

APPROVED
8-2013

Rockville, Maryland
February 25, 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 25, 2013, beginning at 5:00 p.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
Dr. Joshua Starr, Secretary/Treasurer

Absent: None

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

With a quorum present, the Board of Education met in open session at 5:02 p.m.

RESOLUTION NO. 79-13 Re: **RESOLUTION FOR CLOSED SESSION**

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

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

Resolved, That the Board of Education of Montgomery County (including the student member of the Board) conduct a closed session on February 25, 2013, in Room 120 of the Carver Educational Services Center, 850 Hungerford Drive, Rockville, Maryland, from 5:00 to approximately 6:00 p.m.; and be it further

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

Resolved, That the Board receive legal advice and discuss pending litigation regarding the Board property located at Brickyard Road, as permitted under Section 10-508(a)(7)

and 10-508(a)(8) respectively of the *State Government Article*; and be it further

Resolved, That the superintendent of schools brief the Board on the Human Resources and Development Appointment, with a subsequent vote in open session, which is an administrative function outside the purview of the *Open Meetings Act* and, to the extent any individual employee is discussed, as permitted under Section 10-508(a)(1) of the *State Government Article*; and be it further

Resolved, That the Board receive a briefing by staff and discuss ongoing collective bargaining negotiations and matters that relate to the negotiations, as permitted under Section 10-508(a)(9) of the *State Government Article*; and be it further

Resolved, That the superintendent of schools brief the Board on operating budget strategy, 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 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 discuss matters of an administrative function (Distinguished Service Awards), which are 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 5:05 to 7:10 p.m. After a break, the Board of Education reconvened in open session at 7:18 p.m.

To view specific sections or the entire meeting, please watch at
<http://www.montgomeryschoolsmd.org/boe/meetings/archive/2013/2013-0225.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. 80-13

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 25, 2013.

RESOLUTION NO. 81-13 Re: **WOMEN'S HISTORY MONTH**

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

WHEREAS, In 1987, the month of March was designated to celebrate American women, acknowledge their struggles, and applaud their successes and accomplishments; and

WHEREAS, American women are noted for their patriotism and courage displayed both on the home front and on the battlefield, as well as their fight to be heard in our congressional halls to secure equal rights, equal pay, and an opportunity to voice their visions for our nation; and

WHEREAS, The National Women's History Project has selected the theme, "Women Inspiring Innovation Through Imagination: Celebrating Women in Science, Technology, Engineering, and Mathematics" to commemorate Women's History Month in 2013; and

WHEREAS, Women have made great strides toward equality, including establishing, thriving, and leading in the fields of business, education, medicine, politics, science and technology, community service, and the arts; now therefore be it

Resolved, That the Montgomery County Board of Education and the superintendent of schools hereby declare the month of March 2013 to be "Women's History Month"; and be it further

Resolved, That the Montgomery County Board of Education and the superintendent of schools ask staff and schools to observe the month of March 2013 as Women's History Month and to acknowledge their accomplishments and contributions to our country and Montgomery County.

RESOLUTION NO. 82-13 Re: **RECOGNITION OF EDUCATORS WHO
EARNED CERTIFICATION FROM THE
NATIONAL BOARD FOR PROFESSIONAL
TEACHING STANDARDS IN 2012**

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

WHEREAS, The National Board for Professional Teaching Standards has established a voluntary certification program to recognize outstanding teacher competency; and

WHEREAS, The Maryland State Department of Education and Montgomery County

Public Schools have participated in financial aid programs to encourage educators to engage in the rigorous process of becoming a National Board Certified Teacher; and

WHEREAS, Montgomery County Public Schools provides a variety of supports to assist candidates as they work through the process of National Board Certification; and

WHEREAS, Montgomery County Public Schools has identified the skills, competencies, and rigor of the National Board's Core Propositions as the foundation for the Teachers' Professional Growth System; now therefore be it

Resolved, That the Board of Education supports increasing the number of National Board Certified Educators; and be it further

Resolved, That Montgomery County Public Schools recognizes and appreciates the leadership skills and abilities of National Board Certified Educators that benefit our staff, students, and communities; and be it further

Resolved, That the Board of Education and the superintendent of schools urge all Montgomery County residents to join in recognizing and expressing their appreciation for these educators and the skills they bring to the students of Montgomery County Public Schools; and be it further

Resolved, That the Board of Education hereby recognizes the educators named on the for having completed the National Board Certification process and having received the certificate in November 2012.

Re: **PUBLIC COMMENTS**

The following people testified before the Board of Education:

<u>Person</u>	<u>Topic</u>
1. Mr. Christopher Lloyd	Budget
2. Ms. Catalina Schrader	Silver Spring International Middle School
3. Ms. Karen Smith	Legislation
4. Ms. Jeanne Taylor	Burden of Proof
5. Ms. Janice Edwing	Burden of Proof
6. Mr. Thomas Nephew	School Holiday
7. Ms. Kelly Giblin	Extension Program at Albert Einstein High School
8. Ms. Margy O'Herron	Funding Downcounty Schools
9. Mr. Philip Piety	Child Care Providers in MCPS Facilities
10. Ms. Ulrike Nasshan	Silver Spring International Middle School
11. Ms. Sophia Maravell	Educational Farm
12. Ms. Elizabeth Levien	Educational Farm
13. Patrick Detzner	Educational Farm

Re: DISCUSSION

Ms. Brandman asked staff to comment on the points raised in Ms. Giblin's testimony regarding the calculation of graduation, attendance, and other benchmarks for those students in special programs within a comprehensive high school.

Re: BOARD/SUPERINTENDENT COMMENTS

Mr. Mannes commented on the following: (1) he welcomed the Boy Scouts and other organizations as the Board votes on FY 2014 operating budget; (2) he joined other Board members at Belmont Elementary School's book reading; (3) the Board visited the Wootton and Magruder clusters with dialogues about technology and the future; (4) he met with the Montgomery County Students Coalition; (5) he attended the State at the County speech given by Mr. Leggett which emphasized the school system; and (6) he interviewed people for the Champions for Children Award.

Mrs. Smondrowski mentioned that she (1) visited several schools, including Bel Pre, Strathmore, Glenallan, Gaithersburg, and Georgian Forest elementary schools, E. Brooke Lee Middle School, Thomas S. Wootton High School, and the Thomas Edison High School of Technology; (2) visited Cold Spring Elementary School for reading day; and (3) attended the Wootton Cluster meeting.

Ms. Brandman noted that teachers will be considered for Teacher of the Year. She represented the Board at a community forum on gun violence and prevention.

Mr. Durso visited Belmont Elementary School, and he is amazed by the elementary school students.

Dr. Docca stated that she attended the college fair sponsored by MCPS, NAACP, and the National Black College Fund which was very successful and well run.

Mrs. O'Neill noted that this Thursday the nominating convention begins to elect a new student to the Board of Education.

Mr. Kauffman attended (1) Belmont Elementary School as well as reading books at other schools; and (2) the county executive's State of the County speech where he mentioned the success of the school system, the importance of education, the county's future, and full funding of Excel Beyond the Bell.

Mr. Barclay associated his remarks with those of his colleagues, including the Montgomery County Alliance of Black School Educators talent showcase; Skills USA at Edison highlighted the amazing work the young people are doing and learning new technology; and full funding Excel Beyond the Bell would be a great start.

Dr. Starr commented on the Advanced Placement results; community meeting on the strategic plan; community dialogue on academic success; Montgomery County Alliance

of Black School Educators employee talent showcase; and student town hall meeting at Walter Johnson High School.

RESOLUTION NO. 83-13

Re: **BOARD RESOLUTION NO. 138-11 AND
BRICKYARD ROAD MIDDLE SCHOOL SITE**

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

WHEREAS, On March 8, 2011, the Board of Education passed Resolution 138-11 authorizing the president of the Board and the superintendent of schools to execute a Land Lease Agreement with Montgomery County for construction of ball fields at the future Brickyard Road Middle School site, among other things; and

WHEREAS, On April 19, 2011, the Board of Education of Montgomery County approved the lease to Montgomery County of a property known as the Brickyard Road Middle School Site for the purpose of constructing ball fields; and

WHEREAS, On February 19, 2013, the Board President received correspondence from the Montgomery County Executive in which the County Executive states that the County has decided not to proceed with the development of any recreational facilities on the site; and

WHEREAS, The County Executive further stated in the February 19, 2013, letter that the County surrendered the lease and requested that the Board accept the surrender; and

WHEREAS, By Resolution No. 77-13 adopted on February 19, 2013, the Board accepted the surrender of the lease and declared the lease rescinded and of no force and effect; and

WHEREAS, By the adoption of Resolution No. 77-13 on February 19, 2013, the Board rendered Resolution 138-11 inoperative; and

WHEREAS, The Board wishes to resolve any perceived ambiguity and clarify the status of Resolution 138-11; now therefore be it

Resolved, That Board declares that Resolution 138-11 is of no force and effect.

** Ms. Brandman temporary left the meeting.

RESOLUTION NO. 84-13

Re: **CONTRACTS OF \$25,000 OR MORE**

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

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

WHEREAS, Funds have been budgeted for the purchase of a four-wheel-drive tractor awarded through Bid. No. JMI-606-10 in the amount of \$45,000; and

WHEREAS, The acquisition of the four-wheel-drive tractor through a finance agreement has been reviewed by legal counsel; now therefore be it

Resolved, That the four-wheel-drive tractor in the amount of \$45,000 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 for 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:

340-10	Band Uniforms for Watkins Mill High School	
	<u>Awardee</u>	
	Stanbury Uniforms, Inc.	\$ 28,089
JMI-603-12	Stone, Mulch, Topsoil, and Associated Materials—Extension	
	<u>Awardee</u>	
	Zeager Brothers, Inc.	\$150,000
JMI-606-10	Grounds Maintenance Equipment	
	<u>Awardee</u>	
	Gaithersburg Farmers Supply, Inc.	\$ 45,000
4090.8	Envelopes—Extension	
	<u>Awardees</u>	
	Craig Envelope Corporation	26,288
	OfficeMax	904
	Pyramid Paper Company	72,044
	Quill Corporation	<u>3,836</u>

	Total	\$103,072
4334.1	Maximo Work Order and Asset Management Software Upgrade	
	<u>Awardee</u> Ensoft Consulting, Inc.	\$ 26,400
4599.1	Vertical File Cabinets—Extension	
	<u>Awardee</u> Douron, Inc.*	\$358,620
7132.5	Kitchenware and Small Equipment—Extension	
	<u>Awardee</u> Calico Industries, Inc.	\$ 39,246
7222.1	PowerSchool Schools Administrative Student Information	
	<u>Awardee</u> NCS Pearson	\$360,000
9022.6	Building Materials—Extension	
	<u>Awardees</u> Capitol Building Supply	\$ 5,000
	Liberty Lumber & Supply Company	27,341
	Patuxent Materials, Inc.	<u>6,900</u>
	Total	\$39,241
9057.8	Baseball Supplies and Equipment	
	<u>Awardees</u> All American Sports Corporation	\$ 1,811
	BSN Sports, Inc.	9,627
	Golden Arm Sports, Inc.	8,604
	Hat World, Inc. dba Anaconda Sports	28,882
	Pyramid Paper Company	<u>4,384</u>
	Total	\$53,308
9058.10	Basketball Supplies and Equipment	
	<u>Awardees</u> Basketball Products International, Inc.	\$34,101
	Bill Fritz Sports Corporation	2,840
	BSN Sports, Inc.	5,181

Flaghouse, Inc.	1,789
Hat World, Inc. dba Anaconda Sports	11,867
Pyramid Paper Company	<u>1,000</u>
Total	\$56,778

9340.4 Hot Mix Asphalt Replacement at Various Locations—Extension**

<u>Awardee</u>	
Finley Asphalt & Sealing, Inc.	\$800,000

TOTAL PROCUREMENT CONTRACTS OVER \$25,000 \$2,059,754

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

**Planned Life-cycle Asset Replacement (PLAR)

** Ms.. Brandman rejoined the meeting.

RESOLUTION NO. 85-13 Re: **AWARD OF CONTRACT—WATERS
LANDING ELEMENTARY SCHOOL
ADDITION**

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

WHEREAS, The following sealed bids were received on January 22, 2013, for the Waters Landing Elementary School addition project:

<u>Bidder</u>	<u>Amount</u>
CFI Construction Corporation	\$7,556,941
Dustin Construction, Inc.	8,049,500
Towson Mechanical, Inc.	8,139,700
Meridian Construction Co., Inc.	8,159,000
Henley Construction Co., Inc.	8,184,000
Keller Brothers, Inc.	8,201,750
William F. Klingensmith, Inc.	8,292,700
J.A. Scheibel, Inc. t/a Scheibel Construction	8,405,200
R.J. Crowley, Inc.	8,508,500
Roy Kirby & Sons, Inc.	8,735,000
Tuckman-Barbee Construction Co., Inc.	8,878,000

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, CFI Construction Corporation, has submitted 23.5 percent Maryland Department of Transportation-certified Minority Business Enterprise participation, of which 15.2 percent is women-owned, and 8.3 percent is other minority-owned; and

WHEREAS, CFI Construction Corporation has completed similar work successfully for other jurisdictions; now therefore be it

Resolved, That a \$7,556,941 contract be awarded to CFI Construction Corporation for the Waters Landing Elementary School addition, in accordance with drawings and specifications prepared by The Lukmire Partnership, Inc.

RESOLUTION NO. 86-13 Re: **BEL PRE ELEMENTARY SCHOOL—GRANT
OF EASEMENT AND RIGHT-OF-WAY**

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

WHEREAS, The Washington Suburban Sanitary Commission has requested a grant of easement and right-of-way at Bel Pre Elementary School, located at 13801 Rippling Brook Drive in Silver Spring; and

WHEREAS, The proposed grant of easement and right-of-way, consisting of 879 square feet, is needed to expand the existing right-of-way of 400 square feet to a new standard of 1,279 square feet, which will accommodate modern equipment and practices; and

WHEREAS, The Washington Suburban Sanitary Commission will assume responsibility and liability for damages or injury resulting from any future maintenance and repair activities; and

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

Resolved, That the president of the Board of Education and the superintendent of schools be authorized to execute a permanent grant of easement and right-of-way of 879 square feet to the Washington Suburban Sanitary Commission at Bel Pre Elementary School.

RESOLUTION NO. 87-13 Re: **CLARKSBURG CLUSTER ELEMENTARY
SCHOOL (CLARKSBURG VILLAGE SITE
#1)—EXISTING STORMWATER
MANAGEMENT ABANDONMENT**

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

WHEREAS, The Department of Facilities Management proposes the abandonment of an existing stormwater management easement at Clarksburg Cluster Elementary School (Clarksburg Village Site #1), located at 12520 Blue Sky Drive in Clarksburg; and

WHEREAS, The proposed abandonment of an existing stormwater management easement, consisting of 29,068 square feet, is needed to accommodate clearing and grading for construction of a new elementary school; and

WHEREAS, A new stormwater management easement will be established to accommodate the design of the new school prior to commencement of construction; now therefore be it

Resolved, That the president of the Board of Education and the superintendent of schools be authorized to execute a Termination of Stormwater Management Easement and Termination of Stormwater Management Covenant consisting of 29,068 square feet at Clarksburg Cluster Elementary School (Clarksburg Village Site #1).

RESOLUTION NO. 88-13 Re: **FISCAL YEAR 2013 SECOND QUARTER
CATEGORY AND OBJECT TRANSFERS
REQUEST**

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

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

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

Resolved, That the superintendent of schools be authorized to effect Fiscal Year 2013 categorical transfers of \$302,298 in the following categories:

Title I—Part A, School Improvement Program

	<u>Category</u>	<u>From</u>	<u>To</u>
3	Instructional Salaries	\$ 7,355	
4	Textbooks and Instructional Supplies	_____	\$ 7,355
	Total	<u>\$ 7,355</u>	<u>\$ 7,355</u>

Title III—Limited English Proficiency Grant

	<u>Category</u>	<u>From</u>	<u>To</u>
1	Administration		\$ 3,985

3	Instructional Salaries	\$ 181,787	
4	Textbooks and Instructional Supplies		37,506
5	Other Instructional Costs		238,313
12	Fixed Charges	98,017	
	Total	<u>\$ 279,804</u>	<u>\$ 279,804</u>

Korean Language and Culture Summer Program

	<u>Category</u>	<u>From</u>	<u>To</u>
3	Instructional Salaries	\$ 6,099	
4	Textbooks and Instructional Supplies		\$ 11,289
5	Other Instructional Costs		1,160
9	Student Transportation	5,576	
12	Fixed Charges	774	
	Total	<u>\$ 12,449</u>	<u>\$ 12,449</u>

Malcolm Baldrige Education Quality Award Ambassadorship Grant

	<u>Category</u>	<u>From</u>	<u>To</u>
1	Administration		\$ 2,690
12	Fixed Charges	\$ 2,690	
	Total	<u>\$ 2,690</u>	<u>\$ 2,690</u>

and be it further

Resolved, That the superintendent of schools be authorized to effect a Fiscal Year 2013 object transfer of \$156,847 in the following project:

Title III—Limited English Proficiency Grant

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

and be it further

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

RESOLUTION NO. 89-13

Re: **HUMAN RESOURCES AND DEVELOPMENT
APPOINTMENT**

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 following personnel appointment be approved effective February 26, 2013:

Jack O. Dodson, Jr., currently fiscal specialist, Department of Transportation, as assistant controller, Division of Controller.

RESOLUTION NO. 90-13 Re: **FY 2014 SUMMER SCHOOL FEES**

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

WHEREAS, The Board of Education approves tuition fees each year for summer school; and

WHEREAS, Summer School Revenue-based Program costs are projected to rise only slightly; now therefore be it

Resolved, That the Summer School Revenue-based Program full fees be maintained at the current FY 2013 rate (\$335 for elementary school courses; \$300 for high school courses; and \$310 for student online courses); and be it further

Resolved, That the Summer School Revenue-based Program reduced fees be maintained at the current FY 2013 rate (\$85 and \$120, respectively, depending upon family income); and be it further

Resolved, That the total annual family income guidelines for qualifying for reduced fees and waivers be \$0–\$29,961 for the lowest reduced fee; \$29,962–\$42,643 for the higher reduced fee; and below \$42,643 for waivers; and be it further

Resolved, That the Summer School Minimal Fee-based Program course fees be maintained.

RESOLUTION NO. 91-13 Re: **ADOPTION OF FISCAL YEAR 2014
OPERATING BUDGET**

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

WHEREAS, The superintendent of schools presented the Recommended Fiscal Year 2014 Operating Budget of \$2,217,247,656 to the Board of Education on December 11, 2012; and

WHEREAS, The Recommended Fiscal Year 2014 Operating Budget includes the Fiscal Year 2014 Special Education Staffing Plan; and

WHEREAS, Increases of state aid for Montgomery County Public Schools as recommended in the governor's budget on January 16, 2013, total \$17,048,593; and

WHEREAS, The county's local contribution required under Maintenance of Effort is \$1,448,249,987; and

WHEREAS, The Superintendent's Recommended Fiscal Year 2014 Operating Budget as amended includes a local contribution request of \$1,458,222,438, which is \$9,972,451 over the required local contribution under Maintenance of Effort; and

WHEREAS, Fund Balance of \$17,000,000 is available for appropriation in Fiscal Year 2014; and

WHEREAS, Additional state funding for the Maryland Meals for Achievement Program increase budgeted expenditures and revenue for the Food Services Enterprise Fund in the amount of \$1,111,000; and

WHEREAS, Lower projected costs for employee health care allow for a reduction in the Fiscal Year 2014 budget of \$14,400,000; and

WHEREAS, Fewer special education students are projected to require educational services in nonpublic schools which will result in budgetary reduction of \$350,000; and

WHEREAS, Current costs for natural gas are lower than budgeted and will result in a Fiscal Year 2014 budget reduction of \$400,000; and

WHEREAS, An additional \$341,028 is recommended for five additional psychologist positions to reduce the ratio of students to psychologists; and

WHEREAS, An additional \$234,986 and 1.6 coordinator positions is recommended to add the International Baccalaureate Middle Years Programme at Dr. Martin Luther King, Jr. and Roberto W. Clemente middle schools; and

WHEREAS, An additional \$433,265 is recommended for eight maintenance worker positions in support of the growing demand for maintenance and repair services; and

WHEREAS, An additional \$406,677 is recommended for 6.2 high school teacher positions at Watkins Mill, Springbrook and Gaithersburg high schools with Free and Reduced-price Meals System rates greater than 40 percent; and

WHEREAS, An additional \$147,170 is recommended for two elementary school counselor positions in four schools; and

WHEREAS, An additional \$2,128,078 is recommended for training and support for

Curriculum 2.0; and

WHEREAS, An additional \$100,000 is recommended to provide support for programs to close the achievement gap; and

WHEREAS, An additional \$197,413 is recommended for 5.0 special education paraeducator positions to be placed in reserve to allocate to schools when additional support is needed to serve students with disabilities; now therefore be it

Resolved, That the Montgomery County Board of Education approves the Fiscal Year 2014 Special Education Staffing Plan as outlined in the Superintendent's Recommended Fiscal Year 2014 Operating Budget; and be it further

Resolved, That upon final approval of the Fiscal Year 2014 Operating Budget in June 2013, the Special Education Staffing Plan will be submitted to the Maryland State Department of Education; and be it further

Resolved, That the Montgomery County Board of Education adopts the Superintendent's Recommended Fiscal Year 2014 Operating Budget as amended totaling \$2,225,791,798 as follows:

<u>Category</u>	Superintendent's Amended <u>Operating Budget</u>
1 Administration	\$ 38,453,655
2 Mid-level Administration	138,632,510
3 Instructional Salaries	876,163,830
4 Textbooks and Instructional Supplies	24,848,778
5 Other Instructional Costs	12,815,866
6 Special Education	291,609,530
7 Student Personnel Services	10,964,290
8 Health Services	37,402
9 Student Transportation	97,678,646
10 Operation of Plant and Equipment	114,880,406
11 Maintenance of Plant	34,105,404
12 Fixed Charges	524,786,162
14 Community Services	461,777
37 MCPS Television Special Revenue Fund	1,477,261
51 Real Estate Fund	2,920,399
61 Food Service Fund	51,189,670
71 Field Trip Fund	1,917,672
81 Entrepreneurial Activities	<u>2,848,540</u>
Total	<u>\$2,225,791,798</u>

Re: **PRESENTATION OF GALLUP
ENGAGEMENT SURVEYS**

Dr. Starr invited the following person to the table: Dr. Tim Hodges, director of research, Gallup.

During the past several decades, numerous memoranda have been provided to the Montgomery County Board of Education on the topic of engagement as it relates to both students and staff members. Much discussion on what constitutes engagement and how we may increase and measure it ensued. The underlying assumption of this work is the core belief that engagement on the part of both staff members and students is critical to student success. For years, Montgomery County Public Schools (MCPS) used the satisfaction and climate surveys administered by the Office of Shared Accountability (OSA) as an imperfect measure of engagement. However, engagement is more intricate than simply attempting to measure satisfaction and climate. Being able to gain a scientific snapshot into how people feel, behave, and interact every day increases our ability to influence those behaviors and interactions in a way that may result in increasing successful student outcomes.

To gain this insight, MCPS, in partnership with Gallup, administered the Q12 Engagement Survey for all district employees and the Gallup Student Poll for students in Grades 5–12 in October 2012. Based on more than four decades of research, Gallup has identified definitive employee attitudes that correspond with the most successful workplaces. Additionally, Gallup has identified the questions that measure these attitudes and studied the links between employees' responses and various school outcomes, including employee retention, parent engagement, student retention, and student achievement. The Gallup Student Poll tracks the hope, engagement, and well-being of students. Research supports the idea that hope, engagement, and well-being are actionable targets linked to student achievement, retention, and future employment.

Both of these surveys have yielded a wealth of data that will inform our improvement efforts. MCPS' partnership with Gallup assures access to vital technical assistance to maximize our utilization of the data. Gallup has provided training presentations for executive staff, principals, and central office managers, and consultation on the analysis of student performance outcomes as they relate to employee engagement. Members of the Gallup team will make individual follow-up calls to each school's triad (principal, elected facility representative, and elected support representative) to help plan how to use the data to improve student success. This process is under way with more than 150 calls completed. MCPS will post the staff and student survey results on the MCPS website in the coming days.

In addition, Gallup has provided and continues to provide technical assistance to OSA as it reevaluates and revises its survey program. A revamped parent engagement survey will be launched in just a few weeks.

The tangible benefits of MCPS' partnership with Gallup are clear; however, equally as

exciting are the possibilities surrounding the intersections of our work. Gallup, Inc.'s continued scientific investigation into the significance of hope, engagement, and well-being for students dovetails with our strategic planning work on social emotional learning and 21st century skills. There is every reason to believe that as we continue to work together, opportunities for constructive collaboration will support our work to improve teaching and learning in every school.

Re: **DISCUSSION**

Mr. Barclay was interested in opportunities to create an environment of recognition in various locations and a variety of employees. Dr. Hodges thought a few moments of recognition is very important to employees when it is intentional about their work when it is tied to the goal of the school or department.

Mr. Mannes noted that one of the data marks is open communication. What is the definition? Dr. Starr asks employees how they get information, and it is an awareness raising issue. If staff does not have the information, there should be a remedy in order for employees to understand and know what is happening in the organization.

Mr. Kauffman was interested in using survey data as an evaluation tool. The answer was the survey checked on the relationships with the employer on a larger scale.

Dr. Docca asked about the methodology for students. Dr. Hodges replied that it was a lab environment, and the survey took five minutes.

RESOLUTION NO. 92-13

Re: **FUTURE CLOSED SESSION RESOLUTION**

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

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

Resolved, That the Board of Education of Montgomery County conduct a closed session on Tuesday, March 12, 2013, in Room 120 of the Carver Educational Services Center, 850 Hungerford Drive, Rockville, Maryland, to meet from 9:00 to approximately 10:00 a.m. and 12:35 to approximately 1:35 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. 93-13 Re: **REPORT OF CLOSED PREVIOUS SESSION**

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

On February 12, 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 12, 2013, from 9:03 to 10:02 a.m. and 1:19 to 2:25 p.m. in Room 120 of the Carver Educational Services Center, 850 Hungerford Drive, Rockville, Maryland, and:

1. Reviewed and received legal advice on the Decisions and Orders in Appeals 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 legal advice and considered the following appeals involving student transfers and school placement: DCC-2013-1 and T-2013-2, 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*.
3. 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*.
4. Received legal advice on the *Open Meetings Act* and an update on pending litigation in the Circuit Court on the Maravell Petition, as permitted under Section 10-508(a)(7) and Section 10-508(a)(8) of the *State Government Article*.
5. Received the Quarterly Sexual Harassment Report which is an administrative function and outside the purview of the *Open Meetings Act*.
6. 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*.
7. Due to illness, the superintendent did not provide a briefing on strategy regarding implementation of new principal/teacher effectiveness regulations, nor did the Board discuss potential litigation.

In attendance at the 9:03 a.m. closed session were Chris Barclay, Shirley Brandman, Judy Docca, Michael Durso, Phil Kauffman, John Mannes, Patricia O'Neill, Rebecca Smondrowski, Suzann King, Glenda Rose, Laura Steinberg, and Patrick Clancy. At 9:35 a.m., the following staff and counsel joined the Board: Larry Bowers, Brian Edwards, Beth Schiavino-Narvaez, Kimberly Statham, Dana Tofig, and Kimberly Years. At 1:19 p.m., Stan Damas joined the Board and staff.

On February 14, 2013, the Board of Education voted unanimously to conduct a closed session, including the student Board member, 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 14, 2013, from 2:05 to 4:15 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, Phil Kauffman, John Mannes, Patricia O'Neill, Rebecca Smondrowski, Roland Ikheloa, Suzann King, Glenda Rose, Larry Bowers, Stan Damas, Sue DeGraba, Brian Edwards, Beth Schiavino-Narvaez, Joshua Starr (phone), and Kimberly Statham.

On February 19, 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 19, 2013, from 6:03 to 6:45 p.m. in Room 120 of the Carver Educational Services Center, 850 Hungerford Drive, Rockville, Maryland; and received a legal advice regarding the Brickyard property lease and discussed pending litigation regarding the same, as permitted under Sections 10-508(a)(7) and 10-508(a)(8) of the *State Government Article*.

In attendance at the closed session were Chris Barclay, Shirley Brandman, Judy Docca, Phil Kauffman, John Mannes, Patricia O'Neill, Rebecca Smondrowski, Roland Ikheloa, Suzann King, Glenda Rose, Patrick Clancy, Larry Bowers, Brian Edwards, Beth Schiavino-Narvaez, Joshua Starr (phone), and Kimberly Statham.

RESOLUTION NO. 94-13

Re: **ITEMS OF LEGISLATION**

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 opposes **HB1069, Education – Beginning of School Year – After Labor Day**, which would prohibit public schools and publicly funded prekindergarten programs from opening for pupil attendance before the day after Labor Day; and generally relating to the beginning of the school year after Labor Day.

RESOLUTION NO. 95-13 Re: **ITEMS OF LEGISLATION**

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

Resolved, That the Board of Education supports **SB0856/HB1016 -- Education - Public School Holidays - Easter Monday**, which would repeal the requirement that the Monday after Easter be a public school holiday; providing that, at the option of a county board, the Monday after Easter may be a public school holiday; and generally relating to public school holidays.

RESOLUTION NO. 96-13 Re: **ITEMS OF LEGISLATION**

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

Resolved, That the Board of Education opposes **HB1061 -- Task Force on Public School Efficiency**, which would establish the Task Force on Public School Efficiency; providing for the composition, chair, and staffing of the Task Force; establishing the duties of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the Task Force on Public School Efficiency

RESOLUTION NO. 97-13 Re: **ITEMS OF LEGISLATION**

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

Resolved, That the Board of Education supports **SB0461/HB1176 -- Primary and Secondary Education – Online Courses and Services – Accessibility**, which would require the development, review, and approval of certain online courses and services to include an assessment regarding the accessibility of the online course or service to certain individuals with disabilities; authorizing the State Department of Education or a county board of education to contract with a third party for the development of a certain assessment or a certain method by which certain online courses or services will be

made available to certain individuals; authorizing the State Board of Education to set certain fees for the development of a certain assessment and a certain method; and generally relating to the accessibility of online courses and services to individuals with disabilities, including the blind.

RESOLUTION NO. 98-13 Re: **ITEMS OF LEGISLATION**

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

Resolved, That the Board of Education supports **HB1174 -- Educator Evaluation System - Pilot Program Extension**, which would require the State Department of Education to extend the pilot program for the Educator Evaluation System until certain assessments are aligned with the Maryland Common Core State Curriculum and the assessments are fully implemented; requiring the Department to take the steps necessary to implement a certain requirement; and generally relating to an extension of the Educator Evaluation System pilot program.

RESOLUTION NO. 99-13 Re: **ITEMS OF LEGISLATION**

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

Resolved, That the Board of Education supports **SB0775 -- Education - Model Performance Evaluation Criteria – Implementation**, which would prohibit the State Board of Education from requiring a certain model performance evaluation criteria to take effect unless certain conditions are met; and generally relating to the model performance evaluation criteria adopted by the State Board.

RESOLUTION NO. 99(a)-13 Re: **ITEMS OF LEGISLATION**

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 supports **HB1161-- Commission on Special Education Access and Equity**, which would establish the Commission on Special Education Access and Equity; providing for the composition, chair, and staffing of the Commission; prohibiting a member of the Commission from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Commission to study and make recommendations regarding certain matters; requiring the Commission to report its findings and recommendations to the Governor and certain committees of the General Assembly on or before a certain date; providing for the termination of this Act.

RESOLUTION NO. 100-13 Re: **ITEMS OF LEGISLATION**

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

Resolved, That the Board of Education opposes **HB0552 -- Public Secondary Schools - Fall Sports Season - Start Date**, which would authorize a county board of education to allow the start of practice sessions for high school sports teams from specified schools that participate in the fall sports season to begin not more than 14 days before a specified date set by the Maryland Public Secondary Schools Athletic Association; and generally relating to the start of practice sessions for the fall sports season for high school students.

RESOLUTION NO. 101-13 Re: **ITEMS OF LEGISLATION**

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

Resolved, That the Board of Education opposes **HB1123 -- Public Schools and Youth Sports Programs - Girls Lacrosse - Protective Head Gear**, which would require the State Department of Education to require certain girls lacrosse youth sports programs to require certain athletes to wear protective head gear during practices and games; requiring a recreational athletic organization that operates a girls lacrosse youth sports program to require certain athletes to wear protective head gear during practices and games.

RESOLUTION NO. 102-13 Re: **ITEMS OF LEGISLATION**

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

Resolved, That the Board of Education strongly supports **HB0871 -- Education - Dually Enrolled Students - In-State and In-County Tuition**, which would establish that certain dually enrolled students shall receive certain tuition rates; establishing that certain individuals shall be exempt from paying certain tuition rates and shall be eligible to pay certain tuition rates at certain public institutions of higher education under certain circumstances; requiring the governing board of each public institution of higher education to adopt certain policies; defining certain terms; and generally relating to tuition rates for certain dually enrolled students.

RESOLUTION NO. 103-13 Re: **ITEMS OF LEGISLATION**

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

Resolved, That the Board of Education opposes **HB0532 -- State Board of Education**

– **Online Courses – Graduation Requirement**, which would require a student to complete an online course to graduate from high school, beginning with students entering a certain grade in a certain school year.

RESOLUTION NO. 103(a)-13 Re: **ITEMS OF LEGISLATION**

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 opposes **HB0661/SB0997 -- Teaching Techniques - Students with Special Needs and Limited English Proficiency**, which would require the State Department of Education to ensure that certain teachers receive adequate instruction in certain techniques for teaching certain students and in appropriate behavior interventions.

RESOLUTION NO. 104-13 Re: **ITEMS OF LEGISLATION**

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 opposes **HB0843 -- State Board of Education - Financial Literacy Curriculum - Graduation Requirement**, which would require the State Board of Education to develop curriculum content for a certain course in financial literacy; requiring students to complete a certain course in order to graduate from high school.

RESOLUTION NO. 105-13 Re: **ITEMS OF LEGISLATION**

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 opposes **HB0855 -- Student Health and Fitness Act**, which would require a public school student in elementary school to be provided a certain minimum level of a program of physical activity each week; requiring that the program of physical activity for a certain category of student be consistent with a certain plan for the student; requiring public elementary schools to designate a certain group to plan and coordinate certain activities; requiring the State Board of Education to adopt certain regulations; providing for certain extensions; requiring a county school system that receives a certain extension to have a plan to ensure the county school system's compliance with this Act by a certain date; and generally relating to student health and fitness.

RESOLUTION NO. 106-13 Re: **ITEMS OF LEGISLATION**

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 opposes **HB0207 -- Education - Chronically Absent Students**, which would require county boards of education to develop a system of intervention for chronically absent students; defining certain terms; and generally relating to chronically absent students.

RESOLUTION NO. 107-13 Re: **ITEMS OF LEGISLATION**

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 opposes **HB0657 -- Truancy Education Program - Parents and Guardians of Students**, which would authorize a certain court to include mandatory participation in a Truancy Education Program as a certain condition under which the court may suspend a certain fine or prison sentence of a person who fails to see that a child attends school; requiring the Office of Pupil Personnel Services in each county to implement, to the extent that certain funds are provided in a certain State budget, a Truancy Education Program for the parents or guardians of students who are chronically truant; requiring the Program to offer certain education classes during certain time periods; specifying the content of a certain class; requiring the Program to provide a parent or guardian with a certain resource packet and assign a parent or guardian a certain case manager; specifying the duties of certain case managers; authorizing certain pupil personnel workers to refer certain parents or guardians to the Program; defining a certain term; and generally relating to the establishment of a Truancy Education Program in each county.

Re: **NEW BUSINESS**

On motion of Mr. Kauffman and seconded by Mrs. O'Neill, the following resolution was placed on the table:

WHEREAS, The Montgomery County Board of Education holds real property in trust for the benefit of the school system; and

WHEREAS, There are currently 13 Board of Education-owned future school sites; and

WHEREAS, Policy DNA, *Disposal of Board of Education Property*, only addresses the disposal of real property (land and buildings) considered to have no further use by the Montgomery County Public Schools system; and

WHEREAS, There has been litigation which has raised issues relating to leases executed by the Montgomery County Public Schools system of future school sites; and

WHEREAS, There is a need to address policies and procedures governing the leasing, licensing, or other uses of property (land and buildings) that is being held by the Montgomery County Public Schools system as a future school site, including, but not

limited to the right of reclamation of the property by the school system, receipt of fair market value, appropriate use of the property consistent with the Board's trust, the term of any lease or license agreement, competitive selection procedures, and compliance with local zoning and mandatory referral procedures; now therefore be it

Resolved, That the Montgomery County Board of Education direct its Policy Committee to examine the current guidelines and procedures for the leasing, licensing, or other uses of the school system's real property being held as a future school site (land and buildings); and be it further

Resolved, That the Policy Committee make a recommendation to the Montgomery County Board of Education regarding whether any further guidelines or a policy should be adopted for guiding any decision making related to the use, lease, or license of the school system's real property being held as a future school site (land and buildings).

RESOLUTION NO. 108-13 Re: **ADJOURNMENT**

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

Resolved, That the Board of Education adjourn its meeting of February 25, 2013, at 11:14 p.m.

PRESIDENT

SECRETARY

JPS:gr

Resolution	Barclay	Brandman	Docca	Durso	Kauffman	Mannes	O'Neill	Smondrowski
Operating Budget	A	A	A	N	A	A	A	A

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

