

APPROVED
24-2004

Rockville, Maryland
July 29, 2004

The Board of Education of Montgomery County met in regular session at the Carver Educational Services Center, Rockville, Maryland, on July 29, 2004, at 8:35 p.m.

Present: Mr. Sharon W. Cox, President
in the Chair
Mr. Kermit V. Burnett
Dr. Charles Haughey
Mr. Walter Lange
Dr. Henry Lee
Mrs. Patricia B. O'Neill
Mr. Gabe Romero
Mr. Sagar Sanghvi, Student Board Member
Dr. Jerry Weast, Secretary/Treasurer

Absent: None

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

RESOLUTION NO. 443-04 Re: **CLOSED SESSION**

On recommendation of the Superintendent and on motion of Dr. Haughey seconded by Mr. Sanghvi, 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 July 29, 2004, in Room 120 from 7:00 to 8:30 p.m. to discuss the Human Resources Appointments with a subsequent vote in open session, 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 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 July 29, 2004, 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. 444-04 Re: APPROVAL OF THE AGENDA

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

Resolved, That the Board of Education approve its agenda for July 29, 2004.

Re: PUBLIC COMMENTS

The following people testified before the Board of Education:

	<u>Person</u>	<u>Topic</u>
1.	Steve Robillard	Policy CNA
2.	Fran Rothstein	Montgomery Blair High School Facilities
3.	Mary Drury	Career Education
4.	Diane Wilkens	Education Facilities Officer
5.	Alies Muskin	Community Superintendent
6.	Kelly Giblin	Community Superintendent
7.	Sally Taber	Community Superintendent
8.	Joseph Zillo	Community Superintendent
9.	Gail Mellson	Community Superintendent

Mr. Lange asked staff to respond to Fran Rothstein's testimony.

RESOLUTION NO. 445-04 Re: CONTRACTS OF \$25,000 OR MORE

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

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

WHEREAS, It is recommended that Bid No. 1093.3, Propane Gas, be rejected due to budgetary restrictions; now therefore be it

Resolved, That Bid No. 1093.3, Propane Gas, be rejected due to budgetary restrictions; and be it further

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

1102.2	Polyliner Bags	
	<u>Awardees</u>	
	All American Poly	\$ 57,708
	Calico Industries, Inc.	153,296
	Interboro Packaging Corporation*	41,952
	Laniado Wholesale Maintenance Products, Inc.*	49,896
	Porters Supply Company, Inc.	<u>16,276</u>
	Total	\$ 319,128
7066.3	Vehicle Maintenance Repair and Inspection—Extension	
	<u>Awardees</u> (See note)	
	General Automotive Servicer, Inc.	
	J&M Truck Repair, Inc.	
	Light Truck Service Company, Inc.	
	J Price International Truck, Inc.	
	Vehicare Corporation	
	Total	\$ 53,000
7085.1	Information Technology Support and Integration Services—Extension	
	<u>Awardees</u> (See note)	
	CMS Information Services, Inc.	
	Data Networks, Inc.	
	Datanamics, Inc.*	
	Digital Support Corporation*	
	Ease Technologies, Inc.	
	EER Systems, Inc.*	
	Net Results, Inc.	
	Total	\$ 250,000
7112.2	Lawn Maintenance Equipment—Extension	
	<u>Awardees</u>	
	Gaithersburg Rental Center	\$ 31,992
	Lawn and Power Equipment	<u>63,849</u>
	Total	\$ 95,841
9013.4	Industrial and Technology Education Hand Tools	
	<u>Awardees</u>	

	Brodhead Garrett Company	\$ 1,353
	Diamond Tool Company	57,000
	Grainger, Inc.	38,442
	Metco Supply, Inc.	3,026
	Satco, Inc.	73,481
	Snap On Industrial	<u>10,762</u>
	Total	\$ 184,064
9101.8	Processed Meats and Refrigerated and Frozen Foods	
	<u>Awardees</u>	
	Carroll County Foods, Inc.	\$ 213,813
	Clovervale Foods, Inc.	38,250
	Dori Foods, Inc.	425,177
	Glennco, Inc.	86,400
	Hadley Farms, Inc.	183,323
	Karetas Foods, Inc.	22,047
	Lucille Farms, Inc.	545
	Oak Valley Farms, Inc.	56,280
	Poppy Street Food Products*	56,580
	Princess Ann Products*	71,774
	H. Schrier and Company, Inc.	146,640
	Sysco Food Services of Baltimore LLC	316,129
	US Foodservice Lakeland Division	90,390
	US Foodservice-Virginia Beach	<u>154,000</u>
	Total	\$1,861,348
9133.1	Groceries and Disposables—Extension	
	<u>Awardee</u>	
	SYSCO Food Services of Baltimore	\$ 44,000
9183.2	Waste Compactor Replacements at Various Facilities**	
	<u>Awardee</u>	
	Big Stuff	\$ 49,279
9201.2	Diplomas, Certificates, Covers and Replacements	
	<u>Awardee</u>	
	Jostens, Inc.	\$ 31,543

9378.1	Athletic Room and Coaches' Locker Replacements at Northwood High School**	
	<u>Awardee</u>	
	Partition Plus, Inc.*	\$ 125,624
9379.1	Modular Classroom Re-roofing at Tilden Middle School**	
	<u>Awardee</u>	
	Interstate Corporation*	\$ 118,000
9402.1	Weight Training Equipment and Supplies for New Schools	
	<u>Awardees</u>	
	Fit Equipment Commercial Fitness Solutions	\$ 88,872
	Fitness Equipment Solutions	7,580
	Heartline Fitness Products, Inc.	185,858
	Passon's Sports	<u>1,544</u>
	Total	\$ 283,854
9515.4	Middle School Athletic Shirts	
	<u>Awardee</u>	
	Maryland Apparel Graphics*	\$ 37,636
	Software for Automating DIBELS and Running Recording Assessment	
	<u>Awardee</u>	
	Wireless Generation	\$ 172,265
	Instructional Content for On-line Media Services	
	<u>Awardee</u>	
	United Learning /Division of Communication International	\$ 76,617
	On-line Courses for Professional Development	
	<u>Awardee</u>	
	Classroom Connect, Inc./Division of Harcourt	\$ 307,700

Telephone Communication Software Service

Awardee

Notification Technologies, Inc.	\$ 440,100
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TOTAL PROCUREMENT CONTRACTS EXCEEDING \$25,000	\$4,449,999
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* Denotes Minority-, Female-, or Disabled-owned Business

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

Note: Contract amounts will be based on individual requirements.

RESOLUTION NO. 446-04 Re: **AWARD OF CONTRACT – DOWNCOUNTY CONSORTIUM MIDDLE SCHOOL #9**

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

WHEREAS, The following sealed bids were received on July 7, 2004, for the Downcounty Consortium Middle School #9 (Col. Joseph A. Belt Middle School) reopening:

<u>Bidder</u>	<u>Amount</u>
Phillips Way, Inc.	\$ 9,347,000
Scheibel Construction	10,283,000
Tuckman-Barbee Construction Company, Inc.	10,484,880
Dustin Construction, Inc.	10,587,000
Dynasty Construction, Inc.	11,146,000

and

WHEREAS, Phillips Way, Inc., has submitted 13.3-percent Maryland Department of Transportation-certified Minority Business Enterprise participation, of which 6.1 percent is African American, 2.8 percent is female, and 4.4 percent is other minority; and

WHEREAS, Phillips Way, Inc., has completed similar work successfully; now therefore be it

Resolved, That a \$9,347,000 contract be awarded to Phillips Way, Inc., for the Downcounty Consortium Middle School #9 project, in accordance with drawings and specifications prepared by Moseley Architects, P.C.

RESOLUTION NO. 447-04 Re: **AWARD OF CONTRACT – SPARK MATSUNAGA
ELEMENTARY SCHOOL**

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

WHEREAS, The following sealed bids were received on June 24, 2004, for the Spark M. Matsunaga Elementary School addition project:

<u>Bidder</u>	<u>Amount</u>
William F. Klingensmith, Inc.	\$1,007,000
Meridian Construction Company, Inc.	1,035,000
Keller Brothers, Inc.	1,098,000
Smith & Haines, Inc.	1,190,000

and

WHEREAS, William F. Klingensmith, Inc., has submitted 3-percent Maryland Department of Transportation-certified Minority Business Enterprise (MBE) participation, of which 1 percent is African American and 2 percent is female; and

WHEREAS, William F. Klingensmith, Inc., has submitted a waiver for the balance of the MBE requirements; and

WHEREAS, The Department of Facilities Management MBE coordinator has reviewed and certified that the waiver meets the contract requirements, and staff recommends waiving the remaining balance of the MBE requirements; and

WHEREAS, William F. Klingensmith, Inc., has completed similar work successfully for the Montgomery County Public Schools; now therefore be it

Resolved, That a \$1,007,000 contract be awarded to William F. Klingensmith, Inc., for the Spark M. Matsunaga Elementary School addition project, in accordance with drawings and specifications prepared by SHW Group, Inc.

RESOLUTION NO. 448-04 Re: **REDUCTION OF RETENTION – ROCKVILLE HIGH
SCHOOL**

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

WHEREAS, Hess Construction Company, Inc., general contractor for the Rockville High School modernization project, has completed 95 percent of all specified requirements as of June 30, 2004, and requested that the 10-percent retainage, which is based on completed work to date, be reduced to 5 percent; and

WHEREAS, The project bonding company, Hartford Fire Insurance Company, has consented to this reduction; and

WHEREAS, The project architect, Eddy & Eckhardt Architects, recommends approval of the reduction; now therefore be it

Resolved, That the 10-percent retainage withheld from periodic payments to Hess Construction Company, Inc., general contractor for the Rockville High School modernization project, be reduced to 5 percent, with the remaining 5 percent to become due and payable after completion of all remaining contract requirements and formal acceptance of the completed project.

RESOLUTION NO. 449-04 Re: **FY 2004 OPERATING BUDGET CATEGORICAL TRANSFERS**

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

WHEREAS, Category 9 Student Transportation reflected a deficit as of June 30, 2004, as a result of higher-than-expected labor costs to fill vacant routes and open runs, mandated costs for special transportation for homeless students, and higher-than-expected bus fuel costs; and

WHEREAS, Category 12 Fixed Charges reflected a deficit as of June 30, 2004, as a result of higher-than-anticipated costs in the Employee Benefit Plan (EBP), reflecting national trends; and

WHEREAS, The required funds are available for transfer from Category 1 Administration; Category 2 Mid-level Administration, Category 3 Instructional Salaries, Category 4 Textbooks and Instructional Supplies, and Category 5 Other Instructional Costs; now therefore be it

Resolved, That the superintendent of schools be authorized, subject to the approval of the County Council, to effect the following categorical transfers:

<u>Category</u>	<u>Description</u>	<u>To</u>	<u>From</u>
1	Administration		\$ 1,000,000
2	Mid-level Administration		300,000
3	Instructional Salaries		2,000,000
4	Textbooks and Instructional Supplies		2,000,000
5	Other Instructional Costs		900,000
9	Student Transportation	3,500,000	
12	Fixed Charges	<u>2,700,000</u>	_____
	Total	<u>\$6,200,000</u>	<u>\$6,200,000</u>

and be it further

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

Resolved, That the county executive be requested to recommend approval of the categorical transfers to the County Council.

RESOLUTION NO. 450-04 Re: HUMAN RESOURCES APPOINTMENT

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

Resolved, That the following personnel appointment be approved effective July 30, 2004:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Michael Zarchin	Assistant Principal, Kingsview MS	Principal, Thomas W. Pyle MS

RESOLUTION NO. 451-04 Re: HUMAN RESOURCES APPOINTMENT

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

Resolved, That the following personnel appointment be approved effective July 30, 2004:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Kimberly Bosnic	Assistant Principal, Harmony Hills ES	Principal, Bannockburn ES

RESOLUTION NO. 452-04 Re: HUMAN RESOURCES APPOINTMENT

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

Resolved, That the following personnel appointment be approved effective July 30, 2004:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Nanette Poirier	Acting Principal, Julius West MS	Principal, Julius West MS

RESOLUTION NO. 453-04 Re: HUMAN RESOURCES APPOINTMENT

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

Resolved, That the following personnel appointment be approved effective July 30, 2004:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Catherine Long	Technology Consultant	Coordinator, Division of Academic Support, Federal and State Programs

RESOLUTION NO. 454-04 Re: HUMAN RESOURCES APPOINTMENT

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

Resolved, That the following personnel appointment be approved effective July 30, 2004:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Andrea Carter	Acting Curriculum Coordinator	Curriculum Coordinator, Department of Curriculum and Instruction

RESOLUTION NO. 455-04 Re: HUMAN RESOURCES APPOINTMENT

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

Resolved, That the following personnel appointment be approved effective July 30, 2004:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
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Amy Alonso	Teacher, Views Mill ES	Coordinator, Division of Family and Community Partnerships
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RESOLUTION NO. 456-04 Re: HUMAN RESOURCES APPOINTMENT

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

Resolved, That the following personnel appointment be approved effective July 30, 2004:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Paulette Smith	Acting Principal, Cabin John MS	Principal, Cabin John MS

RESOLUTION NO. 457-04 Re: HUMAN RESOURCES APPOINTMENT

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

Resolved, That the following personnel appointment be approved effective July 30, 2004:

<u>Appointment</u>	<u>Current Position</u>	<u>As</u>
Ann Bedford	Coordinator, Special Initiatives	Director, Elementary School Instruction and Achievement

**Re: FINAL ACTION ON POLICY CNA –
INFORMATIONAL MATERIAL AND
ANNOUNCEMENTS**

On motion of the Policy Committee, the following resolution was placed on the table:

WHEREAS, Policy CNA, *Informational Material and Announcements*, sets forth the criteria for displaying or distributing informational materials or announcements; and

WHEREAS, Policy CNA, *Informational Material and Announcements*, articulates the Board of Education's intention not to create and maintain a public forum; and

WHEREAS, the draft revision of Policy CNA, *Informational Material and Announcements*, tentatively was adopted by the Board of Education on January 13, 2004, and sent out for public comment; and

WHEREAS, the Board of Education has considered comments and the superintendent's recommendation; now therefore be it

Resolved, That the Board of Education adopt Policy CNA, *Informational Material and Announcements*, as revised.

INFORMATIONAL MATERIAL AND ANNOUNCEMENTS

A. PURPOSE

To inform the public and staff about criteria for posting or distributing informational materials and announcements. In this regard, it is the intent of the Board of Education to designate appropriate materials for display and distribution and maintain a limited nonpublic forum.

B. ISSUE

One of the responsibilities of the school system is to provide a learning environment free from disruption. It is important to send home and/or make available to students and parents only that information which has been approved for display or distribution in accordance with this policy.

C. POSITION

1. The deputy superintendent/chief operating officer, or community superintendent as appropriate, may approve for display or for distribution directly to students informational materials or announcements from the following organizations:

- a. Montgomery County Public Schools
- b. Agencies/departments within the county, state, or federal government
- c. Parent Teacher Associations/organizations
- d. Licensed day care operating on school campus

Only information concerning activities sponsored or endorsed by the above-listed organizations will be approved.

2. Principals have the authority to approve materials from local school, parent, and student organizations.
3. MCPS retains the right to withdraw approval of material from any source if it is determined that distribution would undermine the intent of this policy.
4. Informational materials or announcements from any other organization may be approved by the deputy superintendent/chief operating officer, or a community

superintendent as appropriate, for display only (not for distribution directly to students) if the activity or event primarily concerns one of the following topics:

- a. Educational services directly related to the school system's instructional program, such as test preparation courses and enrichment courses
 - b. Student health, safety, or welfare
 - c. Community sports or cultural activities (nonprofit)
 - d. Licensed day care
5. The superintendent will adopt necessary regulations to ensure that this policy is implemented throughout the school system.

D. REVIEW AND REPORTING

This policy will be reviewed in accordance with the Board of Education policy review process.

Re: **AN AMENDMENT TO THE FINAL ACTION ON
POLICY CNA – INFORMATIONAL MATERIAL
AND ANNOUNCEMENTS**

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

Resolved, That the Board of Education amendment Policy CNA at C.1. to read

- e. nonprofit organized youth sports leagues

RESOLUTION NO. 458-04 Re: **AN AMENDMENT TO THE FINAL ACTION ON POLICY
CNA – INFORMATIONAL MATERIAL AND
ANNOUNCEMENTS**

On motion of Mrs. O'Neill and seconded by Mr. Burnett, the following amendment was adopted with Mr. Burnett, Ms. Cox, Dr. Lee, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting in the affirmative; Dr. Haughey voting in the negative:

Resolved, That the Board of Education amendment Policy CNA at C.1. to read

- e. nonprofit organized youth sports leagues

Re: **AN AMENDMENT TO THE FINAL ACTION ON**

**POLICY CNA – INFORMATIONAL MATERIAL
AND ANNOUNCEMENTS**

On motion of Mr. Lange, the following amendment failed for lack of a second:

Resolved, That the Board of Education amendment Policy CNA at C.1. to read

f. open the forum to nonprofit community groups

RESOLUTION NO. 459-04 Re: **FINAL ACTION ON POLICY CNA – INFORMATIONAL
MATERIAL AND ANNOUNCEMENTS**

On motion of the Policy Committee, the following resolution was adopted with Mr. Burnett, Ms. Cox, Dr. Lee, Dr. Haughey, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting in the affirmative; Mr. Lange voting in the negative:

WHEREAS, Policy CNA, *Informational Material and Announcements*, sets forth the criteria for displaying or distributing informational materials or announcements; and

WHEREAS, Policy CNA, *Informational Material and Announcements*, articulates the Board of Education's intention not to create and maintain a public forum; and

WHEREAS, the draft revision of Policy CNA, *Informational Material and Announcements*, tentatively was adopted by the Board of Education on January 13, 2004, and sent out for public comment; and

WHEREAS, the Board of Education has considered comments and the superintendent's recommendation; now therefore be it

Resolved, That the Board of Education adopt Policy CNA, *Informational Material and Announcements*, as revised.

INFORMATIONAL MATERIAL AND ANNOUNCEMENTS

A. PURPOSE

To inform the public and staff about criteria for posting or distributing informational materials and announcements. In this regard, it is the intent of the Board of Education to designate appropriate materials for display and distribution and maintain a limited nonpublic forum.

B. ISSUE

One of the responsibilities of the school system is to provide a learning environment free from disruption. It is important to send home and/or make available to students and parents only that information which has been approved for display or distribution in accordance with this policy.

C. POSITION

1. The deputy superintendent/chief operating officer, or community superintendent as appropriate, may approve for display or for distribution directly to students informational materials or announcements from the following organizations:

- a. Montgomery County Public Schools
- b. Agencies/departments within the county, state, or federal government
- c. Parent Teacher Associations/organizations
- d. Licensed day care operating on school campus
- e. Nonprofit organized youth sports leagues

Only information concerning activities sponsored or endorsed by the above-listed organizations will be approved.

2. Principals have the authority to approve materials from local school, parent, and student organizations.
3. MCPS retains the right to withdraw approval of material from any source if it is determined that distribution would undermine the intent of this policy.
4. Informational materials or announcements from any other organization may be approved by the deputy superintendent/chief operating officer, or a community superintendent as appropriate, for display only (not for distribution directly to students) if the activity or event primarily concerns one of the following topics:
 - a. Educational services directly related to the school system's instructional program, such as test preparation courses and enrichment courses
 - b. Student health, safety, or welfare
 - c. Community sports or cultural activities (nonprofit)
 - d. Licensed day care
5. The superintendent will adopt necessary regulations to ensure that this policy is implemented throughout the school system.

D. REVIEW AND REPORTING

This policy will be reviewed in accordance with the Board of Education policy review process.

Re: BOARD/SUPERINTENDENT COMMENTS

Dr. Weast commented that the four-week ELO summer program, now in its third year, is completing a highly successful session. Enrollment was nearly 5,000, which is about 1,000 more than last year, and was extended to students in kindergarten through grade five this year. The 17 participating schools are those with the highest poverty levels in the county, and the program is designed to help students improve their reading, writing, and math skills and have fun as well.

Dr. Weast reported that in the past few months, members of the Montgomery County Public Schools Retirees Association have taken on two wonderful projects on behalf of students in the ELO Program:

- * Collecting and sorting more than 6,000 slightly used books for children
- * Raising about \$8,000 for Learning Tool Kits for kindergarten parents and students and assembling the kits

Dr. Weast stated that students in nine of the participating schools had an opportunity to attend the afternoon enrichment session funded for the second of three years by the 21st Century Community Learning Center Grant. The centers provide cultural arts, recreation, and family literacy activities during the summer and the school year.

Mr. Lange pointed out that there will be an open house at the International Student Admissions Office on August 16, 2004. He encouraged the community to attend.

Mr. Sanghvi announced that he attended a group discussion of students at Montgomery Blair High School, and they talked about issues important to them and their schools.

Ms. Cox commented that she attended the drive for supplies, and thousand of pounds of goods have been donated for use by children around the world.

RESOLUTION NO. 460-04 Re: CLOSED SESSION RESOLUTION

On recommendation of the Superintendent and on motion of Mr. Sanghvi 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, August 24, 2004, in Room 120 of the Carver Educational Services Center to meet from 9:00 a.m. to 1:00 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 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.

RESOLUTION NO. 461-04 Re: **REPORT OF CLOSED SESSION**

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

On July 6, 2004, by unanimous vote of members present, the Board of Education voted to conduct closed sessions 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 sessions on July 6, 2004, from 7:30 to 10:15 a.m., 1:00 to 2:00, p.m., and 4:55 to 6:00 p.m. in Room 120 of the Carver Educational Services Center, Rockville, Maryland, and

1. Reviewed and considered the following appeals in its quasi-judicial capacity outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*): 2004-17, 2004-18, 2004-19, 2004-20, 2004-21, 2004-22, 2004-23, 2004-24, 2004-25, 2004-26, 2004-27, 2004-28, 2004-29, 2004-30, 2004-31, 2004-32, 2004-34, 2004-36, and 2004-43.
2. Reviewed and adjudicated the following appeals in its quasi-judicial capacity outside the purview of the Open Meetings Act (Section 10-503(a) of the *State Government Article*) with a subsequent vote to approve in open session: T-2004-19 and T-2004-21.
3. Discussed the Human Resources Appointments with a subsequent vote in open session, as permitted under Section 10-508(a)(1) of the *State Government Article*.
4. Considered 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*.
5. Received legal advice as permitted under Section 10-508(a)(7) of the *State Government Article*.
 6. 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 sessions were: Larry Bowers, Kermit Burnett, Pat Clancy, Robin Confino, Sharon Cox, Charles Haughey, Richard Hawes, Roland Ikheloa, Kristin Koger, Don Kress, Frieda Lacey, Walter Lange, Henry Lee, George Margolies, Pat O'Neill, Lori Rogovin, Gabe Romero, Glenda Rose, Sagar Sanghvi, Jerry Weast, Lori-Christina Webb, and Mary Pat Wilson.

On July 9, 2004, by unanimous vote of members present, the Board of Education voted to conduct closed sessions 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 sessions on July 9, 2004, from 8:30 to 10:45 a.m. and 11:45 to 12:00 p.m. in Room 127 of the Carver Educational Services Center, Rockville, Maryland, and

1. Discussed personnel matters with a subsequent vote in open session, as permitted under Section 10-508(a)(1) of the *State Government Article*.
2. Received legal advice as permitted under Section 10-508(a)(7) of the *State Government Article*.
3. 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 sessions were: Larry Bowers, Judy Bresler, Sharon Cox, Charles Haughey, Roland Ikheloa, Frieda Lacey, Walter Lange, Henry Lee, George Margolies, Pat O'Neill, Brian Porter, John Q. Porter, Gabe Romero, Glenda Rose, Sagar Sanghvi, and Jerry Weast.

RESOLUTION NO. 462-04 Re: APPEALS 2004-17 THROUGH 2004-32

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

Resolved, That the Board of Education adopt its Decision and Order in Appeals 2004-17 through 2004-32, complaints from the public, reflective of the following vote: Mr. Burnett, Ms. Cox, Dr. Lee, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting

to affirm.

RESOLUTION NO. 463-04 Re: **APPEAL NEC-2004-21**

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

Resolved, That the Board of Education adopt its Order in Appeal NEC-2004-21, student assignment, reflective of the following vote: Mr. Burnett, Ms. Cox, Dr. Lee, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to reverse.

RESOLUTION NO. 464-04 Re: APPEAL 2004-34

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

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2004-34, admission to gifted center, reflective of the following vote: Mr. Burnett, Ms. Cox, Dr. Lee, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to affirm.

RESOLUTION NO. 465-04 Re: APPEAL 2004-36

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

Resolved, That the Board of Education adopt its Decision and Order in Appeal 2004-36, admission to magnet program, reflective of the following vote: Mr. Burnett, Ms. Cox, Dr. Lee, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to affirm.

RESOLUTION NO. 466-04 Re: APPEAL DCC-2004-22

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

Resolved, That the Board of Education adopt its Order in Appeal DCC-2004-22, student assignment, reflective of the following vote: Mr. Burnett, Ms. Cox, Dr. Lee, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to affirm.

RESOLUTION NO. 467-04 Re: APPEAL T-2004-26

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

Resolved, That the Board of Education adopt its Order in Appeal T-2004-26, student transfer, reflective of the following vote: Mr. Burnett, Ms. Cox, Dr. Lee, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to affirm.

RESOLUTION NO. 468-04 Re: APPEAL NEC-2004-28

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

Resolved, That the Board of Education adopt its Order in Appeal NEC-2004-28, student

assignment, reflective of the following vote: Mr. Burnett, Ms. Cox, Dr. Lee, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to affirm.

RESOLUTION NO. 469-04 Re: APPEAL T-2004-29

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

Resolved, That the Board of Education adopt its Order in Appeal T-2004-29, student immersion program lottery, reflective of the following vote: Mr. Burnett, Ms. Cox, Dr. Lee, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to affirm.

RESOLUTION NO. 470-04 Re: APPEAL T-2004-30

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

Resolved, That the Board of Education adopt its Order in Appeal T-2004-30, student transfer, reflective of the following vote: Mr. Burnett, Ms. Cox, Dr. Lee, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to affirm.

RESOLUTION NO. 471-04 Re: APPEAL DCC-2004-31

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

Resolved, That the Board of Education adopt its Order in Appeal DCC-2004-31, student assignment, reflective of the following vote: Ms. Cox, Mrs. O'Neill, and Mr. Romero voting to affirm; Mr. Burnett, Dr. Haughey, Mr. Lange, Dr. Lee, and Mr. Sanghvi voting to reverse.

RESOLUTION NO. 472-04 Re: APPEAL NEC-2004-33

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

Resolved, That the Board of Education adopt its Order in Appeal NEC-2004-33, student assignment, reflective of the following vote: Mr. Burnett, Ms. Cox, Dr. Lee, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to reverse.

RESOLUTION NO. 473-04 Re: APPEAL DCC-2004-34

On motion of Mrs. O'Neill and seconded by Mr. Sanghvi, the following resolution was adopted

unanimously:

Resolved, That the Board of Education adopt its Order in Appeal DCC-2004-34, student assignment, reflective of the following vote: Mr. Burnett, Ms. Cox, Dr. Lee, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to affirm.

RESOLUTION NO. 474-04 Re: **APPEAL DCC-2004-35**

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

Resolved, That the Board of Education adopt its Order in Appeal DCC-2004-35, student assignment, reflective of the following vote: Mr. Burnett, Ms. Cox, Dr. Lee, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to reverse.

RESOLUTION NO. 475-04 Re: **APPEAL T-2004-38**

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

Resolved, That the Board of Education adopt its Order in Appeal T-2004-38, student transfer, reflective of the following vote: Mr. Burnett, Ms. Cox, Dr. Lee, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to reverse.

RESOLUTION NO. 476-04 Re: **APPEAL NEC-2004-40**

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

Resolved, That the Board of Education adopt its Order in Appeal NEC-2004-40, student assignment, reflective of the following vote: Mr. Burnett, Ms. Cox, Dr. Lee, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to affirm.

RESOLUTION NO. 477-04 Re: **APPEAL NEC-2004-42**

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

Resolved, That the Board of Education adopt its Order in Appeal NEC-2004-42, student assignment, reflective of the following vote: Mr. Burnett, Ms. Cox, Dr. Lee, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to reverse.

RESOLUTION NO. 478-04 Re: **APPEAL T-2004-43**

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

Resolved, That the Board of Education adopt its Order in Appeal T-2004-43, student transfer, reflective of the following vote: Mr. Burnett, Ms. Cox, Dr. Lee, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to affirm.

RESOLUTION NO. 479-04 Re: **APPEAL T-2004-41**

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

Resolved, That the Board of Education adopt its Order in Appeal T-2004-41, student transfer, reflective of the following vote: Mr. Burnett, Ms. Cox, Dr. Lee, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to affirm.

RESOLUTION NO. 480-04 Re: **APPEAL NEC-2004-45**

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

Resolved, That the Board of Education adopt its Order in Appeal NEC-2004-45, student assignment, reflective of the following vote: Mr. Burnett, Ms. Cox, Dr. Lee, Dr. Haughey, Mr. Lange, Mrs. O'Neill, Mr. Romero, and Mr. Sanghvi voting to reverse.

RESOLUTION NO. 481-04 Re: **BOARD OFFICE STAFFING**

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

Resolved, That the Board's Communications and Public Engagement Committee recommend to the Board the hiring of an external consultant and establish the scope and area of review to include, but not be limited to, Board Office responsibilities, staffing, and salaries, based on areas of need and function, premised on the Key Works of School Boards of the National School Boards Association; and be it further

Resolved, That the Committee make a recommendation to the full Board for action upon the submission of the consultant's report.

Re: **NEW BUSINESS**

There was no new business.

Re: **INFORMATION ITEM**

The following item was available:
Update on Facility Projects

RESOLUTION NO. 482-04 Re: **ADJOURNMENT**

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

Resolved, That the Board of Education adjourn its meeting of July 29, 2004, at 10:10 p.m.

PRESIDENT

SECRETARY

JDW:gr

MONTGOMERY COUNTY BOARD OF EDUCATION SUMMARY SHEET

July 29, 2004

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