

APPROVED
21-2002

Rockville, Maryland
August 26, 2002

The Board of Education of Montgomery County met in regular session at the Carver Educational Services Center, Rockville, Maryland, on Monday, August 26, 2002, at 1:30 p.m.

ROLL CALL Present: Mrs. Patricia B. O'Neill, Vice President
 in the Chair
 Mr. Stephen Abrams
 Mr. Kermit V. Burnett
 Ms. Sharon Cox
 Mrs. Nancy J. King
 Mr. Walter Lange
 Mr. Mihyar Alnifaidy, Student Board Member
 Dr. Jerry Weast, Secretary/Treasurer

Absent: Mr. Reginald M. Felton

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

RESOLUTION NO. 368-02 Re: **CLOSED SESSION**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mr. Lange, 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 portions of its closed sessions on August 26, 2002, in Room 120 from 9:00 a.m. to 1:30 p.m., and 4:00 to 4:05 p.m. to discuss personnel appointments and the Human Resources Monthly Report, as permitted under Section 10-508(a)(1) of the *State Government Article*; and be it further

Resolved, That the Board of Education of Montgomery County conduct a portion of its closed sessions 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 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 Section 4-107(d) of the *Education Article*; and be it further

Resolved, That the Board of Education of Montgomery County dedicate part of the closed sessions on August 26, 2002, 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 this portion of the meeting continue in closed session until the completion of business.

RESOLUTION NO. 369-02 Re: **APPROVAL OF THE AGENDA**

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

Resolved, That the Board of Education approve its agenda for August 26, 2002.

Re: **BOARD/SUPERINTENDENT COMMENTS**

Dr. Weast stated that about 3,600 students at 18 Title I schools attended Summer Adventures in Learning for an extended learning opportunity. 10,000 students attended summer school programs held at six high school, two middle school, and five elementary school sites. In addition, 2,360 special education students attended Extended School Year programs. Additional summer school opportunities included a wide variety of school-based programs.

Schools will open on August 27, 2002, with 1,000 new teachers, 28 principal vacancies filled, and 12 central office administrators hired. MCPS has nearly 19,800 employees, including more than 10,000 teachers, a record enrollment projection of 138,796, and 300,442 square feet of new and modernized space. In addition, MCPS will open Newport Mill Middle School, the system's 191st school, and will have a modernized Wood Acres Elementary School ready for students.

Dr. Weast also said that MCPS is improving achievement with \$15 million for targeted schools to improve instruction for low-income families, ESOL students, and special education, expansion of full-day kindergarten and class-size reduction in Grades 1 and 2 from 34 to 56 schools, curriculum revision, including a new strengthened mathematics curriculum offering early acceleration, and an external review of curriculum to be conducted by Achieve, Inc., and The College Board to assure alignment with the High School Assessments and state and national standards.

The downcounty consortium will begin with ninth grade academies this year, a \$1.9 million federal grant, and \$1.4 million in county funding for FY 2003.

Workforce excellence has a two-year phase-in of the Professional Growth System. This year, all 191 schools will participate, and there will be staff development teachers in every

school, consulting teachers, mentors for newly hired teachers, and expanded staff development and evaluation initiatives during the summer and during the school year.

Ms. Cox commented that she had visited three of the sites for the extended learning opportunities for elementary students. It was very impressive, and she is looking forward to the evaluation of how well the students do with the new curriculum and how long the instructional effects last. Also, Ms. Cox reported that the Board meeting materials are on the MCPS Website, and she thanked Mr. Felton for spearheading that innovation with the help of staff.

Mr. Burnett noted that he and Mr. Alnifaidy attended the graduation ceremony for 135 summer school graduates at Wheaton High School. It was an outstanding ceremony, and it was rewarding to see students move to college or other careers. Also, he wanted to acknowledge and thank staff who transport children to and from school, and said the public should be watchful to assure the safety of all students.

Mrs. O'Neill called attention to special report on "How to Get Your Kid into Harvard," published by *Worth* magazine. Two of the top 50 high schools across the nation are in Montgomery County – Richard Montgomery and Walt Whitman high schools. The Board is proud of their success.

Mr. Abrams requested a brief discussion with staff on the mathematics curriculum. Dialogue with staff covered: (1) differentiated instruction, (2) the comprehensive math program and the revisions with rigor; (3) advanced mathematics; (4) the curriculum framework and instructional guides; (5) assessments; (6) consistency with training and resources; (7) Singapore math; (8) inventory of the need for additional gifted and talented programs to identify differentiation and gifted centers; (9) implications of grouping and resources; (10) how algebra is taught and tested; and (11) introduction of high math concepts at the elementary level. Mrs. O'Neill said a broader discussion of the math curriculum would be placed on a future Board agenda.

Mr. Lange commented that through his travels this summer, he had seen and heard concerns about class size, student readiness, and teacher quality. Based on that, Montgomery County has a lot to be proud about. He commended the superintendent and staff for their preparation efforts over the summer. The Board and its policies express a commitment to parental involvement, and he hoped parents and community members will become fully engaged in the support of the children in the county.

Mr. Alnifaidy had attended several leadership conferences across the county and state. He was excited to get back to school, and he looked forward to working with the Board.

Re: PUBLIC COMMENTS

The following people testified before the Board of Education:

	<u>Person</u>	<u>Topic</u>
1.	Dr. Ed Shirley	MCAASP President
2.	Kay Romero	MCPS Policy
3.	George Tracy	Bid Protest

RESOLUTION NO. 370-02 Re: **PROCUREMENT CONTRACTS OF \$25,000 OR MORE**

On recommendation of the Superintendent and on motion of Mrs. King seconded by Mr. Abrams, 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, It is recommended that Bid No. 9132.1, Ham and Cheese Stromboli, be rejected as the brand submitted was tested and found unacceptable by the Division of Food and Nutrition Services; now therefore be it

Resolved, That Bid No. 9132.1, Ham and Cheese Stromboli, be rejected as the brand submitted was tested and found unacceptable by the Division of Food and Nutrition Services; and be it further

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

SA1497	Uniform Rental and Sales—Extension	
	<u>Awardee</u>	
	Muscatello's Uniforms	\$ 78,277
05070 00028BD	Off-the-Lot New and Used Vehicles for the Division of Maintenance	
	<u>Awardee</u>	
	Criswell Chevrolet, Inc.	\$ 46,094
232400 0011	Loss Prevention Services	
	<u>Awardee</u>	
	AON Risk Services, Inc. of Washington, D.C.	\$ 57,000
3270 56-12	Plumbing Supplies—General and Specialty	
	<u>Awardees</u>	
	Hughes Supply	\$ 19,000

	Noland Company	62,000
	PDQ Supply, Inc.	1,000
	Thomas Somerville Company	<u>78,250</u>
	Total	\$ 160,250
1091.2	Services for Infants & Toddlers with Developmental Delays	
	<u>Awardees</u>	
	Care Resources, Inc.*	
	Pediatric Therapy Associates*	
	TRI Rehab of Germantown, Inc.*	
	Total	\$ 60,000
1092-2	Propane Gas	
	<u>Awardee</u>	
	Suburban Propane L.P.	\$ 32,966
1101-1	Polyliner Bags—Extension	
	<u>Awardees</u>	
	Calico Industries, Inc.	\$ 106,352
	Central Poly Corporation	<u>10,372</u>
	Total	\$ 116,724
4027.3	Two-Way Radios	
	<u>Awardees</u>	
	Bay Electronics*	\$ 74
	National Radio	675
	Ohlin Sales, Inc.	323
	Teltronic, Inc.	<u>27,550</u>
	Total	\$ 28,622
4041.2	Boiler Supplies and Associated Material—Extension	
	<u>Awardees</u>	
	Applied Industrial Technologies	\$ 17,500
	CAPP, Inc.	12,494
	Complete Boiler System	59,590
	Ferguson Enterprises, Inc.	99,850
	H M Sweeny Company	16,671
	J & L Valve and Fitting Corporation	4,135
	M & M Controls, Inc.	2,000

	National Energy Control Corporation	1,698
	Noland Company	173,642
	R.E. Michel Company, Inc.	10,677
	R & J Supply*	27,049
	Southern Utilities Company, Inc.	53,910
	Superior Specialty Company	1,533
	Tate Engineering System, Inc.	<u>29,500</u>
	Total	\$ 510,249
4046.3	Flooring Materials	
	<u>Awardees</u>	
	B & B Concepts*	\$ 24,445
	Capitol Building Supply	4,172
	Interiors Unlimited, Inc.*	1,292
	L & R Floors of Washington, DC	124
	L. Fishman & Son, Inc.*	2,518
	Pikesville Lumber Company	<u>260</u>
	Total	\$ 32,811
4101.1	Recycled Toner Cartridges—Extension	
	<u>Awardee</u>	
	Advanced Business Concepts, Inc.	\$ 44,143
7049.5	Photographic Supplies and Equipment	
	<u>Awardees</u>	
	B & H Photo Video	\$ 7,087
	Bernies Photo Center, Inc.	809
	East Coast Trading	15,540
	Hollinger Corporation	560
	Kunz, Inc.*	382
	Penn Camera Exchange, Inc.	4,502
	Service Photo Supply, Inc.	17,484
	Unique Photo, Inc.	10,433
	Valley Litho Supply	<u>7,333</u>
	Total	\$ 64,130
7065.4	Custodial Supplies	
	<u>Awardees</u>	
	Acme Paper and Supply Company, Inc.	\$ 428,743
	AFP Industries, Inc.*	3,192

	Calico Industries, Inc.	48,331
	City Group, Inc.	1,159
	Consolidated Maintenance Supply, Inc.*	70,290
	Daycon Products Company, Inc.	170,328
	Joseph Gartland, Inc.	176
	Genesis II, Inc.*	15,088
	Grainger, Inc.	947
	Holt Paper and Chemical Company, Inc.	66,582
	Industrial Products Supply*	990
	Laniado Wholesale Company	32,045
	Leonard paper Company	316,722
	Lynn Ladder and Scaffold Company/Waco	4,000
	Matworks	8,612
	Metrochem Industries, Inc.	5,940
	National Supply Company	88,024
	PortionPac Chemical Corporation	1,584
	Powell Manufacturing Industries, Inc.*	4,406
	Pyramid School Products	9,041
	Safeware, Inc.	563
	Spectrowax Corporation	10,658
	Unisource	24,863
	Viking Chemicals, Inc.*	16,489
	Frank W. Winne and Son, Inc.	<u>1,102</u>
	Total	\$1,329,875
7072.1	Novell Software License Agreement	
	<u>Awardee</u>	
	Novell, Inc.	\$ 167,500
7082.2	Custodial Equipment	
	<u>Awardees</u>	
	Acme Paper and Supply Company, Inc.	\$ 10,095
	Daycon Products, Inc.	92,756
	Fitch Company*	15,633
	National Supply Company, Inc.	30,299
	Odorite	53,730
	Weiss Brothers of Hagerstown	<u>44,750</u>
	Total	\$ 247,263

7111.1	Lawn Maintenance Equipment		
	<u>Awardees</u>		
	Gaithersburg Equipment Company	\$	42,785
	Gaithersburg Rental Center		37,363
	Kohler Equipment, Inc.		5,755
	Lawn & Power Equipment		<u>41,903</u>
	Total	\$	127,806
9005.2	Shade and Upholstery Materials		
	<u>Awardees</u>		
	Crown Shade Company	\$	92,362
	Frankel Associates, Inc.		30,095
	Loktite, Inc.		5,167
	Mileham & King, Inc.		3,748
	Rocky Mount Cord Company, Inc.		<u>4,579</u>
	Total	\$	135,951
9007.3	Glass and Glazing Materials—Extension		
	<u>Awardees</u>		
	Gardner Glass Products	\$	15,501
	G.E. Polymershapers		38,580
	Hawkins Glass Company		139,491
	Maryland Glass and Mirror Company		<u>1,500</u>
	Total	\$	195,072
9027.1	Tree Removal Service		
	<u>Awardees</u>		
	Excel Tree Expert Company, Inc.	\$	60,000
	Davey Tree and Lawn Care		<u>60,000</u>
	Total	\$	120,000
9053.2	Playground Equipment		
	<u>Awardees</u>		
	All Recreation, Inc.	\$	60,588
	Arbor Recreation		17,024
	Rapidan Resources, Inc.		168,819
	West Recreation, Inc.		<u>101,574</u>
	Total	\$	348,005

9096.1	Corridor Lockers for Various Locations—Extension**		
	<u>Awardee</u>		
	Partition Plus, Inc.	\$	50,000
9096.3	Removal, Disposal, and Testing of Underground Fuel Tanks Extension**		
	<u>Awardee</u>		
	Apex Environmental, Inc.	\$	28,461
Groceries and Staples—Addition to Contract			
	<u>Awardees</u>		
	Carroll County Foods, Inc.	\$	247,638
	Princess Ann Products		<u>50,643</u>
	Total	\$	298,281
9124.2	Refrigerators, Freezers, and Milk Coolers		
	<u>Awardee</u>		
	Calico Industries, Inc.	\$	62,424
9162.2	Tennis Court Color Coating and Accessories—Addition to Contract **		
	<u>Awardee</u>		
	American Tennis Courts*	\$	65,000
9317.1	Public Address System Replacement—Extension**		
	<u>Awardee</u>		
	Corbett Technology Solutions, Inc.	\$	766,728
9318.1	Exterior Wall Façade Replacement for Portable Classrooms— Extension**		
	<u>Awardee</u>		
	Custom Masonry	\$	70,000
Standards and Assessment Review			
	<u>Awardee</u>		
	Achieve	\$	195,000

TOTAL PROCUREMENT CONTRACTS EXCEEDING \$25,000 \$5,438,632

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

** Planned Life-cycle Asset Replacement Bid (PLAR)

RESOLUTION NO. 371-02 Re: **AWARD OF CONTRACT – CARVER
EDUCATIONAL SERVICES CENTER REROOFING**

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

WHEREAS, The following sealed bids were received on August 1, 2002, for the reroofing of the Carver Educational Services Center:

<u>Bidder</u>	<u>Amount</u>
Interstate Corporation	\$247,000
R. D. Bean, Inc.	331,174
Orndorff & Spaid, Inc.	344,459
J. E. Wood & Sons Company, Inc.	353,950

and

WHEREAS, Interstate Corporation, a Maryland Department of Transportation-certified minority firm, has completed similar work successfully for the Montgomery County Public Schools; and

WHEREAS, The low bid is below the staff estimate of \$280,000; now therefore be it

Resolved, That a \$247,000 contract be awarded to Interstate Corporation for the reroofing of the Carver Educational Services Center, in accordance with drawings and specifications prepared by the Department of Facilities Management.

RESOLUTION NO. 372-02 Re: **AWARD OF CONTRACT – EMERGENCY RESCUE
WINDOWS**

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

WHEREAS, The following sealed bids were received on July 18, 2002, for the installation of emergency rescue windows at five schools:

<u>Bidder</u>	<u>Amount</u>
Engineered Construction Products, Ltd.	\$51,890
Service Glass Industries, Inc.	61,500

and

WHEREAS, There is limited opportunity for Minority Business Enterprise (MBE) participation on this project because of the scope of work; and

WHEREAS, Staff recommends waiving the MBE participation goal for this project; and

WHEREAS, Engineered Construction Products, Ltd., has completed similar work successfully for the Montgomery County Public Schools; now therefore be it

Resolved, That a \$51,890 contract be awarded to Engineered Construction Products, Ltd., for the installation of emergency rescue windows at Richard Montgomery High School; Rock Terrace School; and Farmland, Maryvale, and Twinbrook elementary schools, in accordance with drawings and specifications prepared by Delmar Architects, P.A.

RESOLUTION NO. 373-02 Re: **AWARD OF CONTRACT – RELOCATABLE CLASSROOMS**

On recommendation of the Superintendent and on motion of Mrs. King seconded by Mr. Lange, the following resolution was adopted unanimously by members present:#

WHEREAS, The following sealed bids were received on August 7, 2002, for the relocation and installation of relocatable classroom buildings:

<u>Bidder</u>	<u>Amount</u>	<u>Number of Units</u>
J & L Services, Inc.	\$340,174	10
Cottonwood Construction, Inc.	347,291	10
EMH Environmental, Inc.	355,900	10

and

WHEREAS, There is limited opportunity for Minority Business Enterprise (MBE) participation on this project because the work is largely self-performed by the low bidder; and

WHEREAS, Staff recommends waiving the MBE participation goal for this project; and

WHEREAS, J & L Services, Inc., has completed similar work successfully for the Montgomery County Public Schools; and

WHEREAS, The low bid is within the staff estimate; now therefore be it

Resolved, That a \$340,174 contract be awarded to J & L Services, Inc., for the relocation and installation of modular classrooms, in accordance with drawings and specifications for Bid 7 prepared by the Department of Facilities Management.

RESOLUTION NO. 374-02 Re: **BETHESDA-CHEVY CHASE HIGH SCHOOL
MASONRY CONTRACT FINAL SETTLEMENT**

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

WHEREAS, On July 2, 2001, the Board of Education and Parkinson Construction Company, Inc., agreed to a termination, for mutual convenience, of the masonry contract for the Bethesda-Chevy High School project, dated August 24, 1999; and

WHEREAS, Staff and our outside counsel from Venable, Baetjer and Howard have negotiated acceptable terms and conditions for the termination agreement, as well as an equitable settlement of the final contract payment; now therefore be it

Resolved, That the Board of Education approve the termination, for mutual convenience, of the agreement with Parkinson Construction Company, Inc., prepared by Venable, Baetjer and Howard and a final payment in the amount of \$379,549 for the masonry contract, dated August 24, 1999, for the Bethesda-Chevy Chase High School project.

RESOLUTION NO. 375-02 Re: **CLARKSBURG/DAMASCUS ELEMENTARY
SCHOOL #7 – SITE SELECTION**

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

WHEREAS, The approved FY 2003–2008 Capital Improvements Program includes a new elementary school to open by September 2006 to relieve over-enrollment at Clarksburg and Cedar Grove elementary schools; and

WHEREAS, A Site Selection Advisory Committee (SSAC) was convened that considered six potential locations; and

WHEREAS, The SSAC recommended that a site known as the Clarksburg Town Center be selected for Clarksburg/Damascus Elementary School #7; and

WHEREAS, The site, located near the intersection of Clarksburg and Piedmont roads in Clarksburg, is well located to serve the Clarksburg Master Plan area and is available at no cost; now therefore be it

Resolved, That the Clarksburg Town Center site be selected for Clarksburg/Damascus Elementary School #7; and be it further

Resolved, That the County Council and State Interagency Committee for School Construction be made aware of this action.

RESOLUTION NO. 376-02 Re: **GRANT OF DEED AND SLOPE EASEMENT AGREEMENT AT FAIRLAND CENTER**

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

WHEREAS, Montgomery County has requested a grant of deed and slope easement agreement at Fairland Center, located at 13313 Old Columbia Pike in Silver Spring, in order to install sidewalks on Old Columbia Pike; and

WHEREAS, The road improvements will require a public dedication of 1,890 square feet in fee simple and a temporary slope easement configured in two parcels of 1,461 square feet; and

WHEREAS, All construction and future maintenance will be undertaken by Montgomery County or its contractors at no cost to the Board of Education, with Montgomery County and its contractors assuming liability for all damages or injury and all work; and

WHEREAS, The proposed grant of deed and slope easement agreement will benefit both the school and community by providing needed road improvements; now therefore be it

Resolved, That the president and secretary of the Board of Education be authorized to execute a deed dedicating 1,890 square feet of land in fee simple with a 1,461-square-foot temporary slope easement for road improvements at Fairland Center.

RESOLUTION NO. 377-02 Re: **GRANT OF DEED OF DONATION AT SHERWOOD ELEMENTARY SCHOOL**

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

WHEREAS, The Maryland State Highway Administration (MSHA) has requested a grant of Deed of Donation at Sherwood Elementary School, located at 1401 Olney-Sandy Spring Road in Sandy Spring, in order to widen and improve the road; and

WHEREAS, Final design and construction of the road improvement requires a fee simple conveyance of 12,332 square feet; and

WHEREAS, All construction and future maintenance will be undertaken by MSHA or its contractors at no cost to the Board of Education, with MSHA assuming liability for all damages or injury and all work; and

WHEREAS, The land conveyance will benefit the surrounding community and Sherwood Elementary School by increasing safety and will not affect any land that could be used for school programming or recreational activities; now therefore be it

Resolved, That the president and secretary of the Board of Education be authorized to execute a deed of donation to the Maryland State Highway Administration conveying 12,332 square feet in fee simple for road improvements in front of Sherwood Elementary School.

RESOLUTION NO. 378-02 Re: CHANGE ORDERS EXCEEDING \$100,000

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

WHEREAS, The Department of Facilities Management has received the following change orders from various contractors that exceed \$100,000; and

WHEREAS, Staff and the engineering consultant have reviewed these change orders and found them to be reasonable; now therefore be it

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

Activity 1

Project: Relocatables

Description: Relocate and install five modular classroom units at Forest Knolls Elementary School.

Contractor: J & L Services, Inc.

Amount: \$222,500

Activity 2

Project: Relocatables

Description: Relocate and install six modular classroom units at Stedwick Elementary School.

Contractor: EMH Environmental, Inc.

Amount: \$257,324

RESOLUTION NO. 379-02 Re: UTILIZATION OF FY 2003 PROVISION FOR FUTURE SUPPORTED PROJECT FUNDS

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

WHEREAS, The grants qualify for a transfer of appropriation from the Provision for Future Supported Projects pursuant to the provisions of County Council Resolution No. 14-1270, approved May 23, 2002; and

WHEREAS, The programs do not require any present or future county funds; and

WHEREAS, Sufficient appropriation is available, within the FY 2003 Provision for Future Supported Projects, to permit the transfers within state categories; now therefore be it

Resolved, That the superintendent of schools be authorized to receive and expend, within the FY 2003 Provision for Future Supported Projects, as specified below:

<u>Project</u>	<u>Positions</u>	<u>Amount</u>
Least Restrictive Environment in Reading		\$ 179,681
Takoma Park MS—Saving the Bay Starts Here		10,170
School Improvement Grant—Year 4		12,500
Emotionally Disabled Cluster Program	<u>0.7*</u>	65,000
Total	<u>0.7</u>	<u>\$ 267,351</u>

*0.7 FTE Social Worker

and be it further

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

RESOLUTION NO. 380-02 Re: HUMAN RESOURCES MONTHLY REPORT

On recommendation of the Superintendent and on motion of Mr. Lange seconded by Mrs. King, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education approve the Human Resources Monthly Report dated August 26, 2002.

RESOLUTION NO. 381-02 Re: **DEATH OF JOHN R. LEE, BUS OPERATOR I,
SHADY GROVE DEPOT DEPARTMENT OF
TRANSPORTATION**

On recommendation of the Superintendent and on motion of Mr. Lange seconded by Mrs. King, the following resolution was adopted unanimously by members present:

WHEREAS, The death on July 1, 2002, of John R. Lee, bus operator I at the Shady Grove Depot in the Department of Transportation, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, In the short time that Mr. Lee worked for Montgomery County Public Schools, he demonstrated competence as a bus operator; and

WHEREAS, Mr. Lee's dependability and his good relationships with his fellow workers made him a valuable employee; now therefore be it

Resolved, That the members of the Board of Education express their sorrow at the death of John R. Lee and extend deepest sympathy to his family; and be it further

Resolved, That this resolution be made a part of the minutes of this meeting and a copy be forwarded to Mr. Lee's family.

RESOLUTION NO. 382-02 Re: **DEATH OF VICTORIA L. BEAN, FOOD SERVICE
FIELD MANAGER, DIVISION OF FOOD AND
NUTRITION SERVICES**

On recommendation of the Superintendent and on motion of Mr. Lange seconded by Mrs. King, the following resolution was adopted unanimously by members present:

WHEREAS, The death on July 3, 2002, of Victoria L. Bean, food service field manager in the Division of Food and Nutrition Services, has deeply saddened the staff, students, and members of the Board of Education; and

WHEREAS, In the six years that Mrs. Bean worked for Montgomery County Public Schools, she demonstrated strong technical and operational knowledge of the food service operation; and

WHEREAS, Mrs. Bean performed her duties with accuracy, thoroughness, and effectiveness while always displaying a pleasant, cheerful disposition; now therefore be it

Resolved, That the members of the Board of Education express their sorrow at the death of Victoria L. Bean 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 Mrs. Bean's family.

RESOLUTION NO. 383-02 Re: **APPOINTMENT**

On recommendation of the Superintendent and on motion of Mrs. King seconded by Mr. Lange, the following resolution was adopted unanimously by members present:

Resolved, That the following personnel appointment be approved effective August 27, 2002:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Suzanne Speicher	Instructional Specialist, Division of Programs and Services	Director, Division of Placement and Assessment Services

RESOLUTION NO. 384-02 Re: **APPOINTMENT**

On recommendation of the Superintendent and on motion of Mrs. King seconded by Mr. Lange, the following resolution was adopted unanimously by members present:

Resolved, That the following personnel appointment be approved effective August 27, 2002:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Steven Neff	Acting Special Education Supervisor	Special Education Supervisor

Re: **TENTATIVE POLICY CNE, FACILITY
IMPROVEMENTS THAT ARE NOT FUNDED WITH
MONTGOMERY COUNTY REVENUES**

On motion of Ms. Cox and seconded by Mrs. King, the following resolution was placed on the table:

WHEREAS, On October 16, 2001, the Board of Education took tentative action to adopt Policy CNE, *Facility Improvements That Are Not Funded with Montgomery County Revenues*, and release it for public comment; and

WHEREAS, The Board of Education Policy Committee has reviewed the public comments, conducted information forums to answer questions regarding the proposed policy, and

considered staff input; now therefore be it

Resolved, That the draft Policy CNE, *Facility Improvements That Are Not Funded with Montgomery County Revenues*, which was tentatively adopted by the Board of Education on October 16, 2001, be revised to incorporate recommended changes received from the Board of Education Policy Committee; and be it further

Resolved, That the revised draft policy be tentatively adopted and released for public comment.

RESOLUTION NO. 385-02 Re: **AN AMENDMENT TO THE TENTATIVE POLICY CNE, FACILITY IMPROVEMENTS THAT ARE NOT FUNDED WITH MONTGOMERY COUNTY REVENUES**

On motion of Mr. Burnett and seconded by Mrs. King, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education amend the tentative policy at C.3.c):

The director of the Department of Facilities Management will present the request for facilities improvement and the funding plan to the Board of Education for its approval prior to notifying the entity ~~that~~ **whether** they may proceed with the fund-raising activities.

RESOLUTION NO. 386-02 Re: **TENTATIVE POLICY CNE, FACILITY IMPROVEMENTS THAT ARE NOT FUNDED WITH MONTGOMERY COUNTY REVENUES**

On motion of Ms. Cox and seconded by Mrs. King, the following resolution was adopted unanimously by members present:

WHEREAS, On October 16, 2001, the Board of Education took tentative action to adopt Policy CNE, *Facility Improvements That Are Not Funded with Montgomery County Revenues*, and release it for public comment; and

WHEREAS, The Board of Education Policy Committee has reviewed the public comments, conducted information forums to answer questions regarding the proposed policy, and considered staff input; now therefore be it

Resolved, That the draft Policy CNE, *Facility Improvements That Are Not Funded with Montgomery County Revenues*, which was tentatively adopted by the Board of Education on October 16, 2001, be revised to incorporate recommended changes received from the Board of Education Policy Committee; and be it further

Resolved, That the revised draft policy be tentatively adopted and released for public comment.

Facility Improvements That Are Not Funded with Montgomery County Revenues

A. PURPOSE

To provide guidelines for accepting non-Montgomery County government funds for facility improvements

B. ISSUE

The Board of Education recognizes that private organizations, parent groups, or non-Montgomery County governmental agencies at times want to provide financial support for facility improvements that would normally not be funded as part of county-supported programs. The Board also recognizes that while these improvements are not essential, they do provide opportunities to create facility features that are compatible with neighboring buildings or enhance community and school activities.

C. POSITION

1. Non-Montgomery County government funds may be used for facility improvements that:
 - a) Support activities that benefit a school-sponsored activity or the school as a whole
 - b) Supplement architectural or aesthetic enhancements to the facility for neighborhood compatibility
 - c) Enhance community use of schools; such as a larger gymnasium than would normally be provided as part of a new school, modernization, or addition project
 - d) Provide replacement of equipment or physical plant elements
2. Appropriate funding sources include:
 - a) Parent-Teacher associations

- b) Other parent-sponsored groups, such as booster clubs
- c) Non-Montgomery County governmental agencies
- d) Private organizations

3. Guidelines

- a) Requests to provide financial support for facilities improvements must be reviewed and receive tentative approval in advance of any such activities by the director of the Department of Facilities Management in collaboration with the principal or site administrator.
- b) The request must include a plan for financial support and sufficient assurances that the entity donating the funds will meet the agreed upon financial obligation.
- c) The director of the Department of Facilities Management will present the request for facilities improvement and the funding plan to the Board of Education for its approval prior to notifying the entity whether they may proceed with the fund-raising activities.
- d) The group providing the funds for facility improvements under this policy will plan and supervise all fund-raising activities sponsored by the organization and will abide by established financial management procedures.
- e) All funds received for facility improvements under this policy must be appropriated in accordance with Montgomery County financial regulations.
- f) The director of the Department of Facilities Management will ensure that the necessary appropriation requests are presented to the Board of Education for approval and the funding is allocated by the Montgomery County Council before any work begins on the facility improvements.

D. DESIRED OUTCOMES

This policy is designed to allow for contributions for facilities improvements from non-Montgomery County funding sources. This will strengthen the relationships between the school system and various groups within the community.

E. IMPLEMENTATION STRATEGIES

The superintendent will establish administrative regulations or other administrative procedures that may be necessary for implementing the guidelines outlined in this policy.

F. REVIEW AND REPORTING

This policy will be reviewed on an ongoing basis in accordance with the Board of Education policy review process.

RESOLUTION NO. 387-02 Re: **CLOSED SESSION RESOLUTION**

On recommendation of the Superintendent and on motion of Mrs. King seconded by Mr. Burnett, 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 portion of its meeting on Thursday, September 12, 2002, in Room 120 of the Carver Educational Services Center to meet in closed sessions from 8:30 to 10:00 a.m., 12:00 to 2:00 p.m., and 5:00 to 5:05 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*; 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

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

Re: **REPORT OF CLOSED SESSION**

On July 25, 2002, by unanimous vote of members present, 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*.

The Montgomery County Board of Education met in closed session on July 25, 2002, from 6:30 to 7:55 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and

1. Reviewed and/or adjudicated the following appeals: 2001-32, 2002-10, 2002-

12, 2002-15, 2002-23, 2002-26, 2002-27, 2002-28, 2002-29, 2002-30, 2002-35, 2002-37, 2002-43, 2002-45, T-2002-15, T-2002-22, T-2002-23, T-2002-24, T-2002-25, T-2002-26, T-2002-28, T-2002-32, T-2002-33, T-2002-34, T-2002-37, and T-2002-38.

2. Reviewed the Superintendent's recommendation for human resources appointments, subsequent to which the votes to approve were taken in open session.
3. Considered the acquisition of real property for a public purpose and matters directly related thereto.
4. Consulted with counsel to receive legal advice as permitted under Section 10-508(a)(7) of the *State Government Article*.
5. Discussed matters of an executive function outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*).

In attendance at the closed session were: Steve Abrams, Elizabeth Arons, Mihyar Alnifaidy, Larry Bowers, Judith Bresler, Kermit Burnett, Sharon Cox, Reggie Felton, Sean Gallagher, Roland Ikheloa, Nancy King, Don Kress, Frieda Lacey, Walter Lange, Joe Lavorgna, George Margolies, Judie Muntner, Pat O'Neill, Brian Porter, Glenda Rose, Janice Turpin, Jerry Weast, James Williams, and Mary Pat Wilson.

RESOLUTION NO. 388-02 Re: **MINUTES OF THE MAY 28, 2002, MEETING**

On motion of Mr. Abrams and seconded by Mr. Lange, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education approve its minutes of the May 28, 2002, meeting.

RESOLUTION NO. 389-02 Re: **MINUTES OF THE JUNE 11, 2002, MEETING**

On motion of Mr. Lange and seconded by Mrs. King, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education approve its minutes of the June 11, 2002, meeting.

RESOLUTION NO. 390-02 Re: **MINUTES OF THE JUNE 24, 2002, MEETING**

On motion of Ms. Cox and seconded by Mr. Lange, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education approve its minutes of the June 24, 2002, meeting.

RESOLUTION NO. 391-02 Re: **MINUTES OF THE JULY 1, 2002, MEETING**

On motion of Mr. Abrams and seconded by Mr. Burnett, the following resolution was

adopted unanimously by members present:

Resolved, That the Board of Education approve its minutes of the July 1, 2002, meeting.

RESOLUTION NO. 392-02 Re: **MINUTES OF THE JULY 1, 2002, SWEARING IN OF THE STUDENT BOARD MEMBER**

On motion of Mr. Alnifaidy and seconded by Mr. Burnett, the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education approve its minutes of the July 1, 2002, swearing in ceremony.

RESOLUTION NO. 393-02 Re: **MINUTES OF THE JULY 9, 2002, MEETING**

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

Resolved, That the Board of Education approve its minutes of the June 11, 2002, meeting.

RESOLUTION NO. 394-02 Re: **MINUTES OF THE JULY 25, 2002, MEETING**

On motion of — the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education approve its minutes of the June 11, 2002, meeting.

RESOLUTION NO. 395-02 Re: **APPEAL 2002-29**

On motion of Mrs. King seconded by Mr. Abrams, the following resolution was adopted:

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2002-29, admission to Blair magnet, reflective of the following vote: Mr. Abrams, Mr. Alnifaidy, Mr. Burnett, Ms. Cox, Mr. Felton, Mrs. King, Mr. Lange, and Mrs. O'Neill voting to affirm.

RESOLUTION NO. 396-02 Re: **APPEAL 2002-35**

On motion of Mrs. King seconded by Mr. Abrams, the following resolution was adopted:

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2002-35, admission to Eastern magnet, reflective of the following vote: Mr. Abrams, Mr. Alnifaidy, Mr. Burnett, Ms. Cox, Mr. Felton, Mrs. King, Mr. Lange, and Mrs. O'Neill voting to affirm.

RESOLUTION NO. 397-02 Re: **APPEAL 2002-37**

On motion of Mrs. King seconded by Mr. Abrams, the following resolution was adopted:

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2002-37, admission to Blair magnet, reflective of the following vote: Mr. Abrams, Mr. Alnifaidy, Mr. Burnett, Ms. Cox, Mr. Felton, Mrs. King, Mr. Lange, and Mrs. O'Neill voting to affirm.

RESOLUTION NO. 398-02 Re: **APPEAL T-2002-41**

On motion of Mrs. King seconded by Mr. Abrams, the following resolution was adopted:

Resolved, That the Board of Education adopt its Order in Appeal T-2002-41, student transfer, reflective of the following vote: Mr. Abrams, Mr. Alnifaidy, Mr. Burnett, Ms. Cox, Mrs. King, Mr. Lange, and Mrs. O'Neill voting to affirm; Mr. Felton was absent.

RESOLUTION NO. 399-02 Re: **APPEAL T-2002-42**

On motion of Mrs. King seconded by Mr. Abrams, the following resolution was adopted:

Resolved, That the Board of Education adopt its Order in Appeal T-2002-42, student transfer, reflective of the following vote: Mr. Abrams, Mr. Alnifaidy, Mr. Burnett, Ms. Cox, Mrs. King, Mr. Lange, and Mrs. O'Neill voting to reverse; Mr. Felton was absent.

RESOLUTION NO. 400-02 Re: **APPEAL T-2002-43**

On motion of Mrs. King seconded by Mr. Abrams, the following resolution was adopted:

Resolved, That the Board of Education adopt its Order in Appeal T-2002-43, student transfer, reflective of the following vote: Mr. Abrams, Mr. Alnifaidy, Mr. Burnett, Ms. Cox, Mrs. King, Mr. Lange, and Mrs. O'Neill voting to affirm; Mr. Felton was absent.

RESOLUTION NO. 401-02 Re: **APPEAL T-2002-44**

On motion of Mrs. King seconded by Mr. Abrams, the following resolution was adopted:

Resolved, That the Board of Education adopt its Order in Appeal T-2002-44, student transfer, reflective of the following vote: Mr. Abrams, Mr. Alnifaidy, Mr. Burnett, Ms. Cox, Mrs. King, Mr. Lange, and Mrs. O'Neill voting to reverse; Mr. Felton was absent.

RESOLUTION NO. 402-02 Re: **APPEAL T-2002-45**

On motion of Mrs. King seconded by Mr. Abrams, the following resolution was adopted:

Resolved, That the Board of Education adopt its Order in Appeal T-2002-45, student transfer, reflective of the following vote: Mr. Abrams, Mr. Alnifaidy, Mr. Burnett, Ms. Cox, Mrs. King, Mr. Lange, and Mrs. O'Neill voting to reverse; Mr. Felton was absent.

RESOLUTION NO. 403-02 Re: **APPEAL T-2002-48**

On motion of Mrs. King seconded by Mr. Abrams, the following resolution was adopted:

Resolved, That the Board of Education adopt its Order in Appeal T-2002-48, student transfer, reflective of the following vote: Mr. Abrams, Mr. Alnifaidy, Mr. Burnett, Ms. Cox, Mrs. King, Mr. Lange, and Mrs. O'Neill voting to reverse; Mr. Felton was absent.

RESOLUTION NO. 404-02 Re: **APPEAL T-2002-49**

On motion of Mrs. King seconded by Mr. Abrams, the following resolution was adopted:

Resolved, That the Board of Education adopt its Order in Appeal T-2002-49, student transfer, reflective of the following vote: Mr. Abrams, Mr. Alnifaidy, Mr. Burnett, Ms. Cox, Mrs. King, Mr. Lange, and Mrs. O'Neill voting to reverse; Mr. Felton was absent.

RESOLUTION NO. 405-02 Re: **APPEAL T-2002-50**

On motion of Mrs. King seconded by Ms. Cox, the following resolution was adopted:

Resolved, That the Board of Education adopt its Order in Appeal T-2002-50, student transfer, reflective of the following vote: Mr. Abrams, Mr. Alnifaidy, Mr. Burnett, Ms. Cox, Mrs. King, Mr. Lange, and Mrs. O'Neill voting to affirm; Mr. Felton was absent.

RESOLUTION NO. 406-02 Re: **APPEAL T-2002-51**

On motion of Mrs. King seconded by Mr. Abrams, the following resolution was adopted:

Resolved, That the Board of Education adopt its Order in Appeal T-2002-51, student transfer, reflective of the following vote: Mr. Abrams, Mr. Alnifaidy, Mr. Burnett, Ms. Cox, Mrs. King, Mr. Lange, and Mrs. O'Neill voting to reverse; Mr. Felton was absent.

RESOLUTION NO. 407-02 Re: **APPEAL T-2002-52**

On motion of Mrs. King seconded by Mr. Abrams, the following resolution was adopted:

Resolved, That the Board of Education adopt its Order in Appeal T-2002-52, student transfer, reflective of the following vote: Mr. Abrams, Mr. Alnifaidy, Mr. Burnett, Ms. Cox, Mrs. King, Mr. Lange, and Mrs. O'Neill voting to reverse; Mr. Felton was absent.

Re: **NEW BUSINESS**

There was no new business.

Re: **ITEMS OF INFORMATION**

The following items were available:

1. Legal Fees Report
2. Minority-, Female-, or Disabled-owned Business Procurement Report for the Fourth Quarter of FY 2002
3. Construction Status Report

RESOLUTION NO. 408-02

Re: **ADJOURNMENT**

Resolved, That the Board of Education adjourn its meeting of August 26, 2002, at 2:45 p.m.

PRESIDENT

SECRETARY

JDW:gr

**MONTGOMERY COUNTY BOARD OF EDUCATION
SUMMARY SHEET**

August 26, 2002

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