

APPROVED
6-2013

Rockville, Maryland
February 12, 2013

The Board of Education of Montgomery County held a business meeting at the Carver Educational Services Center, 850 Hungerford Drive, Rockville, Maryland, on February 12, 2013, beginning at 9:00 a.m.

Present: Mr. Christopher Barclay, President
in the Chair
Ms. Shirley Brandman
Dr. Judy Docca
Mr. Michael Durso
Mr. Philip Kauffman
Mr. John Mannes
Mrs. Patricia O'Neill
Mrs. Rebecca Smondrowski
Mr. Larry Bowers, Acting Secretary/Treasurer

Absent: Dr. Joshua Starr

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. 27-13 Re: **RESOLUTION FOR CLOSED SESSION**

On recommendation of the superintendent and on motion of Dr. Docca seconded by Mr. Kauffman, the Student Member of the Board was invited to attend closed session and 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 February 12, 2013, in Room 120 of the Carver Educational Services Center, 850 Hungerford Drive, Rockville, Maryland, from 9:00 to approximately 10:00 a.m. and 12:30 to approximately 1:30 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 Board receive legal advice on the *Open Meetings Act*, as

permitted under Section 10-508(a)(7) of the *State Government Article*; and be it further

Resolved, That the Board receive legal advice and discuss pending litigation regarding the Maravell Petition filed in Circuit Court, as permitted under Section 10-508(a)(7) and 10-508(a)(8) respectively of the *State Government Article*, and receive a briefing on the management of the property which is an administrative function outside the purview of the *Open Meetings Act*; and be it further

Resolved, That the superintendent of schools brief the Board on the 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 superintendent of schools provide the Quarterly Sexual Harassment Report to the Board which is an administrative function and outside the purview of the *Open Meetings Act*; 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 the strategy regarding the implementation of the new principal/teacher effectiveness regulations, which is an administrative function outside the purview of the *Open Meetings Act*; and be it further

Resolved, That the Board consult with staff regarding potential litigation, as permitted under Section 10-508(a)(8) 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 9:03 to 10:02 a.m. After a break, the Board of Education reconvened in open session at 10:09 a.m.

To view specific sections or the entire meeting, please watch at <http://www.montgomeryschoolsmd.org/boe/meetings/archive/2013/2013-0212.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. 28-13

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 February 12, 2013.

RESOLUTION NO. 29-13

Re: **NATIONAL SCHOOL COUNSELING WEEK**

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

WHEREAS, National School Counseling Week 2013, with the theme "School Counseling: Liberty and Learning for All," was celebrated February 4 through 8, 2013, to focus public attention on the distinctive contribution of professional school counselors; and

WHEREAS, School counselors are actively committed to helping students explore their abilities, strengths, interests, and talents as these traits relate to career awareness and development; and

WHEREAS, School counselors help parents focus on ways to further the educational, personal, and social growth of their children; and

WHEREAS, School counselors work with teachers and other educators to help students explore their potential and set realistic goals for themselves; and

WHEREAS, Montgomery County Public Schools values the critical role of school counselors in seeking to identify and utilize community resources that may enhance and complement comprehensive school counseling programs and help students become productive members of society; now therefore be it

Resolved, That the Montgomery County Board of Education hereby recognizes National School Counseling Week 2013 in Montgomery County Public Schools and is proud that Montgomery County Public Schools recommended observance in all our school communities.

RESOLUTION NO. 30-13

Re: **IN APPRECIATION OF DR. HOMER ORO
ELSEROAD**

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

WHEREAS, Dr. Homer Oro Elseroad, who passed away on January 16, 2013, was a highly regarded and dedicated superintendent of Montgomery County Public Schools from 1964 to 1975; and

WHEREAS, Dr. Elseroad is remembered for his courage, integrity, and leadership in overseeing desegregation in MCPS schools; and

WHEREAS, Under Dr. Elseroad's leadership, the district had 123,000 students and went from the 18th to the 17th largest system in the nation and remains the 17th largest today, with a student population of 148,779; and

WHEREAS, Dr. Elseroad cared deeply about students, was highly professional in his interactions with others, was ready to make difficult decisions, had a subtle sense of humor, and was a mentor to other administrators; and

WHEREAS, Under Dr. Elseroad's leadership, the school district invested in the hiring of more teachers, doubling the teaching staff in number, and successfully increasing funds meant for instruction; and

WHEREAS, As a result of Dr. Elseroad's pioneering efforts, Montgomery County Public Schools continues to be a national leader in achieving excellence in instruction for all children and in confronting the issue of race and the achievement gap in our classrooms; now therefore be it

Resolved, That the Board of Education appreciates and salutes Dr. Homer Oro Elseroad for his service to the children of Montgomery County; and be it further

Resolved, That a copy of this resolution be sent to the family of Dr. Elseroad.

Re: **PUBLIC COMMENTS**

The following people commented before the Board of Education:

- | | |
|---------------------|-----------------|
| 1. Michael Thomas | Saturday School |
| 2. Erik Kimel | Saturday School |
| 3. Odessa Shannon | Achievement Gap |
| 4. Ruby A. Rubens | Achievement Gap |
| 5. Michael Williams | Achievement Gap |
| 6. Zamari Love | Achievement Gap |
| 7. Louis Lavadenz | |
| 8. Sharif Robinson | Achievement Gap |
| 9. Noah Wossen | Achievement Gap |
| 10. Vilma Najera | Achievement Gap |
| 11. Mark Adelman | Public Health |

Re: **DISCUSSION**

Mr. Barclay asked staff to review the Minority Scholars Program proposal/model and budget implications, and whether it is feasible to implement. The Board would like to

know the outcome.

Re: **BOARD/SUPERINTENDENT COMMENTS**

Mr. Mannes mentioned the following: SMOB Nominating Convention; Ulysses Project; Student Town Hall Meeting, and the Federal Relations Network through NSBA.

Mrs. Smondrowski stated that she attended the Martin Luther King, Jr. Middle School celebration, cluster meetings, and the Town Hall meetings.

Ms. Brandman noted the Leadership Recognition Award received by Dr. Docca; MSDE Code of Conduct Steering Committee; Latino Celebration to highlight support of students; SNAP Challenge; and the Kennedy Cluster.

Mr. Durso observed that counselors are unsung heroes; the Ulysses Project; reading to students at Rock Creek Forest Elementary School; SRO positions in schools; Student Town Hall meetings; and the Lunar New Year.

Dr. Docca mentioned the courtyard at Harmony Hills Elementary School; Black History Month; Gaithersburg High School Fundraiser; and the successful achievement of students.

Mrs. O'Neill remarked about the Lunar New Year celebration; and the Black Educations Talent Show.

Mr. Kauffman commented on the Kennedy Cluster; Linages to Learning; Minority Students Program; and the need to advocate for these programs.

Mr. Barclay remarked on the award for Dr. Docca, the Federal Relations Network; and the Latino Civic Association.

Mr. Bowers commented on the following topics: Community Dialogue on Academic Success; Green Ribbon Schools Nomination; 2013 Marian Greenblatt Award for Veteran Teachers; Intel Finalist and Semifinalists; TESOL Teacher of the Year; Recap of Community Days Events; Student Town Hall Meeting at Paint Branch High School; Latino Parents Celebration; and 2012 Cohort Graduation Rate.

Re: **TRANSPORTATION DEPOTS—UPDATE**

Mr. Bowers and staff lead the discussion on the status of the transportation depots. In January 2006, the Montgomery County Council adopted the Shady Grove Sector Plan (Sector Plan). The adoption of the Sector Plan signaled the future transformation of the existing County Service Park along Crabbs Branch Way from an industrial complex into a mixed-use community with a new residential focus at the Shady Grove Metro Station. In December 2007, the county executive placed in motion the County Smart Growth

Initiative to relocate the County Service Park and move forward with the Sector Plan development around the Shady Grove Metro Station.

The Smart Growth Initiative currently will relocate the Montgomery County Public Schools (MCPS) Food Services Central Production Facility and Distribution Warehouse to a new location on Snouffer School Road in Gaithersburg, known as the Webb Tract. The Webb Tract also will house the MCPS Shady Grove Central Maintenance Depot. Other agency operations, such as the county's Equipment Maintenance and Operations Center and Liquor Warehouse, along with the Maryland-National Capital Park and Planning Commission Maintenance Facility, will be relocated to other sites in the county. The largest operation at the County Service Park, the MCPS Shady Grove North and South Transportation Depots, does not have a relocation site.

The MCPS Department of Transportation operates its school bus fleet from five primary depot locations around the county. During the last 30 years, the MCPS school bus fleet has more than doubled in size, from 600 buses to a fleet of 1,272 buses. The MCPS Department of Transportation has been working creatively to cope with severe overcrowding at its depots. Three of the depots are significantly overutilized—Bethesda (169 percent), Clarksburg (226 percent), and Shady Grove North and South (167 percent). The Randolph and West Farm depots are both at capacity and cannot accommodate any additional school buses.

In May 2012, Councilmember Valerie Ervin, chair of the County Council Education Committee, requested that Council staff convene an informal staff work group, including MCPS and Executive Branch staff, to review the relocation of the Shady Grove Transportation Depot, as well as the overutilization at the remaining depots in the county. The charge of the work group was to review best practices associated with school bus depot locations and school bus maintenance and to prepare materials on the pros and cons of a variety of potential options. This work group was formed and met numerous times from July 2012 through December 2012.

Re: DISCUSSION

The following issues were raised by Board members, and staff addressed the concerns at the table:

- Mr. Kauffman asked if there was flexibility on the date for the relocation of the depot at Shady Grove. Have any sites been identified?
- Mrs. O'Neill suggested that staff review how the landfill in San Mateo, California, was developed for residential use.
- Ms. Brandman thought that there are sites, but the issue is cost. Would there be a public/private partnership for those developers who want to use the land?
- Mrs. Smondrowski asked about the need for schools to be built on the Shady Grove Sector.
- Mr. Kauffman asked how large the dedicated school and park site will be for the Shady Grove Sector.

- Mr. Durso wanted to know if there were legal restrictions on placing a bus depot outside the county. Have other urban school systems faced this issue?
- Mr. Kauffman asked about the solution to park buses at high school sites.
- Mr. Barclay wanted to know the security issues of parking buses on school sites.
- Mr. Kauffman inquired about the issue of noise, lights, fumes, and traffic in residential communities where bus parking would be located at schools.
- Mr. Barclay inquired about maintenance and fueling of buses.
- Mr. Mannes inquired about parking decks for cars and/or buses.
- Mrs. O'Neill stated that she served on a state commission on school safety. Included in that report was the security of buses during off hours.
- Mrs. O'Neill stated that parking buses on school sites is a bad idea.
- Dr. Docca noted that students will need to give up parking spaces which are needed for afterschool activities and work opportunities.
- Ms. Brandman thanked the work group. The school system is at the point of making a deliberate choice. There are cascading problems of staff costs and impact on the school community.
- Mr. Kauffman wanted to know the scope of the consultant that will be hired, such as inventory of sites, collocation, and other options.

Re: **LUNCH AND CLOSED SESSION**

The Board of Education recessed for lunch and closed session from 1:01 to 2:33 p.m.

RESOLUTION NO. 31-13 Re: **POSITION ON EDUCATION LEGISLATION**

On motion of Mrs. O'Neill and seconded by Ms. Brandman, the following motion was adopted unanimously:

Resolved, That the Board of Education opposes *HB0323, Election Law - Primary Elections – Dates*, which would alter the dates of primary elections to be the first Tuesday in June; altering the deadline for filing a certificate of candidacy in the year in which the Governor is elected; and generally relating to the dates of primary elections.

RESOLUTION NO. 32-13 Re: **POSITION ON EDUCATION LEGISLATION**

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

Resolved, That the Board of Education supports *HB0139, Training for Public Open Meetings Act*, which would require the State Open Meetings Law Compliance Board to develop and offer an online training program on the requirements of the open meetings law to employees, officers, or members of a public body; require a public body to designate certain individuals to receive certain online training; requiring the public body to submit a list of the individuals designated to receive certain online training to the Board; require certain individuals designated to receive certain

online training to complete the training within a certain time period; requiring certain individuals to complete certain annual online training; and generally relating to online training on the requirements of the Open Meetings Act.

RESOLUTION NO. 33-13 Re: **POSITION ON EDUCATION LEGISLATION**

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

Resolved, That the Board of Education opposes **HB0140, State Government - Open Meetings Act – Penalty**, which would require the Open Meetings Compliance Board (OMCB) to include in its annual report any recommended adjustments in the penalty for violation of the Open Meetings Act (OMA), as well as requiring the Attorney General, in collaboration with the OMCB, to implement a range of penalties for a violation(s) of the OMA. Currently, the statute provides that a member of a public body who willfully participates in a meeting with knowledge that the meeting is being held in violation of the OMA is subject to a civil penalty not to exceed \$100.

RESOLUTION NO. 34-13 Re: **POSITION ON EDUCATION LEGISLATION**

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

Resolved, That the Board of Education opposes **HB0331/SB0826, Open Meetings Act - Violations and Penalties**, which would require that a certain public body take a certain action if the State Open Meetings Law Compliance Board determines that a certain violation of the Open Meetings Act has occurred; repealing a certain prohibition on the introduction of certain opinions issued by the Board as evidence in certain proceedings; altering certain penalties for certain violations; and generally relating to the Open Meetings Act.

RESOLUTION NO. 35-13 Re: **POSITION ON EDUCATION LEGISLATION**

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

Resolved, That the Board of Education opposes **HB0484, Maryland Open Meetings Act - Enforcement Authority**, which would authorize the Attorney General or a local State's Attorney, on the initiative of the Attorney General or a local State's Attorney or on receipt of a verified complaint from a person that a public body has failed or may fail to comply with certain provisions of the Open Meetings Act, to file a petition with a certain court and ask for a certain remedy; and generally relating to enforcement authority under the Open Meetings Act.

RESOLUTION NO. 36-13 Re: **POSITION ON EDUCATION LEGISLATION**

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

Resolved, That the Board of Education opposes **HB0485, Open Meetings Act - Application of Penalties**, which would apply certain penalty provisions to a member of a public body who attends a meeting of the public body that is held in violation of the Open Meetings Act; providing that certain penalties do not apply to specified members of public bodies under certain circumstances; and generally relating to the Open Meetings Act.

RESOLUTION NO. 37-13 Re: **POSITION ON EDUCATION LEGISLATION**

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

Resolved, That the Board of Education strongly opposes **SB0174/HB0146, Education - Public Charter Schools - Capital Improvement Requests**, which would make public charter schools eligible to receive State funds for school construction subject to certain requirements; requiring the public charter school to submit a certain request for a capital improvement project to the county board of education; requiring the county board to establish a deadline for request submission; requiring the county board to make a certain evaluation of the request; requiring the county board to provide the public charter school with certain notice by a certain date; requiring the county board to allow the public charter school to make certain corrections in a reasonable time.

RESOLUTION NO. 38-13 Re: **POSITION ON EDUCATION LEGISLATION**

On motion of Mrs. O'Neill and seconded by Ms. Brandman, the following motion was adopted unanimously:

Resolved, That the Board of Education opposes **SB0194, Education - Charter Schools - Study to Recommend Improvements to the Maryland Public Charter School Program**, which would require the Maryland State Department of Education to conduct a certain study and provide certain recommendations to the Governor and the General Assembly on or before a certain date regarding improvements to the Maryland Public Charter School Program; declaring a certain intent of the General Assembly and a certain priority of the State; providing for the termination of this Act; and generally relating to improving the Maryland Public Charter School Program.

RESOLUTION NO. 39-13 Re: **POSITION ON EDUCATION LEGISLATION**

On motion of Mrs. O'Neill and seconded by Ms. Brandman, the following motion was adopted unanimously:

Resolved, That the Board of Education supports with an amendment **HB0103/SB0245**,

School Buildings - Solar Technology - Design Development Documents, which would require the Board of Public Works to adopt certain regulations requiring certain design development documents for the construction or renovation of school buildings to include certain information relating to the use of solar technology; requiring the Interagency Committee on School Construction to submit a certain report that includes certain information to the Governor and the General Assembly on or before a certain date each year; and generally relating to school buildings and solar technology.

RESOLUTION NO. 40-13 Re: **POSITION ON EDUCATION LEGISLATION**

On motion of Mrs. O'Neill and seconded by Mrs. Smondrowski, the following motion was adopted unanimously:

Resolved, That the Board of Education supports ***SB0277/HB0229, State Aid for Public Education - Certification of Net Taxable Income***, which would alter the definition of "net taxable income" for purposes of calculating certain State aid formulas for education; requiring the Comptroller to certify annually the amount of net taxable income in a certain manner; requiring certain State aid to be calculated in a certain manner; requiring certain State aid to be paid in a certain manner under certain circumstances; providing for the application of this Act; and generally relating to the certification of net taxable income for the purposes of certain State aid for education funding.

RESOLUTION NO. 41-13 Re: **POSITION ON EDUCATION LEGISLATION**

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

Resolved, That the Board of Education supports with an amendment ***SB0115, County Boards of Education - School Budget, Audit, and Procurement Information Web Site Publication***, which would require county boards of education to develop and operate a certain web site that includes certain information relating to school budgets, audits, and procurement; specifying certain parameters of the web site; defining certain terms; and generally relating to the development and operation of a searchable web site by county boards of education.

RESOLUTION NO. 42-13 Re: **POSITION ON EDUCATION LEGISLATION**

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

Resolved, That the Board of Education supports ***HB0453, Education - Maryland Center for School Safety***, which would establish the Maryland Center for School Safety as an independent unit of State government; establishing the location and staffing of the Center; specifying the function and duties of the Center; establishing the Governing Board of the Maryland Center for School Safety; providing for the

membership of the Governing Board; providing for the appointment and terms for certain members of the Governing Board; providing for the duties of the Governing Board; requiring the Governor to provide a certain amount in the annual State budget to carry out certain provisions of law.

RESOLUTION NO. 43-13 Re: **POSITION ON EDUCATION LEGISLATION**

On motion of Mrs. O'Neill and seconded by Ms. Brandman, the following motion was adopted unanimously:

Resolved, That the Board of Education supports **SB0143, Public Schools - Emergency Management Plans – Evaluations**, which would require each county board of education to evaluate the effectiveness of the emergency management plan in each public school under the jurisdiction of the county board on or before a certain date; requiring each county board of education to report to the State Department of Education on a certain evaluation on or before a certain date; requiring the Department to make a certain report to the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the evaluation of emergency management plans in the public schools in the State.

RESOLUTION NO. 44-13 Re: **POSITION ON EDUCATION LEGISLATION**

On motion of Mrs. O'Neill and seconded by Ms. Brandman, the following motion was adopted unanimously:

Resolved, That the Board of Education supports **HB0269, Public Schools - Requirements for Controlled Access**, which would require a new school or a renovated school that receives State public school construction funds to be constructed or renovated to have controlled access to allow visitors to enter the school; providing for the application of this Act to the construction or the renovation of certain schools that have not initiated a certain Request For Proposal on or before a certain date; requiring the Board of Public Works to adopt certain regulations; defining a certain term; and generally relating to requirements for controlled access to allow visitors to enter public schools in the State.

RESOLUTION NO. 45-13 Re: **POSITION ON EDUCATION LEGISLATION**

On motion of Mrs. O'Neill and seconded by Ms. Brandman, the following motion was adopted unanimously:

Resolved, That the Board of Education strongly opposes **HB0394, Education - Primary and Secondary Schools - Electronic Control Devices**, which would authorize a principal of a primary or secondary school to designate one or more safety officers and make one or more electronic control devices available for use by certain safety officers in the school; requiring the Maryland Police and Correctional Training Commissions and the State Department of Education to develop and administer a

certain training program for certain safety officers, establish standards for the use of an electronic control device by a safety officer, and establish criteria for designating safety officers; specifying that a safety officer must satisfactorily complete certain training before using or carrying an electronic control device in a school; requiring each school to submit promptly certain information to the school's county board under certain circumstances; defining certain terms; and generally relating to electronic control devices in schools.

RESOLUTION NO. 46-13 Re: **POSITION ON EDUCATION LEGISLATION**

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

Resolved, That the Board of Education strongly opposes ***HB0395, Handguns - Permit Qualifications and Carrying on School Property - School Guardians***, which would require the Secretary of State Police to issue a handgun permit to a person who is otherwise qualified and who has been designated as a school guardian under certain provisions of law; creating an exception to the prohibition against carrying a deadly weapon on public school property for a person who has been designated as a school guardian and who has been issued a handgun permit; authorizing county superintendents and the Chief Executive Officer of the Baltimore City Board of School Commissioners to designate an individual working within a school as a school guardian who may carry a handgun on school property if the person is otherwise qualified to be issued a handgun permit; and generally relating to school guardians, handgun permits, and carrying deadly weapons on school property.

RESOLUTION NO. 47-13 Re: **POSITION ON EDUCATION LEGISLATION**

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

Resolved, That the Board of Education strongly opposes ***HB0397, Criminal Law-Carrying Weapons on School Property - Law Enforcement Officers Safety Act***, which would create an exception to the prohibition against carrying a deadly weapon on public school property for a person who holds a certain permit or is certified under a certain federal law to carry a concealed firearm; and generally relating to carrying weapons on school property.

RESOLUTION NO. 48-13 Re: **POSITION ON EDUCATION LEGISLATION**

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

Resolved, That the Board of Education strongly opposes ***HB0436/SB0533, Handguns - School Employees-Handgun Permits and Carrying Weapons on School Property***, which would authorize a county board to authorize school employees in the county

board's school system to carry a handgun on school property under certain circumstances; requiring the Secretary of State Police to issue a handgun permit to a person who is otherwise qualified and who is a school employee in a certain school system; creating an exception to the prohibition against carrying a deadly weapon on public school property for a school employee authorized to carry a handgun by the county board and who has been issued a handgun permit under certain circumstances; and generally relating to school employees, handgun permits, and carrying weapons on school property.

RESOLUTION NO. 49-13 Re: **POSITION ON EDUCATION LEGISLATION**

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

Resolved, That the Board of Education supports **HB0014, Criminal Law–Part-Time School Employees and Coaches – Sexual Contact with Minors**, which would alter the definition of a “person in a position of authority” relating to prohibiting an individual from engaging in a sexual act, sexual contact, or vaginal intercourse with a minor under certain circumstances to remove a limitation to full-time employees and to include certain coaches; and generally relating to a sexual offense involving a person in a position of authority and a minor under certain circumstances.

RESOLUTION NO. 50-13 Re: **POSITION ON EDUCATION LEGISLATION**

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

Resolved, That the Board of Education supports **HB0031/SB377, Criminal Law - Fourth-Degree Sex Offense - School Employees and Contractors**, which would alter the definition of “person in a position of authority” relating to prohibiting an individual from engaging in a sexual act, sexual contact, or vaginal intercourse with a minor under certain circumstances to remove a limitation to full-time employees and to include certain contractors or persons employed by or under contract with contractors; and generally relating to a sexual offense involving a person in a position of authority and a minor under certain circumstances.

RESOLUTION NO. 51-13 Re: **POSITION ON EDUCATION LEGISLATION**

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

Resolved, That the Board of Education supports **SB0105, Criminal Law – Sexual Contact with Minors – School Employees**, which would alter the definition of a “person in a position of authority” relating to prohibiting an individual from engaging in a sexual act, sexual contact, or vaginal intercourse with a minor under certain circumstances to remove a limitation to full-time employees; and generally relating to a

sexual offense involving a person in a position of authority and a minor under certain circumstances.

RESOLUTION NO. 52-13 Re: **CONTRACTS OF \$25,000 OR MORE**

On recommendation of the superintendent and on motion of Mrs. O'Neill seconded by Dr. Docca, 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 \$187,907; and

WHEREAS, The acquisition of off-the-lot, new vehicles through a finance agreement has been reviewed by legal counsel; now therefore be it

Resolved, That off-the-lot, new vehicles in the amount of \$187,907 be purchased and financed over a five-year term under the Master Lease Agreement with Banc of America Public Capital Corporation; and be it further

Resolved, That the proceeds from the aforementioned financing 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 from this transaction; and be it further

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

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| 034.10.B2 | Art Supplies/Online Catalog—Extension | |
| | <u>Awardee</u> | |
| | School Specialty, Inc. | \$ 80,000 |
| 036700 0079GH | Off-the-Lot, New Vehicles | |
| | <u>Awardee</u> | |
| | Criswell Chevrolet, Inc. | \$187,907 |
| 060B140 0058 | Long Distance Services—Extension | |
| | <u>Awardee</u> | |
| | AT&T | \$ 52,191 |

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|-----------------------------------|---|----------------|
| 08-04026 | Science/Labware Supplies and Equipment—Extension | |
| | <u>Awardee</u> | |
| | Fisher Scientific Company | \$160,000 |
| 121EN-TISA 2010-0512 | Long Distance Services—Extension | |
| | <u>Awardee</u> | |
| | Verizon Business | \$ 31,224 |
| 54094000 1069903-V | Other Voice Services—Extension | |
| | <u>Awardees</u> | |
| | Atlantech | \$ 69,186 |
| | Verizon Business | <u>468,738</u> |
| | Total | \$537,924 |
| 54094000 1069903-W | Wireless Voice and Data Services—Extension | |
| | <u>Awardees</u> (See note) | |
| | AT&T Mobility | |
| | Sprint-Nextel Corporation | |
| | Verizon Wireless | |
| | Total | \$939,253 |
| ADED11-00 Sandwiches 000342 | Commodity Processing of USDA Donated Foods for Grilled Cheese | |
| | <u>Awardee</u> | |
| | Don Lee Farms | \$ 28,000 |
| GS-35F- 0765R | Network Wiring Installation and Integration—Extension | |
| | <u>Awardee</u> | |
| | Netcom Technologies, Inc. | \$ 45,000 |
| RLB-1013 | Tractor Trailer Rental—Extension | |
| | <u>Awardee</u> | |
| | Bowman Sales and Equipment, Inc. | \$ 90,000 |
| 1093.5 | Propane Gas—Extension | |
| | <u>Awardee</u> | |
| | Amerigas | \$ 90,000 |

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|---------|---|----------------|
| 4064.10 | Art Tools | |
| | <u>Awardees</u> | |
| | Business Stationers | \$ 2,660 |
| | Commercial Art Supply | 9,123 |
| | DGS Educational Products* | 5,028 |
| | Dick Blick Company | 15,354 |
| | Elgin School Supply Company, Inc. | 5,020 |
| | Integrity School Supplies* | 34,874 |
| | National Art and School Supplies | 231,263 |
| | Pyramid Paper Company | 35,090 |
| | School Specialty, Inc. | 4,279 |
| | Standard Stationery Supply Company | <u>138,055</u> |
| | Total | \$480,746 |
| 4079.10 | Health Room Supplies—Extension | |
| | <u>Awardees</u> | |
| | BP Gamma Medical | \$ 2,630 |
| | Calico Industries, Inc. | 91,169 |
| | Dealmed Medical Supplies | 30,284 |
| | Emergency Medical Products, Inc. | 9,962 |
| | Gentle Care Home Delivery, LLC* | 1,893 |
| | Henry Schein, Inc. | 7,100 |
| | Medline Industries, Inc. | 598 |
| | Moore Medical, LLC | 30,911 |
| | S. Freedman and Sons, Inc. | 114,778 |
| | School Health Corporation—Enablemart* | 32,227 |
| | Supreme Medical Fulfillment Systems, Inc. | <u>3,040</u> |
| | Total | \$324,592 |
| 4089.8 | Laminating Supplies | |
| | <u>Awardees</u> | |
| | Pyramid Paper Company | \$ 27,960 |
| | Scott Electric | <u>20,065</u> |
| | Total | \$ 48,025 |
| 4100.5 | Fire Alarm Parts—Extension | |
| | <u>Awardees</u> | |
| | Chubb Fire and Security | \$ 2,000 |
| | International Systems of America, LLC | 19,272 |
| | Maryland Fire Equipment Corporation | 2,000 |
| | Silmar Electronics* | <u>42,416</u> |

| | | |
|--------|--|---------------|
| | Total | \$ 65,688 |
| 4144.3 | Technology Laboratory Workstations—Extension | |
| | <u>Awardees</u> | |
| | Diversified Educational Systems | \$ 45,887 |
| | Pepco Inc./Patton Educational Products Company | <u>5,845</u> |
| | Total | \$ 51,732 |
| 4291.1 | Interpreting Services for Deaf and Hard of Hearing Individuals | |
| | <u>Awardee</u> | |
| | Vital Signs | \$105,000 |
| 7117.4 | Snowplow and Pump Parts | |
| | <u>Awardee</u> | |
| | THC Enterprises/Mid Atlantic Waste Systems | \$ 61,771 |
| 7118.6 | Heavy Equipment, Tractor, and Mower Parts | |
| | <u>Awardee</u> | |
| | BMR, Inc. | \$ 32,200 |
| 7120.6 | Elementary Mathematics Supplies—Extension | |
| | <u>Awardees</u> | |
| | EAI Education | \$ 12,309 |
| | ETA/Cuisenaire* | 15,467 |
| | Fisher Science Education | 1,319 |
| | Nasco 14,222 | |
| | School Specialty, Inc. | <u>3,978</u> |
| | Total | \$ 47,295 |
| 7121.5 | Asbestos Abatement Equipment and Supplies—Extension | |
| | <u>Awardees</u> | |
| | American Environmental Enterprises | \$ 75,000 |
| | Aramsco | 35,000 |
| | BWI Distribution, Inc. | 50,000 |
| | Sid Tool Company, Inc. | <u>20,000</u> |
| | Total | \$180,000 |
| 7216.1 | Metabuilder for Oracle EBS Applications | |
| | <u>Awardee</u> | |

| | | |
|--------|---|---------------|
| | Noetix | \$ 25,000 |
| 7221.1 | Stadium Scoreboard for Damascus High School | |
| | <u>Awardees</u> | |
| | Daktronics, Inc. | \$ 62,573 |
| | H&M Signs, Inc. | <u>26,720</u> |
| | Total | \$ 89,293 |
| 9006.5 | Shade/Upholstery Materials—Extension | |
| | <u>Awardees</u> | |
| | Grody's Inc. | \$179,996 |
| | Frankel Associates, Inc. | 80,800 |
| | Mileham and King, Inc. | 13,150 |
| | PACJ, LLC* | 18,400 |
| | Tedco Industries, Inc. | <u>7,385</u> |
| | Total | \$299,731 |
| 9008.6 | Glass and Glazing Materials—Extension | |
| | <u>Awardees</u> | |
| | Glass Distributors, Inc.* | \$ 3,850 |
| | Hawkins Architectural Products | 29,160 |
| | Maryland Glass and Mirror Company | 4,862 |
| | Piedmont Plastics | 1,104 |
| | Total Plastics, Inc. | <u>10,949</u> |
| | Total | \$49,925 |
| 9018.4 | Operable Wall System Preventive Maintenance—Extension | |
| | <u>Awardee</u> | |
| | Modern Door and Equipment Sales, Inc. | \$ 30,000 |
| 9073.7 | Weight Training Supplies and Equipment—Extension | |
| | <u>Awardees</u> | |
| | BSN Sports, Inc. | \$ 8,855 |
| | Concept 2, Inc. | 20,400 |
| | Fitness Lifestyles | 14,250 |
| | Fitness Resources, Inc. | 45,744 |
| | Gym Source | 122,304 |
| | Heartline Fitness Products, Inc. | 139,132 |
| | Sports Stop, Inc. | 5,331 |
| | Wellness Solutions* | <u>69,783</u> |
| | Total | \$425,799 |

| | | |
|--------|--|--------------|
| 9084.8 | Physical Education Supplies and Equipment—Extension | |
| | <u>Awardees</u> | |
| | Aluminum Athletic Equipment Company | \$ 34,380 |
| | Artistic Coverings, Inc. | 8,768 |
| | Baden Sports, Inc. | 9,377 |
| | BSN Sports, Inc. | 230,945 |
| | Cannon Sports, Inc.* | 38,077 |
| | Flaghouse, Inc. | 4,905 |
| | Gregg United Sports, Inc. | 11,687 |
| | Marlow Sports, Inc.* | 9,628 |
| | M.F. Athletic Company | 3,598 |
| | Pioneer Manufacturing | 1,530 |
| | Pyramid Paper Company | 79,888 |
| | Resilite Sports Products, Inc. | 93,011 |
| | S&S Worldwide | 1,773 |
| | School Specialty, Inc. | 21,784 |
| | Soccer International, Inc. | 30,087 |
| | Sports Imports, Inc. | 63,392 |
| | Sports Stop, Inc. | 66,164 |
| | The Prophet Corporation | <u>6,525</u> |
| | Total | \$715,519 |
| 9107.7 | Uniforms for the Division of Food and Nutrition Services—Extension | |
| | <u>Awardee</u> | |
| | Chesapeake Uniform | \$ 30,000 |
| 9159.4 | Metal Doors, Frames, Windows, and Accessories—Extension** | |
| | <u>Awardee</u> | |
| | Metro Metal Services, Inc. | \$700,000 |
| 9190.4 | Restroom Partition Replacement at Various Locations—Extension** | |
| | <u>Awardee</u> | |
| | Steel Products, Inc.* | \$150,000 |
| 9397.3 | Fire Alarm Sprinkler Systems Inspections—Extension** | |
| | <u>Awardee</u> | |
| | VSC Fire and Security | \$275,000 |
| 9404.4 | Water Treatment Supplies, Equipment, and Chemicals | |

| | |
|-------------------------------------|---------------|
| <u>Awardees</u> | |
| Harrington Industrial Plastics, LLC | \$ 15,000 |
| Superior Water Services, Inc. | 30,000 |
| Tricon Chemical Corporation* | <u>30,000</u> |
| Total | \$ 75,000 |

9620.3 Replace Acoustical Suspended Ceiling Systems at Various Locations—Extension**

| | |
|--------------------------|------------|
| <u>Awardee</u> | |
| Unisource Services, LLC* | \$ 800,000 |

TOTAL PROCUREMENT CONTRACTS OVER \$25,000 \$7,303,815

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

**Planned Life-cycle Asset Replacement (PLAR)

Note: Contract amounts will be based on individual requirements.

RESOLUTION NO. 53-13 Re: **CONTRACT APPROVAL FOR BID NO. 4087.10, OFFICE AND SCHOOL SUPPLIES**

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

WHEREAS, Funds have been budgeted for the purchase of office and school supplies; now therefore be it

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

4087.10 Office and School Supplies

| | |
|------------------------------------|---------|
| <u>Awardees</u> | |
| Business Stationers | \$ 448 |
| Daboter | 181,374 |
| DGS Educational Products* | 1,746 |
| Elgin School Supply Company, Inc. | 29,670 |
| Impact Office Products | 3,483 |
| Integrity School Supplies* | 5,594 |
| Interstate Office Supply Company* | 89,532 |
| Office Depot | 6,446 |
| Pyramid Paper Company | 314,806 |
| Quill Corporation | 580 |
| School Specialty, Inc. | 39,969 |
| Standard Stationery Supply Company | 600,730 |

| | |
|-------------------------------------|-------------|
| Star Poly Bag, Inc.* | 18,385 |
| The Paper People | 36,457 |
| Today's Office Solutions, Inc.* | 12,871 |
| Video Service of America, VSA, Inc. | <u>200</u> |
| Total | \$1,342,291 |

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

RESOLUTION NO. 54-13 Re: **CONTRACT APPROVAL FOR BID NO. 7067.4, COMPUTER NETWORK EQUIPMENT, SOFTWARE, AND SERVICES—EXTENSION**

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

WHEREAS, Funds have been budgeted for the purchase of computer network equipment, software, and services; now therefore be it

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

7067.4 Computer Network Equipment, Software, and Services—Extension

| | |
|-----------------------|-------------|
| <u>Awardee</u> | |
| DISYS Solutions, Inc. | \$2,481,537 |

RESOLUTION NO. 55-13 Re: **CONTRACT APPROVAL FOR TELECOMMUNICATIONS SERVICES —EXTENSION**

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

WHEREAS, Funds have been budgeted for the purchase of telecommunications services; now therefore be it

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

54094000 Telecommunications Services—Extension
1069903-D

| | |
|------------------------|----------------|
| <u>Awardee</u> | |
| Comcast | \$ 912,696 |
| Verizon Maryland, Inc. | <u>101,020</u> |
| Total | \$1,013,716 |

RESOLUTION NO. 56-13

Re: **ARCHITECTURAL APPOINTMENT—BROWN
STATION ELEMENTARY SCHOOL
MODERNIZATION PROJECT**

On recommendation of the superintendent and on motion of Ms. Brandman 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 Brown Station Elementary School modernization project; and

WHEREAS, The preliminary construction cost estimate for this work is approximately \$19,530,000; and

WHEREAS, Funds for architectural planning were programmed as part of the Fiscal Year 2013–2018 Capital Improvements Program; 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. 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; 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 Brown Station Elementary School modernization project for a fee of \$1,234,550.

RESOLUTION NO. 57-13

Re: **ARCHITECTURAL APPOINTMENT—
WAYSIDE ELEMENTARY SCHOOL
MODERNIZATION PROJECT**

On recommendation of the superintendent and on motion of Ms. Brandman 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 Wayside Elementary School modernization project; and

WHEREAS, The preliminary construction cost estimate for this work is approximately \$15,302,000; and

WHEREAS, Funds for architectural planning were programmed as part of the Fiscal Year 2013–2018 Capital Improvements Program; and

WHEREAS, An Architect Selection Committee, in accordance with procedures adopted by the Board of Education on April 20, 2006, identified Moseley 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; now therefore be it

Resolved, That the Montgomery County Board of Education enters into a contractual agreement with the architectural firm of Moseley Architects to provide professional architectural and engineering services for the Wayside Elementary School modernization project for a fee of \$1,019,000.

RESOLUTION NO. 58-13 Re: **AWARD OF CONTRACTS—CLARKSBURG
CLUSTER ELEMENTARY SCHOOL
(CLARKSBURG VILLAGE SITE #1)**

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

WHEREAS, On December 6, 2011, the Board of Education authorized staff in the Department of Facilities Management to utilize a construction management process for the Clarksburg Cluster Elementary School (Clarksburg Village Site #1) project and awarded a contract for preconstruction services to Hess Construction + Engineering Services; and

WHEREAS, The following low bids were received on December 18, 2012, for the Clarksburg Cluster Elementary School (Clarksburg Village Site #1):

| <u>Low Bidders</u> | <u>Amounts</u> |
|---|----------------|
| 2A-Site Work—Kinsley Construction, Inc. | \$2,478,92 |
| 2B-Geothermal Well Fields—Allied Environmental Services, Inc. | 611,000 |
| 3A-Concrete—Sody Concrete Construction, Inc. | 660,000 |
| 4A-Masonry—KaRon Masonry of Maryland, Inc. | 2,489,000 |
| 5A-Steel—Kinsley Construction, Inc. t/a Kinsley Manufacturing | 1,455,000 |
| 6A-Millwork—Steel Products, Inc. | 408,804 |
| 7A-Roofing—Interstate Corporation | 1,555,000 |
| 8A-Glass—Engineered Construction Products, LTD. | 558,105 |
| 9A-Rough Carpentry, Drywall ACT—JP Construction, Inc. | 762,000 |
| 10D-Metal Lockers Shelving—Steel Products, Inc. | 89,498 |
| 11A-Food Service Equipment—11400, Inc. | 126,000 |
| 15A-Mechanical—Towson Mechanical, Inc. | 3,817,000 |
| 15B-Fire Sprinkler—Advanced Fire Protection Systems, LLC | 195,000 |
| 16A-Electrical—Brandenburg Electric, Inc. | 1,904,500 |

and

WHEREAS, On December 18, 2012, Hess Construction + Engineering Services received bid proposals for the remaining trade contracts for the project, which will be included in the guaranteed maximum price; and

WHEREAS, Detailed information on other bid proposals are available for review in the Department of Facilities Management; and

WHEREAS, The construction management contract contains provisions that permit Montgomery County Public Schools to assign the awarded trade contracts to Hess Construction + Engineering Services as part of a guaranteed price agreement to complete the Clarksburg Cluster Elementary School (Clarksburg Village Site #1); and

WHEREAS, Staff in the Department of Facilities Management has negotiated and recommends approval of a guaranteed price contract with Hess Construction + Engineering Services for the completion of the Clarksburg Cluster Elementary School (Clarksburg Village Site #1) project that includes the assignment of trade work awarded by Montgomery County Public Schools, along with all management and general conditions costs; and

WHEREAS, Hess Construction + Engineering Services has agreed to accept the assignment of the Clarksburg Cluster Elementary School (Clarksburg Village Site #1) trade contracts awarded on February 12, 2013, and complete the project for the guaranteed price; and

WHEREAS, The aggregate goal for Maryland Department of Transportation-certified Minority Business Enterprise participation established for this project was 15 percent; and

WHEREAS, The aggregate Minority Business Enterprise participation submitted is 24.4 percent Maryland Department of Transportation-certified, of which 3.3 percent is African American-owned, 11.6 percent is women-owned, and 9.5 percent is other minority-owned; now therefore be it

Resolved, That the following trade contract packages be awarded to the low bidders for the construction of the Clarksburg Cluster Elementary School (Clarksburg Village Site #1):

| <u>Low Bidders</u> | <u>Amounts</u> |
|---|----------------|
| 2A-Site Work—Kinsley Construction, Inc. | \$ 2,478,92 |
| 2B-Geothermal Well Fields—Allied Environmental Services, Inc. | 611,000 |
| 3A-Concrete—Sody Concrete Construction, Inc. | 660,000 |
| 4A-Masonry—KaRon Masonry of Maryland, Inc. | 2,489,000 |

| | |
|---|-----------|
| 5A-Steel—Kinsley Construction, Inc. t/a Kinsley Manufacturing | 1,455,000 |
| 6A-Millwork—Steel Products, Inc. | 408,804 |
| 7A-Roofing—Interstate Corporation | 1,555,000 |
| 8A-Glass—Engineered Construction Products, LTD. | 558,105 |

Low Bidders

| | |
|--|-----------|
| 9A-Rough Carpentry, Drywall ACT—JP Construction, Inc. | 762,000 |
| 10D-Metal Lockers Shelving—Steel Products, Inc. | 89,498 |
| 11A-Food Service Equipment—11400, Inc. | 126,000 |
| 15A-Mechanical—Towson Mechanical, Inc. | 3,817,000 |
| 15B-Fire Sprinkler—Advanced Fire Protection Systems, LLC | 195,000 |
| 16A-Electrical—Brandenburg Electric, Inc. | 1,904,500 |

and be it further

Resolved, That the trade contracts awarded for the Clarksburg Cluster Elementary School (Clarksburg Village Site #1) project be assigned to Hess Construction + Engineering Services; and be it further

Resolved, That a contract in the amount of \$21,754,982, to include the assignment of the trade contract awards, be awarded to Hess Construction + Engineering Services for the Clarksburg Cluster Elementary School (Clarksburg Village Site #1), in accordance with drawings and specifications prepared by Grimm + Parker Architects.

RESOLUTION NO. 59-13 Re: **AWARD OF CONTRACT—GAITHERSBURG
MIDDLE SCHOOL AQUATIC CENTER
REPAIRS**

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

WHEREAS, On December 6, 2011, the Board of Education authorized staff in the Department of Facilities Management to utilize a construction management process for the Clarksburg Cluster Elementary School (Clarksburg Village Site #1) project and awarded a contract for preconstruction services to Hess Construction + Engineering Services; and

WHEREAS, The following low bids were received on December 18, 2012, for the Clarksburg Cluster Elementary School (Clarksburg Village Site #1):

| <u>Low Bidders</u> | <u>Amounts</u> |
|---|----------------|
| 2A-Site Work—Kinsley Construction, Inc. | \$2,478,92 |
| 2B-Geothermal Well Fields—Allied Environmental Services, Inc. | 611,000 |
| 3A-Concrete—Sody Concrete Construction, Inc. | 660,000 |

| | |
|---|-----------|
| 4A-Masonry—KaRon Masonry of Maryland, Inc. | 2,489,000 |
| 5A-Steel—Kinsley Construction, Inc. t/a Kinsley Manufacturing | 1,455,000 |
| 6A-Millwork—Steel Products, Inc. | 408,804 |
| 7A-Roofing—Interstate Corporation | 1,555,000 |
| 8A-Glass—Engineered Construction Products, LTD. | 558,105 |
| 9A-Rough Carpentry, Drywall ACT—JP Construction, Inc. | 762,000 |
| 10D-Metal Lockers Shelving—Steel Products, Inc. | 89,498 |
| 11A-Food Service Equipment—11400, Inc. | 126,000 |
| 15A-Mechanical—Towson Mechanical, Inc. | 3,817,000 |
| 15B-Fire Sprinkler—Advanced Fire Protection Systems, LLC | 195,000 |
| 16A-Electrical—Brandenburg Electric, Inc. | 1,904,500 |

and

WHEREAS, On December 18, 2012, Hess Construction + Engineering Services received bid proposals for the remaining trade contracts for the project, which will be included in the guaranteed maximum price; and

WHEREAS, Detailed information on other bid proposals are available for review in the Department of Facilities Management; and

WHEREAS, The construction management contract contains provisions that permit Montgomery County Public Schools to assign the awarded trade contracts to Hess Construction + Engineering Services as part of a guaranteed price agreement to complete the Clarksburg Cluster Elementary School (Clarksburg Village Site #1); and

WHEREAS, Staff in the Department of Facilities Management has negotiated and recommends approval of a guaranteed price contract with Hess Construction + Engineering Services for the completion of the Clarksburg Cluster Elementary School (Clarksburg Village Site #1) project that includes the assignment of trade work awarded by Montgomery County Public Schools, along with all management and general conditions costs; and

WHEREAS, Hess Construction + Engineering Services has agreed to accept the assignment of the Clarksburg Cluster Elementary School (Clarksburg Village Site #1) trade contracts awarded on February 12, 2013, and complete the project for the guaranteed price; and

WHEREAS, The aggregate goal for Maryland Department of Transportation-certified Minority Business Enterprise participation established for this project was 15 percent; and

WHEREAS, The aggregate Minority Business Enterprise participation submitted is 24.4 percent Maryland Department of Transportation-certified, of which 3.3 percent is African American-owned, 11.6 percent is women-owned, and 9.5 percent is other minority-owned; now therefore be it

Resolved, That the following trade contract packages be awarded to the low bidders for the construction of the Clarksburg Cluster Elementary School (Clarksburg Village Site #1):

| <u>Low Bidders</u> | <u>Amounts</u> |
|---|----------------|
| 2A-Site Work—Kinsley Construction, Inc. | \$2,478,92 |
| 2B-Geothermal Well Fields—Allied Environmental Services, Inc. | 611,000 |
| 3A-Concrete—Sody Concrete Construction, Inc. | 660,000 |
| 4A-Masonry—KaRon Masonry of Maryland, Inc. | 2,489,000 |
| 5A-Steel—Kinsley Construction, Inc. t/a Kinsley Manufacturing | 1,455,000 |
| 6A-Millwork—Steel Products, Inc. | 408,804 |
| 7A-Roofing—Interstate Corporation | 1,555,000 |
| 8A-Glass—Engineered Construction Products, LTD. | 558,105 |

| <u>Low Bidders</u> | <u>Amounts</u> |
|--|----------------|
| 9A-Rough Carpentry, Drywall ACT—JP Construction, Inc. | 762,000 |
| 10D-Metal Lockers Shelving—Steel Products, Inc. | 89,498 |
| 11A-Food Service Equipment—11400, Inc. | 126,000 |
| 15A-Mechanical—Towson Mechanical, Inc. | 3,817,000 |
| 15B-Fire Sprinkler—Advanced Fire Protection Systems, LLC | 195,000 |
| 16A-Electrical—Brandenburg Electric, Inc. | 1,904,500 |

and be it further

Resolved, That the trade contracts awarded for the Clarksburg Cluster Elementary School (Clarksburg Village Site #1) project be assigned to Hess Construction + Engineering Services; and be it further

Resolved, That a contract in the amount of \$21,754,982, to include the assignment of the trade contract awards, be awarded to Hess Construction + Engineering Services for the Clarksburg Cluster Elementary School (Clarksburg Village Site #1), in accordance with drawings and specifications prepared by Grimm + Parker Architects.

RESOLUTION NO. 60-13 Re: **AWARD OF CONTRACT—HEATING,
VENTILATION, AND AIR CONDITIONING
PIPE INSULATION REPLACEMENT AT
VARIOUS SCHOOLS**

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

WHEREAS, The following responsive sealed bid was received on December 19, 2012, for the heating, ventilation, and air conditioning pipe insulation replacement at various Montgomery County Public Schools:

| <u>Bidder</u> | <u>Amount</u> |
|---------------------------|---------------|
| Southern Insulation, Inc. | \$977,699 |

and

WHEREAS, The bid is within the Department of Facilities Management budget; and

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

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

Resolved, That a \$977,699 contract be awarded to Southern Insulation, Inc. for the heating, ventilation, and air conditioning pipe insulation replacement at various Montgomery County Public Schools projects, in accordance with specifications prepared by Building Dynamics, LLC.

RESOLUTION NO. 61-13 Re: **AWARD OF CONTRACT—REROOFING AT
SOUTH LAKE ELEMENTARY SCHOOL**

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

WHEREAS, The following sealed bids were received on January 3, 2013, for the reroofing at South Lake Elementary School project:

| <u>Bidder</u> | <u>Amount</u> |
|--------------------------|---------------|
| R.D. Bean, Inc. | \$614,275 |
| Interstate Corporation | 724,000 |
| Cole Roofing Co., Inc. | 736,382 |
| Orndorff & Spaid, Inc. | 747,517 |
| Vatica Contracting, Inc. | 839,200 |

and

WHEREAS, The goal for Maryland Department of Transportation-certified Minority Business Enterprise participation established for this project was 20 percent; and

WHEREAS, The low bidder, R.D. Bean, Inc., has submitted 20 percent other minority-owned Maryland Department of Transportation-certified Minority Business Enterprise participation; and

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

Resolved, That a \$614,275 contract be awarded to R.D. Bean, Inc. for the reroofing at South Lake Elementary School project, in accordance with drawings and specifications prepared by the Department of Facilities Management.

RESOLUTION NO. 62-13 Re: **AWARD OF CONTRACT—REROOFING AT
STEDWICK ELEMENTARY SCHOOL**

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

WHEREAS, The following sealed bids were received on January 3, 2013, for the reroofing at Stedwick Elementary School project:

| <u>Bidder</u> | <u>Amount</u> |
|----------------------------|---------------|
| R.D. Bean, Inc. | \$711,075 |
| Interstate Corporation | 728,000 |
| Orndorff & Spaid, Inc. | 735,714 |
| Cole Roofing Co., Inc. | 826,217 |
| Vatica Contracting, Inc. | 903,400 |
| J.E. Wood & Sons Co., Inc. | 982,267 |

and

WHEREAS, The goal for Maryland Department of Transportation-certified Minority Business Enterprise participation established for this project was 20 percent; and

WHEREAS, The low bidder, R.D. Bean, Inc., has submitted 20 percent other minority-owned Maryland Department of Transportation-certified Minority Business Enterprise participation; and

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

Resolved, That a \$711,075 contract be awarded to R.D. Bean, Inc. for the reroofing at Stedwick Elementary School project, in accordance with drawings and specifications prepared by the Department of Facilities Management.

RESOLUTION NO. 63-13 Re: **AWARD OF CONTRACT—REROOFING AT
WHETSTONE ELEMENTARY SCHOOL**

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

WHEREAS, The following sealed bids were received on January 4, 2013, for the reroofing at Whetstone Elementary School project:

| <u>Bidder</u> | <u>Amount</u> |
|--------------------------|---------------|
| Orndorff & Spaid, Inc. | \$587,613 |
| Cole Roofing Co., Inc. | 808,321 |
| Interstate Corporation | 845,000 |
| Vatica Contracting, Inc. | 862,200 |

and

WHEREAS, The goal for Maryland Department of Transportation-certified Minority Business Enterprise participation established for this project was 20 percent; and

WHEREAS, The low bidder, Orndorff & Spaid, Inc., has submitted 20 percent African American-owned Maryland Department of Transportation-certified Minority Business Enterprise participation; and

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

Resolved, That a \$587,613 contract be awarded to Orndorff & Spaid, Inc. for the reroofing at Whetstone Elementary School project, in accordance with drawings and specifications prepared by the Department of Facilities Management.

RESOLUTION NO. 64-13 Re: **EXTENSION OF CONTRACT—SURFACE-MOUNTED SWING DOOR OPERATORS FOR CLASSROOM BUILDINGS**

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

WHEREAS, The following unit price proposal was received on January 21, 2013, for the installation of surface-mounted swing door operators:

| <u>Bidder</u> | <u>Amount</u> |
|-----------------------------|---------------|
| Atlantic Door Control, Inc. | \$2,950 |

and

WHEREAS, Atlantic Door Control, Inc. has agreed to hold its unit price for an additional year; and

and be it further

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

RESOLUTION NO. 66-13 Re: **MONTHLY HUMAN RESOURCES AND DEVELOPMENT 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 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. 67-13 Re: **DEATH OF MS. CHERYL A. WEISFELD, ENGLISH FOR SPEAKERS OF OTHER LANGUAGES PARAEDUCATOR, ON PERSONAL ILLNESS LEAVE, A. MARIO LOIEDERMAN MIDDLE SCHOOL**

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

WHEREAS, The death on January 3, 2013, of Ms. Cheryl A. Weisfeld, English for Speakers of Other Languages paraeducator, on personal illness leave from A. Mario Loiederman Middle School, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, In her more than 22 years with Montgomery County Public Schools, Ms. Weisfeld truly understood the importance of a robust learning environment to which she caringly contributed; and

WHEREAS, Ms. Weisfeld was calm under pressure, addressed issues with students in a timely manner, and was proactive and professional in every situation; 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. Weisfeld 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. Weisfeld's family.

Re: **MONTHLY FINANCIAL REPORT**

Mr. Larry Bowers, chief operating officer, reported that this reflects the actual financial condition of Montgomery County Public Schools (MCPS) as of December 31, 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 \$2.7 million, and expenses have a projected surplus of \$13.7 million.

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 \$17.0 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. A discussion of the actual financial condition of MCPS as of December 31, 2012, and projected revenues and expenditures through June 30, 2013, follows.

Re: **SYSTEMIC APPROACHES TO THE ACHIEVEMENT GAP**

Mr. Bowers invited the following person to the table: Dr. Eric L. Minus, principal, John F. Kennedy High School.

While Montgomery County Public Schools (MCPS) has had a longstanding commitment to closing the achievement gap, we continue to see persistent gaps between White or Asian students and Black or African American and Hispanic/Latino students. Significant demographic shifts within Montgomery County and across the nation have highlighted the urgency needed to effectively address the achievement gap. Within all of Montgomery County including the Montgomery County Board of Education (Board), MCPS staff, and the community at-large there is a sense of urgency in designing and implementing district reforms and strategies that will close this achievement gap, or as Gloria Ladson-Billings frames it, pay down this debt.

Over the course of many years MCPS has employed a focused strategy of dismantling institutional barriers to rigorous coursework, disaggregating and analyzing data, and initiating conversations about ensuring equity. By attending to which students were in which classes and their performance the school system was able to set the table for intentional conversations about race. The work has yielded results, but as the landscape is shifting, and the demands on students, teachers and schools have increased the work that remains to be done demands a vision that is rooted in the lessons from the past but focused on the future.

The school system now is poised to capitalize on our successes and hard won lessons. Building on the systemic and cultural changes resulting from our earlier work, MCPS is shifting the equity lens from the broad focus on system and school level data to a specific focus on each and every student. By incorporating a refined focus into our equity lens MCPS will be able to continue and accelerate progress. Content and delivery of curriculum, strong instruction, professional development, and an engaged staff and community will be key elements needed in order to facilitate change at the school level, in every classroom, and for every student.

Eight years ago, MCPS “put race on the table” in order to advance the progress already under way as a result of systemic reform efforts initiated in 1999. This decision marked an important milestone in the closing the achievement gap conversation and efforts toward creating an equitable school system. The MCPS strategic plan, *Our Call to Action: Pursuit of Excellence*, codified this commitment of MCPS and the Board to closing the achievement gap by race and ethnicity and among students impacted by poverty, limited English proficiency, and disabilities.

Recent testimony to the Board provided a parent’s clear perception of the achievement gap and its implications for our students. Ms. Frances Frost, Montgomery County Council of Parent Teacher Associations Cluster Coordinator for the Kennedy Cluster testified:

Our school system has made notable improvements in closing the achievement gap. African-American and Hispanic students in MCPS have significantly increased their enrollment in A/P courses, increased their rates of graduation and scores on standardized testing. However, these numbers are compared to other African-American and Hispanic students. What these statistics tell us is that African-American and Hispanic students in Montgomery County are achieving better than the African-American and Hispanic students who are on the lower end of the achievement gap in states such as Mississippi and the District of Columbia.

But when they apply for college, when they look for jobs, these students will not be competing only against the African-Americans and Hispanics from Mississippi and the District, they will be competing against their White, affluent peers from across the county and the nation. They will all be competing for the same slots in

college, and if they are lucky, the same jobs four years after that. It is not enough to say “we have the smartest African-American and Hispanic students in the country” if they are not also the smartest students period.

The fact that Black or African American and Hispanic/Latino students outperform their national peers on numerous measures is cold comfort to students who will be called on to compete in this marketplace. It is clear that paying down the education debt will require a communal effort. Students come to school steeped in the complexities in which they live. This complexity requires a collaborative effort among all sectors of our community.

Our Current State

MCPS is one of the highest achieving school systems in the country. Despite impressive achievement data across the student body, the academic performance of Black or African American and Hispanic/Latino students has continued to lag behind that of their White and Asian peers. There are some areas in which MCPS has made significant progress. As a result of the Early Success Performance Plan, improvement may be seen in the following student results:

- Between 2001 and 2006, the Early Success Performance Plan to close the gap for kindergarten students’ reading skills at text Level 4. MCPS then raised the bar to text Level 6, and between 2006 and 2012, each racial/ethnic and special service subgroup achieved double-digit performance gains. Performance for White and Asian students increased 36 and 32 percent, respectively; performance for Black or African American students increased 47 percent; and performance for Hispanic/Latino students increased 56 percent. Gains also were seen by students receiving special education (38 percent), English for Speakers of Other Languages (ESOL) (51 percent), and Free and Reduced-price Meals System (FARMS) (50 percent) services.
- There also has been a narrowing of the gap in Maryland School Assessment (MSA) proficiency since 2003. While performance for White and Asian Grade 3 students has increased by 12 and 17 percentage points respectively, performance by Black or African American students has increased 31 percentage points, and Hispanic/Latino students’ performance has increased 43 percentage points. The special education, ESOL, and FARMS groups each saw an increase of 33 or more percentage points. Significant closing of the gap also was seen in other grades.
- Of great importance to every child’s learning is access to curriculum, which is accomplished through regular attendance. Hispanic/Latino students have seen the largest decline in suspension rates in high school and middle school. While some progress has been made in closing the gap for suspensions of Black or African American students, much work still needs to be done. In addition, students receiving special education services continued to receive out-of-school suspensions at rates higher than any other group.

- Advanced Placement (AP) and International Baccalaureate (IB) performance and participation, graduation rate, and academic ineligibility also have resulted in a measurable narrowing of the achievement gap.

While these results are encouraging and, in fact, in some cases exceptional when compared with other large school systems, there is still much work to be done. Gaps remain in MCPS student performance by race and special service groups. In order to reach our goal of eliminating the achievement gap, we must maintain our focus and continue to build the capacity of staff to address this issue. Gaps we continue to focus on include:

- To serve as an approximate proxy for the Common Core State Standards (CCSS), MCPS uses the advanced proficiency benchmark for the MSA to measure more rigorous standards. According to the Maryland State Department of Education, the advanced proficiency is for students who meet above-grade-level expectations. Between 2007 and 2012, some progress was made in advanced proficiency reading in Grades 3 and 5, but not in Grade 8.
- SAT performance also is an area in which MCPS has made mixed progress. Overall, it is noted that in 2012, MCPS graduates scored an average combined score of 1651 on the SAT, which is 184 points higher than state of Maryland public school graduates and 153 points higher than the nation's graduates. In the last three years, the average SAT score for White students has increased, while the average scores for Black or African American and Hispanic/Latino students have remained steady. However, between 2007 and 2012, a marginal 1 to 3 percentage point gap decrease was observed.

The progress we have seen thus far has been the result of our unwavering commitment, and our initiatives to address equity and access for all students. We may maintain our momentum by continuing our successful efforts and deepening our approach; MCPS is prepared to take a step toward the next level of success in closing the achievement gap.

Building the Future Together

The education landscape is shifting in Montgomery County and across the country. On the horizon there are a number of dynamic forces including the CCSS and the Partnership for Assessment of Readiness for College and Careers (PARCC) assessments. With this shift, we are demanding more of our schools, and they are experiencing increased demands. Given these realities it is imperative that paying down the education debt is central to our work and embedded in every action.

Students today have more equitable access to educational opportunities, and performance is continuously monitored by data disaggregated by racial and equity group. In order to transform the context in which MCPS addresses the achievement gap, a greater focus will be placed on students' educational experience—what happens

while they are in the classroom. This focus on instruction will add one of the missing links in our efforts to close the achievement gap. The work around building professional learning communities (PLC) that are focused on perfecting practice will result in increased performance. The practice improvements realized from the PLCs married with our building a systemic continuum of personalized supports for every student will create an educational environment conducive to equitable outcomes. These two components are critical; however, unless there is an additional element that places the school, classroom, and child within the context of the community, the effects will be muted.

In order to have a comprehensive approach the adults must know and understand who each student is, the contexts in which they live, and then working with all stakeholders weave a seamless network of support throughout each child's life. By adding these three pieces, MCPS will be able to not just lead the nation in Black or African American and Hispanic/Latino performance measures but actually pay down the education debt.

The MCPS approach to closing the achievement gap can be summarized as community engagement, interventions, and professional development. MCPS will continue to disaggregate and carefully study all data to ensure equitable access. Continued use and refinement of tools such as the Student Instructional Program Planning and Implementation (SIPPI) student screening process and the Honors/AP Identification Tool (HAPIT), in addition to the monitoring and prediction tools developed by the Office of Shared Accountability, will provide important data for this continued effort. However, there are limitations to research and data; they help us ask better questions, but knowing and meeting the needs of each and every individual student is the key to improving student results and closing the achievement gap. With the continued vigilance of equitable access and monitoring performance the addition of a personalized instructional approach, enhanced by a stronger community commitment, will move MCPS closer to the ultimate goal of the elimination of the achievement gap.

Our efforts are fueled by the moral imperative for educational equity. Education is a crucial determinant of life possibilities and success. Research shows those with higher education have better health, have more opportunities, and are happier. Investing in education also provides an economic return to the taxpayer by reducing social costs, such as health care, unemployment, and incarceration. MCPS believes not only in the quality of knowledge a student obtains, but the quality of the person he or she becomes as a contributor to society.

The superintendent's recommended Fiscal Year 2014 Operating Budget highlights this plan to close the achievement gap. The recommendation calls for the addition of more than 275 positions for growth, as well as making investments in key strategic areas, including middle schools, mathematics instruction, and professional development.

Next Steps

Closing the achievement gap lies at the core of our strategic priorities. The work to

articulate this vision is underway. In spring 2012, I announced plans to revise the MCPS strategic plan, *Our Call to Action: Pursuit of Excellence*. Both the process we are using and the substance of the conversation we are initiating are examples of how we believe we will be able to take our work around the education debt to the next level. The review and reconstruction of the strategic plan will align with the Board's strategic planning forums held during the fall of 2012 and with the revision of the core values and academic priorities outlined by the Board. The rebuilding of the strategic plan currently is ongoing; the plan will be presented to the Board in June 2013.

As a part of our commitment to engage the community in authentic collaboration an application process was initiated, calling on members of the community, both from within MCPS and the larger community to form a strategic planning network team. Initial groundwork also has begun for a review and rebuild of the system of accountability needed to measure the effectiveness of our progress toward closing the achievement gap. Broader measures of student social-emotional learning—including knowledge of the arts, world languages, science, and civic engagement—would provide a fuller picture of how prepared our students are for the complex world in which they live. It would tell us how well our schools and our communities are doing in providing students the knowledge and skills they need to become outstanding citizens.

Conclusion

MCPS has implemented many structures, strategies, and processes that promote equity and address the complex issues that create persistent disparity of educational measures by our students. As a result, MCPS has emerged as a national leader in efforts to eliminate the achievement gap. Now is the time to build upon our success and adopt a holistic approach that is systemic and transformative, in which MCPS focuses on the context in which the child and family interact with the school system; professional development builds the capacity of staff to meet the needs of each individual student; and a network of support is tailored and personalized for every child. With continued focus, renewed determination, and consistent effort, MCPS has the potential to become the first large school district in the United States to eliminate racial disparity in student performance.

Re: DISCUSSION

The following issues were raised by Board members, and staff addressed the concerns at the table:

- Mr. Barclay commented that this presentation demonstrates the impact of students at John F. Kennedy High School. There are three pieces: professional development, interventions, and community engagement.
- Dr. Docca remarked that it is difficult for grade level teachers to meet together, especially those teaching ninth grade. The drop in the number of ineligible students is an important statistic.
- Mrs. O'Neill reflected on the fact that the dropout rate is not a 12th grade problem, but a ninth grade problem where the issues should be addressed. The Board

was impressed when they visited the Kennedy Cluster and witnessed the team efforts.

- Ms. Brandman was interested in what MCPS is doing to support individualized instruction.
- Mr. Durso asked if a promotion policy would be of assistance in middle school.
- Mr. Kauffman noted that the achievement gap has been a long-standing problem. The system has identified professional development, interventions, and community engagement as strategies which have been utilized for many years. What is the difference this time?
- Ms. Brandman noted that there have been gains in the past, and the focus and depth will increase with the proposed strategy. The school improvement plans will contain a sharper focus, personalized instruction, and assessment indicators to measure interventions.
- Dr. Docca commented on the new state discipline regulations and suspensions. There is a need to review what is happening in the classroom to avoid suspensions for minor infractions.
- Mrs. O'Neill commented that NCLB and testing did shine a bright light on the achievement gap. Now, there is a transition where the curriculum and assessments do not align since teacher evaluations will be based on student's test scores.
- Mr. Barclay asked about the graduation rate for African-American males, and their experiences in middle school.
- Mr. Barclay was interested in how students feel about themselves, and how the school system views and addresses them.
- Mr. Barclay noted that in Ms. Shannon's testimony she raised the question about getting to know students in order for teachers to know the student needs.
- Mrs. Smondrowski pointed out that it is important to parents that their students achieve the academics and are excited about going to school.
- Ms. Brandman quoted the MSP in that there is a need to recognize students as a resource, and that students self-identify as leaders.
- Mr. Mannes remarked that the achievement gap is important. Are students being included in the work groups and discussions?

RESOLUTION NO. 68-13

Re: **FINAL ACTION ON POLICY DJA, MCPS
PROCUREMENT PRACTICES (RESCISSION
OF POLICY DJB, BID AWARDS)**

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

WHEREAS, Policy DJA, *MCPS Procurement Practices*, recognizes the procurement procedures published in the Montgomery County Public Schools *Procurement Manual* and Maryland law establishes limits for advertising bids and obtaining bid approval by the Board and puts in place a process for the Board Fiscal Management Committee to review the *Procurement Manual*; and

WHEREAS, The draft of Policy DJA, *MCPS Procurement Practices*, was tentatively

adopted by the Board on October 9, 2012, and sent out for public comment; and WHEREAS, The Board has received the Board of Education Policy Committee's recommendations and received no comments from the public; now therefore be it

Resolved, That the title of Policy DJA be changed to *MCPS Procurement Practices and Bid Awards*; and be it further

Resolved, That the Board adopt Policy DJA, *MCPS Procurement Practices and Bid Awards*, as updated in the attached Committee Recommended Draft.

Resolved, That the Board rescind Policy DJB, *Bid Awards*, given that relevant sections of that policy have been incorporated into Policy DJA, as revised.

MCPS Procurement Practices and Bid Awards

A. PURPOSE

To recognize the procurement procedures published in the Montgomery County Public Schools (MCPS) *Procurement Manual* and Maryland law, and to establish limits for advertising bids and obtaining bid approval by the Montgomery County Board of Education (Board)

B. PROCESS AND CONTENT

1. In compliance with Maryland law, MCPS purchases are as follows:
 - a. Any purchase by MCPS exceeding \$25,000, with the exception of books, materials of instruction, and emergency repairs, shall be advertised.
 - b. The superintendent of schools is authorized to award contracts for \$24,999 or less on the basis of quotations and sealed bids.
2. The practice of obtaining bids or quotations from vendors shall be in accordance with the *Procurement Manual*.

C. REVIEW AND REPORTING

1. The *Procurement Manual* will be reviewed by the Board Fiscal Management Committee.
2. This policy will be reviewed in accordance with the Board policy review process.

RESOLUTION NO. 69-13

Re: **FUTURE CLOSED SESSION RESOLUTION**

On recommendation of the superintendent and on motion of Mr. Kauffman seconded by Ms. Brandman, 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 Thursday, March 21, 2013, 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*); a discussion of 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 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. 70-13

Re: **REPORT OF PREVIOUS CLOSED SESSION**

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

On January 8, 2013, 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 January 8, 2013, from 9:01 to 10:17 a.m. and 2:35 to 3:34 p.m. in Room 120 of the Carver Educational Services Center, 850 Hungerford Drive, Rockville, Maryland, and:

1. Received legal advice and considered the following appeals involving a student expulsion and student grade placements: 2012-19, 2012-34, and 2012-35, 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 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* as permitted under Section 10-508(a)(1) of the *State Government Article*.
 3. Received a briefing on an individual candidate for appointment as coordinator, Department of Recruitment and Staffing, with a subsequent vote in open session, as permitted under Section 10-508(a)(1) of the *State Government Article*.
 4. Received a briefing by staff and discussed ongoing collective bargaining negotiations and matters that relate to the negotiations, as permitted under Section 10-508(a)(9) of the *State Government Article*.
 5. Received a briefing from the superintendent of schools on strategies regarding implementation of the new principals/teachers effectiveness regulation, which is an administrative function outside the purview of the *Open Meetings Act*.
 6. Received legal advice on pending litigation in the Circuit Court on Brickyard and the Maravell Petition and William H. Farquhar Middle School, as permitted under Section 10-508(a)(7) of the *State Government Article*.
 7. Received the Equal Employment Opportunity Quarterly Report, which is an administrative function and outside the purview of the *Open Meetings Act*.

In attendance at the 9:01 a.m. closed session were Chris Barclay, Shirley Brandman, Judy Docca, Michael Durso, Phil Kauffman, John Mannes, Patricia O'Neill, Rebecca Smondrowski, Roland Ikheloa, Suzann King, Glenda Rose, Laura Steinberg, and Patrick Clancy. At 9:49 a.m., the following staff and counsel joined the Board: Larry Bowers, Judy Bresler, Samantha Cohen, Brian Edwards, Joshua Starr, Kimberly Statham, Dana Tofig, and Kimberly Yearns. At 10:15 a.m., Judy Bresler and Patrick Clancy left the meeting. At 2:55 p.m., Stan Damas joined the Board and staff, and he left at 3:12 p.m.

On February 1, 2013, 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 February 1, 2013, from 3:03 to 5:26 p.m. in Room 120 of the Carver Educational Services Center, 850 Hungerford Drive, Rockville, Maryland, and:

1. Received a briefing by staff and discussed ongoing collective bargaining negotiations and matters that relate to the negotiations, as permitted under Section 10-508(a)(9) of the *State Government Article*.
2. The superintendent of schools briefed the Board on operating budget strategy, which is an administrative function outside the purview of the *Open Meetings Act*.

In attendance at the closed session were Chris Barclay, Shirley Brandman, Judy Docca, Michael Durso, Phil Kauffman, John Mannes, Patricia O'Neill, Rebecca Smondrowski,

Roland Ikheloa, Suzann King, Glenda Rose, Larry Bowers, Stan Damas, Brian Edwards, Beth Schiavino-Narvaez, Joshua Starr, and Kimberly Statham.

RESOLUTION NO. 71-13 Re: **APPEALS**

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

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> |
|----------------------|-------------------|
| DCC-2013-1 | Student Placement |
| T-2013-2 | Student Transfers |

RESOLUTION NO. 72-13 Re: **MINUTES**

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

Resolved, That the Board of Education approve its minutes for July 25, August 23, September 5, September 11, September, 24, November 8, November 13, November 19, December 4, December 6, and December 11, 2012.

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

There were no updates.

Re: **NEW BUSINESS**

There was no new business.

Re: **ITEMS OF INFORMATION**

The following documents were available:

1. Legal Fees Report
2. Construction Progress Report
3. Minority-, Female-, or Disabled-Owned Business Procurement Year-to-Date Report for Fiscal Year 2013 Through December 31, 2012

4. Improvements Funded Under Policy CNE, *Facility Improvements That Are Not Funded With Montgomery County Revenues*

RESOLUTION NO. 73-13 Re: **ADJOURNMENT**

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

Resolved, That the Board of Education adjourn its meeting of February 12, 2013, at 4:53 p.m.

PRESIDENT

SECRETARY

JPS:gr

| Resolution | Barclay | Brandman | Docca | Durso | Kauffman | Mannes | O'Neill | Smondrowski |
|------------|---------|----------|-------|-------|----------|--------|---------|-------------|
| Policy DJA | A | A | A | A | A | A | A | A |
| | | | | | | | | |
| | | | | | | | | |

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