

APPROVED
21-2013

Rockville, Maryland
July 29, 2013

The Board of Education of Montgomery County held a business meeting at the Carver Educational Services Center, 850 Hungerford Drive, Rockville, Maryland, on July 29, 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. Justin Kim
Mrs. Patricia O'Neill
Mr. Larry Bowers, Acting Secretary/Treasurer

Absent: Ms. Rebecca Smondrowski
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 5:00 p.m.

RESOLUTION NO. 399-13 Re: **RESOLUTION FOR CLOSED SESSION**

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

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

Resolved, That the Board of Education of Montgomery County conduct a closed session on July 29, 2013, including the Student Board Member, 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 superintendent of schools brief the Board on the Appointments with a subsequent vote in open session, which is an administrative function outside the

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

Resolved, That the superintendent of schools provide the Equal Employment Opportunity Report and 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 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 6:38 p.m. After a break, the Board of Education reconvened in open session at 6:45 p.m.

To view specific sections or the entire meeting, please watch at <http://mcpsmd.swagit.com/play/07292013-503>

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. 400-13 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 by members present:

Resolved, That the Board of Education approve its agenda for July 29, 2013.

Re: **PUBLIC COMMENTS**

The following people commented before the Board of Education:

<u>Person</u>	<u>Topic</u>
1. Sarah Qureshi	William H. Farquhar Middle School
2. Tricia Steadman	Policy JEE
3. Rebecca Hawes	Policy JEE
4. Tom Hearn	Athletic Trainers
5. Sara Mackell	Spanish Immersion
6. Lourdes Wilson	Spanish Immersion

Re: **BOARD/SUPERINTENDENT COMMENTS**

Mr. Kim noted that he was proud that the Board will soon transition to BoardDocs, and

the Board will hold a paperless meeting.

Dr. Docca commented on the Ramadan holidays and the Chinese Language Program at Gaithersburg Elementary School.

Mr. Barclay reemphasized that BoardDocs will be utilized by the Board.

Mr. Bowers commented that there are preparations for the opening of schools; construction projects; hiring of teachers; summer school graduation; and the Comcast Film Festival.

RESOLUTION NO. 401-13 Re: **APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective July 30, 2013:

Gregory S. Edmundson, currently principal, Rocky Hill Middle School, as director, Office of School Support and Improvement

RESOLUTION NO. 402-13 Re: **APPOINTMENT**

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

Resolved, That the following personnel appointment be approved effective July 30, 2013:

Karen E. Caroscio, currently assistant principal, South Lake Elementary School, as principal, Community Montessori Charter School

RESOLUTION NO. 403-13 Re: **CONTRACTS OF \$25,000 OR MORE**

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

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

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

1005271 Closed Captioning Services

	<u>Awardee</u> National Captioning Institute, Inc.	\$ 30,000
S10-092	Fuel Site Inspection, Maintenance, and Repair—Extension	
	<u>Awardee</u> L. A. Fritter and Son	\$ 40,000
7070.9	Printing Supplies—Extension	
	<u>Awardees</u> E. H. Walker Supply Company	\$ 1,000
	G. E. Richards Graphic of Maryland	31,900
	Keystone Printing Inc., Company	15,700
	Mark Andy, Inc.	10,000
	Printers Service	<u>14,000</u>
	Total	\$ 72,600
7085.3	Information Technology Support and Integration Services—Extension	
	<u>Awardees</u> (See note) Bell Techlogix, Inc.	
	Ciber, Inc.	
	Data Networks	
	Ease Technologies, Inc.	
	Net Results, Inc.	
	Total	\$250,000
7194.1	Projectors for Classrooms and Auditoriums—Extension	
	<u>Awardees</u> CDW Government, LLC	\$ 47,223
	Nicolas P. Pipino Associates, Inc.	<u>63,327</u>
	Total	\$110,550
7225.1	Crick Educational Software—Extension	
	<u>Awardee</u> Crick Software, Inc.	\$105,000
9139.1	Refrigerated and Frozen Foods	
	<u>Awardee</u> Tyson Sales & Distribution, Inc.	\$ 179,850
9655.2	On Call Electrical Services at Various Locations**	

<u>Awardees</u> (See note)	
Amber Enterprises, Inc.	
Lighting Maintenance, Inc.	
Tex/Am Construction Company, Inc.*	
Total	\$150,000

TOTAL PROCUREMENT CONTRACTS OVER \$25,000 \$ 938,000

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

**Planned Life-cycle Asset Replacement (PLAR)

Note: Contract amounts will be based on individual requirements.

RESOLUTION NO. 404-13 Re: **WILLIAM H. FARQUHAR MIDDLE SCHOOL
MODERNIZATION**

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

WHEREAS, On September 13, 2011, the Board of Education adopted Resolution No. 447-11, the land swap option identified as Option Two in the feasibility study, for the modernization of William H. Farquhar Middle School, with relocation of students to the Tilden Holding Center as a back-up plan if the Maryland-National Capital Park and Planning Commission did not support the land swap option; and

WHEREAS, On September 13, 2011, the Board of Education, through Resolution No. 447-11, directed the Department of Facilities Management to pursue the land swap option with the Maryland-National Capital Park and Planning Commission, which would convey the current William H. Farquhar Middle School site to the Maryland-National Capital Park and Planning Commission in exchange for conveyance of the adjacent site to the Board of Education; and

WHEREAS, The Maryland-National Capital Park and Planning Commission has received and recorded in the land records a rural open-space easement from the adjacent site owner, Pulte Home Corporation, with Pulte Home Corporation retaining ownership of the underlying fee simple to the adjacent property; and

WHEREAS, Montgomery County Public Schools has been unable to obtain an agreement with Pulte Home Corporation for conveyance of the underlying fee simple to the parcel it owns adjacent to the current William H. Farquhar Middle School site; and

WHEREAS, The Maryland-National Capital Park and Planning Commission has approved procedures for release of rural open-space easements under certain conditions; and

WHEREAS, Montgomery County Public Schools and the Maryland-National Capital Park and Planning Commission staff have agreed to pursue appropriate opportunities for joint use of sites for the benefit of the public; now therefore be it

Resolved, That the Board of Education authorizes initiation of condemnation proceedings to acquire Pulte Home Corporation's interest in the parcel adjacent to the current William H. Farquhar Middle School site because the land is needed for the modernization of William H. Farquhar Middle School under Option Two, approved by the Board of Education on September 13, 2011, and the site's owner and Montgomery County Public Schools have been unable to reach agreement with Pulte Home Corporation to convey its interest in the property; and be it further

Resolved, That Department of Facilities Management staff is directed to pursue a joint use agreement with the Maryland-National Capital Park and Planning Commission that gives primary use of the current William H. Farquhar Middle School property to the Maryland-National Capital Park and Planning Commission and allows imposition of a rural open-space easement on that property and gives primary use of the adjacent parcel, where the modernized middle school will be sited, to Montgomery County Public Schools in exchange for release of the rural open-space easement on the adjacent parcel, an agreement for continued use of the existing William H. Farquhar Middle School facility as a holding school until the new school building is completed, and demolition of the existing William H. Farquhar Middle School facility and restoration of the site as agreed to by the parties; and be it further

Resolved, That Resolution 447-11 is hereby amended to the extent that it is inconsistent with the provisions of this resolution.

RESOLUTION NO. 405-13 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 by members present:

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

Resolved, That the Board of Education of Montgomery County conduct a closed session on August 21, 2013, from approximately 9:00 a.m. to 1:00 p.m. in Room 120 of the Carver Educational Services Center, 850 Hungerford Drive, Rockville, Maryland; and be it further

Resolved, That the Board of Education anticipates that the closed session will include a discussion of personnel matters, as permitted under Section 10-508(a)(1) of the *State Government Article* and Section 4-107(d) of the *Education Article*; the review and adjudication of appeals in its quasi-judicial capacity; consultation with counsel to obtain

legal advice on those appeals, as permitted under Section 10-508(a)(7) of the *State Government Article*; a discussion of matters constituting an administrative function outside the purview of the *Open Meetings Act* (Section 10-502(b) of the *State Government Article*); and the Board will publish more detailed Resolutions for Closed Session when particular topics for discussion are identified; and be it further

Resolved, That these meetings shall continue in closed session until the completion of business.

RESOLUTION NO. 406-13 Re: **REPORT OF PREVIOUS CLOSED SESSION**

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

On July 16, 2013, the Board of Education voted unanimously to conduct a closed session, including the Student Member of the Board, 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 July 16, 2013, from 8:35 to 10:29 a.m. and 2:11 to 4:36 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 Decisions and Orders involving student transfers and student placements: T-2013-13, T-2013-22, T-2013-24, T-2013-26, T-2013-29, T-2013-31, T-2013-32, T-2013-33 T-2013-34, T-2013-38, T-2013-30, T-2013-40, 2013-6, 2013-7, 2013-10, 2013-12, and 2013-13, 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 student placement: T-2013-42, NEC-2013-43, T-2013-44, NEC-2013-45, T-2013-46, T-2013-47, T-2013-48, T-2013-49, T-2013-50, 2013-9, and 2013-11, 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*.
4. Received a briefing on individual candidates for appointment as director, Division of Accelerated and Enriched Instruction, Office of Curriculum and Instructional Programs; assistant to the Chief Technology Officer, Office of the Chief Technology Officer; and coordinator, Special Initiatives, Office of Curriculum and

Instructional Programs, with a subsequent vote in open session, as permitted under Section 10-508(a)(1) of the State Government Article.

5. Discussed an individual candidate for appointment to the Policy Committee 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 is discussed, as permitted under Section 10-508(a)(1) of the *State Government Article*.

6. Discussed compensation for the superintendent of schools whose compensation is not covered by a salary schedule in any negotiated agreement, as permitted under Section 10-508(a)(1) of the *State Government Article*.

7. Obtained legal advice and discussed the status of the acquisition of the property from the Maryland-National Capital Park and Planning Commission, as permitted under Section 10-508(a)(7), and 10-508(a)(3), respectively, of the *State Government Article*.

8. 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*.

In attendance at the 8:35 a.m. closed session were Chris Barclay, Shirley Brandman, Judy Docca, Mike Durso, Phil Kauffman, Justin Kim, Patricia O'Neill, Rebecca Smondrowski, Suzann King, Glenda Rose, Laura Steinberg, and Patrick Clancy. At 9:25 a.m., Mr. Clancy left the meeting and the following staff joined the Board: Larry Bowers, Brian Edwards, Beth Schiavino-Narvaez, Joshua Starr, Dana Tofig, and Andy Zuckerman. In attendance at the 2:11 p.m. closed session were Chris Barclay, Shirley Brandman, Judy Docca, Michael Durso, Phil Kauffman, Justin Kim, Patricia O'Neill, Rebecca Smondrowski, Suzann King, Glenda Rose, Laura Steinberg, Larry Bowers, Stan Dama, Brian Edwards, Beth Schiavino-Narvaez, James Song, Joshua Starr, Kimberly Statham, Dana Tofig, and Samantha Williams. At 1:17 p.m., the following people left the meeting: Suzann King, Glenda Rose, Laura Steinberg, Larry Bowers, Brian Edwards, Beth Schiavino-Narvaez, James Song, Dana Tofig, Samantha Williams, and Andy Zuckerman.

RESOLUTION NO. 407-13 Re: **APPEALS**

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

WHEREAS, The Board of Education has met in closed session and deliberated on appeals brought before its members acting in its quasi-judicial capacity under Section 10-508(a) of the State Government Article of the Annotated Code of Maryland; now therefore be it

Resolved, That the Board of Education hereby decides the following appeals reflective of the Board members' votes in closed session, the disposition of which will be recorded in the minutes of today's meeting:

<u>Appeal Number</u>	<u>Type</u>	<u>Disposition</u>
T-2013-52	Student Transfer	Affirmed
T-2013-53	Student Transfer	Affirmed
T-2013-54	Student Transfer	Affirmed
T-2013-56	Student Transfer	Reversed
T-2013-58	Student Transfer	Affirmed
T-2013-62	Student Transfer	Affirmed
2013-14	Student Placement	Affirmed
2013-15	Early Entrance	Affirmed
2013-17	Student Placement	Affirmed
2013-20	Personnel Action	Sent to Hearing Examiner

Re: **NEW BUSINESS**

There was no new business.

RESOLUTION NO. 408-13

Re: **ADJOURNMENT**

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 adjourn its meeting of July 29, 2013, at 7:21 p.m.

PRESIDENT

SECRETARY

JPS:gr