRACTS OF \$25,000 OR MORE**

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

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 follows:

BCS-1011	E-Rate Consulting Services—Extension	
	<u>Awardee</u>	
	Funds for Learning, LLC	\$58,000
1062.4	Software Training Services—Extension	
	<u>Awardees</u> (See note)	
	Answer Quest Technologies, Inc.*	
	Knowlogy Corporation*	
	Learning Tree International	
	Office Pro, Inc.	
	Personalized Computer Training	
	Softek Services, Inc.*	
	Total	\$117,500
4205.1	Applicant Tracking and Recruiting and Implementation Services—Extension	
	<u>Awardee</u>	
	Oracle American, Inc.	\$241,650
4207.1	Pharmacy Benefit Management Program—Extension	
	<u>Awardee</u>	
	Caremark PCS Health	\$635,000
4243.1	Visitor Management System Upgrade (Software)—Extension	
	<u>Awardee</u>	
	EasyLobby, Inc.	\$42,000
4264.1	Special Education Operations—Extension	
	<u>Awardee</u>	
	Maryland School for the Blind	\$70,000
4272.1	Visitor Management System (Installation)—Extension	

	<u>Awardee</u> Schneider Electric Buildings Critical Systems, Inc.	\$68,325
4311.1	Maintenance/Support for Access Control Security Systems—Extension	
	<u>Awardee</u> Maxxess Systems, Inc.	\$38,302
9125.6	Refrigerators, Freezers, and Milk Coolers—Extension	
	<u>Awardees</u> Ashland Equipment, Inc.	\$57,340
	Culiquip, LLC*	<u>32,891</u>
	Total	\$90,231
9441.1	Energy Management Automation System Replacement at Various Locations	
	<u>Awardees</u> Building Automation Services, Inc.*	\$353,141
	TOTAL PROCUREMENT CONTRACTS OVER \$25,000	\$1,714,149

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

Note: Contract amounts will be based on individual requirements.

RESOLUTION NO. 475-12      Re:    **ARCHITECTURAL APPOINTMENT—  
ASHBURTON ELEMENTARY SCHOOL  
ADDITION FEASIBILITY STUDY**

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

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

WHEREAS, Funds for conducting feasibility studies 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 feasibility study services for the Ashburton Elementary School addition project for a fee of \$35,000.

RESOLUTION NO. 476-12      Re:    **ARCHITECTURAL APPOINTMENT—  
LUCY V. BARNESLEY ELEMENTARY  
SCHOOL ADDITION FEASIBILITY STUDY**

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

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

WHEREAS, Funds for conducting feasibility studies 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. 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 feasibility study services for the Lucy V. Barnesley Elementary School addition project for a fee of \$35,000.

RESOLUTION NO. 477-12      Re:    **ARCHITECTURAL APPOINTMENT—  
BURTONSVILLE ELEMENTARY SCHOOL  
ADDITION FEASIBILITY STUDY**

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

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

WHEREAS, Funds for conducting feasibility studies 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 Samaha Associates 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 and a 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 Samaha Associates to provide feasibility study services for the Burtonsville Elementary School addition project for a fee of \$35,000.

RESOLUTION NO. 478-12            Re:    **ARCHITECTURAL APPOINTMENT—  
GREENCASTLE ELEMENTARY SCHOOL  
ADDITION FEASIBILITY STUDY**

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

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

WHEREAS, Funds for conducting feasibility studies 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 Rubeling and Associates, Inc. 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 Rubeling and Associates, Inc. to provide feasibility study services for the Greencastle Elementary School addition project for a fee of \$35,000.

RESOLUTION NO. 479-12            Re:    **ARCHITECTURAL APPOINTMENT—  
LUXMANOR ELEMENTARY SCHOOL  
MODERNIZATION FEASIBILITY STUDY**

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

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

WHEREAS, Funds for conducting feasibility studies 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 Hord Coplan Macht, Inc. 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 Hord Coplan Macht, Inc. to provide feasibility study services for the Luxmanor Elementary School modernization project for a fee of \$35,000.

RESOLUTION NO. 480-12            Re:    **ARCHITECTURAL APPOINTMENT—  
MEADOW HALL ELEMENTARY SCHOOL  
ADDITION FEASIBILITY STUDY**

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

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

WHEREAS, Funds for conducting feasibility studies 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. 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 feasibility study services for the Meadow Hall Elementary School addition project for a fee of \$35,000.

RESOLUTION NO. 481-12            Re:    **ARCHITECTURAL APPOINTMENT—NORTH  
BETHESDA MIDDLE SCHOOL ADDITION  
FEASIBILITY STUDY**

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

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

WHEREAS, Funds for conducting feasibility studies 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 Samaha Associates 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 Samaha Associates to provide feasibility study services for the North Bethesda Middle School addition project for a fee of \$35,000.

RESOLUTION NO. 482-12      Re:    **ARCHITECTURAL APPOINTMENT—  
POTOMAC ELEMENTARY SCHOOL  
MODERNIZATION FEASIBILITY STUDY**

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

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

WHEREAS, Funds for conducting feasibility studies 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 Moseley Architects, P.C. 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 Moseley Architects, P.C., Inc. to provide feasibility study services for the Potomac Elementary School modernization project for a fee of \$42,000.

RESOLUTION NO. 483-12      Re:    **ARCHITECTURAL APPOINTMENT—  
WOODLIN ELEMENTARY SCHOOL  
ADDITION FEASIBILITY STUDY**

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

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

WHEREAS, Funds for conducting feasibility studies 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 BeeryRio Architecture + Interiors

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 four Maryland Department of Transportation-certified, minority-owned firms; now therefore be it

Resolved, That the Montgomery County Board of Education enters into a contractual agreement with the architectural firm of BeeryRio Architecture + Interiors to provide feasibility study services for the Woodlin Elementary School addition project for a fee of \$35,000.

RESOLUTION NO. 484-12      Re:    **AWARD OF CONTRACT—GYMNASIUM  
DIVIDER REPLACEMENT AT NEELSVILLE  
MIDDLE SCHOOL**

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

WHEREAS, The following sealed bid was received on October 23, 2012, for the gymnasium divider replacement at Neelsville Middle School:

<u>Bidder</u>	<u>Amount</u>
Modern Door and Equipment Sales, Inc.	\$73,727

and

WHEREAS, Staff in the Department of Facilities Management has determined that this amount is within budget; and

WHEREAS, Modern Door and Equipment Sales, Inc. has completed similar work successfully for Montgomery County Public Schools; now therefore be it

Resolved, That a contract in the amount of \$73,727 be awarded to Modern Door and Equipment Sales, Inc. for the gymnasium divider replacement at Neelsville Middle School, in accordance with drawings and specifications.

RESOLUTION NO. 485-12      Re:    **AWARD OF CONTRACT—EMERGENCY  
GENERATING SYSTEMS REPLACEMENT  
AT VARIOUS SCHOOLS**

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

WHEREAS, The following low bids were received on October 23, 2012, October 25, 2012, and October 26, 2012, for emergency generating systems replacement at Benjamin Banneker Middle School, Highland View Elementary School, and Meadow Hall Elementary School:

<u>School</u>	<u>Low Bidder</u>	<u>Amount</u>
Benjamin Banneker MS	Tex/Am Construction Co., Inc.	\$126,594
Highland View ES	Tex/Am Construction Co., Inc.	\$124,850
Meadow Hall ES	Tex/Am Construction Co., Inc.	\$107,922

and

WHEREAS, The low bidder, Tex/Am Construction Co., Inc. is a Maryland Department of Transportation-certified Minority Business Enterprise firm; and

WHEREAS, Tex/Am Construction Co., Inc. has completed similar work successfully for Montgomery County Public Schools; now therefore be it

Resolved, That contracts in the amounts of \$126,594, \$124,850, and \$107,922 be awarded to Tex/Am Construction Co., Inc. for emergency generating systems replacement at various schools, in accordance with drawings and specifications.

RESOLUTION NO. 486-12      Re:    **THOMAS S. WOOTTON HIGH SCHOOL—  
REQUEST TO FUND ARTIFICIAL TURF  
INSTALLATION—POLICY CNE**

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

WHEREAS, There is an interest to install artificial turf on the stadium field at Thomas S. Wootton High School; and

WHEREAS, There is a shortage of playing fields in Montgomery County; and

WHEREAS, Artificial turf on the stadium field at Thomas S. Wootton High School will provide safer playing conditions and allow significantly more hours of use than the current grass field; and

WHEREAS, Artificial turf would benefit the school and the community; and

WHEREAS, In June 2012, staff in the Department of Facilities Management publicly advertised for Request for Proposals from private organizations for partnering on the

installation and shared use of an artificial turf field at the Thomas S. Wootton High School stadium field; and

WHEREAS, The single response to the Request for Proposals was submitted by the Bethesda Soccer Club, which includes a contribution of \$900,000 toward the cost of engineering, permitting, and installation of an artificial turf stadium field in exchange for a preferred use schedule agreement for a period of ten years; and

WHEREAS, The Thomas S. Wootton High School Booster Club has requested permission to raise and contribute \$200,000 for the shared cost of the artificial turf field; and

WHEREAS, The cost of the project is approximately \$1.1 million; and

WHEREAS, Staff has reviewed this request for compliance with Board of Education Policy CNE, *Facility Improvements That Are Not Funded with Montgomery County Revenues*, and finds that it complies with the criteria for acceptable contributions established in the policy; now therefore be it

Resolved, That the Board of Education approves the request of the Thomas S. Wootton High School Booster Club to raise and contribute \$200,000 for the artificial turf installation on the stadium field at Thomas S. Wootton High School; and be it further

Resolved, That the contributions from the Bethesda Soccer Club and the Thomas S. Wootton High School Booster Club be accepted in accordance with Board of Education Policy CNE, *Facility Improvements That Are Not Funded with Montgomery County Revenues*; and be it further

Resolved, That the Montgomery County Council be requested to accept the contributions for the installation of an artificial turf field at Thomas S. Wootton High School; and be it further

Resolved, That a Stadium Field Agreement be executed between Montgomery County Public Schools and the Bethesda Soccer Club for the sum of \$900,000; and be it further

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

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

RESOLUTION NO. 487-12

Re: **UTILIZATION OF THE FY 2013 PROVISION  
FOR FUTURE SUPPORTED PROJECTS**

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

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. 17-444, approved May 24, 2012; 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 2013 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 \$930,055 within the Fiscal Year 2013 Provision for Future Supported Projects, specified as follows:

<b>Project</b>	<b>Amount</b>
<i>Individuals with Disabilities Education Act—Expanding Bridges Project</i>	\$ 667,596
<i>Individuals with Disabilities Education Act—Building Bridges Project*</i>	118,000
National Defense Education Program	55,000
Fine Arts Initiative	30,921
Carl D. Perkins Career and Technical Education Improvement Program	<u>58,538</u>
<b>Total</b>	<b>\$ 930,055</b>

\*Positions

special education teacher  
.5

and be it further

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

RESOLUTION NO. 488-12

Re: **FY 2013 FIRST QUARTER CATEGORY AND OBJECT TRANSFERS REQUEST**

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

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

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

Resolved, That the superintendent of schools be authorized to effect Fiscal Year 2013 categorical transfers of \$1,498,668 in the following categories:

*Individuals with Disabilities Education Act—State Discretionary Grant for Secondary Outcomes—Fiscal Year 2012*

	<u>Category</u>	<u>From</u>	<u>To</u>
6	Special Education	\$ 2,061	
12	Fixed Charges		\$ 2,061
	Total	<u>\$ 2,061</u>	<u>\$ 2,061</u>

*Individuals with Disabilities Education Act—Building Bridges Project— Fiscal Year 2012*

	<u>Category</u>	<u>From</u>	<u>To</u>
6	Special Education		\$ 556
12	Fixed Charges	\$ 556	
	Total	<u>\$ 556</u>	<u>\$ 556</u>

*Individuals with Disabilities Education Act—Passthrough Part B— Fiscal Year 2013*

	<u>Category</u>	<u>From</u>	<u>To</u>
6	Special Education	\$ 918,590	
12	Fixed Charges		\$ 918,590
	Total	<u>\$ 918,590</u>	<u>\$ 918,590</u>

*Individuals with Disabilities Education Act—Passthrough Part B— Fiscal Year 2012*

	<u>Category</u>	<u>From</u>	<u>To</u>
6	Special Education		\$ 241,200
12	Fixed Charges	\$ 241,200	
	Total	<u>\$ 241,200</u>	<u>\$ 241,200</u>

**Title I—Part A, School Improvement Program— Fiscal Year 2012**

	<u>Category</u>	<u>From</u>	<u>To</u>
3	Instructional Salaries		\$ 23,070
4	Textbooks and Instructional Supplies		44,944
5	Other Instructional Costs	\$ 47,700	
9	Student Transportation	22,160	
12	Fixed Charges		1,846
	Total	<u>\$ 69,860</u>	<u>\$ 69,860</u>

**Title I—Part D, Program for Neglected, Delinquent, or At-Risk Children— Fiscal Year**

**2013**

	<u>Category</u>	<u>From</u>	<u>To</u>
3	Instructional Salaries	\$ 7,920	
4	Textbooks and Instructional Supplies		\$ 145
5	Other Instructional Costs		8,409
12	Fixed Charges	634	
	Total	<u>\$ 8,554</u>	<u>\$ 8,554</u>

**Title III—Emergency Immigrant Education— Fiscal Year 2012**

	<u>Category</u>	<u>From</u>	<u>To</u>
1	Administration		\$ 3,985
3	Instructional Salaries	\$ 160,832	
4	Textbooks and Instructional Supplies		14,882
5	Other Instructional Costs		238,313
12	Fixed Charges	96,348	
	Total	<u>\$ 257,180</u>	<u>\$ 257,180</u>

**Maryland Model for School Readiness— Fiscal Year 2012**

	<u>Category</u>	<u>From</u>	<u>To</u>
6	Special Education		\$ 667
12	Fixed Charges	\$ 667	
	Total	<u>\$ 667</u>	<u>\$ 667</u>

and be it further

Resolved, That the superintendent of schools be authorized to effect Fiscal Year 2013 object transfers of \$1,734,652 in the following projects:

**Individuals with Disabilities Education Act —Passthrough Part B— Fiscal Year 2013**

	<u>Object</u>	<u>From</u>	<u>To</u>
01	Salaries and Wages	\$ 363,588	
02	Contractual Services		\$ 133,103
03	Supplies and Materials	440,820	
04	Other Expenditures		<u>671,305</u>
	Total	<u>\$ 804,408</u>	<u>\$ 804,408</u>

**Individuals with Disabilities Education Act —Passthrough Part B— Fiscal Year 2012**

	<u>Object</u>	<u>From</u>	<u>To</u>
01	Salaries and Wages		\$ 773,397
02	Contractual Services	\$ 185,618	
03	Supplies and Materials	184,643	
04	Other Expenditures	256,843	

05	Equipment	146,293	
	Total	<u>\$ 773,397</u>	<u>\$ 773,397</u>

**Title III—Emergency Immigrant Education—Fiscal Year 2012**

	<u>Object</u>	<u>From</u>	<u>To</u>
01	Salaries and Wages	\$ 156,847	
02	Contractual Services		<u>\$ 156,847</u>
	Total	<u>\$ 156,847</u>	<u>\$ 156,847</u>

and be it further

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

RESOLUTION NO. 489-12      Re:    **RECOMMENDED FY 2013 SUPPLEMENTAL  
APPROPRIATION FOR MCPS FOOD  
SERVICES ENTERPRISE FUND**

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

WHEREAS, The Fiscal Year 2013 budget for the Food and Nutrition Services Enterprise Fund is \$47,476,295; and

WHEREAS, There was uncertainty when the Montgomery County Public Schools budget was approved by the County Council last May and adopted by the Board in June, regarding the impact on food costs resulting from the final rule of the *Healthy Hunger Free Kids Act*, signed March 26, 2012; and

WHEREAS, As a result of the *Healthy Hunger Free Kids Act* ruling, schools are required to increase the availability of fruits, vegetables, and whole grains; reduce sodium levels and saturated and trans fats in meals; and meet the nutrition needs of school children within their caloric requirements, which will increase food costs; and

WHEREAS, Eight schools were added to the Maryland Meals for Achievement breakfast program for Fiscal Year 2013 after the Montgomery County Public Schools operating budget was adopted, which will increase the cost of breakfast items; and

WHEREAS, The Division of Food and Nutrition Services will receive approximately \$560,000 in additional federal revenue via the state of Maryland as a result of the *Healthy Hunger Free Kids Act* ruling, \$107,000 in additional revenue from the state for adding eight schools to the Maryland Meals for Achievement breakfast program, and additional federal reimbursements as a result of more students being eligible to participate in the Free and Reduced-price Meals System Program; now therefore let it be

Resolved, That the superintendent of schools be authorized to receive and expend a Fiscal Year 2013 supplemental appropriation of \$1,000,000 in Category 61, Food and Nutrition Services Fund, for the Montgomery County Public Schools Food and Nutrition Services Enterprise Fund; and be it further

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

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

RESOLUTION NO. 490-12            Re:    **AMENDMENT NO. 5 TO THE MCPS  
EMPLOYEES' RETIREMENT AND PENSION  
SYSTEM**

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

WHEREAS, It is recommended that the Montgomery County Public Schools Employees' Retirement and Pension System Plan to be amended in Article I, Section 12.2; and

WHEREAS, The amended language states, "Subject to Section 5.7(a), if a Member's service with the Montgomery County Public Schools terminates before the Member's Normal Retirement Date or Early Retirement Date and before completing five years of Credited Service, the Member will be paid that portion of Accumulated Contributions actually contributed by the Member. Any contributions paid to the Teachers' Retirement System will be governed by the regulations of that system"; and

WHEREAS, Article II, Section 12.2 of the Montgomery County Public Schools Employees' Retirement and Pension System Plan shall be amended to read, "Subject to Section 6.5, if a Member's service with the Montgomery County Public Schools terminates before the retirement date and before completing five years of Credited Service, the Member will be paid that portion of Accumulated Contributions actually contributed by the Member and will then cease to be a Member. Payments to terminated Members pursuant to this Section 12.2 shall be made quarterly. Any contributions paid to the Teachers' Pension System will be governed by the regulations of that system"; and

WHEREAS, Section 1.1(b) of Article I and Article II of the Montgomery County Public Schools Employees' Retirement and Pension System Plan shall be amended to read, "(b) "Actuarial Equivalent" means a benefit of equal value when computed on the basis of the mortality table and interest rate in Exhibit 3 to the Plan which is incorporated herein by reference"; and

WHEREAS, Article III, Section 10.1(C) of the Montgomery County Public Schools

Employees' Retirement and Pension System Plan shall be amended to read, "(C) Compensation. For purposes of applying the Code section 415 limitations, compensation has the meaning set forth in Treasury Regulation section 1.415-2(d)(1)-(3) before July 1, 2007, and Treasury Regulation section 1.415(c)-2(a)-(c) on or after July 1, 2007"; and

WHEREAS, Article III, Section 10 of the Montgomery County Public Schools Employees' Retirement and Pension System Plan shall be amended to add the following new section "10.3 Termination of the Plan. Upon the termination or partial termination of the Plan, the rights of each affected Member to benefits accrued to the date of such termination or partial termination, to the extent funded, shall be nonforfeitable"; and

WHEREAS, Exhibit 3 shall be added to the Montgomery County Public Schools Employees' Retirement and Pension System Plan, "Mortality table: UP84 (Unisex Pension 1984 mortality tables) Interest Rate: 8 percent"; now therefore be it

Resolved, That the Board of Education adopts Amendment No. 5 to the Montgomery County Public Schools Employees' Retirement and Pension System Plan, effective November 14, 2012, which is attached; and be it further

Resolved, That the Board of Education authorizes the execution of the Amended Montgomery County Public Schools Employees' Retirement and Pension System Plan; and be it further

Resolved, That the Board of Education authorizes the superintendent of schools to take such further action as necessary to carry out the intent and accomplish the purpose of the foregoing resolution.

RESOLUTION NO. 491-12            Re:    **HUMAN RESOURCES AND DEVELOPMENT  
MONTHLY REPORT**

On recommendation of the superintendent and on motion of Mr. O'Neill seconded by Mr. Barclay, 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 the members of the Board of Education and the superintendent of schools express their condolences to families of deceased employees; and be it further  
Resolved, That this resolution be made a part of the minutes of this meeting.

RESOLUTION NO. 492-12      Re:    **DEATH OF MR. DIONISIO BAJANA, BUS OPERATOR I, DOT WEST FARM DEPOT**

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

WHEREAS, The death on September 28, 2012, of Mr. Dionisio Bajana, school bus operator, Department of Transportation, West Farm Depot, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, During the 2.1 years with Montgomery County Public Schools, Mr. Bajana always demonstrated "team work" with his school bus attendant and often volunteered his school bus and route for new drivers being mentored; and

WHEREAS, Mr. Bajana's commitment to his students was very evident by his actions as he always arrived to work in plenty of time to see that his school bus was well prepared for his run; 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. Bajana 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. Bajana's family.

RESOLUTION NO. 493-12      Re:    **DEATH OF HYMAN L. KRIEGER, INTERNAL AUDITOR, OFFICE OF SHARED ACCOUNTABILITY**

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

WHEREAS, The death on October 7, 2012, of Mr. Hyman L. Krieger, internal auditor with the Office of Shared Accountability, has deeply saddened the staff and members of the Board of Education; and

WHEREAS, During the 16.8 years Mr. Krieger had worked for Montgomery County Public Schools, he demonstrated his outstanding auditing and human relations skills as he mentored staff during the conduct of his audits, resulting in substantial improvement in management of school funds; and

WHEREAS, He was well respected by all who knew him and genuinely cared about Montgomery County Public Schools students as indicated by encouragement he expressed to principals to exercise judicious oversight in expenditure of their students' funds, and both internal audit unit and school staff would seek out his advice on a daily

basis; 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. Krieger 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. Krieger's family.

RESOLUTION NO. 494-12      Re:    **DEATH OF MR. JEFFREY E. DOWNS,  
MECHANICAL SYSTEMS TECHNICIAN,  
CLARKSBURG MAINTENANCE DEPOT**

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

WHEREAS, The death on October 14, 2012, of Mr. Jeffrey E. Downs, with the Clarksburg Maintenance Depot, has deeply saddened the staff and members of the Board of Education; and

WHEREAS, During the 10.4 years Mr. Downs had worked for Montgomery County Public Schools, he remained calm and respectful to everyone while under pressure to resolve problems in a professional manner at all times; and

WHEREAS, Mr. Downs took great pride in his work and always displayed a high degree of honesty, loyalty, and integrity; 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. Downs 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. Downs' family.

RESOLUTION NO.495-12      Re:    **DEATH OF MS. JANE W. HARKAWAY,  
SUPERVISOR, DEPARTMENT OF  
CURRICULUM AND INSTRUCTION**

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

WHEREAS, The death on October 19, 2012, of Ms. Jane W. Harkaway, supervisor in the Department of Curriculum and Instruction, has deeply saddened the staff, and members of the Board of Education; and

WHEREAS, During the 11.2 years that Ms. Harkaway worked for Montgomery County

Public Schools, she dedicated her career to improving the lives of individuals with special challenges—helping principals, teachers, counselors, and central services staff serve all students well; and

WHEREAS, Ms. Harkaway established an exemplary model for physical education across all grades, K–12, promoting effective assessment and instruction; 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. Harkaway 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. Harkaway's family.

RESOLUTION NO. 496-12      Re:    **DEATH OF MR. TADESSE W. KERAGA, BUS ATTENDANT, WEST FARM TRANSPORTATION DEPOT**

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

WHEREAS, The death on September 26, 2012, of Mr. Tadesse W. Keraga, special education bus attendant with the West Farm Transportation Depot, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, During the 3.1 years Mr. Keraga had worked for Montgomery County Public Schools, he was committed to the students' safety and well-being while riding the bus; and

WHEREAS, Mr. Keraga maintained a good relationship with all parties, school staff, parents, and students at all times; 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. Keraga 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. Keraga's family.

RESOLUTION NO. 497-12      Re:    **DEATH OF MS. CYNTHIA J. THOMPSON, SECRETARY, EMPLOYEE ASSISTANCE UNIT**

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

WHEREAS, The death on October 12, 2012, of Ms. Cynthia J. Thompson, secretary in the Employee Assistance Unit, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, During the 20.11 years with Montgomery County Public Schools, Ms. Thompson understood the importance of her work and acted in a professional and confidential manner; and

WHEREAS, As a result of Ms. Thompson's superior customer service skills, clients of the Employee Assistance Unit were put at ease, particularly during stressful and crisis situations; 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. Thompson 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. Thompson's family.

RESOLUTION NO. 498-12      Re:    **APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective November 14, 2012:

**Bei (Susan) Chen**, acting controller, Department of Financial Services, as controller, Department of Financial Services

RESOLUTION NO. 499-12      Re:    **APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective December 3, 2012:

**Randy C. Aleshevich**, data specialist, Baltimore County Public Schools, as coordinator, Office of Share Accountability.

Re:    **MONTHLY FINANCIAL REPORT**

Mr. Larry Bowers, chief operating officer, reported that this financial report reflects the actual financial condition of Montgomery County Public Schools (MCPS) as of

September 30, 2012, and projections through June 30, 2013, based on program requirements and estimates made by primary and secondary account managers. At this time, revenues have a projected surplus of \$350,000 and expenses have a projected surplus of \$10,500,000.

Due to Fiscal Year (FY) 2011 comprehensive expenditure restrictions, MCPS ended the year with an expenditure surplus. The FY 2012 Operating Budget included a fund balance of \$17.0 million of the total savings as a source of appropriation, leaving a fund balance of \$11.9 million. This balance, together with the FY 2012 expenditure and revenue surplus of \$28.6 million, equals \$40.5 million that will be available to fund future operating budgets. The County Council used \$17 million of the fund balance as a source of revenue for the FY 2013 Operating Budget, leaving an available balance of \$23.5 million. My expectation is that the available fund balance will be used for appropriation over several years to avoid any sudden increase in the need for local contribution to replace fund balance as a revenue source. Staff will continue to closely monitor both revenues and expenditures

\*\* Ms. Berthiaume and Mr. Mannes left the meeting at this point.

RESOLUTION NO. 500-12      Re:    **TENTATIVE ACTION, POLICY DNA,  
DISPOSITION OF BOARD OF EDUCATION  
PROPERTY**

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

WHEREAS, Policy DNA, *Disposition of Board of Education Property*, provides for the disposal of Montgomery County Board of Education property; and  
WHEREAS, The Montgomery County Board of Education Policy Committee has considered and recommended revisions to Policy DNA, *Disposition of Board of Education Property*; now therefore be it

Resolved, That the Montgomery County Board of Education take tentative action on Policy DNA, *Disposition of Board of Education Property*, and be it further

Resolved, That Policy DNA, *Disposition of Board of Education Property*, be sent out for public comment.

### **Disposition of Board of Education Property**

A.    PURPOSE

To provide for the disposal of Montgomery County Board of Education (Board) property

B.    PROCESS AND CONTENT

1. Maryland law governs the disposal of real property by local boards of education.
  - a) Subject to the approval of the state superintendent of schools, local boards of education shall transfer grounds, school sites, or buildings no longer needed for school purposes to the County Council.
  - b) The State Board of Public Works, by rule and regulation, can require that the proceeds from the sale, lease, or disposal of school buildings constructed primarily with state funds after February 1, 1971, be utilized solely as a part of the state funding of future school buildings within the subdivision in which the disposal occurred.
2. Board property will be disposed of as follows:
  - a) Real Property — Buildings and Grounds
    - (1) Disposal

In the event that any Board real property is considered to have no further use for school system purposes, the superintendent of schools shall make a recommendation to the Board for disposition. The recommendation will include the rationale for the proposal, an estimate of the market value of the property, and the identification of the amount and year of state appropriations for construction and/or improvements of buildings on the site.
    - (2) Easements and Rights-of-Way

The granting of easements and rights-of-way requested by other public agencies and utility firms in the public interest shall be by Board action upon the recommendation of the superintendent of schools.
  - b) Other Than Real Property
    - (1) The superintendent of schools will effect the trade-in of other than real property and equipment at the time bids are invited for replacement. The superintendent of schools is authorized to effect the direct sale of items which have no trade-in value nor significant use to the instructional or support programs.

- (2) Requested authorization for the disposition of obsolete school books by sale or transfer to such agencies as may have use for these books is hereby approved, it being understood that any transfer to an agency would be at no cost to the Board .

C. REVIEW AND REPORTING

1. The sale of any item exceeding \$ 25,000 in proceeds will be reported to the Board as an item of information.

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

RESOLUTION NO. 50112            Re:    **APPROVAL OF PILOT COURSES**

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, On February 13, 2001, the Montgomery County Board of Education adopted Policy IFA, *Curriculum*, governing all curriculum development and implementation; and

WHEREAS, Montgomery County Public Schools established procedures under Regulation IFA-RA, *Curriculum*, to allow school staff to develop and pilot noncore curriculum courses through the Office of Curriculum and Instructional Programs; and

WHEREAS, Montgomery County Public Schools established procedures under Regulation IFA-RA, *Curriculum*, to allow externally developed curriculum and instructional programs to be used in place of Montgomery County Public Schools curriculum after review and approval, using the process for noncore curriculum development; and

WHEREAS, The proposed courses have met all of the requirements established in the procedures; and

WHEREAS, These proposed courses support and extend high school signature, academy, career and technology, and elective programs; now therefore be it

Resolved, That the Montgomery County Board of Education approve the following courses as pilot courses, restricted courses, or active courses in accordance with the procedures established in Regulation IFA-RA, *Curriculum*.

- IB Approached by Learning A/B/C
- IB Dance 1 A/B
- IB Dance 2 A/B

- IB Design Technology A/B
- IB Sports, Exercise, and Health Service A/B
- Foundations of Technology Through Automotive Concepts
- Graphic Novel Literature
- Introduction to Fashion Illustration A/B
- Introduction to Fashion Production A/B
- Vector Calculus
- Writing Mobile Android Apps A/B
- Landscape Design and Management A/B
- METS ESOL A/b
- Physical Rehabilitation Science A/B
- Plant Production A/B
- Advanced Child and Adolescent 2A/B
- Advanced Child and Adolescent Development 3A/B
- Education Internship

RESOLUTION NO. 502-12

Re: **FUTURE CLOSED SESSION RESOLUTION**

On recommendation of the superintendent and on motion of Mr. Barclay seconded by Mrs. O'Neill, 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 Tuesday, December 11, 2012, in Room 120 of the Carver Educational Services Center, 850 Hungerford Drive, Rockville, Maryland, to meet from 9:00 to approximately 10:00 a.m. and 12:45 to approximately 1:45 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. 503-12

Re: **REPORT OF PREVIOUS CLOSED SESSION**

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

On October 22, 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 October 22, 2012, from 5:00 to 6:01 p.m. in Room 120 of the Carver Educational Services Center, 850 Hungerford Drive, Rockville, Maryland, and:

1. Reviewed and received legal advice on the Decisions and Orders in Appeals T-2012-60, DCC-2012-61, and T-2012-62, 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*.
2. Received legal advice and adjudicated the following appeals involving student transfers and student placements: NEC-2012-63, T-2012-64, T-2012-65, and NEC-2012-66, 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 and discussed pending litigation and legal matters pertaining to the William H. Farquhar Middle School, Bethesda-Chevy Chase Middle School #2, and Northwest Cluster Elementary School #8 and discussed with staff these pending litigation matters, as permitted under Sections 10-508(a)(7) and 10-508(a)(8) of the *State Government Article*.
4. Received the Quarterly Sexual Harassment Report which is an administrative function and outside the purview of the *Open Meetings Act*.
5. Received a briefing by the superintendent of schools on an individual candidate for appointment as assistant to the chief engagement and partnership officer, Office of Community Engagement and Partnerships, with a subsequent vote in open session, as permitted under Section 10-508(a)(1) of the *State Government Article*.

In attendance at the 5:00 p.m. closed session were Chris Barclay, Shirley Brandman, Judy Docca, Michael Durso, Phil Kauffman, John Mannes, Patricia O'Neill, Roland Ikheloa, Suzann King, Glenda Rose, Laura Steinberg, Patrick Clancy, and Samantha Williams. At 5:11 p.m., the following staff and counsel joined the meeting: Larry Bowers, Judy Bresler, Brian Edwards, Kurt Fischer, Beth Schiavino-Narvaez, James Song, Joshua Starr, Kimberly Statham, Dana Tofig, and Janice Turpin.

RESOLUTION NO. 504-12      Re:    **APPEALS**

On recommendation of the superintendent and on motion of Mr. Barclay seconded by Mrs. O'Neill, 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:

Appeal Number  
2012-19  
2012-29

Type  
Grade Placement  
Early Entrance to Kindergarten

RESOLUTION NO. 505-12      Re:    **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education takes no position on MC 1-13 **Montgomery County - Board of Education Districts - Town of Kensington in One District**. During last fall's special legislative session, the boundaries of the Montgomery County Board of Education five resident districts were redrawn. An unintended consequence of the new District 3/District 4 boundary has emerged regarding voting precincts in the Town of Kensington. Title 33 (Board of Elections), subtitle 15.02.02 of the Code of Maryland Regulations states a precinct must lie "wholly within a district" with no distinction made between an election and resident district. Because the BOE District 3/District 4 boundary now runs through the Town of Kensington, the Board of Elections divided the Town of Kensington into 2 voting precincts. Kensington residents prefer to continue their long standing tradition of voting in one location. Therefore, this bill has been introduced to redraw the District 3/District 4 boundary to accomplish that goal.

RESOLUTION NO. 506-12      Re:    **ITEM OF LEGISLATION**

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 opposes MC 7-13 **Montgomery County Board of Education – Membership**. Current law that requires Maryland school systems with more than 100,000 students to have at least a nine member Board of Education, except for Montgomery County. This bill eliminates that exception by adding two at-large members. Additionally, the bill converts the five existing Board of Education (BOE) resident districts into five election districts. Board member terms would remain staggered with four members (two at-large and District 2 and District 4 members) elected in the presidential election cycle and five members (two at-large and District 1, District 3, and District 5 members) elected in the gubernatorial election cycle. During the 2000 legislative session, a 16-member *Montgomery County School Board Composition Task Force* was legislatively authorized to study the authority, size, composition and responsibilities of the Montgomery County Board of Education. The

Task Force discussed both adding two additional members to the Board of Education as well as converting resident districts to election districts. The Task Force rejected both concepts citing no immediate benefit to increased size as well as concern that electing Board of Education members only by voters in their district, rather than countywide, could lead to parochialism.

RESOLUTION NO. 507-12            Re:    **ITEM OF LEGISLATION**

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

Resolved, That the Board of Education takes no position on MC 8-13, **Montgomery County – Board of Education – Compensation**. This bill would increase the annual compensation of Montgomery County Board of Education members from \$18,500 to \$25,000. The Board of Education president would continue to receive an additional \$4,000 annual compensation. During the 2000 legislative session, the 16-member *Montgomery County School Board Composition Task Force* was legislatively authorized to study the authority, size, composition and responsibilities of the Montgomery County Board of Education. In discussing compensation, the Task Force identified several key issues including comparable compensation with other County boards and commissions as well the opportunity for any citizen, regardless of employment or income to be able to run for the Board. As a result, the Task Force recommended that compensation for Board members be increased from \$12,000 to \$18,500 annually. At that time, there had been no Board of Education member compensation increase since 1986.

Re:    **NEW BUSINESS**

There was no new business.

Re:    **ITEMS OF INFORMATION**

The following items were available:

1. Legal Fees Report
2. Construction Progress Report
3. Minority-, Female-, or Disabled-Owned Business Procurement Year-To-Date Report for Fiscal Year 2013 through September 30, 2012

RESOLUTION NO. 508-12            Re:    **ADJOURNMENT**

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 adjourn its meeting of November 13, 2012, at 5:23 p.m.

\_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
SECRETARY

JPS:gr

Resolution	Barclay	Berthiaume	Brandman	Docca	Durso	Kauffman	Mannes	O'Neill
School Calendar	A	A	A	A	A	A	A	A
Policy DNA	A	O	A	A	A	A	O	A
Pilot Courses	A	O	A	A	A	A	O	A

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