

APPROVED
12-2000

Rockville, Maryland
March 27, 2000

The Board of Education of Montgomery County met in regular session at the Carver Educational Services Center, Rockville, Maryland, on Monday, March 27, 2000, at 7:45 p.m.

ROLL CALL Present: Mrs. Patricia B. O'Neill, President
 in the Chair
 Mr. Stephen Abrams
 Mr. Kermit V. Burnett
 Mr. Reginald M. Felton
 Mrs. Beatrice B. Gordon
 Mrs. Nancy J. King
 Ms. Laura Sampedro, Student Board Member
 Ms. Mona M. Signer
 Dr. Jerry Weast, Secretary/Treasurer

Absent: None

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

RESOLUTION NO. 207-00 Re: **CLOSED SESSION**

On recommendation of the Superintendent and on motion of Mrs. King seconded by Ms. Signer, 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 portions of its closed session on March 27, 2000, in Room 120 from 7:00 to 7:30 p.m. to discuss the Board Advisory Committee appointments, as permitted under Section 10-508(a)(1) of the *State Government Article*; and be it further

Resolved, That the Board of Education consult with staff, consultants, or other individuals to consider the acquisition of real property for a public purpose and matters directly related thereto as permitted under Section 10-508(a)(3) of the *State Government Article*; and be it further

Resolved, That the Board of Education consult with counsel to receive legal advice as permitted under Section 10-508(a)(7) of the *State Government Article*; and be it further

Resolved, That the Board of Education of Montgomery County dedicate part of the closed session on March 27, 2000, to acquit its executive functions and to adjudicate and review appeals, which is a quasi-judicial function outside the purview of the Open Meetings Act under Section 10-503(a) of the *State Government Article*; and be it further

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

RESOLUTION NO. 208-00 Re: **AMENDMENT TO THE AGENDA**

On motion of Mrs. Gordon and seconded by Ms. Signer, the following amendment was adopted unanimously:

Resolved, That the Board of Education delete Item 4.4 (Appointments to Board Advisory Committees) from its agenda.

RESOLUTION NO. 209-00 Re: **APPROVAL OF THE AGENDA**

On recommendation of the Superintendent and on motion of Mrs. Gordon seconded by Ms. Signer, the following resolution, as amended, was adopted unanimously:

Resolved, That the Board of Education approve its March 27, 2000, agenda.

RESOLUTION NO. 210-00 Re: **ARAB AMERICAN HERITAGE MONTH**

On recommendation of the Superintendent and on motion of Mr. Abrams seconded by Mrs. Gordon, the following resolution was adopted unanimously:

WHEREAS, The members of the Board of Education take great pride in the ethnic diversity of our school system and actively seek and value the contributions of people of all races and ethnicity; and

WHEREAS, There are approximately three million Arab Americans residing in the United States; and

WHEREAS, Montgomery County Executive Douglas M. Duncan and Montgomery County Council President Michael L. Subin jointly recognize April as Arab American Heritage Month; and

WHEREAS, Montgomery County is home to an active Arab community, whose valued presence has contributed to the rich cultural mosaic of our community; and

WHEREAS, The members of the Board of Education take particular pride in our K-12 curricular activities that promote awareness of the many achievements of Arab Americans; now therefore be it

Resolved, That on behalf of the superintendent, staff, students, and parents of Montgomery County Public Schools, the members of the Board of Education hereby declare the month of April 2000 to be observed as Arab American Heritage Month.

Re: **PUBLIC COMMENTS**

There were no public comments.

RESOLUTION NO. 211-00 Re: **AWARD OF CONTRACT - WATKINS MILL HIGH SCHOOL TECH ED AND COMPUTER LABS AIR CONDITIONING**

On recommendation of the Superintendent and on motion of Mrs. Gordon seconded by Ms. Signer, the following resolution was adopted with Mr. Abrams, Mr. Burnett, Mrs. Gordon, Mrs. King, Mrs. O'Neill, and Ms. Signer voting in the affirmative; Mr. Felton abstaining:#

WHEREAS, The following sealed bids were received on March 14, 2000, to provide an air-conditioning system for the technology education and computer labs at Watkins Mill High School, with work to begin immediately and be completed by May 30, 2000:

<u>Bidder</u>	<u>Amount</u>
Shapiro & Duncan, Inc.	\$50,000
NAA, Inc.	68,000

and

WHEREAS, The low bidder, Shapiro & Duncan, Inc., has completed similar work successfully for Montgomery County Public Schools; and

WHEREAS, The bid is below the staff estimate of \$60,000; and

WHEREAS, Staff has verified that the contractor has made a good-faith effort to obtain minority participation; now therefore be it

Resolved, That a contract for \$50,000 be awarded to Shapiro & Duncan, Inc., to provide an air-conditioning system for the technology education and computer labs at Watkins Mill High School, in accordance with plans and specifications prepared by Mendoza, Ribas,

Farinas & Associates.

RESOLUTION NO. 212-00 Re: **AWARD OF CONTRACT - ELECTRIC SERVICE TO
MODULAR CLASSROOM BUILDINGS**

On recommendation of the Superintendent and on motion of Mrs. Gordon seconded by Ms. Signer, the following resolution was adopted with Mr. Abrams, Mr. Burnett, Mrs. Gordon, Mrs. King, Mrs. O'Neill, and Ms. Signer voting in the affirmative; Mr. Felton abstaining:#

WHEREAS, The following sealed bid was received on March 14, 2000, to provide electric service to modular classroom buildings, with work to begin as soon as possible, and to be completed by August 21, 2000:

Bidder

Paul J. Vignola Electric Company, Inc.

and

WHEREAS, Paul J. Vignola Electric Company, Inc., has completed similar work successfully for Montgomery County Public Schools; and

WHEREAS, The bid was for unit prices with contract amounts to be determined by the total number of classrooms moved or installed; and

WHEREAS, Staff has verified that the contractor has made a good-faith effort to obtain minority participation; now therefore be it

Resolved, That a contract based on the unit prices stipulated in the bid documents with a not-to-exceed value of \$500,000 be awarded to Paul J. Vignola Electric Company, Inc., to provide electric service for modular classroom buildings, in accordance with plans and specifications prepared by the Department of Facilities Management.

RESOLUTION NO. 213-00 Re: **EXTENSION OF CONTRACT B DATA/CATV
ENGINEERING SERVICES**

On recommendation of the Superintendent and on motion of Mrs. Gordon seconded by Ms. Signer, the following resolution was adopted unanimously:#

WHEREAS, Engineering services are required to design and administer the installation of the Community Antenna Television (CATV) and building-wide data/communications network systems for new and modernized schools; and

WHEREAS, The consultant currently under contract to provide these services has agreed to hold their negotiated price for another year; and

WHEREAS, Staff has recommended that the current contract be extended; now therefore be it

Resolved, That the Board of Education extend the contract with the firm of Von Otto & Bilecky, P.C., for CATV and data/communications network engineering design services for a period of one year for the following amounts:

Elementary Schools	\$ 7,500 per school
Middle Schools	\$14,680 per school
High Schools	\$18,350 per school

RESOLUTION NO. 214-00 Re: **CHANGE ORDERS OVER \$25,000**

On recommendation of the Superintendent and on motion of Mrs. Gordon seconded by Ms. Signer, the following resolution was adopted unanimously:#

WHEREAS, The Department of Facilities Management has received from various contractors change order proposals that exceed \$25,000; and

WHEREAS, Staff and the project architects have reviewed these change orders and found them to be equitable; now therefore be it

Resolved, That the Board of Education approve the following change orders for the amounts indicated:

Activity 1

- Project: Bethesda-Chevy Chase High School
- Description: Foundations in a portion of the building had to be excavated to a lower elevation than anticipated, due to an underlying rock formation.
- Contractor: Pioneer Contracting Company, Inc.
- Amount: \$34,620

Activity 2

Project: Bethesda-Chevy Chase High School

Description: Two existing underground oil tanks scheduled for removal were found to be filled with concrete, requiring additional excavation work.

Contractor: Wrecking Corporation of America

Amount: \$31,561

SOLUTION NO. 215-00 Re: **RECOMMENDED FY 2000 SUPPLEMENTAL APPROPRIATION FOR THE MARYLAND STATE DEPARTMENT OF EDUCATION'S COMPREHENSIVE TESTING FOR BASIC SKILLS PROJECT AND THE MARYLAND SCHOOL PERFORMANCE ASSESSMENT PROGRAM-S TOOLS AND MANIPULATIVES PROJECT**

recommendation of the Superintendent and on motion of Mrs. Gordon seconded by Ms. Signer, the following resolution was adopted unanimously:#

solved, That the superintendent of schools be authorized to receive and expend, subject to County Council approval, an FY 2000 supplemental appropriation of \$234,209 from the Maryland State Department of Education -- \$214,676 for the CTBS/5 Survey and \$19,533 for MSPAP Tools and Manipulatives in the following categories:

<u>Category</u>	<u>Amount</u>
4 Textbooks and Instructional Supplies	\$ 116,545
5 Other Instructional Costs	<u>117,664</u>
Total	<u>\$ 234,209</u>

and be it further

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

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

SOLUTION NO. 216-00 Re: **RECOMMENDED FY 2000 SUPPLEMENTAL APPROPRIATION FOR THE REAL ESTATE MANAGEMENT FUND**

recommendation of the Superintendent and on motion of Mrs. Gordon seconded by Ms. Signer, the following resolution was adopted unanimously:#

solved, That the superintendent of schools be authorized, subject to County Council approval, to receive and expend an FY 2000 supplemental appropriation of \$386,130 for the Real Estate Management Fund, Category 51; and be it further

solved, That this supplemental appropriation be funded with \$386,130 from increased real estate rental revenue; and be it further

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

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

SOLUTION NO. 217-00 Re: **RESCISSION OF POLICY EKA, CIVIL DEFENSE PROGRAMS FOR SCHOOLS**

recommendation of the Superintendent and on motion of Mrs. Gordon seconded by Mr. Felton, the following resolution was adopted unanimously:

IEREAS, Policy EKA, *Civil Defense Programs for Schools*, was adopted by resolution on December 17, 1962; and

IEREAS, The circumstances for which the policy was adopted have changed; and

IEREAS, The primary responsibility for coordinating emergency and disaster preparedness belongs to the Montgomery County Government; and

IEREAS, Each school and office is required to develop and maintain comprehensive local crisis plans as part of the Montgomery County Emergency Operations Plan (EOP) Promulgation and the Montgomery County EOP Basis Plan; and

IEREAS, Policy EKA no longer applies and is superseded by interagency procedures for emergency and disaster preparedness; now therefore be it

solved, That Policy EKA, *Civil Defense Programs for Schools*, be rescinded.

Re: **BOARD/SUPERINTENDENT COMMENTS**

Abrams forwarded a suggestion from a citizen that MCPS buses display a bumper sticker inquiring about the operation of the bus by the driver and a number to call if there are comments.

SOLUTION NO. 218-00 Re: **CLOSED SESSION RESOLUTION**

recommendation of the Superintendent and on motion of Mrs. Gordon seconded by Mr. Felton, 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

solved, That the Board of Education of Montgomery County conduct a portion of its meeting on Tuesday, April 11, 2000, in Room 120 of the Carver Educational Services Center from 9:00 to 10:00 a.m. and 12:30 to 1:30 p.m. to discuss personnel matters, as permitted under Section 10-508(a)(1) of the *State Government Article*, consult with counsel to obtain legal advice, as permitted by Section 10-508(a)(7) of the *State Government Article*; and review and adjudicate appeals in its quasi-judicial capacity and to discuss matters of an executive function outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*); and be it further

solved, That such meetings shall continue in closed session until the completion of business.

Re: **REPORT OF CLOSED SESSION**

March 14, 2000, by unanimous vote, the Board of Education voted to conduct a closed session as permitted under the *Education Article* ' 4-107 and *State Government Article* ' 10-501, *et seq.*, of the *Annotated Code of Maryland*.

Montgomery County Board of Education met in closed session on March 14, 2000, from 9:05 to 9:40 a.m. and 1:45 to 2:20 p.m. in Room 120, Carver Educational Services Center, Rockville, Maryland, and

1. Reviewed and/or adjudicated the following appeals: 1999-45, T-2000-4, 2000-2, 2000-3, and 2000-4.
2. Discussed and reviewed the Human Resources Monthly Report, subsequent to which the vote to approve the report was taken in open session.
3. Discussed matters of an executive function outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*).

attendance at the closed session were: Steve Abrams, Elizabeth Arons, Larry Bowers, Fran

Brenneman, Kermit Burnett, Reggie Felton, Bea Gordon, Roland Ikheloa, Nancy King, Frieda Lacey, George Margolies, Judie Muntner, Patricia O'Neill, Brian Porter, Glenda Rose, Laura Sampedro, Mona Signer, Jerry Weast, and Jim Williams.

Re **APPOINTMENTS TO ADVISORY COMMITTEES**

s item was deleted by Resolution No. 208-00.

SOLUTION NO. 219-00 Re: **BOARD APPEAL 1999-45**

On motion of Mr. Burnett and seconded by Mrs. Gordon, the following resolution was adopted:

Resolved, That the Board of Education adopts its Decision and Order in Appeal 1999-45, a student expulsion, reflective of the following vote: Mr. Abrams, Mr. Burnett, Mr. Felton, Mrs. Gordon, Mrs. King, Mrs. O'Neill, Ms. Sampedro, and Ms. Signer voting in the affirmative.

Re: **SUSPENSION OF NEW BUSINESS**

Mr. Abrams withdrew the following motion and Mrs. Gordon concurred:

Resolved, That the Board of Education suspend all new business until the next Board retreat.

Re: **NEW BUSINESS**

There was no new business.

RESOLUTION NO. 220-00 Re: **ADJOURNMENT**

On recommendation of the Superintendent and on motion of Mr. Felton seconded by Mr. Burnett, the following resolution was adopted unanimously:

Resolved, That the Board of Education adjourn its March 27, 2000, meeting at 8:10 p.m.

PRESIDENT

SECRETARY

JDW:gr

**MONTGOMERY COUNTY BOARD OF EDUCATION
SUMMARY SHEET**

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